

RACOG
Cooperative Zoning Board of Appeals

TO: Members of the Co-op ZBA, T/Champion Board, T/Wilna Board, V/Carthage Board, Town/Village Clerks, Zoning Enforcement Officers, Timothy Farley, T/Champion Attorney, James Burrows, T/Wilna Attorney and Planning Board Chairmen

FROM: Christina Vargulick, Cooperative ZBA Secretary

DATE: August 2, 2018

RE: Minutes from August 1, 2018

PRESENT: D. Austin, R. Blank, B. Fetterly, M. Gump and T. Kight (7:03)

Vice- Chairperson Austin called the meeting to order at 7:00pm. The roll was called.

Motion by R. Blank, seconded by M. Gump to dispense with the reading of the July 11, 2018 minutes and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

Proof of notice having been furnished , the public hearing on a use variance application for parcel no. 77.00-1-83 owned by Andrew Bayliss and located at 22491 Alexandria St. Rd. was called to order at 7:03 by Chairperson Kight. The Chairperson explained that the applicant proposes installing a 1986 single wide mobile home on the parcel. Town of Wilna zoning law Section 660B prohibits the installation of single wide mobile homes if twenty (20) or more years have elapsed since the time of manufacture.

Mr Bayliss submitted eleven (11) letters of support from the following individuals: D. Nickles, Rebb, C. McDermid, K. Pate, K. LaComb, T. McFall, S. Covey, R. & K. Pate, T. & S. Nickles, R. & D. Rucker, and M. Santos. L. Covey spoke in favor of the proposed action. No one spoke in opposition to the proposed action.

In response to questioning by the Board, Mr. Bayliss stated that Woodland Estates is a registered mobile home park with a capacity of five (5) mobile homes; that he has not purchased the 1986 mobile home pending a decision by the Board; that the estimated cost for the mobile home, relocating it, and replacing the skirting and roof is \$10,000, and; the rental cost for the home will be \$600/month.

M. Gump stated his concerns regarding setting a precedent that would allow other mobile homes that exceed twenty (20) years in age since the law

applies to all mobile homes brought into the T/Wilna. He also stated that the proposed home is more the fifty-percent (50%) older than that allowed by the law and that the alleged hardship is self created. D. Austin agreed with the remarks by M. Gump and stated that there are alternative uses for the property that would realize a reasonable return for the applicant. T. Kight agreed with the positions stated by M. Gump and D. Austin. R. Blank stated that the proposed mobile home would improve the property. B. Fetterly supported the applicant's request for a variance citing the cost of new single wide mobile homes.

All persons desiring to be heard, having been heard, the public hearing was closed at 7:33pm.

Members reviewed and responded to the SEQR. Motion by D. Austin, seconded by B. Fetterly to make a declaration of negative environmental impact. Ayes-5, Nays-0. Motion carried.

The following resolution was offered by T. Kight, who moved its adoption, and seconded by D. Austin, to wit:

WHEREAS, the RACOG Cooperative Zoning Board of Appeals has received an application from Andrew Bayliss for a use variance of Article 6; Section 660B of the Town of Wilna Zoning Law; and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. That the alleged hardship relating to the property is not unique.
- B. That the alleged hardship has been self created.

NOW, THEREFORE, BE IT RESOLVED, that the applicant has failed to prove unnecessary hardship through application of the tests required by State statutes, and;

BE IT FURTHER RESOLVED, that the application of Andrew Bayliss for a variance of Article 6; Section 660B of the Zoning Law of the Town of Wilna is hereby denied.

The question of the foregoing resolution was duly put to a vote as follows:

Debra Austin.....Aye

Robert Blank.....Nay
Bridget Fetterly.....Nay
Matt Gump.....Aye
Tina Kight.....Aye

Motion by D. Austin, seconded by R. Blank to adjourn. The meeting adjourned at 7:58pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary