

April 27, 2020

The scheduled meeting of the Zoning Board was held on the above date, via Zoom. 7:00 PM

Members present Steve MacEvoy, Chairman, Peggy Zaepfel, Cheryl Confer, Cliff Johnston, Attorney Brian Seaman, Applicants; Kenneth and Gigi Sherrie, Code Enforcement Officer, Michael Hartman and Zoning Board Secretary, Cindy Boyler

7:07 PM

Steve MacEvoy: My understanding is that there are no members of the public on?

Michael Hartman: No, nobody is in the public.

MacEvoy: Well, ok, there are 3 board members so, we are going to start by opening up the public hearing. Cindy, we always have you read the notice so would you go ahead and read the notice into the public record.

Cindy Boyler: alright

Notice of Public Hearing, Town of Hartland

Pursuant to the Governor's executive order 202.1 the below public hearing will not be open for the public to attend in person. The ZBA meeting and public hearing will be conducted by Zoom teleconference. Any member of the public wishing to participate may do so by visiting the following web address: <https://zoom.us/join> Meeting ID: 99550726591; password 794358, and following the appropriate prompts. The public hearing will be recorded and transcribed.

Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals of the Town of Hartland on the 27th day of April 2020 at 7:00 p.m. to consider the following property and property owner.

OWNER/APPLICANT: Kenneth Sherrie

PROPERTY LOCATION: Ridge Road Tax Map No. 68.00-4-9.11 in the Town of Hartland, Niagara County, New York

APPLICATION requesting an Area Variance of the provisions of the Zoning Code of the Town of Hartland to build a house with a foundation less than the height of the crown of the road.

At such public hearing, all persons interested, who wish to be heard will be heard.

MacEvoy: Ok so, I've been by the property and I see what the problem is, it's the same problem that half the people on Ridge Road have, only thing that we really don't have is a drawing of where the house goes on the property. Mike, did you get a drawing of where the house is going to go?

Hartman: I did, it is going exactly to the left of the barn, of the garage.

MacEvoy: to the left?

Hartman: If you are looking at it, to the left, am I right Ken?

Ken Sherrie: no, to the right, right of the barn, east

Hartman: East of the barn

MacEvoy: so, it is going to go to the east of the barn is that correct?

Sherrie: yes

MacEvoy: Because on the map that we did get, there is a white swath there and it says 12' wide, what is that?

Sherrie: White swath, 12' wide?

MacEvoy: It is labeled 12' wide, there are actually 3 white stickers on the map that I was given. 2 of them are labeled property line and the third one is labeled 12' wide.

Sherrie: driveway

MacEvoy: that is an existing driveway?

Sherrie: no, that is the one that I just got the permit for to put in.

MacEvoy: so, where that ends, is that where the house is going to be?

Sherrie: yes, approximately 150 -200' from the road. The barn at the back corner of the barn is 100' and I want to be behind that, far down the hill.

MacEvoy: Mike, is every other setback in Zoning fulfilled by Ken's plans except for the height, everything else ok?

Hartman: yes

MacEvoy: nothing else would have to be given, just this height variance, is the only thing?

Hartman: that is what we are looking for, yes

MacEvoy: because back where we are looking for, it would have to be 12' in the air. I know half the properties on Ridge Road have the same problem.

Sherrie: right

MacEvoy: I went by and looked at it and saw the problem. Cheryl and Peggy, do you have any questions?

Cheryl Confer: no, you answered them.

Peggy Zaepfel: no

MacEvoy: and no one from the public, so there are no public questions. If there are no other questions, we can close the public hearing. Any other, Counselor, any other questions or Mike?

Attorney Seaman: no, nothing

Hartman: nothing for me

MacEvoy: ok, then, the Public Hearing is closed (7:12) and we open the regular meeting (7:14) of the Zoning Board.

We only have one piece of business and that is to take action on the request in front of us – does anyone want to make a motion? Either for or against granting the variance?

Zaepfel: I make a MOTION to grant the variances as he requested.

MacEvoy: and did you have the page in front of you, Peggy for granting or denying an area variance?

Zaepfel: No, I don't at this time

MacEvoy: Oh, would you allow me to amend your motion?

Zaepfel: yes, go ahead

MacEvoy: There is a motion to grant the variance for a height restriction, not being equal with the crown of the road and I want to amend that for the following, it is

1. That applicant cannot realize the regional return as demonstrated because of the slope of the property from Ridge Road. Also, that the benefit sought by the applicant can't be achieved by any other method there is no way to add property to do anything and that much fill would be unreasonable. Because of Ridge Road and all neighboring properties this variance is not substantial because it is very common in that area and then fourth, it won't have an adverse effect or impact on the physical environmental conditions again because, it is very common in Ridge Road in that area and all along Ridge Road
2. And then fifth – whether or not the difficulty was self-created, on that this property has that shape and that slope from Ridge Road and nothing to do with what that area and what Mr. Sherrie did. So, oh and I missed one and that it will not have an undesirable change in the character of the neighborhood again it is very common in that part of Ridge Road.

So, given all those amendments to the motion, Cheryl do you have anything to add to the motion?

Confer: no, I don't

MacEvoy: ok, then we will take a vote on it, because we are not with each other Cheryl, how do you vote?

Confer: I vote yes

MacEvoy: Peggy, yes?

Zaepfel: yes, and I vote yes so

MacEvoy: So, the motion is carried, the variance is granted.

GiGi Sherrie: Thank you

Hartman: So, Ken call me tomorrow?

Sherrie: Ok, very good. I just want to thank everybody on the Zoning board for making this possible tonight. Thank you, Mike and during these impossible times, I appreciate it very much.

MacEvoy: Good luck on your new home, as long as we've got everyone here, is there any other business? Cheryl or Peggy, that you guys have for the Zoning board, I know Peggy, you had some

questions about having meetings, having a meeting is there anything in particular that we should meet on?

Zaepfel: not at this time, this is a crazy time, yeah

MacEvoy: Yeah, it is a crazy time and I don't see it getting any better for a while, so, oh, that having been said, I will entertain a motion to close the regular meeting.

Confer: Motion to adjourn

Zaepfel: Second it

MacEvoy: How do you vote, Peggy?

Zaepfel: yes, what do you mean? Adjourn, yes

MacEvoy: and Cheryl, yes?

Confer: yes

MacEvoy: and I do too, the meeting is closed. Is there anything else you need from us Mike, Counselor or Cindy?

Boyer: I will do this motion and email it to you to make sure that I have everything correct is that ok with you?

MacEvoy: ok

Seaman: I will send the standard decision over to you, Cindy

Boyer: Ok, thank you

Cliff Johnston was just calling, so I think that he probably couldn't get on. So, he was supposed to attend, but he probably couldn't get on.

MacEvoy: ok, stay healthy and safe. Goodbye

7:17 p.m.