

**TOWN OF BIG FLATS  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

MAY 24, 2016

Town Hall  
Meeting Room  
7:00pm

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Members Present: Don Williams, Dick Seely, Heather Hanson, Dave Robbins, Diane Lantz

Members Absent: None

Staff Present: Tim Gilbert, Brenda Belmonte

Guests: James Gensel, Jerry Wozniak, Dave Adams, Matthew Brown

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Minutes

April 26, 2016

**Motion by Robbins, seconded by Seely, to approve the minutes of April 26, 2016,  
Discussion, None, Motion Carries 5-0.**

**PUBLIC HEARING**

**MATTHEW BROWN HEIGHT VARIANCE  
84 SING SING ROAD  
TAX PARCEL #**

Chair Williams opened the public hearing at 7:01pm noting it had been duly published in the Star Gazette.

Speaking for: Matthew Brown, applicant, explained that he plans to restore the house to its original design which includes the cupola.

Speaking against: None

Public hearing closed at 7:02pm

**DEMETS CANDY AREA VARIANCE  
1 TURTLE CIRCLE  
TAX PARCEL # 67.01-1-61**

Chair Williams opened the public hearing at 7:03pm noting it had been duly published in the Star Gazette.

Speaking for: James Gensel said the requested height would match the adjacent district. The lot coverage would bring the entire ACP into compliance with what had been drafted previously.

Speaking Against: None

Public Hearing closed at 7:04pm

**RESOLUTION ZBA-15-2016**  
**Brown – Area (Height) Variance - Granted**  
**Tax Parcel #57.03-2-19**

Resolution by: Seely  
Seconded by: Robbins

**WHEREAS**, the Town of Big Flats Zoning Board of Appeals received a request for an Area Variance (height) from owner of tax parcel #57.03-2-19 on March 18, 2016; and

**WHEREAS**, the applicant has requested relief for “maximum allowable height”, in order to restore the home to its original design; and

**WHEREAS**, the Town of Big Flats Planning Board forwarded the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation; and

**WHEREAS**, the Town of Big Flats Planning Staff provided a staff report dated March 29, 2016; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

**WHEREAS**, this board held a public hearing on Tuesday May 24, 2016;

**WHEREAS**, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.  
Williams, pass; Seely, pass; Hanson, pass; Robbins, pass; Lantz, pass
2. Whether the benefit sought can be achieved bdy some other method than an area variance.  
Williams, pass; Seely, pass; Hanson, pass; Robbins, pass; Lantz, pass
3. Whether the requested area variance is substantial

- Williams, fail; Seely, fail; Hanson, fail; Robbins, fail; Lantz, fail
4. Whether the proposed area variance will have an adverse effect on the physical or environmental conditions in the neighborhood.  
Williams, pass; Seely, pass; Hanson, pass; Robbins, pass; Lantz, pass
5. Whether the alleged difficulty was self-created.  
Williams, fail; Seely, fail; Hanson, fail; Robbins, fail; Lantz, fail

**NOW THEREFORE BE IT RESOLVED**, the Zoning Board of Appeals of the Town of Big Flats hereby grants the area variance as submitted with the condition of FAA approval.

**AYES:** Hanson, Robbins, Lantz, Williams, Seely  
**NAYS:**

Dated: Tuesday, May 24, 2016  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams  
Chairman, Zoning Board of Appeals

**RESOLUTION ZBA-16-2016**  
**DeMets – Area (Height) Variance - Granted**  
**Tax Parcel #67.01-1-61**

Resolution by: Hanson  
Seconded by: Robbins

**WHEREAS**, the Town of Big Flats Zoning Board of Appeals received a request for a height area Variance (area variance #1) and relief from maximum lot coverage (area variance #2) on March 18, 2016; and

**WHEREAS**, this board has considered the Area Variances requested by Demets for relief from BFZL 17.16.020(A) (1), Maximum Allowable Height 35' (to 60ft) feet and maximum lot coverage relief to allow 70% rather than the 50% maximum allowed.

**WHEREAS**, the Town of Big Flats Planning Board forwarded the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation; and

**WHEREAS**, the Town of Big Flats Planning Staff recommends FAA review and approval as a reasonable condition; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

**WHEREAS**, this board held a public hearing on May 24, 2016; and

**WHEREAS**, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.  
Williams, fail; Seely, pass; Hanson, pass; Robbins, pass; Lantz, pass
2. Whether the benefit sought can be achieved by some other method than an area variance.  
Williams, fail; Seely, fail; Hanson, fail; Robbins, fail; Lantz, fail
3. Whether the proposed area variance will have an adverse effect on the physical or environmental conditions in the neighborhood.  
Williams, pass; Seely, pass; Hanson, pass; Robbins, pass; Lantz, pass
4. Whether the alleged difficulty was self-created.  
Williams, fail; Seely, fail; Hanson, fail; Robbins, fail; Lantz, fail

**NOW THEREFORE BE IT RESOLVED**, the Zoning Board of Appeals of the Town of Big Flats hereby grants the area variance as submitted with the conditions of FAA approval and not impacts on approach, flight path, or current and future operations of the airport.

**AYES:** Hanson, Robbins, Lantz

**NAYS:** Williams, Seely

Dated: Tuesday, May 24, 2016  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams  
Chairman, Zoning Board of Appeals

Gensel stated that the request is for a height variance to include the entire property – not specific to any certain section.

Gilbert reminded the board that the submitted request was for a specific area within the property and not for the entire property. Also, even if the FAA was to approve, airport operations does not necessarily agree.

After a lengthy discussion the zoning board determined that the request be considered to allow the outermost exterior portion of the existing and proposed structure as submitted to be considered as part of the 60' height variance.

**Motion to adjourn at 7:43pm by Seely, seconded by Robbins, Discussion, None, Motion Carries 5-0.**

Adjourned at 7:44pm