

February 6, 2014
7:11 PM

Petition #465

Blizniak, Robert & Sandra
8812 Cole Road

DRAFT

:PRESENT: Kathy Prackajlo, Acting Interim Chairman
Tracy Hirsch
Beverly Kent
Bethany Pryor

ABSENT: Dennis Mead

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Sandra Blizniak Applicant – 8812 Cole Road
Robert Blizniak Applicant – 8812 Cole Road
Daniel G. Tronolone Attorney for the Blizniak's; 298 Main Street, Buffalo
Bob Zahm 8809 Cole Road

Mrs. Prackajlo called the meeting to order at 7:11 PM; read the Public Hearing notice and asked for roll call.

Mrs. Prackajlo introduced Mrs. Vacco, Mr. Ferguson and Miss Faulring to those in attendance.

Daniel Tronolone

- Attorney for Robert and Sandra Blizniak
- Just have been retained in this matter two days ago, that's when I called Kathy
- I would like this put off until the next meeting so that I can familiarize myself with the situation.

Mrs. Prackajlo: I will make a motion to table the Blizniak petition until the 6th of March at 7:10 PM.

Objection from audience.

Mrs. Vacco: If this petition is going to remain tabled, we're not at this time opening up to public comment again. When the petitioner comes back and issues addressed, you'll be noticed and then you will have that opportunity.

Robert Zahm – 8809 Cole Road

- In the matter of the matter of the fence for Blizniak
- The notice went out well in advance
- On a two foot variance on a fence, two days should be adequate time enough for legal representation to review the case
- I've come down here and made myself available, I may not be available for another hearing
- I would like to state that insofar as no one has reached out to me to discuss other alternates or opportunities with this fence matter I maintain my objection to granting that variance insofar that it is inappropriate to the rural character our neighborhood
- If there is going to have to be another hearing on this matter I want it postponed at least until April, and that should give legal counsel more time to review it if it is necessary, I'll be out of Town in March

Mrs. Kent: Just trying to verify your address, it's 8809 Cole Road, correct?

Mr. Zahm: Yes.

Mrs. Kent: Where are you located in proximity to the house?

Mr. Zahm: Directly across the street.

Mrs. Kent: Is that the home that the barn is sitting in front of the house?

Mr. Zahm: The barn is halfway up the driveway on the south side of the driveway, yes.

February 6, 2014
7:11 PM

Petition #465
page 2

Blizniak, Robert & Sandra
8812 Cole Road

Mrs. Praczakajlo: There is a motion on the floor to table this matter until March 6, the meeting in April would be April 3rd.

Mr. Hirsch: Do you have any objection to that?

Mr. Tronolone: I have a Federal case that I'm trying out of state which is supposed to be in April sometime, but I don't have the exact date. I am available in March but on the other hand I do want to be cooperative with the gentleman, so if it's on April 6th and I'm out of Town I would have to ask for another adjournment...

Mrs. Praczakajlo: It would be April 3rd sir.

Mr. Tonolone: April 3rd, if I'm out of state on this trial...

Mr. Hirsch: It would go to the next month, understood.

Mrs. Praczakajlo: I would like to amend the motion to table until the 3rd of April, 2014.

Mr. Hirsch: Second.

All were in favor of the motion.

Katharine Praczakajlo, Acting Interim Chairman

Dated: February 6, 2014

February 6, 2014

Petition #466

Martin, Curtis
6560 Fairlane Drive

Roll call was not taken – in attendance were:

: Kathy Prackajlo, Acting Interim Chairman
Tracy Hirsch
Beverly Kent
Bethany Pryor

DRAFT

: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees

Chris Muraco 6553 Fairlane Drive
T. Clark 6558 Fairlane Drive
C. Coppola 6557 Fairlane Drive

Mrs. Prackajlo: At this time I would like to open Petition 466 in regards to the Curtis Martin variance, 6560 Fairlane Drive, SBL# 242.05-3-29.10. I would like to state that we have been made aware an issue with the zoning. So at this point in time I would like to make a motion that we table this petition until the zoning issue is resolved.

Ms. Pryor: I'll second.

Mrs. Prackajlo: All in favor?
All were in favor of the motion, there were none opposed.

Thomas Clark – 6558 Fairlane Drive

- Right next to the property in question
- I am curious as to why the rezoning issue...

Mrs. Vacco:

- Part of the parcel is still located in an R-2 zone, Residential 2, which does not support a multi-dwelling use
- The other portion of the property is zoned R-3 that does support multi-dwelling
- There are a couple of maps that show a couple of zoning issues, one shows that all of it is R-3, another shows that it is R-2 and R-3 and there is no record of when it would have been rezoned
- Rezoning is going to require a Public Hearing
- The Town Board has to approve it and there is no record of that rezoning ever having occurred, that the engineer could find
- At the point the petitioner would have the information to support that it is all zoned R-3 correctly and the map reflects that

Katharine Prackajlo, Acting Interim Chairman

Dated: February 6, 2014

February 6, 2014

Petition #467

Henneberg, Mark & Nicole
8964 Boston State Road

PRESENT: Kathy Prackajlo, Acting Interim Chairman
:
Tracy Hirsch
Beverly Kent
Bethany Pryor

DRAFT

ABSENT: Dennis Mead

ALSO Kelly Vacco Deputy Town Attorney
:PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees

Mark Henneberg Applicant – 8964 Boston State Road
Nicole Henneberg Applicant – 8964 Boston State Road

Mrs. Prackajlo asked for a roll call of the members. Attendance is noted above.

Mrs. Prackajlo read the Public Hearing Notice.

Mrs. Prackajlo read the SEQRA Review from Town Engineer James Hannon:

- 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

Mrs. Prackajlo asked the applicants to state their reasons for requesting a variance.

Mr. Henneberg:

- I'm here with my wife Nicole
- We don't have any rear neighbors
- Our back property line is 18-Mile Creek
- Our hardship is that our property slopes downward from the roadway and a six foot fence doesn't really offer the privacy that we want as well as our neighbors seeing automotive type of activity
- We submitted a site plan a number of years ago showing what we intend to do as far as the development of our property and the fence is drawn in there but we just didn't realize that a six-foot fence was going to do
- You could stand back 10 feet from that fence and still look at the cars driving on Boston State Road
- Our purpose is to tidy up our property and I think eight feet would achieve that both for us and our neighbors; cars that aren't being offered for sale, we have a number of them back there
- We just want to make it look nicer
- There would be a planting in front of that fence as well, it will be constructed nicely with Amish wood
- We hope to erect it in the spring and landscape it as well

Mrs. Prackajlo: Have you ever thought about doing something natural like an arborvitae?

Mr. Henneberg: On our property we have gardens around the house, everywhere.

Mr. Henneberg displayed a site plan that was used at the time of his site plan review for rezoning in 2008.

Mr. Henneberg: The eight foot fence blends in very nicely with...

Mr. Hirsch asked about something on the site plan, but several others were talking, and was not understood.

Mr. Henneberg: This has all been approved, we're just here for the fence height. The fence is the first step in the process of what was approved.

Mrs. Prackajlo asked if there was anyone to speak for or against the request for variance.
There was no public comment

DRAFT

Ms. Pryor made a motion to approve the variance request and to allow an eight foot rear yard fence:

- | | | | |
|--|-----|----|---|
| (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 |

Mrs. Kent: I second the motion.

Mrs. Prackajlo: Please have the Secretary take a roll call vote on the motion.

Secretary Faulring: The motion is to approve the variance:

- Mr. Hirsch yes
- Mrs. Kent yes
- Ms. Pryor yes
- Mrs. Prackajlo yes

Mrs. Prackajlo: I will make a motion to close for this evening.

Ms. Pryor: I'll second.

All were in favor of the motion.

Katharine Prackajlo, Acting Interim Chairman

Dated: February 6, 2014