

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

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: 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); and introduced Mrs. Vacco.

Mrs. Kent read the Public Notice for each of the following and asked if there was any discussion or comments for each of the following variances, respectively:

Tom Gallman – 4735 Zenner Road
There was no discussion at this time.

Daniel and Karen Krawczyk – 7764 Hywood Drive
There was no discussion at this time.

John & Nicole Opfer – West Tillen Road
There was no discussion at this time.

Minutes

Mrs. Kent: Are there any additions or corrections to the minutes for the Work Session from September 4, 2014 and Petition 473 St. Mark's (Martin's) Lutheran Church.

Mrs. Praczkajlo: I didn't see any and I make a motion to accept the minutes for both the Work Session and St. Martin's.

Mr. Chelus: I'll second.

All were in favor of the motion.

Correspondence

Mrs. Kent reported:

- Letter received from Courtney Mead, dated July 14, 2014 requesting appointment as an alternate member.
 - That was received at our last meeting on September 4
 - I was notified by Miss Mead that she would not be able this meeting
- ZBA letter of invite to Courtney Mead for an interview
- Training opportunity to be held in Orchard Park on October 22 at 5:30 PM
 - Previously mailed to all members

Mrs. Kent: Is there any further business for this Work Session? If not, is there a motion to adjourn?

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

Secretary Faulring: If there was no interview there would be no need for an Executive Session to follow.

Mrs. Praczkajlo: Then I will make a motion to close the Work Session.

Mr. Pryor: I'll second the motion.

All were in favor of the motion.

Mrs. Kent: It was moved and seconded that the Public Hearing is closed. I'd like to make a motion to go back into the Work Session.

Mr. Chelus: I'll second it.

All were in favor of the motion.

Mrs. Kent: I'd like to talk about the appointment of Courtney Mead as an alternate ZBA member.

Ms. Pryor: Without meeting her.

Mrs. Kent: This is what we're going to talk about. That's what I want to try to resolve tonight. This is the second time that she hasn't shown, so I don't want to...

Secretary Faulring: Is this Work Session talk or Executive Session?

Mrs. Kent: Work.

Mrs. Vacco: Work Session talk.

Secretary Faulring: Are we discussing personnel?

Mrs. Kent: Yes.

Mrs. Vacco: Personnel that have not been; this is a discussion about a potential alternate, it's not about an existing member. You're talking about recommending an individual to be an alternate that we don't ever go into; you can bring the name up for consideration, make a motion as to whether or not you want to send that name up to the Town Board.

Ms. Pryor: Have you met her, have you talked to her?

Mrs. Kent: She left a message on my machine that she was unable to come this evening.

Mrs. Kent: Do you want me to go into Executive Session?

Mrs. Vacco: I think that is justified, then do that. This is Work Session so as a matter of Work Session dialogue...

Secretary Faulring: Are we adjourned? I'm confused.

Mrs. Vacco: There was a motion to move into Work Session, which was seconded so currently we are still in a Work Session. If what you are discussing you wish to keep amongst yourselves and not part of a Work Session dialogue minutes then go into Executive Session, I think that you could under the veil of a potential position, you would be in your rights to do so.

Mrs. Praczkajlo: Madam Chair I'd like to make a motion to go into Executive Session of the Work Session.

Ms. Pryor: I'll second that.

Mrs. Praczkajlo: I'll make a motion to return to Work Session

Mr. Chelus: Second.

Ms. Pryor: I'll make a motion to close the Work Session.

Mrs. Praczkajlo: I'll second

Signed: Beverly Kent – Chairman

Dated: November 6, 2014

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

Also Present: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Tom Gallman Applicant – 4735 Zenner Road

Mrs. Kent called the Public Hearing to order at 7:12 PM and asked for roll call (attendance is noted above).

Mrs. Kent introduced Mrs. Vacco and Mr. Ferguson to those in attendance.

Mrs. Kent read the entire Public Hearing notice published in Hamburg Sun on October 23, 2014. Mrs. Kent read Engineer Hannon’s review which 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. Kent asked the applicant to come forward and state his reason for requesting a variance.

Tom Gallman:

- For storage
- I own a small beef farm
- Need storage for hay and equipment
- Have 3 boys that take their vehicles off the road in the winter, and need a place to store them
- If you come by our place you will never see anything outdoors; between me and my wife everything is always stored inside and we’re just out of room.

Mrs. Kent: ZBA members – any questions for Mr. Gallman?
There were none at this time.

Mrs. Kent opened the Public Comment portion of the Public Hearing at 7:19 PM. There were no public comments.

Mrs. Kent asked for a motion on the petition.

Ms. Pryor made a motion to accept 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]

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Gallman, Tom
4735 Zenner Road

(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. Praczkajlo: I'll second.

Mrs. Kent: All in favor.

All were in favor of the motion to approve the variance request.

Beverly Kent, Chairman

Dated: November 6, 2014

November 6, 2014

Petition #475

Krawczyk, Daniel & Karen
7764 Hywood Drive

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

Also Present: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Daniel Krawczyk Applicant – 7764 Hywood Drive

Mrs. Kent called the Public Hearing to order at 7:12 PM and read the Public Hearing notice for this petition.

Mrs. Kent read Engineer Hannon's review which 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. Kent asked the applicant to come forward and state his reason for requesting the variance.

Mr. Krawczyk: I am respectfully requesting the variance to build the pole barn to house and R.V. and the size of the R.V. would be that I need that size building to house it; also I have a vehicle that I want to put in there, just a car and that's the reason rather than store this equipment outside.

Mrs. Kent: Do any members have any questions or discussion?

Mr. Chelus: So the door to go in will be on the street side of the building?

Mr. Krawczyk: The door side will be facing Hywood, yes.

Mrs. Kent: Do you intend to put any exterior lighting on the building?

Mr. Krawczyk: No, I have no plans at this time; in the future I would like to put a side light or two, nothing overhead or large, bright light, strictly just side lights along the building just for cosmetic looks. At this time I'm not putting any power down there to the building.

Mr. Hirsch: The contractor knows the limit of the height of the building?

Mr. Krawczyk: That's correct. I spoke with him after speaking with the Code Enforcement Officer.

Mrs. Praczkajlo: Have you spoken to any of your neighbors?

Mr. Krawczyk: Yes, I have.

Mrs. Praczkajlo: What was their response?

Mr. Krawczyk: Nobody showed any concern. I have place already quite a bit of drainage that runs right out to Hywood; the drainage is above the driveway, below the driveway and surrounds the building, and this drainage is perforated 4-inch pipe and there is two of them and they run out to the road and it is in stone.

Mrs. Kent: The Public Comment portion of the hearing is open; any interested party may proceed to the microphone, state your name and address and any discussion or concerns you have.

There was no public comment: Mrs. Kent closed the public comment portion of the Public Hearing and asked for a motion.

Mr. Chelus: I'll make a motion to accept the variance of 568 square feet:

- (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. Praczkajlo: I'll second.

Mrs. Kent: All in favor.

All were in favor of the motion to approve the variance request, there were none opposed.

Beverly Kent, Chairman

Dated: November 6, 2014

November 6, 2014

Petition #476

Opfer, John & Nicole
W. Tillen Road - Vacant

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

Also Present:	Kelly Vacco	Deputy Town Attorney
	William Ferguson	Code Enforcement Officer
	Thelma Faulring	Secretary to the Boards and Committees
	John Opfer	Applicant – 6868 W. Tillen Road
	Richard Czech	6868 W. Tillen Road
	Thomas Lyng	4057 Bluefish Dr. San Hernando, Fl.
	Wendy Weber	6868 W. Tillen Road
	? Beverly Dammersmith ?	6868 W. Tillen Road
	Joe Weber	6868 W. Tillen Road

Mrs. Kent called the Public Hearing to order at 7:18 PM and read the portion of the Public Hearing pertaining to this petition.

Mrs. Kent read Engineer Hannon's review which 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. Kent asked the applicant to come forward and state your reason for the variance request.

John Opfer: I represent my wife as well.

- We are requesting a variance
- We have three children and a large family
- I grew up in Cumberland Falls, TN
- Currently live in Williamsville
- We've been looking for property in this area for some time
- We seek a variance to build approximately a 1500 square foot log cabin on the property

Mrs. Kent: ZBA members do you have any questions or discussion for Mr. Opfer?

Mr. Chelus: The house is going to be built approximately where the cabin is now?

Mr. Opfer: Obviously water and electric is already been run to that current cabin so discretions based on the small creek, basically we have to build so far away from it, we understand the Code of Conduct on that property so obviously the area is pretty much ideal' we will probably build slightly away from where that cabin is currently, but currently the cabin will stay as is to allow us to get on the property as soon as possible, but yes in close proximity.

Mrs. Praczkajlo: The existing cabin will eventually be taken down?

Mr. Opfer: Correct.

Mrs. Praczkajlo: You're just kind of changing the location?

Mr. Opfer: Correct, that current cabin is approximately 400 square feet, so to build a storage garage and the type of cabin that we submitted, based on the square footage and where that creek lies, I know the basic codes that we checked out we have to be approximately 10 feet further inland from the Creekside.

Mr. Chelus: What kind of foundation are you putting in?

Mr. Opfer: Cement.

Mr. Chelus: A full basement?

Mr. Opfer: Correct, yes.

Mrs. Kent: The Public Comment portion is open, any interested party may proceed to the microphone, state your name and address and any discussion or concerns pertaining to this petition.

Thomas Lyng:

- I am the current owner
- 4057 Bluefish Drive, Hernando Beach, FL.
- I was before the Board here a year and a half ago submitting for a variance permitting me to build and have since expired and is non-transferable
- So we've crossed the hurdles here
- My job has changed that I cannot do a large construction project and monitor it
- So I've had now to pass the property on to John and he can take it past the point that I've taken it to

Mrs. Kent closed the Public Comment portion of the Public Hearing at 7:23 PM and asked for a motion.

Mr. Chelus: I'll make a motion to accept the petition to construct a single family dwelling on the property that does not have immediate frontage on a dedicated highway

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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] |

Mr. Chelus: I do have a couple stipulations on that:

- We do require that the cabin be taken down once the main building is constructed
- Any damage to the easement property caused by construction vehicles taking materials up to the construction site be remedied in a timely manner, if anything should happen to the easement area

Mrs. Praczkajlo: I'll second.

Mrs. Kent: All in favor.

All were in favor of the motion to approve the variance request, there none opposed.

Mrs. Kent: Is there a motion to close the Public Hearing?

Mr. Chelus: I'll make a motion to close the Public Hearing.

Mrs. Praczkajlo: I'll second.

Mrs. Kent: It was moved and seconded that the Public Hearing is closed. I'd like to make a motion to go back into the Work Session.

Mr. Chelus: I'll second it.

All were in favor of the motion.

Beverly Kent, Chairman

Dated: November 6, 2014