

# Town of Homer Zoning Board of Appeals

Minutes for Wednesday, July 27, 2022 at 6:00pm

## Board Members (absent \*)

Dan Gustafson, Chairman

Stuart Young

Gary Sweeney

Joseph Gilbert\*

Rhea Robinson

Ryan DuBois\*

Lynn Gilbert\*

Lindsay Andersen (alternate member)

## Others Present

Lindsay Andersen, Recording Secretary

Kevin McMahon, CEO\*

Pat Snyder, Attorney

Public Attendance: Susan Merry, Anthony & Katie Kristoff

## Public Hearing

Chairman Gustafson opened the public hearing to consider **an application by Michael Spinek for an area variance from setback requirements to construct an addition to the home at 6100 Elm Avenue, tax map no. 37.**

There were no questions or comments and the public hearing was closed.

Chairman Gustafson opened the public hearing to consider **an application by John and Susan Merry for an area variance to transfer 0.2 acres of their 1.2 acre parcel to the adjoining 1.14 parcel owned by Anthony and Katie Kristoff.**

The applicant stated that there is a small creek/runoff stream that runs between the two properties and they currently own a small piece on the other side of the creek which is becoming difficult for the Merry's to maintain. Susan Merry stated they would like to gift the parcel to the Kristoff's to improve their property and relieve them of the responsibility to maintain the property.

There were no questions or comments from the public and the public hearing was closed.

## Regular Meeting

Chairman Gustafson opened discussion for **an application by Michael Spinek for an area variance from setback requirements construct an addition to the home at 6100 Elm Avenue.**

Attorney Snyder stated the applicant would like to build an addition and the addition does not meet setback requirements. Chairman Gustafson stated that he thought the minimum setback requirement is 50 feet from the town road. It appears the structure would be less than 10 feet from the roadway. The board then consulted the zoning law and discussed the requirements that are applicable.

Attorney Snyder stated that the application was sent to the County Planning Board for review. The letter stated there is no state or county wide impact and the application was returned for local determination.

Member Young made the motion to table the application until the applicant attends a meeting to present the project and answer questions himself. Member Sweeney seconded the motion. With all members in favor saying "aye", none opposed, and none abstained. The motion was carried unanimous 4,0,0.

Chairman Gustafson opened discussion to consider **an application by John and Susan Merry for an area variance to transfer 0.2 acres of their 1.2 acre parcel to the adjoining 1.14 parcel owned by Anthony and Katie Kristoff.**

Ms. Merry was asked if there were any plans to move or replace the septic systems or wells. She stated that there were no such plans.

Chairman Gustafson read the letter received from the Cortland County Planning Department which stated approval was recommended if the following contingencies are met:

1. The applicant apply for and obtain an area variance to gain relief from the minimum lot size requirement.
2. The applicant apply for and obtain an area variance to gain relief from the minimum lot width requirement.
3. The town balance the benefit to be realized by the applicant against any potential detriment to the health, safety, and general welfare of the neighborhood or community.
4. The applicant show the existing well and septic systems will remain solely on their respective properties.
5. Compliance with SEQR requirements.

Member Robinson made the motion to grant the area variances contingent all of the recommendations from the County Planning Department are met. Member Sweeney seconded

the motion. With all members in favor saying “aye”, none opposed, and none abstained. The motion was carried unanimously 4,0,0.

## **Adjournment**

The meeting was adjourned at 6:25pm.

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Lindsay M. Andersen, Recording Secretary