

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
September 3, 2024**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday September 3, 2024, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Joe Burns, Chairman, called the meeting to order at 7:20 P.M and roll was taken.

Board Members

Present: Laura Michaels, Tim Steves, Kane Gascon,
Robert Hatch, Joe Burns

Absent: Mike Grasso

Others Present:

Dominic Pillittere, Property Owner

First order of Business:

Chairman Burns asked for a motion to accept the Minutes from the August 6, 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
Joe Burns -	Abstain

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

Second Order of Business:

The application of Dominic Pillittere to seek an area variance of Article II, Sections 130-9, 130-11 of the Code of the Town of Wheatland, to build a side deck that will encroach on the required seventy-five’ front setback in an AR-2 zoning district. The subject parcel is 57 Guthrie Road in Mumford, NY 14511. Tax I.D. #208.04-1-21.

Mr. Pillittere is looking to build a deck off the side of his house. The house is pre-existing, non-conforming, the house encroaches the setback that is required. They would like to build the deck, so they have easier access to the outside. Mr. Pillittere stated that he does not believe this would have any effect on the neighborhood or nearby properties. He also asked if he built a patio instead would he need a variance? It was stated that he would not need a variance or a permit if he were to pour a patio, but it would be a good idea to proceed with the variance, should it get granted he would then be able to build the deck. Board member Tim Steves asked if there was a reason as to why he did not want to build the deck off the back of the house instead. Mr. Pillittere stated that there is a leach field back there and they also already have an outdoor sitting area in that spot.

With no further questions from the Board the floor was opened for public comment at 7:35 P.M.

There being no public before the board, public comment was closed at 7:37 P.M.

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

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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 Dominic Pillittere. 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: The porch will be no closer to front setback than the existing non-conforming house and most other houses in the area are non-conforming on front setback.
- 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: This is where it fits in best for their purposes.
- 3.) The requested area variance is substantial as evidenced by: The porch will be approximately thirty-seven feet off the right of way which is approximately 50% of the setback required. The front of the house is 16.8 feet off the right of way.
- 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: Most other houses in the neighborhood are non-conforming on the front setback and this porch will be behind the existing house setback.
- 5.) And that the condition has not been self-created, as shown by: House construction pre-dates the zoning.

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
Joe Burns	-	Aye

All were in favor and the motion was carried.

There being no further business, Bob Hatch entertained a motion to adjourn. Laura Michaels seconded the motion. The vote was unanimous. The meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary