

Romulus, New York ZBA
Minutes 10/28/2021

Roll Call: Present – Mike Elliott, Ken Battle, Neil Henninger, Tom Grasek (quorum)

Also in Attendance: Mark Schott

Meeting called to order at 7:10 by Mike Elliott

Pledge of Allegiance

Public Hearing – Motion by Neil to open the Public Hearing for Appeal for Austic Land Holdings for 6985-6991 Kinney Rd, Tax ID# 19-1-32-111. Motion seconded by Tom and unanimous approved. Variance is to approve a sub-division that will create a non-conforming lot in an Agricultural Zone.

- Mark Schott is standing in for Austic Land Holdings; Benjamin Austic signed the Appeal Application.
- Non-conformance:
 - 165' road frontage vs. 200' minimum
 - 1.813 acres vs. 2.0 acres minimum
- Mr. Schott notes that the missing 0.2 acres is tillable land that Mr. Austic does not want to relinquish. The frontage is between two lots owned by others. Both neighbors have indicated they have no objection to the proposed sub-division.
- Seneca County Planning Board approved of the sub-division conditional upon finalization of the variance approval by the Romulus ZBA.

SENECA COUNTY

PLANNING BOARD MINUTES

• **August 12, 2021 – 7 PM**

4. TR 19-1-32.111, Subdivision, Austic Land Holdings LLC

Tom Scoles moved and Charles Brady seconded adoption of resolution 52-21, recommending that the request be approved conditional upon being granted an area variance for the minimum area of the parcel and for the reduced frontage. This application was forwarded for review because the site is within 500' of a municipal boundary and Agricultural District #12. The applicant proposes subdividing 1.8 acres, which includes a house and garage that sits between 2 residential properties. Area variances are needed because the 1.8 acres does not meet the minimum lot requirement for a stand-alone lot and it does not have adequate frontage per Town zoning. The removal of acreage from an agricultural parcel will not significantly reduce production potential due to the location and layout of the parcel. Carried 12-0

- Romulus Planning Board approved the sub-division conditional on variance approval by the ZBA. See the email from Tom Bouchard, chairperson.

----- Original Message -----

From: tom.bouchard@romulustown.com
Sent: Mon, 04 Oct 2021 17:14:21 -0400
To: michael.elliott@romulustown.com
Cc: tjd10@cornell.edu, Pjmesq102
Subject: Area Variance needed for subdivision 19-1-32.111

Mike,

It is my understanding that your next ZBA meeting is scheduled for Thursday, October 21, 2021. Please schedule a review of this application and the need for an area variance. The planning board approved this application at our September 20, 2021 meeting conditional on the applicant (Bruce Austic) being granted a variance.

I believe that you have been in contact with Mark Schott, who is in the process of buying this parcel from Mr. Austic. He would like some clear direction on this matter. However, he cannot proceed further unless a variance is issued. I checked with the county planning department and that the town planning board needs to send this to the ZBA for action at your next meeting on the 21st. That would likely require posting a 10 day notice about this pending action.

Please add this to your agenda and do not hesitate to contact me for any follow up.

Thanks!

Tom Bouchard, chairperson, Town of Romulus Planning Board

Motion by Ken to close the Public Hearing and seconded by Tom and unanimous approval.

No previous minutes of meeting required approval.

Training Events

- Jane will send the link for the Sexual Harassment training; it must be done annually.

Old Business: No old business

New Business:

- Appeals by Austic Land Holdings for 6985-6991 Kinney Rd, Tax ID# 19-1-32-111.
 - Based on the discussion during the Open Public Hearing the board review the five Area Variance Questions.
 - Q1, character of neighborhood; Answer – All members voted No.
 - Q2, options feasible; Answer – All members voted Yes related to the acreage, but all voted No for the frontage.
 - Q3, Substantial Variance; Answer – 35' for frontage and 0.2 acres, all members voted No.
 - Q4, Adverse environmental effects; Answer – All members voted NO.
 - Q5, Self-Created; Answer – All members voted Yes.

- Action of Board: The board **approved** the Appeal by vote 3-1.
- Mike Elliott will prepare the variance approval documentation and submit it to the Town Clerk with a copy to.

- Mike received an email from the Town's lawyer, Pat Morrell. The letter stated that "Town Law section 277(6) allows an area variance application to proceed without the necessity of a denial from the zoning officer". Neil indicated that this is contrary to State law. Mike proposed a "work shop" on the general subject of ZBA Appeals with attendance as a minimum Pat Morrell, Tim Dorn (Zoning Officer), David Hayes (Town Supervisor) and a quorum of the ZBA. Meeting date is TBD.

Next scheduled meeting 11/18/21 at 7:00 in the Romulus Municipal Building. This is a tentative schedule based on the expectation of a completed Appeal by Matthew VanVeck for Home Power Systems/Commercial Power Systems in sufficient time for a Public Hearing notice to be posted.

Meeting adjourned at 7:45 P.M. Motion by Neil seconded by Tom and unanimously approved.