

SPECIAL USE VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on October 5, 2017 (rescheduled for 10-19-17)

Applicant: John Finnan

Variance No: #081617-Z-SUP

Address: PO Box 587, Rushville NY 14544

Zoning District: HB

Telephone: (585) 489-3922

Published Notice on October 08, 2017 DM

Property Location: 179 Rte. #245, Tax Map ID # 3.03-1-7

County Hearing Date: October 26, 2017

Applicable Section of Town Zoning Code: Sec. #402, Sched I, #1(B-19)

County Determination: no significant impact

PB Site Plan Approval Date: 9/06/17

NATURE OF REQUEST

Applicant requests a permit to locate a wood workshop business within the Highway Business Zoning District on a vacant lot at 179 State Route #245 in the Town of Middlesex. Pursuant to the Town of Middlesex Zoning Code, this Business Use is allowed with approval of a Site Plan by the Planning Board, which determination approval on 9/06/17 and the granting of a Special Use Permit by the Zoning Board of Appeals.

502.1. GENERAL REQUIREMENTS

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected

Yes X No ___ Reasons: The proposed land use will be located in a rural area with few developed parcels in the neighborhood. The business will be conducted by appointment with little additional traffic other than occasional deliveries or client appointments.

502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Yes ___ No X Reasons: Due to the nature of the business, all activity will be mainly enclosed within the building. The property contiguous to this is also a business that has operated from this location for years with little traffic and/or impact that might affect property values in the surrounding neighborhood which is low density and mostly agricultural land.

502.1.3 That adequate landscaping and screening is provided.

Yes ___ No X Reasons: Landscaping and screening is not necessary as the building is simply a pole barn in a rural

area which is common on this road. _____

502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

Yes X No _____ Reasons: All parking will be within the confines of the property that the proposed building will be located. Any deliveries to the business will have adequate space to do so with ingress and egress so designed to have no impact on the abutting road, Route #245.

502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.

Yes _____ No X Reasons: The application states that Mr. Finnan has planned for appropriate erosion drainage and the Town's Planning Board has reviewed all erosion control and management during their Site Plan on September 6, 2017.

502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

Yes X No _____ Reasons: Absolutely. Utility service is pending NYSEG installation which will be two poles with overhead cable.

502.2. SPECIFIC REQUIREMENTS (when applicable)

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above factors, in a motion made by Ms. Elizabeth Grant and seconded by Mr. Win Harper, finds that

X The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is **granted**.

NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

Determination is pending Yates County Planning Board Review on 10/26/17. County Determination: This application has no significant county-wide impact.

<u>Arthur Radin</u>	<u>October 19, 2017</u>
Chairperson, Zoning Board of Appeals	Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin</u>	<u>x</u>	_____
Member	<u>Elizabeth Grant</u>	<u>x</u>	_____
Member	<u>Ted Carman</u>	<u>x</u>	_____
Member	<u>Richard DeMallie</u>	<u>x</u>	_____
Member	<u>Win Harper</u>	<u>x</u>	_____
Member	<u>Rebecca Parshall (absent)</u>	_____	_____

(Version update May, 2011)