MINUTES
TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
AUGUST 19, 2013

RE: DAVID MORRILL-8434 STRINGHAM DRIVE-AREA VARIANCE

Chairman Gary Diegelman called the public hearing to order at 6:53 PM. The notice, as published in the Batavia News was read by the Chairman. The purpose of the public hearing is to obtain approval for an area variance pertaining to amount of frontage and lot size.

David Morrill was present and stated he submitted an application to construct a 2 family home on the lot next to his current residence. The lot that the 2 family home would be constructed on has 86' frontage, 100' is required and the lot size is also 954 square foot short of the 20,000 square foot to be compliant.

Gary Diegelman read letters from the following residents that live on Stringham Drive. Letters-attached

Mr. and Mrs. John Tomidy-8435 Stringham Drive- opposed
Mr. and Mrs. Jonathan Shell- 8446 Stringham Drive- opposed
Mr. and Mrs. Donald Coffta- opposed
Mr. Frank Mondziel- 8430 Stringham Drive- opposed
Mr. Doug Houseknecht- 8440 Stringham Drive- opposed
Ms. Beverly Mooney- 8455 Stringham Drive- opposed
Mr. Jeff Anders & Ms. Mary Jane Polito- 8429 Stringham Drive- opposed
Mr. and Mrs. Angelo Polito- 8427 Stringham Drive- opposed

When no further comments or opinions were expressed, the public hearing was closed at 7:10pm

Respectfully Submitted,

Gary Diegelman
ZBA Chairman

Sandra Baubie
Secretary

16 Aug 13

Town Zoning Board

I am not in favor of construction of a duplex house on Stringham Dr.

Frank Mondziel
8430 Stringham Dr
Batavia NY

August 15, 2013

Mr. and Mrs. John Tomidy
8435 Stringham Drive
Batavia, NY 14020

Dear Town of Batavia Zoning Board of Appeals Members:

We reside at the residence listed above and are writing to you to request the Board of Appeals deny David Morrill's application for a variance of 16.8 feet frontage and 954 square feet of lot size. We are submitting this letter in lieu of attendance at the public hearing due to a conflict with prior commitments.

We are not opposed to the construction of new homes and further development of the surrounding area. We are opposed to any and all construction that is not in keeping with the current character and standards of our neighborhood. The lot size in question is too small for a two family home and the requested variance is excessive. We ask that you uphold the current Zoning Ordiance and deny this request. Thank you for your attention to this matter.

Sincerely,

Mr. and Mrs. John Tomidy

Mr. and Mrs. John Tomidy

Teressa Morasco

From: Shell, Lisa (DFA1-A18) [Lisa.Shell@dfa.state.ny.us]
Sent: Monday, August 19, 2013 11:14 AM
To: Teressa Morasco
Subject: Jonathan and Lisa Shell
Attachments: Jonathan and Lisa Shell.doc

Hi Teressa,
Thank you for forwarding this on for us.
If you don't mind could you please confirm receipt of this?
Thank you again,
Lisa Shell

Larry
ZBA

This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or legally protected, and as such is not a public document. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution, or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

Jonathan and Lisa Shell
8446 Violet Lane
Batavia, New York 14020
August 18, 2013

Zoning Board of Appeals
Town Of Batavia
3833 West Main Street Road
Batavia, New York 14020

Re: Public Hearing – Application for David Morrill

Dear Board Members,

This letter is to state our disapproval of Mr. David Morrill's request for variance to the amount of frontage and lot size for construction of a single story two family home in the Violet Lane/Stringham Drive neighborhood. We are against this request as we feel it will affect the character of our neighborhood and it should abide by the current requirements.

Thank you for your time,

Lisa and Jonathan Shell

To the Town of Batavia Zoning Board

Dear Sirs,

We are writing to the Board of Appeals notice in regard to the variance application on Stringham Drive.

We have built our home six years ago with stipulations from the land owner regarding the construction of a single family home. We complied with the rules in keeping it in accordance with the zoning ordinances and development of the neighborhood.

A rental and the size of the lot requested in question, should not be considered in order to keep this conducive to neighborhood standards. Thank you.

Donald & Carmella Coffta

Town of Batavia, NY
Zoning Board of Appeals
3833 West Main St. Road
Batavia, NY 14020
Attention: Chairman Gary Diegelman
Subject: Stringham Drive variances (Morrill lot)

August 13, 2013

Zoning Board of Appeals:

Please read this letter at public hearing on August 19, 2013 to state my opposition of granting variances requested by David Morrill to construct a two-family home.

I oppose lot frontage and area variances because:

1. Lot frontage is less than required by zoning law for construction of a two-family home.
2. Lot area is less than required by zoning law for construction of a two-family home.
3. Construction of two-family home on this lot will be detrimental to neighborhood property values.
4. Storm water runoff drainage isn't sufficient on this section of street.

There are 46 homes on Stringham Drive. When each of these homes were built, property owners had to obey all zoning laws. If the Zoning Board gives variances that ignore these minimum area and frontage requirements, what is the purpose of these laws?

Out of 46 homes on this street, there is one two-family home that is not compatible with other homes in the neighborhood. This adversely affects property values and ability to re-sell homes on street.

I live next to this lot. Drainage of storm water is poor on this part of street. Usually there is standing water on land until May. I can't mow some of my yard or walk in yard without getting wet feet until this time of year.

Last year when this property was going through land separation process, I stopped at Town Hall to ask questions about this process. I talked with Building Inspector, Bruce Gerould. He explained process to me and advised me this property did not have sufficient frontage for construction of a two-family home on it.

Doug Houseknecht

Doug Houseknecht
8440 Stringham Drive
Batavia, NY 14020

8/13/2013

Zoning board of Appeals, Batavia

I am a nine year resident of 8455 Stringham Drive. I am sending you this letter in protest of Mr. David Morrill's appeal for both variances (954 square feet of lot size & 16.8 feet frontage). One of the major reasons my husband and I left the City of Batavia was to live in a "country" setting and escape crowding, one of the defining factors of a "city".

The Stringham Dr. / Violet Lane area is an especially desirable place to live because it is not congested. Our homes are not packed tightly together. We moved to this area believing that our zoning laws would protect us from this type of building practice. I am requesting that the board uphold the zoning ordinances as they are written and not grant these variances.

Additionally, I am sure that the Board is aware of the nightmare that Northstar - Nathaniel Developers inflicted upon our neighborhood. There should be no "foot-in-the-door" for developers of their ilk to place multi-family rentals units on undersized lots.

Sincerely, Beverly Mooney

Beverly Mooney

8/14/2013
8429 Stringham Drive
Batavia, NY 14020

Dear Town of Batavia Zoning Board of Appeals Members:

We reside at 8429 Stringham Drive, Town of Batavia and are writing to you to request that the Board deny David Morrill's application for a variance of 16.8 feet frontage and 954 square feet of lot size.

We are by no means opposed to the construction of new homes and further development of the surrounding area. However, any and all construction should be in keeping with the current character and standards of our neighborhood. Quite simply, the lot size in question is too small for a two family home and the requested variance is excessive. Cramming a multiple family dwelling onto an undersized lot is a practice more suited for the city. Furthermore, should this variance be granted, it would set a precedent could be used as an example for additional construction of this nature.

We are appealing to the Board to adhere to our current Zoning Ordinance and deny this request. Thank you for your attention in this matter.

Sincerely,

Jeff Anders

Jeff Anders

Mary Jane Polito

Mary Jane Polito

8/12/2013

Dear Sirs:

David Morrill has submitted a request for a variance of 16' frontage and 954 square feet in area in order to construct a two family home. The purpose of this letter is to state our opposition to the requested variances.

Over twenty years ago, we purchased our lot and built our home at 8427 Stringham Drive. We followed the zoning ordinances. We expected and it was our belief and that all future construction would be obligated to do the same. Our zoning ordinances are in place for a purpose. Designating frontage and lot sizes sets a standard and ensures that homes will be place on adequately sized lots. Mr. Morrill is not requesting a few inches nor one or two feet but over a 16% reduction in frontage and almost one thousand square feet in lot size! This is extreme and should be deemed unacceptable. A tiny lot for a two family rental home is out of keeping with our neighborhood. The board should also take into consideration what impact allowing this variance would have on future building. Will this become the new standard? We implore Board to reject this variance for all the above stated reasons.

Thank You, Angelo and Lillian Polito

Angelo D. Polito
Lillian J. Polito