

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

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday February 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 7:00 P.M and roll was taken.

**Board Members**

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

**Absent:** Robert Hatch, Kane Gascon

**Others Present:**

Terry Rech, Building Inspector

**First order of Business:**

Chairman Grasso asked the Board to table the approval of the meeting minutes from the November 3, 2021, meeting since there are only two members in attendance that were at the November meeting. A vote to approve the November minutes will be taken at the next Zoning Board Meeting.

**Second Order of Business:**

The application of David Burns to seek an area variance of Article II, Sections 130-10., and 130-23 (B) of the Code of the Town of Wheatland, to extend the roof of an existing building 12', encroaching the 20' required setback by 6' in an AR-2 zoning district. The subject parcel is 1167 North Road, Scottsville, NY. Tax I.D. #199.02-1-6.

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

- Mr. Burns stated he would like to extend the roof of the existing building at the back of his property 12' which would result in 6' over the 20' setback to install solar panels on that portion of roof facing the south.
- He requires the additional roof to install an adequate number of solar panels to supply their electrical usage and to install a covered charging station for their electric automobiles.
- If he installed the panels on the ground it would take up a substantial portion of their backyard and their neighbors stated that they would prefer he did not do that.
- By placing the solar panels on this side of the roof the panels would not be visible from the road or adjacent properties. The only view would be from the field behind his property.

Chairman Grasso asked Terry Rech, Building Inspector if he had anything to add to this area variance request. Terry stated that it seems straight forward. He stated that the Gilberts (neighbor) sent a letter stating that they were all right with the request and Pat Hirokawa (neighbor) stopped in today and she spoke in favor of it as well.

Chairman Grasso asked the Board Members if they have any questions. Board Member Tim Steves asked if Mr. Burns could point out on the survey map where the structure is located. Mr. Burns indicated where the property was located.

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With no further questions from the Board the floor was opened for public comment at 7:20 P.M.

There being no public before the board, public comment was closed at 7:21 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 Jonathan Peralta. 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: this is a small structure on rear of existing building and is not in view of neighboring residences.
- 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: the south facing roof is optimal place for PV panels for electric generation and most convenient and least obtrusive for the property owner.
- 3) The requested area variance is substantial as evidenced by: reduction requested is approaching 30% of required code.
- 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: small structure, no excavation and positive impact from renewable energy production.
- 5) And that the condition has not been self-created, as shown by: there was no plan at time of barn construction to add solar production.

Further that this variance is subject to the following condition: the new roof ends up no closer than 12' to rear lot line and no closer than 20' to the sideline.

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

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

All were in favor and the motion was carried.

There being no further business, Tim Steves entertained a motion to adjourn. Laura Michaels seconded the motion. The vote was unanimous. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

*Lisa J. Bates*

Lisa J. Bates  
Recording Secretary