

PRESENT: Katharine Praczkajlo, Chair
Tracy Hirsch
Bethany Pryor
Robert Woodring

ABSENT: Courtney Yoviene

ALSO Sean Costello Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Allison Koczur Secretary to the Boards and Committees
Rebecca Sutherland Applicant - 9447 Boston State Road

Rebecca Sutherland – Applicant approached microphone to speak.

- Plan is to convert the extra 1 bedroom apartment into the massage therapy and the photography studio.
- Both she and her husband are massage therapists and would like to work from home.
- Apartment is not currently being used for anything.
- Purchased the home 2 ½ years ago, on the corner toward Sunset Lane.
- Parking lots are in back for apartments behind their house.

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

- The materials submitted are sufficient to begin the SEQR process of environmental Review.
- Granting of a use variance to operate a commercial business is not listed in either Section 617.4 or Section 617.5, therefore the action should be considered UNLISTED.
- The action is SUBJECT TO REVIEW under Part 617.
- A lead agency must be established to conduct the environmental review, then the action must be classified and the lead agency must make a determination and declaration of significance.
- It is presumed that the ZBA will be the lead agency and the non-coordinated review will be performed as there are no other involved or interested agencies.

Mrs. Praczkajlo made a motion to establish the Zoning Board of Appeals as the Lead Agency as well as to issue a negative declaration on the application, seconded by Mr. Woodring.

Secretary Faulring: If you are in favor of the proposed motion, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Yes
Mr. Woodring	Yes
Mrs. Yoviene	Absent
Mrs. Praczkajlo	Yes

Mrs. Praczkajlo opened the public comment portion; however there were no comments and the public comment portion of the hearing was subsequently closed.

Mr. Woodring: I will make a motion that we approve the use variance to use the second apartment for office space for a photography office and a massage therapy office:

- (1) Is there no reasonable rate of return? Yes.
- (2) Are there unique circumstances associated with the property? Yes.

- (3) Is the alleged difficulty self-created? No.
- (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? No.

seconded by Ms. Pryor.

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

Mr. Hirsch	Yes
Ms. Pryor	Yes
Mr. Woodring	Yes
Mrs. Yoviene	Absent
Mrs. Prackajlo	Yes

Secretary Faulring: Is the answer on number 1 (Is there no reasonable rate of return?) enough to permit an approval of a use variance?

Mr. Costello explained that the applicant must provide proof that they cannot make a reasonable rate of return with current use of the extra apartment.

Mrs. Sutherland: Allocating ~\$20,000 per year, however with the current state of the apartment, it would not get \$300 a month if rented out.

Mr. Woodring withdrew his motion, and proposed a new motion to approve the use variance to use the second apartment as a photography studio and a massage therapy office; seconded by Mr. Hirsch.

- (1) Is there no reasonable rate of return? No.
- (2) Are there unique circumstances associated with the property? Yes.
- (3) Is the alleged difficulty self-created? No.
- (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? No.

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

Mr. Hirsch	Yes
Ms. Pryor	Yes
Mr. Woodring	Yes
Mrs. Yoviene	Absent
Mrs. Prackajlo	Yes

I move that we close Petition 529 and move on to Petition 530.
All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
July 12, 2018