

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

PUBLIC HEARING DATE: August 17th, 2023

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

EXCUSED: Joseph Winiecki
Curtis Neureuter
Patrick Riester
Gary Sam
Dave Rice

APPLICANT: Martin & Barbara Henry
RE: **Appeal No. 2023-4**
7884 Sisson Hwy.

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the July minutes. **Ms. Kent made a motion to approve the minutes from the July 20, 2023 meeting; seconded by Mr. Scheu. Minutes approved unanimously.**

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

Henry: Application for a variance at 7884 Sisson Highway, to allow a Minor Subdivision of an existing parcel in violation of the minimum frontage rule under Code section 225-8 A (3).

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

Mr. & Mrs. Henry were then asked to explain the reasons they applied for a variance. The Henrys explained that they wish to separate their home from the farm for estate planning purposes. Currently, the family home is attached to 100 acres of farmland. The Henry's further explained the various soil types on the property and the location of the driveways to the house and to the farmstand.

The Henrys were then asked questions by the board related to the requirements the board must consider in variance requests *(their answers are in italics):*

Will this variance create an undesirable change in the neighborhood? *No, there will be no visual or other change to the neighborhood.*

Is there an alternative method that could provide a solution? *No, there is no other method.* Ms. Kent asked if the driveway to the house could be relocated? *There is not enough room to move the driveway elsewhere because of the ravine. The reduced frontage for our house parcel is the only way to preserve the house driveway and provide adequate access and parking for the farmstand.*

Will this be a substantial variance? Ms. Kent noted that this is a 66% variance which is mathematically substantial. *We didn't think of it in terms of math. We feel the frontage won't make any substantial change to our neighborhood.*

Will the variance create an adverse environmental effect on the neighborhood? *There will be no environmental change if the variance were granted.*

Is the need for the variance self-created? *The land has been farmed since the 1800's. We wish to protect the farmland, especially by keeping the gravel soils in the area we use to grow flowers with the farm parcel (not with our proposed house parcel).*

Ms. Kent noted that agriculture and its preservation have received strong support from the Town for many years, and may help inform the board's consideration:

The Town created its Agricultural Advisory Committee in 1994. One of its purposes was to "Provide for the most beneficial relationship between the use of land and buildings ... and encourage wise use and management of the town's natural resources through modern farming practices. (Code section 5-2)

In 2001 in enacting the Right to Farm law, the Town said "Farmers...may lawfully engage in agricultural practices within the Town of Eden...in such locations as are reasonably necessary to conduct the business of agriculture". (Code section 106-3)

And the updated, 2018 Eden Master Plan lists support of local agriculture as a core value in Eden. The Town should "... maintain and protect working farmland to aid in the preservation of the Town's rural and agrarian character ... and preserve important soils." Encouraging markets is mentioned as a way to support active farming operations. (2018 Master Plan page 28)

The Board discussed that while the requested variance can be considered a mathematically significant departure from the frontage rule, (a) the variance won't change the character or physical condition of the neighborhood, (b) wider frontage would cause loss of valuable soil, and (c) granting the variance would support the Town's goal of preserving working farmlands.

The Board also discussed that the variance, if granted, should not be used as a variance precedent for properties without the "heritage farm" traits of this parcel.

Based on these factors, and in an effort to preserve heritage farming, Mr. Riedel made a motion to approve the variance request at 7884 Sisson Hwy. Seconded by Mr. Scheu. Motion approved unanimously.

Meeting was adjourned at 7:35pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals