



## Town of Hartland Zoning Board Meeting Minutes

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**Monday Sep 25, 2023**

In attendance: Steve MacEvoy, Cliff Johnston, and Cheryl Confer Secretary Jennifer Mason, Attorney Anthony Serianni and Code Enforcement Officer Michael Hartman  
Public Attendance: Gary Watier Jr

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

**Secretary Mason** reads the Public Notice

**OWNER/ APPLICANT: Gary Watier, Jr**

**PROPERTY LOCATION: 3555 Orangeport Rd, Tax ID # 69.01-1-17**

**APPLICATION:**

To consider variance of the Town Code to allow for the construction of a 30' x 40' accessory structure with a 4' side yard setback on the South line of said property, where a minimum of 10' is required.

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

**Chairman MacEvoy** asks Owner/Applicant Gary Watier Jr to explain what he would like to do.

**Gary Watier Jr** explains that he would like to build a pole barn for use as a garage. In the area I would like to build it, my property is approximately 44' wide and I want to build a 30' x 40'. The variance is only 10'. I would like to push it closer to the South side, so I can use the door easily for driving in without having it too far away from the house. 4' on the South side and 10' on the North side.

**Chairman MacEvoy** requests the applicant draw a sketch of the proposed pole barn on the aerial pictures included in his application.

The board and applicant review the sketch. Attached to the minutes

**Chairman MacEvoy:** The North side will be within code. Have the neighbors been notified?

**Michael Hartman:** Yes they have all been notified by mail.

**Chairman MacEvoy** asks the applicant to initial the notes added to the aerial. This will be added to the application.

**Cheryl Confer** would like confirmation that the original dual variance request is now only 1 variance request.

**Gary Watier** confirms that he is only requesting a variance for the South side property line.

**Attorney Anthony Serianni** asks it a 1 car or 2 car garage?

**Gary Watier** it will be basically a 2 car garage, I will have 2 garage doors in front

**Attorney Anthony Serianni** Will it be a pole barn substantially or is it a garage

**Gary Watier** Pole barn

**Attorney Anthony Serianni** Have you considered making the barn any smaller to fit the side yard setback?



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**Gary Watier** I have thought about it but I'm not sure I would be able to fit the cars in there comfortably

**Chairman MacEvoy** my garage is only 26' wide, I fit a pickup and a suburban in there.

**Gary Watier** it will only be 30' wide.

**Attorney Anthony Serianni** am assuming you will be storing the items in the shed in the pole barn as well

**Gary Watier** Correct

**Attorney Anthony Serianni** This is primarily a residential neighborhood, is that correct?

**Gary Watier** Correct

**Attorney Anthony Serianni** And it is just the garage you are installing, no larger project?

**Gary Watier** Correct

**Gary Watier** the only other thing I want to do is move my power from a pole in my backyard to my house.

**Code Enforcement Officer Michael Hartman** that is not us.

**Chairman MacEvoy** asks if the board has any questions.

With no further questions,

**Johnston** makes a motion to close the public hearing, seconded by **Cheryl Confer**.

Ayes 3 Nays 0

**Johnston** closes the public hearing at 7:12 pm and opens the regular meeting.

### **Zoning board business:**

The board reviews the last meeting minutes.

**Johnston** makes a motion to approve the meeting minutes as submitted, seconded by **Cheryl Confer**.

Ayes 3 Nays 0

No new Zoning Board business or applications to discuss

With no further questions or discussion;

**Chairman MacEvoy** states that the board finds that this is a type 2 SEQR.

**Chairman MacEvoy** makes a note that no public besides Mr Watier attended tonight's public hearing.

**Chairman MacEvoy** motions that the request for the variance for Mr. Watier be granted and note that the sketch that Mr Watier submitted shows the setbacks requested which is 4' versus the 10' in the code.

- The board looked at and found that there is no undesirable change in the character of the neighborhood or a detriment to nearby properties.
- The board talked with Mr. Watier about changing the size of the building he wishes to build. He explained that he wished to fit two vehicles and other equipment in the buildings. The benefit could not be sought in a different method.



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- The board finds that the variance is not substantial because of the nature of the neighborhood.
- The board finds that granting this variance would not have an adverse effect or impact on the environment.
- The board finds that the alleged difficulty is not self-created, because it was a pre-existing property of the dimensions that have created the need for the variance.
- 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 **Cheryl Confer**

**Chairman MacEvoy** asks for any discussion. Board members agree to no further discussion.

Ayes 3 Nays 0

### **Motion passed**

**Chairman MacEvoy** asks if there is any other board business to discuss.

The question of Peggy being a board member came up again.

**Attorney Anthony Serianni** The town board did not remove Peggy from the board, they did not renew her appointment. She is still on the board until her position is filled. If she does not attend the meetings for long enough she can be removed. This would require Town board action. Their failure to do so leaves Peggy in her position.

**Code Enforcement Officer Michael Hartman** I have new business. A few items actually. I was not planning on holding a training day this year, are you interested in having one?

**Attorney Anthony Serianni** makes mention that surrounding municipalities like him training.

The board collectively agrees they prefer Mike's training as it is relevant to our town.

**Michael Hartman** What topics would you like to discuss?

Board requests:

- Nonconforming Uses
- AirBnB
- Alternate Energy
- What our job is, what is expected, and what we are allowed to do in board positions.

**Michael Hartman** The other thing I would like to talk about is Contractor Licenses. What is your opinion? Some municipalities require contractors who wish to work in their town or city to acquire a license through them. They are required to submit their insurances and other information. It would be similar to a special use permit.

**Cheryl Confer** would this be a permit per job or once a year?

**Michael Hartman** once per year.

**Cliff Johnston** this for contractors who live in the town?



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**Michael Hartman** Any contractor who would be performing work in the town, not that they live in the town.

**Chairman MacEvoy** it could make money for the town but it could make it harder to find a contractor to work on your project.

**Michael Hartman** it wouldn't be expensive and most contractors call me already asking if a permit is needed to perform work in the town.

**Chairman MacEvoy** if one of these contractors screws over a resident will the town be liable?

**Michael Hartman** No it would not affect us. We would have their insurance on file. This would be a town board decision, I'm just looking for thoughts for now.

**Chairman MacEvoy** my only concern is that this would cause the contractors to increase their costs.

**Chairman MacEvoy** do we have any rules regarding EV Chargers?

**Michael Hartman** We do not.

**Chairman MacEvoy** if we think of any other training topics we will let you know.

**Chairman MacEvoy** just a thought. I've spoken with other board members from other municipalities that don't use agendas. They fly by the seat of their pants. That may be a topic for us to discuss. SEQR we've beaten to death, I don't think we need to touch on that.

**Michael Hartman** Thank you, let me know if you think of anything else.

**Cheryl Confer** who is responsible for making sure residents have the reflective address signs? I was driving by the property for tonight's meeting and saw many homes without those signs?

**Michael Hartman** I am

**Cheryl Confer** Would be willing to start a list of those without the signs.

With no further discussion or business to come before the board,

Motion made by **Cliff Johnston** to adjourn, seconded by **Cheryl Confer**.  
Ayes: 3 Nays: 0

Meeting adjourned at 7:49 pm.

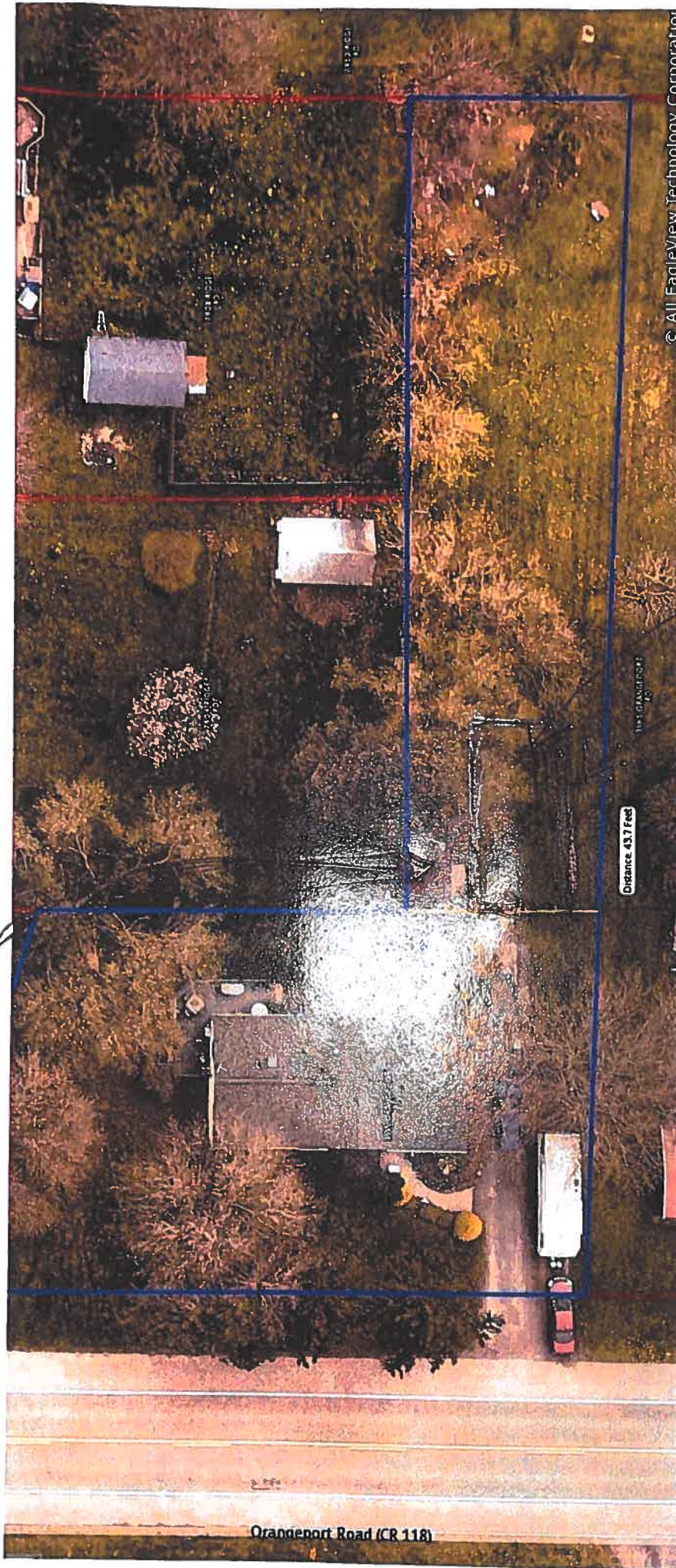
Respectfully submitted,

*Jennifer Mason*

Jennifer Mason  
Zoning Board Secretary

North  
West X East  
South

EXISTING  
SITES TO BE  
REMOVED  
GRW



GRW  
WILL BUILD  
30x40' POLE  
BARN  
South  
Side  
SET BACK  
WILL BE 4 FT  
NOT 10 FT.  
GRW

↑  
~~120'~~  
±120' FROM  
ORANGETOWN  
GRW

Orangetown Road (CR 118)

05/02/2020

