

Town of Bennington
Zoning Board of Appeals
June 8, 2021

Meeting was opened by Michael George with the following members present: Tim Pyszynski, Al Files and Mike George, Zoning Officer Jenna Marley and Acting Secretary Ellen Grant. Applicants present: Amy Cole and Mike Fontaine.

Motion was made to open the Public Hearings on the following variance applications: Amy Cole - two area variances; Mike Fontaine - area variance. All ayes; hearings opened at 7:05 p.m.

Zoning Officer Marley outlined the notification to neighbors process - it is the responsibility of the applicant to notify neighbors within 200' of the property boundaries. Applicants can personally visit them and get them to sign off, or provide the ZO with receipts from mailing out the notifications. Members are all satisfied with this process.

Chairman David Best joined the meeting at this point.

Variance 1-2021 Amy Cole, 1219 Coyle Road Cowlesville Area variance to allow garage to be built closer to the road than the residence.

Variance 2-2021 Amy Cole, 1219 Coyle Road, Cowlesville Area variance to permit a front yard set back 20' from the road instead of the required 50'. Due to the lot shape, curve in the road, well and septic location and proximity to Cayuga Creek, there are no other feasible locations for a garage. Board members agreed with this statement. ZO Marley received no response of written comments on the proposal. All members visited the site. There being no one from the public to comment on the applications, a motion was made and seconded (George/-Pyszynski.) All ayes and hearing was closed at 7:20 p.m. on the Cole variances.

Chairman Best reviewed the criteria for the first variance. Each member responded to each criteria in writing as to their opinion, and indicated that they had inspected the property. Chairman Best then reviewed the criteria for the second variance. Each member responded to each criteria in writing as to their opinion,

and indicated that they had inspected the property. Motion was made and seconded (Pyszczyński/Files) to approve the two Cole variances and members indicated their approval in writing. All ayes; carried.

Variance 3-2021 Michael Fontaine, 1777 Church Rd., Darien Center. Area variance request for construction of a home at **561 Alleghany Road, Attica** within the 50' required front setback. The proposed project would include demolishing the old residence at the site and placing the new double wide in the same area, slightly further back from the highway (approx. 32 to 34 feet.) This application was reviewed by the County Planning Board yesterday and there were no objections, as conformance to zoning was improved and the appearance of the site was also being improved. One neighbor was notified, as Mr. Fontaine owns all the other neighboring properties. Motion was made and seconded (Best/George) to close the public hearing at 7:35 p.m. All ayes; carried.

Chairman Best reviewed each of the criteria and members signed off on their opinions on each item, as well as indicating that they had done a site inspection. Each member then indicated their vote in writing - all ayes; variance approved.

ZO Marley asked about ponds being constructed on vacant parcels. Our law (page 10) addresses pond setbacks, and on page 6 notes ponds for farming, conservation or fire protection use.

Mike George asked the ZO for a model project file, so we have on file what a complete application and final file looks like.

Motion made and seconded (Best/George) to close the meeting. All ayes; meeting adjourned at 7:45 p.m.

Ellen Grant
Acting Secretary