



Memorandum

To: Janis Graham, Chairman
Cc: ZBA members, Town Clerk, Town Attorney,
From: David Sprout, Code Enforcement Officer
Subject: Three variance request to allow Accessory structures in front yards:
174 Sodom Rd, 116 Tehan Rd, 500 Groton Rd.
Date: August 18, 2020

“Unless otherwise permitted in this Law, an Accessory Structure shall not be permitted in the front yard of a Principal Use” (Zoning Law Definitions – Use, Accessory). That prohibition is evidenced in Section 600’s Area and Bulk Table, which provides no front yard setback dimension for accessory structures.

Over the past several years, the ZBA has granted many variances allowing for the placement of accessory structures in a front yard. Of the last ten applications seeking permission to place an accessory structure in a front yard, eight also sought permission for placement of the structures within the 50’ front yard setback.

It is clear, that with so many requests seeking the same relief, that the Zoning Law needs to be amended. In the ZBA minutes dated 11-6-2018, an asterisked note indicated that the ZBA Chair was going to send recommendations to the Planning Board, to change Zoning Law language allowing accessory structures in the front yard as long as they are meeting set back requirements. I am unsure if this has happened but such a recommendation should, more appropriately, be sent to the Town Board.

In granting past approvals, a recurring finding of the Board, when considering alternatives to a variance, has been “...the benefit of other choices would be a disproportional burden on applicant.” I think this finding will apply to each of the three cases before the Board at this time.

Each applicant has considered the lay of the land. Each believes the location on the lot is the most practical to meet their needs and desires while having the least impact on the environment.

SEQR, County Review, Ag & Market,

- The construction, expansion or placement of accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density are Type II exempt actions (SEQR - 617.5c10). This applies to each of the three actions before the Board.
- Each action is subject to Regional GML-239 review.
- Consideration of Ag & Market requirements is not required for any of the cases.

116 Tehan Road Tax Parcel ID# 50.-1-1, Conservation Zoning District

Richie Clark, 116 Tehan Road, requests relief from Section 600, in order to construct his home behind his garage. In the definition of a non-commercial workshop/garage, it states that though ‘normally considered an accessory use, a non-commercial workshop/garage may be allowed without a principal dwelling.’ In 2019 Richie Clark constructed a garage/workshop on his property at 116 Tehan Road. The garage is over one hundred feet from the ROW. The plans included a site plan showing a future dwelling farther from the road than the garage.

Mr. Clark carefully planned the location of the shop and home to work with the natural features of the lot to minimize the need to cut and fill, to accommodate a walkout basement, accommodate the septic system, to save trees and to be able to enjoy the property in the way he envisioned.

Department Comments/Recommendations

Mr. Clark’s plan is consistent with Town Residential Design Guidelines, which recommend working with a site to maintain, as much as possible, the natural features and contours of the land, avoiding cutting and filling. There is a garage in the front yard just around the corner on Signal Road. Therefore, it will not be inconsistent with the rest of the neighborhood. Any time the natural environment can be preserved, it should be.

A public hearing is scheduled for Tuesday, September 1, 2020, at 6:00PM

174 Sodom Road, Tax Parcel ID# 75.-1-26.1, Conservation Zoning District

John Paul, 174 Sodom Road, requests relief from Section 600, in order to construct an art studio/workshop on his property, in the front yard, and to allow the structure to be ten feet closer to the ROW than the required 50’ front yard setback. The push forward is to preserve some important trees on the lot.

The chosen site is the highest and driest portion of Mr. Paul’s parcel and a utility pole is nearby to facilitate electric service to the proposed building. The site avoids steep slopes, septic and water lines and is an area of the parcel which is outside of the Polson Preserve & Snyder Woods Unique Natural Area (UNA-127), of which approximately half the Paul property is in.

Department Comments/Recommendations

At the opposite end of Sodom Road, there is a property with a shed in the front yard, garages in the front yards of 149 Sodom and 1 Sherwood Drive and at least one garage in the front yard on Nottingham Drive. It would not be out of character of the neighborhood for an accessory structure to be in a front yard. Any time the natural environment can be preserved, it should be. Mr. Paul’s request to save his ‘foundational’ trees should be respected.

A public hearing is scheduled for Tuesday, September 1, 2020, at 6:15PM

500 Groton Road Tax Parcel ID # 23.-1-7.2, Rural Agricultural Zoning District

Isaac Wright, 500 Groton Road, requests relief from Section 600, in order to construct a garage in what will be the front yard of his future home site. Mr. Wright has also chosen his home site carefully, in consideration of the natural conditions. His property is fairly steep, but the proposed home site is fairly flat. It is a large enough area to accommodate the home and septic without the need for a lot of site excavation. By siting the home in the proposed location, the Wrights will be relieved of some of the road noise from Rt. 38 and enjoy what appears to be spectacular views to the east (tree foliage prevented a clear view).

Siting the garage in the lower 'landing' is practical for storing Mr. Wright's personal property. Also, no matter how the driveway, currently an existing logging road, is finally configured, it is going to be steep and may prove impassable certain times of the year.

The garage will be 144' from Rt. 38, and uphill from the road. It will barely be noticed. In comparison, a barn to the south is practically on the ROW, so this will be consistent with the neighborhood.

Department Comments/Recommendations

Any time the natural environment can be preserved, it should be.

A public hearing is scheduled for Tuesday, September 1, 2020, at 6:30PM