

**ZONING BOARD**

**AUGUST 23, 2021**

MEMBERS PRESENT: Steve Mac Evoy - absent  
Margaret Zaepfel  
Cliff Johnston - Acting Chairman  
Cheryl Confer  
Secretary: Cynthia Boyler  
Attorney: Anthony Serianni  
Zoning Officer: Michael Hartman

The meeting was called to order at 7:00 pm, by Clifford Johnston .

Secretary Boyler read published notice of Public Hearing into the records.

**OWNER/ APPLICANT: Margaret Darroch**

**PROPERTY LOCATION: 3807 Stone Road – Tax Map#-86.00-1-3.2**

**Hartland, Niagara County NY.**

APPLICATION: For a Variance of the provisions of the Code of the Town of Hartland to allow for the construction of a 14' x 22' pavilion approximately 40' rom the shoulder of Stone Road, where the Zoning Code requires a minimum of 60' of set back space from the right of way.

**APPLICANT PRESENTATION:**

Margaret presented the map showing the placement of the pavilion. Discussion of the center of the road and measurements for the right of way. It was stated that the property was re-zoned to an Agri-Business. The pavilion will be standard size and the grade of the property drops down 12 – 14 inches. Applicant stated that she would like the option to have removable closed sides for inclement weather.

**PUBLIC PARTICIPATION:**

Don Ricklefs, 3817 Stone Road, neighbor to the South was present and stated that he did not have any concerns or conflicts with the application for the variance.

Michael Hartman, Code Enforcement Officer stated that this is what the comprehensive plan was looking to encourage. Farm stands are allowed, and this type of structure is allowed as a non-permanent structure.

With all interested persons having been heard, Acting Chairman Johnston closed the Public Hearing and opened the Regular Meeting at 7:25 PM

Minutes – June 28, 2021

Motion by Cheryl Confer, seconded by Margaret Zaepfel to approve the minutes from the June 28, 2021, meeting. CARRIED

**ACTION**

Acting Chairman, Cliff Johnston cited the following criteria as it pertains to this variance request:

The variance is for an Area 2 Variance, no SEQR is required.

The variance will not have an adverse physical or environmental effect. The area is moist in April and May, however, there is natural drainage to the front of the property to the culvert at the road.

The variance will not have an undesirable change in the character of the neighborhood. The farm has been newly zoned as an Agri-business which conforms to this request.

The request cannot be achieved by any other method of placement – a farm business – eating area cannot be placed too far back as it will not be visible from the road. The placement of the farm equipment needs to be accessible from the store front and the parking will be moved up to the pavilion area.

The request is substantial; however, it is an extension of the existing stand. If a canvas is used on the sides, the structure is far enough off of the road that it will not block visibility.

It was determined that the request for this variance is self-created but is not adverse and is limited by the pre-existing structures.

Neighbor has no objections to the variance.

**MOTION**

Motion by Margaret Zaepfel, seconded by Cliff Johnston to grant the variance to allow for the construction of a 14' x22' pavilion approximately 40' from the shoulder of Stone Road, where the Zoning Code requires a minimum of 60' offset back space from the right of way.

Ayes: 3, Nays: 0 GRANTED

Attorney Serianni noted that the variance must conform to all conditions of the code and any violation will negate the variance. The property must be kept in a neat and orderly condition.

With no further discussion or business to come before the board, a motion by Cliff Johnston, seconded by Cheryl Confer to adjourn at 7:45 pm.

Respectfully submitted.

Cynthia Boyler, Zoning Secretary