

**Town of Bennington**  
**Zoning Board of Appeals**  
**June 8, 2021**

Meeting was opened by Michael George with the following members present: Tim Pyszczynski, Al Files and Mike George, Zoning Officer Jenna Marley and Acting Secretary Ellen Grant. Applicants present: Amy Cole and Mike Fontaine.

Motion was made to open the Public Hearings on the following variance applications: Amy Cole - two area variances; Mike Fontaine - area variance. All ayes; hearings opened at 7:05 p.m.

Zoning Officer Marley outlined the notification to neighbors process - it is the responsibility of the applicant to notify neighbors within 200' of the property boundaries. Applicants can personally visit them and get them to sign off, or provide the ZO with receipts from mailing out the notifications. Members are all satisfied with this process.

Chairman David Best joined the meeting at this point.

**Variance 1-2021 Amy Cole, 1219 Coyle Road Cowlesville** Area variance to allow garage to be built closer to the road than the residence.

**Variance 2-2021 Amy Cole, 1219 Coyle Road, Cowlesville** Area variance to permit a front yard set back 20' from the road instead of the required 50'. Due to the lot shape, curve in the road, well and septic location and proximity to Cayuga Creek, there are no other feasible locations for a garage. Board members agreed with this statement. ZO Marley received no response of written comments on the proposal. All members visited the site. There being no one from the public to comment on the applications, a motion was made and seconded (George/-Pyszczynski.) All ayes and hearing was closed at 7:20 p.m. on the Cole variances.

Chairman Best reviewed the criteria for the first variance. Each member responded to each criteria in writing as to their opinion, and indicated that they had inspected the property. Chairman Best then reviewed the criteria for the second variance. Each member responded to each criteria in writing as to their opinion,

and indicated that they had inspected the property. Motion was made and seconded (Pyszczyński/Files) to approve the two Cole variances and members indicated their approval in writing. All ayes; carried.

**Variance 3-2021 Michael Fontaine, 1777 Church Rd., Darien Center.** Area variance request for construction of a home at **561 Alleghany Road, Attica** within the 50' required front setback. The proposed project would include demolishing the old residence at the site and placing the new double wide in the same area, slightly further back from the highway (approx. 32 to 34 feet.) This application was reviewed by the County Planning Board yesterday and there were no objections, as conformance to zoning was improved and the appearance of the site was also being improved. One neighbor was notified, as Mr. Fontaine owns all the other neighboring properties. Motion was made and seconded (Best/George) to close the public hearing at 7:35 p.m. All ayes; carried.

Chairman Best reviewed each of the criteria and members signed off on their opinions on each item, as well as indicating that they had done a site inspection. Each member then indicated their vote in writing - all ayes; variance approved.

ZO Marley asked about ponds being constructed on vacant parcels. Our law (page 10) addresses pond setbacks, and on page 6 notes ponds for farming, conservation or fire protection use.

Mike George asked the ZO for a model project file, so we have on file what a complete application and final file looks like.

Motion made and seconded (Best/George) to close the meeting. All ayes; meeting adjourned at 7:45 p.m.

Ellen Grant  
Acting Secretary

Town of Bennington Zoning Board of Appeals

July 6, 2021

Meeting was opened by Chairman Best with himself and member Al Files in attendance, along with Acting Secretary Ellen Grant and applicant Vincent Anetrini. At the present time, no quorum was present.

Members reviewed the minutes of the June meeting and a motion was made and seconded to approve (Files/Best.) There not being a quorum present, no vote was taken.

**Variance #4-2021 Vincent Anetrini, 1517 Blood Road.** Motion was made to open the public hearing on the Anetrini application at 7:12 p.m. Variance is being sought to build an accessory building closer to the road than the residence. Members reviewed the site personally and on the application maps & drawings. The remaining sections of the property slopes down too steeply and then the septic and well locations are in the only other available spaces. There previously had been a building on that site. Mr. Anetrini supplied a listing of his neighbors and a statement signed by them stating that they had no objection to the project. A statement from the county Zoning Officer was provided also. Mr. Anetrini will be doing the construction himself, and sub-contract the concrete flooring. Likely completion date will be in 2022. It will be used for vehicle garage and tractor storage. Total size of the property is just under 14 acres. ZBA Member Mike George entered the meeting at this point. Motion was made and seconded (George/Files) to close the hearing at 7:47 p.m. as no people had attended to speak on the project. All ayes; carried.

Chairman Best reviewed each of the criteria on the area variance and received the written vote/opinion from each member present. Files and Best inspected the property; George was unable to do so. All voted in favor of granting the variance.

Motion by Best, second by Files to close the meeting. All ayes; carried. Meeting adjourned.

Respectfully submitted,

Ellen Grant, Acting Secretary

Town of Bennington Zoning Board of Appeals  
October 12, 2021

Chairman Best called the meeting to order at 7 p.m. with the following in attendance: Chairman David Best, Members Al Files, Rick Jensen and Tim Pyszcinski, Acting Secretary Ellen Grant, Zoning Officer Jenna Marley as well as the applicant and one guest.

Use Variance #5-2021 - William Staerr, 855 Getman Road, Alden NY, requesting a variance to construct a pole barn on vacant property. Violation of Zoning Law Section 21.1, constructing an accessory building with no principal use building on site.

Motion by Pyszcinski, second by Files to open the public hearing on the above application at 7:03 p.m. All ayes, carried. ZO Marley shared the listing of neighboring property owners as well as a letter from Pearl Gunn, 854 Getman stating no objection to the project.

Applicant stated that he desires to consolidate belongings of the family that are at various locations throughout the state and have them secure and nearby (lives in Attica.) The building is a 40'x24' pole barn that he will construct himself, and it will have electricity in it and just man doors, no overhead doors. There is an existing shed. He has owned the property for approx. ten years (prior owners were his father & grandfather.) He was asked if there were any previous variance applications for the project, which he did not believe to be. Files, Best & Pyszcinski visited the site and Jensen had reviewed the aerial map and was familiar with the property. Mr. Staerr is not planning on living on site any time in the future and will not have any ag use, such as tapping trees, etc. He has no foreseeable plans to construct a house on the property. There being no one present with questions or to make a statement on the application, a motion was made and seconded (Files/ Pyszcinski) to close the public hearing. All ayes; carried. Hearing closed at 7:13 p.m.

The Chairman explained to the applicant the process the Board goes through to make a determination on the application. Board members reviewed each of the

criteria for the variance and signed off on each as to their determination. Chairman Best then indicated his written vote on the variance and signed, followed by each of the Board members. All voted to approve. The Zoning Officer told Mr. Staerr that she will complete the paperwork and get the information to the Co. Building Codes Department to begin processing his building permit.

The Zoning Officer also informed the Board that there will be another application to review for November for a property in Highland Glen. Due to Election Day the meeting could be set for the second Tuesday. Tim Pyszcinski will be out of town that week but the other members indicated that they would be available. The Secretary will notify Member Mike George about the need for a meeting on November 9<sup>th</sup> to see if he would be available. Members discussed storage buildings being built without a residence on the property and potential pitfalls.

The Secretary asked about clarifying the status of our Zoning Law, reviews and the Highland Glens HOA requirements. The ZO said that applicants have to be approved by each entity.

Members reviewed the Meeting minutes. Motion by Best, second by Pyszcinski to approve the June minutes. Motion by Best, seconded by Jensen to approve the July minutes. All ayes; motions carried.

Zoning Officer Marley informed the Board that she will be absent for several months due to maternity leave. She introduced Nicole who is in training and she and Don Roberts from the Zoning Officer will be handling the Bennington work while Jenna is out.

Motion by Jensen, seconded by Files to adjourn. All ayes; meeting adjourned 7:36 p.m.

Ellen Grant, Acting Secretary

## **Town of Bennington Zoning Board of Appeals**

**November 9, 2021**

Chairman David Best opened the meeting at 7:01 p.m. upon a motion (Jensen/Files) which was approved. Chairman Best and members Jensen, Files, George were present, as well as Zoning Officers Jenna Marley, Nicole Grover, Acting Secretary Ellen Grant and the applicant. Pledge of allegiance was recited and a motion was made and seconded (Best/George) to open the Public Hearing on the variance application.

**Variance #6 & 7-2021 – Jeffrey Ricketts, 39 South Shore Dr., Alden.** Requesting variances from side setback requirements: 7 foot set back for awning and 3 foot set back for a carport. Mr. Ricketts bought the property six months ago. The house was built in 1967 with no garage and he would like to put up a carport with an awning between the carport and house (using an existing awning from another part of the house) to have a covered walkway. The Zoning Officer provided a listing of the neighboring properties that were notified and a letter from the closest neighbor at 38 South Shore was submitted. The Highland Glens Homeowners Association approved the application and the project does require a County building permit as well as the Town's variance approval. The carport would be 20' x 20' x 7' with two sides; model name Versitude; has a steel frame base with in-ground posts for stability. Mike George asked about shifting it a little further off the lot line, but if that was done the awning would not be able to fit. There is a buffer of trees between the two properties to provide screening. Motion was made and approved (Files/Jensen) to close the hearing at 7:12 p.m.

Chairman Best review the process for the applicant and then read through each of the criteria to be evaluated and members signed off as to their determination and if they had performed a site visit. Members then indicated their individual approvals on applications for both variances as they were applied to on the same form. Voting was unanimous approval.

Minutes were distributed from the October meeting. Motion to approve was made and seconded (George/Files); all ayes, carried.

Zoning Officer Marley stated there is a potential variance coming up in either December or January.

Motion was made (Jensen/Files) and carried to close the meeting. All ayes; carried. Meeting closed 7:22 p.m.

Ellen Grant, Acting Secretary

## Town of Bennington Zoning Board of Appeals

December 7, 2021

Chairman David Best called the meeting to order at 7:01 p.m. on a motion and second (Best/Files) with the following present: Members Tim Pyszczynski, Al Files, Mike George and Rick Jensen, Zoning Officers Nicole Grover and Don Roberts, applicant Dylan and Sarah Rusiniak and neighbors Thomas Stewart and Larry Zygaj.

Public hearing was opened at 7:04 p.m. on a motion and second (Files/Jensen) on Variance application #8-2021.

**Variance #8-2021 – Sarah Rusiniak, 247 Bear Road, Cowlesville. Use variance** requested to erect and assessor/storage building at 237 Bear, on property that has no primary structure (residence/business.) Contractor is self; estimated cost of \$50,000 for a 100' x 48' x 12' structure. The applicant contacted the neighbor on the list provided by the ZO. Neighbors present were asked if they had any issues or concerns with the project. Thomas Stewart, 229 Bear had no issues. Larry Zygaj of 222 Bear had no objection. Applicants stated the properties they own are under separate mortgages with different banks and it would be a hardship to refinance. Don Roberts asked about use variances of this type and the importance of conditions being stated on any approved variance in order to lessen problems in the future at that site. Motion was made and seconded (George/Files) to close the public hearing at 7:15 p.m. All ayes; carried.

Chairman Best explained the process the Board takes in assessing the criteria for the variance. He read each of the criteria and members indicated in writing their opinion on each. Members agreed to include the following condition: **This variance is only for the building on the application. Therefore, any future structures or improvements must conform to all Town zoning laws.** Members voted on the application and agreed unanimously to grant the variance with condition. Results will be sent to the County Zoning and Building Departments for further processing.

Minutes from the November 2021 meeting were approved as submitted on a motion and second (Best/George.)

There being no further business, a motion was made and seconded (Best/Jensen) to adjourn. All ayes; carried. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Ellen Grant, Acting Secretary