

A regular meeting of the Town/Village of Lima Zoning Board of Appeals was held on Monday, August 18, 2025 at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Jim Van Dick (T), Vice Chairwoman Cindy DePuy (V), Members Duane Fuller (V), Andy Matthews (T), John Bailey (T), and Kenneth Gray (T)

ABSENT: None

OTHERS: Secretary Sharon M. Knight, MMC/RMC

VISITORS: Marietta Tenny, Michael West, Shari West, Austin Ingerick, Bryce Way, Maggie Strong, Jared Ransom, Edwin Blodgett II, Marilyn Mac Intyre and Allan Mac Intyre

Chairman Van Dick called the meeting to order at 7:00 P.M. and everyone participated in the Pledge of Allegiance.

RESOLUTION #2025-5 APPROVAL OF MINUTES DATED APRIL 21, 2025

On motion of Member Bailey second by Chairman Van Dick the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to approve the minutes of April 21, 2025 as presented by email and posted on the Town of Lima website.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye

RESOLUTION #2025-6 OPEN PUBLIC HEARING TO ALLOW AN AUTOMOBILE REPAIR SHOP LOCATED AT 2419 PLANK ROAD, TAX MAP NUMBER 47.-1-29.11.

On motion of Member DePuy second by Member Bailey the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to open the public hearing for the application of Bryce Way to operate an automobile repair shop located at 2419 Plank Road, tax map number 47.-1-29.11.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye

DISCUSSION - THE LEGAL NOTICE WAS READ INTO THE RECORD AS FOLLOWS:

LEGAL NOTICE
USE VARIANCE APPLICATION
NOTICE OF MEETING AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, that the Zoning Board of Appeals of the Town/Village of Lima will hold a meeting and public hearing at the Town Hall, located at 7329 East Main Street, Lima, New York at 7:05 p.m. on Monday, August 18, 2025, for the purpose to allow an automobile repair shop. The request for relief that relates to a Use Variance would permit the applicant to operate an automobile repair shop that existed in 2006, Bryce Way owns the parcel.

The subject property is located at 2419 Plank Road, Lima, New York, also being designated as Tax Identifier Map Parcel Number is 47.-1-29.11.

All people interested in said matter will be heard at said public hearing.

Dated: August 7, 2025
Sharon M. Knight, MMC/RMC
Zoning Board of Appeals Secretary

DISCUSSION – SIGN POSTED ON PROPERTY AND NEIGHBORS NOTIFIED

Code Enforcement Officer Floeser confirmed posting a sign on property and letters were mailed to neighbors.

DISCUSSION REVIEW OF THE LIVINGSTON COUNTY PLANNING BOARD

Chairman Van Dick confirmed we have received Zoning Referral #2025-048 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application and, in consultation with the Town of Lima County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Please be aware that a determination of “No Significant Countywide Impact” should not be interpreted as either approval or disapproval by the County Planning Board. Please consider the following advisory comment:

1. Use Variance Criteria. In order to receive approval for a Use Variance, the Applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes the following:

- Cannot realize a reasonable return
- Alleged hardship is unique and does not apply to substantial portion of district or neighborhood
- Requested variance will not alter essential character of the neighborhood
- Alleged hardship has not been self-created

Advisory Comment: The Applicant must demonstrate to the Town that all of these hardship criteria are met.

DISCUSSION – COMPLETE APPLICATION

Chairman Van Dick confirmed all proper paperwork was submitted for this application.

DISCUSSION – PORTION OF TOWN CODE SEEKING RELIEF

Chairman Van Dick read the portion of the Town of Lima Code that the application is seeking relief (Chapter 250-75 A & B) as follows.

§ 250-75 Nonconforming uses and structures; preexisting, legal nonconforming natural gas and/or petroleum extraction activities.

[Amended 4-3-2014 by L.L. No. 2-2014]

A. Continuation of nonconforming use. Except as provided in Subsections **B**, **C** and **K** of this section, any use of the land or a building or structure or part thereof existing at the time that this chapter or any amendment hereto becomes effective may be continued, subject to the provisions of Subsections **D**, **E** and **F** of this section, although such building or structure or use does not conform to the provisions of the district in which it is situated.

B. Discontinuance of use. When a nonconforming use has been discontinued for a period of not less than one year, it shall not thereafter be reestablished, and the future use shall be in conformity with the provision of this chapter.

DISCUSSION – OPENING COMMENTS

Applicant Bryce Way addressed the Board and those in attendance stating that when he purchased the property the Attorney told him the property was zoned for the use, he is seeking approval. He spoke of the work on the property to date.

A review of the Use Variance questions was completed.

DISCUSSION - PUBLIC COMMENTS

It was questioned, if the appeal is approved, could the garage be rented out to others. The response was there are no restrictions on renting.

Use limited to specific business – paint shop and auto performance.

It was explained that a Use Variance goes with the property not the owner. So, the property could be sold with the Use Variance.

The property had been used for this type of business prior to the updated Town Code. The property was grandfathered until the business was no longer used and that is when this type of used stopped.

Applicant Way stated that he has been taxed as a business since purchasing the property for the type of use that he would like to use the property, and the realtor mentioned the property as being business related. He presented letters from neighbors that support his request. He believes the building conforms to code requests. Vice Chairwoman DePuy, read about how codes maps and taxes are two separate items. In summary, how a property is taxed isn't related to the code.

Visitor Michael West stated that he supports the requested use.

Visitor Austin Ingerick stated that he supports the requested use.

RESOLUTION #2025-7 CLOSE PUBLIC HEARING TO ALLOW AN AUTOMOBILE REPAIR SHOP LOCATED AT 2419 PLANK ROAD, TAX MAP NUMBER 47.-1-29.11.

On motion of Chairman Van Dick, second by Member Fuller the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to close the public hearing for the application of Bryce Way to operate an automobile repair shop located at 2419 Plank Road, tax map number 47.-1-29.11.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye

DISCUSSION – MEMBER ANDY MATTHEWS

Member Matthews stated that he is a neighbor of the applicant and would abstain from voting. As a neighbor he shared his thoughts, including but not limited to the property that has been improved, structural defects have been addressed, and hazards have been removed.

DISCUSSION – BOARD CONSIDERATION

There was a discussion on the requirements that allow the Zoning Board of Appeals to approval a use variance. All the criteria requirements were considered, including the following. It was noted all four are required to be answered (no):

1. The applicant cannot realize a reasonable financial return on initial investment for any current permitted use on the property.
2. The financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood.
3. The granting of this variance will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.

There was discussion to determine if the four criteria have been met. Members Fuller and Bailey requested a vote be taken.

RESOLUTION #2025-8 DISAPPROVAL TO ALLOW AN AUTOMOBILE REPAIR SHOP LOCATED AT 2419 PLANK ROAD, TAX MAP NUMBER 47.-1-29.11.

On motion of Member Bailey second by Member DePuy the following resolution was
ADOPTED AYES 5 NAYS 0 ABSTAIN 1 Member Matthews

RESOLVE to not approve the request for the application of Bryce Way to operate an automobile repair shop located at 2419 Plank Road, tax map number 47.-1-29.11 as it does not meet the required criteria set forth in his application.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Abstain, John Bailey – Aye, and Kenneth Gray – Aye

RESOLUTION #2025-9 OPEN PUBLIC HEARING TO CREATE LOT 1 OF 3.0 ACRES TO R. O. W. AND LEAVING 116.61 ACRES OF REMAINING LAND LOCATED AT 7786 EAST MAIN ROAD, TAX MAP NUMBER 37.-1-27.11.

On motion of Member Bailey second by Chairman VanDICK the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to open the public hearing for the application of Edwin O. and Cathy Blodgett to creating lot 1 of 3.0 acres to R. O. W. and leaving 116.61 acres of remaining land located at 7786 East Main Road, tax map number 37.-1-27.11.

Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye

LEGAL NOTICE

AREA VARIANCE APPLICATION

NOTICE OF MEETING AND PUBLIC HEARING

NOTICE IS HEARBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, that the Zoning Board of Appeals of the Town/Village of Lima will hold a meeting and public hearing at the Town Hall, located at 7329 East Main Street, Lima, New York at 7:15 p.m. on Monday, August 18, 2025, for the purpose a lot line adjustment.

The request for relief that relates to an Area Variance would permit the applicant to subdivide an existing 119.61 acre parcel owned by Edwin O. and Cathy Blodgett. Creating lot 1 of 3.0 acres to R. O. W. and leaving 116.61 acres of remaining land.

The subject property is located at 7786 East Main Road, Lima, New York, also being designated as Tax Identifier Map Parcel Number is 37.-1-27.11.

All people interested in said matter will be heard at said public hearing.

Dated: August 7, 2025
Sharon M. Knight, MMC/RMC
Zoning Board of Appeals Secretary

DISCUSSION – SIGN POSTED ON PROPERTY AND NEIGHBORS NOTIFIED

Code Enforcement Officer Floeser confirmed posting on property and letters were mailed to neighbors.

DISCUSSION – COMPLETE APPLICATION

Chairman Van Dick confirmed all proper paperwork was submitted for this application.

DISCUSSION - REVIEW OF THE LIVINGSTON COUNTY PLANNING BOARD

Chairman Van Dick confirmed we have received Zoning Referral #2025-048 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application and, in consultation with the Town of Lima County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Please be aware that a determination of “No Significant Countywide Impact” should not be interpreted as either approval or disapproval by the County Planning Board.

Area Variance Criteria. The review of an area variance must weigh the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood using the following five factor “balancing test” as set forth in the State statute:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
3. Is the requested area variance substantial?
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

5. Is the alleged difficulty for the applicant self-created? (This consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.) Advisory Comment: The Town should carefully consider the benefits of the requested variance to the applicant against any potential negative impact on the neighborhood.

DISCUSSION - PUBLIC COMMENTS

Visitors Scott C – In Favor

Visitor Marily Mac Intyre – In Favor

**RESOLUTION #2025-10 CLOSE PUBLIC HEARING OPEN PUBLIC HEARING TO
CREATE LOT 1 OF 3.0 ACRES TO R. O. W. AND LEAVING 116.61 ACRES OF
REMAINING LAND LOCATED AT 7786 EAST MAIN ROAD, TAX MAP NUMBER 37.-
1-27.11.**

On motion of Member Fuller second by Chairman Van Dick the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to close the public hearing to create Lot 1 of 3.0 acres to R.O.W. and leaving
116.61 acres of remaining land.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye,
Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth
Gray – Aye**

**RESOLUTION #2025-11 APPROVAL TO CREATE LOT 1 OF 3.0 ACRES TO R. O. W.
AND LEAVING 116.61 ACRES OF REMAINING LAND LOCATED AT 7786 EAST
MAIN ROAD, TAX MAP NUMBER 37.-1-27.11.**
Fuller/VanDick

On motion of Member Bailey second by Member Matthews the following resolution was
ADOPTED AYES 6 NAYS 0

RESOLVE to approve the request for the application of Edwin O. and Cathy Blodgett to
create Lot 1 of 3.0 acres to R. O. W. and leaving 116.61 acres of remaining land located at 7786
East Main Road, Tax Map Number 37.-1-27.11 as shown on the map.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye,
Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth
Gray – Aye**

The meeting adjourned by the motion of Member Bailey and seconded by Member Fuller at 8:00
P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC, Secretary