

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
January 7, 2020**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, January 7, 2020 at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Before the meeting started, Terry Rech, Building Inspector for the Town of Wheatland introduced Laura Michaels, new Zoning Board Member.

Mike Grasso, Chairman, called the meeting to order at 7:00 P.M and roll was taken.

Board Members

Present: Mike Grasso, Robert Hatch, Joe Burns
Laura Michaels, Tim Steves

Absent:

Others Present:

Ed Shero, Town Board Liaison
Terry Rech, Building Inspector
Mr & Mrs. Michael Pedeville

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the December 3, 2019 meeting. The meeting minutes were approved as submitted. Robert Hatch made such a motion; Tim Steves seconded the motion. The vote was as follows:

Laura Michaels -	Abstain
Joe Burns -	Aye
Mike Grasso -	Aye
Robert Hatch -	Aye
Tim Steves -	Aye

All members voting in favor, the motion was carried.

Second Order of Business:

The application of Michael Pedeville of 70 Blue Pond Manor to seek an area variance of Sections 130-9.A, 130-10, and 130-23.B.(2) of the Code of the Town of Wheatland to allow and construct an accessory structure absent a primary structure and nonconforming to front and side setback requirements in an AR-2 residential zoning district. Tax ID # 198.07-1-44.3.

Board members heard all the evidence at the December 3, 2019 meeting. After discussing and considering the details and effects of the requested area variance with board members, Chairman Grasso formulated the following resolution:

The Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66, after careful consideration and review of the evidence presented and having heard all the facts hereby, approves with conditions the application of Michael Pedeville. This motion was based upon the following finding of facts:

- 1) The granting of this area variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties, demonstrated by: Many properties in this neighborhood are non-conforming as to size and building setbacks, and many have accessory structures without a primary structure. The proposed structure would be in the character as much of the neighborhood.

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- 2) The benefit sought by the applicant can not be achieved by some method, feasible for the applicant to pursue, other than an area variance, as shown by: It is not possible to build any structure on the lot that could meet minimum required side setbacks and building the desired structure far enough from the road would put it in a lower area subject to more severe flooding and requiring additional driveway to be built.
- 3) The requested area variance is substantial as evidenced by: The side setback requested is a reduction of almost 68%. Front setback requested is a reduction of almost 47%. Both reductions are mitigated by the conditions in the neighborhood, that is to say, many small lots with setbacks much less than required and because the Cottager's Association (essentially "the neighborhood") has set a precedent to allow accessory structures on the non-waterfront parcels to be built at a 40' front setback . This proposal is in keeping with the character, look and feel of the neighborhood.
- 4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district as shown by: Only a small structure is proposed, essentially built without excavation, using an existing driveway and requiring removal of an existing accessory structure. Lot size, small setback and accessory use lacking primary use are common in the neighborhood.
- 5) The condition has not been self-created, as shown by: The lot was sub-standard in size before being purchased by applicant.

Further that this variance is subject to the following conditions:

1. Front setback be no less than 40' measured perpendicularly to the road easement line.
2. Side setback be no less than 7.5' (7'6") measured perpendicularly to the side lot line.
3. Any other/existing structures on this lot must be removed within 30 days of completion of the new carport.

The motion to approve the variance was made by Robert Hatch and seconded by Tim Steves. The vote was as follows:

Robert Hatch	-	Aye
Laura Michaels	-	Abstain
Joe Burns	-	Aye
Tim Steves	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Tim Steves made a motion to adjourn. Robert Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 7:10 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary