

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
May 18, 2021**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, May 18, 2021 at 7:00 P.M. in the “*virtual*” Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

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, Kane Gascon

Absent:

Others Present:

Mr. Todd Markevicz
Mr. Will Falcheck
Mr. Jason Parker
Mr. Rich Adams
Ms. Danielle Parnell
Ed Shero, Town Board Liaison
Terry Rech, Building Inspector
Ray DiRaddo, Town Attorney

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the May 4, 2021 meeting. Chairman Grasso had one spelling change to the May 4, 2021 minutes which was noted. The meeting minutes were approved as corrected. Joe Burns made such a motion; Robert Hatch seconded the motion. The vote was as follows:

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

All members voting in favor, the motion was carried.

Second Order of Business:

The application of Sabin Metal Corporation, owner, to seek an area variance of Article II, Sections 130-9., and 130-16 of the Code of the Town of Wheatland, to allow the construction (replacement) of a Guardhouse that will encroach the required 70’ front setback in the CIP zoning district. The subject parcel is 1647 Wheatland Center Road, Scottsville, NY. Tax I.D. #209.02-1-1.

Todd Markevicz with APD Engineering stated that he also has Will Falcheck, Project Manager with Sabin Metal also on the meeting. Mr. Markevicz stated that they are requesting a variance for front setback for 1647 Wheatland Center Road. Sabin Metal already has an existing Guardhouse adjacent to the roadway approximately 400 sq. ft. in size. The proposed scope of work includes removing the Guardhouse and erecting a new guardhouse in its place. The new one will be bigger, about 100 sq. ft and the purpose for the new guardhouse is to enhance the security features for the sight.

The new building will be further back and more rectangular and will include additional miscellaneous enhancements such as new sidewalks and fencing.

Mr. Markevicz stated that the Town Code requires 70' setback off the road. The existing building already does encroach into that setback. They are looking to get approval on the front variance setback. They are sliding the new building 7' back, thus reducing the existing variance which will now sit at 21' +/- off the roadway. This is still short of the variance but 7' further away.

Mr. Markevicz read thru his application and Chairman Grasso asked the Board Members if they had any questions.

Board Member, Laura Michaels asked if they were going to change any of the signage where the crosswalk is. She stated that the visibility is poor in that area. Mr. Markevicz stated that this project is not slated to do that.

Board Member, Joe Burns stated that this seems pretty straight forward, and they are moving it back in the right direction.

Chairman Grasso asked Building Inspector, Terry Reck for his input or the record. Mr. Rech stated that it is less of an encroachment and Sabin is their own neighbor so it will not create a negative impact. Mr. Rech also stated that the changes will be a positive impact.

The floor was open for public comment at 7:27 P.M.

There being no public comments, the public comment was closed at 7:38 P.M.

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 Nicholas Rehberg. 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:
 - The setback of the guardhouse is actually being increased by about 50%.
 - There is another building on the site that is about as close to the property line as the current guardhouse. This building is going to remain in place and will be closer to the property line than the re-located guardhouse.
- 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:
 - Plant security needs to be near the entrance to the plant where the current guardhouse is located.
- 3) The requested area variance **is** substantial as evidenced by:
 - The re-located guardhouse will only be 20.9' from the property line, approximately a 70% reduction in the minimum required, but will still be about 7' farther from the property line than the existing structure.
- 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:
 - The new guardhouse location will not be a big change to the plant overall, and the plant is essentially "the neighborhood".

5) The condition **has not** been self-created, as shown by:

-The existing guardhouse, and most of the other buildings, pre-date the current zoning code.

Further that this variance is subject to the following conditions:

-None.

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

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

All were in favor and the motion was carried.

Third Order of Business:

The application of Richard Adams, of RC Mower, to seek an area variance of Article II, Sections 130-9., and 130-14 of the Code of the Town of Wheatland, to seek an area variance for a rear addition to an existing building that will encroach the required 70' rear setback in a Highway Commercial (HC) zoning district. The subject parcel is 430 Scottsville Mumford Rd. Scottsville, NY. Tax I.D. #199.04-1-6.

Jason Parker and Rich Adams are the owners of RC Mower, they are looking to increase their building space 26' x36' off the back of the existing building. They need the variance because they will encroach the rear setback. Mr. Parker stated that they believe the rear of the building will be the best location for the addition. It will be less obtrusive to the neighborhood, most cost effective and require the simplest design. There will not be any change or effect to the environment.

Chairman Grasso asked Mr. Rech for his input on this variance request. Mr. Rech stated that he concurs with what has been said. The positive is that the exterior material that is there will come in under this so ultimately this request will have a positive benefit.

The floor was open for public comment at 8:05 P.M.

There being no public comments, the public comment was closed at 8:07 P.M.

After discussing and considering the details and effects of the requested area variance with board members, Chairman Grasso formulated the following resolution:

- 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:
 - The rear of the building will be the least noticeable place for the addition.
 - There are no neighbors to the rear of the property.
- 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:
 - The extra space needed will be considerably more cost effective if added to the rear of the building. If added to the front of the building, the sales floor, canopy, sidewalk, and parking area would all need to be moved/re-located.

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3) The requested area variance **is not** substantial as evidenced by:

-The rear setback will be approximately 54' or 55', or approximately a 20% reduction in the minimum required. Being that the lot is substandard in size in the zone, a 15' reduction seems like less of a difference compared to the lot size.

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:

-The addition being allowed is rather a small building
-There will not be much disturbance. No basement, no expanded parking.
-The addition being allowed will not be visible from the street.

5) The condition **has not** been self-created, as shown by:

-The lot is, and has been, sub-standard size for the zone.

Further that this variance is subject to the following conditions:

-That the addition be limited to 26' in depth, within 6", so that the setback will end up about 54' or 55'

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	-	Aye
Joe Burns	-	Aye
Tim Steves	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

Forth Order of Business:

The application of Daniel and Melanie Parnell to seek an area variance of Article II, Sections 130-9., and 130-11 of the Code of the Town of Wheatland, to allow an addition to existing garage and to construct a front porch that will encroach the required 75' front setback in an AR-2 zoning district. The subject parcel is 25 Goodwin Circle Mumford, NY. Tax I.D. #208.04-1-15.

Ms. Parnell stated they would like to tear off the existing garage and front porch and replace it with a bigger garage and a bigger porch. The porch will be 2' closer to the road and therefore she needs the variance. She believes this will enhance the neighborhood. They live on a dead-end road and they are the last house, she stated that this will not affect anybody in the neighborhood, nor will it affect the environment. Ms. Parnell stated that the reason for them doing this is because the garage is too small, and they would like a porch.

Chairman Grasso asked Mr. Rech to confirm that anything added onto the front of the house will be encroaching. Terry stated that this is correct, it is in an AR-2 district, so they require a 75' front setback. The original construction is non-conforming. Chairman Grasso asked Mr. Rech if he knew when the house was built and why it was built so close. Mr. Rech did not know.

Chairman Grasso stated that he would like to point out that if the garage gets any larger at all, it will increase the encroachment of the setback. In this case, the applicant is showing it moving in front of the front line of the house so that will be an increase in the already too small setback. Chairman Grasso asked Ms. Parnell if they could increase the porch and garage without making the encroachment bigger and she stated "no".

Board Member, Laura Michaels asked if the neighbors south of Ms. Parnell are in Livingston County and does this face the back of their houses. Ms. Parnell stated "yes".

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Chairman Grasso asked Mr. Rech if the garage is going to be okay with the side setback requirements. Mr. Rech pointed out that they would be fine with side setback. Mr. Rech also

stated, about the neighbors to the south, it is a fairly dense subdivision. Overall, the character of this neighborhood would not be affected in the least and he also wanted to point out that Goodwin Circle has recently been changed to a dedicated road.

The Chairman asked Ms. Parnell if there is a substantial reason as to why the garage needs to be pushed in front of the front line of the house? Ms. Parnell stated that it is for aesthetic reasons and it would change the entire plan. The reason they did it this way was to change the look from a flat ranch to a more modern look.

The floor was open for public comment at 8:35 P.M.

There being no public comments, the public comment was closed at 8:37 P.M.

After discussing and considering the details and effects of the requested area variance with board members, Chairman Grasso formulated the following resolution:

- 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:
 - The property is in a rather isolated neighborhood.
 - The property is adjacent to a more densely constructed neighborhood to the south.
 - The setbacks proposed are similar to the rest of the neighborhood.
- 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:
 - Porch: There really isn't another place for a front porch, other than at the front door.
 - Garage: The architectural style/look of the house will be improved by the garage being placed where proposed.
- 3) The requested area variance **is** substantial as evidenced by:
 - The new porch will need a reduction of approximately 37% reduction of the minimum required.
 - The new garage will need a reduction of approximately 30% of the minimum.
- 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:
 - The new structures will be relatively small.
 - There will be minimal disturbance. No basement excavation and no additional length added to the driveway.
- 5) The condition **has not** been self-created, as shown by:
 - The house was constructed many years ago and, if the other houses on the street are any indication, may have met code when it was built, but is sub-standard now.

Further that this variance is subject to the following conditions:

- None

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

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

All were in favor and the motion was carried.

There being no further business, Robert Hatch made a motion to adjourn. Tim Steves seconded the motion. The vote was unanimous. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary