

PRESENT: Beverly Kent, Chairman
Robert Chelus
Tracy Hirsch
Kathy Prackajlo
Bethany Pryor

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

Chairman Kent opened the Work Session at 7:01 PM and asked for a roll call of the members (attendance is noted above); welcomed Ms. Maxwell and congratulated her on her new position as Deputy Town Attorney.

Mrs. Kent: The next order of business is to approve the minutes of November 6, 2014: Work Session; Petition 474 Tom Gallman; Petition 475 Daniel & Karen Krawczyk; Petition 476 John & Nicole Opfer. Are there any corrections to the minutes?

Mrs. Prackajlo: The only thing is the Work Session when Tracy congratulated Mrs. Vacco on her recent election to Judge.

Mrs. Kent: That actually occurred before the Work Session began and that's why it wasn't in.

Mrs. Prackajlo: Okay, with that then I will make a motion to accept all the minutes.

Mr. Chelus: I'll second.

All were in favor of the motion.

Mrs. Kent: The next business in order is correspondence. A letter dated November 14, 2014 from Secretary Faulring to Miss Courtney Mead; the letter provided information about requirements for responsibility for ZBA members and the opportunity to interview Miss Mead. At this time I'd like to ask Miss Mead to come to the microphone. I'd first like to thank you for your interest in becoming a ZBA member. In the letter that Secretary Faulring sent she did provide some information about when the meetings are held, the first Thursday of each month, if there are no petitions then we have no meeting; each year Board members are required to complete four hours of training that is mandated by NYS and the training approved by the Town Board; the term is for 5 years in length. We'd like to discuss your interest and do you have any questions for us.

Miss Mead: Like I said in the letter I'm very interested in being involved with the Town; my father was part of the Zoning Board and I just think that this is something I would be very interested in. The last job I had was project manager for a construction company so I do have a little bit of experience. Really why I'm here I want to become more involved with the Town; I recently purchased a house here as well and lived here my whole life too. That's really why I'm here I wanted to become more involved and I want learn more from you.

Mrs. Kent: Board members do you have any questions?

Mrs. Prackajlo: I was just wondering if you have any conflict as far as the days that we meet.

Miss Mead: No, currently I work as project analyst at Blue Cross/Blue Shield, regular 4:30; the only conflict I would have would possible hair appointment but that would not occur on Thursday, I'll make sure of that.

Mrs. Prackajlo: You're okay with the training?

Miss Mead: Yeah, sure.

Mrs. Kent: I'm going to encourage you to stay for the public meeting it will be a short public meeting this evening. After the public meeting the ZBA members will go into an Executive Session to discuss your appointment and at that time we will make a recommendation to the Town Board.

Mrs. Kent: Next correspondence I have is a letter dated November 11, 2014 that Secretary Faulring sent to the Town Board members regarding a review Town Code Section 123-136. We received a letter from the Town

dated December 4, 2014 and in their letter the Town Board requested further information and clarification of the request. What we sent was a list, which was actually a really good list, a summary of the variances that were approved, denied, tabled that exceeded the accessory square footage usage. I do understand why the Town sent it back because there really was no suggestion or recommendation regarding what we would want them to do, I don't know if that's standard process, never having been involved in something like this. My question to the Board is what are our next steps, and is someone willing to put together a more detailed summary of what it is we want, why we want it and appropriate or applicable what is our recommendation, recommend change to the Code?

Ms. Maxwell: Are you talking about an actual change to the Code?

Mrs. Kent: Yes.

Ms. Maxwell: That has fallen on my lap. Mike Kobiolka gave me all of the current proposals and updates; I really haven't had a chance to digest a lot of it. Is it a modification to that particular section that you're looking for?

Mrs. Kent: Again in the letter we just requested a review. We requested that the Town Board review the Code that was it.

Ms. Maxwell: I haven't seen that letter. Helma if you could would you get a copy of that letter to me? Let me talk to them first and see what they want or don't want from us. Then if there is a suggestion of how you'd like to see that section read or what modifications you want to it then there would be suggestions I could make to the Board when we're putting that new Code together.

Secretary Faulring: You may want to ask the Code Enforcement Officer what his thoughts on it, He has mentioned to me that on these larger properties is basically 'throw out square footage and not let it exceed lot coverage;' like if you have 50 acres of land let them have a big building, I think the lot coverage is 7% which a big building is probably not going to exceed. The Town Board still would have to approve second accessory buildings, so that wouldn't have anything to do with you. Bill and I have talked about this, and I am not quoting.

Mrs. Kent: I think what the issue is that the Town Board just needed more information and if that's something...

Ms. Maxwell: If I have an idea what it is that you're looking for and I'd like to hear from the Code Enforcement Officer too, as to what his suggestions are; really you're just talking about a modification.

Mr. Chelus explained that some applicants have to come before the ZBA with over 5 acres of land and the building that they want to construct may exceed the Code by only a 100 square feet.

Secretary Faulring added that on 5+ acres of land the square footage is limited to 2500 square feet.

Mrs. Kent: Deputy Town Attorney Maxwell should have a conversation with the Code Enforcement Officer. The next business in order is the variance that we received this evening.

Mr. Hirsch: I will be recusing myself because I am the petitioner.

Mrs. Kent summarized the Public Hearing notice that was published in the Hamburg Sun on January 22, 2015 and asked if there were any discussion on the variance.

There were no comments at this time.

Mrs. Kent: Is there any further business at this time?

Mrs. Praczkajlo: Have we heard back about the Bolton Landing training coming up in April, is anyone going to be allowed to go?

Secretary Faulring: I have two interested members that have already submitted a completed registration form to me; and others have expressed some interest, but I have not heard anything definite from them; I've set a deadline of February 10 for any interested members to contact me so a letter from me for Zoning Board and Planning Board can be on the Town Board agenda for February 18th, so if you're interested return your registration form to me by then.

Mrs. Kent: Is there any other discussion for this Work Session?

Secretary Faulring: I have one more thing. In looking ahead; right now we don't have anything for March, that deadline is next Thursday, February 12th and then in March the deadline is also the 12th for April. April 2nd however is Maundy Thursday, Holy Thursday if we have something for April, if the meeting night is not changed, I won't be here.

Mr. Chelus and Miss Pryor both said that they would not be here on April 2; and they both added in discussion that they would not be here on April 9th.

Following discussion it was the consensus of the members to hold off any petitions until the May meeting.

Mrs. Kent: Anything else?

Being no further discussion Mrs. Prackajlo made a motion to close the Work Session, seconded by Mr. Chelus and carried.

WORK SESSION 2

Ms. Pryor: I'll make the motion to go into Executive Session.

Mr. Chelus: I'll second.

Following discussion.

Ms. Pryor: I'll make the motion to return to Work Session.

Mr. Chelus: Second.

Mrs. Prackajlo: I'll make a motion to send a recommendation to the Town Board for the appointment of Courtney Mead as a member of the Zoning Board of Appeals.

Mr. Hirsch: Second.

All were in favor of the motion.

Ms. Pryor: I make a motion to adjourn.

Mr. Hirsch: Second.

All were in favor of the motion.

Signed:

Thelma Faulring, Secretary to the Boards and Committees

Dated: February 5, 2015

PRESENT: Beverly Kent, Chairman
Robert Chelus
Tracy Hirsch recused himself as he is the applicant
Kathy Praczkajlo
Bethany Pryor

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement officer
Thelma Faulring Secretary to the Boards and Committees
Tracy Hirsch Applicant – 8191 Cole Road
Courtney Mead Prospective member
Kathy Webber 7482 Boston State Road

Chairman Kent called the meeting to order at 7:18 PM and asked for a roll call of the members (attendance is noted above); and introduced Ms. Maxwell and Mr. Ferguson to those in attendance.

Mrs. Kent read the Public Hearing that was published in the Hamburg Sun on January 22, 2015.

Mrs. Kent: A SEQR was not received from Town Engineer Hannon.

Mrs. Kent reviewed the petition in her own words, and asked the applicant to come forward and to state his reasons for requesting a variance.

Tracy Hirsch 8191 Cole Road

- I'm looking to construct a 60 by 60 Morton Building at 7346 Boston State Road
- To house our construction equipment that is outside currently at the site or at my residence on Cole Road
- The reason for the height of the building is for the equipment – we have three 14 foot overhead doors and in order to maintain the same pitch on the roof, the same design as the existing building that was the reason for the height variance
- The colors will be as close as I can get to the existing building
- The rear setback that I requested at 5 feet, I will keep that 10 feet off the back instead of 5 feet
- I spoke to everybody that I could reach
 - Dana Darling had no problem; Hodgson next door to me had no problem; I did speak with Mr. Webber and he suggested that I do the 10 feet instead of 5 feet just to have access to the rear of the building. I thought it was a good suggestion and so I would look for a little bit less on the variance instead of 25 feet it's only 20 to keep it 10 feet off the rear of the property
- Utilities
 - Septic to go out the back and into the easement on the Webber property, so gas or electric could very easily be tied into the new structure
- Does anyone have questions for me?

Mr. Chelus: Are you going to build it up at all in the back, because of how it drops off?

Mr. Hirsch: It does drop-off a little bit; we have never had any flooding issues over there; it is going to be raised up a little bit; there still has to be some topsoil skimmed out of there, but once that's done it will be brought up pressure run throughout the back and we will raise it up a foot to two foot once we achieve the elevations of the current building.

Mr. Chelus: How close is your building to Dana's building back there?

Mr. Hirsch: Dana's actually, we are 75 feet wide's so the proposed building would be 60 feet, so we would be about 7½ feet off the lot line on either side which falls within the Code. So Dana has a driveway that he pulls equipment on the side so his building is 15 off his lot line, he was fine with what was proposed.

Mrs. Kent: We're at the Public Comment portion of the Public Hearing; is there anyone who wishes to comment on the variance request.

Kathleen Webber: 7482 Boston State Road

- I'm the property owner of the property that would be on the back of where he wants to build. And I would like to request that he keep 10 feet off the property line. Thank you.

Mrs. Kent: My understanding just to review what Mr. Hirsch said. Mr. Hirsch you agreed that 10 feet you would increase it to instead of 5 feet, right?

Mr. Hirsch: Yes, I agree with Mr. Webber that 10 feet is fine.

There were no further Public comments.

Mrs. Kent: Is there a motion on the petition?

Mrs. Prackajlo: I'll make a motion that we approve both the petitions, item # 1 and item #2

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

Mrs. Kent: I'd like to make an amendment to that motion. I'd like that motion to read that we would accept the petition with the condition that setback be changed from 5 feet to 10 feet.

Ms. Maxwell: There was no second to the motion so an amendment would not be made at this time.

Mrs. Prackajlo: I was going to add that as a stipulation 10 feet rear yard setback instead of 5 feet as proposed.

Ms. Pryor: I'll second that.

All were in favor of the motion.

Mrs. Kent: If there is no further business? If not is there a motion to close the Public Hearing?

Mr. Chelus: I make a motion to close the Public Hearing.

Mrs. Prackajlo: I'll second.

All were in favor the motion.

Mrs. Kent: May I have a motion to go into Executive Session of the Work Session?

Signed: Thelma Faulring
Secretary to the Boards and Committees

Dated: February 5, 2015