

**Town of Danby
Board of Zoning Appeals
Wolga Hearing Minutes
September 28, 2010**

Members Present:

Al Becker
Gary Bortz
Christine Decker
Alan Wagner

Excused:

Nancy Medsker

Others Present:

Pamela Goddard BZA Secretary
Susan Beeners Code Enforcement Officer

Members of the Public:

Martha Taras, Richard Cohen, Ted Crane, Julie Ann Costie

The Wolga Public Hearing was opened at 7:00 pm

Pamela Goddard read the following public notice, published in the Ithaca Journal on Sept. 21, 2010:
PUBLIC HEARING to consider a Request for variance of the minimum 2-acre lot required in Sec. 600, Para. 5 of the Town of Danby Zoning Ordinance in order to subdivide Town of Danby Tax Parcel 1.-1-16.2 into a 2-acre lot containing an existing dwelling, 196 West Jersey Hill Road, and a 1.79-acre lot fronting on Town Line Road. Kenneth Wolga, Owner/Applicant.

The applicant was not in attendance. Neighbors of the property in question spoke.

Martha Taras, 171 West Jersey Hill Road, said she was totally opposed to the new house. Because of previous subdivisions and apartments constructed by Wolga, the nature of the area has changed. She was concerned about increased garbage, light pollution, and noise in the neighborhood. She was also very concerned about the water shed in the area, and a lack of water for residents.

Richard Cohen, 135 Town Line Road. His driveway is adjacent to the proposed subdivision. He spoke in opposition to the variance, with a primary concern about water access. He stated that there was limited water on that ridge and that neighboring wells have drained his well. Secondary concerns include aesthetics, traffic, and garbage. Two deep wells at this property went dry and a third shallow well was dug. Cohen needs to pay to have water delivered to this well.

Ted Crane, 605 West King Road, spoke in opposition to the request for variance. He noted that his opinion might carry less weight than closer neighbors, but was concerned about the already-increased traffic on West Jersey Hill Road resulting from previous construction. He also spoke against increased density in this area.

Julie Costie spoke in opposition, her prime concern being limited water resources and the impact on her view. She already has to buy water to fill her well/cistern. She built her home in 1997.

Sue Beeners gave some background on previous subdivisions at this location. Wolga bought the parcel with the farm house and split out two acres in 2004. He is now looking for a further subdivision.

Public Hearing Closed at 7:23

BZA Discussion:

Members of the BZA asked several questions of Sue Beeners. Some followup questions were asked of the neighbors. There was a general discussion about water resources on this hill.

Gary Bortz stated that he was against the requested variance. He was concerned about limited water access and believes that a two acre lot is the minimum needed for appropriate water recapture for a normal household.

Christine Decker expressed concern about the problem of water access at this location. She was against the variance.

Al Becker also spoke of concern about the water issue, and the fact that this subdivision might put neighbors in jeopardy.

Al Wagner presented the water issue as of concern regarding the lot size in this location. The prime issue for Wagner was the fact that the owner's previous subdivision was a willful act which left him with a known burden. Wagner stated that he thought this should be denied as the lot size is the result of self-inflicted circumstances.

Motion to Deny Variance

RESOLVED

That the Board of Zoning Appeals of the Town of Danby denies the requested variance based on the lot size. The shortfall of the required acreage is a result of a previous subdivision by the owner and therefore the circumstances are considered self inflicted.

Moved by Alan Wagner, second by Allen Becker, the motion passed

Allen Becker	AYE
Gary Bortz	AYE
Christine Decker	AYE
Alan Wagner	AYE

The BZA meeting was adjourned at 7:37 pm.

Pamela S Goddard, BZA Secretary