

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
May 2, 2017**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, May 2, 2017 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Debra Stokoe, Vice Chairman, called the meeting to order at 7:00 pm and roll was taken.

Members Present: Tim Steves, Debra Stokoe, Don Woerner
Alternates Present: Bob Hatch
Alternates Absent: Joe Burns, Mike Grasso, Steve Stein
Others Present: Terry Rech, Building Inspector; Ed Shero, Town Board Liaison

First order of Business:

Debra 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 November 1, 2016, meeting. D. Woerner made such a motion; T. Steves seconded the motion. The vote was as follows:

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

All were in favor. The motion was carried.

For Consideration:

The application of James Thompson, owner of 1060 George Street, Tax ID # 208.15-1-2, to seek an area variance of Section 130-9 and 130-11 of the Code of the Town of Wheatland to construct an unroofed porch/deck closer than the required 50' front setback in an R-12 residential zoning district

Board 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, the application of James Thompson. 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: variance is in keeping of the same general character of the rest of the homes on the street.
- 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: no other location is available, pre-existing building, house at setback line.
- 3) The requested area variance is not substantial as evidenced by: a 3.5 foot distance is requested, which is less than a ten percent (10%) variance.
- 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: will make the home look very similar to the homes already in the area.
- 5) And that the condition has not been self-created, as shown by: pre-existing home built on the setback line.

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D. Stokoe entertained a motion to approve the variance. Motion was made by D. Woerner and seconded by T. Steves. The vote was as follows:

D. Stokoe	-	Aye
D. Woerner	-	Aye
T. Steves	-	Aye
B. Hatch	-	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; T. Steves seconded the motion. The vote was unanimous. The meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Lauren N. Grossman
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
June 6, 2017**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, June 6, 2017 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Vice Chairman, called the meeting to order at 7:10 pm and roll was taken.

Members Present: Mike Grasso, Tim Steves, Debra Stokoe, Don Woerner
Alternates Present: Bob Hatch, Joe Burns
Alternates Absent: Steve Stein
Others Present: Terry Rech, Building Inspector; Ed Shero, Town Board Liaison
Andy Klein, Applicant; Judith Plimpton, Homeowner

First order of Business:

Mike Grasso asked for discussion regarding the last meeting Minutes. There being none, Mike Grasso asked for a motion to accept as submitted the Minutes of the May 2, 2017, meeting. Don Woerner made such a motion; Debra Stokoe seconded the motion. The vote was as follows:

D. Stokoe	-	Aye
D. Woerner	-	Aye
T. Steves	-	Aye
B. Hatch	-	Aye
J. Burns	-	Aye
M. Grasso	-	Aye

All were in favor. The motion was carried.

For Consideration:

The application of James Thompson, owner of 1060 George Street, Tax ID # 208.15-1-2, to seek an area variance of Section 130-9 and 130-11 of the Code of the Town of Wheatland to construct an unroofed porch/deck closer than the required 50' front setback in an R-12 residential zoning district

Board 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, the application of James Thompson. 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: variance is in keeping of the same general character of the rest of the homes on the street.
- 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: no other location is available, pre-existing building, house at setback line.
- 3) The requested area variance is not substantial as evidenced by: a 3.5 foot distance is requested, which is less than a ten percent (10%) variance.
- 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: will make the home look very similar to the homes already in the area.

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- 5) And that the condition has not been self-created, as shown by: pre-existing home built on the setback line.

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Motion to approve the variance was made by Mike Grasso and seconded by Don Woerner. The vote was as follows:

D. Stokoe	-	Aye
D. Woerner	-	Aye
T. Steves	-	Aye
B. Hatch	-	Aye
J. Burns	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Mike Grasso entertained a motion to adjourn. Bob Hatch made such a motion; Don Woerner seconded the motion. The vote was unanimous. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Lauren Nicole Grossman
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
July 5, 2017**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Wednesday, July 5, 2017 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Chairman, called the meeting to order at 7:05 pm and roll was taken.

Board Members

Present: Mike Grasso, Tim Steves, Don Woerner
Bob Hatch, Joe Burns
Absent: Debra Stokoe, Steve Stein

Others Present:

Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Mr. & Mrs. Dale Quackenbush, Homeowners

First order of Business:

Mike Grasso asked for discussion regarding the last meeting Minutes. There being none, Mike Grasso asked for a motion to accept as submitted the Minutes of the June 6, 2017, meeting. Don Woerner made such a motion; Robert Hatch seconded the motion. The vote was as follows:

Don Woerner	-	Aye
Tim Steves	-	Aye
Bob Hatch	-	Aye
Joe Burns	-	Aye
Mike Grasso	-	Aye

All were in favor; the motion was carried.

Second Order of Business:

The application of Dale Quackenbush to seek an area variance of Section 130-11 and 130-23.A(2) of the Code of the Town of Wheatland to allow an addition to an attached garage to encroach a front and side lot line in an AR-2 zoning district. The property address is 219 Armstrong Rd. The Tax ID# is 209.01-1-17.

Board members considered and discussed the details and effects of the requested variance. Conditions, detailed below, were discussed and agreed upon with feedback from Terry Rech.

The floor was opened for public comment at 7:13 pm. There being none, public comment was closed at 7:15 pm.

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, approve, with conditions, the application of Dale Quackenbush. 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 be of detriment to nearby properties, demonstrated by: The addition will be a substantial distance from any adjoining residence, exiting hedgerow blocks sight lines from nearest neighbor.
- 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: Other

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- locations on the lot would substantially increase the disturbance and be more costly and not as convenient to use.
- 3) The requested area variance is substantial as evidenced by: Front relief is not substantial but side relief is 11' of the 25' required.
 - 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: Addition is rather small, even compared to the sub-standard size lot. Hedgerow screens view from neighbor.
 - 5) And that the condition has not been self-created, as shown by: Lot has been substandard in width and area for many years before current owner purchased the property.

Further, that this variance is subject to the following conditions:

1. Addition is built no closer to front line than existing garage.
2. Height of addition is no greater than 15' "wall plate height" with roof pitch to closely match existing garage.
3. Addition is 16' wide, more or less, and no closer than 14' to side line.

Motion to approve the variance, with conditions, was made by Mike Grasso and seconded by Bob Hatch. The vote was as follows:

Don Woerner	-	Aye
Tim Steves	-	Aye
Bob Hatch	-	Aye
Joe Burns	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Mike Grasso entertained a motion to adjourn. Don Woerner made such a motion; Bob Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Lauren Nicole Grossman
Recording Secretary

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
August 1, 2017**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, August 1, 2017 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 pm and roll was taken.

Board Members

Present: Mike Grasso, Debra Stokoe, Tim Steves, Don Woerner
Bob Hatch, Joe Burns
Absent: Steve Stein

Others Present:

Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Mr. & Mrs. James Young, Homeowners

First order of Business:

Mike Grasso asked for discussion regarding the last meeting Minutes. Bob Hatch pointed out a spelling error which needed to be corrected. Mike Grasso asked for a motion to accept as corrected, the Minutes of the July 5, 2017, meeting. Bob Hatch made such a motion; Don Woerner seconded the motion. The vote was as follows:

Don Woerner	-	Aye
Debra Stokoe		Aye
Bob Hatch		Aye
Tim Steves	-	Aye
Joe Burns	-	Aye
Mike Grasso	-	Aye

All were in favor; the motion was carried.

Second Order of Business:

The application of James & Rebecca Young to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow the construction of a front porch to encroach a front setback in an AR-2 Zoning District. The property address is 3574 North Road. The Tax ID# is 197.01-1-15

Board members considered and discussed the details and effects of the requested variance. Conditions, detailed below, were discussed and agreed upon with feedback from Terry Rech.

The floor was opened for public comment at 7:14 pm. There being none, public comment was closed at 7:15 pm.

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, approve the application of James and Rebecca Young. 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 be of detriment to nearby properties, demonstrated by: The nearest neighboring house is substantially closer to its property line than the planned porch; there are not many other houses within close proximity.

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- 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 existing house is already closer to the property line on the front and one side.
- 3) The requested area variance is substantial as evidenced by: A reduction of 33 per cent (33%) of the required minimum is being requested.
- 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 porch is a small structure which is being added to the existing house. Other houses in the area are also closer to the property lines than allowed.
- 5) And that the condition has not been self-created, as shown by: The current owners purchased the house as is, with the lot already substandard but pre-existing current zoning regulations.

Motion to approve the variance, with conditions, was made by Mike Grasso and seconded by Don Woerner. The vote was as follows:

Don Woerner	-	Aye
Debra Stokoe		Aye
Tim Steves	-	Aye
Joe Burns	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Mike Grasso entertained a motion to adjourn. Don Woerner made such a motion; Debra Stokoe seconded the motion. The vote was unanimous. The meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Lauren N. Grossman
Recording Secretary