

**Village of Penn Yan Zoning Board of Appeals
Meeting Minutes December 29, 2014**

**111 Elm Street
7:00 pm ROOM 202**

PRESENT: STEVE OWENS-Chairman, RUTH DAVIS, WOODY STENZ, THOMAS BARDEN, CAROLINE BENEDICT – VB Liaison, LYNN DURYEA-Board Secretary

ABSENT: ARTHUR PIKE,

PUBLIC PRESENT: Earl Makatura, Marla Makatura

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A MOTION by Woody Stenz and a **SECOND** from Tom Barden to approve the 10/27/14 minutes.

All in favor - 4. Carried

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FIRST MATTER: Application from Earl Makatura Jr. Carpentry requesting a setback variance for a house addition at 112 Garfield Avenue.

A MOTION by Woody Stenz and a **SECOND** from Ruth Davis to accept the application as ‘**complete**’.

The Board then proceeded to the Environmental Quality Review for a **DETERMINATION OF ACTION**.

A MOTION by Woody Stenz and a **SECOND** from Tom Barden to classify the action as a **Type II** therefore, no environmental review was necessary. All in favor - 4. Carried

The matter was now on the floor for discussion.

Earl and Marla Makatura were present. Mr. Makatura said the addition would be approximately 16 feet from the road with a 1’-2’ roof overhang.

Chairman Owens said he had looked at the property and noticed it had a lot of sloping areas that could not accommodate this addition on another side of the home. He also noted this dwelling was built before the village established its ordinances. He asked Mr. Makatura to explain the new roof configuration.

Marla Makatura described it as a gabled roof oriented the same as the existing roof.

Board member Stenz asked where they expected to channel storm water runoff from the new roof surface. Mr. Makatura said the property had superior drainage due to a gully and culvert system that crossed the lot.

The Chairman indicated he had examined the site distances from a motorist’s perspective to see if the addition would present any safety issues that close to the road. He said he was satisfied it would not obscure the line of site for motorists from either direction.

The Board then conducted the Balance Test and from the application they found;

1. Benefit could not be achieved by other means since the lot had an extensive sloping nature which confined placement of the addition to this area.
2. There were no neighbors present to express opposition either in writing or verbally although all adjacent property owners were solicited in writing for comment.
3. The 14 foot setback from the southeast lot line would not cause an undesirable change in the neighborhood character or to nearby properties and would in-effect be an aesthetic improvement.

4. There were no or environmental effects associated with the 14 foot setback and the potential adverse physical impact on right-of-way site distance related to motorist safety had been evaluated with a finding that site distances were satisfactory.
5. The alleged difficulty had been self-created since the alternative was no addition to the structure, but the Board found the request to be acceptable due to the unique sloping characteristic of the lot.

For a 14 foot setback to build an addition on the southeast side of the existing structure.

Review of NYS zoning law.

Review of new county referral procedures from Village Attorney, Ed Brockman.

A MOTION by Woody Stenz and a **SECOND** from Tom Barden to adjourn the meeting at 7:50PM.

Submitted by:

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