

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: February 20, 2020

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiecki
Drew Riedel
Candice Pineau
Curtis Neureuter
Doug Scheu

BOARD MEMBERS EXCUSED: Phil Muck

TOWN BOARD: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANTS: Deanna Schultz
David Livingstone

RESIDENTS PRESENT: Donald Mammoser
David & Molly Galuszka

RE: **Appeal No. 2020-1**
Deanna Schultz
8516 East Eden Road

Ms. Kent called the hearing to order at 7:00 p.m. and requested comments on the December minutes. **Ms. Kent made a motion to approve the minutes from the December 17, 2019 meeting; seconded by Mr. Neureuter; all members present voted "Aye". The minutes were approved.**

Ms. Kent then read the Legal Notice published in the "The Sun":

Schultz: Application for variances at 8516 East Eden Road, under Code section 225-A1, to permit splitting a parcel into two lots, where the proposed first lot would have inadequate side yards and the second lot would have inadequate street frontage.

Ms. Kent confirmed with Ms. Crowe that the property list Notice was completed.

Ms. Schultz was then asked to explain the reasons she applied for the variances.

Ms. Schultz explained that she does not use all of the land (45 acres) and that she wants to keep her house, but cannot afford the taxes on the property. She would sell the back parcel (lot #2 on her drawing) to Mr. Mammoser, who leases it for farming.

Ms. Schultz was then asked questions by the board related to the requirements for variances *(her answers are in italics):*

Will this create an undesirable change in the neighborhood? *No, there will be no change. The back 40 acres will continue to be farmed by Donald Mammoser.*

Mr. Galuszka (neighbor at 8502 East Eden Road) expressed his concerns about the lot potentially being purchased for building a home, which would be in his back yard.

Mr. Mammoser stated that after purchase he does not plan to sell the property as a building lot. He would keep the property and continue farming it.

Is there an alternative method that could provide a solution? *I am currently leasing the land to Donald Mammoser for farming purposes.* **How much will you save in taxes if you split off the 40 acres?** *I am not sure how much money I will save in taxes.*

Will the property split create a substantial variance? *Yes, 200' frontage is required and there would only be 40' of frontage for the second lot. Side lot lines required are 35'/100', those proposed for the first lot would be 20'/45'.*

Will the variance create an adverse effect on the environment? *No. There will be no change to the environment.*

Is the need for a variance self-created? *The need for a variance is strictly a financial problem.*

Ms. Kent explained that a financial hardship is not a valid reason to grant a variance under NY law. After further discussion among the Board, **Mr. Winiecki made a motion to deny the requested variances at 8516 East Eden Road. Motion seconded by Ms. Kent. Motion approved unanimously.**

Meeting was adjourned at 8:10 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals February 25, 2020

The above minutes were reviewed and approved on _____, 2020 by
