

**TOWN OF MACEDON
ZONING BOARD OF APPEALS
January 18, 2023**

The Town of Macedon Zoning Board of Appeals meeting was held on Wednesday, January 18, 2023, at the Town Hall. Present were Interim Chairman Mike Mosher, members Deborah McEwen, Brian Frey, John Jenkins, Town Engineer Scott Allen and Board Clerk Stacy Nisbet.

Interim Chairman Mosher called the meeting to order at 7:30pm. He began with the reading of the Legal Notice that was placed in the paper. He then explained the purpose for which the Board serves.

PUBLIC HEARINGS:

Z-04-22 – Druta – 17 Erie Street South – Area Variance – Section 301 -Attachment 4 – side yard setback less than 10’

Mihai Druta was present to address the application. A year ago February he began having medical procedures and has started lifesaving dialysis. He is a hardworking man and keeps his yard well maintained. He has put the carport up to keep his car cleaned off so he can easily get to his appointments for his dialysis treatment on Monday, Wednesdays and Fridays. He works nights and has very little time in between.

Jerry Heffly is in favor of the carport. It was his idea to help Mihai as he is his son in law. He is in support of the variance but is not sure how long they will need it. Mihai is on the transplant list but that could take a while. He got the shelter in green in hopes that it would help blend in with the trees between the properties and not stand out. They wouldn't be here if it were not a medical emergency.

Linda Braun, the Town Historian, and neighbor that lives down the street is in support of the variance. She said that the houses are close together making it difficult to put the structure up and have 10 feet to the property line. The structure is covered by the hedgerow which helps it blend in and is not an eyesore. She understands the toll this type of illness takes on the family.

Jerry and Kathleen Burns were present to speak against the variance Jerry Burns spoke on behalf of his Mother Kathleen Burns. She is the next-door neighbor. They disagree, they believe that the carport is an eyesore, and she believes it is actually on her property. It goes right up to the trees which she states are hers. Jerry Burns stated that they would not have minded if they said they were putting it from 11/1 to 4/1. But there was no communication and he did not talk to her prior to putting it up.

- Wayne County Planning Board – Referral was not required
- Planning Board – no referral
- Town Board – No Comment
- SEQR – Not required at Appeals level

No one else was present to speak in favor of or against the granting of these variances. A motion was made by Brian Frey to close the public hearing, seconded by Mike Mosher. The public hearing was closed at 7:42 p.m.

BOARD DISCUSSION:

Z-04-22 – Druta – 17 Erie Street South – Area Variance – Section 301 -Attachment 4 – side yard setback less than 10’

Mihai Druta did state that he apologizes for not communicating prior to putting the carport out. He also stated that he would abide by any timeline they would allow him to have it up.

Deb McEwen asked if the structure was meant to be temporary or permanent. The board asked if it was cemented into the ground. Jerry Heffley stated it is heavy duty and is attached to the ground but not cemented. The board asked if it was contained to their property, and he stated yes. The application is not asking for temporary use.

The survey states it is 15’ 3’ from the garage to the lot line. The structure is 10’ wide so the structure is about 5’ from the line. Kathleen Burns showed a picture to the Board members showing them the structure.

A Board member asked about the hedgerow. They are taller arborvitaes. The application does not ask for temporary approval. Did it go to the Town Board? No, strictly this board.

Linda Braun spoke regarding the former village and there was no precedence of the variance for the former village. There has not been a lot of precedence. The houses are much closer together.

Were there any options? This was the most affordable. Adding a garage would be too expensive and would still require a variance. What is the current garage used for, does someone park in there? Yes, his wife.

Mike Mosher asked if the Board would consider a temporary variance. The Board said yes, but then asked Scott Allen if that was allowed. Scott stated that we would have to ask the Town attorney.

John Jenkins asked if the arborvitaes prevented them from seeing the structure from their house. They then asked if Mihai could park in the garage and have his wife park outside. Jerry stated that Heidi has health issues as well and they would still have to juggle the cars back and forth so that would not help the situation.

There is plenty of room between the arborvitae, Jerry says at least 18”. Kathleen said there is not 18”.

Scott stated that he could ask the Town attorney if they want to put conditions on the variance, if the Board wants to adjourn the meeting until they get answers.

John Jenkins asked Kathleen if her only objection was the encroachment on her property. She responded yes and that it looks terrible and will set a bad precedence. What is to prevent other people setting up tents like this and we become a tent city.

A motion was made by Brian Frey to approve the variance, seconded by Deborah McEwen. All were NOT in favor.

A motion was then made by Mike Mosher to table the decision until the Board could get some questions answered, seconded by John Jenkins. All in favor, motion approved.

Scott Allen suggested the Board members compile a list of questions to be submitted to the Town Attorney. Once we have the answers another meeting will be scheduled.

MINUTES:

A motion to approve the 08/24/22 minutes was made by Brian Frey, seconded by John Jenkins. All in favor; minutes approved.

ADJOURNMENT:

A motion to adjourn the meeting was made by Mike Mosher, seconded by Deb McEwen. All in favor; meeting adjourned at 8:05 p.m.

Respectfully submitted,

Stacy Nisbet
Clerk to the Board