Zoning Board Member’s Present:

Richard Biggio, Chairman, Steve Ritter

Absent

Jennifer Cisco

Public Attendance:

Callie Perry, Town Clerk, Jim Bixby, and Jim and Bonnie Haight

7:00pm: Richard Biggio opened the Public Hearing for Haight Variance.

Property: 1120 River Road, Lindley, NY 14858. Tax Map # 388.000-01-043.000.

Documents Submitted:

Letter of Approval, variance application, drawings, survey, slides presented of the property and parcel data from the County.

The drawing submitted mirrors the survey presented. The pool has moved and the garage is about in the same location and in line.

Steve Ritter’s concern is making the setback worse because the garage needs to be a certain distance from the property line. Bonnie and Jim Haight stated that the new garage would be more on the other property than they were.

There is a letter from the neighbor writing on behalf of the Haight’s and is in support of the new garage, stating there has always been a garage in that area and she sees no reason to change that.

The dimensions of the new garage are slightly larger than the old garage by four (4) feet. The width will be the same, but longer in length. Measurements are 24ft x 32ft. The old garage measured 24ft x 28ft. The new garage will have an eight-foot ceiling, pole barn style with metal sides and roof, entrance and two garage doors.

The old garage was damaged by moisture. The low spot has been filled in with 16-18” crick run/bank run and 6-10” of modified on top of that. Cement floor will be added. This will be an improvement to their property.

Richard Biggio explained that most municipalities now have a Planning Board, Zoning Board, and Zoning Board of Appeals. The Town votes and decides what rules and regulations they want in the Town. That was established in Lindley, but not until 2014. The Haight’s applied for a building permit and were denied because their setback didn’t meet the Zoning Law that requires a twenty-five-foot setback from the side yard. Therefore, you were able to apply for a variance with the Zoning Board of Appeals.

Steve Ritter asked if there was a density issue, which there was none.

The Haight’s have a quick claim deed from the Porter’s, which gave the Haight’s three feet of their land. This is on record with the County.

No public comments regarding the pole barn.

7:18 pm: Richard Biggio closed the Public Hearing.

The State provides additional questions as a guide for approvals.

1. The new structure will not produce undesirable change.
* True
1. The new structure will not create detriment to other properties.
* True
1. There is no other method to produce.
* True
1. The area variance is not substantial.
* False
1. The new structure will not have an adverse effect on physical or environmental conditions.
* True
1. The alleged difficulty was not self-created.
* True

**Steve Ritter proposed a** **Resolution**

to approve the variance as requested without modification.

**Richard Biggio: Seconded.**

**All in favor.**

A Resolution of Determination over-turning the denial will be submitted and the Code Enforcement Officer will now issue permits according to law.

The application was submitted, and the applicant was here to be heard.

NOW, THEREFORE BE IT RESOLVED by the Zoning Bord of Appeals, 1120 River Road is approved.

**Motion By: Steve Ritter**

to adjourn at 8 p.m.
**2nd by: Richard Biggio**

**All in Favor. Motion Carried.**

Respectfully Submitted,

Callie Perry

Lindley Town Clerk