

ZONING BOARD OF APPEALS TOWN OF CANADICE

Canadice Town Hall

July 13, 2022

Present: Linda Moorhouse, Chairperson
Diane Horning, Vice Chairperson
Ed Bott
Jesse Hallett
Kris Singer
Steve Smith, CEO

Guest: David Hudak
Jim Cratsley

PUBLIC HEARING – Christine & David Hudak

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m.
Chairperson, Linda Moorhouse introduced the Zoning Board of Appeals members and stated that a quorum was present to hear the application. The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance were reviewed.

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.
- Whether the requested area variance is substantial.
- Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- Whether the alleged difficulty was self-created, in which consideration shall be relevant to the decision to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

L. Moorhouse - Read the permitted action of the board of appeals.

L. Moorhouse - Now, your request is to put up a pole barn, correct?

D. Hudak - Yes.

L. Moorhouse - And, you are asking for a 15ft. set back?

D. Hudak - Yes.

L. Moorhouse - From the front property line, ok. I am assuming the front property line you are talking about is West Lake Rd., or Old West Lake Rd.?

Page 2

D. Hudak - Old West Lake Rd.

L. Moorhouse - Old West Lake Rd., ok. Was there anything else that we wanted Mr. Hudak to bring in?

K. Singer - I don't remember anything for him, no. I went down by there a couple of times and the only question I had from the first meeting was the view from across the street, but they are offset enough.

L. Moorhouse - Ok, well, do any of our members have any questions?

E. Bott - Ok, now I remember, you are squeezed in between the two roads. This has got a pretty good drop off that takes place right behind where the proposed building is, right?

D. Hudak - Yes.

E. Bott - The only thing odd about this is, because the way the address is set up, the house is actually closer to the Old West Lake Rd. so they call that the front, if I am reading this right?

D. Hudak - Yes.

E. Bott - Where the main road is the New West Lake Rd. and you are way back from there. It's almost like this is reversed with the address they gave you. It's just my opinion.

J. Hallett - County Rd. 36 is the important one.

E. Bott - That's my point, they have the bigger setbacks on the main highway, the backside of the lot, if you would. They gave the address as Old West Lake Rd., so they are calling that the front of the property.

L. Moorhouse - Well, if there are no more questions, I will make a motion that the application is complete, so moved by K. Singer, seconded by D. Horning, all in favor.

E. Bott - Explained the two parts of accepting the application and voting on the variance.

Roll Call Vote to accept or deny:

L. Moorhouse **YES**, D. Horning, **YES**, E. Bott, **YES**, K. Singer, **YES**, J. Hallett, **YES**

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

D. Horning - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

E. Bott - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

K. Singer - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

Page 3

J. Hallett - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

L. Moorhouse - Your request for a variance has been approved.

The Public Hearing concluded at 7:43 p.m.

PUBLIC HEARING – J. Cratsley, LLC

L. Moorhouse invited Mr. Cratsley to come and sit before the board.

L. Moorhouse - We had a few questions last time, correct?

E. Bott - We wanted those distances and he filled all those in. Front and back of the buildings. Up the line, he has it marked, because you are splitting this, correct? There are actually two residences, so you are splitting it to one residence per place?

J. Cratsley - I couldn't find that bottom pin, but public water works runs through there. What I've heard is that it is a couple grand to get it surveyed, so I am doing this first to see if I get approved.

J. Hallett - I was absent for the Preliminary Hearing here. Is there a residence on both of these lots?

E. Bott - It's one lot now with actually two residences.

The board discussed the drawings and where the lines will be to separate the two lots.

E. Bott - He has all the measurements on there.

L. Moorhouse - You did a good job on that. These are separate lots right now, correct?

E. Bott - No, it's one lot right now.

L. Moorhouse - It's one lot right now?

K. Singer - We are not here for a subdivision, we are here for the setbacks. He has to go to the Town for the subdivision. We have to approve the reduced setbacks based on the code and then the Planning Board approves the subdivision. They won't go forward with the subdivision until we approve the setbacks.

E. Bott - There is really no wiggle room, he's got 21ft. on both sides.

S. Smith - The reason for the variance is because he doesn't have a big enough lot to subdivide

Page 4

it.

J. Hallett - If you are under 3 acres.

S. Smith - It's different down on the lake shore.

L. Moorhouse - Have you spoken to anyone from the Planning Board regarding the subdivision?

K. Singer - Have you talked to Ted Mayhood?

J. Cratsley - A long time ago.

S. Smith - Jim was in Tuesday and I asked him if he had gotten the ball rolling yet with Ted.

K. Singer - I talked to Ted and I know he will be here tomorrow night.

S. Smith - It would be a good time to meet with him.

K. Singer - He will be here between 5-7 tomorrow. I talked to him earlier today and he said he was going to be here tomorrow night.

L. Moorhouse - Is that a meeting, or just hours?

K. Singer - He has hours on Thursdays.

L. Moorhouse - Ok. So, Mr. Cratsley would just have to bring up what information and questions he has.

K. Singer - He would have to fill out the subdivision application with Steve.

S. Smith - I think you filled out the subdivision application already, didn't you?

J. Cratsley - As far as I know, I am caught up with everything. I paid \$75.00 for something.

S. Smith - That was for this. I think the subdivision application fee is \$100.00 now.

K. Singer - You can check his file.

S. Smith - I can check with Eileen and see if she has an application on file for him, or at least the payment. I wouldn't have the application for the Planning Board, that would go to Ted. I don't remember filing it, so I don't believe we have an application for the Planning Board yet.

Page 5

L. Moorhouse - So, he could talk with Ted tomorrow night and get things done and then he has to attend the meeting of the whole board?

K. Singer - Ted will walk him through everything.

J. Cratsley - So, when I see Ted, I ask him for the application?

S. Smith - I will give you one tonight and bring it with you tomorrow.

J. Cratsley - What questions will I have for Ted?

J. Hallett - If we approve the setbacks, can they still deny the subdivision, based on the lot size?

L. Moorhouse - They could.

J. Hallett - So, are we worried about the setbacks and the lot size, or just the setbacks?

E. Bott - In my opinion, there are two residences on the place. You are only supposed to have one residence per lot, for starters, so he is actually correcting the situation. These buildings were pre existing. You did a really good job at making them equal in size.

L. Moorhouse - We are just ruling on the setbacks?

E. Bott - Yes.

L. Moorhouse - Ok, are there any questions from the board members?

L. Moorhouse - I will entertain a motion that the application is complete, E. Bott moved, seconded by J. Hallett, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse - **YES**, D. Horning - **YES**, E. Bott - **YES**, K. Singer - **YES**, J. Hallett - **YES**

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. No - **YES**

D. Horning - 1. No, 2. No, 3. No, 4. No, 5. No - **YES**

E. Bott - 1. No, 2. No, 3. No, 4. No, 5. No - **YES**

K. Singer - 1. No, 2. No, 3. No, 4. No, 5. No - **YES**

J. Hallett - 1. No, 2. No, 3. No, 4. No, 5. No - **YES**

L. Moorhouse - Ok, we are all in agreement. You have your variance. Good luck with your next meeting.

Page 6

J. Cratsley - Thank you folks.

Public Hearing concluded at 8:00 p.m.

The Board Members filled out registration forms for training sessions at NY Kitchens on September 28, 2022.

There was discussion about the updated open meeting laws with zoom being a requirement.

There was discussion about the Anthony Castronova property regarding the stop work order.

Old Business

E. Bott made a motion to approve the minutes from the June 8, 2022 meeting,

D. Horning seconded, all in favor.

E. Bott made a motion to adjourn the meeting, K. Singer seconded, all in favor

Meeting adjourned at 8:10 p.m.

Respectfully,

Stephanie Seeley, Secretary