

Area Variance Meeting Notes

Date 3/22/17 Appeal # AV1704 ~~1008~~

Washburn

Minutes taken by Pam Sojda

Meeting called to order at: 7:32

Members

Present Absent

	Present	Absent
Janet Berkemeier	✓	
Nancy Burke	✓	
Mary Miller	✓	
Vacant		
Pam Sojda	✓	
Vacant		
Thomas Foss	✓	

Application No. AV1704

Date of Application 2/13/17

Date Notice Published 3/9/17

Others Present Justin Washburn Bill + Audrey Gick
Megan Boft Fray (Kemitel Wood) Tina Embt
Carl Hyde Jr. Barbara Hallands
Jeff Flucker

Genesee County Planning Board Recommendations ~ Review Date 3-9-17 Approve Reject ✓

Modifications _____

Bethany Planning Board Recommendations ~ Review Date 3-2-17 Approve 3 Reject 3

Modifications No Recommendation

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 ✓ 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.

Section 617.5(C)(12)
617.5(C)(13)

Need Super Majority (2 vacant = "NO" VOTES)

(See 1703)

Tom Douglas

Date 3-22-19 Appeal # 1704

Opening Remarks ≤ 5 ACRES 80 FT, ≥ 5 ACRES 150 FT See Attached letter from Town Attorney David DiMatteo, Ht is substantial

Public Hearing Called to Order at: 8:00

Public Comments

Public Hearing closed at: 8:30

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Burke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Pam Sojda	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Foss	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Burke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Pam Sojda	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Foss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Burke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Pam Sojda	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Foss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Burke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Pam Sojda	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Foss	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Burke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Pam Sojda	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Foss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES, means you think the difficulty WAS self-created.
NO, means you think it was NOT.

Motion to .. Approve _____ Reject _____ Made by Janet Seconded by Tom

Conditions of Approval with adjacent land owners Bick signing off + Town engineers approval

Motion Vote Approve Reject Abstain

Janet Berkemeier	<u>✓</u>	_____	_____
Nancy Burke	<u>✓</u>	_____	_____
Mary Miller	<u>✓</u>	_____	_____
Vacant	_____	_____	_____
Pam Sojda	<u>✓</u>	_____	_____
Vacant	_____	_____	_____
Thomas Foss	<u>✓</u>	_____	_____

Action Taken	
Approved	<u>5</u>
Denied	<u>0</u>
Tabled	_____

Motion Tally Carried 5 Denied 0

Motion to CLOSE meeting made by _____ Motion SECONDED by _____

Motion Tally In Favor _____ Opposed _____

Chairman Adjourns Meeting at: _____