

Village of Black River  
Zoning Board of Appeals Agenda  
January 13, 2015

1. Call to Order
2. Review of Agenda
3. Review and Approval of Minutes of Previous Meetings (2/24/14).
4. Public Comments
5. Board Comments
6. Review of Correspondence
7. Unfinished Business
8. New Business
9. Adjournment

**PLEASE NOTE:**

**If you are unable to attend a scheduled Zoning Board of Appeals meeting, please contact the Village Office at 773-5721.**

Zoning Board of Appeals  
Village of Black River  
Public Hearing  
February 24, 2014

Chairman Mark Wonderly called the meeting to order at 7:07 p.m.

Present: Chairman Mark Wonderly  
Board Member Mike Zecher  
Board Member William Reichard  
Board Member Dan Darroch  
Board Member Ronald Palmer  
Code Enforcement Officer Dave Lachenauer  
Attorney Mark Gebo

Others Present: See sign in sheet

A motion was made by Board Member Zecher, seconded by Board Member Reichard to approve the minutes of the January 30, 2014 meeting. The motion was carried.

Chairman Mark Wonderly recused himself from discussions and vote because he is related to the applicant by marriage.

Board Member Zecher continued the public hearing that was opened on January 30, 2013.

Public Comment: Adam Brown, owner of 187 Maple St., stated that he is renovating and putting an addition on the single family house located on the property and would like to subdivide the parcel into two equal lots and construct a single family home on the other lot.

Michael Montigelli, 107 Rogers Rd. stated that the he and the rest of the Planning Board Members were in support of the project with the understanding that a single family home would be placed on the newly subdivided lot. He stated that the Board should be aware that the zoning is such that a two family home could be built there.

Steve Petrillose, 100 N. Main St. stated that Mr. Brown does nice work and thinks the project will be positive for the Village

James Conlin, 173 Maple St. stated that Mr. Brown does nice renovations and that the project will be a win win for the village.

Lee Carpenter, 159 N. Main St. stated that he was speaking as a taxpayer and resident of the Village only and that several years ago Mr. Brown purchased a lot with a house that was almost condemned and put a brand new house in its place in a location that nobody thought would work.

Russell Stegemoller, 198 Maple St. stated that the dilapidated garage could be torn down and placed on the other side of the property the house could be fixed up and still remain within the confines of the zoning law.

Ray Wertz, 166 N. Main St. stated he wanted to echo what everyone else is saying about Mr. Brown's work. He doesn't know the law inside and out but this project makes sense for everyone.

Attorney David Renzi stated that the alleged self-created difficulty is not applicable in this case and that it makes sense for the Zoning Board to make exceptions when it is of benefit to the community.

CEO Lachenauer stated that a letter sent to Charles Vansickle, 198 Maple St. had been returned.

CEO Lachenauer read the following letters from residents into the record:

James Conlin 173 Maple St.  
Russell Stegemoller 198 Maple St.  
Carol Ambrose 185 Maple St.  
Karen Ambrose 186 Maple St.  
Christopher Jones 174 Maple St.  
Jodi Jellie 214 Maple St.  
Charles Liversedge 179 Maple St.  
Carrie Barnhard 112 Union St.  
Patt Flynn 156 Maple St.  
Lillian Farr 171 Maple St.

CEO Lachenauer read correspondence from Attorney Gebo regarding questions raised by the Board at the January 30, 2014 meeting. Attorney Gebo stated that the nonconforming garage on the property is a pre-existing structure and would not have to be moved if the variance were granted. He also stated that a separate application is not required for each lot because the creation of one will automatically create the other; therefore, it is a single action.

A motion was made by Board Member Darroch, seconded by Board Member Reichard to close the public hearing at 7:39 p.m. The motion was carried.

Board Member Palmer voted no to the variance based on his answers to the five criteria as follows:

1. No undesirable change will be produced in the character of the neighborhood.
2. Yes, the benefit can be achieved by means other than a variance; the current property can be updated without a subdivision.
3. Yes, the variance is substantial.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
5. Yes, the alleged difficulty was self-created; the property was purchased as a single family home and would like to make it a double the desire is in conflict with the zoning.

Board Member Darroch voted yes to the variance based on his answers to the five criteria as follows:

1. No undesirable change will be produced in the character of the neighborhood.
2. The benefit cannot be achieved by means other than a variance.
3. The variance is not substantial; everything is in keeping with the community.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
5. Yes, the alleged difficulty was self-created, as he believes most of them are.

Board Member Reichard voted no to the variance based on his answers to the five criteria as follows:

1. No undesirable change will be produced in the character of the neighborhood.
2. The benefit cannot be achieved by means other than a variance.
3. Yes, 66 feet is a substantial variance.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood.
5. Yes, the difficulty was self-created.

Board Member Zecher voted yes to the variance request based on his answers to the five criteria as follows:

1. No undesirable change will be produced in the character of the neighborhood.
2. The benefit cannot be achieved by another means; the only way he can build another home is by a variance.
3. Yes, the variance is substantial as he would need a 34 foot variance.
4. The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty was self-created, he bought the lot knowing it was not conducive to two families.

Board Member Zecher stated that due to the tie vote the result is a default denial. Therefore, the variance was not granted.

Chairman Wonderly adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Kristin Burroughs  
Recording Secretary