

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
August 6, 2024**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday August 6, 2024, 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: Laura Michaels, Tim Steves, Kane Gascon,
Robert Hatch, Mike Grasso

Absent: Joe Burns

Others Present:

Rose Salay-Luther, Property Owner
John Sciarabba, LandTech
Eric Stowe, Town Attorney

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the June 4, 2024, meeting. The meeting minutes were approved as submitted. Robert Hatch made such a motion; Tim Steves seconded the motion. The vote was as follows:

Laura Michaels -	Aye
Robert Hatch -	Aye
Tim Steves -	Aye
Kane Gascon -	Aye
Mike Grasso -	Aye

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

Second Order of Business:

The application of Rose Salay-Luther to seek an area variance of Article II, Sections 130-9, 130-11 of the Code of the Town of Wheatland, to allow a substandard lot and accessory structure setback relief to alleviate an error in private sewage disposal. The location is in an AR-2 zoning district. The subject parcel is 2100 Wheatland Center Rd. Scottsville, NY 14546. Tax I.D. #209.04-1-21.

Mr. Sciarabba, representative for the Luther family, stated that the homeowner at 1763 South Road constructed an above ground pool and deck, this pool was wired to the existing home and used as part of the property even though it was clearly located at 2100 Wheatland Center Road. Also, a portion of the septic servicing the home at 1763 South Road were constructed over their property line. The goal of this project is to create a property line to put the pool and septic leach within the limits of the property at 1763 South Road. Mr. Sciarabba stated that both properties are located in an AR-2 zoning district and are preexisting non-conforming lots. Creating the new lot line would not meet the zoning code since the two lots would be under two acres, and the setbacks would be under twenty feet. This property does not meet the requirements for an Alteration of Line, so he is asking the Boards for approval on the area variance for this site.

With no further questions from the Board the floor was opened for public comment at 7:12 P.M.

There being no public before the board, public comment was closed at 7:13 P.M.

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The Town Attorney, Eric Stowe stated that the applicant should be aware that should the Town grant the area variance, there still may be title issues that should be addressed for future sale of the property. Mr. Sciarabba stated that he agrees with the Town Attorney, and should the variance be granted they will need to go through the sub-division process and will make a note that the seasonal garden fence will need to be removed and rebuilt on the correct property.

The Board members considered and discussed the details and effects of the requested variance.

The Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66, after careful consideration and review of the evidence presented and having heard all the facts hereby, approves the application, of Rose Salay-Luther. This motion was based upon the following finding of facts:

- 1.) The granting of this area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, demonstrated by: no construction taking place, no visible change to neighborhood.
- 2.) The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance, as shown by: would be expensive, even if possible, to relocate leach field. Costly to move pool & deck.
- 3.) The requested area variance is not substantial as evidenced by: only exchanging a small plot of land and increasing the non-conformity of a lot while decreasing the non-conformity of another.
- 4.) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as shown by: same as number 1.
- 5.) And that the condition has been self-created, as shown by: the pool was knowingly constructed on one lot by owner/resident of another.

Motion to approve the variance with conditions was made by Robert Hatch and seconded by Kane Gascon. The vote was as follows:

Tim Steves	-	Aye
Robert Hatch	-	Aye
Kane Gascon	-	Aye
Laura Michaels	-	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. Kane Gascon seconded the motion. The vote was unanimous. The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary