Minutes

A motion was made by Mr. Paz, seconded by Mr. Bouchard seconded, to approve the minutes from June 6, 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

6323 Knickerbocker Road – Area Variance

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.

Richard Williams, Town Attorney, explained to the board the information from the Planning Board’s meeting on July 10, 2018. The Planning Board was short 2 members and could not take any action. The revised plans show improved drainage, the largest building is a little smaller and both buildings have been moved 6ft further from the north property line. All three members on the Planning Board were in support of the plan and area variance. Mr. Shultz, the owner of property north of this address, is happy with the drainage improvements. The Town Engineer said the drainage would be an improvement over the existing drainage.

Mike Wahl, T.Y. Lin International, explained the density of the project was dropped to 6800sf with a 20% reduction. The buildings will be brick sided, a metal roof and similar colors to the other building currently on the property. There are a total of 8 storage units which will be built in two phases.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

At its regularly scheduled meeting on March 28, 2018, the Wayne County Planning Board reviewed the above referenced referral and recommended disapproval of the area variance. The Board felt they lacked information that is needed to help them assess the items they are charged to consider by General Municipal Law, Section 239-1.2. Unfortunately, no one attended the meeting to represent the application and help discuss the proposal. The Board had specific concerns/questions regarding the proposed density of development, particularly given the parcel width (76.46’ listed on the site plan) and when considering items such as existing and proposed locations as well as driveway and parking areas. The Board also questioned if granting the requested variance would create an undesirable change in the character of the neighborhood and also be considered too substantial, particularly given the development pattern/precedent and regulations the Town has established for the Business Transitional zone. The following comments were recommended for consideration regarding the area variance:

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 should be considered,

For reference, the NYS Department of State has a useful reference document available, “Zoning Board of Appeals” on their website @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf.

Details regarding each of the area variance “hardship rules/test” can be found in this document.

Additional comments were made by the Board in relation to the provided site plan (3.14.18) should the area variance application be approved by the town and development proceed. Many of the comments below relate that the board is charged to review by General
Municipal Law, Section 239-1.2. The Board would ultimately like to ensure that the proposed development is compatible with surround land uses. The comments related to a potential site plan (if applicable) follow:

1) development should be done in a manner that helps it remain compatible with existing on-site (e.g. professional office building) and surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 104,

2) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (e.g. mitigate visual and noise impacts, particularly as they relate to adjacent residential uses),

3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials – AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Knickerbocker Rd,

4) emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),

5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II storm water management and erosion and sediment control regulations – if applicable, etc.),

6) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),

7) toxic/hazardous materials should not be stored in the proposed storage units and

8) future plans (if any) for the total acreage should be considered.

A motion was made by Chairman Bridson and seconded by Mr. Bouchard to approve the Area Variance for construction of 2 self-storage buildings oat 6323 Knickerbocker Road.

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

Vote 4 Ayes, 0 Nays. MOTION CARRIED

1699 Nature Drive - Area Variance

The application, J. Noble Armstrong, requesting approval of an Area Variance of 15’ side setback for the construction of 768sf pole barn. The property is owned by applicant and zoned R2.

Noble Armstrong, resident, stated that he would like to place the pole barn on the southeast side of his property. The rear of his property have drainage issues and behind the house has a leech field. The pole barn will be metal sided, similar to another one in the neighborhood.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

A motion was made by Mr. Bouchard, seconded by Mr. Graham to approve the Area Variance of 15’ side setback for the construction of 768sf pole barn at 1699 Nature Drive.

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

Vote 4 Ayes, 0 Nays. MOTION CARRIED
**1334 and 1344 Route 104 – Use Variance**

The application, Patrick Almy, requesting approval of a Use Variance to allow sales, repair and collision repair of automobiles. The property is owned by applicant and zoned B.

Richard Williams, Town Attorney, explained to the Board the larger property is allowed to have car sales with a limit of 18 vehicles and automobile service. While the smaller parcel is allowed only automobile service.

Jim Tucherello, resident, stated that his business at 1130 Route 104 is expanding and would like to keep his business in the town. He found two parcels. One was a vacant lot that he could showcase his vehicles for sale and the other lot having two buildings, which he would like to convert the front building into offices and the rear building into automobile service.

Patrick Almy, owner of the properties, stated he now lives two hours away, is in poor health and would like to retire. He has had these properties up for sale since 2015 with no buyers except for Mr. Tucherello. He was told from a realtor that his properties haven’t sold because of the traffic patterns on Route 104 and the zoning laws for this property. Patrick feels that his property is zoned Business and selling vehicles should be allowed in this district.

Chairman Bridson asked for public comment, there were none.

The public hearing was closed.

At its regularly scheduled meeting on June 27, 2018, the Wayne County Planning Board reviewed the above referenced referral and determined it to have no intermunicipal or countywide impact with the following comments:

1. the hardship criteria (rules/test) that are required to grant the use variance must be substantiated at the local level and
2. the minimum variance necessary should be considered,
3. the applicant(s) should be aware that portions of the parcel appear to 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.

A motion was made by Mr. Paz and seconded by Mr. Bridson to approve the Use Variance to allow sales, repair and collision repair of automobiles at 1334 and 1344 Route 104. This is conditional on the merging of the 2 properties with the total cars displayed will be the same (18 vehicles) as currently permitted. Site plan to be approved before any construction.

William Bridson  
Everett Taylor  
Robert Graham  
John Bouchard  
Dom Paz  

Vote 4 Ayes, 0 Nays. MOTION CARRIED

**7024 Ontario Center Road - Area Variance**

The application, Daniel Poarch requesting approval of an Area Variance of 20' rear setback for the construction of a 216sf shed. The property is owned by applicant and zoned R2.

Daniel Poarch stated that he has a leech field on the north side of his house and would like to place the shed closer to the lot line.

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. Bouchard to approve the Area Variance of 20' rear setback for the construction of a 216sf shed at 7024 Ontario Center Road.

William Bridson  
Everett Taylor  
Robert Graham  
John Bouchard  
Dom Paz  

Vote 4 Ayes, 0 Nays. MOTION CARRIED
Mr. Bouchard moved to adjourn the meeting. Mr. Paz seconded the motion.

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

Vote 4 Ayes, 0 Nays. MOTION CARRIED

Meeting adjourned at 9:08 pm.

Beth Hart
Secretary, Zoning Board of Appeals