

**Area Variance Meeting Notes**

**Date** 03/28/12 **Appeal #** AV1201

Minutes taken by Janet Berkemeier

Meeting called to order at: 7:30 pm

**Members**

|                  | Present       | Absent        |
|------------------|---------------|---------------|
| Janet Berkemeier | <u>X</u>      | <u>      </u> |
| Nancy Burke      | <u>      </u> | <u>X</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>X</u>      | <u>      </u> |

Application No. AV1201

Date of Application 01.19.12

Date Notice Published 03.22.12

**Others Present** Walter Wenhold \_\_\_\_\_

Darlene Peters \_\_\_\_\_

Temple Lewis \_\_\_\_\_

Adam Dyrbala \_\_\_\_\_

Genesee County Planning Board Recommendations ~ **Review Date** 03/08/12 **Approve**        **Reject** X

Variance is substantial & could set a negative precedent of creating non-conforming lots that could affect the Town's future development policies

Bethany Planning Board Recommendations ~ **Review Date** 03/02.12 **Approve**        **Reject** X

Due to the potential for future problems in creating land locked or non-conforming properties

**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 ZEO/CEO Tom Douglas presented a pictometry picture of the proposal

Public Hearing Called to Order at: 7:30

Public Comments see attached

**Tabled until 04/18/12 for further review with Town Attorney David DiMatteo**

Public Hearing closed at: 8:10

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 | _____ | _____ |
| Nancy Burke      | _____ | _____ |
| Mary Miller      | _____ | _____ |
| Bill Messinger   | _____ | _____ |
| Pam Sojda        | _____ | _____ |
| Diane Fowler     | _____ | _____ |
| 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 | _____ | _____ |
| Nancy Burke      | _____ | _____ |
| Mary Miller      | _____ | _____ |
| Bill Messinger   | _____ | _____ |
| Pam Sojda        | _____ | _____ |
| Diane Fowler     | _____ | _____ |
| Mike Adams       | _____ | _____ |

**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 | _____ | _____ |
| Nancy Burke      | _____ | _____ |
| Mary Miller      | _____ | _____ |
| Bill Messinger   | _____ | _____ |
| Pam Sojda        | _____ | _____ |
| Diane Fowler     | _____ | _____ |
| 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 | _____ | _____ |
| Nancy Burke      | _____ | _____ |
| Mary Miller      | _____ | _____ |
| Bill Messinger   | _____ | _____ |
| Pam Sojda        | _____ | _____ |
| Diane Fowler     | _____ | _____ |
| 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 | _____ | _____ |
| Nancy Burke      | _____ | _____ |
| Mary Miller      | _____ | _____ |
| Bill Messinger   | _____ | _____ |
| Pam Sojda        | _____ | _____ |
| Diane Fowler     | _____ | _____ |
| Mike Adams       | _____ | _____ |

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

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

Motion to .. Approve \_\_\_\_\_ Reject \_\_\_\_\_ Made by \_\_\_\_\_ Seconded by \_\_\_\_\_

Conditions of Approval \_\_\_ Motion made by Bill Messinger and seconded by Mike Adams to table the variance \_\_\_ until April 18, 2012 meeting \_\_\_\_\_

Motion Vote                      Approve    Reject    Abstain

|                  |               |               |               |
|------------------|---------------|---------------|---------------|
| Janet Berkemeier | <u>  X  </u>  | <u>      </u> | <u>      </u> |
| Nancy Burke      | <u>      </u> | <u>  X  </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>  X  </u>  | <u>      </u> | <u>      </u> |

|                     |               |
|---------------------|---------------|
| <b>Action Taken</b> |               |
| <b>Approved</b>     | <u>      </u> |
| <b>Denied</b>       | <u>      </u> |
| <b>Tabled</b>       | <u>  X  </u>  |

Motion Tally                      Carried   X   Denied       

**Motion to CLOSE meeting made by   Pam Sojda   Motion SECONDED by   Mike Adams**

Motion Tally    In Favor      6      Opposed      0  

**Chairman Adjourns Meeting at:   8:15 pm**

Email from Acting ZBA Chair re: public comment

Deb,

Janet Berkemeier called to let me know that you had called her regarding the notes she took at the meeting. There really was only discussion by the one gentleman, I believe his name was Adam Dyrbala. He just didn't understand what Dick Barie was planning to do.

No one had any objections and the only other comments made were to the fact that they had heard the property adjacent had been sold ( conjecture so we did not include that).

If you need me to come in and do anything more with the notes, please let me know and I will stop by your office ASAP.

Pam Sojda

ZBA- acting chair 3/28/2012

P.S. Again thank you for all your help getting me ready for this meeting. I really appreciate it and everything went as smoothly as possible.