

*****DRAFT*****

**TOWN OF CAMPBELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MINUTES OF
SPECIAL MEETING OF APRIL 6, 2022**

PRESENT: Board Members: Chairman David Swan; David Smith, James Austin, ***Secretary to the Board***, Michelle Seeley, ***Code Enforcement Officer***, And Thomas Hargrave

ABSENT: David Morse, JoSue Nash

GUESTS: John Goshleski, Joseph Seeley

Call to Order.

At 6:00 p.m., Chairman Swan called the meeting to order at the meeting room of the Campbell Town Hall, 8529 Main Street, Campbell, New York.

Prior Minutes.

The minutes of the prior meeting of October 5, 2021 were approved and accepted by motion of Jim Austin seconded by David Smith. The motion passed 3 Aye – 2 absent.

John Goshleski Appeal #1 of 2022.

Appeal #1 of 2022 is an application from John Goshleski, for an area variance to allow a reduction in side yard requirements for two homes that currently occupy one lot in the Ag zone. The applicant would like to subdivide the lot into two parcels creating undersized lots, this is common for the area. The proposed lot sizes would be 16,875 sq. ft. for 4906 Meads Creek, and 9,660 sq. ft. for 4900 Meads Creek. Per the Density Control Schedule of the Town of Campbell Zoning Law section 5.1 lot sizes in this area should be 50,000 sq. ft. but can be reduced to 20,000 sq. ft. where soil and drainage conditions permit. Once subdivided these lots would be close to the standard R-1 lot size of 20,000 sq. ft. and which is acceptable per Section 12.6.1.2 Existing undersize lots, in the 2015 Zoning Law.

The subdivision would create between the existing dwellings an eight foot side yard for 4900 Meads Creek, and a twenty two foot side

yard for 4906 Meads Creek. There are no physical barriers between the homes that would create an issue for fire code, the space between the homes being 30’.

Public Hearing Notices had been sent by the Town Clerk to owners of 8 neighboring properties.

Chairman Swan declared the public hearing open at 6:07 p.m. with the following persons speaking: John Goshleski, CEO Thomas Hargrave.

The applicant purchased the homes with the intention of being able to get them into a livable condition, then possibly rent or sell one property to help offset the cost of the remodels and purchase. At this time he is living the smaller of the two homes and working on the second home. In addition to having their own wells and septic tanks, these homes have separate electrical services. Mr. Goshleski is working to restore power to the vacant property so he is able to resume working on it.

Thomas Hargrave explained that the subdivision would not cause an issue with fire codes because there is a 30’ separation between the two homes. He believes he has located the septic systems but has not probed the area to be sure of their locations. The locations were determined by following the pipes from the basement to the assumed tank locations. The wells are far enough away from the septic systems to not be an issue. If the variance and subdivision are approved the applicant would have sufficient room to replace or repair the current systems, if needed.

There was no other public comment and the public hearing was declared closed at 6:12 p.m.

David Smith questioned the applicant about the line for the subdivision. Why one property had 8’ side yard and the other would have 22’ almost meeting the required side yard setback.

Thomas Hargrave explained that the reason for the proposed subdivision line was so that the required road frontage could be met.

Dave Smith and Jim Austin discussed the surrounding properties and their similar lot sizes.

David Swan then explained the five criteria that needed to be met in order for the variance to be approved.

FINDINGS:

The Board discussed the evidence received and made the following findings with unanimous agreement:

1. **Change Character of the Neighborhood.** It does not create a detriment to nearby properties; the appearance should not be a problem. Lots in the area are of similar size.
Smith: No, Austin: No, Swan: No
2. **Other Feasible Methods.** It appears that there are not other feasible methods, to accomplish applicant's current objectives.
Smith: No, Austin: No, Swan: No

Is the Request Substantial? The Board agreed that it is not a substantial request and it was justifiable.
Smith: No, Austin: No, Swan: No

Effect on Physical or Environmental Conditions. The Board agreed unanimously on the following: There is nothing to indicate an undesirable effect on the physical or environmental conditions in the neighborhood or district. There appears to be no health or safety issues.
Smith: No, Austin: No, Swan: No

Self-created Issue. This is relevant to the decision but doesn't necessarily preclude the granting of the variance. The Board said it was self-created because the applicant wants to subdivide the properties. Smith: Yes, Austin: Yes, Swan: Yes

DECISION:

Based on these findings documented in the record, the Zoning Board of Appeals, decides as follows:

A motion was made by Jim Austin, seconded by Dave Smith, that the Board hereby grants the variance as requested by John Goshleski Application #1 of 2022 for an area variance to allow a side yard setback of 22' and 8' where the requirement is a 25 ft., side yard setback at 4900 & 4906 Meads Creek Road Painted Post NY. With the condition that the septic systems are formally located, on separate properties, and documented on the proposed survey for the subdivision. The Zoning Board recommends that the planning board approve the subdivision. The motion passed with 3 Aye – 2 absent.

Adjournment.

There being no further business before the Board, the meeting was adjourned at 6:25 p.m., by motion of Dave Smith and seconded by Jim Austin.

Respectfully submitted,

Michelle Seeley, Secretary to
Town of Campbell Zoning Board of Appeals

Dated: April 7, 2022