

PRESENT: Robert Chelus
Courtney Mead
Kathy Praczkajlo
Bethany Pryor

ABSENT: Tracy Hirsch

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

Secretary Faulring: Is there a motion for Chairman for this evening's proceeding's?

Mrs. Praczkajlo: I'll make a motion for Robert Chelus as Chairman for this evening.

Ms. Pryor: I'll second.

All were in favor of the motion.

Mr. Chelus made a motion to appoint Courtney Mead as a voting member for this evening's proceedings, seconded by Mrs. Praczkajlo and carried.

Mr. Chelus asked for a toll call of the members. Attendance is noted above.

Mr. Chelus opened the Work Session.

Mrs. Praczkajlo: At the Town Board meeting last night Mr. Boardway kind of praised us for our knowledge as far as the package we sent to the Board regarding the changes in the zoning and he stated that he was going to start getting together the Town Attorney to see where to go from here.

Mr. Chelus asked if there were any corrections to the Work Session draft minutes of June 4, 2015.

Being none Mr. Chelus made a motion to accept the minutes of June 4, 2015, seconded by Mrs. Praczkajlo and carried.

Mr. Chelus reminded the members that if they know that they are not going to be in attendance to let Secretary Faulring know as soon as possible, even if it is the day before or day of; if there is no quorum it we can't conduct the Public Hearing.

Mr. Chelus: Petition #482, Craig Zolnowski, 6830 Omphalius Road. This is one before us again for an accessory building. Does anyone have questions or anything on this one?

There were no questions or comments at this time.

Mr. Chelus: Petition 485 is Catherine Cherry-Myers, 6405 Ward Road. This is a request to convert an existing accessory building into private living quarters. Is there any discussion or questions at this time?

There were no questions or comments at this time.

Mr. Chelus: Petition #486 is John Opfer, vacant property on West Tillen Road, a request to construct a single-family dwelling on property without frontage on a dedicated highway; this is one that we had last November and they're just coming back because the statute of limitations is up.

There were no questions or comments at this time.

Mr. Chelus: Edward Kicinski, 7712 Back Creek Road; their request is for a side yard variance – set at 6 feet the variance is for 4 feet. Does anyone have any questions on that application?

There were no questions or comments at this time.

Mr. Chelus: We have about 5 minutes before Bill gets here do we want to get into the minutes?

Secretary Faulring: Could we go back into the Work Session following the Hearings? I have some questions to ask about minutes and signatures.

Mrs. Praczkajlo: I'll make a motion to close the Work Session at this time and come back after the Public Hearings.

Miss Mead: Second.

All were in favor of the motion.

Secretary Faulring: I'm going to send everything out in 'draft' now. After any additions or corrections are made, on the other Boards I sign the Chairman's name and then always my little initials after it. I'm wondering is that acceptable on the Zoning Board?

Ms. Maxwell: If you have the approval of the Chairman to do so I don't see that to be a problem.

Secretary Faulring: Should that be in writing?

Ms. Maxwell: I think so. I would make it of record of some fashion.

Secretary Faulring: So we need a Chairman then.

Ms. Maxwell: If you were to put it on the record with each acting Chairman that you have and if you make a statement that each acting Chairman authorizes the secretary to sign off on whatever it is you need to do; just do it at each meeting until we have a Chairman.

Ms. Pryor: I'll make that a motion.

Mr. Chelus: Now as Acting Chairman I'd like to authorize the Secretary to sign on my behalf and initial as she does with the other Boards, the corrected draft minutes.

Mrs. Praczkajlo: And for past minutes when I was sitting you have my permission too.

Mr. Chelus: All those in favor?

All were in favor of the motion.

Secretary Faulring: For the minutes of July 2nd were there any corrections or additions?

Mrs. Praczkajlo: I didn't see any.

Ms. Maxwell: I thought you already did that.

Mr. Chelus: No, I only did June 4th, I forgot July. So I'd like to make a motion to accept the minutes from July 2nd.

Mrs. Praczkajlo: I'll second.

All were in favor of the motion.

Secretary Faulring: On the Notice of Decision, can I sign the acting Chairman's name to those also?

Mr. Chelus: I'm fine with that. I give permission to sign as acting Chairman for tonight's petitions, to sign my name.

Mr. Chelus: Is there anything else for the Work Session?

Ms. Pryor: I'd like to make a motion to close the Work Session and end the meeting.

Miss Mead: I second.

All were in favor of the motion.


Robert Chelus
Acting Chairman

Dated: 
August 6, 2015

PRESENT: Robert Chelus
Courtney Mead
Kathy Prackajlo
Bethany Pryor

ABSENT: Tracy Hirsch

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Craig Zolnowski Applicant – 6830 Omphalius Road

Mr. Chelus opened the Public Hearing at 7:13 PM and read the Public Hearing Notice in it's entirety.

Mr. Chelus: I'd like to open Petition #482 , Craig Zolnowski, 6830 Omphalius Road. Mr. Zolnowski if you would come forward.

Mr. Zolnowski: At the last meeting I was requested to stake out the property, which I did; I did invite all the neighbors over. We ironed out some other issues that were mostly some of their concerns. Everybody there was happy with everything that they had seen; they said that they probably weren't even going to come tonight and so to bring up to speed I did talk to Tracy, he was supposed to inform the rest of the Board members here to come up and take a look if they wanted too. The property is staked out it is in the woods basically and so that's about all I have right now.

Mr. Chelus: That's fine. Thank you. At this time I'd like to open up the floor to anyone else who has anything to say about the petition. There being none I would like to close the floor.

Mrs. Prackajlo: Mr. Chairman I'd like to make a motion to approve Petition #482

- (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 [X] No

With the stipulation that there will be no commercial activity whatsoever.

Mr. Chelus: I'll second the motion.

Secretary Faulring:

Mr. Hirsch absent
Miss Mead aye
Mrs. Prackajlo yes
Ms. Pryor yes
Mr. Chelus yes

Mr. Chelus: Please be aware that a Building Permit must be obtained within 6 months of the variance date or else the variance is null and void.

Mr. Zolnowski: I have a letter to the Town Supervisor requesting the permit.

Mr. Ferguson: Give that letter right to me.

Mr. Zolnowski: Thanks everybody for hearing this and being patient and working with me on it; I appreciate all the help and all that. Thank you.

Mr. Chelus: And on that note I would like to make a motion to close Public Hearing Petition #482.

Mrs. Praczkajlo: I'll second.

All were in favor of the motion.

Robert S. Chelus *sc*
Robert S. Chelus
Acting Chairman

August 6, 2015
Dated: August 6, 2015

PRESENT: Robert Chelus
Courtney Mead
Kathy Prackajlo
Bethany Pryor

ABSENT: Tracy Hirsch

ALSO	Patricia Maxwell	Deputy Town Attorney
PRESENT:	William Ferguson	Code Enforcement Officer
	Thelma Faulring	Secretary to the Boards and Committees
	Catherine Cherry-Myers	Applicant – 6405 Ward Road
	Michael Myers	6405 Ward Road

Mr. Chelus opened the Public Hearing at 7:21 PM and asked for the roll call of members. Attendance is noted above.

Mr. Chelus read the Public Hearing notice and Town Engineer James Hannon's review in its entirety. Main points being:

- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended.

Mr. Chelus: Ms. Maxwell, if I'm reading that right, do they even need to be here?

Ms. Maxwell: If you take a look at 123-48 Uses and Structures Permitted in R-A is allowed, right? Principal Uses and Structures, if you go to A-1 those included in R-2 District. I don't know where Bill weighs in on it but I read this and I don't see where its' not permitted. There is a principal, there is a building for the bed and breakfast and if I read correctly it's not just an addition to that particular building. It even says that the application that the property owner should reside in one of the two dwelling units, this would be a second dwelling unit, is there more than one dwelling unit there now?

Mr. Ferguson: Yes.

Ms. Maxwell: How many?

Mr. Ferguson: One complete one, there's one

Ms. Maxwell: So are there two single family homes right now?

Mr. Ferguson: No.

Ms. Maxwell: What's there now?

Mr. Ferguson: The single family home and the bed and breakfast are in the same building,

Ms. Maxwell: They're in the same building?

Mr. Ferguson: Correct.

Ms. Maxwell: So why wouldn't that be considered one dwelling?

Mr. Ferguson: Yes and this is going to be considered a second dwelling on the same lot. It's not being separated into a three-acre parcel as required under the R-A Zoning and nowhere in the R-A Zoning does it say that you can have two residential single family dwellings on the same parcel of land without sectioning off three acres and making it a separate parcel. And this building doesn't lend itself to being separated into a three acre parcel with road frontage.

Ms. Maxwell: So you say there's just one dwelling but it's two units?

Mr. Ferguson: No. The single family dwelling has the bed and breakfast, with the...

Ms. Maxwell: Right.

Mr. Ferguson: That's one dwelling.

Ms. Maxwell: That's one dwelling.

Mr. Ferguson: That's the principal building.

Ms. Maxwell: That's the principal building. And this conversion would be the second?

Mr. Ferguson: Correct. It's a second separate building. That's the answer I got from the Town Attorney with the previous one which was granted by this Board, on Trevett Road; it's a separate building so it needs a variance because it's another dwelling unit on a single lot.

Ms. Maxwell: And you're saying that is because of the acreage?

Mr. Ferguson: I'm saying that because it's not on a separate three acre parcel as required in the R-A Zoning for a single family dwelling. I'm handling it the same way I was told to handle it on a previous one; I'm just following through with...

Ms. Maxwell: I understand. The problem is that the R-A also says permitted uses and structures, principal uses and structures permitted in the R-2 District. Does the R-2 District have the same qualification that it has to be a separate three acres?

Mr. Ferguson: The R-2 doesn't require three acres; the R-2 lets you have accessory apartments but it does not allow for two separate dwellings on a lot in an R-2 District. The accessory apartment has to be part of the principal building which would be the single family dwelling and that's allowed under Special Permit.

Ms. Maxwell: And is this operating right now as a bed and breakfast?

Mr. Ferguson: In the single family dwelling, the principle building, yes it is; and it's been approved.

Ms. Maxwell: When you done this before on Trevett you had them require a use variance then?

Mr. Ferguson: Yes, that is what I was told by the previous attorney and I'm just following the procedure as last time.

Ms. Maxwell: I'm not questioning that I'm asking was it Ms. Vacco or was it Mr. Kobiolka or...?

Mr. Ferguson: It was Mr. Kobiolka.

Mr. Chelus: So?

Ms. Maxwell: I don't necessarily agree with it but I'm not disagreeing either. It's not going to hurt to consider the variance.

Mr. Chelus: Ms. Cherry if you would explain to us what you plan on doing with the building?

Catherine Cherry-Myers:

- Right now we have our bed and breakfast which our first year we did really well
- My office and my bedroom is one and the same
- It would probably facilitate things if we can convert next to it into a suitable living space so that people wouldn't have to come into bedroom when they come into my office

Mr. Chelus: What are you proposing in that accessory building? Is it just going to be...are you moving your living quarters out there and the office will stay inside?

Ms. Cherry-Myers: Right, so then the bed and breakfast can stay that way; it's already a studio so it's partially finished anyway; there's plumbing and stuff already in there So it just makes sense to just move there.

Mr. Chelus: Now when we say living quarters are you going to have a kitchen, a ...

Ms. Cherry-Myers: Yeah I would have my own bathroom, my own kitchen, my own bedroom.

Mr. Chelus: So it's literally like another home?

Ms. Cherry-Myers: Yeah.

Mr. Chelus: Does anyone else have any questions? No? Thank you. At this time is there anyone in the audience that has anything to say about this petition?

Mr. Chelus: No. Then at this time I will close the public comment portion of the Petition.

Ms. Pryor: I would like to make a motion to approve the variance;

- (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 No [X]
- (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]

Mr. Chelus: And I will second the motion.

Secretary Faulring: The motion is to approve private living quarters in an existing accessory building; say yes if you are in favor of the motion.

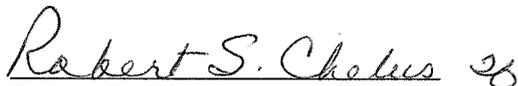
Mr. Hirsch	absent
Miss Mead	yes
Mrs. Prackajlo	yes
Ms. Pryor	yes
Mr. Chelus	yes

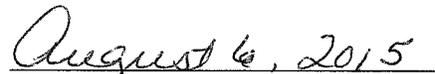
Mr. Chelus: And just to advise you that you do need a Building Permit, and that it must be obtained in the next six months from this date or the variance will be null and void. And I will make a motion to close the Public Hearing for Petition 485.

Mrs. Prackajlo: I second.

All were in favor of the motion.

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Robert S. Chelus
Acting Chairman


Dated: August 6, 2015

PRESENT: Robert Chelus
Courtney Mead
Kathy Prackajlo
Bethany Pryor

ABSENT: Tracy Hirsch

ALSO PRESENT: Patricia Maxwell Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
John Opfer Applicant – 424 Countryside Dr., Williamsville
Nicole Opfer 424 Countryside Dr., Williamsville
George Koemer ? Franklinville, NY ?
Gloria Czech 6868 AE West Tillen Road
Wendy Weber 6868 BW West Tillen Road
Joe Weber 6868 BW West Tillen Road
Richard J. Czech 6868 AE West Tillen Road

Mr. Chelus opened the Public Hearing at 7:36 pm and read the Public Hearing Notice.

Mr. Chelus read the previous SEQR from November 2014 as Town Engineer Hannon did not see the need for an updated SEQR as the circumstances had not changed from Mr. Opfer's previous request.

Mr. Chelus read a report dated July 14, 2015 from David Denk Regional Permit Administrator for NYS Department of Environmental Conservation:

'A protection of Water Permit will not be required for this single family home pursuant to Article 15, Title 5 of the NYS Environmental Conservation Law (ECL), as it is proposed To be built over 124 feet from the stream bank of Tributary 18 Mile Creek.'

Advised applicant to to contact the Town of Boston for any approvals that may be required.

John Opfer 6868 West Tillen
Good evening. We just couldn't find a builder and then the variance dies.

Mr. Chelus: At this time I will open the public comment portion, anyone with any comments please come forward.

Being no public comment Mr. Chelus closed public comment.

Mr. Chelus: I will make a motion that we approve petition #486 it's a request to construct a single family dwelling on vacant property without frontage on a dedicated highway.

- (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 No [X]
- (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]

And I will add the stipulation that if any damage is done to the right-of-way during the construction of your home that you do make repairs to those in a timely manner, to keep the peace with your neighbors.

Ms. Pryor: I'll second that.

Secretary Faulring: The motion is to approve the variance with any road damage to be repaired following construction. Say yes if you are in favor of that motion.

Mr. Hirsch	absent
Miss Mead	yes
Mrs. Prackajlo	yes
Ms. Pryor	yes
Mr. Chelus	yes

Mr. Chelus: And again as you know you have six months to get the Building Permit and if not you'll be right back here us.

Mr. Opfer: I have a shovel in the car.

Mr. Chelus: I'll make a motion to close the Public Hearing for Petition #486.

Mrs. Prackajlo: I'll second.

All were in favor of the motion.

Mr. Opfer: Thank you very much.

Robert S. Chelus *sj*
Robert S. Chelus
Acting Chairman

August 6, 2015
Dated: August 6, 2015

PRESENT: Robert Chelus
Courtney Mead
Kathy Prackajlo
Bethany Pryor

ABSENT: Tracy Hirsch

ALSO Patricia Maxwell Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Joy Kicinski Applicant – 7712 Back Creek Road
Edward Kicinski Applicant – 7712 Back Creek Road

Mr. Chelus opened the Public Hearing at 7:45 PM and read the Public Hearing Notice

Mr. Chelus read from Town Engineer James Hannon's SEQR Review:
Main points being:

- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended.

Mr. Chelus asked the applicant to come forward.

Edward Kicinski 7712 Back Creek Road

- My garage is two cars, but two cars deep
- I just want to make it 12 feet wider

Mr. Chelus: Have you talked to any of your neighbors?

Mr. Kicinski: I've talked to all my neighbors, everyone's pretty cool. The neighbor that the side that's it's on, I've talked with them continually for two months and let them know what's going on; and it's staked out there and I guess nobody seem to have a problem.

Mr. Chelus: Does anyone have any questions for the applicant?
There were no questions from the ZBA members.

Mr. Chelus: At this time I'd like to open the public comment portion.
Being none Mr. Chelus closed the public comment portion of the Public Hearing, and asked for a motion.

Mrs. Prackajlo: I'll make a motion that we approve petition #487.

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| (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 | No [X] |
| (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'll second.

Secretary Faulring: The motion is to approve the four foot variance at a six foot setback:

Mr. Hirsch	absent
Miss Mead	yes
Mrs. Praczkajlo	yes
Ms. Pryor	yes
Mr. Chelus	yes

Mr. Chelus: Again like you've heard tonight you have six months to obtain a Building Permit to build the garage, if it's not done within that six month period you will have to come back to the Board to request another variance.

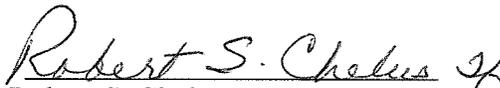
Mrs. Praczkajlo: I'll make a motion that we close Petition #487.

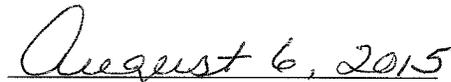
Mr. Chelus: I'll second. All in favor?

All were in favor of the motion.

Mr. Chelus I will make a motion to open the Work Session back up.

Miss Mead: I'll second that.


Robert S. Chelus
Acting Chairman


Dated: August 6, 2015