ZONING BOARD OF APPEALS MEETING

September 28, 2020

The Town of Royalton Zoning Board of Appeals meeting was held on Monday, September 28, 2020 at the Royalton Town Hall, 5316 Royalton Center Road, Middleport, New York. The meeting was called to order at 7:35 PM by Chairman Philip Gow.

The following were present:

Chairman: Philip Gow

Board Members: Carson Kelley, Gregory Lindke, Joanne Genet-Haseley, Lisa Budde

Other Officials: Michael Hartman, Code Enforcement

Other Attendees: Judith Nuhn

There is one (1) Public Hearing on the agenda this evening.

**AREA VARIANCE-MICHAEL NUHN-7815 SIMMS RD LOCKPORT, NY 14094**

Chairman Philip Gow opened the Public Hearing to consider the application for an Area Variance to authorize the construction and use of a 24 X 30 garage on property located at 7815 Simms Rd., Lockport, NY 14094 (Royalton), with the setback of the front of the garage approximately 27 feet from the right-of-way on Simms Road whereas the Code requires 50 feet.

Michael Nuhn was not present. Mike Hartman, town code enforcer, represented Michael Nuhn. He explained that the current location would be on the lower portion of the land and almost into a flood plain. Mr. Nuhn would like to put it at the end of his driveway which would put it 23 feet closer to the right-of-way.

Lisa Budde asked if any of the neighbors had any complaints. Mike Hartman said that no had called to support or deny the project. He spoke with Jim Spark on which part is soft and which is wet. This is not a problem.

Carson Kelley asked if it would be in front of the house and if it would block the view. It will be in front of the house and will not block the view.

Phil Gow presented an aerial shot of the proposed project and all board members looked at it. It will be on the north side of the road, west of Moyer Rd. It is fairly wooded on the one side. There is a ditch near the creek. Mike Hartman talked to Paul Bruning who is the town ditching coordinator. He said everything should be fine.

Judith Nuhn came in at 7:40 PM. Phil Gow explained that Mike Hartman went over the project and that they are now going over questions on the project.

Phil Gow asked Judith if there would be any impact on the town. She said no because they own all property to Moyer Road. There is plenty of room. Phil also asked if there was a building behind the home and she answered yes.

Phil asked if it would be in compliance if it was moved to the West side. Mike Hartman explained to Judith that they asked if they put in a new driveway and put the garage back further if that would work. She said that it won’t fit there because the propane tank and septic tank is over there.

With no questions from the public Phil Gow closes this portion of the Public Hearing.

The SEQR was reviewed and passed with a negative declaration. Carson Kelley made a motion to approve the negative declaration and this was seconded by Lisa Budde. All members were in favor. Phil Gow closed this portion of the meeting.

**AREA VARIANCE-MICHAEL NUHN**

**On a motion made by Joanne Genet-Haseley, seconded by Greg Lindke, the following was**

**ADOPTED AYES 5-P. Gow, C. Kelley, G. Lindke, J. Genet-Haseley, L. Budde**

**NAYS 0 MOTION CARRIED**

**Resolved to authorize the Area Variance for Michael Nuhn, 7815 Simms Rd., Lockport, NY to authorize the construction and use of a 24 X 30 garage.**

Phil Gow closes the Public Hearing at 7:50 PM and opens the regular meeting.

C. Kelley makes a motion to adopt last month’s meeting minutes and approve them, seconded by J. Genet-Haseley. All members are in favor. Motion carries.

There is no correspondence.

There is no old business.

Mike Hartman asked what is done if he has a problem with ponds. Currently he has someone with 2 ponds on a property. One needs DEC approval according to a letter. He can only grant one. Phil said that this would come to the Zoning Board.

A joint training with the Zoning Board and Planning Board was discussed. The Zoning Board members would like Mike Hartman to conduct the training at the Town Hall. Topics suggested were building lots, subdivision approval including what can and cannot be built inside it, and flood plain development.

Phil suggested patio homes which are a planned unit of development. There are a lot of rules and regulations with that. This would be good to learn.

Mike explained that the switching station is a flood plain development permit. This will cross at least 15 properties. Would this be one application or an application for each property? This is something the board can think about. It will be quite an involved permit.

Carson Kelley makes a motion to adjourn, seconded by Joanne Genet-Haseley. Chairman Philip Gow closes the meeting at 7:57 PM.

Jennifer Donner,

Zoning Board Clerk