

Minutes for the Town of Sennett Zoning Board of Appeals on Thursday, December 26, 2024 at the Town of Sennett Office Building.

Members: Dennis Sherry  
Dave Sikora  
Ed Magdziak, Alt.

Via Teams: Jeff Hofmann

Absent: Bob Steiner

Rich Andino, Attorney

Dennis opens the meeting at 7 PM. Dave makes a motion to accept the minutes from the December 26, 2024 meeting. Ed seconds, all ayes.

First, David Dunham and his son Dylan Dunham are present for an area variance. Dave makes a motion to open the meeting to the public, Ed seconds. David Dunham currently owns the lot at 3787 Taylor Rd. His father used to own the property and passed it on to him. The father used to have a home on the property, it has since been demolished. Dylan would like to build a new home on the lot. There are no questions or comments from the public. Ed makes a motion to close the public hearing, Dave seconds. Dave asks Rich what the five factors are for the ZBA to allow an area variance. Rich briefs the board and applicants. Rich also adds that the board should consider if a positive outcome can outweigh the factors. Ed clarifies that they are requesting a variance because the lot is only 1 acre. Dunham replies that is correct and states his father had a home on the 1 acre, but the laws were different then. Now, the code requires 2 acres for a building lot.

Dave reviews the factors: Would it be undesirable in the neighborhood? No. Is there a feasible alternative? Yes, but there would be a lot of hoops to jump through. Is the requested variance substantial? Yes, because the lot is small by a full acre. Does the project provide a negative impact on the environment? No. Was the difficulty self-created? Yes. Ed confirms the lot has septic and water. Dunham says there is septic and a well, and they would like to put in a new septic system.

Rich informs the board they can pass a conditional approval to ensure the septic, driveway, well, etc. are up to the Codes of the Town and County.

Dave tells the applicant to make sure their surveyor and builders are knowledgeable about the zoning laws they must meet. The board believes the benefits outweigh the detriment. Ed makes a motion for the conditional approval, Dave seconds. Roll call vote, all ayes.

Next, Mike O'Neil from Muskrat Creek is online via Teams to request variances for the construction of a new Pizza Hut. O'Neil plans to put up a 30' X 80' restaurant with drive thru at 365 Grant Ave. Rd. He tried planning construction at two other sites, but they would not work. O'Neil is requesting a rear yard setback, a front yard setback, a sign variance, and an area variance because the lot is 0.93 acres.

The sign variance is needed only for the welcome sign. The board is curious as to what will happen with the existing Pizza Hut restaurant. O'Neil states the owner will shut it down and demolish the building. Ed asks who owns the restaurant. O'Neil says that Muskrat Creek owns the building, and Sharon Dilaj owns the property. Muskrat Creek plans to buy the lot. Rich asks which of the signs in the plans the variance is for, O'Neil directs the board to the proper location, adding that the variance is needed because of the other signage in the packet.

Dave makes a motion to open a public hearing, Ed seconds. No comments. Ed motions to close the public hearing, Dave seconds. There are no other questions from the board. Pizza Hut has been in Sennett for 51 years and wants to continue. Rich asks where they are in the process with the Planning Board and County Planning. The County held a 239 review and approved it. Rich asks if the DOT is okay with the driveway cut. O'Neil says they are fine with the design; they are still working on the construction of it. The board goes through the SEQR checklist. Rich asks if the board wants any conditions on the approval. None. Rich advises the board issues a negative declaration for the SEQR and approve the application. Dave makes the motion, Ed seconds, roll call vote—all ayes. Approved.

Finally, Lee Schooley is present to represent himself and Krista Savage, the buyer of the lot requiring a variance. Rich asks Lee his relation to the applicant, asking Lee if he is the owner. Lee says that he has a lien on it. The final transfer is waiting on this approval, according to Lee. This first started in 2020, when Lee asked the Town's assessors if he could buy the land next to his property to expand his driveway. He was told that would not be a problem if he got a new survey. Lee was finally able to get a survey done and was told he needed a variance. The Planning board felt this would make a non-conforming lot more non-conforming. Lee wants to sell the adjacent property but retain a chunk to expand his driveway. The parcel is 1.4 acres, requiring a variance for being under 2 acres. Ed asks Lee when he built his house. Lee says the construction of his house was finished in 1985. There is no way to make the lot 2 acres because he has bought all the property he can. Once the lot is sold, the one chunk will be added to Lee's tax map. Ed questions what the lot number will be if it is no longer 41 or 42? It will be 41.1. Rich asks where the septic is on the property. Lee replies that it is behind the house and does not interfere. The Planning Board could not approve this for a subdivision at their meeting because it is a non-conforming lot.

Dave makes a motion to schedule a public hearing for February 27<sup>th</sup>, Ed seconds. Dave asks if the flag lot will affect them in the future. Rich will research this because it doesn't affect the road frontage. Rich is going to call the zoning officers as well to gain clarification about this application.

There is no new business. Marian Cool's term ended in 2024; she was offered an alternate position but they have not heard back from her. Dennis is going to recommend that Ed becomes a full-time member for 2025.

Ed motions to adjourn, Dave seconds. Meeting adjourned.

Respectfully submitted,

Heather Edmunds