

DRAFT

Minutes of Meeting September 25, 2023

Vice-Chairman Garrow called the meeting to order at 7:01pm

Roll Call:

Present: Walter Garrow
Art Gerbec
Matt Klettke
Arthur Kroening

Planned Absence: Michael Schaffer – Medical Absence

General Business:

Motion to approve Board minutes of September 11, 2023, was made by M. Kroening, Seconded by M. Klettke.

- Ayes – unanimous

Motion carried.

Hearings Held:

7:05pm: Robert Malvestuto, requests an area variance for Lot#: 161.02-1-4, located at 2043 Cayuga Drive Extension, to build a pole barn that exceeds the front yard setback. The front yard setback, per code, must be sixty-five (65) feet from the right-of-way on State/County roads. The applicant is requesting a reduction of front yard setback from sixty-five (65) feet to seventeen (17) feet.

This proposal was tabled at the September 11, 2023, Board meeting. Vice-Chairman Garrow re-opened the Public Hearing at 7:04pm.

Motion made to lift the tabling of the proposal was made by M. Kroening, Seconded by A. Kroening.

- Ayes – Unanimous

Motion carried.

Vice-Chairman Garrow asked the applicant if there was anything new to the application. Mr. Malvestuto indicated that there was nothing new to add to the application.

Board Findings (findings made on September 11, 2023 meeting)

1. The applicant has owned the property since October 1987.
2. The applicant intends to utilize the pole barn for storage.
3. The Board does not have a current survey (application included a survey dated 1971.)
4. The applicant provided an unofficial survey of the intersection of Cayuga Drive Extension and Williams Road that appears to be dated in 2000.
5. There seems to be some confusion with application indicating a setback of approximately seventeen (17) feet). The Board received clarification of the setback from the Building Department.

Discussion on the findings noted that the prior findings remain without change from the last meeting.

Motion to close the Public Hearing was made by M. Klettke, Seconded by M. Kroening.

- Ayes – Unanimous

Motion carried.

Findings per NYS Law Guidelines

1. Whether the benefit can be achieved by other means feasible to the applicant: This was discussed, and the applicant did not feel that another approach would achieve his family's objectives.

2. Undesirable change in the neighborhood character or detriment to nearby properties: Due to the location and current surrounding conditions, it was felt that this would not be necessarily undesirable.
3. Whether request is substantial: It should be noted that the applicant is looking to build the pole barn and its setback will be the same as the house on this property.
4. Whether request will have adverse physical or environmental effects: This request should not have adverse physical or environmental effect.
5. Whether alleged difficulty is self-created: This is a self-created hardship.

Motion made by W. Garrow, Seconded by M. Klettke to recognize this request for variance as a Type 2 Action under SEQR.

- Ayes – Unanimous

Motion carried.

Motion made by W. Garrow, Seconded by A. Kroening to grant the variance as requested with one condition. The variance approval is contingent on the submission, to the Building Department, of an 'as built' drawing of the property that verifies that the distance of the house and the new pole barn are the same. As discussed at the Zoning Board of Appeals meeting, this 'as built' drawing can be a new, updated, and stamped survey. There was an additional comment made by the Board: the pole barn location to be at least a little greater (at least a foot) setback than the house as a reassurance if there were further questions.

- Ayes – Unanimous

Motion carried.

Next meeting: October 23, 2023 @ 7:00pm, Town Hall, Upper Level

Public Hearings: 7:05pm – Daniel Murray – 3989 Hill Road

A motion to adjourn: Motion made by M. Kroening, Seconded by M. Klettke. Ayes: unanimous.

Respectfully Submitted,
Melissa Germann, Secretary

ZBA Distribution Listing

Town Supervisor
Building Dept

Town Board
Planning Board

ZBA members
Town Clerk