

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
July 1, 2025**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday July 1, 2025, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Chairman, called the meeting to order at 7:15 P.M and roll was taken.

Board Members

Present: Joe Burns, Eric Stein, Kane Gascon
Robert Hatch, Mike Grasso

Absent: Laura Michaels

Others Present:

Shane Seaburg, Property Owner
Christopher Riggi, Property Owner

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the September 3, 2025, meeting. The meeting minutes were approved as submitted. Joe Burns made such a motion; Kane Gascon seconded the motion. The vote was as follows:

Joe Burns -	Aye
Eric Stein -	Aye
Kane Gascon -	Aye
Robert Hatch -	Aye
Mike Grasso -	Abstain

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

Second Order of Business:

The application of Shane Seaburg of 77 Blue Pond Manor to seek an area variance to allow and construct an addition that does not comply with the required front setback in an AR-2 residential zoning district. Tax ID # 198.07-1-11.

Mr. Seaburg stated he is requesting an area variance for a front setback for the purpose of building an addition to the side of the existing cottage. There is currently only a loft for sleeping. He would like to add two additional bedrooms to turn the cottage into more of a home. The front setback for the addition would be the same setback as the existing cottage which is 23.6 feet. In addition, Mr. Seaburg stated that all the existing structures in the Blue Pond area are non-conforming. There will be no effect on the character of the neighborhood and/or nearby properties and the feedback he has received from the local HOA and neighbors has been 100% positive.

With no further questions from the Board the floor was opened for public comment at 7:26 P.M.

Mr. Zingo of 63 Blue Pond Manor stated that there would be little impact on the neighborhood and is in favor of the addition.

With no other comments, the public comment was closed at 7:28 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 as requested the application, of Shane Seaburg. This motion was based upon the following findings 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: 1. Almost every lot in the neighborhood is non-conforming. 2. Improve property that is getting variance.
- 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: Very limited space for any additions and the proposed location is not going to increase the non-conforming front setback.
- 3.) The requested area variance is substantial as evidenced by: reducing the 75' required setback to 39'+.
- 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: 1. Relatively small addition which does not even add much impervious area.
- 5.) And that the condition has not been self-created, as shown by: current non-conformity of the existing house.

Motion to approve the variance as requested was made by Robert Hatch and seconded by Joe Burns. The vote was as follows:

Joe Burns	-	Aye
Eric Stein	-	Aye
Kane Gascon	-	Aye
Robert Hatch	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

Third Order of Business:

The application of Christopher Riggi to seek a use variance of Article II, Section 130-10 of the Code of the Town of Wheatland, to allow construction of a 6' privacy fence in the F-1 portion of his parcel that straddles an R-16 & F-1 zoning district. The subject parcel is 1045 George Street in Mumford, NY 14511. Tax I.D. #208.15-1-75.1.

Mr. Riggi stated that he is requesting a use variance to put up a fence in his backyard. He stated that the DEC does not consider 1045 George St. to be in a flood zone, however, the Town of Wheatland does. The fence would be 110 feet in length with a 6' gate. He and his wife have two young children that love to play in the backyard, their new neighbor's lifestyle does not match that. Mr. Riggi stated that the new privacy fence would add value and privacy to both his and his neighbor's property. He believes that the proposed fence will not have a negative effect, it is a low impact installation on already developed residential land. Mr. Riggi also stated several times that he is willing to compromise on the fence structure based on how the Board sees fit.

Chairman Grasso reviewed the F-1 and Wetlands maps. He stated that it looks like the majority of the property is no longer in the flood zone. Mr. Riggi explained that the wetlands behind his house are owned by the Genesee Country Village Museum and dry up in the summer.

A question was raised as to the type of fence, Mr. Riggi stated that the fence will be a wooden 6' high fence, 4" off the ground.

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

Mr. John Allen of 1021 George St. stated that he is a neighbor of Mr. Riggi's, and he has lived in the neighborhood for 20 years. He has never seen any flooding in that area in all the years he has lived there. He does not have any issues with his neighbor building the fence.

With no other comments, the public comment was closed at 7:47 P.M.

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

Bob Hatch made a motion to declare the SEQRA Negative Impact of the use variance of 1045 George St., construction of a fence (Tax Parcel: 208.15-1-75.1 to be an unlisted action under SEQRA 6 NYCRR 617.7 and per section 617.20, after review of SEQRA EAF part two short form determines that there are no significant impacts. Seconded by Kane Gascon, and approved as follows

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns			x			
Kane Gascon		x	x			
Eric Stein			x			
Robert Hatch	x		x			
Mike Grasso, Chair			x			

The Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-60, after careful consideration and review of the evidence presented and having heard all the facts hereby approves with conditions the application, of Christopher Riggi. This motion was based upon the following findings of facts:

- 1.) The applicant can not realize a reasonable return, as demonstrated by: there is no other way to achieve the desired privacy other than a fence.
- 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: on a few lots in the neighborhood have a portion in the F-1 Zone.
- 3.) That the requested use variance, if granted, will not alter the essential character of the neighborhood as shown by: variance is only for a fence.
- 4.) And that the alleged hardship has not been self-created.
- 5.) Further that this variance is subject to the following conditions: applicant and future owners will construct the fence 3-4" above the ground to allow water to flow under.

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

Joe Burns	-	Aye
Eric Stein	-	Aye
Kane Gascon	-	Aye
Robert Hatch	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Kane Gascon entertained a motion to adjourn. Eric Stein seconded the motion. The vote was unanimous. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary