TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS HEARING
WEDNESDAY, 5/22/2013, 7:30 PM

ZONING MEMBERS PRESENT:	**JIM LEVESQUE**	**DICK BARTON**
	HELEN EMICK	**PAUL SILZLE**
	GREG MICHALAK	**DAN THOMAS**
	Brad Lawson, Zoning CEO	
	Dave Stapleton, Attorney	

OTHERS PRESENT: **Will Ortman** **Ralph & Kim Scott**

Mr. Levesque opened the hearing at 7:30 PM. Mr. Stapleton swore in all who expressed intent to speak at the hearing.

1. **(Re-hear) J. Regis Thompson, II, requesting Area Variances to construct a covered deck closer to side and rear setbacks than allowed in section 401 of the Zoning Code at property located at 3666 Watson Rd., Stow, NY, specifically Section 332.16-1-2 (old #20-4-2).**

Mr. Levesque stated this was a re-hear of a case heard at the previous ZBA hearing (ref. 4/24/13 minutes). He acknowledged receipt of the deck drawing and materials list. Mr. Thompson said he had drawn on the site plan where the septic tank and leach fields are located. Mrs. Emick asked about the small building that houses the water tank. She also asked about lot coverage and there was lengthy discussion of the subject. Mr. Thompson said he would like to reduce the width of the deck from 6' to 5 ½'. Mr. Levesque asked if there were any questions regarding the application.

Mr. Scott expressed concern about any addition of gravel to raise the yard up to the deck level as this causes runoff onto neighboring properties. He also expressed concern that installing the posts for the porch might damage the septic tank or leach field.

Mr. Levesque reviewed Town Law Section 267 b. 3. Area Variances, questions 1. – 5. Responses were 1) no 2) no 3) yes 4) no 5) yes.

Mr. Levesque motioned to grant Area Variances to J. Regis Thompson, II, to construct a 6'x16' covered deck closer to side and rear setbacks than allowed in Zoning Code Section 401 as outlined in his application and described in the 4/24/13 and 5/22/13 ZBA minutes, at property located at 3666 Watson Rd., specifically Section 332.16-1-2 with the following conditions:

- **Only one step to be allowed on the deck**
- **Upon completion, if there are any runoff or drainage issues that affect any neighbors or cause any pooling, it must be addressed to the Zoning C.E.O.'s satisfaction.**

Mr. Thomas seconded. AYE (6): Levesque, Barton, Emick, Michalak, Silzle, Thomas. NAY (0). The motion was carried.

The hearing was adjourned at 8:15 PM.

Nancy Thomas
Town Clerk