

**MINUTES OF A REGULAR MEETING  
OF THE ZONING BOARD OF APPEALS OF THE TOWN OF POMPEY**

**February 10, 2025**

**7:00 PM**

**Pompey Town Hall**

Board Members Present: David Hale  
Kevin Sharpe  
Donald Neugebauer  
Seara Haines

Also present was Attorney Amelia McLean-Robertson. Chairman Tessier appeared via Zoom. Board Member David Hale chaired the meeting in Chairman Tessier's physical absence.

The purpose of the meeting was to conduct a public hearing on an application submitted by Michael Frateschi, located at 3641 Coleman Hill Road, tax parcel 010.-02-11.3. The applicant is requesting an Area Variance to allow a minimum front yard setback of 13'. Chapter 165 Attachment 1: Schedule Limiting the Use of Buildings and Land, states the minimum front yard setback is 50' in the Farm Zoning District.

Local Zoning Law – Chapter 165 Attachment 1: Schedule Limiting the Use and Land

All fees were paid, the matter was properly advertised, and neighbors were notified.

This is a type 2 action, as the applicant is asking for a single variance on a residential property; no SEQR was needed.

D. Hale read the application aloud.

Present was the applicant, Michael Frateschi. He proposed to build a three-car garage with an attached mudroom. The lot is non-conforming as it is, and because of the grade change from Coleman Hill down to his backyard, it would be very difficult to build a garage that does not require a variance. If he were to push the garage back further, it would significantly increase the amount of the fill needed to complete the project; this would not be feasible.

Mr. Frateschi reviewed as-is photos of the property with the Board. He will need to remove the tree that was present in the photos. He did not look to the other side of the property for the garage because there are drainage issues on that side, and would affect the view from his kitchen window.

S. Haines noted that there appeared to be a stream present on the property. The stream is very close to the property line.

D. Hale asked how far off the road they are elevation-wise. The applicant believed that it would be approximately a 20-foot difference. He will collect runoff and trench it out to the swale.

Mr. Frateschi noted that the centerline of the road on the survey is off; it is approximately 45 feet and it should be a 66-foot right of way. His front yard boundary was pushed west significantly and therefore he required a larger variance.

The home was built in 1983.

D. Tessier noted that it might appear that the variance is major; however, the irregularity in the centerline of the road is very significant. He likes the angle that the garage will be built at. There are many roadside trees present in the area and the driveway not be changed.

Mr. Frateschi reviewed the plans with the Board. His background is in Civil Engineering and storm water, so he put a significant amount of consideration into any potential drainage issues. The exterior of the home is metal log siding; they have lived there since 2016.

D. Tessier said that one of his concerns was drainage to the home, but it sounds as if this issue has been mitigated. He was impressed with the applicant's presentation.

D. Neugebauer made a motion to open the public hearing at 7:25 pm. S. Haines seconded the motion at 7:25 pm. All were in favor, none were opposed. The motion carried at 7:26 pm. No one was present to speak. D. Neugebauer made a motion to close the Public Hearing at 7:26 pm; S. Haines seconded the motion at 7:26 pm. All were in favor, none were opposed. The motion carried at 7:26 pm.

The Board deliberated the five considerations that are required under State Law that will help them answer the question about whether the benefit to the applicant in granting the two variances outweigh any determinant to the community/neighborhood.

**1. Whether the benefit sought by the applicant can be achieved by some other feasible method?**

D. Neugebauer did not feel that there a different way to get the benefit existed. Flipping to the garage to other side of the property would cause further drainage issues.

**2. Whether the variance will result in an undesirable change in the character of the neighborhood?**

No, it would not.

**3. Whether the requested variance is substantial?**

Yes, the variance requested is substantial in nature.

**4. Whether the variance will have an adverse effect on physical or environmental conditions?**

No, it would not.

**5. Whether the alleged difficulty was self-created?**

Yes, the difficulty was self-created.

D. Neugebauer made a motion to approve a 37-foot variance to add a garage to the home at 7:30 pm. D. Tessier seconded the motion at 7:30 pm. All were in favor, none were opposed. The motion carried at 7:33 pm.

S. Haines made a motion to close the meeting at 7:34 pm. D. Neugebauer seconded the motion at 7:34 pm. All were in favor, none were opposed. The meeting was closed at 7:34 pm.

Respectfully Submitted,

Sarah LoGiudice  
Secretary to the Zoning Board of Appeals  
Town of Pompey