

Minutes of the Preble Zoning Board Authority-7/7/16

Members Present: Chairman Dan O'Shea, Amy Bertini, Nancy Dalley, Bob Lieber

Also Present: Town Attorney Don Armstrong, Don Fisher and Mary Sue Wright

Absent: Jay Currie

Dan O'Shea opened the Public Hearing to review Mary Sue and William Wright's application for an area variance to order at 7:34 p.m. There were no other members of the public present to comment on her request. It was noted that the County Planning Board had reviewed the application and deemed it adequate and without any State or County-wide impact. The chairman asked if anyone present had anything further to add to the information at hand. The applicant stated she felt the ZBA application form was confusing and in need of modification. It was discussed and will be taken into consideration. Dan inquired as to whether the ZBA should declare that they were the lead agency and proceed to complete the S.E.Q.R. form. Don Armstrong suggested they fill in the form and when the application is forwarded back to the Planning Board they could decide if they'd also do so.

The applicant was asked to summarize the request for the variance and she explained that she and her husband want to sell about 2.1 acres of land to Roger Beck, who owns property adjacent to theirs. As the size of the parcel slightly exceeds the total property percentage requirements of the Town's Subdivision regulations she is requesting a variance from the definition of a lot line adjustment. Secondly, the fact that her property is zoned light industrial, and Beck's land is zoned commercial, is another issue that needs to be addressed.

That Public Hearing was closed and the Public Hearing to address Michael Hughes' application for a side yard requirement variance was opened at 7:45. As there were no members of the public present to add comments, the Public Hearing was closed.

The regular meeting was opened and the board began discussion of the Wright application. It was decided to proceed with the SEQR review and complete the Impact Assessment. The board reviewed the criteria and found there were no impacts as a result of the proposed action, and Amy Bertini made the **Motion** to make a negative declaration on the SEQR form review. Bob Lieber seconded, all in favor, the motion passed. Next the board made the following findings in reviewing the criteria for the granting of a variance.

Whereas the proposed variance would result in no undesirable change in the neighborhood; and **Whereas** the benefit sought by the applicant (the sale of the property parcel) cannot be achieved by any other method, since the sale proposal does not comply with subdivision regulations, requiring an area variance ; and **Whereas** the area variance is not substantial; and **Whereas** the proposed variance would have no adverse impact on the environment; and **Whereas** the alleged difficulty was self-created, but it is so minor it has no impact on the variance request. **Wherefore** it was **Resolved** that after considering the above five factors, the application be granted. The **Motion** was made by Amy Bertini to approve the area variance for a lot line adjustment made by William and Mary Sue Wright. Nancy Dalley seconded,

all in favor, the motion carried. The application will now go before the Planning Board again at their next meeting on July 27.

Next on the agenda was discussion of Michael Hughes' application for an area variance. It was noted that the County Planning Board responded that the request was adequate and there was no State or County-wide impact. It was sent back to the Preble board for local determination.

It was noted that at last month's ZBA meeting the applicant had brought the neighbor who owned the adjoining property, Jerry Kleisath, with him. Mr. Kleisath stated that he had no objection to granting the variance. The board proceeded to complete the Environmental Impact Assessment section (S.E.Q.R. review) and determined that the proposed action will not result in any adverse environmental impacts. Amy made the **Motion** to make a negative declaration on the SEQR form and Bob seconded, all in favor the motion passed.

Next the board discussed the five criteria as follows. **Whereas** the proposed variance would not result in any undesirable change in the neighborhood; and **Whereas** the benefit could be obtained by some other method, it is only a minor variance being requested; and **Whereas** the request for variance is not substantial; and **Whereas** there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood; and **Whereas** the difficulty was self-created, but it's not a substantial factor; and **Wherefore** it was Resolved that the variance be granted. Amy made the **Motion** to grant the area variance for the Hughes' property at 1801 Little York Lake Rd., Nancy seconded, all in favor the motion carried.

Finally the board reviewed the minutes from the June meeting. Bob made the **Motion** to approve the minutes as written, Amy seconded, all in favor the motion carried.

The meeting was adjourned at 8:25.

Respectfully Submitted,

Deborah Putman

Recording Secretary