

**TOWN OF CAMPBELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MINUTES OF
SPECIAL MEETING OF MAY 4, 2021**

PRESENT: Board Members: Chairman David Swan; Jo Sue Nash, David Morse, **Secretary to the Board**, Michelle Seeley, **Code Enforcement Officer**: Thomas Hargrave

ABSENT: Ronald Morse, Treavor Good, Abram Thomas

GUESTS: Matthew Ricci

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.

The Clerk read the resignation submitted by Ronald Morse. Due to a conflict in schedules between his commitments to the Board of Commissioners of the Campbell Fire District, Ron feels that the Town would be better served by appointing another Member to the Board.

Prior Minutes.

The minutes of the prior meeting of August 4, 2020 were approved and accepted by motion of Jo Sue Nash seconded by David Morse. The motion passed by unanimous vote. 3 aye 0 nay 1 absent

Janet Ricci Appeal #1 of 2021 Area Variance at 9421 Elm Street Painted Post NY 14870.

Appeal #1 of 2020 is an application from Janet Ricci for an area variance to allow a back yard setback of 18 ft., where the requirement is a 25 ft. Back yard setback at 9421 Elm Street per the Density Control Schedule of the Town of Campbell Zoning Law.

Public Hearing Notices had been sent by the Town Clerk to owners of 3 neighboring properties.

Chairman Swan declared the public hearing open at 6:05 p.m. with the following persons speaking: Matthew Ricci

Mr. Ricci discussed the plans for placing a new structure on the property located on 9140 Elm Street in Painted Post, NY. The project consists of a 2000 gallon septic system, 100 amp electrical supply, natural gas supply line, foundation of slab to support a 68' x 26' 8" modular home. In addition to the modular home a two car garage a 30' x 24' paved driveway.

The new structure will be a single family dwelling, it is brand new and will add value without the variance the project would require a stick built custom home to be built in order to meet the yard size requirements. It is not financially viable at this time for the applicant to build a custom home.

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There was no other public comment and the public hearing was declared closed at 6:04 p.m.

Discussion was had among the Board. Albert Johnson and Jo Sue Nash are neighbors to the property and after seeing the plans for the home, believe that it will be a nice addition to the neighborhood. David Swann Asked the applicant if there could be modifications to the plans to make the proposed home fit without a setback.

An email was received by the Town Clerk giving Matt Ricci permission to speak on behalf of the applicant Janet Ricci, she is unable to attend due to the weather.

Matt Ricci stated that there were already modifications planned, to the garage. This will allow the garage to be built and not sit over the septic tank.

Also noted, is the Planning Board suggestion to approve the variance, based on the information given and that the lot size conforms to standard sizes for the area and all other requirements for this lot are met.

FINDINGS:

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

1. The variation is the minimum necessary to meet the needs of the applicant. To this end the board may permit a lesser variance than that applied for. Aye 3 No 0 1 Absent
2. A substantial change in the character of the neighborhood or a substantial detriment to adjoining properties or the public welfare is not created. No 3 Aye 0 1 Absent
3. Where the applicant can prove significant economic injury, the board must determine that the public health, safety, and general welfare will be served by denying the variance. No 3 Aye 0 1 Absent
4. The difficulty cannot be avoided by some method feasible for the applicant to pursue other than a variance. No 3 Aye 0 1 Absent
5. In view of the manner in which the difficulty arose and in considering all the above factors the interest of justice will be served by allowing the variance. Aye 3 No 0 1 Absent

DECISION:

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

A motion was made by David Morris, seconded by Jo Sue Nash, that the Board hereby grants the variance as requested by Janet Ricci Appeal #1 of 2021 for an area variance to allow a back yard setback of 18 ft., where the requirement is a 25 ft. back yard setback, at 9421 Elm Street. The motion passed with unanimous vote Aye 3- No- 0 Absent-1.

Other Business before the Board

The Clerk discussed having a meeting with the Board Members in September if no other applications had been received to approve the minutes for this meeting. With the Board meeting only one to two times per year, it is difficult to approve minutes and ensure they are accurate. The Board stated that this was a good idea and asked the clerk to set up a meeting time in September, if no other applications were received.

Adjournment.

There being no further business before the Board, the meeting was adjourned at 6:35 p.m., by motion of Jo Sue Nash and seconded by Dave Morse.

Respectfully submitted,

Michelle Seeley

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

Dated: May 05, 2021