



Friday, January 19, 2024, 7PM - ZBA Meeting Minutes

Brant Town Hall

I. Call to Order:

Chairman Broughton, noting a quorum was present, called the meeting to order at 7pm.

II. Attendance Roll Call:

All members and the alternate were present.

III. Approval of Previous Meeting Minutes:

Approve Minutes of Zoning Board of Appeals Meeting held December 4, 2023. A motion to approve the minutes as presented was made by Christopher Czech and seconded by Richard Vespa. A roll call vote was called: Christopher Czech - Aye, Richard Vespa - Aye, Frank Broughton - Aye, Paul Cesana - Aye, Kathy Vespa - Aye. Motion Carried 5-0.

IV. Reading of Open Hearing Public Notice:

The Open Hearing Public Notice was read by Secretary Barbara Daniel.

V. Motion to Open Public Hearing:

A motion to open the Public Hearing was made by Paul Cesana and seconded by Kathy Vespa. A roll call vote was called: Paul Cesana - Aye, Kathy Vespa - Aye, Frank Broughton - Aye, Christopher Czech - Aye, Richard Vespa - Aye, Motion Carried 5-0. The public hearing was opened.

The planning board advisory letter was read by Secretary Barbara Daniel and relevant information for the case was presented to the board. All paperwork was in order. The applicant and home owner Lenard Petit presented his case thoroughly addressing the variance request. The board asked several questions to the applicant and they were answered satisfactorily. Secretary Barbara Daniel read letters received from eight neighbors. All eight letters are attached to these minutes.

VI. Motion to Close Public Hearing:

A motion to close the Public Hearing was made by Frank Broughton and seconded by Richard Vespa. A roll call vote was called: Frank Broughton - Aye, Richard Vespa - Aye, Paul Cesana - Aye, Christopher Czech - Aye, Kathy Vespa - Aye. Motion Carried 5-0. The public hearing was closed.

VII. Deliberation & Decision: Case # 2023-03 - 83 Lotus Bay Rd - Setback Area Variance: Lenard Petit, SBL 265.04-1-62.

SEQR Determination: this is a Type II SEQR (set back variance) no other SEQR action is required.

After discussing the case, and mediating all concerns the following motion was made by Frank Broughton: "motion to approve the area variance application dated December 1, 2023 for Lenard Petit for the property located at 83 Lotus Bay Rd , SBL 265-04 -1-62 for a front yard setback of which 60ft is required, approved to 17ft, with the following conditions: The carport is to never be enclosed with siding, screening or an other material.

Also for the ZBA Chairman to file the case in the Town Clerk's office within 5 days in resolution form per town code, based on the recommendation of the planning board and the information determined in the deliberation in regard to the 5 considerations used to determine if the benefit to the applicant has a negative effect on the health, safety, and welfare of the neighborhood and community, which the approval does not effect negatively." The motion was seconded by Christopher Czech. A roll call vote was called: Frank Broughton - Aye, Christopher Czech - Aye, Paul Cesana - Aye, Kathy Vespa - Aye, Richard Vespa - Aye, Motion Carried 5-0.

VIII. New Business - Paul Cesana requested that the ZBA board be notified as soon as Applications are received so that members may attend the Planning Board recommendation meetings. The secretary and chairman both agreed and will make that happen for future cases. Some discussion was held about training requirements and upcoming opportunities for training.

IX. Motion to Close the Meeting

A motion to close the meeting was made by Frank Broughton and seconded by Richard Vespa. A roll call vote was called, all were in favor, motion carried 5-0. Meeting was closed at 8:40 PM.

Respectfully Submitted,

Barbara J Daniel - Secretary

Marta J King
4900 Pershing Place
St Louis, MO 63108

January 10, 2024

Barbara Daniel
Brant Town Clerk

Frank Broughton
Chairman-Zoning Board of Appeals

Please add this letter to the minutes of this public hearing in regards to this issue.

I am writing to you regarding Case 2023-03 for a variance for 83 Lotus Bay Rd, Brant, NY - SBL 265.04-1-62,

Due to my job in New York, I am unable to attend this public hearing in person but would like to share my concern about reducing the front yard set back from 60' to 17'.

As my driveway (69 Lotus Bay Road) is within feet of the area to be considered for this structure, I have great concern for the visibility of oncoming traffic as I exit my driveway onto the road. A structure, be that a simple carport or a structure with walls would block my ability to see cars traveling west on Lotus Bay Road, causing a hazard. Even if the carport is of the variety that does not have walls, the addition of a car parked within the structure would again block my ability to see cars traveling west on Lotus Bay Road. I believe it unfair and dangerous to have me drive into the middle of the road just to see if there's oncoming traffic that could slam into my vehicle. This new hazard could affect my liability position should there be a collision.

Thank you for your review of my concern regarding this issue.

Marta King
Marta King

The red line is the edge of my driveway with the road at the top of the line.

The rectangle is where you can see that they have installed some components already.



20

**Alden and Sandra Harwood
57 Lotus Bay Rd.
Irving NY 14081**

January 15, 2024

**Frank Broughton, Chair
Zoning Appeals Board
Town of Brant NY**

Re: Case 2023-03

Dear Sir;

As neighbors to the applicant in this case, we are exercising our stated right to be heard regarding this matter. We are seasonal residents and are unable to attend the meeting on January 19th, and would appreciate the public expression of our sentiments, herewith.

It is apparent that the Applicant began the construction of their carport/charging station before becoming aware of the setback restrictions that everyone is constrained to follow in our town, and now they are requesting a variance from those restrictions so that they may continue construction. These rules were devised for definite purposes, and there must be legitimate, purposeful and pressing need to vary from them.

The 60-foot setback from the road serves to preserve visibility of the approaches to not only the applicant's property, but to their neighbors, as well. Erecting any structure in that setback will impair that visibility. We have heard of assurances that there are no walls to this carport as planned. What constitutes a wall here, a fabric curtain? Screening? an array of tall shrubs? Will it have lighting that will shine into all the neighbors front windows? Once this thing is erected, what protection will the neighbors enjoy that will keep it as built?

None of these concerns would be raised if it were to be constructed in a customary location for such an edifice; it could have had walls been ten feet high and no one would have cared. Whatever the reason is that the applicant decided to erect it a mere 17 feet from the road, we do not think it can be persuasive enough to justify the punishment meted out to their neighbors by the permanent existence of this structure where they are asking to put it.

It is indeed regrettable that the project was started prior to the application for variance, and the ZBA may sympathize with the applicant, for they have already expended a portion of the cost thus far. But the rules are based on purpose and consideration of neighbors and neighborhoods. It's a hard lesson, but it's better than sending the message that variances of convenience or economy are okay in Brant.

On a side note, it will be interesting to see how Board Member Cesena votes on this, as his wife and the Applicant teamed together in their quests to join the Town Board. It is our opinion the he should abstain, in the interest of avoiding the appearance of impropriety.

Sincerely,

Alden Harwood
Sandy Harwood
Alden Harwood
Sandy Harwood

RECEIVED
♦ 18 JAN 2024 ♦
BRANT TOWN CLERK

To Whom It May Concern:

I Jacob Schieno, President of the Lotus Bay Private Road Association & direct neighbor across from Meg & Len am writing this letter to approve & show our support for their new structure they would like to erect on their property.

We've seen the draw ups & have spoken with them many times & are completely ok & happy for them with this going up on their own property.

As part of the neighborhood association I speak on behalf of myself & others and approve their idea & plans. Thank you for your time & if there is anything else anyone would like to hear from me please reach out accordingly.

Jacob Schieno

President Of LBPRA
(716) 341-9254
Jacobstdb@gmail.com

23

RECEIVED

♦ 18 JAN 2024 ♦

BRANT TOWN CLERK

To Whom It May Concern:

I Anthony Lafrance, Treasurer of the Lotus Bay Private Road Association & direct neighbor across from Meg & Len am writing this letter to approve & show our support for their new structure they would like to erect on their property. We've seen the draw ups & have spoken with them many times & are completely ok & happy for them with this going up on their own property. As part of the neighborhood association I speak on behalf of myself & others and approve their idea & plans. Thank you for your time & if there is anything else anyone would like to hear from me please reach out accordingly.

Anthony Lafrance
Treasurer Of LBPR
8434533794
Alafrance12@gmail.com

24

RECEIVED

◆ 18 JAN 2024 ◆

BRANT TOWN CLERK

From: cindra halloran <cindrahalloran@gmail.com>

Date: January 17, 2024 at 10:46:10AM EST

To: megjpantera@gmail.com

Subject: Car port

To Town of Brant Zoning Board

My name is Cindra Halloran. I am a full-time resident of 60 Lotus Bay since 1997. I am writing in regard to a planned single carport structure located at the top of our road at 83 Lotus Bay.

The given position for the carport has been used as a parking space for a decade. The planned carport is an attractive design and in no way obstructive to our community views or accessibility to our private road.

Meg and Len have made steady consistent capital improvements to their home since they moved here full-time years ago. There should be no problem with any neighbors regarding this small structure.

Thank you for your consideration.



Cindra Halloran

25

From: Julie Duffett <jduffett@yahoo.com>

Date: January 17, 2024 at 10:31:11AM EST

To: Meg Pantera <megjpantera@gmail.com>

Subject: New building

RECEIVED

◆ 16 JAN 2024 ◆

BRANT TOWN CLERK

To whom it may concern:

I'm Julie Duffett, a full time resident at 43 Lotus Bay. I have no concerns with a building put up at 83 Lotus bay by Lenard Petit. It will not affect anything in a negative way and will actually enhance their property. Thank you Julie Duffett.

26

RECEIVED

◆ 18 JAN 2024 ◆

BRANT TOWN CLERK

14 Lotus Bay Road
Irving, New York 14081
January, 18, 2024

Mr. Frank Broughton, Chairman, and
Members of the Town of Brant Zoning Board of Appeals
1272 Brant North Collins Road
Brant, New York 14027

RE: Support of a variance for 83 Lotus Bay Road, Irving New York 14081

Dear Chairman and Board Members:

We own the property at 14 Lotus Bay Road, and are year-round residents. We are writing in support for the approval of a variance for a carport at 83 Lotus Bay Road.

For more than 10 years Meg Pantera and Len Petit have parked their vehicle in the same location as the proposed site of the carport. In addition, as it will have no walls and is located between two very large trees, we believe it will have no negative impact in regards to the flow of traffic or will distract from the overall appearance of the private road.

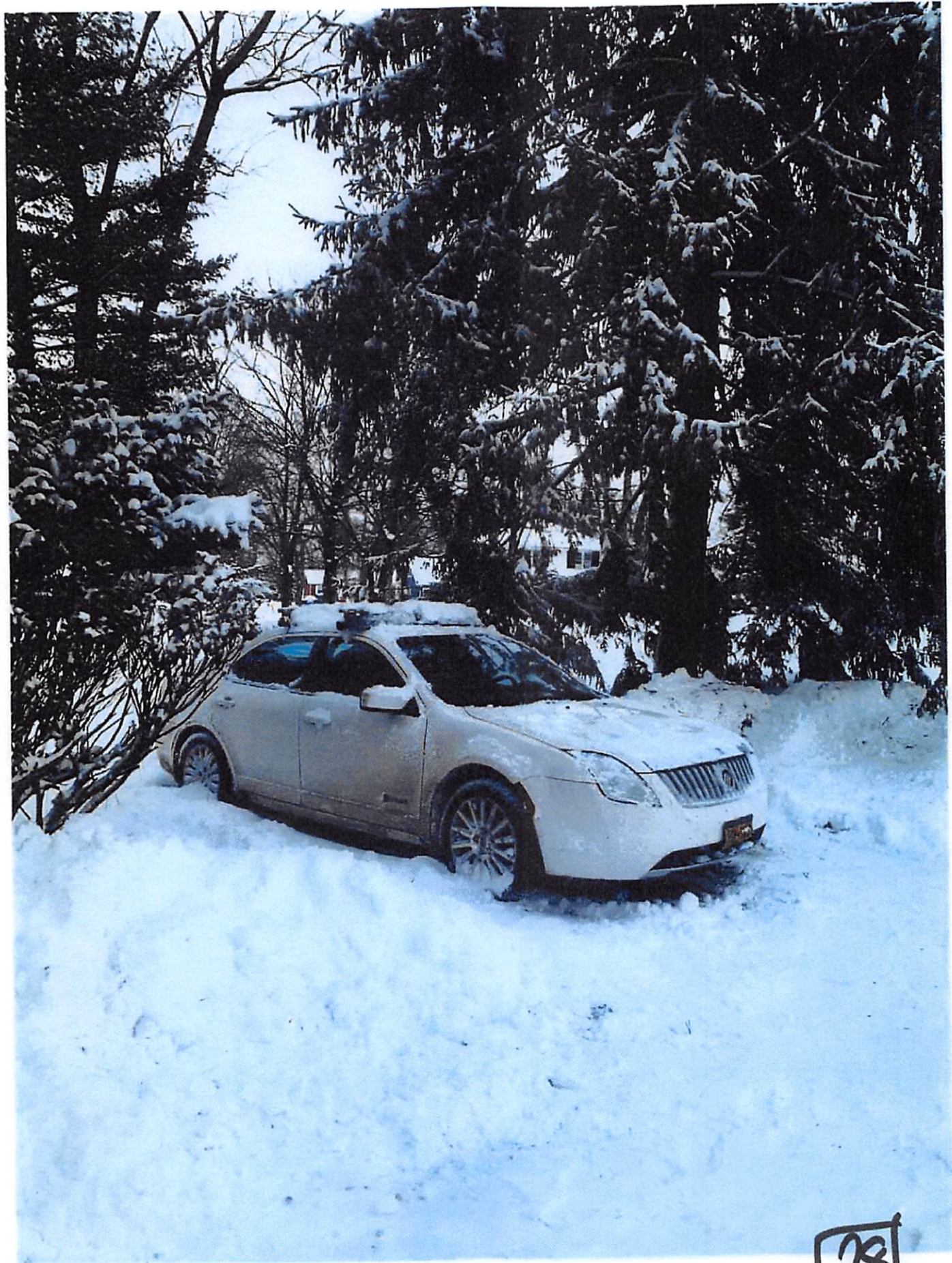
Thank you for your time and consideration of this matter.

Sincerely,

Dominic Aloisio
Mary J Aloisio

Dominic and Mary Aloisio

27



28

To the Zoning Board of Appeals:

My name is Geoff Thomas, resident of 72 Lotus Bay Road in Irving, and live across the street from Meg Pantera and Lenard Petit.. I have no concerns with plans to construct a covered carport at 83 Lotus Bay road, nor consider their plan to have any negative implications.

**Sincerely,
Geoff Thomas**

