

Village of Hammondsport  
Zoning Board of Appeals  
January 31, 2012

The Village of Hammondsport Zoning Board of Appeals held a Public Hearing on Tues. 31,2012 at 7:00 p.m., 18 Water Street, Hammondsport, NY.

PRESENT            Robert Matthewson, Chairman  
                         Board Members: Rachel Nichols  
   Bob Deseyn  
   Linda Carl  
   Pat French

Public Present: Anne Green, Ralph Brown, Tim Atwood, Liz Atwood, Deb Meritsky, Marc Rotman, Bruce White.

Chairman Matthewson opened the Public Hearing at 7:15.

Chairman Matthewson stated that the Public Hearing in front of the ZBA is Use Variance Application 2011-58 submitted by Jeffery Ingersoll for property 30 Pulteney St. The applicant is proposing a variance for a Bed and Breakfast.

Jeffery Ingersoll gave an overview of the project indicating that he wanted to operate a 3 room Bed and Breakfast.

Ralph Brown, Bruce White, Liz and Tim Atwood, Deb Meritsky and Marc Rotman all spoke in favor of the Variance.

Applicable codes: 122-12 B-1 and B-2 Districts. Permitted principal uses, Accessory uses, and Special permit uses was determined not able to use because all require a lot of parking.

Environmental Assessment Short Form was reviewed for application 2011-58.

SEQR Findings: This project was classified as an Unlisted Action with no negative environmental impact.

Bob Deseyn made the motion to Accept SEQR Findings and Rachal Nichols second motion.

ROLL CALL VOTE:            Matthewson-Aye  
   Deseyn-Aye  
   Nichols-Aye  
   Carl-Aye  
   French-Aye

Motion Carried

The Board reviewed the M239 which was received from Steuben County Planning Department stating that the County Planning Department has reviewed the application and has not revealed any significant inter-community or county-wide considerations.

Public Hearing closed at 7:30 and the Board opened their regular meeting.

Discussion: Use Variance Application 2011-58 was reviewed and each answer to the application questions was discussed.

- A. As current zoning in B1 District does not allow operation of a Bed and Breakfast applicants cannot realize any reasonable return on their investment. Applicants will need supplemental income during imminent retirement from full time jobs and transition to full time residents of Hammondsport.
- B. The historic nature of the property and building are unique. This is the site where Walter Taylor Sr. learned winemaking from the McCorn Bros. The hillside location offers unique views of the lake, waterfront and train depot.
- C. The requested variance requires no substantial alterations to the building or property. All access and parking is via the existing driveway that traverses the property and is behind the building and screened by trees and existing vegetation.
- D. Bed and Breakfasts are allowed in other residential zones in the Village of Hammondsport. The B1 Zoning District is primarily residential with a few businesses. Because of the growing tourism industry, Bed and Breakfast rooms nearby are frequently sold out and we have already had requests to supply overflow rooms.

As a result of the above discussion the Zoning Board of Appeals has concluded with the following findings:

The applicant has shown proof that a particular local zoning law has caused unnecessary hardship by providing proof of each of the four stated elements:

- 1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4. That the alleged hardship has not been self-created.

Rachel Nichols made a motion seconded by Bob Deseyn that the ZBA has accepted and considered the above findings.

ROLL CALL VOTE: Matthewson-Aye  
Nichols-Aye  
Deseyn-Aye  
Carl-Aye  
French-Aye

Motion Carried

Decision:

Herb Matthewson made a motion seconded by Rachel Nichols to approve, based on the aforementioned Findings, the Use Variance 2011-58 submitted by Jeffrey Ingersoll for property 30 Pultney Street become a Bed and Breakfast.

ROLL CALL VOTE: Matthewson-Aye  
Nichols-Aye  
Deseyn-Aye  
French-Aye  
Carl-Abstained

Motion Carried

Rachel Nichols made a motion to adjourn the meeting at 7:40 p.m.

Respectfully Submitted, Kelly Harris, Clerk

