

**Town of Alfred
Zoning Board of Appeals Minutes
May 10, 2021
6:00p.m.**

Site Walk – May 10, 2021 at 6p.m.

Members Present: Dennis Brewster, John Caramihalis, Julie Gerrish and Rick Carter

Absent: Bruce Norton, Cynthia Swaney, and Ricky Hambleton

Others Present: Jacob Roy, Stacy Roy, Jim Allaire and Tammy Bellman

Chairman Brewster called the meeting to order at 6:00p.m. A quorum is attained with the members present at the site walk.

The Alfred Zoning Board of Appeals held a **Site Walk** on **Monday, May 10, 2021 at 6:00pm** at 32 Harvest Circle.

Mr. Brewster had Mr. Roy provide an overview of the proposed project and the history behind the ZBA Appeal. Mr. Roy noted that this project has had its issues from the beginning. The first day the excavator was on-site Mr. Roy broke his leg and was not able to get around the job site to ensure that the criteria that needed to be followed was being followed. The first contractor drew up the plot map; the foundation was in December, 2020. Mr. Roy knew that inspections had to be accomplished. The first contractor was a no-show for a longtime. A second contractor was brought in and discovered that the setbacks had not been met. Mr. Roy called the CEO immediately. The second contractor was to have covered the foundation for the winter but determined the foundation to not be properly located to meet setbacks. The foundation was not capped. The Board observed that the walls were curved and is not able to be moved back due to the location of the well. The three car garage portion has already been backfilled; no inspections of either the footings or foundation were performed per the permit prior to being backfilled; there is no room left for a floor on the garage with the backfilling of that area. Mr. Caramihalis asked if there was a Financial Agreement in place with the financial company. Mr. Roy only noted that the completion date for the foundation was what the bank wanted – which it was informed was January, 2021. No further questions were received from the Board. Mr. Brewster closed the Site Walk at 6:19pm. The Board returned to the Town hall for the Regular Meeting.

Regular Meeting

Members Present: Dennis Brewster, John Caramihalis, Julie Gerrish and Rick Carter

Absent: Bruce Norton, Cynthia Swaney, and Ricky Hambleton

Others Present: Jacob Roy, Stacy Roy, Jim Allaire and Tammy Bellman

Chairman Brewster called the meeting to order at 6:31p.m. A quorum is attained with the members present at the regular meeting.

The Board Members introduced themselves.

Mr. Caramihalis moved to accept the agenda as presented with second by Ms. Gerrish. No further discussions. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; and Carter – yea.

New Business & Public Hearing

Public Hearing

Jacob Roy – Variance Appeal – Tax Map 4 Lot 1-1-4 Rural Residential Zoning District. Mr. Brewster opened the Public Hearing at 6:34pm. Mr. Roy presented an overview of the project and noted that want to do what is needed to make this situation right. There were no other members from the public present at the Public Hearing. Mr. Brewster opened the questions up to the Board and Code Enforcement Officer for in-put. Mr. Allaire offered that the Roy's have been forth-coming and honest with this issue from the start. Mr. Caramihalis expressed concern with the condition of the foundation in addition to the setback. Mr. Allaire has informed Mr. Roy that the foundation does need an engineer to determine if the foundation is safe to be built upon. Mr. Caramihalis is concerned about the foundation having not been capped over the winter. Ms. Gerrish is not sure why the financial institution would have released the funds with the current condition of the foundation. Mr. Caramihalis explained the inspections required for the funding – set at particular stages of the building process. Mr. Brewster knew that this would be a different discussion and reviewed the MMA Manual to ensure that the Board would be able to assist the applicant. A variance on the setback requirement requires that the applicant prove the hardship criteria as the Board would not be able to grant a twenty-three foot setback variance. Mr. Caramihalis noted the following issues: 1. Cannot leave the foundation as it is; and 2. The foundation walls are one inch out of straight. To meet the four hardship criteria is difficult. Mr. Brewster noted that there is nothing with the location to make it a hardship. Mr. Caramihalis moved to end the Public Hearing at 6:47pm with second by Ms. Gerrish. No further discussions. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; and Carter – yea.

Old Business

Jacob Roy – Variance Appeal – Tax Map 4 Lot 1-1-4 Rural Residential Zoning District. The Board discussed the appeal for the variance: Mr. Caramihalis moved to deny the appeal for the variance with second by Ms. Gerrish. Discussion: Mr. Caramihalis – the reason – as it stands – can't do the percentage needed; Mr. Brewster – the foundation has so many failures; Mr. Carter – should be supportive in a backward sense; Mr. Brewster and Ms. Gerrish – beyond the 20% allowance. Mr. Brewster – deny the variance; in the wrong place; if evaluated would it pass? Mr. Caramihalis – no inspections before the back-fill; Mr. Brewster suggested that the applicant could let it play-out with the Attorney; attempt to re-coup some of the costs. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; and Carter – yea. Appeal denied. The Roy's said thank you and they would be back to start again.

Minutes

None.

Communication

None.

Miscellaneous

None.

Adjournment

Mr. Caramihalis moved to adjourn the meeting at 7:00pm with second by Mr. Brewster. No further discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea and Carter - yea. The meeting was adjourned.

These minutes were approved on 6/12/21

Dennis M. Brewster

Dennis Brewster, Chairman