

TOWN OF BIG FLATS  
ZONING BOARD OF APPEALS  
MEETING MINUTES

January 27, 2015

Town Hall  
Meeting Room  
7:00pm

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Members Present: Dick Seely, Don Williams, Dave Robbins

Members Absent: Heather Hanson

Staff Present: Tim Gilbert, Brenda Belmonte

Guests: Karl Schwesinger, William Lutz, John Sullivan, Eleanor Sullivan, Lee Giammichael, Kit Tobin, Gary McCaslin, Joel Grace, Abbas Kazmi, M. Talaevddin, Syed Ahmed, Graham Wightman, Ajaaz Zainul, M. N. Parvez, Abdul Waheed, Latif Shaikh, Saeed Ahusar, Najeeb Rehman, Philip Early, Constance L. Seifert, Leslie Potter

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Minutes

December 16, 2014

**Motion by Seely, seconded by Robbins, to approve the minutes of December 16, 2014, Discussion, None, Motion Carries 3-0.**

**PUBLIC HEARING  
ISLAMIC ASSOCIATION OF THE FINGER LAKES  
AREA VARIANCE REQUEST**

Chair Williams opened the public hearing at 7:02pm, noting it had been duly published in the Star Gazette.

Speaking for:

Jamie Gensel, Fagan Engineers, emphasized that this is not a site plan approval; it is a request for lot coverage to allow for future construction. Maximum allowable lot coverage is 40%; the request is for 53%.

M. Naeem Parvez, 842 Chambers Road, Horseheads – The request is for Phase 3 of the project, which would allow for a possible school in the future.

Latif Shaikh – has been a practicing physician in this area for 44 years, and has served this community with pride. The change of location for the mosque from Main Street to the proposed location would allow for additional space as needed. Dr. Shaikh hopes to open a free wellness clinic in the near future.

He strongly requests they be allowed to have the presence on Hickory Grove Rd.

Kit Toban, Chair of the Southern Tier Interfaith Coalition –understands that there is a precedence set for exceeding the standard lot coverage. The Islamic Center has been supportive in several areas of the community – their hospitality is incredible. She is here to represent another faith and hopes they will be able to build a mosque and school just as others have been able to do.

Speaking against:

John and Ellen Sullivan, 483 Hickory Grove Road – read and submitted to the board their opposition (attached).

Public Hearing closed at: 7:15pm

#### ISLAMIC ASSOCIATION OF THE FINGERLAKES AREA VARIANCE REQUEST APPROVED

Seely questioned Schwesinger as to the drainage concerns noted by the Sullivans.

Schwesinger explained that the Sullivan home is located substantially above the proposed mosque area.

Gilbert stated that Jimmie Joe Carl of the Chemung County Stormwater Coalition has reviewed and recommended approval of the plan, noting that it will not affect the neighboring sites.

Williams recommended that the privacy/screening fence bordering the north end of the property be extended to the end of the final Phase 3 parking area to which Gensel agreed.

Criteria Review:

1. Whether an undesirable change will be produced in the character of the neighborhood.  
Williams, pass; Seely, pass, Robbins, pass
2. Whether the benefit sought can be achieved by some other method than an area variance.  
Williams, fail, Seely, fail, Robbins, fail
3. Whether the requested area variance is substantial  
Williams, pass; Seely, pass, Robbins, pass
4. Whether the proposed area variance will have an adverse effect on the physical or environmental conditions in the neighborhood  
Williams, pass; Seely, pass, Robbins, pass
5. Whether the alleged difficulty was self-created

Williams, fail, Seely, fail, Robbins, fail

**Motion by Robbins, seconded by Seely to approve the area variance request with the stipulation the fence is extended as discussed, Discussion, None, Motion Carries 3-0.**

**Motion to adjourn by Williams, seconded by Seely at 7:30pm, Discussion, None, Motion Carries 3-0.**

Meeting adjourned at 7:31pm