

TOWN OF PAVILION
JOINT PLANNING BOARD/ZONING BOARD MEETING
August 21, 2012

Present:

Planning Board: Chairman Dean Davis, Ed Hollwedel, Craig Prucha, Jim Seiler, Jim Rudgers, Don Brooks, Rob LaPoint (Alternate).

Absent: Sue Kinney

Zoning Board: Chairman, Shari Bartlett, Dan LaPoint, Kathy Collette, Scott Savidge.

Absent: Eric Volkmar ZB

Also Present: Melody Osterman, Clerk

At 7 pm Chairman Davis called the Planning Board meeting to order.

Following the Pledge to the Flag, the August 14, 2012 minutes were passed out for the members to read. Three items were pointed out. Jim Rudgers was not listed as being present and Craig Prucha's name was spelled wrong and dedication was spelled wrong on page 3.

Rob LaPoint made a Motion to accept the minutes as amended.

The Motion was seconded by Jim Seiler.

The Motion passes with the following Roll Call Vote:

| | | | |
|--------------|-----|--------------|-----|
| Dean Davis | Yes | Jim Seiler | Yes |
| Craig Prucha | Yes | Jim Rudgers | Yes |
| Don Brooks | Yes | Ed Hollwedel | Yes |
| Rob LaPoint | Yes | | |

The Peter Greene Area Variance Application, tax map # 4.-1.22, was addressed first. The Application was tabled at the August 14, 2012 because it was missing a tax map and # and specs of the barn. Copies of the tax map were passed out to each member. ZEO/CEO Don Roberts reported that he is familiar with the company that the Greene's are buying the 24' x 24' barn from.

Jim Rudgers made a Motion to recommend to the Zoning Board that they approve the Area Variance Application submitted by Peter Greene, 9743 Asbury Rd., Tax Map # 4.-1-22 for erection of a 24' x 24' "Pre-Fab" Gambrel Roof Barn.

Ed Hollwedel asked Don Roberts if he had been to see Peter Greene's

property where the barn will be put. Don said he had not been out, but, when he makes his inspection, if it does not pass inspection, the permit will be revoked.

The Motion was seconded by Craig Prucha.

The Motion passes with the following Roll Call Vote:

| | | | |
|--------------|-----|--------------|-----|
| Dean Davis | Yes | Jim Seiler | Yes |
| Craig Prucha | Yes | Jim Rudgers | Yes |
| Don Brooks | Yes | Ed Hollwedel | Yes |
| Rob LaPoint | Yes | | |

At 7:30pm Chairman Davis welcomed everyone in attendance and opened the public meeting. With no comments from the audience concerning the Peter Greene application, the meeting was turned over to the Zoning Board.

Shari Bartlett introduced herself and the Zoning Board to the Audience.

At 7:39pm Chairperson Bartlett opened the Public Hearing for ZBA and asked if anyone had any comments On the Kinney Site Plan Review Application. With none, she closed the Public Meeting at 7:40pm.

The ZBA then discussed the David/Gail Kinney Area Variance Application for a proposed addition at 11118 West Park St., Tax Map # 16.-1-35. The Board then went through the questions concerning the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider the following:

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The Board answered NO.
- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The Board answered NO.
- c. Whether the requested area variance is substantial. The Board answered NO.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board answered NO.
- e. Whether the alleged difficulty was self-created, which consideration shall

be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board answered it does not preclude.

Scott Savidge made a Motion to approve the David/Gail Kinney Area Variance.

The Motion was seconded by Dan LaPoint.

The Motion passes with the following Roll Call Vote:

| | | | |
|----------------|-----|----------------|-----|
| Shari Bartlett | Yes | Kathy Collette | Yes |
| Dan LaPoint | Yes | Scott Savidge | Yes |

The Zoning Board then addressed the Peter Greene, 9743 Asbury Rd., Tax Map # 4.-1-22, Area Variance. At 7:47 Chairperson Bartlett opened the Public Meeting for comments on this application. There were no questions or comments from the Audience. Mr. Greene answered some questions from the two Boards. At 7:55 Chairperson Bartlett closed the Public Meeting.

The Zoning Board then went through the questions considering the benefit to the applicant if the variance is granted.

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The Board answered NO.
- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The Board answered NO.
- c. Whether the requested area variance is substantial. The Board answered NO.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board answered NO.
- e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. The Board answered it does preclude.

Don Roberts completed the SEQR so the ZBA reviewed the SEQR.

Kathy Collette made a Motion to approve the Peter Greene Area Variance.

The Motion was seconded by Scott Savidge.

The Motion passes with the following Roll Call Vote:

| | | | |
|----------------|-----|----------------|-----|
| Shari Bartlett | Yes | Kathy Collette | Yes |
| Dan LaPoint | Yes | Scott Savidge | Yes |

A Motion was made by Scott Savidge to close the Zoning Board meeting at 8:03

Seconded by Kathy Collette.

The Motion passes with the following Roll Call Vote:

| | | | |
|----------------|-----|----------------|-----|
| Shari Bartlett | Yes | Kathy Collette | Yes |
| Dan LaPoint | Yes | Scott Savidge | Yes |

The Planning Board then went on with their meeting.

Chairman Davis addressed the David/Gail Kinney Site Plan Review. The only thing that was questioned was the parking issue which will be ok because the Kinney's are actually adding 7 more parking spaces. With everything in order Craig Prucha made a Motion to approve the Site Plan Review.

The Motion was seconded by Ed Hollwedel.

The Motion passes with the following Roll Call Vote:

| | | | |
|--------------|-----|--------------|-----|
| Dean Davis | Yes | Jim Seiler | Yes |
| Craig Prucha | Yes | Jim Rudgers | Yes |
| Don Brooks | Yes | Ed Hollwedel | Yes |
| Rob LaPoint | Yes | | |

There was no one left for the Public Hearing as Dean addressed the Jeffres Site Plan Review. Therefore, Chairman Dean Davis made a Motion to close the Public Hearing for all three Applications at 8:25pm.

The Motion was seconded by Don Brooks.

The Motion passes with the following Roll Call Vote:

| | | | |
|--------------|-----|--------------|-----|
| Dean Davis | Yes | Jim Seiler | Yes |
| Craig Prucha | Yes | Jim Rudgers | Yes |
| Don Brooks | Yes | Ed Hollwedel | Yes |
| Rob LaPoint | Yes | | |

The Application was examined at the August 14, 2012 Planning Board Meeting so all members were familiar with the Application. The Genesee County Planning Board in their approval, has recommended that the Jeffres notify the Pavilion Fire Department of the addition. Jim Jeffres agreed to do that.

The Board then went through the SEQR Part II. Don Roberts said that Part II A through C7 did not need to be answered in this instance. Part II D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area(CEA)? The Board answered NO.

Part II E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? The Board answered NO.

Don Brooks made a Motion to approve the Site Plan Review from Jeffres Ag Service LLC, 6905 Ellicott St. Rd. Tax Map # 16-1-100.2.

The Motion was seconded by Craig Prucha.

The Motion passes with the following Roll Call Vote:

| | | | |
|--------------|-----|--------------|-----|
| Dean Davis | Yes | Jim Seiler | Yes |
| Craig Prucha | Yes | Jim Rudgers | Yes |
| Don Brooks | Yes | Ed Hollwedel | Yes |
| Rob Lapoint | Yes | | |

Don Roberts was asked about the Review of the Local Law. Don reported that he did review it and found some components missing. He said that under NYS Municipal Officers Law the Officer has to live in the Town to be able to enforce the local laws. Therefore, the Town Board needs to adopt a Resolution to allow Non-Residents to enforce the laws. He said that the Town Supervisor, Theron Howard, is aware of this and will be working with the Town Board to make a Resolution.

There was also discussion about the Town of Batavia Proposal to take over the Zoning and Code Enforcement. The Planning Board and Zoning Boards would like to collectively draft a letter to the Pavilion Town Board requesting to have a meeting with them and the Town of Batavia to go over this proposal. Chairman Davis will be drafting a letter for the Planning Board and Zoning Board to review and to add any suggestions.

At the moment, Don Roberts doesn't have anything for review so the September 11, 2012 Meeting may be cancelled. Notice will be advertised, if cancelled.

With no further business, at 8:48pm Ed Hollwedel made a Motion to close the meeting. Jim Seiler seconded the Motion. All in favor.

Respectfully submitted,
Melody Osterman

(5)