

**Town of Ontario
Zoning Board of Appeals
Minutes
January 4, 2017**

Present: Zoning Board Members – Chairman Scott TeWinkle, Bill Bridson, Bill Peck, Chuck Neuman, Nicole Yonker – Zoning Clerk, and 3 members of the public

Jessica Wright stepped down from her position due to moving out of state, effective 12/31/16.

Chairman TeWinkle called the meeting to order at 7pm and led the Pledge of Allegiance.

Minutes

Mr. Neumann moved to approve the minutes from November 2, 2016, Mr. Peck seconded. Vote 4 Ayes, 0 Nays. There was no December 2016 Zoning Board meeting, as no applications were received.

Bill Peck	Aye
Scott TeWinkle	Aye
William Bridson	Aye
Charles Neumann	Aye

Public Hearings

157 Elm Drive – Area Variance

The application of Anthony J. Caschetta & Helen L. Halewski requesting an area variance for the construction of a shed on the west property line, in front of the house. The property is owned by the applicants and zoned R2.

The applicants were present on behalf of the application. He stated the location chosen is due to convenience for access to the driveway.

Chairman TeWinkle stated setbacks requested are similar to those of neighboring lots, and that it is in line with the existing structure.

Chairman TeWinkle asked for public comment; there was none.

The public hearing was closed.

**ZONING BOARD OF APPEALS
TOWN OF ONTARIO
Re: Area Variance
157 Elm Drive
Tax Map #: 61119-00-023473
Applicant: Anthony J. Caschetta & Helen L. Halewski**

The Ontario Zoning Board of Appeals grant to the above Applicant 5' relief where 5' is required for side set back according to Code Section 150-15, and 20' relief where 200' is required for front set back as stated according the Code Section 150-15 B (2), at the above location and bearing the above Tax Parcel number. The within Resolution follows a Public Hearing held on January 4, 2017 and the review, by the Board of all written and oral submissions, together with due deliberation and consideration. This application is a Type II Action under Section 617.5 and, therefore, is not subject to environmental review under SEQRA and this application is a local matter.

The within Resolution is based upon the following specific **Findings of Fact** and subject to the following **Specific Conditions**:

Findings of Fact

- 1) There is no undesirable change to the neighborhood, as it is similar to other projects in their area.

- 2) There are no other feasible means due to lot size and configuration.
- 3) The variance is substantial due to lot size. This is a reasonable request.
- 4) The difficulty is self-created, but reasonable.

Conditions of Approval

The Board, in granting the within application, hereby imposes the following specific conditions:

- 1) This variance is granted only for the plans submitted and prepared by the applicant and dated 12/13/16.
- 2) The building permit shall be drawn within one (1) year of the meeting date.

The within Resolution was moved by Mr. Peck, seconded by Chuck Neuman, and voted as follows:

Bill Peck	Aye
Scott TeWinkle	Aye
William Bridson	Aye
Charles Neumann	Aye

Approved by the Zoning Board of Appeals on January 4, 2017.

6511 Fisher Road– Special Permit

The application of Sustainable Energy requesting a special permit for the construction of a roof mounted solar array. The property is owned by Trevor Szklany & Liz Roberts and zoned R2.

Kathleen Connolly was present on behalf of the application. This application involves two parcels, 6505 and 6511 Fisher Road. 6505 Fisher Road has a single family residence, while 6511 has two barns. The application is for installation of roof mounted panels on the barns, with a wire run underground, to connect to the single family residence as the power source.

Chairman TeWinkle reviewed all normal concerns with Ms. Connolly, including that all wiring is to be covered, installation is to manufacturer’s installation instructions, the panels are contained within the dimensions of the roof (no overhang), the panels are very low profile, with little to no reflective tendencies.

Chairman TeWinkle asked for public comment; there were none.

The public hearing was closed.

**ZONING BOARD OF APPEALS
TOWN OF ONTARIO
Re: Special Permit
6511 Fisher Road
Tax Map #: 64117-00-128940
Applicant: SED Inc.**

The Ontario Zoning Board of Appeals grant to the above Applicant a Special Permit to allow for the installation of a roof mounted solar array, at the above location and bearing the above Tax Parcel number. The within Resolution follows a Public Hearing held on January 4, 2017 and the review, by the Board of all written and oral submissions, together with due deliberation and consideration.

The within Resolution is based upon the following specific **Findings of Fact** and subject to the following **Specific Conditions**:

Findings of Fact

- 1) The land use or activity is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected. The array will be inspected, the wiring is not accessible, components & facility will be labeled, the array turns off when the grid is down.
- 2) The existence of the proposed land use activity will not cause substantial injury to the values of other property in the neighborhood where it is to be located. This is a roof mounted array; will produce “green” electricity, with excess electricity going back to the grid.

- 3) The proposed use or activity will conform to applicable Town, County, State and Federal regulations. Array will be inspected prior to use.

Conditions of Approval

The Board, in granting the within application, hereby imposes the following specific conditions:

- 1) This variance is granted only for the plans submitted and prepared by the Applicant, prepared by SED Inc. and dated December 14, 2016.
- 2) Parcels must be merged prior to building permit being issued.
- 3) Should the parcel ever be subdivided in the future, the array is to be removed.
- 4) The building permit shall be drawn within one (1) year of the meeting date and the array will be inspected prior to use.

The within Resolution was moved by Zoning Board Chairman TeWinkle, seconded by Mr. Peck, and voted as follows

Bill Peck	Aye
Scott TeWinkle	Aye
William Bridson	Aye
Charles Neumann	Aye

Approved by the Zoning Board of Appeals on January 4, 2017.

Open Hearings

1124 Route 104 – Area Variance

The application of Anthony Strati requesting approval of an area variance for the construction of a standalone sign. The property is owned by the applicant and zoned B.

This public hearing remains open from the November 2, 2016 meeting. There have been no updates received from the applicant.

Mr. Peck moved to adjourn the meeting, seconded by Mr. Bridson.

Meeting adjourned at 7:33pm.

Nicole Yonker
Secretary, Zoning Board of Appeals