

Area Variance Meeting Notes

Date 03.23.2016 **Appeal #** AV1601

Minutes taken by Pam Sojda

Meeting called to order at: 7:35 P.M.

Members

	Present	Absent
Janet Berkemeier	<u> </u>	<u> X </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>
Thomas Foss	<u> X </u>	<u> </u>

Application No. AV1601

Date of Application 02.20.16

Date Notice Published 03.10.16

Others Present Nicholas Pelton Thomas Douglas, CEO/ZEO

Kevin Whitford

Genesee County Planning Board Recommendations ~ **Review Date** 03.10.16 **Approve** X **Reject** _____

Modifications None

Bethany Planning Board Recommendations ~ **Review Date** 03.03.16 **Approve** X **Reject** _____

Modifications None

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 Belinda Miller (adjoining property) does not want to sell any property to Mr. Pelton which would make it a conforming lot. Wetlands behind make enlargement to required square footage a problem. Three people contacted the town clerk about the application but no objections were expressed. **Public Hearing Called to Order at:** 7:35 pm

Public Comments No objections.

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	_____	_____
Nancy Burke	_____	_____
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	_____	_____
Nancy Burke	_____	_____
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**.

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

Discussion _____

Vote Point C. YES NO

Janet Berkemeier	_____	_____
Nancy Burke	_____	_____
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	_____	_____
Nancy Burke	_____	_____
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	_____	_____
Nancy Burke	_____	_____
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 Mary Miller Seconded by Pam Sojda

Conditions of Approval Due to previous zoning regulations & unique configuration of the lot, adjoining wetlands & lack of ability to expand proposed lot. This unique lot does not apply to the neighborhood or districe. The ZBA does not promote irregular or undersized lots but this is a unique property.

Motion Vote Approve Reject Abstain

Janet Berkemeier	<u> </u>	<u> X </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>
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 Pam Sojda **Motion SECONDED by** Diane Fowler

Motion Tally In Favor 5 Opposed 0

Chairman Adjourns Meeting at: 8:15 pm