

MINUTES  
TOWN of DIX - ZONING BOARD of APPEALS  
MEETING #2012.03

**Date:** June 2, 2012  
**Present:** Frank J. Hammond, ZBA Chairperson  
Steve Stephany, ZBA Secretary

Frank Craven, Co-Applicant  
Michelle Craven, Co-Applicant

**Meeting Called to Order:** 9:00AM

**Old Business:** None

**New Business:**

*Noted:*

- Public notice of this hearing appeared in The Review and Express on 5/23/12.
- Appropriate signage notice of this hearing was erected prior to 5/23/12.

*Review of Applications:* The following Application(s) were submitted to the ZBA by the Code Enforcement Officer:

Craven (Arrowhead Disposal), 2830 Pearl St, Beaver Dams, NY 14812 – Request for Use Variance to allow the construction and operation of a transfer station for household and similar solid waste.

**Discussion:**

Possible precedents where waste transfer operations were initiated or waste transfer stations were established and are in current use without the benefit of a Use Variance and after the Town of Dix Zoning Ordinance was enacted were explored.

Criteria considered for granting of a Use Variance is addressed as follows:

1. Applicant states that due to increased disposal costs resulting in loss of contracts and continuing disposal cost increases it is not feasible to continue operating a competitive community service without the construction and operation of a transfer station for household and similar solid waste.  
The ZBA determines that such disposal cost increases are real and that allowing the construction and operation of a transfer station for household and similar solid waste to reduce operational costs is reasonable.
2. Applicant states that the alleged hardship relating to the property and requiring a Use Variance is unique and does not apply to a substantial portion of the district or neighborhood. The applicant's company, Arrowhead Disposal, is currently in operation within the confines of the adjacent property which is also owned by the applicant.

The ZBA agrees with the applicant in that the applicant's waste disposal business is the only such business in the immediate vicinity.

3. Applicant states that granting a Use Variance for the construction and operation of a transfer station for household and similar solid waste will not alter the essential character of the neighborhood. The transfer building will be built consistent with the normal country style barn in appearance and the property will be landscaped appropriately. The ZBA agrees with the applicant that there is no significant potential to produce undesirable change in the character of the neighborhood or a detriment to nearby properties since the area is rural and the applicant's waste disposal business is currently operating on the adjacent property.
4. Applicant states that the alleged hardship relating to the property and requiring a Use Variance has not been self-created in that increases in landfill dumping costs and third party transfer costs are not within the applicant's control.  
The ZBA concurs with the applicant's assessment.

**Decision for Use Variance:** Approved with condition(s), by unanimous vote of ZBA members present.

Condition(s): Composting of mulch and foliage debris shall commence within 12 months.

**Meeting Adjourned:** 10:00AM

Respectfully Submitted,

Steve Stephany, Secretary