

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
December 5, 2023**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday December 5, 2023, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Chairman, called the meeting to order at 7:00 P.M and roll was taken.

Board Members

Present: Joe Burns, Robert Hatch, Tim Steves, Mike Grasso

Absent: Laura Michaels, Kane Gascon

Others Present:

Ty Fischer, 637 Wheatland Center Rd.
Terry Rech, Building Inspector
Ed Shero, Town Board Member
Ray DiRaddo, Town Attorney

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the July 5, 2023, meeting. The meeting minutes were approved as submitted. Joe Burns made such a motion; Tim Steves seconded the motion. The vote was as follows:

Joe Burns	-	Aye
Tim Steves	-	Aye
Robert Hatch	-	Abstain
Michael Grasso	-	Aye

With all present members voting in favor, the motion was carried.

Second Order of Business:

The application of Ty Fischer of EnCompass Pipeline, LLC as agent for B & T Property Holdings, LLC to seek an amendment to a previous use variance of Section 130-9 and 130-10 to allow the operation of a utility pipeline construction company business office and storage. Seeking a modification of the previous business office and log transfer station in an AR-2 Zoning District. Property address is 637 Wheatland Center Road, Scottsville NY 14546. Tax Parcel #185.04-1-2.

Mr. Fischer stated that the reason he is here this evening is to request a Use Variance for 637 Wheatland Center Road so he can run his utility pipeline construction business at this location. He thought that the use variance would transfer over from the previous business, but it does not. He would also like to propose building a larger shop to work on the vehicles, the equipment, and to do some light fabricating. In the future he would like to build another smaller building to the west of the existing barn. Mr. Fischer also stated that they will be utilizing the outdoor space on the property to store their equipment and piping. Though he purchased the property quite some time ago, he has not utilized the facility, he has been busy at another location.

Chairman Grasso asked Terry Rech, Building Inspector for some history on 637 Wheatland Center Road. Terry stated that the property has had a quasi-industrial use for some time. Many years ago, a site plan was granted for a nursery. The nursery was viewed as AG, it was not under a variance. In 2006 a variance was granted to Woodwise

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– Timber operations. This was viewed as somewhat AG but more of an industrial look and feel. With that said, history is more of commercial occupancies than residential or AG.

Chairman Grasso explained to Mr. Fischer what needs to happen for the Board to approve this Use Variance. He stated that the biggest “test” he must convince the board of is to prove the hardship that is involved. To make that decision a lot of information needs to be brought forth and the Board would need to do some research.

Board Member Joe Burns asked if this is a new variance, a continuation of an existing variance or a special exception? Terry stated it would be a new use because it is an entirely different business. The Board will have to show its due diligence in discussion and rationalization.

Chairman Grasso asked Town Attorney Ray DiRaddo his opinion on self-created hardship when already owning the property. Mr. DiRaddo stated that even though he purchased the property knowing he would need a different use variance he can still bring the application forward. He stated that even though the four tests should be met, have the applicant prove the first three and hear the information on the fourth. Do some research and then decide.

Mr. DiRaddo asked the applicant a few questions for the record:

What are they going to be fabricating at the site?

Mr. Fisher: They construct different above and below ground pipeline facilities. They will be fabricating certain pieces of materials made of steel, plastic, and HDPE piping.

What time will they be utilizing the facility?

Mr. Fisher: 8 – 10 hours, approximately 7am – 5pm.

What will be stored at the facility?

Mr. Fischer: They will be storing support equipment, protective safety gear, welding, and steel fittings. Outside they will be storing timber matting.

How many people will there be at the facility daily?

Mr. Fischer: Approximately 20-30 employees on top of the normal 15-20 support people.

Terry Rech stated that this shows the uniqueness of this situation, he is struggling with the self-created hardship. The previous use was specific – it was a storage processing facility of wood only; no milling was being done. The board at that time was very specific. However, they did not indicate what the concerns were. The motorcycle track to the north is new, certainly that has created a negative impact on the permitted uses for this land since that variance was approved but he is still struggling with the self-created component of this.

Mr. DiRaddo read our own code aloud. Definition of AR-2 defines business development is permitted. But should blend visually and architecturally with the adjacent residential and agricultural use. Development should be compatible with the surrounding area.

Board Member Joe Burns shared that he thinks they should make the best use of the land. He believes this is not a suitable location for residential. There are no homes nearby, there are wetlands on the property, and the RG& E substation and thruway are all right there.

Chairman Grasso stated that he would like to hold off on SEQRA until they research more details. He asked the Board Members to investigate self-created hardships and he suggested to Mr. Fischer to come back next month and be prepared to present the financial hardship in detail.

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He then asked the board to make a motion to table this meeting until next month.

A motion to table the application of Ty Fischer until the January 2, 2024, meeting was entertained by Tim Steves and seconded by Robert Hatch. The vote was as follows:

Tim Steves	-	Aye
Joe Burns	-	Aye
Robert Hatch	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Tim Steves entertained a motion to adjourn. Joe Burns seconded the motion. The vote was unanimous. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary