

ZONING BOARD OF APPEALS MEETING

MONDAY, JANUARY 25, 2021

MEMBERS PRESENT: JEFF MULLIGAN (ZOOM), CINDY KELLEN (ZOOM), BOB WESTFALL, DIANE ATTEA (ZOOM), JEFF PASSARELL

OTHERS: CEO BRIAN GLISE

VISITORS: MATTHEW MCFADDEN, MARK FEDRAU, JUDY FALZOI (ZOOM)

CLERK: KIM MCDOWELL

MOTION TO OPEN THE MEETING WAS MADE BY DIANE; SECONDED BY BOB.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 28, 2020 MEETING SUBMITTED WAS MADE BY BOB; SECONDED BY JEFF PASSARELL.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.

MCFADDEN, MATTHEW & ALLISSA/4500 ASHANTEE LANE/TAX PARCEL#34.-1-3.318 - VARIANCE FOR MOBILE HOME ON PARCEL

Jeff Mulligan asked Matt to give us an overview from last month's meeting since the Board had some issues with what fit the code and what did not.

Matt stated he feels it all came down to what the definition of a mobile home is, whether it comes with wheels on or not, and the HUD definition vs. the Town Code.

Jeff Mulligan stated Jim Campbell supplied the Board with his definition is of a mobile home and asked the Board members for their comments.

Diane felt that Jim Campbell was telling them to use the definition in the Code book.

Cindy felt the information that Jeff Passarell found in the code book regarding mobile and manufactured home along with Jim's definition, we should schedule a public hearing for a variance.

Diane feels we still must go according to what the code book says. Cindy agreed but stated we can grant Matt a variance.

Jeff Mulligan feels that is the only option the ZBA has without changing the code.

Brian stated the code book says mobile home, but this is not a mobile home it is either a modular or manufactured. There is no code in our book for modular or manufactured but neither one of those falls under mobile home, so do you still think he needs a variance.

Diane read a mobile home is mounted on temporary or permanent foundations with or without wheels. Brian added and built before 1976. Diane stated this application was presented to us as a mobile home.

Brian stated it was, but if it is not a mobile home and it was presented as a modular home, would he need a variance. This is my question does the Board think it is a mobile home, a modular home, or a manufactured home.

Diane feels if it is coming in on wheels and she is just going by what we were told to look at in the code book as Jim instructed, then it is a mobile home.

Matt stated they do not come on wheels, all the newer style ones do not have wheels, they are just manufactured homes. Jeff asked if Matt is bringing the house by flat bed not wheels and Matt is bringing it by flatbed and putting it on a foundation.

Bob feels that the code itself needs to be updated and Brian said we are in the process of doing that. Every Board member agrees the code needs updating.

Matt stated the ones that go to a trailer park are called mobile homes because they have wheels on them and they move them around the park. His is not a mobile home, there will be no wheels and it is going on a foundation and not moving.

Jeff Passarell feels our code says something different about mobile homes and it does need to be updated. He feels if the Board wants to move forward; we need to do a public hearing and grant a variance. He stated if it were up for a vote right now, he would vote no. He wants to make sure we research this fully before deciding.

Bob Westfall feels we need to do a public hearing for this application and to find out what his neighbors have to say.

Matt stated he has no neighbors to the South or North, the only neighbor is to the East. Brian asked if he could get a letter from that neighbor stating they are in favor of the home.

Jeff Mulligan feels we should have a public hearing and do a variance and then work to change the code at that point.

Brian stated per Tami, the home would be taxed as any other property in that neighborhood.

As of right now, Matt does not have a home in mind, the one he presented has since sold. He is hoping to have something that looks like that one.

Jeff Passarell asked if the code is amended how long does it take to get in the code book. Brian stated we are trying to do the whole code this year, but it could be 20 years before it is done again.

Jeff Mulligan stated that Matt is willing to put in a basement which will add more permanence to the structure.

Brian stated if granted, it will still have to go through code to make sure it is up to date.

The Board and Matt discussed the differences between earlier mobile homes to current ones.

Diane feels the issue is the definition of a mobile home and what people will think if that is planted on the front of someone's lawn. We do not want it to unfold negatively or have a negative impact on the community.

Cindy feels that if we do a variance, all the stipulations for our code is still meet, the size, the foundation and everything for a standard house.

Bob asked if the wheels are removed before it is put on a flatbed truck to bring it to this parcel, is it still a mobile home.

Jeff Mulligan feels we cannot make that decision due to our code but feels we must treat it as a mobile home given our code.

Brian stated if we are unsure of what he is doing is in the code and we gave him a variance than we are both covered by that variance.

Bob stated if we make the applicant wait until the code is updated and modified that could take up to a year.

Jeff Passarell asked if some else comes along with a mobile home and we said yes to this one because it looks nice don't, we have to do it for others. Brian stated you are not setting a precedence if a variance is granted. Diane feels that is difficult and it needs to be defined.

Jeff asked the Board what their feelings are on this application. Diane is against it completely unless there was a variance and then she would take it into consideration. Jeff Passarell feels the same way as Diane. Bob feels we need to go ahead discussing a variance and public hearing. Bob would like to see a picture of what he plans to purchase as well. Brian suggested to Matt that maybe he go to the manufacturer and find out what their definition is of the house he wants to purchase. Cindy feels it needs to go for a variance and with the proper stipulations it will not look any different than a stick-built house. Jeff Mulligan agrees with Cindy and if it is put on a foundation, I do not see any difference.

Matt will research a house that he plans on putting on the property and get detailed information as to what it is considered from the dealer. Depending on how it is defined will depend on if he needs a variance and public hearing.

Kim stated the next meeting is February 22, 2021, so Matt would need to have all that information to Kim prior to February 5th. Matt feels that is not enough time for him to get that information and will wait until the March meeting to schedule a public hearing. Once he gets the information, he will submit it to Kim.

There was much discussion about the definition of mobile, manufactured, and modular homes and the interpretation of those definitions after Matt left the meeting.

FEDRAU, MARK & LINDA/2415 DUTCH HOLLOW ROAD/TAX PARCEL#45.-1-50.31 - VARIANCE SIDE SET BACK OF 8 FEET

Jeff asked Kim to put the pictures submitted for this application on the screen for everyone to see.

Mr. Fedrau stated he is going to replace the current shed with a 12x20 shed that will be extended off the garage with a sloped roof. The house is within 20 feet of the property line and he is asking to be within 8 feet of the property line with the new shed.

Jeff Mulligan asked who his neighbor is on the North and he does not know who owns that property. Jeff determined it is either Wilbur or Webb and it is farmland. He feels that Mr. Fedrau should get a letter from his neighbors regarding the setback he is requesting.

Brian asked if he is replacing the shed or having it next to the current one and he is replacing the shed.

Bob asked if the extension would be on the existing garage and that is correct.

Brian asked if the garage is attached to the house, which it is.

Cindy suggested getting a letter from the neighbor across the street as well.

Jeff asked if the shed would look exactly like the one across the street or will it be an extension off the roof. Mr. Fedrau will have a roof line like the one across the road but slant away from the house.

Mr. Fedrau does not have any pictures or drawings because the contractor suggested he come get a variance first.

Jeff Passarell feels there should be some dimensions for us to look at and so did the rest of the Board. Mr. Fedrau thought he submitted that with his application, but he did not and he will send those over to Kim immediately.

Brian suggested going through the variance questions that Mr. Fedrau has submitted to the Board.

Jeff Mulligan asked if he could put the shed behind the house and Mr. Fedrau stated there would be no access to the driveway without going through the lawn which he does not want to do.

Jeff Mulligan stated that we need a set of plans before we can schedule a public hearing.

Jeff asked if there is going to be a foundation and Mr. Fedrau stated posts and frame and it will start behind the power box that comes in at the meter.

Once Kim gets the plans, she will schedule a public hearing.

MOTION TO CLOSE THE MEETING WAS MADE BY CINDY; SECONDED BY DIANE.

JEFF MULLIGAN - AYE
CINDY KELLEN - AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
JEFF PASSARELL - AYE

CARRIED 5-0.
MEETING CLOSED.