

ZONING BOARD OF APPEALS
Minutes
Thursday, March 28, 2019
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Deborah Kerr-Rosenbeck, Paul McCarthy,
Leslie Moma, Jim Russell*

Members absent: Bill Cox, Nick Harris

Others present: Meg Chilano – Recording Secretary, Ron Panek – Code
Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Four members were present and Chairman McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:00 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved as written by unanimous consent.

RESULT: Approval of February 28, 2019 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Request

Area Variance: construction of a 6' x 10' pressure treated wood-frame deck at the front entry of this single-family dwelling to replace an existing 1.9' x 10' concrete patio and stair

Address: *219 East Main St.*

Applicant: Scott Neff, owner

Actions: 1. Review proposal
2. Public hearing and discussion
3. Action by the board

1. Review Application

Acting Vice Chair Deborah Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that both the Genesee County Planning Board and the City of Batavia Planning and Development Committee recommended approval of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:04 pm.

Mr. Schiavi told the board that the entrance is falling apart, and he wants to fix it and make it look good.

There was no one present who wished to speak about the project, and no phone calls, letters, or emails.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:06 pm.

3. Action by the Board

Mr. Panek explained that the Code says each entrance must have a level walking surface leading to the door as a minimum requirement. The board members agreed that there is not another option for dealing with the entrance.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Ms. Kerr-Rosenbeck moved to approve the proposal with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 4-0.

RESULT: Approval of Area Variance.

VII. New Business: none

VIII. Setting of Next Meeting: April 25, 2019

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:11 pm; Mr. Russell seconded. All voted in favor.


Meg Chilano

Bureau of Inspection Secretary