

Town of Pomfret
Zoning Board of Appeals
Pomfret Town Hall
9 Day St.
Fredonia, NY 14063

July 2, 2024
6:30 P.M.

Public Hearing #05-24
Minutes

APPLICANT/OWNER:

Jeffrey O'Brien
8082 Kelly Hill Rd
Stockton, NY 14784
SBL: 180.00-1-39
Area Variance

PRESENT: Dave Fridmann (Chairman), Ruth Eckstrom, Michaelene Comerford, Ray Lewandowski, Nicole Waite (Zoning Clerk), David Penharlow (Zoning Enforcement Officer)

ABSENT: Alex Moon, Jonathan Townsend (Alternate)

PUBLIC PRESENT: Jeffrey O'Brien

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:40 P.M.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion to accept the minutes of Public Hearing #4-24 Carbon Graphite Materials was made by Michaelene Comerford and seconded by Ray Lewandowski. The motion carried unanimously. Ms. Comerford asked Clerk Waite if a copy of the executed lease had been received, but it hadn't.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the Public Hearing Notice aloud.

“NOTICE IS HEREBY GIVEN that a Public Hearing (#05-24) will be held by the Pomfret Zoning Board of Appeals on **July 2, 2024 at 6:30 P.M.** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 to consider the appeal of **Jeffrey O'Brien**, for property located at **8082 Kelly Hill Rd, Stockton, NY 14784** for an: **Area Variance**. This property is described on the tax map as **SBL: 180.00-1-39**.

The proposed action is the construction of a 32' x 36' 2-story garage workshop. The Building Permit denial was based on failing to meet the Town of Pomfret's Zoning Code Section 300-13 E "Area Standards". The property is zoned Agricultural/Residential (AR1).

This application for an Area Variance is open to inspection at the Town of Pomfret Planning & Zoning Office, 9 Day Street, Fredonia, N.Y. 14063.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed request under SEQRA will be reviewed by the Board at said hearing.

Any person may appear in person or by agent or attorney. Please contact the Zoning Office at 672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Zoning Board of Appeals or at such hearing. All interested persons shall be heard.”

4. **CORRESPONDENCE:** None
5. **SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR submitted by the applicant, and agreed the answer for #9 should be ‘Yes’ and #14 should include ‘Agriculture’.
6. **PROJECT DISCUSSION:** Michaelene Comerford asked Mr. O’Brien if the garage would have electricity and water. He responded that it would have electricity, but he is unsure if he’ll want water. Chairman Fridmann asked if the electricity would be extended underground, to which Mr. O’Brien replied yes.

Chairman Fridmann also asked for confirmation that the set back variance requested is 55 feet, which does not meet the area standard of 100 feet for the AR1 district. Mr. O’Brien explained that the garage would be situated towards the front of his house so he could utilize the already existing driveway. The lot is oddly shaped and wouldn’t allow him to meet the minimum setback requirements.

Ray Lewandowski asked if the garage would be for personal use or open to the public. Mr. O’Brien explained he would be using the structure to store and fix his personal vehicles and farm equipment. The garage doors will be large enough to fit farm equipment.

The board discussed a nearby barn, that based on GIS imaging looks like it is located on 180.00-1-38, but is actually on 180.00-1-39. Chairman Fridmann was concerned that with this other structure the proposed garage wouldn’t meet % coverage requirements. Ms. Eckstrom stated that it would be less than 30% coverage.

Chairman Fridmann asked if any additional lighting would be installed. Mr. O’Brien said there is currently a light on a pole that he believes will be sufficient. Ms. Eckstrom commented that if any new lighting is installed it cannot negatively affect drivers or neighboring properties.

It was discussed and agreed that this new structure would not increase traffic to the area.

7. PUBLIC COMMENTS: None

8. SEQR DECLARATION: Ruth Eckstrom made a motion to declare a Negative Declaration under the State Environmental Quality Review Act with respect to the Area Variance application submitted by Jeffrey O'Brien. The motion was seconded by Michaelene Comerford and carried unanimously by roll call vote.

ROLL CALL VOTE:

1. Ray Lewandowski – AYE
2. Alex Moon – ABSENT
3. Ruth Eckstrom – AYE
4. Michaelene Comerford – AYE
5. Jonathan Townsend (Alternate) – ABSENT
6. David Fridmann – AYE

9. DECISION: A motion was made by Michaelene Comerford to grant an Area Variance for the construction of a 32' x 36' 2-story garage workshop to Jeffrey O'Brien, at 8082 Kelly Hill Rd, Stockton, NY 14784 SBL: 180.00-1-39 located in Agricultural/Residential District (A1) for the following reasons: the structure is to be constructed adjacent to the primary residence for the convenience of the homeowner, and the driveway for the additional building is already in use. The motion was seconded by Ruth Eckstrom, and carried unanimously by roll call vote with the following conditions:

- External lighting will not impact the roadway or adjacent neighbors' property; and
- Any alteration from the supplied drawings must be reviewed by the Code Enforcement Officer

ROLL CALL VOTE:

1. Ray Lewandowski - AYE
2. Alex Moon - ABSENT
3. Ruth Eckstrom - AYE
4. Michaelene Comerford - AYE
5. Jonathan Townsend (Alternate) - ABSENT
6. David Fridmann - AYE

10. ADJOURNMENT: Michaelene Comerford made a motion to adjourn the hearing, seconded by Ray Lewandowski at 7:04 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite

Nicole Waite

Zoning Board of Appeals Clerk, Town of Pomfret