

PRESENT: Beverly Kent, chairman
Tracy Hirsch
Kathy Praczkajlo
Bethany Pryor

ABSENT: Robert Chelus

ALSO PRESENT: Kelly Vacco Deputy Town Attorney
Thelma Faulring Secretary to the Boards and Committees

Chairman Kent called the meeting to order at 7:01 PM and asked for a roll call of the members. Attendance is noted above.

Mrs. Kent introduced Deputy Town Attorney Mrs. Vacco.

Mrs. Kent: The next business order will be the petitions for variances. Mr. Steiner, President of St. Martin's Congregation submitted a petition to separate a parcel of property for existing residential use. Town Code Section 123-49 A 1 requires a minimum of 3 acres for residential use, in order to sell a house on 0.52 acres, the congregation requests a variance of 2.48 acres.

A variance to increase the % lot coverage is also needed: Town Code Section 123-51 requires 7% lot coverage, in order to sell the house on the proposed 9.5% lot coverage, the congregation requires a variance of 2.5%.

Board members are there any discussion regarding this petition?

Mr. Hirsch: No

Mrs. Praczkajlo: No

Ms. Pryor: No.

Mrs. Kent: I would like to discuss the variance because it is such a substantial request. The request for the variance is however is a unique circumstance because it is a church, the characteristics set this petition somewhat apart from other petitions, a church is a non-profit organization and generally speaking attendance at rural is shrinking across the U.S. Rural churches maybe affected financially by decreased attendance, and the decreased attendance along with the smaller population base in a rural area may create financial hardships for rural churches. So I would just like you, somewhat to think about that as we think about this petition this evening.

Mrs. Kent: The next business in order will be a review and approve the minutes of the Work Session and Petition 472. Are there any corrections to the minutes?

Mrs. Praczkajlo: Madam Chairman, I have reviewed the minutes and haven't seen any corrections so at this time I would like to make a motion that we accept the minutes for both the Work Session and Mr. Walker's petition.

Ms. Pryor: I'll second that.

Mrs. Kent: All in favor.

All were in favor of the motion.

Mrs. Kent: The next business in order is correspondence. I received a letter dated August 26, 2014 from Thomas J. Dearing, Deputy Commissioner Erie County notifying us three community planning processes. Did all the members receive a copy?

Secretary Faulring: Is was only requested to go the Chairman, so only you and the Planning Board Chairman received one.

Mrs. Kent: Is anyone interested in seeing a copy of the letter.

Mrs. Praczkajlo: I'd like to see it please.

Ms. Pryor: Madam Chairman, in your own words could you sum up the letter, please?

Mrs. Kent: It's an opportunity they're notifying us of three planning processes that are being reviewed by Erie County; if you're interested in learning more about them you can attend the meeting. Also received a letter dated July 14, 2014 from Courtney Mead requesting the opportunity to become an alternate member of the ZBA, I believed all the members of the Zoning Board received the letter. . Is Courtney present? (She was not.) Also in our folders tonight is a training opportunity on October 9; 2014, it's my understanding 4 CE's each year is that correct Secretary Faulring?

Mrs. Kent: 4 C.E.'s, 4 credits a year.

Secretary Faulring: 4 hours, yes.

Mrs. Kent: I have no other correspondence. Is there any other further business?

Mrs. Praczkajlo: I'll make a motion that we close the Work Session for tonight.

Mrs. Kent: I'll second the motion. All in favor/

All were in favor of the motion.

Mrs. Kent: The business meeting in closed.

Signed: Beverly Kent – Chairman

Dated: September 4, 2014

September 4, 2014
7:10 PM

Petition #473

St. Martin's Lutheran Church
8304 Cole Road

Present: Beverly Kent, Chairman
Tracy Hirsch
Kathy Praczkajlo
Bethany Pryor

Absent: Robert Chelus

Also Present: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Dustin Steiner Vice President – St. Martin's Congregation
Thomas Shanahan 8277 Cole Road
George Smetaniuk 8233 Cole Road

Mrs. Kent: Good evening the Public Hearing will come to order. The first business in order is roll call of members by Secretary Faulring. (Attendance is noted above). Also present is Deputy Town Attorney Mrs. Vacco and Code Enforcement Officer Mr. Ferguson.

The next business in order will be the petitions for the variance, the ZBA received one petition. Mr. Steiner, President St. Martin's congregation submitted a petition to separate a parcel of property for existing residential use.

Town Code Section 123-49 A requires 3 acres minimum for residential use; they want to sell a house on 0.52 acres, the congregation requests a variance of 2.48 acres.

A variance to increase the lot coverage is also needed.

Town Code Section 123-5 1 requires 7% lot coverage; in order to sell the house on the proposed 9.5% lot coverage the congregation requires a variance of 2.5%.

The Public Hearing notice for this hearing dated August 15, 2014, was published in the Hamburg Sun August 21, 2014. Mrs. Kent read the Public Hearing notice.

Mrs. Kent: We received a letter from Mr. Steiner stating that he would be unable to attend the September 4th hearing.

(Note: the letter was delivered to the Town Hall on August 26, 2014; the letter was in favor of the variances being granted and was signed by Robert E. Steiner and Marjorie F. Steiner. The letter is part of the file)

Is there anyone here representing St. Martin's? Please come forward and state your name.

Dustin Steiner – Vice President of St. Martin's

Secretary Faulring: Madam Chairman you might want to report for the minutes that there was no report received from the Engineer.

Mrs. Kent: Yes, there was no SEQR report received from the Engineer. Thank you. Mr. Steiner would you please state your reasons for the variance?

Mr. Steiner: Just as you mentioned to separate the parsonage from the church property to be able to sell the parsonage.

Mrs. Kent: ZBA members do you have any questions for Mr. Steiner?

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Mr. Hirsch: No I don't
Mrs. Praczkajlo: No
Ms. Pryor: No

Mrs. Kent: Mr. Steiner you may be seated. If there is no additional discussion the public comment portion of this hearing is closed.

From the audience: May I make a statement?

Mrs. Kent: Yes. I'm reopening the Public Comment portion of the hearing.

Thomas J. Shanahan

- I reside at 8277 Cole Road
- I have a statement, a letter that I can read and can be entered into the record, if that is acceptable?

Mrs. Kent: Yes.

Mr. Shanahan read the following:



8277 Cole Road
Colden, NY 14033
September 4, 2014

Beverly Kent, Chairman
Zoning Board of Appeals
Town of Boston
Town Hall
8500 Boston State Road
Boston, NY 14025

Re: Application for Variance
8304 Cole Road

Dear Ms. Kent:

For the past twenty-five years, we have resided across the road from St. Martin's Lutheran Church and directly across from the **Parsonage located at 8292 Cole Road**. Although we are not members of the congregation, we have always enjoyed a warm neighborly association with the people of St. Martin's including Rev. Ron Sprehe who served as Pastor for many years.

As a result, we too feel dismayed by the fact that the Parsonage is no longer needed. At the same time, we understand the reality of dwindling congregation numbers and therefore the need to sell.

We are not opposed to the planned sale and we are not opposed to consideration of a variance. However, we believe it is reasonable to expect that before this former parsonage is offered for sale it will have met the standards of safety, security and soundness that banks and other institutional lenders normally require for a home mortgage. We ask that no variance be granted unless these conditions have been satisfied.

The FHA may be a good reference for these standards and specific areas including electrical & heating, roofs & attics, water heaters, bathrooms, hazards & nuisances, property access, damaged deteriorating asbestos, etc. **Notably, the FHA does not require repair** of cosmetic or minor defects, deferred maintenance and normal wear if they do not affect safety, security and soundness.

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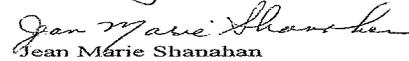
St. Martin's Lutheran Church
8304 Cole Road

A special area of consideration in separating the former parsonage property from the church property is the septic system. It would not be surprising to find that a single system serves both buildings. Therefore, we also specifically ask that no variance be granted unless there is an adequate septic system for 8292 Cole Road that has been approved by the Erie County Health Department.

We also believe our expectations and requests are highly congruent with the wishes of the congregation of St. Martin's Lutheran Church. After all, the congregation will continue to use the Church as their place of worship. By taking these steps to make the property more attractive to a qualified buyer looking for a home, the congregation will greatly increase the probability of having a compatible neighbor living next door eighty five feet away from the Church.

If you or other members of the Boston Zoning Board of Appeals believe that further discussion would be helpful, please let us know.

Sincerely yours,


Thomas J. Shanahan
Jean Marie Shanahan

Mrs. Kent: Is there anyone else that has discussion pertaining to the petition? ZBA members any further discussion? If there is no additional discussion the Public Hearing portion of the hearing is closed. (7:15 PM) Would someone like to make a motion on the Petition?

Mrs. Prackajlo: I would like to make a motion that we approve both variances, Item #1 and #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]

Ms. Pryor: I will second that.

Secretary Faulring: Are your responses to the criteria the same for both?

Mrs. Prackajlo: Yes, both are the same.

Secretary Faulring: On the motion to approve the lot size variance and the lot coverage variance, the motion is to approve.

Mr. Hirsch: yes

Mrs. Prackajlo: yes

Miss Pryor: yes

Mrs. Kent: yes

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8304 Cole Road

Mrs. Kent: The next order of business is correspondence. I received a letter dated August 26, 2014 from Thomas J. Dearing, Deputy Commissioner of Erie County notifying us of 3 community planning processes. Also received a letter dated July 14, 2014 from Courtney Mead requesting the opportunity to become an alternate member of the ZBA. It's my understanding that Secretary Faulring suggested that she attend the Public Hearing this evening, is that correct?

Secretary Faulring: Yes.

Mrs. Kent: Miss Mead did not attend the Public Hearing this evening.

Mrs. Kent: Is there any other further business?

Mrs. Prackajlo: I'll make a motion that we adjourn for this evening (7:18 PM).

Mr. Hirsch: Second.

Mrs. Kent: All in favor.

All were in favor of the motion to adjourn.

Mrs. Kent: The Work Session and Public Hearing is closed.

Beverly Kent, Chairman

Dated: September 4, 2014