

Area Variance Meeting Notes

Date 04.22.2015 Appeal # AV1501

Minutes taken by Nancy Burke
p.m. _____

Meeting called to order at: 7:30

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> </u>	<u> x </u>
Pam Sojda	<u> </u>	<u> x </u>
Diane Fowler	<u> x </u>	<u> </u>
Thomas Foss	<u> x </u>	<u> </u>

Application No. AV1501

Date of Application 03.25.2015

Date Notice Published 04.10.2015

Others Present _____ Councilman Adams _____ Douglas Sicheri _____
 _____ Gordon Ewell _____ Debbie Laird _____
 _____ Dora Ewell _____

Genesee County Planning Board Recommendations ~ **Review Date** 04.09.15 **Approve** x **Reject** _____
 Modifications Garage be located no closer to Skates Hill Road ROW than the existing home.
The overhead doors not be located facing the road.

Bethany Planning Board Recommendations ~ **Review Date** 04.02.15 **Approve** X **Reject** _____
 Modifications Garage should be located no closer to road than existing house.

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.

Date 04.22.15 Appeal # AV1501

Opening Remarks: _____

Public Hearing Called to Order at: 7:35 pm

Public Comments Letter from Chris Krtanik was read. Stated that he felt that the Front Yard Setback of 75' Under the Town's Zoning law should be adhered to and that a commercial building of this size close to the road Does not fit the character of the hamlet of Linden.

Public Hearing closed at: 7:53 p.m.

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>
Thomas Foss	_____	<u>X</u>

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>
Thomas Foss	_____	<u>X</u>

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

NO, means you **DO NOT**.

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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>	_____
Thomas Foss	<u>X</u>	_____

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>
Thomas Foss	_____	<u>X</u>

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>	_____
Thomas Foss	<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 Tom Foss Seconded by Janet Berkemeier

Conditions of Approval Turn building 90° so that vehicles will not be exiting directly onto the road and set back even with 50' or further. Must be located even with or further back than house from ROW

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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> </u>	<u> X </u>	<u> </u>
Pam Sojda	<u> </u>	<u> X </u>	<u> </u>
Diane Fowler	<u> X </u>	<u> </u>	<u> </u>
Thomas Foss	<u> X </u>	<u> </u>	<u> </u>

Action Taken	
Approved	<u> X </u>
Denied	<u> </u>
Tabled	<u> </u>

Motion Tally Carried 5 Denied 2

Motion to CLOSE meeting made by Bill Messinger Motion SECONDED by Tom Foss

Motion Tally In Favor 5 Opposed 0

Chairman Adjourns Meeting at: 8:05 p.m.

