

Town of Richmond Zoning Board of Appeals Meeting Minutes

Tuesday, February 20, 2024

ATTENDEES:

Wayne Ohl	Chairman	Present
Mary Beth Sauerteig	Member	Present
Jared Ransom	Member	Present
Mabel Storke	Member	Present
Andy Evenski	Vice-Chairman	Present
John Goff Jr.	Alternate Member	Present
Alycia James	Secretary	Present

Public: Michael Connor, Aaron Clark, Evan Clark, Kayleigh Schultz (Zoning Officer), Owners of Twisted Rail (Remote Via Zoom).

Chairman Ohl called the meeting to order at 7:00pm with the pledge of allegiance.

Mary Beth Sauerteig made a motion to approve the January 16, 2024 meeting minutes. Mabel Storke seconded the motion; all were in favor.

New Applications:

Area Variance for Patrick and Elizabeth Prusinowski for an Area Variance for relief from 200sqft size limit for an accessory building, and location of said building in front of a principal residence in the A Residential Agricultural District at 5343 East Lake Road, in the town of Richmond, New York pursuant to Article IV, section 200-12C(2) of the Richmond Town Code; and for a Special Use Permit under Article IV, Section 200-12 D(10) and/or D(11) for use of the property for agricultural tourism activities and/or culinary tourism activities. Tax Map #150.17-1-29.120.

Mabel Storke made a motion to set the matter down for a public hearing on March 19, 2024 at 7:00pm. Andy Evenski seconded the motion; All were in favor.

Area Variance for Michael Connor for property located at 8516 W. Buckingham Street for an Area Variance from minimum lot size and 50' rear setback for a parcel to be subdivided which is located partially in the B Residential District, and partially in the D Residential/Lakeside District (Honeoye Lake Park), in the town of Richmond pursuant to Article IV, Section 20013F. Tax map #150.38-1-4.100.

Mabel Storke made a motion to set the matter down for a public hearing on March 19, 2024 at 7:00pm. Mary Beth Sauerteig seconded the motion; All were in favor.

Public Hearings:

Area Variance for Aaron Clark 5077 County Road 37 tax map #149.00-1-86.200 for relief for 10' setback in a A Residential/Agricultural District in the Town of Richmond, New York Pursuant to Article IV Section 200-12(F) of the Richmond Town Code. Mabel Storke made a motion to open the public hearing at 7:18pm; Mary Beth Sauerteig seconded motion.

The applicant was present and explained the reason for the need for relief. The applicant wished to place a 12'x14' shed adjacent to his residence, a portion of which would be closer than the required 10' from his lot line, and which also exceeded the maximum size permitted in the District. He also presented a letter from his neighbor having no objection. There was discussion with the applicant and the Board. There was no other input.

Mary Beth Sauerteig made a motion to close the public hearing at 7:23pm, which was seconded by Mabel Storke. Unanimously approved.

The Board had discussion with regard to the application and determined that the request is consistent with the neighborhood and will not be detrimental to nearby properties; as the result cannot be obtained in any other reasonable manner; and is not substantial.

Andy Evenski made a motion to approve the application, which was seconded by Mary Beth Sauerteig. The variance was approved by the vote as follows:

Wayne Ohl-Aye

Andrew Evenski-Aye

Mary Beth Sauerteig-Aye

Mabel Storke-Aye

Jared Ransom-Aye

John Goff-Present

Request for Interpretation by Honeoye Coin Op, LLC for property located at 8557 Main Street, Tax Map #136.17-1-38.220, for use of a commercial building, as an indoor public storage facility, located in the E Business District, not specifically authorized in the Town of Richmond under Article V Section 200-16(E) of the Richmond Town Code. Mabel Storke made a motion to open the public hearing for Coin Op, LLC at 7:26pm Mary Beth seconded the motion; All were in favor.

The applicant was present and explained the intended use of the commercial property. While the intended use for an indoor storage facility for use by the public in segregated areas, it is not a use expressly permitted by in the District. The applicant is seeking an interpretation under Section 200-16E Business District, Section B(8), to determine that the intended use is consistent with the intent of the E Business District as expressed in Section 200-16 A. The intent is convert the former "Dollar General" building for the specified use. The proposed use will require site plan approval.

Andy Evenski made a motion to close the public hearing at 7:30pm. Mary Beth Sauerteig seconded the motion; All were in favor.

Thereafter the Board had discussion with regard to the application. Chairman Ohl pointed out that this was not a variance application, but seeking a resolution interpreting this section of the Zoning Code. In addition, it was pointed out that the resolution will have the same effect as if the Code were amended for that specific use, unless changed by the Town Board or a Court. The Zoning Board of Appeals has the authority under 200-16 B(8) as follows: "Any other business deemed by the Zoning Board of Appeals to be of the same general character as uses permitted in the district".

Mary Beth Sauerteig made a motion to pass a Resolution determining that a commercial storage facility to be offered to the public with individual indoor storage units is a business consistent with spirit an intent of Section 200-16 E Business District, Mabel Storke seconded the motion. The Resolution was approved by vote as follows:

Wayne Ohl-Aye

Andrew Evenski-Aye

Mary Beth Sauertieg-Aye

Mabel Storke-Aye

Jared Ransom-Aye

John Goff-Present

Old and New Business

A discussion took place to consider the reopening of the public hearing for reconsideration of the Use Variance for operation of a restaurant at 5226 East Lake Road, Town of Richmond; as granted February 15, 2000, and amended on December 12, 2004, and October 11, 2005. After discussion with the owners (Via Zoom) members agreed to have the owner submit an application to the Code Officer for submission to the Zoning Board Appeals, seeking any revised or amended modifications to the current Use Variance.

Discussion of Future Land Use and Community Investment plan as recommended by Ontario County specifically the combining of the coming of District D, Honeoye Lake Park and District D, Lake District. Jared said there will be a lot of potential, but some things are questionable and there needs to be changes. With the changes it will make it more difficult for owners to develop things with Farmland Protection and the Northern part of the town farming would be preferred and Low Density Residential would replace the C district. It would make more development for houses with small parcels.

Mary Beth mentioned the Solar Farm appears to not be in compliance with approved development plan. It appears to not be in compliance with the visual barrier requirements. The Code Officer has been requested to investigate.

Mabel Storke made a motion to adjourn the meeting at 8:09 pm Mary Beth Sauerteig seconded; All were in favor.

The next meeting of the Town of Richmond Zoning Board Appeals will be held at 7:00pm on Tuesday, March 19, 2024.

Respectfully submitted,

Alycia James, Secretary