

Chairperson Michael Kunzer called the regular meeting of the Zoning Board of Appeals of the Town of Walworth to order at 7:00 PM. The members present were Michael Kunzer, Becky Appleman, Tiffany Paine-Cirincione, and Charles Buss. Norm Druschel, Building Inspector; and Phil Williamson, Code Enforcement Officer were also present.

Chairperson Kunzer asked if there were any corrections to the minutes of November 4, 2019. No issues or concerns were brought forward. Becky Appleman made a motion, seconded by Charles Buss, to approve the minutes of November 4, 2019 as presented. All members were in favor. Motion carried.

Chairperson Kunzer addressed the first item on the Agenda.

1. Application of Kyle Reynolds seeking an area variance for the property located at 650 Rookery Way that does not comply with the required setback. The applicant seeks relief from Section 180-17 (A) (2), Setback Requirements. Property is zoned PD- Planned Development. (Public Hearing)

Chairperson Kunzer opened the public hearing at 7:30PM.

Kyle Reynolds of 1672 Waterford Road came forward to speak before the Board. Mr. Reynolds said he is in the process of purchasing the property at 650 Rookery Way. Mr. Reynolds said he would like to build a ranch home on the property, but since the lot is narrow, he would like to get some setback relief to give him more backyard space and keep the home from the utility lines. Ms. Appleman asked what the measurements of the lot are. Chairperson Kunzer said it is lot 1 on the subdivision map and it is an odd-shaped lot. Mr. Reynolds said he thought the drainage easement on the property was abandoned, but he found it may still be active and this would prohibit building on the lot. Chairperson Kunzer said he was unable to locate documentation to show the easement has been abandoned, and it takes up a very large portion of the lot. Chairperson Kunzer said there is also a 40-foot minimum setback and the houses on Rookery way are on that setback. Mr. Reynolds said that the property at 650 Rookery Way is a little separated from the other properties on Rookery Way since there is golf cart access way next to this property.

Chairperson Kunzer asked if there were any more comments from the Board. No more issues were brought forward.

Chairperson Kunzer asked if there were any comments from the public. Darlene Maimone of Howard Hanna Real Estate Service came forward to speak before the Board. Ms. Maimone asked what the time frame would be to resolve this. Chairperson Kunzer said it would depend on the time it takes to find out whether the easement was abandoned and then the public hearing would need be rescheduled. Chairperson Kunzer said if the easement has not been abandoned then there would be very little room to build. Mr. Williamson said the property is included on an approved subdivision map but there is not an approved site map, and Eric Schmidt bought the property in 2006 subject to easements and restrictions of record. Mr. Williamson asked if the seller, Eric Schmidt, made Mr. Reynolds aware of the easement and whether it had been abandoned. Mr. Reynolds said he was not made aware of the easement by the seller. Mr. Williamson said the majority of the lot is in the easement and it may have been abandoned but the Board needs proof to show the abandonment from the attorney for the buyer or the attorney for the seller, and then the variance could be considered. Chairperson Kunzer said he pulled the deeds shown on the Rookery Way Subdivision Map that relate to the drainage easement to be abandoned, but he was unable to locate the bearing and distance going across this lot. Mr. Druschel said that Mr. Reynolds could check with Kevin Rooney, Superintendent of the Wayne County Highway Department, to see if the easement can be released or if there is an easement on the property at this time.

Ms. Appleman asked if the house could be placed at an angle to avoid the easement. Mr. Buss said you could if it was a very small house, but the rest of the houses in the neighborhood are big houses. Chairperson Kunzer said there is a possibility that Mr. Reynolds could be granted a variance in the future, but the Board needs more information such as: is the easement abandoned; what type of house is going to be built; and what is the minimum variance the Board could give? Mr. Kunzer said the Board will need more specific plans to consider the variance in the future. Mr. Kunzer said he will consider this variance as a no decision or tabled and if the applicant comes before the Zoning Board again for this variance, he will not need to pay another application fee.

Charles Buss made a motion, seconded by Tiffany Paine-Cirincione, to adjourn the meeting. All members were in favor. Chairperson Kunzer adjourned the meeting at 7:27p.m.

Respectfully Submitted,

Barbara Goulette, Zoning Board Clerk