

ZONING BOARD OF APPEALS
Official Minutes
Thursday, August 24, 2023
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Jeff Gillard, Leslie Moma, Dave McCarthy*

Members absent: Nick Harris, Jim Russell

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Three members were present and Chair Dave McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:02 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved by unanimous consent.

RESULT: Approval of July 27, 2023 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

Area Variance: remove the existing wood-frame deck and stairs, and construct a new 12' x 17' pressure-treated wood-frame deck with stairs and rails on the east elevation (front yard) of the dwelling. The new deck expands the footprint into the front yard clear space

Address: 59 Vernon Avenue

Applicant: Anthony Ray, owner

Actions: 1. Review proposal
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Vice Chair, Leslie Moma, read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:06 pm.

Mr. Ray said that the stairs needed replacing, but when he started removing them, he realized that the entire porch was rotting. The project gradually grew and he knew he would need to replace everything. Now he needs the variance to finish construction.

There were no calls, letters, or email concerning the proposal, and no one present who wished to speak.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:08 pm.

The board agreed that this deck does not extend any farther than other decks in the neighborhood.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no, it is an improvement
- Self-created: no, the deck needed replacing

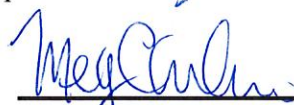
MOTION: Mr. McCarthy Gillard moved to approve the proposal with 30 days to obtain the permit; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

VII. Setting of Next Meeting: September 28, 2023

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:10 pm.



Meg Chilano
Recording Secretary