

**Area Variance Meeting Notes**

**Date** 04.18.2012 **Appeal #** AV1202

Minutes taken by Pam Sojda

Meeting called to order at: 8:29 pm

**Members**

	Present	Absent
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>	_____

Application No. AV1202

Date of Application 03.07.2012

Date Notice Published 03.30.2012

**Others Present** Randy Zickl, Attny for Graney David DiMatteo, Town Attny

Russell Fitzgibbon

Charles Graney

Sandra O'Geen

Genesee County Planning Board Recommendations ~ **Review Date** 04.12.12 **Approve** X **Reject** \_\_\_\_\_

Modifications \_\_\_\_\_

Bethany Planning Board Recommendations ~ **Review Date** \_\_\_\_\_ **Approve** \_\_\_\_\_ **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 Mr. Graney stated "I am really embarrassed about this"

Public Hearing Called to Order at: 8:35 pm

Public Comments \_\_\_\_\_

Public Hearing closed at: \_\_\_\_\_

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	_____	<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>
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 \_\_\_\_\_ required set back from pond is 100 ft, asking for 80 ft. \_\_\_\_\_

**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	_____	<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>
Mike Adams	_____	<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 yes, was self-created

**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 Nancy Burke Seconded by Mike Adams

Conditions of Approval \_\_\_\_\_

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>  X  </u>	<u>      </u>	<u>      </u>

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

Motion Tally                      Carried   7   Denied   0  

**Motion to CLOSE meeting made by   Nancy Burke   SECONDED by   Pam Sojda**

Motion Tally    In Favor   7      Opposed   0  

**Chairman Adjourns Meeting at:   8:40 pm**