

January 31, 2023
Village of Hammondsport
Zoning Board of Appeals
Public Hearing & Regular Meeting Minutes

The Village of Hammondsport Zoning Board of Appeals held their Regular Board Meeting and Public Hearing on Tuesday, January 31, 2023 at 7:00 p.m. in the Village Office, 18 Water Street, Hammondsport and via ZOOM teleconference.

PRESENT: Chairman Brad Tavel
Member Tim Atwood
Member Michael Dillon
Member Deborah Lynch
Member Linda Carl (z)
Clerk-Treasurer Christina Watson

ABSENT: Code Officer Chuck Cagle

OTHERS PRESENT: SWerner, MFingar & SSprague(z) and JJensen(z)

Chairman Brad Tavel called the regular board meeting & public hearing to order at 7:04pm.

PUBLIC HEARING: Use Variance #2022-073 (90 Pulteney Street)

BT stated the property was in B2 and discussed the application, needed competent financial evidence, read Chapter 122-54 and discussed. Discussed the responsibilities of the ZBA on this application. All looked at the submitted timeline and financial spreadsheet. MF stated her name and address as the property owner. There were no forms provided from the Village ZBA, so she created her own financial forms. BT asked her if she was an accountant or CPA. MP stated she worked in accounting for a long time but is not a CPA, she generated her own report. TA stated in reference to the str, is here a guarantee by the Planning Board that you will get the approval for a Special Permit, discussed what the Planning Board may ask. BT-is there money on the office rent? MF-I don't know, not renting yet. BT-is there a tenant and rent? MF-no, other apt. is \$650.00 + utilities. LC asked the square footage. MF-approximately 700 square feet. BT stated residential. DL asked why they were at the ZBA? RL-explained what happened at the Planning Board. SW asked about the code. BT talked about granting the change in use and MF proving hardship, is there competent financial hardship? LC-confirmed the entire space is 700 square feet? MF/BT-yes. BT asked for any more comments from applicant and the public? RL-finding a renter-doesn't seem to warrant a hardship. Str's are a topic of the Village at the moment and has limited ability to control them. BT asked how much it would cost to create this? SW stated about \$8500.00-\$9500.00 material only and my labor. BT-about 1 year to recover costs, costs to create a commercial use. SW-could vary. SW/BT/MF had discussion on hardship. ALL-discussion on rate of return on money. MF-I still have a loss, I am not renting it and have no one to rent it until SW which has asked to change part of it to a str. SW-I am the only one that wants to rent this. BT-read the code Chapter 122-54A(2)(a)(b)(c)(d) again. (a) cannot recognize a competent financial evidence-discussed with board. Need to show market rent on all aspects and costs. (b) alleged hardship is unique and discussed with board. BT asked if the inability to rent is all over. TA-could be a judgement call. MF-I feel it is all over. (c) BT-no alter of character of neighborhood which was discussed by board. (d) BT-not self-created. RL-noted comprehensive plan. On motion from Member Tim Atwood, seconded by Member Michael Dillon to close the public hearing for application #2022-073 at 7:53pm. BT-board discussion was done. MF-can I submit more information? BT-felt like there would be more hurdles, no unique hardship. LC had no more comments. BT asked for a motion to approve or deny application #2022-073. On motion from Chairman Brad Tavel, seconded by Member Tim Atwood to deny Use Variance Application #2022-073 for 90 Pulteney Street.

Record of Vote:	<u>Member Name</u>	<u>AYE</u>	<u>NAY</u>
	Chairman Brad Tavel	AYE	
	Member Linda Carl	AYE	
	Member Tim Atwood	AYE	
	Member Deborah Lynch		NAY
	Member Michael Dillon	AYE	

The motion to deny Use Variance Application #2022-073 for 90 Pulteney Street, 4-1. LC-after the submission of more information, did not meet code as BT interpreted it. BT explained ZBA and codes.

MEETING MINUTES: On a motion from Member Linda Carl, seconded by Member Tim Atwood, and carried, all voting Aye to approve the minutes of the Zoning Board of Appeals Meeting from January 9, 2023.

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENT: None

With no further business before the Board, on a motion from Chairman Brad Tavel, seconded by Member Michael Dillon, and carried, all voting Aye to adjourn the meeting at 8:08pm.

Respectfully Submitted,

Christina Watson
 Village of Hammondsport Clerk-Treasurer