



TOWN OF BOSTON

Zoning Board of Appeals

Zoning Board of Appeals

AGENDA

Thursday, June 4, 2026

7:00 PM

TOWN HALL
(716) 941-6113
Fax (716) 941-6116

1. Executive Session – Planning Board Room
2. Call Meeting to Order
3. Pledge of Allegiance
4. ZBA Responsibility Reading
5. Minutes
6. Public Hearing(s)
7. New Business
8. Old Business
9. Motion To Adjourn

Public Hearing

The ZBA will meet at the Town of Boston Town Hall on Thursday June 4, 2026 at 7:00 PM for a work session in the Planning Board room, followed by the Public Hearing(s) in the Court Room to hear the following petitions:

Petition #655 – continuation James Tatford, 7023 Sunset Lane, Boston seeking an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size

Petition #657 – Michael Wozniak, 6455 Patchin Rd, Boston seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building extension in violation of maximum square footage and height allowed per lot size

Petition #658 – Nick and Amber Chuba, 7300 Boston State Rd requests a Use variance for a use variance per Town of Boston Code 123-25 B 3 (a) for a detached in law apartment in violation of C-1 zoning and an area variance per Town of Boston Code 123-136 B (4) for a detached accessory building in violation of maximum square footage and height allowed per lot size

Petition #659 – Paul Gernatt, 4859 Enser Rd, Eden seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building in violation of maximum square footage and height allowed per lot size

8500 Boston State Road Boston, New York 14025-9848

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Public Notice
Town of Boston
Zoning Board of Appeals

The ZBA will meet at the Town of Boston Town Hall, 8500 Boston State Road, Boston on **Thursday, June 4, 2026 at 7:00 PM** for the work session in the Planning Board Room, followed by the Public Hearing in the Court Room to hear the following petitions:

Petition #655 – continuation James Tatford, 7023 Sunset Lane, Boston seeking an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size

Petition #657 – Michael Wozniak, 6455 Patchin Rd, Boston seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building extension in violation of maximum square footage and height allowed per lot size

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Petition #659 – Paul Gernatt, 4859 Enser Rd, Eden seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building in violation of maximum square footage and height allowed per lot size

Robert Reed
Code Enforcement Officer
Town of Boston

Dated May 22, 2026

Published:

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Zoning Board of Appeals
June 4, 2026

Attendees: Chairman Ms. Lisa Rood, Ms. Bethany Pryor, Mr. David Ballard, Ms. Pamela Zylinski, Attorney – Ms. Laurie Baker, Code Enforcement Officer Mr. Robert Reed, Code Enforcement Officer Mr. Shawn Vanderdoes, Mr. Robert Penders/Town Board Liaison

Chairman Ms. Rood called the called the Zoning Board of Appeals meeting to order at 8:07 PM.

The Pledge of Allegiance was recited.

Ms. Pryor read the ZBA responsibility statement, explaining the difference between use variances and area variances and what the Board must consider when reviewing each type of request.

Chairman Ms. Rood: I would like Ms. Zylinski as a full voting member this evening.

Roll call was taken as follows:

Ms. Zylinski: Present	Mr. May: Present	Chairman Ms. Rood: Present
Ms. Pryor: Present	Mr. Ballard: Present	

Chairman Ms. Rood read the Public Hearing: The ZBA will meet at the Town of Boston Town Hall, 8500 Boston State Road, Boston on Thursday, April 2, 2025 at 8:07 PM for the work session in the Planning Board Room, followed by the Public Hearing in the Court Room to hear the following petitions:

Petition #655 – continuation James Tatford, 7023 Sunset Lane, Boston seeking an area variance per Town of Boston Code 123-136 B (4) to erect a pole barn in violation of maximum square footage allowed per lot size

Petition #657 – Michael Wozniak, 6455 Patchin Rd, Boston seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building extension in violation of maximum square footage and height allowed per lot size

Petition #658 – Nick and Amber Chuba, 7300 Boston State Rd requests a Use variance for a use variance per Town of Boston Code 123-25 B 3 (a) for a detached in law apartment in violation of C-1 zoning and an area variance per Town of Boston Code 123-136 B (4) for a detached accessory building in violation of maximum square footage and height allowed per lot size

Petition #659 – Paul Gernatt, 4859 Enser Rd, Eden seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building in violation of maximum square footage and height allowed per lot size.

Chairman Ms. Rood: I would like to re-open the Public Hearing for petition #655 James Tatford, 7023 Sunset Lane, Boston, NY and Mr. Ballard seconded the motion.

Vote Taken:

Ms. Zylinski	Yes ☒	No ☐	Mr. Ballard	Yes ☒	No ☐	Mr. May	Yes ☐	No ☐
Ms. Pryor	Yes ☒	No ☐	Chairman Ms. Rood	Yes ☒	No ☐			

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Chairman Ms. Rood: We were reviewing what was submitted. Just as a reminder from our planning consultant Sara DesJardins petition # 655 James Tatford is requesting an area variance from a pole barn at 7023 Sunset Lane. This action is classified as a type 2 action and therefore is not subject to review under SEQR.

Unfortunately, we did not have colored copies. Ours were in black and white and the little drawing you put together for us that you gave to Shawn came out as black on everything. It was very hard to figure out what was what. I would ask you to step forward and tell us what the French drain was with the single thin red line. It is going to be 3ft deep and 87 ft long, that will flow and stop three feet approximately 3ft short of the ditch on Sunset Lane. At the top of the French drain I am going to have a four-inch overflow pipe. So anything that comes up would then run the length of bridge. This would be the gap between the three feet to put it into the ditch on the overflow. Now according to Google Map, that trench should hold 2,500 gallons. This would be 2-1/2 inches of rain an hour on the building. Water comes in from the property next door. I also still have an existing drain on the western side of the building. There is a three-inch pipe already currently there from my garage and the middle of the property that is already tied into existing system.

Chairman Ms. Rood: is a 4 inch or a three? Because here it says it is a four-inch pipe

Mr. Tatford: It is a four-inch pipe.

Chairman Ms. Rood: So, you are draining to the ditch in front of your house?

Mr. Tatford: No, it is draining into the eastern side of the property and the back of the building and the French drain toward the existing 4-inch rain.

Ms. Pryor: I do not see any letters.

Mr. Tatford: I have a couple.

Chairman Ms. Rood: He had letters.

Mr. Tatford: Basically, the two eastern sides that are right next to the French drain that would drain in the back corner. I am going to run a pipe across the back and that will drain into it. The front western drain.

Chairman Ms. Rood: She goes over the map with Mr. Tatford. They both went over the map, showing where this pipe goes and where the drain will be. You will be directing it to the ditch in front of your house down the street where the water will go.

Mr. Tatford: I am not sure exactly what dirt is there but hopefully a lot of that water will perforate into the existing ground.

Chairman Ms. Rood: You have not done a test or anything or a plug taken to find out what it is? Clay?

Mr. Tatford: I was in the dirt earlier and it was dark and gravel mix.

Chairman Ms. Rood: Do these squiggles lines mean anything?

Mr. Tatford: I just labeled it and it was 50 feet back. So, in 50. instead of trying to draw to scale

Chairman Ms. Rood: The ditch in front the house is ditch not a storm sewer or anything.

Ms. Pryor: As I understand that you have talked with a few more of your neighbors? I have a couple of letters here.

Mr. Tatford: I have talked with a few others. I have someone here tonight.

Ms. Pryor: Please come up and state your name and address for the record.

Ms. Ellen Munger: 9391 Boston State Road. I have no problem.

Ms. Pryor: Is it any consideration to go smaller?

Mr. Tatford: I would prefer not to go any smaller. We always talked about putting our RV and boat in the pole barn.

Ms. Pryor: You are looking for 1,600 Square feet for a variance. So, what if we could work with us, could we drop down to 1,200 or 1,400 square feet. You require 1,600 square feet for a variance. As I read in the initial part there only grant the minimum is necessary.

Mr. Tatford: I can work with a 36 x 40 building, 1,440 feet.

Ms. Pryor: We can work with that measurement.

Chairman Ms. Rood: Are there any other question that the petitioner may have?

Chairman Ms. Rood: Made a motion to close the public hearing and Ms. Pryor seconded it.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Yes [X]	No []	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []			

Ms Pryor: I would like to make a motion to approve petition #655 and it was seconded by Ms. Zylinski

Conditions as follows:

(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 request variance substantial?

Yes []

No [X]

(4) Will the variance have an adverse effect on the physical impact or environmental conditions of the neighborhood?

Yes []

No [X]

(5) Is the alleged difficulty self-created?

Yes [X]

No []

Vote Taken:

Ms. Zylinski Yes [X] No [] Mr. Ballard Yes [X] No [] Mr. May Yes [X] No []
Ms. Pryor Yes [X] No [] Chairman Ms. Rood Yes [X] No []

Six months to get a permit and then the applicant is good to go.

Chairman Ms. Rood: Made a motion to open the public hearing for Petition #657 – Michael Wozniak, 6455 Patchin Rd, Boston seeking (2) area variances per Town of Boston Code 123-136 B (4) for size and height for a detached accessory building extension in violation of maximum square footage and height allowed per lot size. Motion was seconded by Ms. Pryor.

Vote Taken:

Ms. Zylinski Yes [X] No [] Mr. Ballard Yes [X] No [] Mr. May Yes [X] No []
Ms. Pryor Yes [X] No [] Chairman Ms. Rood Yes [X] No []

Chairman Ms. Rood read a letter from Mr. Wozniak; I am writing to request a build on an addition on my detached storage garage. On January 22, 2024, my father passed away and left an inheritance of his classic car and his boat, plus many other items, lawn mower, lawn equipment, etc. which is was keeping everything in a 24 x24 garage until I sold his house in June 2025. I had to rent a 20 x 20 storage unit at Boston Storage at the cost of \$375.00 a month. This is why I am asking the Town for a variance to build on my existing garage 10 foot off the front and 15 foot off the side and an attic so I can have adequate amount of storage. So, I can store everything on my property so that these items will be weather safe and secure. Thank you, Michael Wozniak.

Code Enforcement Reed: Petitioner wishes to obtain two variances for commercial use building at 8344 Boston State Road, Boston, NY. From the same zoning section. The variances sought are as follows: Article 25 Supplemental lock section 123-136 B4. Maximum square footage of lock coverage for 1 and ½ story accessory building is as follows: Maximum allowable height and square footage of lot coverage for 1 and ½ buildings are as follows: For lots less than an acreage size, the maximum square footage is 724 square feet. The present building is 1,5 feet. We will be adding 545 squares. The building height will also be 23 feet above grade feet. The petitioner has indicated who will be removing the 80ft shed. Area variance allowed is 728 ft. presently 1,5 feet, request 545 square feet. The total would be 1560 square feet. Area variance number two allowed is 18 ft height and is requested as a 5 ft height to of 23 feet from Mr. Reed.

Chairman Ms. Rood: Water drainage proposal number one. The garage will have gutters with downpipes in the rear of the garage discharging 971.88 gallons per hour with a 1-inch rainfall above ground into a trench of stone along the back of the garage. The proposal number two is the garage will have gutters with down pipes in the rear of the garage discharging 97.88 gallons per hour with a 1-inch rainfall into a French drain with a 6-inch pipe gravel filled trench 24 inch deep. You have the plans.

Chairman Ms. Rood: I would like to open the public hearing. Ms. Pryor seconded the motion to open the public hearing.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Yes [X]	No []	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []			

Chairman Ms. Rood: We also have a note from Sarah DesJardins, regarding petition # 657 Michael Wozniak is requesting two area variances for a detached accessory building per addition to 9455 Patchin Road, Boston, NY. This action is classified as type two action and therefore not subject to review under SEQR.

Chairman Ms. Rood: Hello Mr. Wozniak, you got the paint off you!

Mr. Wozniak: All Cleaned up.

Chairman Ms. Rood: Mr. Wozniak you are basically to enlarge your garage for the things that your Dad left you.

Ms Pryor: Did you speak to any of your neighbors?

Mr. Wozniak: I have spoken with Kalene Moran, 6465 Patchin Road and Mr. Thomas Spaulding, 6461 Patchin Road. They both approve of the addition of Mr. Wozniak.

Mr. Ballard: How are you going to get back there?

Mr. Wozniak: Just next to my house. The car will not come out unless it is shining.

Ms Pryor: Are you leaning towards any of these drainage proposals?

Mr. Wozniak: I will go with either of them. Whichever the Town would I like to go with on the building. He was talking with a cousin in Alden and said that he was just putting two rows of stone. I just have down spouts on the original garage. I am willing to do whatever the Towns wants me to do.

Chairman Ms. Rood: It is not that much of a difference with the new addition. It will not impact it a lot.

Mr. Wozniak: I am in the lowest spot, so it will not impact the neighbors.

Chairman Ms. Rood: You can address this with the Code Enforcement Officer.

Chairman Ms. Rood made a motion to close the public hearing. Mr. Ballard seconded the motion. All members said yes.

Chairman Ms. Rood: made a motion to close the public hearing and Mr. Ballard seconded it.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Yes [X]	No []	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []			

Chairman Ms. Rood: I'd like to make a motion for petition #657 Michal Wozniak at 6455 Patchin Road granting him the variance as requested. Mr. Wozniak will speak with the Code Enforcement about the best drainage plan than the two that have been offered. It was seconded by Ms. Pryor.

Conditions as follows:

- (1) Does it create an undesirable change to the character of the neighborhood?

- Yes ☐ No ☒
- (2) Can the benefit sought by the applicant be achieved if the variance is not granted?
- Yes ☐ No ☒
- (6) Is the request variance substantial?
- Yes ☐ No ☒
- (7) Will the variance have an adverse effect on the physical impact or environmental conditions of the neighborhood?
- Yes ☐ No ☒
- (8) Is the alleged difficulty self-created?
- Yes ☒ No ☐

Six months to get a permit and then the applicant is good to go.

Chairman Ms. Rood: Petition #658 Nick and Amber Chuba, 7300 Boston State Road, Boston, NY request a use variance for a use variance per the Town of Boston, code 123-25 B3A for a detached In-lay apartment in violation of C1 zoning and an area variance per Town of Boston, code 123-136 B4 for a detached accessory building in maximum square footage and height allowed per lot size.

Chairman Ms. Rood: A motion was made to open the public hearing. It was seconded by Ms. Zylinski.

Vote Taken:

Ms. Zylinski	Yes ☒	No ☐	Mr. Ballard	Yes ☒	No ☐	Mr. May	Yes ☒	No ☐
Ms. Pryor	Yes ☒	No ☐	Chairman Ms. Rood	Yes ☒	No ☐			

Chairman Ms. Rood: Read a letter from Amber & Nicholas Chuba. I am writing to formally request a variance in enforcement standards for improvements to my residential property located at 7300 Boston State Road. The purpose of this request is to rebuild and expand my existing detached garage. Currently measures 20ft x 20ft into a new structure measuring 26ft x 32ft. The current garage is still usable, is significantly deteriorating and in need of replacement. As part of this project, I am proposing to include a family living space above the garage to serve as an in-law suite. This space is intended strictly for family use primarily to provide housing for my mother, as she ages and requires close support. Additionally, it may serve as temporary housing for my brother who is currently serving in the military. When he is home or on leave if he returns to the area in the future. Should these family members no longer require living space in the future, the area would remain for personal family and would be converted into recreational area for our young children. It will be made without any impact on neighboring properties as it involves structure without encroaching further on property lines. I've communicated with people nearby and at this time there have been no objections to the proposed project. The new structure will be built with all current building codes and standards improving both safely and overall appearances of the property. It will positively contribute to the value of my property as well as surrounding property. Given the rising cost of housing and the recent increases in my mother's living expenses, this proposal represents the most practical and responsible solution for supporting my family. Maintaining relation as much as possible. I respectfully request you consideration on this variance application. Please feel free to contact me if additional information or documentation is needed. Thank you for your time and consideration. Nicholas and Amber Chuba.

Code Enforcement Officer Mr. Vanderdoes sent a letter. Your permit application for a new detached garage and accessory apartment is denied for the following reasons: Your property is zoned C1 local retail business. Your residence was built in 1946 is considered pre-existing, non-conforming, and is legal. However, an accessory apartment would not be allowed under the current C1 zoning. This is allowed under R2, residential zoning with a stipulation. The special use permit is approved by the Town Board based on a positive

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recommendation from the Town Planning Board and followed by a public hearing. You must use a variance from the Zoning Board 8R2 single family residence district section 123-25B3A to allow an accessory apartment in C1 zoning and not attached to the primary residence. You must send a letter to the Town Clerk requesting a special use permit for the accessory apartment to which they will refer the request to the Planning Board. Those meetings which are held on the first Tuesday after the First Thursday each month. The Planning Board recommendation will then go back to the Town for a public hearing on the approval of the permit. Since there are public notice frames that must be adhered to the soonest referral of the Planning Board will be made. The schedule is pending on summertime meeting schedule and a quorum. The second reason is due to the lot size be for 936ing under one acre. The maximum size allowable for the building is 728 sq. ft. and you will be at 1728 sq. ft. and need an area variance of 1,000 sq. ft. This will be Article 25 supplemental lot size and open space requirements which states less than an acre. The maximum square footage is limited to 728 sq. ft. and 8 heights. The proposed area 1664 and 24 ft. in height. The variances would be 936 sq. ft. and 6 ft. in height. It is also understood the existing 400sq. foot detached garage will be removed. Should you have any questions, I can be contacted.

Regarding Petition #658 Nick and Amber Chuba requesting a use variance to allow at detached in-law apartment to be located at 7300 Boston State Road. The area variances are classified as a type two action and therefore is not subject to review under SEQR. However, the use variance is a type one action and therefore if it is granted a SEQR negative declaration by the Board of Zoning of Appeals before approval is granted.

Chairman Ms. Rood: Please state your name and address and what you would like to complete.

Mr. Chuba: My name is Nick Chuba, and I live at 7300 Boston State Road. I am requesting a variance and on my garage. My Mom is residence has been recently sold and the cost for rent has doubled for her residence. She is getting close to retirement and currently my brother and I have been helping her with rent. We have looked at other options, and this would be the most affordable option for us to help her out. This would be the most economical way to help her out. My brother is in the service, and he would use the second bedroom when he is around and then we would use the space for our kids after everyone is gone.

Chairman Ms. Rood: I spoke on the phone with you earlier and a use variance is very difficult to get. We need financial evidence as part of the application. Which we do not have in your paperwork. I had mentioned probably leave the public hearing open till next month. So, you can get all your stuff together.

Chairman Ms. Rood: Did you think about it being upstairs for your mom?

Mr. Cuba: I did. We are planning a 4foot staircase to allow for a chair lift if it comes to needing a lift chair. My brother is in the service, and he would use the second bedroom, until he finds a place to live after he is out of the service. He can stay in the room when he is home on leave.

Mr. Chuba: I have a few items. I have current budget for my mother. This is a financial hardship for my mother.

Chairman Ms. Rood: I think you need to speak to the Code Enforcement Officer Mr. Shawn Vanderdoes, and he can outline what we are looking for because she does not own the property. So, it would be off you and it is off the actual property. It is not your plans.

Ms. Pryor: It is basically number one. We must have these records. What specific records or that is a better question?

Chairman Ms. Rood: It is a question that Shawn will help you get the information. I think with the use variance paperwork you get as an applicant. Things should be outlined there. I have not seen what goes on.

DRAFT

Ms. Pryor: It is about the property, not your circumstances, not a Personal hardship or anything that you are personal. It is about the property.

Chairman Ms. Rood: This is what needs to be proven. It is really doesn't have to do with what you want to do with the property. They are very difficult to obtain. I am going to see if I can come up with something that you guys can give out.

Mr. Ballard: We have got the information.

Chairman Ms. Rood: We do not get a lot of use variance applications. I would like to see what is given to the applicants. Maybe we could help to do something that would make it easier to help the applicants.

Code Enforcement Officer Mr. Shawn Vanderdos: Yeah, I think we can do that.

Chairman Ms. Rood: I think that would be great for the applicants.

Ms. Pryor: Question for Laurie Baker If a use variance, remind me, a use variance is granted, it goes with the property?

Laurie Baker: Yes.

Ms. Pryor: So, if a use variance was given to the property, that property sold, the use variance would still be with the property.

Mr. Chuba: He had letters from Mathhew Sakura at 7302 Boston state Road. I am writing in support of the application submitted by Mr. Chuba. For the reconstruction of a detached garage with a family dwelling unit above their property. As a nearby property owner, I am familiar with both the and the surrounding neighborhood. Based on mu understanding of the proposal, the project will negatively impact neighboring properties or alter the character of the area. The proposed structure is residential in nature and appears consistent and with the existing development pattern in the neighborhood. I understand the dwelling unit is intended solely for family occupancy and is not proposed as a commercial or high-density rental use. In my opinion, allowing family members to live on property is reasonable use that supports multi-generational of the community. I do not anticipate anything related to traffic noise, parking drainage or property values because of this project. The applicant has been a considerate neighbor. I believe the proposed improvements will be well maintained and beneficial to the property. For these reasons I respectfully encourage the Zoning Board to approve the request for relief and allow the project to proceed. Thank you for your consideration.

Mr. Lindstrom: We are great neighbors and we are very tight. We all have little kids except for grandparents. I know Mom well and the family and strongly encourage them to build the project. My address is 7314 Boston State Road, Hamburg.

Chairman Ms. Rood: I guess we will just leave the open and we will see you again next month.

Chairman Ms. Rood: Petition # 659, Paul Gernatt, 4859 Enser Road, Eden, seeking two area variances per Town of Boston Code 123-136B4 for size and height for detached accessory building in violation of maximum square footage and height allowed per lot size.

Make a motion to open the public hearing. Ms. Pryor seconded the public hearing.

Vote Taken:

Ms. Zylinski	Yes [X]	No []	Mr. Ballard	Yes [X]	No []	Mr. May	Yes [X]	No []
Ms. Pryor	Yes [X]	No []	Chairman Ms. Rood	Yes [X]	No []			

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Chairman Ms. Rood: We have a letter from Mr. Gernatt. Dear members of the Zoning Board. I am submitting this letter to explain my intend, the need for a pole barn on my property in the Town of Boston. I am requesting approval to construct a pole bard to be used for the storage of my camper and other equipment, including tractors, trailers, and related equipment that ae currently stored outdoors. My camper is approximately 13-1/2 feet tall, which requires a structure with adequate height to be safely and properly stored indoors. AT this time much of this equipment must remain outside due to the lack of sufficient enclosed storage. Constructing a pole barn will allow me to move these items inside, significantly improving the organization, safety and overall appearance of my property. This equipment is from weather related damage and reduces visual clutter in the yard. Proposed building is intended strictly for storage purposes. It will not be used for commercial activities or habitation. My goal is to maintain a neat well-kept property that is consistent with the surrounding area and respectful of neighboring properties. Due to the size of the proposed structure in relation to my lot and the placement of existing buildings as a variance is required. I am requesting the board's consideration for improvement. Thank you for your time and consideration of my request. I am here for additional information or to answer any questions as needed.

Code Enforcement Mr. Robet Reed: Petitioner wishes to obtain two variances for a pole barn at 4859 Enser Road, Eden NY. From the same zoning section. The variances sought are as follows per Article 25, supplemental lot size and open space requirement section 123-136B. Maximum allowable height and square footage of lots coverage for one and a half story accessory buildings is as follows: for lots three-to-five-acre size. The maximum square footage is 2,000 to the peak. You have presently had 959 square foot building will be 2,912 square feet for a total of 3,871 square feet or 1871 square feet over the allotted size. Three feet above what is allowed at 26 feet. Area variance number one allowed 2,000 square feet, present 959 requested as 1871 square feet for a total of 3,871 ft. Area variance number two 23 ft height requested is 3-foot, total is 26 ft.

Planning Consultant: Sarah DesJardins petition #659, Paul Gernatt is requesting two area variances for a detached accessory building to be located at 4869 Enser Road, Eden, NY. This action is classified as a type two action and therefore is not subject to SEQR.

Chairman Ms. Rood: We have some letters. I am going to read one and I'll tell you to all the people who signed the letter. Dear neighbor, I hope you are doing well. I am writing to you to let you know that I am planning on a small improvement to my property. I am looking for your support. and I am requesting a zoning variance to construct a pole barn on my property. The building will be 522 ft. wide by 56 ft. deep with a peak height of 26 ft. Due to the size of my lot and the placement of my existing buildings, the variances is needed to accommodate the structure. The purpose of this building is purely functional. I plan to use the space to store my camper and other equipment that are currently kept outdoors. By doing this, I hope to clean up the appearance of my property. The items will be properly protected rather than visible outside. I want to assure you that I will be mindful of my neighbors and the surrounding properties. My intent is for this building to be well maintained and consistent with the character of area. If you have any questions or concerns. I would be happy to talk with you at any time. I truly appreciate your consideration and support as I go through the variance process. Thank you for being a good neighbor. Sincerely Paul Gernatt. It has been signed by Douglas Folutz, Thomas Zamuda and Danielle Augustine.

Chairman Ms. Rood: I think everyone had a chance to get up there and took a look. The drainage is perfect going down the ravine. It could not be a better situation. You have a nice piece of property.

Mr. Gernatt: Thank you, I sure do!

Chairman Ms. Rood: You sure do have enough stuff to put in the garage. Are you putting gutter on it?

Mr. Gernatt: I was not going to because f the stone that will be around it. I will do what the code Enforcement Officer says I should do. But I do not want to put gutters on it.

DRAFT

Chairman Ms. Rood: Just a suggestion has the overhang extended two feet. Because I did not want them ripped off. I put my drainage straight below with stone and it keeps it from splashing mud up on the wall. The extended roof line came down with the overhang. Because I have seen it where if you don't give it enough room and you get a bit of snow and it will come off on a big sheet. It will crush the wall.

Mr. Gernatt: Yes, I have seen it.

Chairman Ms. Rood: It is worth the extension.

Mr. Ballard: Concrete inside?

Mr. Gernatt: Not currently. All I got from my neighbors is there going to be animals? There is a strong NO!

Chairman Ms. Rood: Anyone ask what color?

Mr. Gernatt: No one asked. I am not good with that and that is my wife's department.

Mr. Ballard: Do you think she will have you keep it clean?

Mr. Gernatt: Yes, she will! I will be out there waxing it!

Chairman Ms. Rood: Are you planning on gutters?

Mr. Gernat: I was not planning on it because of the stone around it. If it was required and I would put gutters on it. I do not want gutters. I want it to go through a good hard winter to settle the building.

Chairman Ms. Rood: Are you building it yourself?

Mr. Gernatt: No, I am not. I have Eastwood building, he has packages.

Ms. Pryor: I know you have space, but it is still a large request. It is over 1,8800 sq. ft. little leeway there? Bring it down a little bit? Make it a little smaller?

Mr. Gernatt: If I make it smaller, I cannot do what I want to do. My actual building is 12ft. wide with 12 ft. but inside it is there in the summertime using my camper. I'd like to put it inside but still can open up and put the stairs down. Sides on both sides are the and on-half and you are pushing 20 ft. to open the camper up. The length of the camper is the length of the building with cushion.

Ms. Pryor: Okay. I have to ask if you can go smaller.

Chairman Ms. Rood: This 26ft. at the peak. I was told by the Code Enforcement Officer that my math was wrong, and I am not going to be 26ft. But he also told me that they measure from the lowest point of the ground. He said to leave it to where I have it to give myself a foot leeway. I do not remember what they came up with the number.

Chairman Ms. Rood: On the Application it says the height is 26ft.

Mr. Gernatt: Yes.

Chairman Ms. Rood: So, I just wanted to clarify that that is peak height not wall height.

Mr. Ballard: What you had was 16 ft. wall plus 4 ft.

Chairman Ms. Rood: Any other questions?

DRAFT

Motion was made by Chairman Ms. Rood to close the public hearing. It was seconded by Ms. Pryor to close the public hearing. All members replied "Yes".

Vote Taken:

Ms. Zylinski	Yes ☒	No ☐	Mr. Ballard	Yes ☒	No ☐	Mr. May	Yes ☐	No ☐
Ms. Pryor	Yes ☒	No ☐	Chairman Ms. Rood	Yes ☒	No ☐			

Ms. Pryor: I'd like to make a motion for petition #659 Paul Gernatt 4859 Enser Road. granting him the variance as requested. It was seconded by Mr. Ballard.

Conditions as follows:

- (1) Does it create an undesirable change to the character of the neighborhood?
Yes ☐ No ☒
- (2) Can the benefit sought by the applicant be achieved if the variance is not granted?
Yes ☐ No ☒
- (3) Is the request variance substantial?
Yes ☐ No ☒
- (4) Will the variance have an adverse effect on the physical impact or environmental conditions of the neighborhood?
Yes ☐ No ☒
- (5) Is the alleged difficulty self-created?
Yes ☒ No ☐

Six months to get a permit and then the applicant is good to go.

Chairman Ms. Rood made a motion to close, and Ms. Pryor seconded to close the meeting.

Vote Taken:

Ms. Zylinski	Yes ☒	No ☐	Mr. Ballard	Yes ☒	No ☐	Mr. May	Yes ☒	No ☐
Ms. Pryor	Yes ☒	No ☐	Chairman Ms. Rood	Yes ☒	No ☐			

Respectfully submitted

Margaret Derk
Board Clerk