

PRESENT: Katharine Praczkajlo Chairman
Tracy Hirsch
Robert Woodring

ABSENT: Courtney Mead
Bethany Pryor

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees

Mrs. Praczkajlo read the Public Hearing notice that was published in August and opened the Work Session at 7:02 PM; and asked for a roll call of members.
Attendance is noted above

Minutes

Mrs. Praczkajlo: Are there any corrections or concerns with the minutes July 6, 2017?
Mr. Woodring: I will make a motion to accept the Baker minutes, Kiefhaber minutes and Work Session minutes from the previous meeting.
Mrs. Praczkajlo: I second.
All were in favor of the motion.

Correspondence

Mrs. Praczkajlo reported the following:

- Letter from Donald Baker, Jr. requesting to postpone his variance hearing until further notice
 - Partly due to lack of quorum
- Received notice that someone was to a property stating opinions to the petitioner
 - Anonymous call to Thelma’s office
 - Reminder: when making an on-site visit do not state any opinions, your voting intentions or possible motions and outcomes

Discussion of this evening’s requests

Mrs. Praczkajlo: Any discussion on tonight’s variances?
Mr. Woodring: They’re all unique to each one; have an older house and the garage is tight to the road and since a lot of the new rules have come in.
Mr. Hirsch: I’m good.

Mrs. Praczkajlo: Letter to the Town Board requesting changes; does anyone have any comments on that?
Mr. Woodring: Do you feel they are for the better?
Mrs. Praczkajlo: I think it’s a positive move.
Mr. Hirsch: Yes, you can’t hold someone to 2500 square feet if they have 100 acres of property
Ms. Maxwell: It’s a change that’s been requested for some time. The Planning Board is running into the same thing.
Secretary Faulring: Perhaps we should go back a couple of years and make some comparisons with this type of requests.
Mrs. Praczkajlo: If you would do that it would be appreciated and maybe help our request.

Mrs. Praczkajlo: Is there anything else for this evening. If not I will make a motion to close the Work Session.
Mr. Woodring: I’ll second.
All were in favor of the motion.

Signed: _____
Katharine Praczkajlo, Chairman

Dated: _____
September 7, 2017

MEMBERS: Katharine Praczkajlo, Chairman
PRESENT: Tracy Hirsch
Robert Woodring

ABSENT: Courtney Mead
Bethany Pryor

ALSO: Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
Richard Trippi Applicant – 7400 Zimmerman Road

Mrs. Praczkajlo thanked everyone for their patience with the hope that cancelling the last meeting doesn't put any pressure on the projects if approved. With no power it has in the best interest of safety that the meeting be cancelled.

Mrs. Praczkajlo read Town Engineer James Hannon's report in its entirety; the closing points being:

- The material submitted are sufficient to be considered complete with respect to SEQR
- According to Section 617.5 (c) (9) - State Environmental Quality Review, construction, expansion, or placement of minor accessory/apartment residential structures including barns, is a Type II Action
- According to Section 617.5 (c) (13), granting of an area variance(s) for a single-family residence is a Type II Action
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Praczkajlo: We also received a letter from Susan and Larry Steward – they spoke in favor of the variance for a pole barn. Mr. Trippi please come up and explain what's going on.

Mr. Trippi: I just want to add a 30 by 20 storage for our large equipment; our existing barn holds tractors and everything, but I have a lawnmower which is 17 feet, right now don't put it inside because we don't have room. We're not here in the winter and I have to put my truck in storage; I'd like to put it all in one building.

Mrs. Praczkajlo: Is this building going to be far enough away from the creek if it overflows?

Mr. Trippi: Yes, it's right next to the other building.

Mr. Hirsch: I don't have that survey. What's the size, the acreage?

Secretary Faulring: It's on the application – 12.2 acres.

Mrs. Praczkajlo: 0.14 acres is physically disturbed.

Mrs. Praczkajlo: And the lawnmower and truck are outside right now?

Mr. Trippi: Yes.

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

Mr. Hirsch: I will make a motion that we approve this variance

- (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? No.
- (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? Yes.

Mr. Woodring: I will second.

Secretary Faulring: If you're in favor of the motion to approve the variance please say yes:

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

I move that we close Petition 511 and move on to Petition 512.

All were in favor of the motion.

Secretary Faulring: This would apply to all you, you have six months to get the Building Permit and one year to complete the project from today's date. The Building Inspector is in on Tuesday's and Thursday's from Noon to 5:00 PM

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
September 7, 2017

MEMBERS: Katharine Prackajlo, Chairman
PRESENT: Tracy Hirsch
Robert Woodring

ABSENT: Courtney Mead
Bethany Pryor

ALSO: Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
Renee' Nellist Applicant – 7738 Zimmerman Road
Carol Keuck 7741 Zimmerman Road

Discussion about surveys mailed to members – it was determined that all members did have the same materials.

Mrs. Prackajlo: In regards to 7738 Zimmerman Road

Mrs. Prackajlo read Town Engineer James Hannon's report in its entirety; the closing points being:

- The material submitted are sufficient to be considered complete with respect to SEQR
- According to Section 617.5 (c) (9) - State Environmental Quality Review, granting of individual setback and lot lines variances is a Type II Action
- According to Section 617.5 (c) (13), granting of an area variance(s) for a single-family residence is a Type II Action
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Secretary Faulring: With your last mailing there is a correction; they are replacing the old 24 X 31.6 barn with the new 26 X 38 foot barn so it's a variance of 148 square feet.

Mrs. Prackajlo: Okay, thank you. Would the Nellist's come forward and make their request?

Mrs. Nellist: We purchased the property with the garage being an eyesore and hazard; our proposed garage would be beautiful and match the color of the house, the garage doors would be facing our house and the garage wouldn't be any closer to the neighbors or the road. Our only choice is to go with the footprint of the current garage with making it a little bigger to handle our personal storage needs. We spoke with four of our neighbors and they are in favor with the new build and our neighbor Carol came tonight to show her support. I also wanted to show a picture of what the garage looks like; it'll match the house then instead of that old terrible thing.

Mrs. Prackajlo: Is there anyone else who would like to speak?

My name is Carol Keuck and I live at 7741 Zimmerman Road directly across from street from Scott and Renee's property. Scott and Renee' have lived there for 16 years and in those 16 years they have done so many improvements to their property, sided their house, landscaping and everything they have done is a wonderful thing for us to see looking across the street. This could be nothing but an asset, this garage, the other one never bothered us but it certainly wasn't what is being proposed to be there. I hope this variance can be granted to them.

Mrs. Prackajlo: Is there anyone else? No, then I will close the Public Portion.

Mr. Woodring: I would make a motion...is this for both items

Discussion followed regarding:

- Is setback grandfathered?
 - No, current is being torn down so it doesn't exist anymore
- If it's being torn down, why can't it be moved back?
 - Terrain at rear of building takes away ability to move further back

Ms. Maxwell: You need to have some discussion regarding the motion and the wording that goes into that motion so that there is no misunderstanding in the future why it wasn't or couldn't be moved, then I would suggest that you make that clear.

Mr. Woodring: Seeing the terrain behind it, it limits their ability to go back a reasonable pace and the fact that they are changing the doors to go to the north instead of the east towards the road effects my decision why I think they should be able to build it. How do I say that?

Ms. Maxwell: So are you making a motion to approve both the square footage variance and setback variance?

Mr. Woodring: I would like to make a motion to that effect to approve both square footage and setback:

Ms. Maxwell: The only criteria I'm going to question you on is #5 based on the terrain issue that you brought up.

Mr. Woodring:

- (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? I don't feel that it is.
- (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? I feel no. The neighbors basically feel that it's going to be alright
- (5) Is the alleged difficulty self-created? No.

Secretary Faulring: But on the other one, the square footage one, that could be self-created. I'm just chatting with Patti.

Ms. Maxwell: Correct. We're just chatting. You are making the motion. But is it for both. These are treated as two separate items on the worksheet.

Secretary Faulring: Yes, the Code Enforcement Officer treats them as two separate with two separate Code Sections so that is why I treat them as two separate items.

Ms. Maxwell: That one was for the setback, now go back and do the criteria for the accessory square footage.

Mr. Woodring:

- (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? I feel that it's no again.
- (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. That's the way I feel on that.

Mr. Hirsch: Second. Thelma.

Secretary Faulring: The motion is to approve both variance requests, if you are in favor of the motion please say yes:

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

I move that we close Petition 512.

All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
September 7, 2017

MEMBERS Katharine Praczkajlo, Chairman
PRESENT: Tracy Hirsch
 Robert Woodring

ABSENT: Courtney Mead
 Bethany Pryor

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: Thelma Faulring Secretary to the Boards and Committees
 Cecilia Sztaba Applicant - 6031 Herman Hill Road
 James Sztaba Applicant – 6031 Herman Hill Road

Mrs. Praczkajlo opened the Public Hearing and read Town Engineer James Hannon's report in its entirety; the closing points being:

- The material submitted are sufficient to be considered complete with respect to SEQR
- According to Section 617.5 (c) (9) - State Environmental Quality Review, granting of individual setback and lot line variances is a Type II Action
- According to Section 617.5 (c) (13), granting of an area variance(s) for a single-family residence is a Type II Action
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Praczkajlo: I will also read into the record a memo from Code Enforcement Officer Ferguson dated August 25, 2017: The applicant's existing garage is at its nearest point to the front property line at approximately 13 feet. The addition of the shed to the rear of the garage the nearest point to the front property line is 16 feet. Although substantial the shed addition encroaches less than the closest point of the existing garage to the front property line.

Mrs. Praczkajlo: Would you like to come up and present your request?

Mr. Sztaba:

- My wife and I moved into Town from Blasdell
- We had a small residential property there but our house was bigger
- We now have lawn equipment, roto-tiller, everything is under tarps now
- We talked to Bill (Ferguson) and at that time we had, unbeknownst to us about the Code and things that would be required for some regulations that the Town had
- We had ordered a shed from the Amish, he said that was fine
- I had done some repairs to the barn so that it is structurally okay
- But we still have this problem with not having a place for this equipment
- The most obvious place to do that is where the garage is now, an existing building that was there when the house was built
- Have made some improvements on the house when we moved in
- We are trying to be good stewards in our community and we had a number of visits from some of our neighbors and they were fine and had no problem with that
- What I didn't realize is that some of that setback area is owned by the Town and I didn't realize, I thought it was to the road but it's not
- That area is not shown on the survey so some of the numbers look a little strange
- We do need the space, we don't have a basement
- I do some light construction work, as an engineer with the school
- I do home repairs now that I'm retired so part of the garage I'm using now is for my tools that I use in my every day work for home repairs so I need that additional space

Mrs. Praczkajlo: So where are you storing the tools?

Mr. Sztaba: Most of the tools are in my garage, a lot of them are in my truck, the lawn equipment and lawnmower are under tarps. And I need another lawn mower but I'm hesitant to buy one until I have a place to store some things.

Mrs. Praczkajlo: On the survey that was submitted it shows two other additional sheds on the property?

Mr. Sztaba: Yes the one is in very poor condition and the other one is not existing anymore. The other shed is in Orchard Park, part of the property is in Orchard Park. The garage is in Boston.

Mrs. Praczkajlo: The other sheds are not as close to the road in back of the three acres, why can't the shed be put back there.

Mr. Sztaba: For convenience. This is off of the driveway, in back would have to make some kind of an access, more work and more expense.

Mrs. Sztaba: We're trying to save trees and we would have cut a lot of mature trees and it's over a ravine.

Mr. Sztaba: It would become much more expensive. The neighbors didn't have a problem with it. The garage has electricity in it, not back in the wooded area. Mr. Ferguson is willing to work with me on this and convinced me to go forward with the variance.

Mrs. Praczkajlo: Your property is zoned residential?

Mr. Sztaba: Yes.

Mrs. Praczkajlo: And still you're running a business?

Mr. Sztaba: It's not a business there it's storage for my tools. I don't do any work there. My tools are there I have to have a place for my hammers and drills and my saws; I don't manufacture, I do home repairs for people.

Mrs. Praczkajlo: Yes but you're working out of your house.

Mr. Sztaba: Out of my garage.

Mrs. Praczkajlo: Hypothetically if the variance was approved for the shed, what would happen to the shed that's up there now would you be taking that down?

Mr. Sztaba: The shed that's up there now...

Ms. Maxwell: This is a survey from 1999, so what I understood was the smaller shed is gone correct?

Mr. Sztaba: Yes.

Ms. Maxwell: The frame shed that's on the Orchard Park property is way in the back, so it's not on Boston property. We have no jurisdiction in Orchard Park.

Mr. Sztaba: Yes.

Mrs. Praczkajlo: So we're looking at this as trying to keep this as one accessory building for square footage even though it's going to be two buildings side by side.

Ms. Maxwell: But it's been noted by the Code Office that the existing building is already there is outside of the setback, not unlike what we just talked about.

Mr. Woodring: And the site is heavily wooded like they said.

Mr. Sztaba: We ordered the building and then decided that maybe we should make a call to the Town. Bill said he didn't have a problem with the shed, he's seen a lot of Amish sheds, the only thing he said was that we needed a variance.

Mrs. Praczkajlo: Can you move the shed back a little further?

Mrs. Sztaba: No there is a big tree there; we've considered a lot of options. It would involve a lot of trees coming down and we don't want to cut trees down

Mr. Woodring: And you've talked to the neighbors?

Mr. Sztaba: Yes.

Mr. Woodring: The only thing would be the neighbors across that would have to look at it.

Mrs. Prackajlo: And the doors to the shed would be facing towards the house, not towards the road?

Mr. Sztaba: That will actually be facing into the garage because it would be an attachment, we will be able to walk into the garage from the addition.

Mr. Hirsch: Is there anything else?

Mrs. Prackajlo: Do you have anything else?

Mr. Hirsch: No.

Mrs. Prackajlo: Then I'll close the Public Portion and ask for a motion.

Mr. Hirsch: I make a motion that the variance be granted.

Mr. Woodring: I'll second.

Mr. Hirsch:

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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? | No. |
| (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. |

Second?

Mr. Woodring: Second.

Mr. Hirsch: Thelma, we're ready.

Secretary Faulring: The motion is to approve the variance, if you are in favor of the motion, please say yes.

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

Mrs. Prackajlo: And with that I'll close Petition 513.

Mrs. Prackajlo: I'll make a motion that we adjourn for the evening.

Mr. Hirsch: Second.

All were in favor of the motion.

Signed: _____
Katharine Prackajlo, chairman

Dated: _____
September 7, 2017