

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
September 1, 2020**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday, September 1, 2020 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

Absent:

Others Present:

Ms. Kathy Richmond
Dan Brocht, LaBella Associates
Ray DiRaddo, Town Attorney
Ed Shero, Town Board Liaison
Terry Rech, Building Inspector

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the July 7, 2020 meeting. The meeting minutes were approved as submitted. Robert Hatch made such a motion; Joe Burns seconded the motion. The vote was as follows:

| | |
|------------------|-----|
| Laura Michaels - | Aye |
| 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 Kathy Novak Richmond of 512 Armstrong Rd to seek an area variance of Section 130-9. A. and 130-10 Accessory Uses 2. of the Code of the Town of Wheatland to allow an accessory structure on an adjacent parcel (under common ownership) without a primary structure. Tax I.D. #209.01-1-11 and #209.01-1-12.

Ms. Richmond stated to the Board Members that she and her husband would like to build a Pole Barn on their property. She and her husband did extensive research and applied for a permit only to find out that they needed a variance. They were not aware that you cannot have an accessory structure on a parcel without a primary structure. They needed to apply for a variance or combine parcels. They also learned that parcels can only be combined during the months of January thru March. Ms. Richmond explained that they have already chosen their vendor and prices have drastically increased since they began the variance process. She is afraid if they wait until next year after they combine the parcels the prices will be even higher. The barn is sited to be built in the back of their property (on the adjacent parcel), replacing the existing shed. Ms. Richmond said that the barn will not look out of place, they will not be taking down any trees and no significant digging is needed. They did explore as many options as they could to the put the barn on the parcel with the primary structure. The only possible locations would have been behind the house, but the leach field is there and then there is a drop off to Oatka Creek. Placing the barn on the other parcel really is the only option.

Chairman Grasso asked Ms. Richmond if they were planning on combining the parcels and Ms. Richmond stated yes as soon as they can in January. Chairman Grasso also asked if they were planning on adding a driveway. Ms. Richmond stated they are not adding a driveway, but stone will be put down, so the heavy equipment does not ruin the lawn. Board Member, Laura Michaels asked what the size of the barn will be, the barn will be 24'x 32'x 17' high. Chairman Grasso asked Terry Rech, Building Inspector, if the setbacks were okay. Terry stated that the proposed location is well within the setbacks.

Chairman Grasso asked Terry Rech for his feedback regarding this request. Terry stated that this is a temporary situation. This is a matter of timing rather than anything else. Mick Bonanza, Town Assessor, will ask the county to combine the parcels in January, Tim Murphy at the County is on board with it. Terry stated he felt this is "a pretty clean deal" and it affords the Richmond's the ability to get this underway prior to the spring.

The floor was open for public comment at 7:16 P.M.

No one from the public wished to speak. It was mentioned that one neighbor had called in inquiring about the sign, but once explained, there were no further questions.

There being no further comments, the public comment was closed at 7:19 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 as requested the application of Kathy Novak Richmond. 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:

Structures like the one being proposed are common in the neighborhood. After the combination of the two parcels, the structure would be a permitted use on the property. The combination will take place in a relatively short amount of time. It is not evident that two parcels make up the Richmond's 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 location of the leach field in the rear yard and the slope of the land to the to the creek at the rear of the lot make siting a structure like this on the parcel with a primary use difficult.

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

The requested variance is difficult to quantify mathematically because it is not a reduction in a minimum or an increase in a maximum allowed. We feel it is not substantial because it is essentially a temporary variance. When the 2 parcels are combined, the structure will be considered a permitted action.

- 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 proposed structure will be constructed without significant excavation or earth moving. The structure will be a permitted use once the parcels are combined in a relatively short time.

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

Applicants purchased both parcels at the same time with one deed and have not changed them since.

Further that this variance is subject to the following conditions:

1. The existing accessory structure (shed) located on the parcel absent a primary use will be removed.
2. The two tax parcels will be combined at the earliest opportunity, which is during the first quarter of 2021.

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

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|----------------|---|-----|
| 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, Joe Burns made a motion to adjourn. Bob Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 7:32 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary