

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

PUBLIC HEARING DATE: May 15, 2025

BOARD MEMBERS PRESENT: Kristin Kent, Chair  
Doug Scheu  
Joseph Winiecki  
Curtis Neureuter  
Herb Stocksclaeder  
Sara Buchanan  
Todd Keppler

OTHERS: Dave Rice, Code Enforcement Officer

APPLICANT: Gerry Mammoser, Ronald Mammoser

RE: **Appeal No. 2025-004**  
**GRR Mammoser LLC**  
**3877 Hardt Road**

Ms. Kent called the hearing to order at 7:00 p.m. Ms. Kent asked for comments on the minutes for the Gonser hearing held on April 17, 2025. **Minutes approved.** Ms. Kent asked for comments on the minutes for the Pew hearing held on April 17, 2025. **Minutes approved.** Ms. Kent asked for comments on the minutes for the Miller hearing held on April 17, 2025. **Minutes approved.**

Ms. Kent read the Legal Notice for this hearing as published in The Hamburg Sun:

**GRR Mammoser, LLC:** Application for a variance at 3877 Hardt Road, to allow a Minor Subdivision of an existing parcel in violation of the minimum lot size under Code section 225-14A.

Ms. Kent confirmed with Ms. Griebble that the property notice list was completed. Ms. Kent asked Mr. Mammoser to provide the background on the variance request.

Mr. Mammoser stated that this farm is a “heritage” farm that his family began 76 years ago. They grow crops on this property and need to preserve as much land as possible. Ms. Kent asked how much land they own in Eden. Mr. Mammoser stated this property is roughly 40 acres but that they own approximately 600 acres in Eden. Ms. Kent asked what they produce on their farm. Mr. Mammoser noted GRR Mammoser is a dairy farm. They produce milk and grow feed for their herds.

**Mr. Mammoser 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. This parcel has always been a small house surrounded by farm fields. Nothing will change. One of their workers wanted to buy this older home.*

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.** *Selling a larger, 2-acre lot would result in the loss of access to the farm fields from the secondary driveway. This driveway is used to move very large equipment in and out of the fields. We are also trying to preserve as much of the farmland as possible.*
3. **Whether the requested area variance is substantial.** The requested lot size is 56% deficient. Mr. Scheu noted that the board must be cautious about setting precedents with such requests. Because GRR Mammoser is a long-standing heritage farm in our community, Ms. Kent noted that agriculture and its preservation have received strong support from the Town for many years, which can inform the board's consideration:
  1. 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)"
  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)"
  3. And the **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." Maintaining and protecting farmland is mentioned as a way to support active farms as well as Eden's rural ag character. (2018 Master Plan page 28)
4. **Whether the requested area variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.** *Nothing is changing. Farming will continue as it always has. Just the house is being sold.*
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. The house has always been a part of the property.*

The Board discussed the considerations it must review for variances and noted that while the requested lot size variance can be considered a mathematically significant departure from the 2-acre minimum lot size, (a) the variance won't change the character or physical condition of the neighborhood, (b) a larger lot would cause loss of valuable soil and access to farm fields, and (c) granting the variances would support the Town's goal of preserving working farmlands.

The Board also discussed that the variance, if granted, should not be 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. Winiecki made a motion to approve the variance request at 3877 Hardt Road. Seconded by Mr. Neureuter. Motion approved.**

Respectfully submitted,

Shelly Griebel, Secretary  
Eden Zoning Board of Appeals