

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

PUBLIC HEARING DATE: August 19, 2021

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiiecki
Drew Riedel
Doug Scheu
Candice Pineau

BOARD MEMBERS EXCUSED: Curtis Neureuter

TOWN BOARD: Gary Sam

APPLICANT: Dan Henry- Henry Realty Associates, LLC

RE: **Appeal No. 2021-6**
Henry Realty Associates, LLC
7369 N. State Road

Mr. Winiiecki called the meeting to order at 7:25 pm and read the Legal Notice for this hearing published in the “The Sun”:

Henry Realty Associates LLC: application for variances at 7369 N. State Road, to allow a Minor Subdivision of an existing parcel in violation of the minimum lot size, total lot coverage and rear and side setback rules under Code section 225-23.

Ms. Kent confirmed with Ms. Crowe that the property notice list was completed. She also noted that the Legal Notice incorrectly cites the need for a side setback variance, which isn’t required.

Mr. Henry was then asked to explain the reason he applied for the variance. Mr. Henry stated that they own a large parcel which includes the farmhouse and farm land. They would like to parcel off the house to keep it separate from the farm. My wife and I wish to purchase the house from the family in our name as part of farm planning. We have the 200’ frontage that is required, but not the 4-acre total that is required. The house has been in our family for more than 100 years. The close-in buildings have been for the farm operations.

Mr. Henry was then asked questions by the board related to the requirements this board must review for variances (*his answers are in italics*):

Will this create an undesirable change in the neighborhood? *No, there will be no visible change.*

Is there an alternative method that could provide a solution? *We could parcel off the 4-acre minimum, but that would be detrimental to the tillable farmland. The barn and greenhouses serve the farm and can’t be moved. This is why I need variances.*

Will this create a substantial variance? *1.6 acres as opposed to the 4-acre minimum is substantial, but we would like to preserve the farmland.* Mr. Riedel added that this is an opportunity to protect prime farmland, one of the Town's stated goals.

Will the variance create an adverse environmental effect on the neighborhood? *No. There will be no environmental effect on the neighborhood.*

Is the need for a variance self-created? *Yes, but we are trying to preserve farmland.*

Ms. Kent noted that the buildings are close together and support the Town's goal of preserving "heritage" agriculture - - keeping intact long-standing farmland if possible. She also noted that the variances, if granted, should not be deemed a precedent for non-similar variance requests. The board discussed that there will be no impact on the neighborhood; there isn't an alternative way to preserve farmland while creating a separate parcel; and that the variances may be substantial, but granting them respects the Town's goal of protecting agriculture.

Based on these factors, Mr. Riedel made a motion to approve the lot size, lot coverage and rear setback variances at 7369 N. State Road as shown on the map supplied; Seconded by Ms. Kent. All voted in favor, motion approved.

Meeting was adjourned at 7:45 pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals