

May 1, 2014

Petition #462

Mazur, Paul Jr.  
Boston Colden Road

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

ALSO PRESENT: Kelly Vacco Deputy Town Attorney  
William Ferguson Code Enforcement Officer  
Thelma Faulring Secretary to the Boards and Committees  
Paul Mazur, Jr. Applicant – 7443 Boston Colden Road  
Paul Mazur, Sr. 9245 Cole Road  
Allithea Killeen 9080 Cole Road  
Dennis Lindell 7556 Boston Colden Road  
Joanne Lindell 7556 Boston Colden Road  
Michael Ray 7526 Boston Colden Road

Mrs. Prackajlo reopened Petition 462 for Paul Mazur at 7:15 PM and asked the applicant to bring the Board members up to date with properties in question.

(Please note: During the question and answer session, Mr. Mazur was inaudible and very hard to understand on several occasions even though he was speaking into the microphone, those times will be indicated by ----)

Paul Mazur:

- As far as I was told the property in now one parcel
- Both sides of the road is one parcel
- I have to get verification of 100% on that
- This year when I came back from Florida I asked Bill if I could have a house up on that side of the road; and he told me he would have to get back to me because it was up to the Town Attorney and I don't know why that would be ----- and haven't heard back for five weeks ---- all we have gone through is trouble

Mr. Hirsch: So it is your intention, you have the one house up for sale now?

Mr. Mazur: Right.

Mr. Hirsch: And that just with 3 acres?

Mr. Mazur: Right.

Mr. Hirsch: So it's, not as of now, is combined or can be combined...

Mr. Mazur: It's combined but it could be resurveyed off.

Mr. Hirsch: So the parcel with the barn is separate...

Mr. Mazur: Will be separate on that side of the road.

Mr. Hirsch: Okay. So regardless it will remain separate and then there is a petition to add two acres to the barn side?

Mr. Mazur: That's already been added ---- ----tax bill on that side of the road ---- ---- another building put up, working on that already.

Mr. Hirsch: Is there a size that you had in mind?

Mr. Mazur: The minimum size that Boston allows. I'm only here six months out of the year. ---- ---- waiting to get a Building Permit ---- I'm really confused on this.

Mrs. Vacco: Why are you, what are you waiting to hear from the Town Attorney?

Mr. Mazur: I went to Mr. Ferguson's office and said I'd like to build a house, and I said I'd like a permit. He said I'll have to ask the Town Attorney and I'll get back to you. And that's the last I heard from him.

Mr. Chelus: The Town Attorney was probably waiting to see, cause the two acres that you bought and the four haven't been combined until about the...

Mr. Mazur: I still---you need only two acres in town of Boston to build correct? The other two acres.

Mrs. Vacco: Yes.

Mr. Mazur: I've had that. So I don't understand the problem.

Mr. Ferguson: We're just waiting to see if the lots are going to be adjoined or if they're not going to be adjoined. And I'm not privy to that until the assessor tells me that.

Mr. Hirsch: After five weeks we should know where we stand; ---build at all because I can't get a building permit to put a house up,

Mr. Ferguson: The house isn't an issue.

Mr. Ferguson: You're tonight to see if you can have that accessory without a principal building. What you did was have a large accessory building, something for which you got a variance and you exceeded that variance in square footage, that was the issue.

Mr. Mazur:-----

Mr. Ferguson: Your still exceed your accessory use.

Mr. Chelus: You still need the variance for the second accessory building that you put up, that's what you're here for.

Mrs. Praczkajlo: The reason the question came up is that usually there is a principal building and then an accessory building, it's not the accessory building and then the house.

Mr. Hirsch: I think the Board thought that the lots were combined at the time, or in the process of combining the land across the street with the primary residence; that's what we thought was happening. I speak for myself when I say I didn't realize that they were separate.

Mr. Mazur: I pay two tax bills one on this side of the road and on this side of the road.

Mr. Hirsch: As for tonight the only thing that's before the Board is the additional square footage on the second accessory building; and whatever stipulations will come in order to grant it or, not grant it.

Mr. Mazur: I mean the building is up; so what are we going to do in that----

Mr. Hirsch: That's what we're going to make a determination on; so we'll go over that.

Mrs. Praczkajlo: Usually when something goes up in Town they go to the Code Enforcement Officer for a Building Permit.

Mr. Mazur: I explained that in the fall I didn't do that because if you had an animal you had to provide shelter and you're talking about a \$3000.00 run-in shed, it's three stalls. I appreciate what you do for me but yesterday I took a five mile ride radius from my house and I came up with three pages of properties that had two and three accessory buildings on them. So how can the Town, your Board allow me something that I walk out of my house look, staring me right in the face?

Mr. Hirsch: First of all, the accessory buildings if there are ones that exceed the limit, they did change, I put one up that was 3500 square feet, then as the years went by it change to 2500 square feet. The thing is that it may have transpired prior to when of us were even here. Among them that have gone up I think the Board has tried to not have the accessory building before the primary residence, that's at least the intent that they have.

Mrs. Vacco: The second accessory building on a parcel, the Town Board authorizes that, you don't whether or not, that's the Town Board.

Mrs. Praczkajlo: We're just here for the square footage.

Allithea Killeen: I only came tonight because I thought that the Board may have some questions about the real property designations, because I was involved with that at the time.

- They were changed into one lot prior to the construction of the barn and prior to the change in the law of the county
- I don't know why it takes so long at the County, but even deed addition of the two acres that went through last fall, I only got deed three days ago
- When Mr. Mazur was here in November to get clarification on that building across the road, I think this building was on the permit for the run-in shed for the additional square footage
- The discussion about the acres and whether it's a single lot or not – if anybody want clarification on the fact the property is or is not a single parcel it is recorded as a single parcel and the County is making a determination as to whether or not they will issue a single SBL
- Maybe if we could wait until the next meeting, next month we could give and update on what the County has said about the SBL determination

Ms. Pryor: Just for clarification if the parcel is now one parcel, and has a house and two accessory buildings is that...

Mrs. Vacco: Not your concern. Your only concern is the 384 square feet.

Mrs. Praczkajlo opened the public comment portion of the Public Hearing.

Dennis Lindell – 7556 Boston Colden Road

- I am opposed to the variance on the current building
- Am concerned of more noise and equipment
- Building as a garage is meant to house trucks, it's meeting its intended use
- There is an excess of trucks and tractors, that are outside throughout the year
- This is changing the entire neighborhood from one of being a quiet one
- Giving an industrial nature to it

- I believe that it is having a detriment on our property values

Mrs. Kent: you had mentioned that the other building, I think you referred to it as a garage, that it doesn't meet its intended use...

Mr. Lindell: When we asked to come to the meeting for that it was meant to house trucks and equipment for Mr. Mazur's business and a lot of the equipment is outside of the building and is plainly visible from the street.

Mrs. Kent: So what is it being used for?

Mr. Lindell: I couldn't tell you, I don't know what's in there

Mrs. Kent: I guess I'm a little confused then...

Mr. Lindell: My concern is that there will be more equipment on the property.

Mr. Hirsch: So when you came here originally it was your assumption that whatever equipment was brought up at the meeting would be inside the building.

Mr. Lindell: Would be housed in the building, correct.

Mrs. Vacco: The building has already been ruled on and approved.

Mr. Lindell: I understand. There's this history that I wanted to bring up.

Mrs. Kent: you said that you don't know what's in the barn so how do you know that he's not storing equipment...

Mr. Lindell: That could possibly be but I'm saying there's an excess of equipment and it's all over the property. It's a residential area and now has an industrial feel to it.

Mrs. Kent: Where is his property in proximity to you?

Mr. Lindell: My property, I'm on the curve, my property abuts his property, the back of his property.

Allithea Killeen

- I am a property neighbor and I am a farmer
- Mr. Mazur and I share the same farm equipment in our farming operation because we do it a joint farming operation between the two of us
- The primary application that understand before the Board is one for his run-in shed for his goats and two horses and a cow I think
- This structure has nothing to do with trucks or trailers or anything else
- It's a three sided run-in shed just like the ones up at the Russo property up on Cole Road
- As an adjoining neighbor and as a farming participant with Mr. Mazur I have no opposition to what he's doing on his property

Mrs. Praczkajlo: If there is no one else to speak at this time I will close the public comment portion of this; and ask for a motion.

Mr. Hirsch: I make a motion to grant the variance with a couple of stipulations: that there has to be some type of a primary residence be constructed on that site and that the equipment that is outside would either be put somewhere else or, the dumpsters, the equipment or would have to go inside the building.

Mrs. Vacco: I know what everybody is trying to accomplish here and can appreciate it, but that's a different variance; your trying to tie this variance into one that you've already granted; that's really a Code Enforcement issue. If there Code violations by how many vehicles are outside, unlicensed;

Mr. Hirsch: Then we'll leave as the primary residence that we grant the variance with a primary residence.

Mrs. Praczkajlo: I'll second that.

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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 [ X ] | No [ ]   |

Secretary Faulring: The motion is to approve with some type of primary structure to be built, is there a time limit on that?  
Mrs. Vacco: I think the Code Enforcement Officer can issue a Building Permit and the Code takes over that it must be done within a year. So if you looking for wording – within twelve months after the issuance of a Building Permit.

Secretary Faulring:

Mr. Chelus:               yes  
Mr. Hirsch:               yes  
Mrs. Kent:                yes  
Ms. Pryor:                yes  
Mrs. Prackajlo:         yes

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Katharine Prackajlo, Acting Interim Chairman

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Dated: May 1, 2014

May 1, 2014

Petition #470

Darling / Gauthier  
Deanna Drive Extension

PRESENT: Kathy Praczkajlo, Acting Interim Chairman  
Robert Chelus  
Tracy Hirsch  
Beverly Kent  
Bethany Pryor

ALSO Kelly Vacco Deputy Town Attorney  
PRESENT: Thelma Faulring Secretary to the Boards and Committees  
Dana Darling Applicant – Omphalius Road  
Joseph Gauthier Applicant – Bullis Road, Elma  
Sean Hopkins Attorney for applicants  
Rita Schunk Weryha 460 Robison Road W. Erie, PA 16509

Sean Hopkins:

- Here on behalf of the applicants Dana Darling and Joe Gauthier
- We talking about the proposed extension of the Deanna Drive subdivision
- Approximately 18 months ago you rendered a variance to allow this lots to match the depth of the existing lots
- The now requires a depth of 175 feet, some of these lots are a depth of 125
- You did grant that for a time of 18 months
- The firm of Carmina, Wood and Morris are working on plans that we hope to have in the very near future
- In the letter I requested and 18-month extension, I would ask that you consider making that a little bit longer; and the reason for that being is that it is a very complicated process, it's not only the Carmina, Wood and Morris resenting a one- dimensional plan for the site; they have to get sewer approvals, water approvals, etcetera, etcetera, it takes a long time
- Unfortunately the Town of Boston Zoning Code, as is the case with many zoning codes in Western New York, when they were written approvals didn't take that long so a six month time period was fine, nowadays it's never fine, so if you could consider a 36 extension that would be great
- The project is not going to change it was vetted with a lot of neighborhood involvement and basically the same as came in front of you before
- The other project is under construction hopefully with the first occupancy this fall; they have been getting a lot of calls from perspective tenants
- Dana and Joe are both local guys, this is not a big out of town or out of state developer; they're building this with their own funds so it's going to take some time they want to make sure they do it right and their plans are to keep ownership of this property long term

Mrs. Praczkajlo: As far as this project goes what has been done from the time that the variance was granted until now?

Mr. Hopkins: As you recall there are two projects – the subdivision and the patio homes to the south. The focus to date has been on the patio homes but Carmina, Wood and Morris are preparing the plans for the subdivision right now. The object was to get one of the projects going and that's what the efforts have been so far.

Mrs. Praczkajlo: Are there any questions from the floor; being none Mrs. Praczkajlo closed the public comment portion of the Public Hearing. And will ask for a motion.

Mr. Hirsch: I will make the motion that the variance be granted for 36 months.

Ms. Pryor: I'll second

Secretary Faulring: The motion is for a 36 month variance extension.

Mr. Chelus: yes  
Mrs. Kent: yes  
Mr. Hirsch: yes  
Ms. Pryor: yes  
Mrs. Praczkajlo: yes

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Katharine Praczkajlo,  
Acting Interim Chairman

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Dated: May 1, 2014

May 1, 2014

Petition #471

Palkowski, Craig  
6580 Hillside Drive

Present: Kathy Praczkajlo, Acting Interim Chairman  
Robert Chelus  
Tracy Hirsch  
Beverly Kent  
Bethany Pryor

Also Present: Kelly Vacco Deputy Town Attorney  
Thelma Faulring Secretary to the Boards and Committees  
Craig Palkowski Applicant – 6580 Hillside Drive

Mrs. Praczkajlo read Town Engineer Hannon’s letter in regards to SEQR review:

- Is a Type II Action
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Craig Palkowski – 6580 Hillside Drive

- I want to build a small shed on the north edge of my property
- I understand the Code is 10 offset from the side yard
- Due to the terrain of my property it is the only flat spot I have in the backyard
- I would like to maintain as much of that for my children to play, swings, things of that nature
- I have talked with my neighbor Bob Telaak and he has no objection to the shed, I have a letter from him

Mrs. Praczkajlo: We have received a letter from Bob Telaak, owner of adjacent property and Jason Telaak who resides on the adjacent property. Neither of them are opposed to the location of the shed.

Mrs. Praczkajlo: Is there anyone here who wants to speak? No. then I will close the public comments and ask for a motion.

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 [ <b>X</b> ] |
| (2) Can the benefit sought by the applicant be achieved if the variance is not granted?                              | Yes | No [ <b>X</b> ] |
| (3) Is the requested variance substantial?   | Yes | No [ <b>X</b> ] |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes | No [ <b>X</b> ] |
| (5) Is the alleged difficulty self-created?  | Yes | No [ <b>X</b> ] |

Mr. Hirsch: Second.

Secretary Faulring: The motion is to approve the 5 foot setback variance:

Mr. Chelus                    yes  
Mrs. Kent                    yes  
Mr. Hirsch                   yes  
Ms. Pryor                    yes  
Mrs. Praczkajlo            yes

Ms. Pryor: I’ll make a motion to adjourn.

Mrs. Praczkajlo: Second.            All in favor?

All were in favor of the motion.

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Katharine Praczkajlo,  
Acting Interim Chairman

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Dated: May 1, 2014