

**Village of Liverpool Zoning Board of Appeals  
Minutes  
Monday, November 24, 2014 – 6:00 p.m.**

Attendees:

Michael Romano, Chairman  
Pamela Carey  
Christina Fadden Fitch  
Ron Herrgesell  
David DeRouchie-absent  
Matt Devendorf  
Charlene Connolly (alternate-absent)  
John Langey – Attorney  
Bill Reagan, Chief Codes Officer  
Sandra Callahan, ZBA Secretary

**Call to Order**

Chairman 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 Ms. Fitch seconded the motion to adopt the minutes from May 19, 2014 with a correction of a typo. All ayes, motion passed.

**New Business**

On the application of **Joan T. Tibbett** for an area variance to §380-94.A.3 of the code of the Village of Liverpool, to expand the driveway coverage of a front yard to 33% for property located at 607 Vine Street, designated as Tax Map #003.-05-03.0

Chairman Romano read the 5 criteria for granting a variance.

The applicant provided the certified mail receipts and showed the Board a list of neighbors' signatures who said that they have no problem with the expansion of the driveway.

Mrs. Tibbett responded to the five factors for granting a variance submitted with her application.

A representative from the Company contracted to do the work explained the prohibitive costs and reasons why expanding to the backyard wouldn't work.

Mrs. Tibbett explained that the driveway needs to be enlarged to accommodate her disabled husband getting out of the car and into his wheelchair. He needs to be on a solid surface when getting out of the car and the wheelchair needs about a 5' clearance for the chairlift to work. He can't walk on snow or mud.

Mrs. Tibbett said there is no entrance to the house from the carport and must go around the front to get to the wheelchair ramp.

Chairman Romano said that 23.5% of the yard is currently covered and wondered why the pavers have to be so extensive. He suggested if they removed some of the vegetation from the front it could go straight across to the ramp, based on the drawings provided.

The representative from the paving company said to keep the yard looking esthetically pleasing he suggested the circle pattern of pavers.

Chairman Romano explained that if this variance was granted, other property owners in the Village would want to expand their driveways this much as well. Mrs. Tibbett said not all property owners have a disabled person living there and wouldn't need a driveway such as this one.

Chairman Romano asked if she can achieve their needs by other means. He suggested re-drawing the plan to accommodate Mr. Tibbett without covering so much of the front yard.

Mrs. Tibbett said that he is not just physically disabled but has a traumatic brain injury as well and needs constant accompaniment with an aid at his side at all times to hold his gait belt. Mrs. Tibbett also stated that she has spoken with ADA and they have suggested that she has a case to file a complaint if the ZBA doesn't agree to grant the variance. The ADA told her that codes in Villages and Towns must be accommodating for people with disabilities.

Mrs. Tibbett said the issues are allowing for parking of the vehicles for when the aides change shifts as Mr. Tibbett cannot be left unattended at all, and for access for him.

Chairman Romano said to go back to the drawing board and get creative with the design. He asked the Board if they had any questions for Mrs. Tibbett.

Mr. Herrgesell asked how many cars at a time would be in the driveway and that would need to be moved around. Mrs. Tibbett said that she and her daughter have a car as well as the aides.

Ms. Carey asked why they just don't put in a sidewalk next to the driveway so the cars can get around without having to widen the driveway.

Mr. Reagan said that the 25% of coverage is related to parking only and doesn't include sidewalks.

Chairman Romano told Mrs. Tibbett to rework the plan and contact Mr. Reagan for assistance. We will call a special meeting if needed so this can be addressed without having to wait until the December meeting.

The public hearing remains open.

Attorney Langey said that for SEQR purposes this is a type 2 and needs no County referral as it has no environmental impact.

### **Old Business**

On the application of Ryan Hasto, 110 5<sup>th</sup> Street, Mr. Hasto withdrew the application on June 12, 2014. Ms. Carey moved and Mr. Herrgesell seconded the motion to close the public hearing. Approved.

Ms. Carey moved and Ms. Fitch seconded the motion to adjourn the meeting, approved. The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Sandra J. Callahan  
Zoning Board of Appeals Secretary