

**Meeting Minutes  
Town of Wheatland  
Zoning Board of Appeals  
March 1, 2022**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday March 1, 2022, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Chairman, called the meeting to order at 7:35 P.M and roll was taken.

**Board Members**

**Present:** Mike Grasso, Joe Burns,  
Laura Michaels, Tim Steves, Robert Hatch

**Absent:** Kane Gascon

**Others Present:**

Terry Rech, Building Inspector  
Mr. Ray DiRaddo, Town Attorney

**First order of Business:**

Chairman Grasso asked for a motion to accept the Minutes from the November 3, 2021, meeting. The meeting minutes were approved as submitted. Laura Michaels made such a motion; Joe Burns seconded the motion. The vote was as follows:

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

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

Chairman Grasso asked for a motion to accept the Minutes from the February 1, 2022, meeting. The meeting minutes were approved as submitted. Joe Burns made such a motion; Tim Steves seconded the motion. The vote was as follows:

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

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

**Second Order of Business:**

The application of Andrew DeHaas to seek an area variance of Article II, Sections 130-10., and 130-23 (B) of the Code of the Town of Wheatland, to build a 24' wide x 64' long accessory structure, encroaching the 20' required side setback in an AR-2 zoning district. The subject parcel is 136 Cedars Ave., Churchville, NY. Tax I.D. #185.03-1-13.

The applicant, Andrew DeHaas presented and discussed several reasons driving the need for this area variance application:

- Mr. DeHaas stated he would like to build a 24' garage/workshop on his property. To build this in a convenient and usable location he is requesting a 7' side setback.

## 2 | Town of Wheatland Zoning Board of Appeals

---

- Mr. DeHaas stated that this is the only feasible location for the building. The current driveway is on the property line. Due to the location of the house and the septic tank, he would have to go back 50-100' to comply. He feels that this would not be a good option as he would like to use the building as a day-to-day garage for vehicle storage. Also, additional costs for driveway installation and electrical materials would then need to be involved.
- There is also a shed that is located on the property line, which had no permit, from a previous owner and he will be taking that down.
- Mr. DeHaas believes there would not be any negative effect on the neighborhood. Adjacent to his property is the golf course and the land is not likely to ever be developed.
- Mr. DeHaas stated that the new garage would enhance the neighborhood.

Chairman Grasso asked Mr. DeHaas to verify the location of the septic tank and septic field. Mr. DeHaas also mentioned that the propane tank would be relocated. The total size of the proposed building is 24' x 64'. There would be a phase I, the one-story garage 24' x 24' and then eventually he would add onto the building to build the workshop.

Chairman Grasso stated that he has a concern with the amount of variance Mr. DeHaas is requesting. He has a 3-acre lot which is 200' wide, it seems a little extreme to get the garage within 7' of the property line. Chairman Grasso stated he would like to suggest another option that does not seem to get any closer to the septic tank and it is not an extreme change. He suggested moving the proposed building back 9' and then over to a 15' side set back.

Chairman Grasso explained that the Board gets a lot of requests for lots that do not comply with current zoning codes. This makes it difficult to get things far enough off the lot line. This is not the situation here, the lot is completely compliant, this is what the setbacks were made for. He explained that when a lot is 100' wide or less they have difficulty getting the setbacks they need, but that is not the case here. Chairman Grasso asked Mr. DeHaas if he is amenable to adjusting his request and he responded in the affirmative.

Chairman Grasso asked Building Inspector, Terry Rech his thoughts. Terry stated that Chairman Grasso's suggestion sounds like a reasonable option.

With no further questions from the Board the floor was opened for public comment at 7:45 P.M.

There being no public before the board, public comment was closed at 7:46 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 Andrew DeHaas. 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: 5' reduction in setback would hardly be noticeable from the road and the neighbor (golf course) property.
- 2) The benefit sought by the applicant can not be achieved by some method, feasible for the applicant to pursue, other than an area variance, as shown by: moving further back to get clear of septic system would add considerable expense, and extra paving.
- 3) The requested area variance is not substantial as evidenced by: only 5' reduction in 20' minimum.

### 3 | Town of Wheatland Zoning Board of Appeals

---

- 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: 5' reduction in setback to an accessory structure allowed wouldn't change any impact on the environment.
- 5) And that the condition has not been self-created, as shown by: current owner did not site the house or the septic area.

Further that this variance is subject to the following condition: 1. Building(s) Phase I, garage and Phase II, potential workshop are constructed no closer than 15' from the side property line.

Motion to approve the variance was made by Robert Hatch and seconded by Tim Steves. The vote was as follows:

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

All were in favor and the motion was carried.

There being no further business, Robert Hatch entertained a motion to adjourn. Tim Steves seconded the motion. The vote was unanimous. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

*Lisa J. Bates*

Lisa J. Bates  
Recording Secretary