

Village of Caledonia Zoning Board of Appeals  
Meeting Minutes for November 8, 2017: NY Bean Public Hearing

Members Present: Steve McIlwaine, Bob Middleton, Sarah Santora, Bill Hughes  
Member Absent: Patrick Talty

Steve McIlwaine called the meeting to order at 7:00 pm with the Pledge of Allegiance. The Public Hearing, for an area variance for NY Bean, was opened at 7:00 pm.

This hearing is to address the discrepancy between the required setback from the rear of the proposed new building to the rear property line.

*Tony DeMarco* stated that the building itself is not a problem. He is concerned about the water flow. Before the area was filled in, he said water used to go behind the bean plant and now goes into houses that haven't flooded in a long time. Steve McIlwaine stated that is not a designated wetlands, per DEC. Barry Ganzhorn stated that they have created an environmental impact downstream.

*Mark Riggi* stated that the frustration stems from the drain that was supposed to be, but never was, installed near CRC. This drain would have solved many of the residents' water concerns. The amount of rainfall this year has created extra water flow. He stated that where the building is being proposed, there is gravel.

*Matt Cole*, from CRC, stated they have tried mitigating water through their property and dug out a ditch to move water to a retaining pond. The water fills the pond from under ground, not from water flow.

*Tim Gaffney* stated that Jones Chemical gave the Town an easement in about 2000 to put in drainage flowthrough.

*Barry Ganzhorn* asked if adding a drainage system would solve it? Steve McIlwaine replied that it might not, because of the groundwater.

*John McCreedy* added that at the meeting to plan the right of way for the drainage, the issue was money. This project is not as simple as putting in a tunnel.

*Barry Ganzhorn* asked if adjoining landowners have to sign the resolution if the variance is granted. Steve McIlwaine stated that no, they do not.

#### The Board Reviewed the Criteria for an Area Variance

- 1: Non-desirable change to the neighborhood
  - The character of the neighborhood will not change
  - The existing building has been there a long time (since 1952)
  - It will not be a detriment to the nearby businesses (NY Bean, CRC, Jones Chemical all own nearby properties)

- 2: Is there a way to do this without a variance?
- The building plans could rotate the new building, but there may have to be additional fill used to complete the project.
  - *Archie Cappotelli* stated that since the ditch was backfilled, there has been more flooding. He asked John McCreedy how much was backfilled. John replied that about 20' wards road, and about 50' towards the back. The pad has been there since the football field was constructed, about 12 years ago.
  - *Barry Ganzhorn* asked if this is approved, that a note be placed in the minutes or motion re: the concern about water flow
  - *Mark Riggi* stated that the flooding is predominately in the Spring. This fall and its heavy rainfall has been an anomaly. If NY Bean causes this, there would be more widespread flooding. He also stated that the water flow is not the issue up for discussion tonight, but the area variance is.
  - *Matt Cole* stated that they went through a similar situation with CRC. Many people were worried about the water flow. They dug a trench, but it did not solve any water problems. The water issue needs to be addressed separately.
  - *Tim Gaffney* asked why the Village isn't addressing the water concerns?
  - *Sarah Santora* asked how much of the water problems is a result of something underground?
- 3: Is the requested area variance substantial?
- No
- 4: Is there an environmental impact?
- If the proposed area is repeatedly full of water prior to construction, then there might be an issue of concern.
- 5: Is this a self-created hardship?
- No. The original building has been there since 1952, and was not purchased with the intent of adding this new building.

Sarah Santora asked John McCreedy the following questions and clarified information:

- a) What has been in the area where the proposed building will go?
  - The pad where the building will go has been there about 12 years. The land has been leveled about that long.
- b) What has changed?
  - Brought in more fill (about 20' towards road, and about 50' toward rear)
  - Removed some trees
  - Area was leveled
- c) When heavy rain came this year, John talked with his construction company. They expressed no concerns.

- d) Confirmed that John has talked with ZBA, Planning Board, County Planning Board, and mayor.
- e) There were trees cut down, and these will be cleared off the property and away from Jones Chemical's property along the railroad tracks.

Motion made by Bob Middleton, seconded by Bill Hughes, to grant an area variance with the recommendation that the Village address West End water concerns.

Aye: Steve McIlwaine, Bob Middleton, Sarah Santora, Bill Hughes  
Nay: None  
Abstention: None

*Sarah Santora* encouraged the residents who live in that area to go to the Village and discuss their concerns about the water and flooding.

*John McCreedy* thanked the ZBA for its diligence.

#### **October Minutes**

Motion by Bob Middleton, seconded by Bill Hughes, to approve the October 2017 minutes.

Aye: Steve McIlwaine, Bob Middleton, Bill Hughes  
Nay: None  
Abstention: Sarah Santora

Motion by Steve McIlwaine, seconded by Bob Middleton, to adjourn the meeting at 8:10 pm.

Aye: Steve McIlwaine, Bob Middleton, Sarah Santora, Bill Hughes  
Nay: None  
Abstention: None

Elizabeth Dietrich  
ZBA Secretary