Town of Ontario
Zoning Board of Appeals
Minutes
April 4, 2018

Present: Zoning Board Members – Chairman William Bridson, Everett Taylor, Robert Graham, John Bouchard, Dom Paz; Richard Williams – Town Attorney; Beth Hart – Zoning Clerk; Town Councilman – Joe Catalano and Jason Ruffell; and 10 members of the public.

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

Minutes

Mr. Paz moved to approve the minutes from March 14, 2018, Mr. Taylor seconded.

William Bridson Aye
Everett Taylor Aye
Robert Graham Aye
John Bouchard Aye
Dom Paz Aye

Vote 5 Ayes, 0 Nays.

7284 Knickerbocker Rd
The application SunCommon requesting approval of a use variance to install an onsite residential ground solar system where current zoning is not permitted. The property is owned by Joellen Simone and zoned SR.

Chairman Bridson asked for public comment.

Jake Longhany, SunCommon representative, is asking for a use variance because the resident can’t not receive a reasonable return on the current code. Her property is completely screened in and doesn’t alter her neighborhood. Ms. Simone is 800 ft from the road and also has an apple orchard adjacent to her property.

Joellen Simone stated she was not aware of the zoning code for her property at the time of purchase and would like the board to give her a variance to allow her to put solar panels on her property.

Richard Williams, Town Attorney, explained that for a “Use Variance Application” to be granted, the Zoning Board will need to look at the following factors (they must all be met).

1. Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
3. That the required use variance, if granted, will not alter the essential character of the neighborhood.
4. That the alleged hardship has not been self-created, but was caused by factors outside the applicant’s control.

Technology changes and the codes need to be changed. Neither the Zoning or Planning Board can change the Town Code. Only the Town Board can change the Code. Mr. Williams suggested to send a letter to the Town Board to change the Town Code.

The public hearing was closed.

A motion was made by Everett Taylor and seconded by Mr. Graham to deny the application.

William Bridson Aye
Everett Taylor Aye
Robert Graham Aye
John Bouchard Aye
Dom Paz Aye

Vote 5 Ayes, 0 Nays.
Denied by the Zoning Board of Appeals on April 4, 2018.
1130 Route 104
The application Biscayne Properties requesting approval of an area variance of 10’ side setback, on the west side and 10’ front setback from the ROW; for the installation of a 4’X8’ sign. The property is owned by applicant and zoned B.

Jim Tuchrello, owner of Biscayne Properties, operates a used vehicle car dealership. He is concerned about the approval of a sign that was approved in February 2018 by this board for a neighboring property. The location of the sign will block part of his business and inventory. Mr. Tuchrello is proposing one sign to be located on his property for both businesses to make it safer and look better. This would limit the number of signs down to one and the sign will look professional.

Mr. Paz commented that there are two options for this sign. To either double up and put both businesses on one sign or move your sign further east on your property. The Zoning board, Code Enforcement officer, Town or Town Attorney cannot be a mediator between you and the Strati’s.

Chairman Bridson asked for public comment.

Jim Switzer, Chamber of Commerce Board of Directors, commented that no sign should be allowed to block the inventory of another business and there seems to be a lack of communication with the Zoning board and other boards from the Town.

Mr. Williams, explained about the application for the Strati’s sign in relationship to NY State ROW and the difference between the two surveyor’s maps. Brian Smith, Code Enforcement officer, has reached out to NYS to verify where the ROW is located. NY State is looking into the location of the sign being in their ROW. Strati’s have not put their sign up at this time. If the Strati’s sign is to be placed in the ROW, their application will have to come before the Zoning board to approve another location.

Mr. Tuchrello would be willing to locate his sign in the middle of the north side of his property and include the Strati’s business on the sign.

The public hearing was closed.

Jim Tuchrello, the applicant, will withdraw his application until the ruling comes back from NY State for the ROW for Strati’s sign.

6323 Knickerbocker Road
The application JoTree LLC requesting approval of an area variance of 17’ side setback, on the north side; for the construction of 2 self-storage buildings. The property is owned by applicant and zoned BT.

Mr. Williams commented this application is coming before the board for approval of an area variance for the side set back and width of the lot only. They will be going before the Planning board for Site Plan approval in the near future. Information was sent to Wayne County Planning Board for the zoning application and they will be receiving the Planning Board application later. We received Wayne County Planning Board comments today stating that they disapprove of this application due to lack of information. Mr. Williams feels that once they receive all the paperwork for the planning application they will approve the whole plan. Because of the disapproval of the application we will need to have a majority plus 1 vote, therefore 4 out of 5 will have to pass this application for the application to be approved.

Mike Wahl, Tylin International, explained that they would like to building 7500 sf storage buildings on a narrow piece of property and need relief for the side set back and the width of the lot. This project will be completed in phases and have flexible spaces. No doors or exits will be on the north side of the buildings.

Chairman Bridson asked for public comment.

James Schultz, resident to the north of the property, was concerned about encroachment onto his property and would like a barricade on the north side of the property line. He is also concerned about drainage from the property going towards his property and would like them to pitch the drainage water towards the south and to run towards Knickerbocker Rd. This is a very flat piece of land and drainage is an issue.

The public hearing was closed.

A motion was made by Chairman Bridson and seconded by Mr. Bouchard to approve the application.

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<thead>
<tr>
<th>William Bridson</th>
<th>Aye</th>
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<tr>
<td>Everett Taylor</td>
<td>Nah</td>
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<tr>
<td>Robert Graham</td>
<td>Nah</td>
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Vote 3 Ayes, 2 Nays.

Chairman Bridson said, because we do not have a "majority plus 1" vote, we cannot approve this application.

Mike Wahl, Tylin International, will **Table** his application until he gets an approval for the Site Plan from the Planning Board.

Mr. Taylor moved to adjourn the meeting. Mr. Graham seconded the motion.

Meeting adjourned at 8:35 pm.

Beth Hart
Secretary, Zoning Board of Appeals