

MEETING OF THE HANCOCK ZONING BOARD OF APPEALS
TUESDAY, JUNE 22, 2021 AT 10:00 A.M., HANCOCK VILLAGE HALL,
85 EAST FRONT STREET, HANCOCK, NEW YORK

The Meeting was called to order at 10:02 A.M. by James Picozzi. Roll call was taken by Clerk/Treasurer Phyllis Falsetta

Present: ZBA Officer James Rotzler
ZBA Officer James Picozzi
ZBA Officer Edward White

Also Present: Phyllis Falsetta, Clerk/Treasurer
Wanda Raksyk

The purpose of this meeting was to discuss and make a decision regarding the Area Variance Application submitted by Wanda Raksyk of 171 West Main Street. A public hearing for this application had been held on May 25, 2021.

1. Application is for a 9 foot variance
2. Application is for a deck above a carport (per building permit application)
3. Structure has not met setback requirements required by zoning law

The Factors Test was then taken:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes/Unanimous (Structure would be within inches on the Southside/Rhodes' property and is encroaching on the Westside/Bullis' property)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the Variance: Yes /Unanimous (The structure can be made smaller to comply with zoning requirements)
3. Whether the requested Variance is substantial: Yes/Unanimous
4. Would the variance have an adverse impact on the physical or environmental conditions of the neighborhood: No/Unanimous (Type II Action on SEQRA)
5. Whether the alleged difficulty was self-created: Yes/unanimous (During the 5/25/21 public hearing Ms. Raksyk was asked if she had read the "certification" at the bottom of the building permit application that she had submitted. She stated that yes she did. When asked who designed and built the structure she answered Opalka Corporation and stated that she did not see any plans or designs and that Opalka Corporation just built it.

The ZBA, after taking into consideration the above five factors finds that: The benefit to the applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance is denied. Formal resolution is attached.

RESOLUTION – DECISION ON AREA VARIANCE

At the regular meeting of the Village Zoning Board of Appeals of the Village of Hancock, Delaware County, held at the Village offices in said Village on the 22nd day of June, 2021 at 10 A.M., prevailing time. The meeting was called to order by Deputy Chairman James M. Picozzi and upon roll being called, the following were present: James Picozzi, James Rotzler and Edward White.

The following resolution was offered by Board Member Edward White who moved for its adoption and seconded by Board Member James Rotzler to Wit:

WHEREAS, the Zoning Board of Appeals of the Village of Hancock has received an application from Wanda Raksyk for a variance of sections 115.25-A1 of the Zoning Law of the Village of Hancock to permit constructions of a deck over a carport; and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received an application, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety and welfare of the neighborhood and community.

The questions of the foregoing resolution was duly put to a vote as follows:

James Picozzi – denied

James Rotzler – denied

Edward White – denied

The conditions for the applicant:

1. Consider new construction
2. File new building permit applications
3. Secure a reputable contractor
4. Work with Code Officer for guidance on following all code, zoning and setback laws

The meeting was adjourned at 10:57 A.M.

Respectfully Submitted by:

Phyllis Falsetta, Clerk/Treasurer