

PRESENT: Courtney Mead
Katharine Prackajlo
Robert Woodring

ABSENT: Tracy Hirsch
Bethany Pryor

ALSO PRESENT: Patricia Maxwell Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees

Mrs. Prackajlo read the Public Hearing notice and opened the Work Session at 7:04 PM..
Roll call was not taken, attendance is noted above

Minutes

Mrs. Prackajlo: Are there any corrections or concerns with the minutes June 1, 2017?

Ms. Mead: I will make a motion to accept the minutes of Joe & Patty Gorney, Brookfield Properties of WNY, James & Mary Prawel and the Work Session.

Mr. Woodring: Second.

All were in favor of the motion.

Correspondence

- Notice of Continuing Education on August 1, 2017 at U.B South Campus
 - Previously sent to members

Discussion of this evening's requests

Secretary Faulring: In your folders is an updated survey for Omphalius Road with addition drawn to scale

Mrs. Prackajlo: Is there anything else or discussion?

There was none at this time.

Mrs. Prackajlo: I'll make a motion to close the Work Session and continue with Petition 509.

Ms. Mead: I'll second.

All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
July 6, 2017

MEMBERS Katharine Prackajlo, Chairman
PRESENT: Courtney Mead
 Robert Woodring

ABSENT: Tracy Hirsch
 Bethany Pryor

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
 William Ferguson Code Enforcement Officer
 James Currie 5928 Old Orchard Drive
 Donald Baker Applicant – 5924 Old Orchard Drive
 Tom Przybyl 5889 Old Orchard Drive
 Donna Przybyl 5889 Old Orchard Drive
 Heidi Finnegan 5883 Old Orchard Drive

Mrs. Prackajlo opened Petition 510 at 7:25 PM and read Town Engineer Hannon's review;

- The granting of an area variance for a single-family, two-family or three-family residence is listed in Section 617.5 (c) (13) as a Type II Action
- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Prackajlo: Mr. Baker please come forward and tell us your request for a variance.

Donald Baker, Jr. 5924 Old Orchard Drive

- Need additional storage space
- Get stuff in and out of the weather
- Plow
- Kid's dirt bikes
- Extra storage

Jim Currie: 5928 Old Orchard Drive

- I live right next to him
- I have no objection at all to the size or the building

Tom Przybyl: 5889 Old Orchard Drive

- I have an objection to another large commercial building on the 5900 block of Old Orchard Drive
- It's supposed to be a two lane quiet road with neat single family homes, well kept yards
- It starts out that way but a ¼ of a mile up it turns into what I consider commercial
- Property values will go down
- I'm opposed

Mr. Przybyl went on repeating much of what he had just said and continued with issues that did not pertain to this petition, and so not in these minutes.

Heidi Finnegan: 5883 Old Orchard Drive

- Live across from the Baker's
- Can't even see his house let alone his garage
- Seems like a quiet neighborhood
- Right now they're building something
- I see some trucks going up but that's it
- Thank you

Mrs. Praczkajlo: Is there anyone else? Hearing no one I will close the Public Comment portion of the Public Hearing.

Ms. Maxwell: Kathy, do you own the property behind it?

Mrs. Praczkajlo: Yes, I do.

Ms. Maxwell: Then I don't think you...you're an adjoining landowner; I'm protecting you; I don't think you can ...; I'm giving you my legal opinion; I would question...you can recuse yourself but and hear it but I don't think you can vote, I would be concerned with any repercussions. That is your decision. If you recuse yourself you do not have a quorum to vote so you can't take. I would put on record what your reason is for recusing yourself.

Mrs. Praczkajlo: I do own property that adjoins Lee Baker's; I will be recusing myself so we don't have enough for a vote and we should put it off to next month when we have enough people. Can I try to get ahold of Tracy and we can do it by phone?

Ms. Maxwell: No, because he should be here to hear any arguments.

Mrs. Praczkajlo: I will make a motion that we table it until next month.

Mr. Woodring: I second your motion.

Secretary Faulring: The motion is to table until..

Mrs. Praczkajlo: August 3rd.

Secretary Faulring: The motion is to table until August 3rd say yes if you're in favor and if you will be available for the meeting

Mr. Hirsch is excused

Miss Mead yes will not be available

Miss Pryor is excused

Mr. Woodring yes will be available

Mrs. Praczkajlo yes will recuse myself; and for the record I don't have an issue with it

because is behind and not really visible.

Mrs. Praczkajlo: If Tracy, Bethany and Bob are here we will have a quorum.

Mrs. Praczkajlo: Motion to close for the evening.

Ms. Mead: Second.

All were in favor of the motion

Signed: _____
Katharine Praczkajlo, Chairman

Dated: _____
July 6, 2017

MEMBERS: Katharine Prackajlo, Chairman
PRESENT: Courtney Mead
Robert Woodring

ABSENT: Tracy Hirsch
Bethany Pryor

ALSO: Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
William Ferguson Code Enforcement Officer
Edward Keifhaber Applicant – 7461 Omphalius Road
Morgan Kiefhaber Applicant – 7461 Omphalius Road

Mrs. Prackajlo: Thelma please take a roll call.

Attendance is noted above.

Mrs. Prackajlo introduced Deputy Town Attorney Maxwell, Code Enforcement Officer Ferguson and Faulring to those in attendance.

Correspondence: Mrs. Prackajlo read the following:

- SEQR Review (in part) from Town Engineer James Hannon
 - The granting of an area variance for a single-family, two-family or three-family residence is listed in Section 617.5 (c) (13) as a Type II Action
 - The action will not have a significant impact on the environment
 - The action is not subject to review under Part 617
 - No further action with respect to SEQRA is necessary or recommended

Mrs. Prackajlo: Mr. or Mrs. Kiefhaber will you come up and tell us the reasons for your request.

Mrs. Kiefhaber: The reason we want this variance is to put an addition onto the barn to hold our

- Trailer
- Other equipment that we have outside right now
- It's just going to be cold storage
- It will be added on to the side of the barn and look like it was always there when he's done

Mrs. Prackajlo: Does anyone have any questions?

Mr. Woodring: No I saw it.

Ms. Mead: No.

Mrs. Prackajlo: Is there anyone else who wants to come forward and speak for or against the application?

Jim Liegl: 7851 Cole Road, Boston

- My wife and I received a notice of the expansion of the barn
- I don't know this is more of a question the Town Code says that you're allowed 2,000 square feet on 3 – 5 acres
- Do you have any idea what the reasoning was, why the Town set that limit or was it just something back 50 years ago that they just kind of settled and picked the number 2000?
- Just a comment – my only concern is that they are requesting a variance and working, once variances are requested I think now that you are probably setting a new Town Code because any good attorney will look at that variance and now your variance is 2,400 square feet
- I would like to recommend that the Town Board change the Code because it puts the Town Board into a position now to where everybody is going to be using that as precedence and 'well you let so and so' and I know that there are instances from being on the Planning Board that we experience those occasions where it comes back to haunt everybody
- I don't see any problem with the barn, but now that precedence will be set
- It would probably be better if the Town Board would just establish 2,500 square feet and that's that

- They're good neighbors

Mrs. Prackajlo: Thank you for that. Obviously you know the scale that we work off of but we also look at each petition individually as a separate entity. There have been petitions that we have said no too, and asked if they good downsize in order to reach a happy medium; we do try to look at everything.

Mr. Liegl: I understand that every variance has its own merit, but I think you're just putting another burden on the Town, the Board and everybody else where somebody comes before and then you have to argue with some attorney or some lawyer who just wants everything done for his client or who he's representing.

Mrs. Prackajlo: They have been talking about changing it for a couple of years now; they have been looking at it and it's being reviewed and we haven't heard back be it square footage or setbacks.

Mr. Liegl: If this was done 50 years ago, equipment is a lot bigger than a horse and a plow so you do require more storing space on that issue.

Secretary Faulring: If I may Madam Chairman? This particular Code Section is probably been requested Code change than any Code in the book; we've written letters, Mr. Ferguson has written letters, one of our former Zoning Board members wrote a letter and made specific suggestions to each category, Mr. Ferguson, if I may, is more inclined to lean toward percentage of lot coverage. This is one of most requested changes and, I've been here 18 years, and this is the most sought after variances to the Code.

Mr. Liegl: It just seems that this is a lot of wasted time for everybody; I know we go through that on Planning Board.

Ms. Maxwell: You are correct. It does create legal action when it is denied. I'm an attorney and I do know that to change this Code is a very daunting task, it's something that the Town hasn't tackled as a whole but I think the suggestion has been made that I'm in favor of tackling certain sections like this that seem to be the most sought after variance; and cause the most problems when people come in; even if you have to piecemeal the Code in certain areas is probably best than taking on the whole Code which would be too much of a task.

Mrs. Prackajlo: Is there anyone else to speak? Hearing no further comments I will close the Public Comment portion of the petition request a motion.

Mrs. Prackajlo: I will make a motion that we approve this variance

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|--|------|
| (1) Does it create an undesirable change to the character of the neighborhood? | No. |
| (2) Can the benefit sought by the applicant be achieved if the variance is not granted? | No. |
| (3) Is the requested variance substantial? | Yes. |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | No. |
| (5) Is the alleged difficulty self-created? | No. |

Ms. Mead: I will second your motion.

Mrs. Prackajlo: Please take roll call vote on the motion.

Secretary Faulring: The motion is to approve; that would be a 440 square foot variance request. If you're in favor of the motion please say yes:

Mr. Hirsch	is excused	Miss Mead	yes	Miss Pryor	is excused
Mr. Woodring	yes	Mrs. Prackajlo	yes		

I move that we close Petition 509 and move on to Petition 510.
All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
July 6, 2017