

The RAOCG Cooperative ZBA met in regular session on Wednesday, November 6, 2019. Present were T. Kight, D. Austin, R. Blank, and B. Fetterly. M. Spencer was absent. Chairperson Kight called the meeting to order at 7:00pm.

Motion by B. Fetterly, seconded by R. Blank to dispense with the reading of the October 2, 2019 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

### **Public Hearing**

The public hearing on the area variance for parcel no. 86.55-1-8, submitted by Three C's Sales, resumed at 7:01pm. Members discussed the linear measurement as determined by the Village Zoning Officer. T. Kight determined a required variance of 23ft. R. Blank calculated a linear measurement that included the wrap around and a required variance of 8ft. All persons desiring to be heard, having been heard, the public hearing was closed at 7:20pm.

Members reviewed and responded to the SEQR. Motion by R. Blank, seconded by B. Fetterly to make a declaration of negative environmental impact. Ayes-4, Nays-0. Motion carried.

The following resolution was offered by R. Blank, who moved its approval, and seconded by B. Fetterly, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Three C's Sales for parcel number 86.55-1-8 for a variance of the V/West Carthage Zoning Law Section 91-17A; subsection 2, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concludes the proposed signage would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is not substantial.

- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is not self created.

NOW, THEREFORE BE IT RESOLVED that the application from Three C's Sales, parcel number 86.55-1-8, for a variance of Section 91-17A; subsection 2 of the V/West Carthage Zoning Law is hereby denied.

The foregoing resolution was duly put to a vote as follows:

- D. Austin.....nay
- R. Blank.....aye
- B. Fetterly.....aye
- T. Kight.....nay
- M. Spencer.....absent

Resolution denied.

Proof of notice having been furnished, the public hearing on the area variance for parcel no. 77.16-1-21, submitted by George and Nancy McBride, located at 23696 County Route 42 was called to order by Chairperson Kight. No one from the public offered any comment.

Members reviewed the T/Wilna Zoning Law relative to flag lots to determine if the provision was applicable. Mr. McBride responded that it was his intention to retain ownership of a barn on the property. The retention of the structure prevents the application of the flag lot provision. Mr. McBride stated that there were a number of lots in the neighborhood that do not conform to the current zoning law area regulations. B. Fetterly suggested an amendment to the application to request a variance for only the "house" lot. Mr. McBride stated that due to the location of the septic system and leach fields that amending the application was not practical. All persons desiring to be heard, having been heard, the public hearing was closed at 8:15pm.

Members reviewed and responded to the SEQR. Motion by D. Austin, seconded by T. Kight to make a declaration of negative environmental impact. Ayes-4, Nays-0. Motion carried.

The following resolution was offered by D. Austin, who moved to deny the application, and seconded by T. Kight, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from George McBride for parcel number 77.16-1-21 for a variance of the T/Wilna Zoning Law, Schedule II-Lot Dimensions, and  
 WHEREAS, in connection with such application, the Zoning Board of

Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concludes the proposed subdivision would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is substantial, creating two (2) non-conforming lots.
- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from George McBride, parcel number 77.16-1-21, for a variance of Schedule II-Lot Dimensions of the T/Wilna Zoning Law is hereby denied.

The foregoing resolution was duly put to a vote as follows:

D. Austin.....aye  
R. Blank.....aye  
B. Fetterly.....aye  
T. Kight.....aye  
M. Spencer.....absent

Resolution adopted.

Motion by D. Austin, seconded by R. Blank to adjourn. The meeting adjourned at 8:20pm.

*Christina Vargulick*  
RACOG Cooperative ZBA, Secretary