

**VILLAGE OF FLORIDA
ZONING BOARD OF APPEALS MEETING
MAY 8, 2023**

CALL TO ORDER:

Chairman Dellatto called the meeting to order at 7:30 P.M. with a Pledge of Allegiance.

Moment of Silence for Robert Fink, Esq.

Chairman Dellatto welcomed our two new members:

Steve Caldwell
Robert Krahulik, Esq.

BOARD MEMBER'S PRESENT:

Chairman Martin Dellatto
Member Steven Caldwell
Member Zenon Wojcik
Member JR Pillmeier
Member Frank Dagele

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.

MINUTES:

Member Pillmeier moved a motion to approval the Minutes dated November 8, 2021. Seconded by Member Dagele

On roll call, all voted yes, except for Member Caldwell and Chairman Dellatto declared this set of Minutes adopted.

PUBLIC HEARING: 18 Randall St.

**LEGAL NOTICE
PUBLIC HEARING
18 RANDALL ST.**

A Public Hearing before the Zoning Board of Appeals of the Village of Florida will be held on the 8th day of May, 2023 commencing at 7:30 P.M. at Village Hall, 33 South Main Street, Florida, NY 10921 to consider the following application:

DIANE HAIMECK for property located at 18 Randall Street, Florida, New York and designated on the Village Tax Map as Section 102, Block 3, Lot in the R-1 District for a variance/interpretation of the Bulk Area Requirements of the Code to add a 15' x 17' single story first floor addition to a single-family house allowing a side yard setback of 5.0' where 18' are required and a front yard setback of 17.1' where 30' are required.

The above application is open to inspection at the office of the Board of Appeals, 33 South Main Street, Florida, New York. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

Martin Dellatto, Chairman of ZBA

Diane Haimeck approached the board and explained that she has a bathroom that is in horrible shape and if she were to just re-do it and make it right, she would have to use a bedroom to convert the bathroom so that it would be big enough, which would mean that her house would now be a 2-bedroom home.

Also, she stated that she has looked into possibly of doing a dormer, however every contractor has told her no and it is way too expensive. Now the most cost-effective way is to proceed this way and expand the living room just a little and add a full-size bathroom and a small laundry room, as it is now stuck in the kitchen.

Ms. Haimeck also stated that she also would have liked to of utilized the other side of the property but there is way too much rock, and she would not have enough money to do the addition if she had to do all the excavation work that would be required.

Bob Krahulik, Esq. stated in this case they can't acquire for additional property. SEQRA-type @ 17.5 C-11. No further action is required.

Member Wojcik asked why the other side of the property was not considered.

Ms. Haimeck replied that she would have loved to have utilized this side, however with all the exaction work that would be needed, there would be no funds left to do the actual addition as there is too much rock, incline and a 40-to-50-foot pine tree.

Member Wojcik also stated that they can't use the back due to the slope.

Discussion with regard to front yard setback as to whether it should be included in the Resolution or not.

Mr. Dellatto stated that in the past we have defined it as a pre-existing non forming use.

Member Pillmeir moved a motion to close the Public Hearing on this application. Seconded by Member Dagele.

On roll call, all voted yes and Chairman Dellatto declared this portion of the meeting closed.

APPLICATION:

1. Diana Haimeck
18 Randall St.
Florida, NY
Re: Area Variance

Chairman Dellatto stated that the Orange County Planning Board replied to us that the final determination of this matter is our decision.

Discussion with regard to a window on the north east side of addition in the bathroom. The plans show no window, and Ms. Haimeck was considering a ventilation window style type. It was then concluded that as long as there is a fan in the bathroom that would meeting the ventilation requirement.

It was then noted that in the resolution there would be a provision with regard to no window on this side.

Member Dagele moved a motion that there will no window installed on the north east side of the addition in the bathroom. Seconded by Member Pillmeir.

On roll call all voted yes, and Chairman Dellatto declared this motion carried and will be reflected in the final resolution of this matter.

Bob Krahulik, Esq. then asked the members the following questions:

Will there be an undesirable change in the character of the neighborhood or the adjacent properties?

All members replied no.

Can the benefit sought by the applicant be achieved by some other method other than the variance?

All members replied no.

Are the numerically substantial insofar as lot area and lot width?

All members replied yes.

Will the construction have an adverse effect or impact upon the physical or environmental conditions in the neighborhood?

All members replied no.

Was the alleged difficulty self-created?

All members replied yes.

Will the variance preserve and protect the character of the neighborhood?

All members replied yes.

DETERMINATION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF FLORIDA, NEW YORK

WHEREAS, Diane Haimbeck has applied to the Board for a variance of the Bulk Area Requirements of the Code, and

WHEREAS, a public hearing on this application was held at Village Hall, 33 South Main St, Florida, NY on May 8, 2023, and

WHEREAS, at said hearing all interested persons were given an opportunity to be heard, the Board finds as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicant is now the owner of the property located at 18 Randall St., Florida, New York and designated on the Village Tax Map as Section 102 Block 3 Lot 5.
2. The application has been made for variances of the Zoning Law permitting construction of a 15' x 17' single story first floor addition to a single-family house allowing a side yard setback of 5.0' where 18' are required and a front yard setback of 17.1' where 30' are required.
3. The evidence and testimony as summarized from the meetings show that:
 - a. An undesirable change will not be produced in the character of the neighborhood and a detriment to the adjacent properties.
 - b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances. There is no other property available.
 - c. The requested variances are numerically substantial insofar as lot area and lot width.
 - d. It has been shown that construction of the addition would not have an adverse effect or impact upon the physical or environmental conditions in the neighborhood or district.
 - e. The alleged difficulty was self-created. The lot was purchased subject to the existing zoning.
 - f. The minimum variances are sought are necessary and adequate and at the same time, will preserve and protect the character of the neighborhood and the health, safety and welfare of the community have not been requested.
4. The proposed action is a Type II action and no further consideration under SEQRA is necessary.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that it is determined, that the application be approved permitting construction of a 15' x 17' single story first floor addition to a single family house allowing a side yard setback of 5.0' where 18' are required

and a front yard setback of 17.1 where 30' are required on the condition that new windows be constructed on the northeast side of the addition.

Motion moved by Member Caldwell. Seconded by Member Pillmeier.

On roll call, all voted Yes, and Chairman Dellatto declared this Resolution adopted.

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

Since no one from the public entered any discussion, Chairman Dellatto closed this portion of the meeting.

ADJOURNMENT:

Member Pillmeier moved for the adjournment of this meeting. Seconded by Member Dagele.

On roll call, all voted yes, and Chairman Dellatto declared this meeting adjourned at 8:05 P.M.

Martin Dellatto, Chairman

