



Findings per New York State Law Guidelines:

1. Yes. Petitioner could build a 1' or 2' berm with a 4' fence. The berm would result in a significant cost increase and would not be aesthetically pleasing. Petitioner could plant shrubbery for privacy but there would be minimal security for the animals. The construction of a 6' fence will not compromise the culture of the neighborhood.
2. No. The 6' fence would be constructed of vinyl, not chain link. There are existing 6' vinyl fences in the 500 ft. area. There are no sight line issues to interfere with the flow of auto traffic.
3. Yes. From 4' to 6'.
4. No. The structure would have a positive effect on the neighborhood and give the property curb appeal.
5. Yes.

Motion to approve the request with the fence constructed according to Town standards made by M. Schaffer, seconded by A. Kroening.

A. Kroening - Yes  
A. Gerbec – Yes  
M. Schaffer – Yes  
M. Klettke - Yes  
R. W. Muscatello – Yes

Motion approved

**7:35 pm: Melinda & Eric Hoffman** requests a variance from the Flood Prevention Law for Lot #163.01-5-13, located at 3031 Marc Drive, to construct a storage shed in the flood hazard area.

Board Findings:

1. Changes (those that appear to be permanent) made by the applicant on the survey were not done by Klettke Surveyors.
2. The attachment, identified as "J. Gardner, 6-9-2018" does not appear to be accurate, e.g., while the BFE is 577.8, field notes benchmark is not 577.8.
3. Flood prevention law form has been signed by the applicant and is on file.

Motion to close public hearing made by M. Schaffer, seconded by A. Kroening. Ayes: Unanimous.

Findings per New York State Law:

1. To keep the shed out of the flood hazard area, it would be placed in the middle of the yard. It will provide security and storage for a variety of equipment; thus minimizing clutter out of reaches of the children and confined to an enclosed structure.
2. Lot is pie shaped and options are limited. There are adjacent properties with sheds in the same area.
3. No one in attendance to approve, disapprove or comment on the request.

Motion to approve the variance from the flood prevention law to construct a shed in the flood hazard area made by M. Schaffer, seconded by R.W. Muscatello.

A. Kroening - Yes  
A. Gerbec – Yes  
M. Schaffer – Yes  
M. Klettke - abstain  
R. W. Muscatello – Yes

Motion approved

**8:05 pm: David & Dennis Jakubaszek** requests an area variance for lot #133.00-1-3, located at 2469 Lockport Road, for the construction ground mounted utility grade solar energy system to allow a 20' setback where a 50' setback is required.

Board Findings:

1. No neighbors attended to support, deny or comment on the request.

Motion to close public hearing made by R.W. Muscatello, seconded by M. Schaffer. Ayes: Unanimous

Findings per New York State Law: Options -

1. Could be 25' from the top of the creek. However, the Planning Board requested 50'. Could make the solar panels shorter in that area but that would not be economically feasible. Could go closer to Lockport Road but that would limit a future development.
2. No. It's agricultural land and is set back far from the road. The positioning will enhance the appearance of the structure.
3. Yes. From 50' to 20'.
4. No.
5. Yes.

Motion to approve the area variance as outlined to allow a 20' setback where a 50' setback is required was submitted for approval inasmuch as all technical matters have been satisfied, made by R.W. Muscatello, seconded by M. Schaffer.

A. Kroening - Yes  
A. Gerbec – No  
M. Schaffer – Yes  
R.W. Muscatello – Yes  
M. Klettke – Yes

Motion approved.

**Miscellaneous: None**

**Next Meeting Schedule:** August 13, 2018@ 7:00pm, sharp, Building Department Conference Room, Lower Level, Town Hall.

**A motion to adjourn:** made by M. Schaffer, seconded by R.W. Muscatello. Ayes: Unanimous

Respectfully Submitted,

Deborah Carr  
Secretary, Zoning Board of Appeals (edited for content by Chairman)

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Randy Retzlaff	Walt Garrow (Planning Board)
Harrington-McDonell ( Town Clerk)	Fire Advisory Board
Don Wallace (MIS)	Record File

Note: These minutes will be scheduled for approval at the August 13, 2018 meeting

Thought for the Month:

“The weak grow strong by effrontery – the strong grow weak through inhibition” Henry Kissinger