

Area Variance Meeting Notes

Date 11.28.12 **Appeal #** AV1204

Minutes taken by Pam Sojda

Meeting called to order at: 7:35 pm

Members

| | Present | Absent |
|------------------|---------------|---------------|
| Janet Berkemeier | <u>X</u> | <u> </u> |
| Nancy Burke | <u>X</u> | <u> </u> |
| Mary Miller | <u>X</u> | <u> </u> |
| Bill Messinger | <u>X</u> | <u> </u> |
| Pam Sojda | <u>X</u> | <u> </u> |
| Diane Fowler | <u>X</u> | <u> </u> |
| Mike Adams | <u> </u> | <u>X</u> |

Application No. AV1204

Date of Application 10.15.12

Date Notice Published 11.17.12

Others Present

Genesee County Planning Board Recommendations ~ Review Date 11.8.12 **Approve** X **Reject** _____

Modifications approved site plan and area variance

Bethany Planning Board Recommendations ~ Review Date 11.01.12 **Approve** X **Reject** _____

Modifications _____

State Environmental Quality Review (SEQR)

The status of this variance is...

Type I _____ Poses a significant environmental impact. Requires completion of a long Environmental Assessment

Form (EAF) and coordinated review by all involved agencies.

Type II X Actions NOT subject to review under SEQR. Type II actions include interpretations, granting area variances for one, two or three family dwellings and granting of individual setback and lot line variances.

Unlisted Actions _____ Actions are all those actions NOT considered Type I or Type II.

Use variances and conditional use permits are classified as Unlisted Actions and require completion of a short EAF.

Opening Remarks: Tower is already up. Wants this to be historic only (non-operational) (unlit). Applicant will have to return for approval to operate tower.

Public Hearing Called to Order at: 7:45 pm

Public Comments Joe Salvador and Wayne Nichols both had no problem with the tower. (Calls were made to Tom Douglas.)

Public Hearing closed at: 7:55 pm

Area Variance Points to Consider

A. Whether an **undesirable change will be produced** in the character of the neighborhood **or a detriment** to nearby properties will be created by the granting of the area variance

Discussion _____

Vote Point A

| | YES | NO |
|------------------|-------|----------|
| Janet Berkemeier | _____ | <u>X</u> |
| Nancy Burke | _____ | <u>X</u> |
| Mary Miller | _____ | <u>X</u> |
| Bill Messinger | _____ | <u>X</u> |
| Pam Sojda | _____ | <u>X</u> |
| Diane Fowler | _____ | <u>X</u> |
| Mike Adams | _____ | _____ |

Yes, means you **DO** think an undesirable change will be produced.

No, means you **DO NOT**.

B. Whether the **benefit sought** by the applicant **can be achieved by some method, feasible** for the applicant to pursue **other than the area variance**

Discussion _____

Vote Point B.

| | YES | NO |
|------------------|-------|----------|
| Janet Berkemeier | _____ | <u>X</u> |
| Nancy Burke | _____ | <u>X</u> |
| Mary Miller | _____ | <u>X</u> |
| Bill Messinger | _____ | <u>X</u> |
| Pam Sojda | _____ | <u>X</u> |
| Diane Fowler | _____ | <u>X</u> |
| Mike Adams | _____ | <u>X</u> |

YES, means you **do think** the benefit **can be achieved** by another method.

NO, means you **DO NOT**.

C. Whether the **requested area variance is substantial**

Discussion _____

Vote Point C.

YES NO

| | | |
|------------------|----------------|----------------|
| Janet Berkemeier | _____ | <u>X</u> _____ |
| Nancy Burke | _____ | <u>X</u> _____ |
| Mary Miller | <u>X</u> _____ | _____ |
| Bill Messinger | <u>X</u> _____ | _____ |
| Pam Sojda | <u>X</u> _____ | _____ |
| Diane Fowler | _____ | <u>X</u> _____ |
| Mike Adams | _____ | _____ |

YES means you think the area variance **IS substantial**.
NO, means you **DO NOT**.

D. Whether the proposed variance **will have an adverse effect** or impact on the physical or environmental conditions in the neighborhood or district

Discussion _____

Vote Point D.

YES NO

| | | |
|------------------|-------|----------------|
| Janet Berkemeier | _____ | <u>X</u> _____ |
| Nancy Burke | _____ | <u>X</u> _____ |
| Mary Miller | _____ | <u>X</u> _____ |
| Bill Messinger | _____ | <u>X</u> _____ |
| Pam Sojda | _____ | <u>X</u> _____ |
| Diane Fowler | _____ | <u>X</u> _____ |
| Mike Adams | _____ | _____ |

YES, means you think the variance **WILL HAVE** an adverse effect or impact.

NO, means you think IT WILL NOT

E. Whether the alleged difficulty was self created.

Discussion _____

Vote Point E.

YES NO

| | | |
|------------------|----------------|-------|
| Janet Berkemeier | <u>X</u> _____ | _____ |
| Nancy Burke | <u>X</u> _____ | _____ |
| Mary Miller | <u>X</u> _____ | _____ |
| Bill Messinger | <u>X</u> _____ | _____ |
| Pam Sojda | <u>X</u> _____ | _____ |
| Diane Fowler | <u>X</u> _____ | _____ |
| Mike Adams | <u>X</u> _____ | _____ |

YES, means you think the difficulty **WAS** self-created.

NO, means you think it was **NOT**.

Motion to .. Approve X Reject _____ Made by Pam Sojda Seconded by Nancy Burke

Conditions of Approval None

Motion Vote Approve Reject Abstain

| | | | |
|------------------|---------------|---------------|---------------|
| Janet Berkemeier | <u> X </u> | <u> </u> | <u> </u> |
| Nancy Burke | <u> X </u> | <u> </u> | <u> </u> |
| Mary Miller | <u> X </u> | <u> </u> | <u> </u> |
| Bill Messinger | <u> X </u> | <u> </u> | <u> </u> |
| Pam Sojda | <u> X </u> | <u> </u> | <u> </u> |
| Diane Fowler | <u> X </u> | <u> </u> | <u> </u> |
| Mike Adams | <u> </u> | <u> X </u> | <u> </u> |

| | |
|---------------------|---------------|
| Action Taken | |
| Approved | <u> 6 </u> |
| Denied | <u> 1 </u> |
| Tabled | <u> </u> |

Motion Tally Carried 6 Denied 1

Motion to CLOSE meeting made by Nancy Burke Motion SECONDED by Mary Miller

Motion Tally In Favor 6 Opposed 0

Chairman Adjourns Meeting at: 8:04 pm