

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
January 2, 2024**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday January 2, 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: Joe Burns, Robert Hatch, Tim Steves, Laura Michaels, Kane Gascon, Mike Grasso

Others Present:

Ty Fischer, 637 Wheatland Center Rd.
Terry Rech, Building Inspector
Ed Shero, Town Board Member

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the December 5, 2023, meeting. Chairman Grasso did state there was one minor change, to change that a motion to table the application of Ty Fischer until the January 2, 2024, meeting was entertained, not made, by Tim Steves was noted. The meeting minutes were approved as corrected. Robert Hatch made such a motion; Tim Steves seconded the motion. The vote was as follows:

Joe Burns	-	Aye
Tim Steves	-	Aye
Robert Hatch	-	Aye
Kane Gascon	-	Abstain
Laura Michaels	-	Abstain
Michael Grasso	-	Aye

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

Second Order of Business:

The application of Ty Fischer of EnCompass Pipeline, LLC as agent for B & T Property Holdings, LLC to seek an amendment to a previous use variance of Section 130-9 and 130-10 to allow the operation of a utility pipeline construction company business office and storage. Seeking a modification of the previous business office and log transfer station in an AR-2 Zoning District. The property address is 637 Wheatland Center Road, Scottsville NY 14546. Tax Parcel #185.04-1-2.

Chairman Grasso asked the Board if they all had a chance to read Terry's Opinion statement. All Board members stated they had read the letter. Chairman Grasso then stated that the Town has received a letter from the applicant, Mr. Ty Fischer, with a request to repeal his application. With that said, there is no further action that the Board needs to take.

Chairman Grasso asked if there is any future business. Terry Rech, Building Inspector stated that there may be a similar case to this one coming up regarding Rapid Dry, located on North Road. We have not received an application yet. Chairman Grasso stated there is need for a work session in the month of January.

There being no further business, Joe Burns entertained a motion to adjourn. Robert Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 7:10 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
June 4, 2024**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday June 4, 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 8:30 P.M and roll was taken.

Board Members

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

Absent:

Others Present:

Brandi Spezzano, Property Owner
Sean Sullivan, Building Inspector
Eric Stowe, Town Attorney

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the January 2, 2024, meeting. The meeting minutes were approved as submitted. Joe Burns made such a motion; Kane Gascon seconded the motion. The vote was as follows:

Laura Michaels -	Aye
Robert Hatch -	Aye
Joe Burns -	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 Brandi Spezzano to seek an area variance of Article II, Sections 130-9, 130-11 of the Code of the Town of Wheatland, to build a front porch with roof that will encroach on the required front setback in an R-16 zoning district. The subject parcel is 702 State Street Mumford, NY 14511. Tax I.D. #208.12-1-42.

Ms. Spezzano is seeking an area variance to allow her to place a front porch with a roof onto the front of her home. She is looking to replace the existing worn front deck with a new, larger deck (12' X 16") with a covered roof. The roof/deck will not be permanently attached to the house but will be built appropriately and per code requirements. Her home is a mobile home. She stated that the existing deck is worn, unsafe with loose screws and boards. Replacing the current deck with a new deck and roof will be a major improvement to the character of the property. Ms. Spezzano stated that there will be no environmental effect. She stated that as newer homeowners to this property, they are eager to continually improve the aesthetics of the property, thus increasing the value of nearby properties as well.

Chairman Grasso asked Building Inspector, Sean Sullivan his thoughts on this request. Sean stated that he knows that area very well, he lived in Mumford for four years. He thinks that this would be a nice improvement. He stated that if you look at the houses

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down this road, they are all close and pre-existing to the 35' front set-back. He stated that the neighbor's house is even closer to the road.

With no further questions from the Board the floor was opened for public comment at 8:32 P.M.

There being no public before the board, public comment was closed at 8:35 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 the application, with conditions of Brandi Spezzano. 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: improve appearance, still be further from the front line, the shed, and neighboring properties.
- 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: front porch at front entrance.
- 3.) The requested area variance is substantial as evidenced by: requested relief is in the neighborhood of 40% of required front set back.
- 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: minor structure at an existing residence, with no grading or utilities required.
- 5.) And that the condition has not been self-created, as shown by: pre-existing sub-standard setback to house.
- 6.) Further that this variance is subject to the following conditions: obtain a building permit before construction.

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

Tim Steves	-	Aye
Robert Hatch	-	Aye
Joe Burns	-	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 8:45 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary

**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