

## **Minutes: Gaines Town Zoning Board of Appeals October 8, 2019**

Meeting called to order at 7:00 by Chairperson Morrisey

Present - Morrisey, Miller, Thom, Strickland; Absent - Navarra

Guests - Tammy Cary, Darin Mackie, Ray Burke, Dan Strong and Kevin Wright

Opened with Pledge of Allegiance

Reading and Approval of minutes from meeting of September 10, 2019: Motion to approve the minutes, as amended, was made by Strickland, Seconded by Miller. Ayes - 4; Nay - 0 Carried

### **PUBLIC HEARING**

Christopher and Karen Watt, Tax Map #62.-1-5.1 to subdivide this parcel with 98 +/- acres remaining with Watts on Oak Orchard and East Bacon Road and 43 +/- acres with large frontage on East Bacon Road (sold to Kast Farms). The notice from the Batavia Daily News was read.

This is a SEQR Class II. There were no comments or correspondence. Miller asked what the frontage was for the 2 lots. Morrisey showed on the application and Strong gave the dimensions. Strickland asked if all the property is in Ag District - Dan Strong said yes - this is one farmer selling to another. There is no need to go to County Planning under the Inter-municipal Agreement.

Motion to approve subdivision as submitted was made by Thom, seconded by Strickland. Vote was taken by roll call - Morrisey - Aye, Miller - aye, Thom - aye and Strickland - Aye. 4-0 Carried Application is approved. Watt needs a copy of the minutes from the meeting.

### **New Business**

1. Kevin D. Wright, 2861 Allens Bridge Road, Tax map 60.-1-20 requesting minor subdivision to add land from Torrey Farms: Mr. Wright is buying some land from Torrey Farms. A public hearing needs to be scheduled for 11/12/19.

Thom mentioned that Torrey Farms is the one subdividing, so the application should be from them. Mr. Wright has been given permission to apply for the Torreys and Maureen Torrey is fully aware of what is going on. Strong will provide a letter from the Torrey's at the public hearing showing that they are aware of this. They are legally setting what have always been assumed to be the boundaries. Mr. Wright only found out that he did not own the property when his house burned down. Miller wants a notarized letter from the Torreys so that the Board has done everything correctly, so does Strickland.

Strickland made a motion to schedule a public hearing at 7:05 pm 11/12/19. Thom seconded this motion providing a notarized letter from Torrey Farms has been received. Ayes - 4 Nay - 0 Carried

2. Gwen Mackie, 13659 Ridge Road, Tax Map 50.-1-7.1 (by Darin Mackie, POA) requesting a variance to subdivide Ridge Road frontage into two parcels with 187.89 front feet each, leaving rear acreage in excess of 60 acres.

Discussion: Board asked if the 60 acres for farmland is landlocked - per Dan Strong, it goes with one of the parcels. Darin Mackie owns the homestead, his mother owns the two lots and the farmland. Thom asked if the Board can just approve lot 2. The application is to have 187.89 feet frontage on both lots, but the farmland in back is staying with one of the lots. The surveyor tried to cut down on future work by dividing the farmland out instead of leaving it with one of the lots which is how it is in the original application. An Area Variance is necessary because the frontage of 187.89 feet is less than standard lot size. Lot 1 will contain the farmland, Lot 2 is being subdivided off. Thom's original concern is that the farmland be landlocked. It has been shown on the application that this is not the case.

Per Strong, there needs to be a hearing on subdividing the two lots and an area variance because the two lots will have less than 200 feet.

Motion in relation to subdivision for tax parcel address 13659 Ridge Road and area variance made by Miller,  
Seconded by Thom. Ayes - 4 Nay - 0 Carried

**PRIVILEGE OF THE FLOOR** Mr. Wright asked why a subdivision was required on Mackie's and for him if he is only getting land that is already assumed to be his. Why was a hearing required for him? Reply: Torreys have land they are deeding to him, so a hearing is necessary to make it official.

Miller asked about public notices getting to the town web site. We will be working on getting that information to Board Members.

**ADJOURNMENT** Motion to adjourn was made by Strickland at 8:00, Seconded by Miller. Aye - 4 Nay - 0 Carried  
Respectfully submitted by Lynda Blake, Secretary Page 2 of 2