

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

PUBLIC HEARING DATE: December 15, 2022

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

EXCUSED: Curtis Neureuter

TOWN BOARD: Gary Sam

APPLICANT: Mark Henry

RE: **Appeal No. 2022-8**
Mark Henry
3270 Webster Road

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the October minutes.

Ms. Kent made a motion to approve the minutes from the October 20, 2022 meeting; seconded by Mr. Winiecki. Minutes approved unanimously.

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

Henry: Application for a variance at 3270 Webster Road, to allow construction of an agricultural storage building that would violate the side yard setback rule under Code section 225-13.

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

Mr. Henry was then asked to explain the reasons he applied for a variance. Mr. Henry explained that the proposed location is ideal for a storage building. The topsoil was stripped and there is a concrete retaining wall from the previous greenhouses. I am trying to clean up the area and create storage for our equipment while preserving tillable land.

Mr. Henry was then asked questions by the board related to the requirements the board must consider in variance requests (*his answers are in italics*):

Will this variance create an undesirable change in the neighborhood? *There will be no undesirable change to the neighborhood. The current neighborhood consists of farmhouses and barns and/or garages. A new storage building for our equipment will actually help clean up the appearance of the neighborhood.*

Ms. Kent noted for the record that a letter was received from Marc Miller, the immediate neighbor to the west. Mr. Miller stated that he has no objection to the proposed location for Mr. Henry's storage building.

Is there an alternative method that could provide a solution? *No. We need a large sized building to accommodate our oversized equipment. We don't want to construct this building in an area with tillable farm land. This location makes the most sense as it was previously greenhouses and is not tillable land.*

Will this be a substantial variance? *Yes, the numbers are substantial.*

Ms. Kent stated that the percentages of deviation are high, but the value of preserving farmland outweighs the numbers. She also referenced the previous, similar variances granted to Mark Henry and Mr. Preischel which also were granted to preserve "heritage" farms.

Will the variance create an adverse environmental effect on the neighborhood? *There will be no effect on the environment. The building will be used for cold storage only, not a repair shop.*

Ms. Kent asked if there will be gutters on the building. Mr. Henry explained that they plan to use snow breaks rather than gutters because they allow for a gradual melt off and the proposed location is well drained gravel.

Is the need for the variance self-created? *Yes, but it's the evolution of farming. The equipment keeps getting bigger. The nature of the business is changing for greater efficiency and timeliness.*

Ms. Kent noted that there appears to be no environmental impact, and the effort to preserve farmland supports 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 the requirements it must review for variances. The board determined that there will be no impact on the neighborhood. The proposed location is non-farmable and will preserve the tillable land. The variance is mathematically substantial, but granting it respects the Town's goal of protecting agriculture.

Based on these factors, Mr. Riedel made a motion to approve the setback variance at 3270 Webster Road as shown on the map provided. Seconded by Mr. Winiecki. All voted in favor, motion approved.

Meeting was adjourned at 7:30pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals