Town of Ontario
Zoning Board of Appeals
Minutes
May 2, 2018

Present: Zoning Board Members – Chairman William Bridson, Everett Taylor (arrived late), Robert Graham, John Bouchard, Dom Paz; Beth Hart – Zoning Clerk; Town Councilman – Joe Catalano; and 10 members of the public.

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

Minutes
A motion was made by Mr. Graham, seconded by Mr. Paz seconded, to approve the minutes from April 4, 2018 meeting as presented.

William Bridson  Aye
Everett Taylor   Absent
Robert Graham   Aye
John Bouchard   Aye
Dom Paz   Aye
Vote 4 Ayes, 0 Nays. MOTION CARRIED

226 Ridge Rd - Area Variance
The application of John Garziose requesting approval of an area variance for construction of a 40’X38’ pole barn nearer the front property line than the main residence. The property is owned by Bruce Gerber and zoned SR.

John Garziose explained that he would like to put his pole barn, at his residence, closer to the road than his residence. This is a flag lot and we have 5 acres of land and 800 ft. from the road. Lean to is facing the house.

At its regularly scheduled meeting on April 26, 2018, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:
1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,
2) the minimum variance necessary/adequate should be considered,
3) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances and
4) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (approximate mapping available online at http://www.dec.ny.gov/gis/erm/) and any planning/development should be done in accordance with applicable regulations.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

A motion was made by Mr. Graham and seconded by Mr. Paz to approve the area variance for construction of a 40’X38’ pole barn nearer the front property line than the main residence.

William Bridson  Aye
Everett Taylor   Absent
Robert Graham   Aye
John Bouchard   Aye
Dom Paz   Aye
Vote 4 Ayes, 0 Nays. MOTION CARRIED

375 Parsons Acres - Area Variance
The application of Nicholas Sorce and Diane King requesting approval of an area variance for construction of a 2 ½ -3 car garage nearer the front property line that the main residence. The property is owned by applicant and zoned R2.

Nicholas Sorce explained that he has a raised septic bed behind his house that takes up quite a bit of space and beyond the septic system his land is very wet. The best location to place the garage is in the front of his house. He has made a slight change to the building plans by adding 3 doors instead of 2 doors because of the cost.
Everett Taylor entered the meeting.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

A motion was made by Mr. Bouchard and seconded by Mr. Paz to approve the area variance for construction of a 2 ½ - 3 car garage nearer the front property line that the main residence.

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

Vote 5 Ayes, 0 Nays. MOTION CARRIED

**1124 Route 104 - Area Variance**

The application of BME Associates requesting approval of an area variance of 9’ front setback from ROW and 7’ side setback on east side for construction of a 4’ X 8’ sign. The property is owned by Anthony Strati and zoned B.

Greg Bell, BME Associates, stated they were approved by the Zoning Board of Appeals from the February 7, 2018 meeting but have since realized the Route 104 ROW has changed which brings them back for a variance outside of the ROW. There was a widening of land, appropriation by NYS, that changed the ROW on Route 104 affecting this property. Therefore, we are back to get another area variance for the sign to get it out of the ROW.

At its regularly scheduled meeting on April 26, 2018, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the Preliminary/Final Site with the following comments:

1) the hardship criteria (rules/test) that are required to grant the area variance must be substantiated at the local level,

2) the minimum variance necessary/adequate should be considered,

3) the proposed sign should not impede available sight distance(s),

4) the proposed sign should not impact the NYS Department of Transportation Rt. 104 right of way (according to the provided site plan, the sign will not be in the right of way),

5) the NYS Department of Transportation should have an opportunity to review the proposal to determine potential impacts (if any),

6) the Town may wish to review applicable regulations to determine if they still meet intended objectives should there be repeated requests for similar variances and,

7) the property owner(s) should be aware that portions of the parcel may contain (or be near) FEMA flood zone area (approximate mapping available online at [https://msc.fema.gov/portal](https://msc.fema.gov/portal)), and any planning/development should be done in accordance with applicable regulations.

Chairman Bridson asked for public comment.

Jim Tuchrello, Biscayne Properties LLC, stated he was here last month for an area variance of his property but withdrew it, in hopes that he and the applicant could come to an agreement for one sign on his property. He feels that putting the sign in the proposed location would make getting in and out of his property a real problem. He also feels that a number of signs will cause confusion and a 12’ high sign will block his inventory and visibility of the building.

Chairman Bridson asked if they would be willing to change the building plans from a 2 pole to 1 pole. Which Mrs. Strati replied no.

Greg Bell produced pictures that were taken on Route 104 showing the size of the sign and that the sign would not be blocking Mr. Tuchrello’s business.

Jim Tuchrello replied that he needs access to his business and the sign would be blocking his egress/ingress easement. He is already having problems getting around his property with the vehicles having to be moved closer to the building because of the ROW. Jim Tuchrello said he is willing to pay for a professional sign, that is not made of wood, and put the shared sign on his property. Jim also said that if you are going to pass this variance to change the height to 16’ because a 12’ sign will block his business.

The public hearing was closed.
A motion was made by Mr. Paz and seconded by Mr. Bouchard to approve the area variance 5.5’ front setback relief from ROW where 10’ is required and 3’ side setback relief from the east property line where 10’ is required for construction of a 4’X8’ sign.

William Bridson  Aye
Everett Taylor  Aye
Robert Graham  Aye
John Bouchard  Aye
Dom Paz  Aye
Vote 5 Ayes, 0 Nays. MOTION CARRIED

2145 First Avenue – Area Variance
The application John Cogan requesting approval of an area variance of 7.7’ side setback on the east side; for the installation of a hot tub. The property is owned by applicant and zoned SR.

John Cogan explained that the size of the lot is very small and with the wind coming off the lake, there is very few options for placement of the hot tub. We are purchasing the hot tub for medical reasons.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

A motion was made by Mr. Taylor and seconded by Mr. Bouchard to approve the area variance of 9’ east side setback where 10’ is required for construction of hot tub.

William Bridson  Aye
Everett Taylor  Aye
Robert Graham  Aye
John Bouchard  Aye
Dom Paz  Aye
Vote 5 Ayes, 0 Nays. MOTION CARRIED

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

Meeting adjourned at 8:50 pm.

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Beth Hart
Secretary, Zoning Board of Appeals