

# Town of Constantia Board of Appeals

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## Meeting Minutes – April 21, 2023

### Call to Order

Chairman Macari opened the meeting at 7:00pm

### Attendees

Voting members in attendance included:

- Chairman Ken Macari
- Daniel Retajczyk
- Susan Kimmel

Guests in attendance included: Frank Tomaino, Clare, Haynes, Carol Haynes, Micheal Haynes, Amy Connolly (Secretary), and one additional member of the public.

Board members absent: Michael Doran, Mark Somers

### Public Hearing- Haynes 99 Salt Rd

Chair Macari opened the public hearing at 7:01 pm.

Carol Haynes is requesting a use variance for the temporary placement of a mobile home on her property on Salt Rd in Constantia. She is also requesting a variance for the size of the mobile home to be used.

Discussion surrounding details of the application process and the ability of the Board to grant specific types of variances. Town subdivision law mandates that only one residence may exist on a lot. Variances are typically granted to a property and not to an individual on a temporary basis. Mr. Retajczyk reads from the Land Development Law, the requirements for two residences to be placed on one lot. Board members discuss whether or not the Board. Ms. Kimmel states that she is uncomfortable voting on this application at tonight's meeting without advice from Town Counsel.

Chair Macari recommends that the applicants go to Code Enforcement Officer to ask for a building permit based on Section 505 of the Land Development Law. Board will contact Town Counsel to clarify law and related capabilities of the Board.

Carol Haynes requested to withdraw her application for use variance as presented.

**MOTION TO CLOSE THE PUBLIC HEARING** Sue Kimmel made a motion to close the public hearing at 8:00pm. Seconded by Dan Retajczyk. Motion passed unanimously.

### Public Hearing- Wheeler 206 Gale Rd

Chair Macari opened the public hearing at 8:13pm

Kevin A. Wheeler is requesting a setback variance for a 14'x20'shed to be placed on his property on Gale Rd. Board members review the application materials and discuss. The Board of Appeals reviewed the formatted questions for "Area Variance Findings and Decisions". The form will be filed in the Town Clerk's office. Discussion followed.

**MOTION TO CLOSE THE PUBLIC HEARING** Sue Kimmel made a motion to close the public hearing at 8:35pm. Seconded by Dan Retajczyk. Motion passed unanimously.

**MOTION** Dan Retajczyk made a motion to deny the variances requested. The motion was seconded by Sue Kimmel. The motion passed unanimously. The request was denied based upon the request for setback being substantial and impacts on line of site for passing motorists.

**Adjournment**

Sue Kimmel moved that the meeting be adjourned, seconded by Dan Retajczyk. Members voted unanimously to adjourn at 8:39pm.

Amy Connolly

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Secretary  
Town of Constantia Board of Appeals

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Date of Approval