

VILLAGE OF FAYETTEVILLE

Zoning BOARD

October 16, 2023

7:00 P.M.

A meeting of the Zoning Board of the Village of Fayetteville was convened by Chairperson Mark Colvin at 7:00 pm in the village hall board room.

Members present: Mark Colvin, Julia Marshall, Jack Klump, Tim Rowland, Rick Hall; Associates Larry Quinn, Anne Heintz; Village Attorney Ted Spencer.

Also in attendance: Lisa Garofalo; Eric Campbell (Trademark Construction); Trustee Mark Matt.

Lisa Garofalo

019.-05-09.0

103 Valerie Circle

Area Variance (front setback)

Homeowner Lisa Garofalo and her contractor Eric Campbell were present on behalf of a variance application seeking relief from the rear setback to be able to replace the existing rear deck with a covered deck area. The existing deck, along with part of the main roof, needs to be repaired and replaced due to rot and water damage. The replacement deck will be built smaller than the existing and will have a roof over it.

At 7:02 pm the public hearing was opened with a motion by Jack Klump, seconded by Rick Hall, and in favor by all present.

Member Marshall asked if the new roof will be flat. Mr. Campbell said it would have a slight pitch from the main roof that needs to be repaired; repairs include the metal roofing.

As there were no other comments, a motion to close the public hearing was made at 7:05pm by Rick Hall, seconded by Jack Klump. All in favor.

The five criteria questions were reviewed and the following resolution was provided:

The Village of Fayetteville Zoning Board of Appeals reviewed and discussed the application forms submitted by the applicant. Based on that discussion, the following resolution was moved by Rick Hall, Seconded by Jack Klump, and unanimously passed:

RESOLVED, that based upon the findings heretofore made, it is hereby found that the proposed action is a Type II action and requires no further SEQR findings by this Board.

Jack Klump presented the following Resolution which was seconded by Rick Hall:

**RESOLUTION OF THE VILLAGE OF FAYETTEVILLE ZONING BOARD OF
APPEALS REGARDING THE AREA VARIANCE REQUEST MADE BY
RACHEL HOWLEY [on behalf of LISA GAROFALO]**

WHEREAS, the applicant, Rachel Howley (hereinafter referred to as the “Applicant”), has applied to the Village of Fayetteville Zoning Board of Appeals (the “ZBA”), for relief from the area restrictions of the zoning ordinance with regard to property located at 103 Valerie Circle (the “Property”), as follows: Variance from the requirements of Village of Fayetteville Code §187-54 to permit the expansion of a deck to be constructed 47.0 feet from the Property’s rear boundary line where the Code requires a minimum rear yard setback of 50 feet (“Application No. 019-05-09.0”);

WHEREAS, a notice of a public hearing was published in the Eagle Bulletin on October 11, 2023;

WHEREAS, a public hearing was held on October 16, 2023, by the ZBA upon the above referenced matter;

WHEREAS, at said hearing all those persons desiring to be heard were heard and their testimony taken;

WHEREAS, the ZBA determined this to be a Type II action pursuant to the New York State Environmental Quality Review Act;

WHEREAS, pursuant to Village of Fayetteville Code §187-37(A)(3)(a), Application No. 019-05-09.0 was reviewed by the Village of Fayetteville Planning Board at its meeting on October 2, 2023, and the Village of Fayetteville Planning Board did not provide a recommendation to the ZBA concerning Application No. 019-05-09.0; and

WHEREAS, each board member visited the neighborhood to inspect the Property prior to the ZBA meeting held on October 16, 2023.

NOW THEREFORE, the ZBA, after thoroughly reviewing and considering the Application No. 019-05-09.0, the Village of Fayetteville Code, the New York Village Law, the report and record of the Village of Fayetteville Planning Board, and the testimony provided at the public hearing, hereby makes the following findings of fact:

(1) Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties?

No, Unanimously.

(2) Can the applicant achieve the benefit by some method, feasible for the applicant to pursue, other than an area variance?

Yes, Unanimously.

(3) Is the area variance request substantial?

No, Unanimously.

(4) Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

No, Unanimously.

(5) Was the alleged difficulty self-created?

Yes, Unanimously.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE OF FAYETTEVILLE ZONING BOARD OF APPEALS AS FOLLOWS:

Based on the balancing of the above referenced findings of fact, the Village of Fayetteville Zoning Board of Appeals hereby determines that the benefit to the Applicant by Application No. 019-05-09.0 outweighs the detriment to the health, safety and welfare of the neighborhood or community, and consequently the area variance is granted to permit the Applicant to have a rear yard setback of not less than 47.0 feet adjacent to the location of the deck expansion to be constructed on the Property.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted in the following votes:

<u>Name</u>	<u>Vote</u>
Mark Colvin	Aye
Julia Marshall	Aye
Jack Klump	Aye
Tim Rowland	Aye
Rick Hall	Aye

The foregoing Resolution was thereupon duly adopted.

MINUTES

The meeting minutes of June 2023 were reviewed. A motion to approve the minutes was made by Jack Klump, seconded by Tim Rowland, and unanimously approved.

ADJOURNMENT

A motion to adjourn the meeting at 7:21 PM was made by Mark Colvin, seconded by Jack Klump, and was unanimously passed.

Respectfully Submitted,
Karen Shepardson, Secretary