

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

PUBLIC HEARING DATE: June 19, 2025

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiecki
Herb Stocksclaeder
Sara Buchanan

OTHERS: Dave Rice, Code Enforcement Officer

APPLICANT: Dan Howles, Consultant

RE: **Appeal No. 2025-004**
Cazenovia Recovery Systems
9136 Sandrock Road

Ms. Kent called the hearing to order at 7:00 p.m. Ms. Kent asked for comments on the minutes for the GRR Mammoser hearing held on May 15, 2025. **Minutes approved.** Ms. Kent asked for comments on the minutes for the Donald Mammoser hearing held on May 15, 2025. **Minutes approved.**

Mr. Winiecki read the Legal Notice for this hearing as published in The Hamburg Sun:

Cazenovia Recovery Systems Inc.: Application for a variance at 9163 Sandrock Road, to allow placement of an accessory building in violation of the front yard setback rule under Code Section 225-25.

Ms. Kent confirmed with Ms. Griebel that the property notice list was completed. Ms. Kent advised Mr. Howles that four members are present for today's hearing. Should the vote be split, it would result in a denial of the request. Mr. Howles has the right to table the hearing and ask for a rescheduled date. Mr. Winiecki asked Mr. Howles to provide the background on this variance request.

Mr. Howles stated that there currently is nowhere to store lawn care equipment, furniture or recreational items. Per NYS, only so much of these items can be stored inside the residential facility so a storage building is needed. There are limited options for locations on the property. The area behind the building has a grounding grid for the transformer. Nothing can be placed there. We also cannot disturb areas subject to the environmental review.

Mr. Howles was then asked questions by the board related to the requirements the board must consider in area variance requests. *Answers by the applicant are in italics.*

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.** *No. Other locations were considered but did not work. We have chosen colors that will match the existing structure as well as blend*

- into the wooded area. There is a 20-foot elevation drop as well as a 4-to-5-foot berm that will also make the single story building less difficult to see.*
- 2. Whether the benefit sought by the applicant can be achieved by a method feasible for the applicant to pursue, other than an area variance.** *No.*
 - 3. Whether the requested area variance is substantial.** Mr. Winiecki noted that due to the uniqueness of the property, this is a reasonable variance. Ms. Kent noted that while the structure will be in front of the primary structure, it will be 226 feet from the road and will not interfere with snow plowing, road right of ways etc.
 - 4. Whether the requested area variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.** *No. We had to go through the state environmental review. The drainage is very specific to this location and designed to retain its own water. There is designated wetland protection created with stone and particular plants. Any change will not affect anything outside of this property. The new building was designed to have low impact on the neighborhood.*
 - 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.** *No. There are NYS regulations that dictate what can be stored in the residential facility. Additionally, we are restricted on placement of the storage building as discussed earlier.*

The Board discussed the considerations it must review for variances and noted that while the requested frontage setback variance could be considered a significant departure from the front yard setback rule, (a) the variance won't change the character or physical condition of the neighborhood, (b) there are NYS restrictions prohibiting storage of needed items inside the facility, and (c) the accessory building will be 226 feet from the road, not interfering with road maintenance or use of the road.

Based on these factors, Mr. Stocksclaeder made a motion to approve the variance request at 9136 Sandrock Road. Seconded by Mr. Winiecki. Motion approved.

Respectfully submitted,

Shelly Griebel, Secretary
Eden Zoning Board of Appeals