



**Town of Hartland
Zoning Board Meeting Minutes**

Monday Jan 23, 2023

In attendance: Steve MacEvoy, Chad Hurtgam, Cliff Johnston, and Cheryl Confer Secretary Jennifer Mason, Attorney Anthony Serianni and Code Enforcement Officer Michael Hartman
Public Attendance: Anthony and Davenie Pavlock, Dave and Deb Melius, Catherine Hurtgam

The meeting was called to order at 7:00 pm, by **Chairman Steve MacEvoy**

Secretary Mason Reads the Public Notice

OWNER/ APPLICANT: Anthony Pavlock

PROPERTY LOCATION: 9765 Ridge Rd, Tax ID # 57.00-2-22

APPLICATION:

To consider variance of the Town Code to allow for the minor subdivision of the subject premises leaving 20 feet of frontage on the subdivided Western parcel, where the Zoning Code requires a minimum of 150 feet of frontage in the One-Family Residential Use District.

Also, To consider variance of the Town Code to allow for the minor subdivision of the subject premises leaving 110.08 feet of frontage on the subdivided Eastern parcel, where the Zoning Code requires a minimum of 150 feet of frontage in the One-Family Residential Use District.

All interested parties will be heard by the Town of Hartland Zoning Board of Appeals at said Public Hearing.

Chairman MacEvoy asks Owner/Applicant Anthony Pavlock to explain what he would like to do.

Anthony Pavlock states that he purchased the property 5 years ago with his sister in law. She was looking for a house and he was looking for hunting property. The property is paid off and in his name. He is looking to put the house into his sister in law's name. He would like to keep the back 40 acres with 20 feet of road frontage. He points out that the surrounding properties have under the required 150 foot road frontage.

Chairman MacEvoy reiterated what Anthony said.

The 20 foot frontage was at the recommendation of Town Code Enforcement Officer Michael Hartman.

Code Enforcement Officer Michael Hartman explains that the back 40 acres will be used for hunting and will not become a subdivision.



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Deb Melius, a neighbor, inquires what the property will be used for. Mrs. Melius expresses concerns of noise if he had planned to log the Western (40 acre) parcel.

Mr. Pavlock explains that he does not plan to install a driveway, and will be using this property for hunting only. Occasionally a chainsaw may be used for upkeep of the property, he will not log this property.

Chairman MacEvoy explains to Mrs. Melius that the property owner can say that he will use the property for one purpose and may decide to change the purpose in the future.

Chairman MacEvoy then explains that the board members look for alternative solutions or the least disruptive solution. He suggests a possible Right of Way. This option would negate the need to receive variances from the Board.

Attorney Serianni explains what a Right of Way (Ingress and Egress Easement) is. A Right of Way would stay with the property for life. This is a right of access to that parcel of land. This is for the landlocked property owner access, and is not open to public use.

Mr. Pavlock explains that he would like to own the property after discussing the details of a Right of Way. He would not be able to park his vehicle on said property if he doesn't own it.

Code Enforcement Officer Hartman is asked how many other parcels in the Town are landlocked. There are two properties in the town that are landlocked with Right of Ways. Any landlocked parcel needs to have an Easement for access.

Davenie Pavlock asks if in the event the homeowner has an issue with the easement can they limit their use of the easement.

Chairman MacEvoy explains that an easement cannot be removed due to a disagreement.

Chairman MacEvoy asks if anyone has any questions, or if any of the board members would like to table this to give time for any member to view the property in person. The members decline.

With no questions, **Chairman MacEvoy** closes the public hearing at 7:27 pm and opens the regular meeting.

Zoning Board members review last month's meeting.

Motion made by Chad Hurtgam to accept the meeting minutes, seconded by Clifford Johnston.
Ayes 4 Nays 0

Zoning board business:

No new Zoning Board business or applications to discuss



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Chairman MacEvoy asks if there is any other discussion regarding the area variance request.

With no further questions or discussion;

MOTION by Cliff Johnston to recognize as a type 2 action SEQR that no further review is necessary, seconded by Cheryl Confer.

Ayes 4 Nays 0

Cheryl Confer asks if this will be considered a buildable lot.

Code Enforcement Officer Hartman explains that if someone wanted to build a house back there they would have to get a variance. He also explains that there are 9 other "Flagpole" type properties in the town, two of which had their variances granted within the last ten years. A local farmer has a property down the road from the property in question that has 20 feet of road frontage that leads back to tillable property.

Motion made by **Chairman MacEvoy** to grant the two variances requested by Anthony Pavlock to subdivide and end up with a 20 foot wide parcel and a 110.08 foot wide parcel as depicted in the drawings submitted by Anthony. I move this after:

- The board has found that should the variances be granted, they would not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties. Several nearby properties currently have less than the required 150-feet of frontage, and one nearby property only has 20 feet of frontage extending back into the Agricultural Use District.
- The board finds that the benefit sought by the applicant could have been achieved by other methods, but not to the satisfaction of the applicant who wishes to maintain ownership of the access point proposed to be created should the variances be granted.
- The board finds that the variances are substantial, as the proposed frontage consists of 20 feet on the western parcel and 110.08 feet on the eastern parcel.
- The board finds that granting these variances would not have an adverse effect or impact on the environment.
- The board does find that the alleged difficulty is self-created.
- The board then duly weighed the benefits of granting the variance pursuant to the above findings and determined that granting a variance was appropriate.

Seconded by **Clifford Johnston**

Ayes 4 Nays 0



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Chairman MacEvoy would like to let everyone know that Peggy is no longer on the board.

With no further discussion or business to come before the board, a motion by **Cheryl Confer** to adjourn, seconded by **Chad Hurtgam**.

Ayes: 4 Nays: 0

Meeting adjourned at 7:45 pm.

Respectfully submitted,

Jennifer Mason

Jennifer Mason
Zoning Board Secretary