

Town of Bristol
Zoning Board of Appeals
Minutes
January 15, 2013

Members Present: Chairman Steve Smiley, Patti Giordano, Marty Snyder, and Jen Sanford
Secretary: Sandra Riker

Others Present: Laura Walsh

4758 Morrow Hill Road tax map # 136.00-3-26.000 land size ¼ acre

Mrs. Walsh advised the Board that on January 3rd her brother in law called to advise the roof was collapsing on the house at 4758 Morrow Hill Road where he was residing. The house is owned by her husband Raymond Walsh. Upon arriving at the home she determined the roof was indeed falling in and proceeded to call the Red Cross to ask what she should do. She was told to advise the Code Enforcement Officer and have him look at it and in the meantime get out of the house. The Code Enforcement Officer advised her to call RG&E and have the electric shut off to the house and not to go back in the home unless he was present. The following Monday the CEO and the Walsh family went back to get their belongings and at that time the CEO determined there were additional problems with the main support beams in the basement.

Background of the house-it was originally constructed out of recycled wood from railroad boxcars except for the area where the roof collapsed, this was of conventional construction. She was not sure when the house was originally built. The secretary contacted Bob Drayn of the Planning Board (a long time resident of Morrow Hill Road and was advised the house was built prior to 1954 (the year he was born.) The date having been determined prior to zoning makes it qualify for Article Twelve-Special Regulations. Section I. and Section II.

Section I. Non-Conforming Uses

The lawful use of any building or land existing at the time of enactment of this Local Law may be continued although such use does not conform with the provisions of this Local Law for the use district in which such building or land is located, provided that a non-conforming lot shall not be further reduced in size, and a non-conforming building shall not be enlarged, extended or increased unless such enlargement would not increase the degree of nonconformity. No non-conforming use may be expanded.

Section II. Non-Conforming Use: Abandonment/Restoration

A non-conforming use shall be deemed abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the owner or tenant to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Nothing contained in this Local Law shall be construed to prevent the restoration within one (1) year of any building or structure damaged or destroyed by fire or calamity.

The Board advised her she has one year from January 3rd to replace the existing house with a single family dwelling and or pre-manufactured modular home with full perimeter frost-free footer/block/concrete foundation with provisions for access to utilities and to provide ventilation. The house must be a minimum of 950 square feet and not to exceed 988 square feet (the current square footage as recorded by the assessor) and must sit on the foot print of the existing home.

She asked if they could sell the property and the new owner put up the house. The Board said no the grandfathering of the non-conforming use only applies to the owner at the time of calamity. If the property was sold the new owner would have a very difficult time being able to do anything with this parcel due to its size.

The other option they suggested to her was to demolish the house and sell the land (best case to a neighbor that could annex it to their existing parcel.)

Minutes:

The minutes of December 11, 2012 were reviewed and a motion made by Patti Giordano and a second by Jen Sanford to approve them as written. All Board members agreed.

February meeting: The Board asked if the Code Enforcement Officer could attend the meeting when the Special Use Permit for the 4503 State Rte. 64 property is slated. The secretary will ask him. She did so the next day and Phil Sommer will try to attend the meeting.

Review of online training from New York Planning Federation from 10/11/11 relating to SEQR and Special Use Permits:

The Board watched the online training sessions presented by the NYPF. After watching the video the Board had questions with regard to the way our Special Use Regulations addresses the internal operation involved with a special use permit. The video suggest that the only conditions that can be imposed relate to the impact of the use of the land itself and not relate to the internal operations. Our current special use permit regulations do address some internal issues such as hours of operation, lighting, etc. The secretary has sent an email to Lael Locke at the New York Planning Federation for clarification on imposing conditions on a special use permit. I will advise the Board with her answer.

They also watched the tutorial dealing with SEQR and agreed all need a better understanding of such actions.

The meeting was adjourned with a motion by Patti Giordano and a second by Jen Sanford.

Respectfully submitted,

Sandra Riker

Town of Bristol
Secretary for the ZBA