

DRAFT

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

September 14, 2016

Present: Linda Moorhouse, Chairperson
Diane Horning
Marty Gascon
Ed Bott
Bob Best, CEO

Guest: Steve Engard
Patrick Rogers

PUBLIC HEARING - ROGERS

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.

Chairperson, Linda Moorhouse then read permitted action for the Zoning Board of Appeals.

L. Moorhouse - Invited Mr. Rogers to come and sit before the board.

L. Moorhouse - At the Preliminary Hearing, we requested additional information from you and you have provided us with that. Also, you referred to National Fuel and that you had to fill out an application with them. Did you bring that application with you tonight?

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P. Rogers - That is the procedure, you don't fill it out until you are prepared to move the meter. I contacted them just to understand the procedure.

L. Moorhouse - And, the procedure is what?

P. Rogers - You fill out the application and they accommodate you with the application.

E. Bott - So, is the meter still there?

P. Rogers - The meter is there and they basically coordinate relocating it.

E. Bott - The meter is still there. Is that what is marked on the map?

P. Rogers - Yes.

E. Bott - Is that the 23 foot mark? That is pretty much right in the middle.

P. Rogers - Yes.

E. Bott - For the record, in addition to the application denial at the Preliminary Hearing, you had to amend the application to include section C-2 for the side set back variance. Do you understand that part?

L. Moorhouse -So, is there a possibility that they will not move the meter?

P. Rogers - I suppose, but, I think it is a pretty common procedure, from what I understand. They do this quite a bit along the Lake Rd. They want to accommodate so they get your service.

L. Moorhouse - Is this a new service here now?

P. Rogers - They haven't for us. I think it is probably available, but, we don't have it.

E. Bott - The meter is still where it was?

L. Moorhouse - It's a preexisting meter?

B. Best - Yes.

L. Moorhouse - Is it required that the meter be moved before the building can be put up?

B. Best - It would definitely have to be moved once the building is put up.

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P. Rogers - It wouldn't have to be moved before the building goes up. I wouldn't put the building up if they weren't going to move it.

E. Bott - That's up to us to determine during this procedure tonight.

L. Moorhouse - I wasn't sure how that worked, or what National Fuel's requirements were.

E. Bott - The last time you were here, you talked about the how the grades would be symmetrical on both sides of the garage. I asked about how the water was going to flow on and around the property because you are essentially building a 29-30ft. Wall along your neighbor's property line. What kind of a grade are you talking about for the 8ft. on the South side?

P. Rogers - That grade would be the same as it is now. It's very steep and when it gets down to the bottom, it is very gradual. There wouldn't be any appreciable difference in the grade there.

E. Bott - You would be putting the water to your neighbor's line.

P. Rogers - I thought you were talking about the water off the roof.

E. Bott - What is your plan for that? Anything coming off of there will end up on your neighbor's property.

Mr. Rogers discussed the map with the Board Members and showed them the grade and explained what direction the run would go.

L. Moorhouse - Do any of the Board Members have any questions?

D. Horning - You are going to be putting a lot of fill in. Are you going to have the meter moved before you start that?

P. Rogers - Yes, it would have to be moved before the driveway goes in or any fill goes in. I would not move forward with this if they weren't going to move the meter. I wouldn't put it in if the meter was in the middle of my driveway.

E. Bott - There are two steps to this process. First we vote to accept the application as it stands. Then, we vote on the variance.

L. Moorhouse made a motion to accept the application as complete, D. Horning seconded, all in favor.

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L. Moorhouse - Asked the secretary to read the Public Hearing notice from the Daily Messenger.

Roll Call Vote to accept or deny:

Chairperson, L. Moorhouse, **YES**, E. Bott, **NO**, D. Horning, **YES**, M. Gascon, **NO**

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

Ed Bott - 1. Yes, 2. Yes, 3. Yes, 4. Yes, 5. Yes - **NO**

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

Marty Gascon – 1. Yes, 2. No, 3. Yes, 4. Yes, 5. Yes – **NO**

The variance was denied with a quorum of 2 ayes and 2 naves. Notification will be sent by letter to the applicant and the Code Enforcement Officer, Bob Best.

Old Business

E. Bott made a motion to approve the minutes from the August 10, 2016 meeting, with the noted corrections, seconded by D. Horning, all in favor.

E. Bott made a motion to adjourn the meeting, seconded by D. Horning, all in favor and adjourned at 8:10 p.m.

Respectfully,

Stephanie Seeley, Secretary