

TOWN OF WEST BLOOMFIELD

ZBA MEETING MINUTES

MAY 21, 2024

Present: Chairperson Sue Boardman, Members: Ruth Cahn, Steve Brent, Sue Bannister, Sue Linder, Attorney-Robert Marks, Esq

Guests: Debra Giehl, Kathy & David Durham, Kim Morgan, Rita Phillips, Emmett & Bailey Conneely, Michael (last name unknown), Tom Battle

Start time: 7:00pm

Chairperson Boardman calls meeting to order

This is the Resumption of the Meeting of the Public Hearing for several Variance requests of Debra Giehl at 9626 Martin Rd, Honeoye Falls, NY.

Original Public hearing was on 4/16/24. Due to the number of variances and disputes between the neighbors the board made and voted to table the Public hearing till 5/21/24. Kathy Durham (a non-resident property owner) has agreed to mediate the discussion between the neighbors to come to some type of mutual solution.

Per Kathy Durham – mediation failed. Kathy felt neither neighbors wanted to compromise, no resolution was made.

Debra Giehl: gave description of what she wanted to do, along with pictures and description of the fence. She explained all the steps she went through for the last year to get the fence built.

Attorney Marks: In discussion of the fence going to the road. Decides the front setback of 20' variance is not needed, states there is only 4 variances, instead of 5 as previously discussed.

Bailey Conneely: States again dogs are under control, not an issue anymore. Her concerns are the trees between the houses and not sure how fence will be able to go up. Concern for land between the fence and her property, who will keep up the area? Is stating the fence will create land erosion. Also found out after survey, owned more trees between property, and can't afford to have taken down, not sure how they can put up fence.

Kim Morgan: 3rd neighbor north, her objection is height of fence. Won't be able to view the creek.

Tom Battle: friend of Debra, states fence will not affect the land erosion. He is a contractor/landscaping.

Motion to close the Public Hearing by Chairman Boardman at 7:42, 2nd by Sue Linder, all approved. Continue on with ZBA meeting to discuss and come to a decision.

Discussion by board members, and Attorney Marks went over each of the variances with the board. Each variance was discussed and each of the 5 standards were discussed and voted on.

Vote:

(1) Variance for the requirement of a side setback of 10'. To fully Approve variance- On motion of S Linder, 2nd by S. Banister, All approved.

S. Boardman – Aye

S. Brent – Aye

S. Linder – Aye

R. Cahn – Aye

S. Banister – Aye

(2) Variance relating to fence better side facing out – On motion of S. Banister, 2nd by S. Brent to fully approve variance:

S. Boardman – Aye

S. Brent – Nay

S. Linder- Nay

R. Cahn – Aye

S. Banister - Aye

(3) Variance request with conditions, relating to the 60% solid front fence requirement – On Motion of S. Linder, 2nd by S. Brent to approve variance:

S. Boardman – Aye

S. Brent – Aye

S. Linder – Aye

R. Cahn - Aye

S. Banister – Aye

(4) Variance request with conditions relating to the height limit of three feet for the front part of the fence. Motion by R. Cahn, 2nd by S. Linder:

S. Boardman – Aye

S. Brent – Aye

S. Linder – Aye

R. Cahn – Aye

S. Banister – Aye

And the following conditions will be imposed:

*The fence will only be six (6) feet in height from the applicant's backyard and into the front yard until it is in line with the front of the house 9624 Martin Rd. Any part of the fence that continues beyond the front of the house on 9624 Martin Rd on the applicants front yard will need to be three (3) feet in height.

*The fence will only be 100% solid from the applicant's backyard and into the front yard until it is line with the front of the house at 9624 Martin Rd. Any part of the fence that continues beyond the front of the house at 9624 Martin Rd. into the applicant's front yard will need to be only 60% solid.

Chairperson Sue Boardman, then declared the Resolution to be duly adopted.

8.50 pm Chairperson Boardman made a Motion to Adjourn, 2nd by R. Cahn, All approved