

Town Pompey Zoning Board of Appeals  
May 29, 2013

David Tessier, Chairman, called the meeting to order at 7:00 PM. Board members present: Pat Frazee, Don Neugebauer, and Dave Hale. Ted Spencer, lawyer, and Rick Penhall, Code Enforcement Officer, Rick Penhall were also present.

David Tessier welcomed everyone and introduced the members of the Board.

This public hearing was duly advertised.

This is a hearing for the application for an area variance for Richard and Chris Moseson to construct a bridge at 4167 Pompey Center Rd. They want to put in a small bridge over a creek to connect to a recreational trail system. The location of the bridge is determined by the creek. There needs to be a good foundation therefore, it would be close to 20' from the boundary line. The location of the creek relative to the property line and the optimum site along the creek relative to the height of the banks is unique. They have marked out the boundary line using existing markers noted on their survey and as found on site. They are applying for a variance in the event we are short of the 20'.

David Tessier said that this is a farm zone and there is a 20' side set back with our code. Rick stated that this is an accessory structure.

Pat Frazee asked to clarify that if this is going to connect to a recreation trail system then the set backs are different.

David Tessier asked how big and long the bridge will be

Chris Moseson had the contractors to a drawing. It will be about 6' wide, 25' – 30' long and it will be raised above the creek. This is for a private group for horseback riding, cross country skiing, possible snowmobiles and ATV's. The trail will not be advertised to the public and natural vegetation will hide the bridge from the road.

David Hale said that snowmobilers will probably see it and use it.

Pat Frazee said there is a 25' set back for a recreation use. This is a farm zone.

Chris Moseson said that Karen Dobbertin's property line takes a 45 degree angle about 30' from the road.

Chris said there is a large shed on the property with access from Indian Hill. Chris talked to DEC and the Army Corps of Engineers and they have no issues with the bridge.. The foundation will be above the banks.

Don Neugebauer asked if there is a building code for bridges. Rick Penhall is looking for them.

## Public Comments

Karen Dobbertin said her residence is at 4167 Pompey Center Rd. This bridge will impact her property and she feels it is a very dangerous area because Pompey Center Rd. is very busy. This would invite people to trespass on her property – ATV, motorcycles. Chris has access on Indian Hill Rd. When the Benedicts subdivided, the town asked them for the 200' road frontage so there would not be another curb cut on that property.

Don Brang is here speaking for Karen. Very familiar with the property and knew the Benedicts for years. Don presented the 5 guide lines that this board considers. Karen enjoys her privacy on her property. When Lauren Benedict sub divided the property, the board established the 200' full frontage. Looking at the 5 steps this board uses, Karen can answer to each one and submit it to this board to support her opposition of this construction of a bridge. Karen feels that this will invite others to trespass on her property. Moseson's own 1500' of frontage and Karen feels there is a better place for this access. Karen was not able to prepare herself for this meeting because she just found out about it.

David Tessier said if there is time, Karen could respond to the 5 steps the board uses to determine the area variance.

Chris Moseson said the site line that Don Brang is speaking about is safer on Pompey Center than at Indian Hill where they cross now because of a dip in the road. There is better visibility on Pompey Center Rd. There is ample side area where the vegetation is kept cleared by the town, (county) the 30' right of way. Chris stated that she mailed Karen a letter on May 2, 2013. She did not send it to other neighbors. Chris used to use her driveway but she asked us not to use it anymore. They then started using the creek to cross right where they want the bridge. Chris took a petition around and got about 10 signatures. This will not be seen from Pompey Center Rd. The site needs to be here because of the course of the stream.

Richard Moseson stated that not many people use it for snowmobiles. If they saw more using it they would put up signs.

David Hale asked where the trail is on the other side of Pompey Center. Chris said it attaches to Bill Lipe's property. It will be up to the Moseson's to police the property.

Pat Frazee asked if this spot was chosen because it is the least cost for it. Pat stated the area is too close to the property line and it may infringe on the neighbors rights.

David Tessier would like to hear from Onondaga County DOT and get their comment on site distances, safety, signage.

Richard Moseson asked if we had to move the bridge 5' it would still be ok to use the same trail and come out at the same place and not needing permission. David Tessier said this board is to look at the area variance for the location of this bridge. There is a 25' setback for a recreational structure and we are looking for a change from 25' – 17'. The board makes a judgment as to how everything relates.

Dave Hale said that you are encouraging people to cross the road. There was discussion on whether to make a field trip to the site. Pat Frazee said because of the infringement to neighbors – is there another place to put this bridge.

Don Neugebauer wants to know what direction the bridge has to go to avoid this variance.

Rick Penhall encourages taking a field trip.

Dave Hale made a motion to take a field trip on June 5 at 5pm and seconded by Don Neugebauer.

Roll Call Vote

	Aye	Nay	Other
David Tessier	X		
Don Neugebauer	X		
Dave Hale	X		
Pat Frazee	X		

Motion Carried

We will continue this hearing on June 24, 2013 at 7 pm

Don Neugebauer made a motion to adjourn this meeting 8 pm and seconded by Dave Hale

Roll Call Vote

	Aye	Nay	Other
David Tessier	X		
Dave Hale	X		
Pat Frazee	X		
Don Neugebauer	X		

Motion carried

Respectfully submitted

Carol Crolick