



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on October 21, 2015**

ATTENDANCE:

- Nathan Witkowski — Chairman
- Terrance Daniel
- John Kadziolka
- Donald Dylag
- Donald Showler
- Diane Denton — ZBA Secretary

MEETING called to order at 7:30 pm.

A Motion to Approve the Minutes from August 19, 2015 was made by Mr. Daniel; second to motion made by Mr. Kadziolka.

Voice Vote—ALL AYES—MOTION PASSED.

**Preliminary Discussion
Area Variance/Enzo Jekov
776 Cohocton Rd., Town of Pembroke
Tax Map #22.-1-113; Zoning District: AG/RES**

- Enzo Jekov was present. He wants to construct a pole barn that would be 16 ft. from the property line and, therefore, would need a 9 ft. variance. He thought it didn't matter as his father is owner of the adjoining property and intends to give him that parcel. The board explained that because it is not yet his property, the variance would be needed for him to build the pole barn as proposed.
- Because Cohocton is a County Rd., any variance request would need to be referred to County for November and then come back to the ZBA for a Public Hearing.
- Mr. Jekov has the pad put down. It wasn't until he went to Charlie to get a building permit that he realized he would need a variance. He wants to get the pole barn constructed before the snow flies.
- Looking at the current drawing, the board couldn't tell how far back the house and barn in front are from the road. Mr. Jekov said that the house is 200 ft. back from the road, the barn about 140 ft.
- Chairman Witkowski said that the situation is a self-created hardship. He couldn't see any reason why the pole barn couldn't be moved over 9 ft. towards the driveway, so the variance wouldn't be necessary.
- Mr. Enzo said he wanted to put a vehicle turn-around on the side of the pole barn.

- Chairman Witkowski suggested that he put the garage door at the front and have the turn-around there. Or he could get his father to give him the neighboring property and do the merger so he wouldn't need a variance, although that option wouldn't save him time.
- Mr. Enzo was told that he has a week to decide whether to go for the variance so the application can be referred to County for its November meeting. Alternatively, he can provide Charlie Reid with new plans that move the barn over 9ft so it is in compliance, and he can get the building permit.

Preliminary Discussion

Area Variance/Mark Cerasani

9082 Lake Rd., Town of Pembroke

Tax Map #22.-1-10.12; Zoning District: AG/RES

- Mark Cerasani was present. He wants to divide his property in order to build a house.
- It has enough frontage. The problem is that the proposed house would be behind an existing shed, which isn't 50 ft. back from road. He did get a variance for the shed, but it is still a non-conforming building.
- Mr. Cerasani said he didn't intend to start building the house until the spring.
- If the house is set back at least 75 ft., he could have the shed in the front yard because the variance for it was obtained four years ago and is grandfathered in. However, he would not be able to connect the house to the shed, i.e. with a breezeway.
- The board suggested that he go ahead and apply for the Land Separation at the Planning Board's meeting on 10/28, and then as soon as it is separated he can apply for the variance or get the board to put something in writing stating he doesn't need a variance for the construction of a house.

Old Business: None

New Business: Don Dylag brought up issues with the easement and right-away off of Indian Falls Rd. that goes back to the Rod and Gun Club. The owner of the easement has narrowed it from its 32 ft. width with stakes either side, as well as dumping snow to block it and not allowing anyone to fill in a pothole. The board told him that it was an issue to take to civil court, or, possibly, contact the Fire Marshall as the easement needs to be open to fire trucks and other emergency vehicles.

A **MOTION** to close the meeting was made by Mr. Kadziolka, seconded by Mr. Daniel.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:50pm.

Respectfully Submitted,
Diane Denton-ZBA Secretary
Nathan Witkowski-ZBA Chairman

These minutes were approved by the Zoning Board of Appeals November 18, 2015