

Zoning Board of Appeals Minutes

June 10, 2025 Revised

Proceeding

Meeting called to order at 7:00 p.m. by Chairman Bob Lannon.

Flag Salute

Dalton Bean led the Flag Salute

Welcome

Bob Lannon welcomed everyone.

Roll Call

Upon roll call the following members were present: Chairman Bob Lannon, Dalton Bean, Tom Hamilton, Amy Connelly and Nick Santino. Shelly Cahoon and Gordon Smith were absent.

Others Present: Code Officer Roger Gallant, Deputy Code Officer Kip DeLisio, Tom Wetherby, Clerk Diane Bean and Town Attorney Amy Kendall.

Guests: Ron Epner, Paul Sutton, Dave McDowell, Rachel Brenner, Walter & Lori Wafler, Sue Wall, Lauren Kelly, Dwayne Fonda, Mark Schallmo, James McKowan, Michael Rosa, Frank Pavia, Matt Crider and Brian Pincelli.

Minutes:

A motion was made by Nick Santino, seconded by Amy Connelly to approve the minutes from the May 13, 2025 meeting. Gordon Smith & Shelly Cahoon were absent.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

New Applications:

1227-25A: by **Walter Wafler** of **Pittsford, NY** for the property at **6977 Owens Shore Rd.** to build a 2-story addition with a covered deck and an open-air deck. **The Town of Huron Zoning Law Section 4.2.2.1 Schedule of Minimum Areas and Yards** requires all structures in the resort district to have a front yard setback of 75' and a minimum side yard setback of 10' unless granted a Variance by the Zoning Board of Appeals.

Amy Connelly moved, seconded by Tom Hamilton, that the Board find this request for Area Variance to be a Type II action of section 617.5 (c) (11) of SEQRA having no significant environmental impact.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Amy Connelly read the neighbor letter.

Dalton Bean read the LWRP recommendation letter.
Bob Lannon closed the public hearing: All in favor.

All members inspected and/or are familiar with the site. Upon completion of Finding of Facts Amy Connelly moved, seconded by Dalton Bean to ***approve the application with the stipulation that outdoor lighting must not be a nuisance to neighbors and total height of the structure shall not exceed 24'.***

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

1228-25A: by **George Becker** of **Riverside, CA** for the property at **7696 Lake Bluff Rd.** to build a 3-bedroom home 25' from the front yard lot line. **The Town of Huron Zoning Law Section 4.2.2.1** Schedule of Minimum Areas and Yards requires structures in the Resort district to have a 75' front yard setback unless granted a Variance by the Zoning Board of Appeals.

Amy Connelly moved, seconded by Tom Hamilton, that the Board find this request for Area Variance to be a Type II action of section 617.5 (c) (11) of SEQRA having no significant environmental impact.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Dalton Bean read the LWRP recommendation letter.
Bob Lannon closed the public hearing: All in favor.

All members inspected and/or are familiar with the site. Upon completion of Finding of Facts Nick Santino moved, seconded by Dalton Bean to ***approve the application with the stipulation that outdoor lighting must not be a nuisance to neighbors.***

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

1229-25A: by **Paul Sutton** of **Wolcott, NY** for the property at **7295 Phelps Ave.** to subdivide an existing parcel into two separate lots. **The Town of Huron Zoning Law Section 4.2.2.1 Schedule of Minimum Areas and Yards** in the Resort District requires all lots to be a minimum of 1 acre and have a lot width of 100 feet unless granted a Variance by the Zoning Board of Appeals.

Amy Connelly moved, seconded by Nick Santino, that the Board find this request for Area Variance to be a Type II action of section 617.5 (c) (16) of SEQRA having no significant environmental impact.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Amy Connelly read the neighbor letter.
Bob Lannon closed the public hearing: All in favor.

All members inspected and/or are familiar with the site. Upon completion of Finding of Facts Tom Hamilton moved, seconded by Nick Santino to ***approve the application as submitted.***

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

1230-25SP: by **Bonnie Epner of Webster, NY** for the property at **75119-00-290891 West Port Bay Rd.** to construct a 40' x 64' storage structure. **The Town of Huron Zoning Law Section 4.2 schedule of regulations** requires all storage structures in the Resort district to be permitted only if a Special Permit is granted by the Zoning Board of Appeals.

Amy Connelly moved, seconded by Dalton Bean, that the Board find this request for Special Permit to be a Type II action of section 617.5 (c) (12) of SEQRA requiring a short Environmental Assessment Form (EAF). All in favor.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Dalton Bean conducted completion and moved acceptance of Part II of the SEQRA Short Environmental Assessment Form (EAF): seconded by Amy Connelly. All in favor.

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Dalton Bean read the LWRP recommendation letter.
Bob Lannon closed the public hearing: All in favor.

All members inspected and/or are familiar with the site. Upon completion of Finding of Facts Dalton Bean moved, seconded by Amy Connelly to ***approve the application with the stipulation that outdoor lighting must not be a nuisance to neighbors.***

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Tabled 1231-25A: by **Pier Fifty Three, LLC of Wolcott, NY** for the property at **7147 Lake Bluff Rd.** to install 3 poles to help with the mooring of a 50' vessel called the "Rose Lummis". **The Town of Huron Dock & Mooring Law Section 5.1.1** States that a dock, pier, berth, boat hoist, or other structure shall be constructed no closer than 10' from an adjacent property line projection unless granted a Variance by the Zoning Board of Appeals.

Tabled Application from 5/13/2025:

1222-25: by **Spectrum Northeast, LLC** appealing the decision of the Building Inspector or alternatively applying for a variance to the Town of Huron Coastal Erosion Hazard Area Law ("Law"). The applicant submitted an application for a CEHA permit to install fiber optic high speed internet cable and conduit underwater via HDD from Leroy

Island to Knob Island/ Crescent Beach to Charles Point, and run fiber optic cable on existing utility poles located on Knob Island ("Project"). The Project is part of the efforts of New York State and Wayne County to provide highspeed broadband to existing homes. The Building Inspector, as Administrator of the Law, denied the application for the CEHA permit on 4/21/ 2025. The Applicant alternatively appeals the decision of the Administrator or seeks a variance from the Law.

The Project is proposed to be located in a Natural Protective Feature Area, specifically a Beach area. Section 2.6(D) of the Law states that "all development is prohibited on beaches unless specifically provided for by this law, except that a coastal erosion management permit may be granted for a non-major addition to an existing structure." The Applicant contends that the installation of fiber optic on existing utility poles is a "non-major addition to an existing structure" and that a permit should be issued. Alternatively, the Applicant contends that the Project meets the standards for a variance pursuant to Section 4.1 of the Law.

Attorney Frank Pavia with Barclay Damon spoke on behalf of Spectrum Northeast, LLC. Frank explained that the application was tabled due to the work that had already been previously completed on the RG&E poles on knob Island. A letter was submitted on June 2, 2025 to the Chairman and the Town Attorney and all members of the Board. At the last meeting there was a little confusion on our side about utility pole attachment and make ready work that had been completed by Spectrum on the existing RG&E poles. The work involved locating existing equipment on the poles to another section of the pole and attaching some fiber optic cable on those poles in anticipation that the remaining part of the work would be approved by the Town. Frank explained that the reason that work went ahead is because there had to be an approval attained by RG&E before they could do the work that needed to be done by April 16. There was federal funding utilized to complete that work and the funding was expiring by the end of April. Spectrum did give prior notice to the Town's of Huron and Sodus on April 1. This was work done in anticipation to the project being approved and it only involved relocation and adding equipment to those poles and no ground disturbance was involved in that work. Spectrum felt it wasn't subject to permitting under the Town CHEA law. Frank believes that the denial should be reversed and alternatively believes that if the denial cannot be reversed then we are entitled to a variance under section 4.1 of the Town Law. Because the conduit work is being done on the Crescent Beach side of Knob Island it is less likely to cause soil erosion and have a flooding impact if it was on the Lake Ontario side. Frank informed the Board that we respectfully submit that public benefit of the project out ways the minimum risk to erosion and environmental harm. This is the County's initiative to provide broadband service to remote areas of the county and again it is not designed or promoted to foster development in those areas.

Town of Huron Attorney Amy Kendall: Explained to Spectrum and their Attorney that she fully disagrees that no permit was required before any work was done. Amy stated that the Town appreciated the additional information provided to the Board on the process that goes through RG&E.

Amy asked if SEQR been addressed. Bob let her know it was completed at the last meeting

and the project was determined to be a Type II action.

Amy explained that when we left off at the last meeting, Roger Gallant's decision was not going to be overturned.

Bob Lannon spoke of how nothing should have been done without Roger knowing what was going on, and now we will be moving forward with the variance.

Bob Lannon explained that he had spoken about this with Town Attorney Amy Kendall.

Amy Kendall explained the Coastal Erosion Hazard Area permitting program generally and the ZBA's authority to grant variances. The Board discussed the Department of Environmental Conservation's objection to the issuance of the permit. Amy stated that the DEC's letter stated that it was concerned about encouraging new development in the area, but there is no possibility of new development there. Frank pointed out that the DEC's letter concerned the issuance of a permit and did not say anything about the granting of a variance. The Town's law, which was approved by the DEC, specifically allows for variances.

Amy stated that the first factor for the Board to consider is that no reasonable alternative site exists. Here they are applying to install utilities to existing poles to houses. There was discussion of alternatives such as hotspots and Starlink. Several members of the public spoke in favor of the project and commented that they had tried those alternatives and they were not reliable. They stated that broadband was needed for public safety reasons.

The second factor is that adverse impacts are minimized. The board discussed that they are using existing poles which minimizes adverse impacts.

The third factor is that the new cables are safe from flood and erosion. It was pointed out that the poles are on the bay side and that they are using existing poles.

The fourth factor is that the relief requested is the minimum necessary. The use of existing poles was mentioned again. Dalton Bean inquired with the Spectrum representative Dwayne Fonda about the plans and the size of the hole for drilling he said it would be a 4"x 4" hole on both ends. Tom Hamilton inquired as to the length of time that the pits would be open and Dwayne Fonda responded 2-3 days.

The fifth factor is that public benefits outweigh long-term (not short-term) impacts. Amy advised the Board that the County has made this a priority to make sure all residents have broadband and be able to contact emergency services. She stated that broadband is a priority for Congress and for the State as well. She cited 47 USC § 1701 which states that "Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent "digital divide" in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

(3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all."

She also stated that NY General Municipal Law § 99-y allows municipalities, in this case the County, to contract for the construction and maintenance of broadband infrastructure.

Amy also explained about the breach/high water and that the Town had to issue a Coastal Erosion Hazard Area permit to RG&E for this area for nearly identical work and believes the Board needs to take that into consideration as precedent. She also pointed out that, while not a factor, the Board's decision will affect the Town of Sodus as well because the cables have to run through Huron to get to Sodus.

Frank Pavia explained that make-ready work is not regulated by town law and requested that this information be placed on the record.

Bob Lannon closed the public hearing: All in favor.

All members inspected and/or are familiar with the site. Upon completion of Finding of Facts Amy Connelly moved, seconded by Dalton Bean to ***approve the application as submitted.***

VOTE: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Other Business: None

Bob Lannon closed the public hearing: All in favor.

Adjournment: Bob Lannon adjourned the meeting at 8:04 p.m.
Diane Bean, Zoning Board Clerk