

Minutes for the Town of Sennett Zoning Board of Appeals on Thursday, September 24, 2020 at the Town of Sennett Office Building.

Members: Ed Magdziak, Chairman
Bob Edmunds
David Sikora
Marion Cool

Norman Chirco, Esq.

Jeffrey Hofmann and alternate, Jerry Patience are absent.

Magdziak opens the meeting with the Pledge at 7 p.m. Next, Magdziak asks the board to review the minutes from the last meeting in January, as well as the minutes of the meeting prior to that, from August 22, 2019. The August 2019 minutes were not approved in January because Marion Cool had not received them and needed to catch up. After review, Magdziak asks for a motion to approve the minutes from August 2019 and January 2020. Bob motions, Dave seconds. Approved.

Next, is a public hearing for Mr. Martin. He is requesting an area variance for a 30' x 40' pole barn on his property. He doesn't currently have a garage. Magdziak asks the applicant if the code enforcement officer explained what an area variance is to him. Martin says the officer told him he needed to go for a size variance. The survey has been updated. Bob asks Martin about the ingress and egress of the barn. Martin says there will be a front door facing the road and a side door facing the house. He plans on addressing the drive off of Franklin St. Rd. at a later date. He eventually wants a horseshoe-shaped driveway. Magdziak asks the primary use--It will be a typical barn for cold-storage. Martin isn't planning on any external lighting that will require approval from Town. Bob asks Martin if the barn will be even with the house or farther back. Even with the house.

Norm explains to the board that it is the board's right to approve as much of a variance as they are comfortable with.

Magdziak asks Martin if the codes officer explained the code and the purpose of requiring application for a variance. Yes. Magdziak reads to the applicant the points that the board must consider including, character of the neighborhood, if the goal can be achieved by any other method, if the request is substantial, if the difficulty was self-created by the applicant. Magdziak requests for the public to speak for or against the proposal. Mr. Frank Graham is present. Graham lives at 3232 Franklin St; he is the adjoining property owner. He does not have a problem with the pole barn. He asks a question about the property line but Bob tells Graham he believes the question is more appropriate for the code enforcement officers, not the ZBA.

Dave has concerns about granting a variance because he believes the code was changed for a good reason. The size originally was 1,200 sq. ft. and was dropped down to 750 sq. ft. Variances are for the life of the property and Dave's concern is that the next owner could put in a shop or something of that nature. Norm says the board could grant the variance under the condition that the next buyer only uses the pole barn for storage. Codes said Martin could build two 750 sq. ft. buildings. Dave says the property is unique because it only has 1 neighbor who is present at the hearing and approves of it. Dave asks if Martin would consider anything smaller. Martin really wants 1,200 sq. ft.

Norm adds that if Martin wants heat in the building, he would have to come back before the board so carefully make that decision. Martin says he will probably use space heaters.

The size and future of the building are concerns for Dave and Marion. Bob doesn't have concerns. Dave worries this will break precedents for why the code was changed. Ed wonders if the code could be looked at for changes. Norm and Bob declare that changing the code is not the problem of the ZBA. Norm reassures the board they don't have to offer any more lenience than is asked for. Dave and Bob do the math for sizing the building. They determine that the code's 750 sq. ft. measurement would require a 25x30 building. Whereas Martin is asking for a 30x40 building. If the 30' wall still faces Franklin St, the building's appearance from the road doesn't change, just the depth.

Dave motions to approve a 1,000 sq. ft. variance for cold storage only and no heat without approval. Bob isn't concerned. Marion disapproves, Ed says he could go

either way. Bob changes the motion to: Approve a 450 sq. ft. area variance for the requested 1,200 sq. ft. pole barn, that remains cold storage only, and the 30 ft. length will face Franklin St.

Magdziak asks if there is any further discussion? None. Roll call vote: Marion-No, Ed-Yes, Bob-Yes, Dave-Yes. Approved. Norm will write up the resolution of the board and notify Martin.

Magdziak asks if there is any old business. Norm reports that the Rex case continues. The ZBA board's decision was approved by Judge Leone. The Rex's appealed, the Judge denied it. Rex's asked that the case go before Rochester court. Norm will wait for more updates.

Magdziak asks for new business. The fire at Route 20 Grill on Genesee St. Codes mentioned destruction and damage, owner has a year to repair the building.

Review of old business? No.

Review of new business? No.

Other business? None.

Bob motions to adjourn. Dave seconds. Meeting adjourned.

Respectfully submitted,

Heather Driscoll