CALL TO ORDER
Chairman Donovan called the meeting to order at 5:15 pm.

ROLL CALL
Present: Appe, Donovan, Landers, Pelella
Absent: None
Vacant Seats: 1
Staff Present: Konetchy, Sorkin, O’Neil

APPROVAL OF MINUTES

Motion to approve the June 6th meeting minutes as written

Moved by Appe, seconded by Landers
Motion carried (4-0-0)
Ayes: Donovan, Landers, Appe, Pelella
Nays: None
Abstain: None

PUBLIC HEARINGS & DELIBERATIONS

29 Fayette St (2017-07)

April Ramsay, representing the applicant Family Enrichment Network, appeared to provide information on a Use Variance to allow a Human Service Agency in an existing building in the R-3 Multi-Unit Dwelling District. An itemized budget was submitted to the Planning Department since the last meeting, as requested. The County recommended landscaping and bicycle facilities, which the applicant is willing to provide.

The chairman then opened the public hearing. No one spoke in favor of or in opposition to the proposal. The public hearing was then closed.

Motion to close the public hearing

Moved by Donovan, seconded by Appe
Motion carried (4-0-0)
Ayes: Donovan, Landers, Appe, Pelella
Nays: None

Motion that the ZBA is the lead agency in SEQR review and that the action is Unlisted
Moved by Appe, seconded by Landers  
**Motion carried (4-0-0)**  
Ayes: Donovan, Landers, Appe, Pelella  
Nays: None

*Motion that the action is Unlisted*

Moved by Appe, seconded by Landers  
**Motion carried (4-0-0)**  
Ayes: Donovan, Landers, Appe, Pelella  
Nays: None

*Motion issue a negative declaration under SEQR*

Moved by Appe, seconded by Landers  
**Motion carried (4-0-0)**  
Ayes: Donovan, Landers, Appe, Pelella  
Nays: None

The board then moved onto deliberations. The submitted detailed budget satisfied the board’s inquiry into economic deprivation. The circumstances are unique, as it was utilized as a church/school and had been operating without knowledge of their nonconformity.

*Motion to approve the requested Use Variance to allow a Human Service Agency in an existing building in the R-3 Multi-Unit Dwelling District, subject to the conditions as set out in the County Comments.*

Moved by Appe, seconded by Landers  
**Motion carried (3-1-0)**  
Ayes: Donovan, Landers, Appe  
Nays: Pelella

*41 Prospect Ave. (2017-08)*

Sarah Campbell, Esq. (Hinman, Howard, and Kattell) and Robert Cavanaugh, representing the applicant 41 Prospect St. LLC, appeared to provide information on a Use Variance to allow residential use on the ground floor of an existing building in the C-2 Downtown Business District. The attorney representing the applicant spoke to the criteria of a use variance.

Palmer Pelella stated he knows Robert Cavanaugh, and that Ackerman Real Estate is a client.

*Motion for Palmer Pelella to be recused from deliberations.*

Moved by Appe, seconded by Donovan  
**Motion carried (3-0-0)**
The chairman then opened the public hearing. No one spoke in favor of or in opposition to the proposal. The public hearing was then closed.

The applicant stated that the Planning Commission issued a negative declaration at the June 6th regular meeting. The board then moved onto deliberations. A commercial space does not appear viable given the location, and the estimate submitted provides evidence to confirm this. The structure is unique, as it appears to be one of the last homes in the commercial district. It should improve the neighborhood character. The board returned to the discussion of the alleged economic deprivation, and discussed the degree to which the criteria was satisfied. The board felt comfortable that the uniqueness of the structure in addition to the economic evidence offered satisfy the criteria. The alleged hardship was determined to not be self-created because the structure has remained a residence.

Motion to approve the requested Use Variance to allow residential use on the ground floor of an existing building in the C-2 Downtown Business District.

Moved by Appe, seconded by Landers
**Motion carried (3-0-0)**
Ayes: Donovan, Landers, Appe
Nays: None

Palmer Pelella returned to the board.

70 Ridge St (2017-09)

Andrew Reistetter appeared to provide information on Area Variances for an 18.17’ front setback where 30’ is the minimum and a 5’ rear setback where 15’ is the minimum in the R-1, Single-Unit Dwelling District. The applicant proposes to build a 1200 ft² home on his property. The applicant stated that there is not a reasonable alternative, as a home within the allowable setback would need to be built upon stilts which is cost prohibitive. The applicant stated the variance is within a similar setback of homes within the area.

The chairman then opened the public hearing. No one spoke in favor of the proposal. William Newland spoke in opposition to the proposal, reiterating his submittal to the Planning Department. Three letters were received in favor of the proposal. Two letters were received in opposition. The public hearing was then closed.

**Motion to close the public hearing**

Moved by Donovan, seconded by Appe
**Motion carried (4-0-0)**
Ayes: Donovan, Landers, Appe, Pelella
Nays: None

The board then moved onto deliberations. Public comments have remained mixed regarding neighborhood character; the board felt that the new construction should not be a detriment to the neighborhood character. There do not appear to be not reasonable alternatives, as moving the house south, east, north, west are not possible. Substantiality was discussed. The environmental impact was found to be insignificant. The hardship was self-created, as the applicant purchased the home without looking into the feasibility of building, but that does not outweigh the other factors. The chairman stated that any property line disputes are not the purview of the board. The board discussed the traffic engineer’s report, as submitted by the opposition.

*Motion to approve the requested area variances for a front setback of 18.17’ where 30’ is the minimum and a rear setback of 5’, where 15’ is the minimum in association with the construction of a single-family home in the R-1, Single-Unit Dwelling District*

Moved by Appe, seconded by Landers
**Motion carried (4-0-0)**
Ayes: Donovan, Landers, Appe, Pelella
Nays: None

**OTHER BUSINESS**

- **New staff report template**—Staff requested comments on the new staff report template. The board approved of the new template, but asked that the criteria for variances be bolded. Staff will modify the template.
- Susan Appe was reappointed to the ZBA
- Susan Appe will not be at the August meeting
- New assistant corporation counsel, Nate O’Neil, was introduced to the board.

**ADJOURNMENT**

*Motion to adjourn.*

Moved by Donovan, seconded by Landers
**Motion carried (4-0-0)**
Ayes: Donovan, Landers, Appe, Pelella
Nays: None

Meeting adjourned at 6:45 PM