

Newfields Zoning Board of Adjustment
August 26, 2020

Attendance: Kent Lawrence, Michelle Sullivan, Jack Steiner, Alternate Steve Yevich and Bob Elliott.
Absent from the meeting was Betsy Coes.

Case 20-08-26-01-Kevin & Kimberly Abrahamson-Accessory Dwelling Unit

The applicant Kevin Abrahamson was before the Board to request a Special Exception for an Accessory Dwelling Unit, per Article 4, Section 4.14 of the Newfields Zoning Ordinances. The proposed ADU will be a one bedroom with a kitchen and living room. The property is in the Residential Agricultural District located at 21 Main St, Newfields Map 101 Lot 15.2.

Kevin Abrahamson presented his case.

4.14.4.1.1-The proposed addition will meet setbacks for a single-family home. The lot is 4.2 acres and the addition will be 23 feet from the northeast boundary. There are no changes to the rear or front setbacks.

4.14.4.1.2-Occupancy of the dwelling. The proposed ADU will be one bedroom for two adults and meets occupancy policy of the US Dept of Housing.

4.14.4.1.3-The appearance of the building will remain that of a one-family dwelling. The pictures and drawings indicate that the home will look like a single-family dwelling. The entrance will be on the left side of the structure and is not visible from the road.

4.14.4.1.4- The size of the apartment shall not exceed 1.3 of living area of entire dwelling. The total ADU living area will be 1,006sf and the total structure living area will be 3,276ft. The total sf will be less than 1/3 of the total structure.

4.14.4.1.5-The structure will continue to be owner occupied. The home will continue to be owner occupied by Kim and Kevin Abrahamson.

4.14.4.1.6-No more than two bedrooms are permitted. The plans show a one-bedroom ADU.

4.14.4.1.7-Off street parking shall be provided for at least four vehicles. There will be ample parking on the property as shown on the sketch.

4.14.4.1.8-The structure shall not be converted to a condominium. The structure will continue to be a single-family dwelling.

4.14.4.1.9-Evidence septic system will be adequate for both units and there will be adequate potable water. Kevin stated that he has had test pits done and is in the process of getting a new septic design approved by the State. Mike Cuomo has approved the design and they are awaiting on State approval. The new septic will only be installed if the existing system fails.

Kent asked about the number of bedrooms in the entire structure. Kevin said the existing home is five bedrooms but will be a four bedroom after the ADU is built. The current system is rated for four bedrooms. The new system will be rated for 5 ½ bedrooms.

Kent said the Board still needs a written statement from Mike Cuomo stating that the septic system is adequate for the home and ADU and the owner must provide evidence that there is adequate potable water.

Kevin mentioned that the existing septic system was built in 1996 and is in good working order. He indicated that the State is asking for something from the Town stating the property is going to be a four bedroom with a one-bedroom apartment, upon completion. Kevin also noted that if the new septic design needs to be installed the protective well radius will extend five feet over his property line.

The Board discussed potential issues with the encroachment on the abutting property when the new septic system needs to be installed.

Kevin said the well radius release will be a component of the new septic design. It is a release of liability from him to his neighbor.

4.14.4.1.9.2-A floor plan showing the changes. A plan showing the changes was provided.

4.14.4.1.9.3-A sketch plan of the lot with existing and proposed structures and parking. A sketch was provided showing proposed structures and parking.

4.14.4.1.9.4-Evidence from the building inspector that all building requirements can be met. Larry Shaw provided a letter.

A motion was made by Bob and seconded by Steve to grant the special exception for an accessory dwelling unit conditional on septic design approval and a written statement from Mike Cuomo stating the existing facilities (septic and water) are adequate per Section 4.14.4.1.9.1. Additionally, a copy of the well release will be provided for the files. All were in favor and the motion carried.

The meeting adjourned at 8:05pm.

Kent Lawrence, Chairman