

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
	Robert Ballard	Applicant - 4803 Enser Road
	Christine Ballard	Applicant - 4803 Enser Road

Mrs. Praczkajlo read the public hearing notice for petition #533 in its entirety.

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

- The materials submitted are considered sufficient to begin the SEQR environmental review.
- Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, ... is listed in Section 617.5(c)(7) as a Type II Action.
- Since the proposal is for a 4,960 square foot building, and not less than 4,000 square feet, 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 a non-coordinated review will be performed as there are no other involved or interested agencies.

Mrs. Praczkajlo proposed a motion to establish the Zoning Board of Appeals as the lead agency and issue a negative declaration on the application; seconded by Ms. Pryor.

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

Christine Ballard – Applicant

- I would like to use the proposed barn as storage for a camper, ATVs, bulldozer, trailers to haul tractors, and a backhoe to keep these vehicles out of the elements in the winter.
- All neighbors were for this proposed variance.
- The barn will be at least 25 feet from the road.

Mrs. Praczkajlo: Is there any way that it can be a smaller barn?

Mrs. Ballard: The trailers are too big for anything smaller; camper is 37 feet alone.

Mrs. Praczkajlo: Reminded Mrs. Ballard about the 30 foot setback, because of the possibility of runoff.

Mrs. Ballard: There are woods and a small creek.

Mrs. Prackajlo stated that there were 3 letters sent to the ZBA in favor of the proposed variance and they were included in the member packets sent in June. Letters were from Daryl Gallaway (4790 Enser Road), Mindy Fultz (4813 Enser Road), and James Couell (4898 Enser Road).

Mrs. Prackajlo opened the public comment portion of the public hearing; however there were no other comments from the public and it was subsequently closed.

Ms. Pryor made a motion to approve the 2,460 square foot 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? 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? Yes.

seconded by Mr. Woodring.

Secretary Faulring: If you're in favor of the motion to approve the 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 533 and the Public Hearing section of tonight and reopen the work session. All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
July 12, 2018