

**Village of Liverpool Zoning Board of Appeals  
Minutes  
Monday, February 22, 2016 – 6:00 p.m.**

Attendees:

Michael Romano, Chairman  
Pamela Carey  
Ron Herrgesell  
David DeRouchie  
Matt Devendorf - absent  
Jon Miles - alternate  
John Langey – Attorney  
Bill Reagan, Chief Codes Officer  
Sandra Callahan, ZBA Secretary

**Call to Order**

Mr. Romano called the meeting to order at 6:00 p.m. and led all present in the Pledge of Allegiance.

**Adoption of Minutes**

Ms. Carey moved and Mr. DeRouchie seconded the motion to adopt the minutes from March 23, 2015. Approved.

**New Business – 701 First Street – Floris Palmer**

Ms. Carey moved and Mr. Herrgesell seconded the motion to open the public hearing.

On the application of Floris Palmer for a side yard set-back to allow for the construction of an addition for a first floor bedroom at the rear corner of the property located at 701 First St. designated as tax map #005.-09-04.0

Chairman Romano read the 5 criteria for allowing a variance.

Brian Manthey, Architect for Mrs. Palmer presented the drawings and plans. Mrs. Palmer would like to construct an addition over the existing basement and by removing the deck. The proposed project is seeking a variance of approximately 12” to the set back to an already non-conforming house that was built in the 1940s before the Village adopted the code.

Mr. Manthey showed the dimensions and elevations for the project.

Chairman Romano said he thought it was a nice addition to the house but had some concerns regarding if it would create an obstructed view of the lake for the neighbors. The Comprehensive Plan states that we will enhance the views of the lake, not obstruct them.

Roland Norman, 101 Bass Street, the homeowner who lives across the street from the applicant, said the project will not block his view of the lake and he doesn’t have any issue with the project.

Mr. DeRouchie asked if they considered using the garage space for the addition. Mr. Manthey said the homeowner needs the storage space.

Mr. Miles asked if they looked at other options. Mr. Manthey said they did but this was the best option for keeping the flow of the house and not having to get a storage shed. Mr. Manthey also stated that the goal for the homeowner is to have a single level living space with no stairs.

Mr. Reagan said that they are only requesting a 12" variance to the set back from 4' to 5' and that it is already non-conforming at 4'.

Chairman Romano said that this project is not compatible with the Comprehensive Plan.

Mr. Norton, 101 Bass St. said it will not impact the neighborhood view.

Mr. Herrgesell thinks the variance is minimal and would be in favor of the project.

The applicant Mrs. Palmer said that all the neighbors are in favor of the project.

Mr. Miles asked if the existing foundation is sound for a new addition. Mr. Manthey said yes.

Ms. Carey said that if any neighbors had an issue with the project they would have appeared at the meeting.

Chairman Romano said we need to make a statement for future applicants to let them know we are not setting a precedent for obstructing lake views with new construction projects.

Attorney Langey said we can put specific wording in the variance so it isn't conveyed as a blanket variance.

There were no other questions. The public hearing was closed.

Attorney Langey said for SEQR purposes this is a Type 2. No county referral is necessary.

Mr. DeRouchie moved and Ms. Carey seconded the motion to approve the variance for a 12" setback.

This approval is further conditioned upon the understanding that it shall not serve as any binding precedent on future variance requests, particularly under the special circumstances presented herein, to wit, the impact to views of the lake are minimal and testimony has been received indicating that the structure will not impair views of a number of the neighboring properties and further that the existing conditions of the site will not be substantially exacerbated by the request.

The construction will be in strict compliance to the height presented in the submitted plans. All ayes, motion carried.

There being no further business, Ms. Carey moved and Mr. DeRouchie seconded the motion to adjourn. All ayes, meeting adjourned at 6:30 p.m.

Respectfully submitted,

Sandra J. Callahan  
Zoning Board Secretary