

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
April 7, 2015**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, April 7, 2015 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Members Present: Mike Grasso, Debra Stokoe, Don Woerner, Steve Stein, Tim Steves

Alternates Present: Bob Hatch

Alternate absent: Scott Hallock

Others Present: Terry Rech, Building Inspector & Ed Shero, Town Board Liaison

Mike Grasso, Chairman, called the meeting to order at 7:01 pm and roll was taken.

First order of business:

M. Grasso asked for discussion regarding the last meeting Minutes. There being none, M. Grasso asked for a motion to accept as submitted the Minutes of the November 5, 2014 meeting. S. Stein made such a motion with a Second by D. Stokoe. The vote was unanimous except for D. Woerner who abstained from voting.

Second order of business:

New Business:

M. Grasso read the Public Hearing Notice for that evening.

For Consideration:

The application of Lance Seger to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow an accessory structure in a side yard to be less than the 25' required setback. The subject parcel is located in an AR-2 zoning district. The property address is 1404 Scottsville Mumford Rd. The Tax I.D. number is 198.04-1-13.

M. Grasso asked the Segars to come forward and summarize their proposal for the detached garage/work shop on the side of the house. Lance and Elizabeth Segar reviewed the application indicating the effect of multiple septic systems in their planning and application. They considered many scenarios before making the application. They also noted that the neighbor located on the same side of the project had “no problems” with the proposed location of the garage. The proposed side setback would be 8’ instead of the required 25’. They further noted that the original building layout on the parcel was in August 1955 which was prior to modern zoning guidelines.

M. Grasso opened the Public Hearing at 7:13 pm. No one wished to speak and the Hearing was closed at 7:14 pm.

M. Grasso opened up discussion for finding of facts regarding the above application. Members considered and discussed the details and effects of the requested variance as the Area Variance Determination Form information was documented.

S. Stein asked for T. Rech’s thoughts regarding the application. T. Rech vouched for the Segar’s thoroughness in examining many scenarios to propose the best option to satisfy their storage needs on the substandard lot. M. Grasso asked about another location as a possibility but the Segars responded that it was too close to living quarters (vs. storage areas) of the neighbors. D. Stokoe asked how much footage was between the neighbor’s house and the proposed garage. L. Segar responded that it was 48’ from the neighbor’s house to the property line, and then there was the additional 8’ to the proposed garage. S. Stein questioned if it would be the second shed on the lot. He confirmed with T. Rech that it would be, and that it was allowed.

There being no further discussion, the Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66 after careful consideration, review of the evidence presented and having heard all the facts hereby:

Approved the application of Lance & Elizabeth Segar. 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: a similar structure could be built in the neighborhood if the lot size allowed. The new garage is proposed to be of similar height as the existing house and garage.
- 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: there is an abundance of leach fields and low lying areas on the half-size lot.
- 3) The requested area variance is substantial as evidenced by: it is somewhat greater than 50% reduction of the required setback.
- 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: it is a normal size structure added to a residential property and neighborhood.
- 5) And that the condition has not been self-created, as shown by: the lot was created and house constructed prior to the implementation of the current zoning regulations. The lot size is less than 50% of current requirement.

M. Grasso entertained a motion to approve the variance and D. Woerner made such a motion with a Second by S. Stein. The vote was as follows:

D. Stokoe	-	Aye
D. Woerner	-	Aye
S. Stein	-	Aye
T. Steves	-	Aye
M. Grasso	-	Aye

There being no further business, M. Grasso entertained a motion to adjourn. D. Stokoe made such a motion. The Second was made by S. Stein. The vote was unanimous. The meeting was adjourned at 7:38 P.M.

Respectfully submitted,

Mary Hastings
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
June 2, 2015**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, June 2, 2015 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Members Present: Mike Grasso, Debra Stokoe, Don Woerner, Steve Stein, Tim Steves

Alternates Present: Bob Hatch Scott Hallock

Others Present: Terry Rech, Building Inspector

Mike Grasso, Chairman, called the meeting to order at 7:43 pm and roll was taken.

First order of Business:

M. Grasso asked for discussion regarding the last meeting Minutes. There being none, M. Grasso asked for a motion to accept as submitted the Minutes of the April 7, 2015 meeting. S. Stein made such a motion with a Second by D. Stokoe. The vote was unanimous and the motion was carried.

Second order of Business:

New Business

For Consideration:

The application of Suzanne H. Stokoe to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow a shed extension to the front of an existing detached garage encroaching the minimum 75' front setback for structures in an AR-2 Zoning District. The property address is 618 South Rd. The Tax I.D. number is 210.04-1-5.

The applicant was asked to review the area variance request for 618 South Rd. They are planning on putting a one-vehicle structure at the proposed site on the south side of the existing garage. There are limitations on possible sites because of the lay of the land, and because the building construction was prior to current zoning. M. Grasso asked T. Rech for his opinion. T. Rech responded that he didn't see the proposed area variance as a negative. S. Stein questioned the applicant about the particulars of any possible vehicle access to the garage. Suzanne Stokoe explained that it is not currently possible to adequately add to the north side of the existing garage because of landscape/topography and a cistern. M. Grasso noted that the setback to the proposed new structure would be 42' which is an approximate 44% reduction of the required minimum.

M. Grasso read the Public Hearing Notice for the application and then opened the Public Hearing at 7:56 pm. No one wished to speak and the Hearing was closed at 7:57 pm.

M. Grasso opened up discussion for finding of facts regarding the above application. Members considered and discussed the details and effects of the requested variance as the Area Variance Determination Form information was documented.

There being no further discussion, the Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66 after careful consideration, review of the evidence presented and having heard all the facts hereby:

Approved the application of Suzanne Stokoe. 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: other properties in the area have the same situations and characteristics as the proposed addition.
- 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: on the north side of the garage there are issues with trees, topography, a cistern and most difficult, the proximity to the house.
- 3) The requested area variance is substantial as evidenced by: the reduction of the required minimum is 44%.
- 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: the

small additional structure fits in with others on the property and in the neighborhood.

- 5) And that the condition has not been self-created, as shown by: the garage was constructed before the applicant owned the property and before current zoning regulations.

M. Grasso entertained a motion to approve the variance and B. Hatch made such a motion with a Second by D. Woerner. D. Stokoe recused herself from voting. The vote was as follows:

D. Woerner	-	Aye
S. Stein	-	Aye
T. Steves	-	Aye
B. Hatch	-	Aye
M. Grasso	-	Aye

All were in favor and the motion was carried.

Third order of Business:

New Business

For Consideration:

The application of Christopher Buckley to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow a two story addition to an existing non-conforming house on a corner lot encroaching the minimum 75' front setback for structures in an AR-2 Zoning District. The property address is 3586 North Rd. The Tax I.D. number is 197.01-1-6.

The applicant gave an overview of his situation. The house is on a corner lot which has 2 front setback requirements. There is no good option to add the proposed 2 story-addition. There is a septic tank to the west of the house and deck to the north. He guessed that the house was built in the 1800's. He plans on having the addition design and roof line tie right in to the existing house design. And the addition would not encroach further than the current setback. M. Grasso noted that the house is setback at just 11'.

M. Grasso read the Public Hearing Notice for the application and then opened the Public Hearing at 8:18 pm. No one wished to speak and the Hearing was closed at 8:19 pm.

M. Grasso opened up discussion for finding of facts regarding the above application. Members considered and discussed the details and effects of the requested variance as the Area Variance Determination Form information was documented.

There being no further discussion, the Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66 after careful consideration, review of the evidence presented and having heard all the facts hereby:

Approved with conditions the application of Christopher Buckley. 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: it is a small addition to the house in an area of similar houses.
- 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: there is no place on the lot that would meet minimum requirements.
- 3) The requested area variance is substantial as evidenced by: the reduction of the required minimum is over 60%.
- 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: the small addition is not beyond the extents of the existing house.
- 5) And that the condition has not been self-created, as shown by: the house and the property pre-date the current zoning regulations.

Further, that this variance is subject to the following conditions: the new foundation will not extend east of the existing line of the house nor will any floor space overhangs or bay windows be permitted on the east side.

M. Grasso entertained a motion to approve with conditions the variance, and S. Stein made such a motion with a Second by T. Steves. The vote was as follows:

D. Stokoe	-	Aye
D. Woerner	-	Aye
S. Stein	-	Aye
T. Steves	-	Aye
M. Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, M. Grasso entertained a motion to adjourn. S. Stein made such a motion. The Second was made by D. Stokoe. The vote was unanimous. The meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Mary Hastings
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
July 7, 2015**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, July 7, 2015 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Members Present: Debra Stokoe, Don Woerner, Steve Stein, Tim Steves

Members Absent: Mike Grasso

Alternates Present: Bob Hatch

Others Present: Terry Rech, Building Inspector and Ed Shero, Town Board Liaison

Debra Stokoe, Vice-Chair, called the meeting to order at 7:08 pm and roll was taken.

First order of Business:

D. Stokoe asked for discussion regarding the last meeting Minutes. There being none, D. Stokoe asked for a motion to accept as submitted the Minutes of the June 2, 2015 meeting. D. Woerner made such a motion with a Second by S. Stein. The vote was unanimous and the motion was carried.

Second order of Business:

New Business

For Consideration:

The application of Eileen L. Vogt to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow construction of a detached garage of similar front setback as the primary nonconforming structure which encroaches the minimum 75' front setback for structures in an AR-2 Zoning District. The property address is 223 Cedars Ave. The Tax I.D. number is 185.03-1-5.

The applicant was asked to give a summary of her request. She wants a garage built closer to the road than allowed by setback requirements. The location of the leach field prohibits the best placement for the garage building site.

D. Stokoe read the Public Hearing Notice for the application and then opened the Public Hearing at 7:13 pm. No one wished to speak and the Hearing was closed at 7:14 pm.

S. Stein asked T. Rech for his comments. He responded that there have been no comments received regarding the application. The existing house was built circa 1850. The house is a "place upon its own" and not affecting a neighborhood. The toughest job is with regard to notating distances. Distances provided are to road edge which are fluid. Also, the survey map is not clear with regard to setback to right of way. Use of the house as reference point is best rather than front setback dimensions. The proposal is to set the garage back another 8-12 feet from the front line of the house.

D. Stokoe concluded discussion for finding of facts regarding the above application. Members considered and discussed the details and effects of the requested variance as the Area Variance Determination Form information was documented.

There being no further discussion, the Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66 after careful consideration, review of the evidence presented and having heard all the facts hereby:

Approved as Requested the application of Eileen L. Vogt. 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: it will be of similar setback to existing buildings on the property.
- 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 septic bed would inhibit setting the garage at the 75' required.

- 3) The requested area variance is not substantial as evidenced by: the setback will be 56' back from the road edge which is approximately a 25% reduction in setback.
- 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: there are similar structures on the property at a similar setback.
- 5) And that the condition has not been self-created, as shown by: the structures and leach bed were already built before the current owner owned the property.

D. Stokoe entertained a motion to approve the variance and D. Woerner made such a motion with a Second by S. Stein. The vote was as follows:

D. Woerner	-	Aye
S. Stein	-	Aye
T. Steves	-	Aye
B. Hatch	-	Aye
D. Stokoe	-	Aye

All were in favor and the motion was carried.

There being no further business, D. Stokoe entertained a motion to adjourn. D. Woerner made such a motion. The Second was made by T. Steves. The vote was unanimous. The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Mary Hastings
Recording Secretary