

DRAFT

PRESENT: Robert Chelus
Tracy Hirsch
Kathy Praczkajlo
Bethany Pryor

ABSENT: Courtney Mead

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

Chairman Praczkajlo called the meeting to order at 7:04 PM and read the Public Hearing Notice in its entirety.

Mrs. Praczkajlo asked for a roll call of the members, (attendance is noted above)

Mrs. Praczkajlo introduced Ms. Maxwell and Miss Faulring to those in attendance.

Minutes

Mrs. Praczkajlo asked if there were any additions or corrections to the minutes of October 1,2015 -- Work Session 1 and 2; and Steven Batorski.

Being none Mr. Chelus made a motion to accept the minutes, seconded by Ms. Pryor and carried.

Mr. Chelus appointed Courtney Mead as a regular voting member for this evening's proceeding.

Petition Discussion

Mrs. Praczkajlo: Are there any questions or comments for the petitions for this evening?
There were none at this time

Mrs. Praczkajlo: The Town Board at their Town Board meeting a couple of weeks ago did accept the resignation of Beverly Kent and did approve the ZBA's recommendation of appointment of Kathy Praczkajlo as Chairman and the appointment of Courtney Mead as a Regular member of the Zoning Board

Correspondence

Secretary Faulring reported the following correspondence:

- Training opportunity previously sent to members
- ZBA letter to Town Attorney Kobiolka regarding the Paul Mazur Jr, property on Boston Colden Road not being in conformance with Town Code and ZBA ruling
 - o Mr. Kobiolka's response

Ms. Maxwell will check into the matter further.

Mrs. Praczkajlo: It's been brought to my attention that people were talking in regards to petitions. We should not be discussing petitions with each other or making decisions outside of the Public Hearing. No prior decision should be made or indicated before it is discussed here at the Public Hearing.

Mrs. Praczkajlo: If there is no other business for the Work Session I will make a motion to close the Work Session.

Ms. Pryor: Second.

All were in favor of the motion

Signed: _____
Katharine Praczkajlo
Chairman

Dated: _____
November 5, 2015

PRESENT: Robert Chelus
Tracy Hirsch
Katharine Prackajlo
Bethany Pryor

ABSENT: Courtney Mead

ALSO William Ferguson Code Enforcement Officer
PRESENT: Patricia Maxwell Deputy Town Attorney
Thelma Faulring Secretary to the Boards and Committees
Frank Lisowski 5461 Shero Road
Matt Reynolds 5421 Shero Road
Scott Overoff 5326 Shero Road
Edward Mazur Applicant – 5515 Shero Road

Roll call previously taken and is noted above.

Mrs. Prackajlo introduced M. Ferguson to those in attendance and read the Town Engineer James Hannon's SEQR Review Sections of this review stated:

- 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 read a letter from Joy (Wyszkowski) and Charles Wendel: the letter, received at the Town Hall on November 5, 2015 at 3:50 PM, spoke in favor of the variance being granted.

(Please note: The microphone supplied for the residents to speak into was not functioning properly, at times, throughout the evening; comments made by the applicants and neighboring property owners that were not always understood from the recording and will be noted as N/A – not-audible. Thank you.)

Mrs. Prackajlo: Mr. Mazur would you come up and explain your request?

Mr. Mazur:

- My boy helps me on the farm
- He's not home every weekend
- He makes hay
- I've been in the Town of Boston for almost 85 years; and I just can't do it no more
- I've worked all over this Town of Boston, all over
- I even served on the Town Board when Walter Gier was here in Town
- This month he won't be home, he won't be home next month
- He's looked for in around here but had to go our state to find something
- He mostly hauls agricultural stuff for farmers
- He put a roof on the barn 'cause I just can't do it

Frank Lisowski –

- I was Code Enforcement Officer for many years
- Ed's son came over talked with me about the problem with the truck
- I had to look it up –R-A Zoning usually favors farmers for their heavy equipment, tractors, tractor-trailers, coming into haul their grains
- So I looked it up and yes it is a Code Violation
- Kenny's on the road a lot and he asked me if I would help him with the paperwork; so I came down and talked with Mr. Ferguson and he gave me all the paperwork to apply for a Building Permit

- In the meantime he widens out his driveway
And I asked him ‘why?’ he replied :”I’ve got to worry about this tractor-trailer load; I’m responsible for the load;” that particular week or the week before that had \$80,000.00 to \$90,000.00 worth of copper on it; “it has to be parked within eyesight so that I can see it because I am responsible for the load.’
- So why did you widen the driveway? I asked him”
- “Well it’s a real pain to back the truck straight back; if you don’t mind if I don’t back on on your property.’
- So he filled it in, he backed the tractor-trailer straight back across the road pulled out in the very same manner, rather than trying to jockeying a tractor-trailer around
- He put a lot of effort into the driveway
- He goes picks up the truck, drives out here Friday or Saturday parks it in the yard, goes ahead with the chores, the hay , started on the barn road, he’s always busy
- Now he’s gone; a lot of times you don’t see Kenny – for a week, 10, 12 days with that tractor-trailer so in a month it’s only parked there 2 or 4 days and he makes an effort to park it as far off the road as possible
- So I’m 100% for Kenny and I’m not against it
- He’s on the road a lot and does a lot driving and like Ed says he’s home very seldom, he’s a hard working kid
- So I feel the variance should be granted. Thank you.

Matt Reynolds 5421 Shero

- I’m across the street from Mazur
- I’m not opposed at all...N/A
- They’re a hard working family
- I’m familiar with the trucking industry and whatever hours you put in, whatever hours you get out
- We’re living in a subdivision
- He’s got plenty of space and I don’t understand why we’re even standing here
- I have no issue at all and I live directly across the street

Scott Overoff: 5326 Shero

- I am the next house on the southwest side
- I support the variance
- I don’t know of any logical reason why it shouldn’t be granted
- There’s no functional difference between his tractor-trailer and various other pieces of equipment
- I hope you grant the variance

Mr. Chelus to Ms. Maxwell: If it’s an overweight vehicle do they need a permit to drive it on that street?

Ms. Maxwell: I don’t know what the tonnage on Shero is.

Mr. Lisowski: There’s no weight limit posted.

Mr. Chelus: Yeah there is. On the bottom, I looked tonight.

Ms. Maxwell: What’s the weight?

Mr. Chelus: Just the trailer is usually 6-ton, or just the truck. So do they need a permit to get the truck to the property?

Ms. Maxwell: Who issues it, the transportation department? Is Shero a Town road?

Mr. Lisowski: Shero is a Town road, yes.

Mr. Hirsch: We really don’t have anything to do with that.

Ms. Maxwell: I’ll check, I’ll make sure but really the issue is of him getting a ticket.

Mr. Ferguson: That wouldn’t have anything to do with zoning.

Ms. Maxwell: No it wouldn’t.

Mr. Reynolds: The trucks that run down the road are a lot heavier than that.

Mr. Chelus: Some of those trucks have ag(ricultural) duties, this isn’t an ag(ricultural) truck. I just want to make sure that if we approve this that we are not approving this could otherwise be illegal if he doesn’t have a permit to get the truck legally...

Ms. Maxwell: You can make it subject to following other regulations that are required.

Mr. Chelus: I just don't to pas it or zone it and at Court could it be illegal and otherwise...
Ms. Maxwell: Oh we're not.

Mrs. Prackajlo: I will close the public comment portion of this petition and request a motion the petition.

Ms. Pryor: I's 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 [X] | No |

Mrs. Prackajlo: I'll second the motion. Can I have roll call please?

Secretary Faulring: The motion is to approve the variance request. Say yes if you're in favor:

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

Mrs. Prackajlo: At this time I will make a motion to close Petition 489.

Mr. Chelus: Second

All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____ :
November 6, 2015

PRESENT: Robert Chelus
Tracy Hirsch
Katharine Prackajlo
Bethany Pryor

ABSENT: Courtney Mead

ALSO William Ferguson Code Enforcement Officer
PRESENT: Patricia Maxwell Deputy Town Attorney
Thelma Faulring Secretary to the Boards and Committees
Ryan Craig Applicant – 6692 Omphalius Road

(Please note: The microphone supplied for the residents to speak into was not functioning properly, at times, throughout the evening; comments made by the applicants and neighboring property owners that were not always understood from the recording and will be noted as N/A – not-audible. Thank you.)

Mrs. Prackajlo opened the Public Hearing for 490 and read Town Engineer’s James Hannon’s SEQR Review; the main points included:

- 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: Mr. Craig please come forward and explain your request.

Mr. Craig:

- Looking to put N/A
- I have very little space in my garage my garage is under my house
- I’m looking to park vehicles in it and a little extra storage space
- I have no attic space in my house whatsoever
- Basement is a crawl space, so I have limited access storage space in my basement also

Mrs. Prackajlo: Is there anyone who would like to speak for or against?
There were no comments at this time.

Mrs. Prackajlo: Are there any questions from the Board?
There were none at this time.

Mrs. Prackajlo: I will close the public comment portion of the Public Hearing, and request a motion.

Mr. Chelus: I would like to make a motion to approve Petition 490; the request for variance is to Town Code Section 123-136 B 4 which limits accessory use square footage to 728 on 1 acre or less of property; the request for variance is 232 square feet:

- | | | |
|--|-----|--|
| (1) Does it create an undesirable change to the character of the neighborhood? | Yes | No [<input checked="" type="checkbox"/>] |
| (2) Can the benefit sought by the applicant be achieved if the variance is not granted? | Yes | No [<input checked="" type="checkbox"/>] |
| (3) Is the requested variance substantial? | Yes | No [<input checked="" type="checkbox"/>] |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes | No [<input checked="" type="checkbox"/>] |

(5) Is the alleged difficulty self-created? Yes [X] No

Mr. Chelus: And I don't have stipulations on that variance.

Mrs. Prackajlo: I'll second.

Secretary Faulring: The motion is to approve, say yes if you are in favor:

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

Mrs. Prackajlo: I just want to advise you that the Town Code Section 123-172 'Lapse of Authorization states: "that any variance, special permit or modification of regulations authorized by the Zoning Board of Appeals shall be automatically revoked, unless a building permit conforming to all the conditions and requirements established by the Zoning Board of Appeals. is obtained within six (6) months of the date of approval by the Zoning Board of Appeals and construction is completed with one (1) year of such date of approval." Is that understood?

Mr. Craig: Yes.

Mrs. Prackajlo: I'll make a motion to close the Public Hearing for petition 490.

Mr. Chelus: I'll second.

All were in favor of the motion.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____ :
November 5, 2015

PRESENT: Robert Chelus
Tracy Hirsch
Katharine Prackajlo
Bethany Pryor

ABSENT: Courtney Mead

ALSO William Ferguson Code Enforcement Officer
PRESENT: Patricia Maxwell Deputy Town Attorney
Thelma Faulring Secretary to the Boards and Committees
Matthew Shaw Applicant – 5495 Rice Road (6084 Webster Road, O.P)
Steven Walker 5523 Rice Road
Chris Fest 9047 Rockwood Road
Kathy & Ray Szudzik 9033 Rockwood Road

(Please note: The microphone supplied for the residents to speak into was not functioning properly, at times, throughout the evening; comments made by the applicants and neighboring property owners that were not always understood from the recording and will be noted as N/A – not-audible. Thank you.)

Mrs. Prackajlo opened the Public Hearing and read Town Engineer Hannon's SEQR Review in its entirety; Sections of this review stated:

- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Prackajlo asked Mr. Shaw to come forward and present his petition request.

Matthew Shaw

- Bought 65 acres on Rice Road
- Plan on building a house this spring, I was planning on building this year unfortunately it took longer to clear the land
- So plan on building in spring 2016
- Am requesting a variance for the accessory use of the buildings

Mr. Hirsch: Do you already have somebody in mind to contract to build the house in the spring?

Mr. Shaw: Sam Golden from Lancaster.

Mr. Hirsch: So you have a contract with him to build the house?

Mr. Shaw: Yes I do.

Mr. Hirsch: Do you have a set of drawings and everything?

Mr. Shaw: Yes I do. The Building Inspector has a copy.

Mr. Ferguson: I have the preliminary set, not the final.

Mr. Hirsch: Let's talk a little bit about the containers and what's going up there prior to the building.

Mr. Shaw: I have storage of my personal property up there, and some...N/A I own a professional fireworks company and storing some equipment up there. This is all registered with New York State and the A.T.F. with standards met.

Mr. Hirsch: Where are the detonators?

Mr. Shaw: There's no detonators...

Mr. Hirsch: Because it says in the New York State filing they can't be with the actual, the equipment.

Mr. Shaw: yeah it does, that refers to work shields ...N/A.... dynamite.

Mr. Hirsch: So there's nothing else in these but the fireworks?

Mr. Shaw: No there's not. Like I said I'm regulated by New York State, they can't be ...N/A...

Mr. Hirsch: Those go into what...N/A... storing and then what?

Mr. Shaw: They're in the containers.

Mr. Hirsch: And how are those secured if nobody is up there?

Mr. Shaw: I actually come up there every day and they're, put on locks on there and like I said New York State and A.T.F. standards.

Mr. Hirsch: There's how many of those?

Mr. Shaw: There's six magazines and then there's 3 shipping containers the magazines they are shipping containers and six of them are registered for fireworks and three are storage for equipment.

Mr. Hirsch: So everything you have are in these containers?

Mr. Shaw: Yes.

Mr. Hirsch: All the construction equipment and everything go in these containers?

Mr. Shaw: Yes they do. There is nothing outside the containers.

Mr. Hirsch: Where's all the snow equipment?

Mr. Shaw: It's on the property. It's about 2,000 feet back, the building equipment is standard for on the property

Mr. Hirsch: You have nowhere else to put them. Like where were they prior to you purchasing the property, all these containers?

Mr. Shaw: I have another location down in Belfast, NY.

Mr. Hirsch: Okay.

Mr. Shaw: I bought this land to live on the land and with my product there,; I do most of my business right here in Western New York, so...

Mr. Hirsch: Did you go around and talk to the neighbors about what their thoughts were on the storage of the equipment?

Mr. Shaw: I have talked to ...N/A...all but one...N/A

Mr. Hirsch: And who's that?

Mr. Shaw: Mr. Walker

Mr. Hirsch: So then Thiel, Smith, Norton those are the neighbors you spoke to?

Mr. Shaw: I mentioned Steven Walker because he owns the property by Michael Norton, he lives there...

Mr. Hirsch: ...N/A...borders your property did you talk to them?

Mr. Shaw: I talked to Jonathan Thiel, Fran Thiel, opposite side, he has no problem...

Mr. Hirsch: Mazur backs up to you according to this...

Mr. Shaw: I have not talked to them, Mazur they're like over 2000 of ..N/A...that's all wooded lot

Mrs. Prackajlo: Do we have any Town Laws in regards to the fireworks?

Ms. Maxwell: It's storage, there's no manufacturing, is there any other business going to be conducted here?

Mr. Shaw: No, other than the storage of the fireworks all my business is conducted at municipalities...N/A...

Mrs. Prackajlo: So okay so you're not...N/A...right there at that one property?

Mr. Shaw: No I am not. I do have other places to assemble the fireworks, licensed by the State and the A.T.F. also...N/A...

Ms. Maxwell: The only thing that I would ask you right now is whether...what regulations may exist under your licensing with the State; with respect to where they're stored; if there's any other restrictions upon them? Actually I would have to investigate, I don't know off top of my head.

Mr. Shaw: I would be more than happy to share all that information with you...N/A...

Mr. Chelus: How wide is your lot?

Mr. Shaw: It's 515 at the road and 1200 feet back it opens to 818 feet.

Mrs. Prackajlo: With this accessory building are the magazines stored in the accessory buildings or will they be still scattered about?

Mr. Shaw: The accessory buildings that you guys are talking about. These are containers.

Mr. Hirsch: They're all container, they're not like a building.

Mr. Shaw: They're in place by regulations have to stay in those places.

Mr. Hirsch: So when you build a house are you going to have a place to store the construction equipment or are you going to keep all these storage containers on the property? Like six of them or eight of them?

Mr. Shaw: My intention is to keep them there while building a house...N/A...construction equipment ...N/A...

Mr. Hirsch: How many of these containers do you have in total?

Mr. Shaw: There's nine of them.

Mr. Hirsch: Even like at other places so all of a sudden there's thirty of them at this site or something like that?

Mr. Shaw: I have six at another location, they won't be there.

Mr. Hirsch: So there will be a maximum of how many on the property?

Mr. Shaw: As of right now there's nine I can't say...N/A...

Mr. Hirsch: So you can't say would ultimately be there?

Mr. Shaw: N/A

Mr. Hirsch: What I'm trying to get an idea is how many, how many could come on the property, like do you have 50 of them or would you be looking at some point in time when you build a house to store like a lot of these containers on the site.

Mr. Shaw: As of right now I have no plans on storing any more than I have right now. Like I said I have six other ones in another location and they're staying at the other location.

Mr. Hirsch: Okay.

Mr. Chelus: Mr. Ferguson, this isn't a new building, this is to approve the containers?

Mr. Hirsch: You're basically storing equipment, fireworks, construction equipment and numerous storage containers, alright, on the property prior to the house being built. And the only thing I'm saying in the past if there is an accessory building we know what the size of it is, if it's a 40 by 40 we know that the accessory building is going up prior to the house which we decide whether we want to do that; we know the size here in containers, which are what? They're 40 feet by 8 feet or something like that?

Mr. Shaw: Correct.

Mr. Hirsch: Okay so 40 feet by 8 feet, you got six of them and...

Mr. Shaw: These things are...the first one is 600-700 feet off the road I believe you can't see them off the road they're maintained...N/A they're around the property they are placed in an arrangement.

Mr. Hirsch: Okay, I don't have any other questions.

Mr. Chelus: So I'm confused So we're approving storage containers, we're approving the nine storage containers?

Mr. Ferguson: You're approving the square footage of the storage containers. There's nine of them. As far as nine, the number of these is up to the Town Board to do. You grant the variance for the square footage which comes up to 2880 which is more than 2500 for all nine of them you need a variance for having a building without a principal building and square footage. As far as the number of containers is allowed that goes up to the Town Board but that's...N/A...but that's the Town Board.

Mr. Chelus: I was confused I thought he was building a totally new building.

Further discussion relative to new construction versus containers already on site; number of containers

Mr. Ferguson: It's square footage and prior to the principal building being there; those are the two variances. The number? The Town Board gets to decide that; if the variance is granted. They are already on the property. I didn't find out about them until they were already placed there.

Mrs. Praczkajlo: Does anybody else want to speak or ask questions.

Steven Walker

- My question is 'if he gets a variance to have these accessory buildings before he builds a house, if he doesn't build a house does he get to keep them there?' is it only...N/A...can he just leave them there forever once he goes through the formality of a variance?
- He knows I'm upset...N/A that's your job
- I have a problem with what goes on up there...N/A...
- I've already talked to the State and apparently he's okay and all this and all that
- He's being investigated right now because set fireworks off without a permit
- ...N/A...doing stuff that they're not supposed to be doing
- And I live right next door
- And I've got a bunch of horses that really hate fireworks and I can't do nothing about that either
- I need to know if you give him the variance if it's an altar boy thing where he can just say okay...N/A...but I'm going to leave all that junk up there
- Because if he can just leave all that stuff up there without a house I got to say no, I'm not in favor

Mrs. Prackajlo: Mr. Walker this petition, if he does get the variance he would have to obtain from six months of approval, and construction would have to be completed with one year. If he was approved tonight he would have one year to complete his house.

Secretary Faulring: Or?

Mr. Hirsch: Thelma's right, or...

Mrs. Prackajlo: Or the containers would be taken off...N/A...the variance would go away.

Chris Fest 9047 Rockwood Road

- Over the last couple of days I've talked to a lot of the neighbors and nobody knows anything knows anything about what's going on
- Mr. Shaw did not contact us on Rockwood...N/A...
- The letter I did get says 'I am requesting a temporary use permit...N/A,,
- I don't know if you've been up Rice Road in a couple of weeks but there's more gunshots out there than you know what to do with during hunting season and we're going to have explosives up there?
- Again, not knowing about fireworks, but looking out there's a...N/A...potassium nitrate, aluminum, sulfur, gun powder
- Rice Road doesn't have city water we have enough hard times in the summer getting water up there, what is this going to do to the water table?
- I believe that when you pass one of your variances here one of your statements is that it won't have anything to with the environment? ...N/A...with all them chemicals up there...N/A I kind of disagree with it
- We've got a lot of grandparents on Rockwood, they've got a lot of ponds, all the kids in the neighborhood are permitted to go back there and swim and fish and do whatever they want, it's always kept up. This is pretty behind where we're looking where a child is looking to put their...N/A
- My other question he wants to go back 2000 feet from Rice Road, that's fine but why don't he put it 200 feet from his house? This 2000 feet from Rice Road puts it right behind our property
- Who inspects it? I heard the A.T.F. ...N/A...certain locks on them, you're putting metal containers outside, again Rice Road is not the highest spot in Erie county but it's up there
- I've been there for 17, 18 years go up there in go up there...N/A I've got transformers for ...N/A ...N/A...N/A...N/A
- I'm sorry I disagree with it

Kathy Szudzik Rockwood

- I did get one of your packets so what's going on? I think I'm the only one on Rockwood that did
- I'm not knowledgeable about fireworks but after, empty field goes back to our property which is wooded...N/A...we walk three trails and knowing that there is...and I'm familiar with the conditions but I'm hearing that there is nine containers are they already on the property and do they already have what is supposed in them N/A for the variance? So how did they already get on there?
- And are they inspected, what's in them and how do we know that he's not adding more to them? Who's watching this? Who's the watchman on this project?
- He gets a variance if he doesn't build a house in six months to a year does he have to take those things off? If somebody go up there...N/A/...whatever kids from the city, kids from town, curious, oh there's fireworks let's go check it out
- Where's my protection that lightning, a neighborhood kid some kind of person what's in your curiosity
- And I am the next field away
- I don't feel protected
- I'm surprised that I'm the only one in my neighborhood that this, that I'm aware of...N/A...and I'm only a field away
- ...N/A... I feel that he's already put it there without getting the house and from your description he doesn't get his house built in a year, okay you're bad and we're taking it away from you
- But in the meantime for a year he had nine ...N/A...
- No I'm not for this, ...N/A... know why we weren't notified before he put them on the property...N/A

Mr. Hirsch: As far as you first question as far as that goes, I don't think anyone was notified because I don't think that Bill knew that they were...

Mrs. Szudzik...N/A

Mr. Hirsch: I don't think he knew that they were moved up there; when he found out that they were moved up there that's when he acted on it.

Mrs. Szudzik: As I'm requesting 'temporary use variance to store property' ...N/A.

Mr. Hirsch: I believe they are up there, correct.

Mrs. Szudzik: If he'd actually checked while they're already up there and we're just here now talking about it? How did that happen? And I'm concerned...N/A...

Mr. Ferguson: I found out after the containers were already pulled to that property up there, that's when I took action, that's why he's here...N/A,,,

(Please note: At this point in time Mrs. Szudzik returned to her seat but continued to comment and question the ZBA members from there, and not from the microphone)

Mrs. Szudzik: That makes my point – how did that happen? How do you know that I'm not going to put tanks and airplanes on my property if I can just do and nobody know about it.

Mr. Hirsch: We've had people put up buildings and then come to Bill after the fact and say I didn't know that I needed a permit to build an accessory building.

Mrs. Szudzik: This guy yet...N/A...credentials? So that's not what putting up a building, we're talking about...

Mr. Ferguson: ...N/A...

Mrs. Szudzik: No I mean that he would be more aware of what he was doing when they were moving

Mr. Ferguson: Don't disagree with you.

Mrs. Szudzik: ...N/A...whatever and you're not to know unless somebody tells you and you drive by and see it. So if he's far enough off the road

Mr. Ferguson: I didn't drive by and see it. I didn't find out until I got notified of it and that's where I took action and that's why he's here.

Mrs. Szudzik: ...N/A...now you're telling me that they were up before you even knew they were there.

Mr. Ferguson: Correct.

Mrs. Szudzik: My question is why are they still there? If they weren't under a variance to put them there they should be removed; then get the variance and we do all the rules and follow the procedure...N/A...not a__ backwards. ...N/A...I'm one field away from them and friends and neighbors and kids that play in my woods and all it takes is one accident; nobody means for it to happen but those things happen every day And I'm on notice when you guys know after that happens. Now you're just saying they need a variance, I'm sorry, no...N/A...

Mrs. Praczkajlo: We understand what you're saying unfortunately for the Zoning Board of Appeals we're here basically for two questions the square footage and construction of an accessory building at this point. I would suggest talking to the Town Board in regards in regard to those concerns.

Mrs. Szudzik: So what's in them isn't what we're for? You're just deciding on how big it could be?

Mrs. Praczkajlo: Yes.

Mrs. Szudzik: But knowing even what was in 'em when they got placed on the property, and that's not your concern, we have to go to somewhere else about that?

Mrs. Praczkajlo: I would suggest talking to the Town Board.

Mrs. Szudzik; So when do we get notified by the Town Board ...N/A...? ...N/A... but if nobody was notified before...

Ms. Maxwell: The purpose of this group is the Zoning Board of Appeals to try variance those other issues would be for the Town Board. If I understand correctly our Code Enforcement, once he was notified took proper steps when he found, told them he would need a variance under the Zoning Code for the structures that you have and how many of them will be up to the Town Board, but it's the square footage and accessory building prior to hi actual house is what's before this Board now. There's other issues of concerns, absolutely, properly brought before the Town Board and the Town Attorney can address.

Mrs. Szudzik: I must not know how politics work You notified me through this gentleman that he just found out. So the Town Board doesn't know there's munitions up on Rice Road?

Ms. Maxwell: I do not know if whether they know or not. This is...

Mrs. Szudzik: ...N/A...what he's putting there, when he bought the property he just said we'll just put these here.

Ms. Maxwell: I have no idea what went on in his head. We're here to address whether he be granted a variance...

Mrs. Szudzik: To put more of them on there...

Ms. Maxwell: Not to put more of them on there. A variance of the square footage of what's there now. That's what we're addressing ...N/A... understand your complaint about what is being stored there and the use of that property that should very well be directed to the Town Board. That's your discretion.

Mrs. Szudzik: I'm sorry...N/A... You know we're here because we're talking about how many, if we put them all together how much space that is.

Mr. Ferguson: Correct.

Mrs. Szudzik: Now and not the fact that you already found out and you were already there...N/A... so now I have to get ahold of the Town Board who has no clue at all what's going on here?

Mr. Ferguson: Oh, they know.

Mrs. Szudzik: But they don't know, don't let anybody else know?

Mr. Ferguson: What I'm saying is that they know what's going on here.

Mrs. Szudzik: But did they already know that they were up there or did they find out...N/A...

Mr. Ferguson: They were aware of it but this is the Zoning Board of Appeals. I said Mr. Shaw was in violation; he has an opportunity to appeal that from this Board.

Mrs. Szudzik: So I'm asking for the Board this day has Mr. Shaw put nine munitions container things on his property without knowing what's in them?

Mr. Ferguson: Yes...N/A... No I didn't find out what was in them until I found out from the Department of Labor.

Mrs. Szudzik: Okay so did notification go to ...N/A...about this property here...N/A...added to the...N/A...nobody knows, you might have parcel...N/A... there no law being followed.

Ms. Maxwell: There's the Town Code. When you buy a piece of property there's restriction on when you buy what he does with the property and how he includes in the uses, what he does with the property is controlled by the Town Code.

Mrs. Szudzik: Okay so under uses you're giving him how much space he can have by the way...N/A...

Ms. Maxwell: This is not a use variance it's...N/A...

Mrs. Szudzik: How much space does he get for fireworks?

Ms. Maxwell: It's not for the fireworks it's for the structure.

Mrs. Szudzik: No it says right here for professional fireworks.

Ms. Maxwell: what was notified the Town; this Board ...N/A...what is stored in there; what is before this is whether he should be granted a variance for what the Town Code says about the size of the structure and putting the structure up prior to the building as his principal residence. That's all before this Board has..

Mrs. Szudzik: What was his violation punishment? Just...N/A...why did you do that? You gave him a violation?

Mr. Ferguson: A Notice of Violation.

Mrs. Szudzik: A Notice of Violation. So there's ...N/A...

Mr. Ferguson: You need to get in Code or move them. He's has the opportunity to appeal my decision which is what he's doing...N/A...because he doesn't have a principal building. But he has the opportunity to appeal...N/A...

Mrs. Szudzik:...N/A... if he had followed the rules, he put them up first and now he's asking permission...N/A...he had approval, whatever he did he has to do it a certain way, so I'm questioning I'm a neighbor and I didn't asked I just got one of these nice little packets, that's why I'm here so apparently my next step is going to be the Board and say...N/A...where's the notice, nobody cares what's in this stuff?

Mrs. Praczkajlo: Mr. Shaw have you talked to any of your neighbors explaining what you're doing and what's been going on prior to...?

Mr. Shaw: Tonight, yes my surrounding neighbors, I did not give consideration to Rockwood, Rockwell, whatever it is. There a distance away. I'll answer anyone of the questions here or not. I said the surrounding neighbors that border the property...N/A...

Mrs. Praczkajlo: Does anybody else want to speak.

Secretary Faulring: There were six neighbors notified on Rockwood Road, I just checked my list.
 Mr. Hirsch: And just so you know there is a certain criteria that Thelma has to follow as far as the distance away from the particular property; so she doesn't randomly pick the neighbors, there's a certain geographic distance that she has to notify according to our Code and that's what goes to the property owners that she notified. So there may be other people that would want to know, concerned and interested, but she basically notifies the ones that she has to according to the Town Code and that's who got the notices.
 Mrs. Szudzik: So we're a field away...N/A...empty field with our properties, that's why I got this?
 Mr. Hirsch: I think she said 6 residents on Rockwood were notified, or 7.
 Unidentified from the audience: Well that should be redone, because if you want to call, you're talking about properties, well may you could have a lot of acres that go back to where he's building, my house is actually closer to this than theirs...
 Secretary Faulring: 500 feet or three properties which ever is more.
 Unidentified from the audience: Probably ...N/A.....N/A...

Mrs. Prackajlo: I will close the Public Comment portion for this petition. I will make a motion that we table this petition for now to give Mr. Shaw the opportunity to walk the neighborhood and talk to his neighbors, explain what's going on, answer their questions, their concerns and then we can revisit.
 Ms. Pryor: I will second that.
 Mrs. Szudzik: Will we be notified when you come back?
 Mrs. Prackajlo: Yes, ma'am.
 Mr. Hirsch: Did you sign-in?
 Mrs. Szudzik: Yes.

Secretary Faulring: The motion is to table the decision this evening, if you're in favor of the motion say yes:

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

Mrs. Prackajlo: The next meeting will be December 3rd
 Mrs. Prackajlo: I make a motion to close Petition 491 for this evening.
 Mr. Chelus: I second that.

Ms. Maxwell: My only concern with that is I have a trial on December 4th in Franklin County, which is a six hour drive, so I may have to leave on Thursday. I have to be there at 9:30, I suppose I could drive all night but I'm just concerned about whether is going to be required and I think you would want me.. I could talk to Mr. Kobiolka but...
 Mrs. Prackajlo: Do we want to push back a week, would that be...
 Ms. Maxwell: Don't worry about it, I'll drive..

Mrs. Szudzik: Excuse me will there be a Town Board meeting before the next meeting?
 Mrs. Prackajlo: Yes, the next Town Board meeting is November 18th.
 Mrs. Szudzik: Is that open to the public?
 Mrs. Prackajlo: Yes and there's a 3 minute public comment portion at the Town Board meeting and they start at 7:30 PM

Discussion followed regarding meeting date January 7 was mentioned – determined to leave meeting for December 3.

Ms. Pryor: I make a motion to close the meeting.
 Mrs. Prackajlo: Second.
 All were in favor of the motion.

Signed: _____
 Katharine Prackajlo, Chairman

Dated: _____ :
 November 5, 2015