

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:00 PM. The members present were Michael Kunzer, Tiffany Paine-Cirincione, Christine Kubida, Charles Buss, and Becky Appleman. Brett Malafeew, Code Enforcement Officer was also present. The meeting was held at the Walworth Town Hall, accessible live to the public.

Chairperson Kunzer asked if there were any corrections to the minutes of January 3, 2023. Charles Buss made a motion, seconded by Tiffany Paine-Cirincione, to approve the minutes of January 3, 2023. All other members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the agenda.

**1. Application of Kyle Reynolds of 2 Pembroke Drive, Penfield, NY seeking an area variance for relief from Section 180-12 (G)(2) R Districts: Single Family Residential Yard Requirements. Property is zoned R-Residential (Public Hearing)**

Chairperson Kunzer said Mr. Reynolds came before the Zoning Board at the January meeting seeking relief for side setback requirements which would be a 7.5-foot variance on both sides of the lot. Chairperson Kunzer said Mr. Reynolds is scheduled to go before the Planning Board for the February 13<sup>th</sup> meeting for site plan approval. The 7.5-foot variance under Walworth Town Code 180-12(G)(2) deals mainly with the primary structure, and Mr. Reynolds might also seek relief from Town Code 180-21 which deals with accessory structures for the location of the pole barn. Chairperson Kunzer said the only Town Code cited on the legal notice for this application was 180-12(G)(2). Chairperson Kunzer asked the Board members if they were just looking at the east side setback for the primary structure, or is the Board going to also entertain the side setback relief on the pole barn on the west side of the property. Ms. Appleman asked if it is legal to address the pole barn since Town Code 180-21 was not on the legal notice. Ms. Paine-Cirincione said it is outside of the scope of the original application, and asked if there are more specifics provided on the location of the barn and house. Mr. Buss said he would defer to wait to address this application. Ms. Kubida said the accessory structure side setback is not in the legal notice and has concerns about the Board hearing it without the community having the proper chance to have an opinion on that.

Chairperson Kunzer said the Zoning Board can address the house side setback but not the pole barn at this meeting, or Mr. Reynolds can return next month with an amended application and the Board can hear on the plan in its entirety. Mr. Reynolds said he would like the plan reviewed in its entirety. Mr. Malafeew said Mr. Reynolds returned to the Zoning Board tonight with the whole site plan, and Mr. Reynolds came back with the requested plan. Mr. Malafeew said there was some confusion with the paperwork since the Town Staff was looking at the whole plan, including the house and pole barn, as primary. Ms. Appleman asked if there is a time limit to the put the barn on the property if the applicant decides to build the barn at a later date. Mr. Buss says the variance stays with the property and doesn't expire. Ms. Paine-Cirincione asked if the Planning Board would normally review a site plan before it comes to the Zoning Board. Mr. Malafeew said Mr. Reynolds is looking for relief so he can take this plan to the Planning Board.

Chairperson Kunzer said Mr. Reynolds would need area variances under Town Codes 180-12(G)(2) and 180-21(B). Chairperson Kunzer said the application can be amended for next month's Zoning Board meeting, but if it is heard at this meeting on the house Mr. Reynolds you would need to submit and pay for a new application for the pole barn. Mr. Reynolds said he would like the plan reviewed in its entirety.

Christine Kubida made a motion, seconded by Charles Buss, to table the application of Kyle Reynolds. All members ser in favor. Motion carried.

Charles Buss made a motion, seconded by Christine Kubida, to adjourn the meeting. Chairperson Kunzer adjourned the meeting at 7:21 PM.

Respectfully submitted,

Barbara Goulette, Clerk