

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
February 3, 2026**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, February 3, 2026, 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, Laura Michaels, Mike Grasso

Absent: Kane Gascon, Eric Stein

Others Present:

Mr. Doug Kohn, Property Owner

Mr. Angelo DeAngelis, Property Owner

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the November 5, 2025, meeting. The meeting minutes were approved as submitted. Laura Michaels made such a motion; Joe Burns seconded the motion. The vote was as follows:

Joe Burns -	Aye
Robert Hatch -	Aye
Laura Michaels -	Aye
Mike Grasso -	Aye

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

Second Order of Business:

The application of Sara and Doug Kohn of 45 Blue Pond Manor to seek an area variance to allow and construct an accessory structure that does not comply with the required front and side setbacks at 45 Blue Pond Manor in an AR-2 residential zoning district. Tax ID # 185.19-1-6.2.

Doug Kohn, owner of 45 Blue Pond Manor came before the Board to request front and side setback variance to construct an accessory structure on a lot which does not have a primary structure on the property across from his home. Mr. Kohn would like to build a 50' x 30' structure to store his equipment which would clean up his yard. The structure would not exceed the height of his neighbor's garage. He stated he is requesting a 45' front set back which would align with the neighbors and asking for 10' on each side due to the size of his lot. He did have an existing variance but that has expired.

With no questions from the Board the floor was open for public comment at 7:15 P.M.

Gary Hultz of 43 Blue Pond Manor stated concerns of drainage/environmental impact and the size of the garage for the lot.

Dave Livingston of 47 Blue Pond Manor asked about a current survey, permit renewal policy and if additional accessory structures would be allowed

Robert Gall of 68 Blue Pond Manor questioned the front setback

2 | Town of Wheatland Zoning Board of Appeals

Mike Starr of 54 Blue Pond feels that Doug should be allowed to have a garage, the majority of folks living on Blue Pond have been approved for garages.

Donna Treat of 38 Blue Pond has concerns about the drainage and access to the back of the property with 10' side setbacks.

Public comment was closed at 7:50 P.M.

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 with conditions the application of Sara and Doug Kohn. 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: many other garages with similar setbacks exist in the area.
- 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: the lot is only as big as it is and is pre-existing, non-conforming.
- 3.) The requested area variance is substantial as evidenced by: reduction in side setbacks – both sides are 50%, reduction in front setback is in the neighborhood of 50%.
- 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: area where garage is to be built is already surfaced with stone, gravel, asphalt impervious surface.
- 5.) And that the condition has not been self-created, as shown by: pre-existing, substandard lot size
- 6.) Further that this variance is subject to the following conditions:
 1. Remove any existing accessory structures
 2. Front setback no closer than 40' from the edge of the paved road
 3. No other accessory structures will be allowed on the lot

Motion to approve the variance with conditions was made by Laura Michaels and seconded by Joe Burns. The vote was as follows:

Joe Burns	-	Aye
Robert Hatch	-	Aye
Laura Michaels	-	Aye
Mike Grasso	-	Aye

Third Order of Business:

The application of Angelo DeAngeles to seek a use variance to allow the continued operation of a pre-existing business in an AR-2 zoning district. Property address is 8990 Union St, 14546. Tax ID# 186.03-1-10.

Robert Hatch, agent for Mr. Angelo DeAngelis came before the Board to ask for a use variance for the existing masonry business. His client is doing some estate planning and needs to separate the existing residence from the existing business. This parcel and business were originally approved back in May of 2000, at that time this area was zoned R-P in anticipation of a proposed new exit off the NYS thruway, it did not come to fruition, and this area has since been rezoned to the AR-2 zoning district where businesses are not an approved use. The proposed variance will have no effect on the character of the neighborhood; it has been there for over 25 years and there is no proposed construction. Mr. Hatch stated that his client ultimately intends to sell his business to his son, if the existing house needs to be included with the sale of

3 | Town of Wheatland Zoning Board of Appeals

the business, it would be unaffordable for his son. The house was assessed at over \$800,000 plus the business would be over 1 million dollars. Mr. Hatch also mentioned that the hardship goes back to the original approval in the year 2000 of this site that required that the business and the caretaker's residence not be further divided. Now that the zoning has changed to AR-2 the business is not an allowed use, forcing them to use the variance to allow the subdivision and continued use of the business on a stand-alone lot.

With no further questions from the Board the floor was opened for public comment at 8:47 P.M.

There being no public before the board, public comment was closed at 8:48 P.M.

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 130-60 after careful consideration, review of the evidence presented and having heard all the facts determines that; this use variance Type II action under SEQRA.

Further, the action taken on this application to be the minimum variance that it deems necessary and adequate to address the unnecessary hardship of the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The Town of Wheatland Zoning Board of Appeals hereby approves with conditions the application of Angelo DeAngelis. This motion is based upon the following finding of facts:

1. The applicant can not realize a reasonable return, as demonstrated by: Cost of the "caretakers residence" that was allowed to be built when the property was zoned R-P adds a prohibitive amount to the cost of the business property. (<\$800,000)
2. That the hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood as shown by: This business was the only one constructed in the short time that the neighborhood was zoned R-P.
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood as shown by: The business already exists as a 'pre-existing, non-conforming use' and is not changing.
4. And that the alleged hardship has not been self-created: Zoning was changed when the business was a conforming use.
5. Further that this variance is subject to the following conditions:
 1. The business will remain as a masonry or similar type non-retail business or any business allowed with Special Exception in an AR-2 zone.

Motion to approve the variance with conditions was made by Joe Burns and seconded by Laura Michaels. The vote was as follows:

Joe Burns	-	Aye
Robert Hatch	-	Abstain
Laura Michaels	-	Aye
Mike Grasso	-	Aye

With the majority of members being in favor, the motion was carried.

There being no further business, Laura Michaels entertained a motion to adjourn. Joe Burns seconded the motion. The vote was unanimous. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary