

TOWN OF WALES
ZONING BOARD OF APPEALS
PUBLIC HEARING MEETING MINUTES
July 1, 2026

The meeting of the Zoning Board of Appeals of the Town of Wales was held on the 1st day of July 2026 at the Town of Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

CALL TO ORDER

Chairman Edward Wilkolaski called the meeting to order at 6:02 p.m. EST

ROLL CALL

Chairman Edward Wilkolaski – present

Board Member Mark Gietler - present

Board Member Russ Clothier Jr. - absent

Board Member Kevin Ingraham – absent

Board Member James Cornell – present

OTHERS PRESENT

Applicants – Chris Kraft

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MOTION # __ By Zoning Board of Appeals Member Mark Gietler, second by Zoning Board of Appeals Member James Cornell, to accept the Zoning Board of Appeals Agenda of July 1, 2026.

Carried ayes-3 nays-0

ACCEPTANCE OF MINUTES OF PRIOR MEETING

MOTION # __ By Zoning Board of Appeals Member Mark Gietler, second by Zoning Board of Appeals Member James Cornell, to accept the Zoning Board of Appeals Workshop and Public Hearing meeting minute of June 17, 2026. Carried ayes-3 nays-0

OLD BUSINESS – none.

NEW BUSINESS

CASE#1 Applicant: Chris and Christine Kraft. SBL# 202.00-2-34.2

The applicants at 12110 Goodleberg Road, South Wales, New York would like to appeal the 20' side requirement for an accessory building on the property with a one-family dwelling: *Wales Code Section 200-22* - Area Variance. 5-2026

Public Hearing:

The Board reviewed an application for an area variance regarding a structure encroaching into the required front setback.

The structure is located approximately 18.9 feet from the property line, where 20 feet is required. The Applicant stated that the neighbor's notification letters were sent to six adjacent property owners. There were no responses, objections, or comments that were received and it was

reported no calls or complaints were reported to the Town Hall. One neighboring property owner had previously expressed support for the project.

Board Deliberation:

The Chairman explained the Board deliberation process. He stated that there are questions asked that can be all Aye or Nay and still have an opinion of opposing or granting a variance. All the questions are the ones asked for an area variance. He stated the Board will need a few minutes to go over the five questions then they will deliberate.

The Board reviewed the application according to the required five factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties.
ZBA Chairman Edward Wilkowlaski - No
ZBA Board Member Mark Gietler - No
ZBA Board Member Russell Clothier, Jr. - absent
ZBA Board Member Kevin Ingraham – absent
ZBA Board Member James Cornell – No
Reasoning: In line with neighborhood façade. Such a small distance, very minor request. Neighbors are all ok with the request.
2. Whether benefit sought by applicants can be achieved by a feasible alternative to the variance.
ZBA Chairman Edward Wilkowlaski - No
ZBA Board Member Mark Gietler - No
ZBA Board Member Russell Clothier, Jr. - absent
ZBA Board Member Kevin Ingraham – absent
ZBA Board Member James Cornell – No
Reasoning: In theory, yes, but project was initiated prior to permit. Pad was poured. Moving the building would cause frontage variance.
3. Whether the requested variance is substantial:
ZBA Chairman Edward Wilkowlaski - No
ZBA Board Member Mark Gietler - No
ZBA Board Member Russell Clothier, Jr. - absent
ZBA Board Member Kevin Ingraham – absent
ZBA Board Member James Cornell – No
Reasoning: Very small distance. One foot and a few inches. Only 1'3" of 20' setback.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

ZBA Chairman Edward Wilkowlaski - No

ZBA Board Member Mark Gietler - No

ZBA Board Member Russell Clothier, Jr. - absent

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – No

Reasoning: Not even noticeable. Immediate neighbor is in approval. Little to no concerns.

5. Whether the alleged difficulty was self-created:

ZBA Chairman Edward Wilkowlaski - Yes

ZBA Board Member Mark Gietler - Yes

ZBA Board Member Russell Clothier, Jr. - absent

ZBA Board Member Kevin Ingraham – absent

ZBA Board Member James Cornell – No

Reasoning: Most all variances are self-created.

ROLL CALL VOTE ON Case#5-2026:

Chairman Edward Wilkowlaski – Aye

Board Member Mark Gietler - Aye

Board Member Russell Clothier Jr. – absent

Board Member Kevin Ingraham – absent

Board Member James Cornell – Aye

The motion to grant the variance is passed.

ADJOURNMENT MOTION#__ by Zoning Board of Appeals Member Mark Gietler and seconded by Zoning Board of Appeals Member James Cornell to adjourn the meeting at 7:15 p.m. Carried ayes-3 nays-0

Respectfully submitted, Michelle Homic, Zoning Board of Appeals Clerk

Town of Wales Zoning Board of Appeals

RESOLUTION NO. 5-2026

IN THE MATTER OF THE APPLICATION OF CHRIS AND CHRISTINE KRAFT FOR AN AREA VARIANCE

PROPERTY ADDRESS: 12110 Goodleberg Road, South Wales, NY

TAX MAP NUMBER OR SBL#: 202.00-2-34.2

DATE: July 1, 2026

WHEREAS, an application was filed with the Zoning Board of Appeals of the Town of Wales by Chris and Christine Kraft for an area variance for the property located at 12110 Goodleberg Road, South Wales, NY. SBL# 202.00-2-34.2; and

WHEREAS, the application requests an area variance from Section 200-22 of the Town of Wales Zoning Code to appeal the allowance for a detached accessory building located on the side of the primary building; and

WHEREAS, the Board received a referral from the Building Inspector/Code Enforcement Officer Dan Whitehead indicating that the project is not in compliance with the zoning law and requires an area variance; and

WHEREAS, a public hearing on the application was held on July 1, 2026, at which the Board heard testimony and received comments from the Applicant, neighbors, and other interested parties; and

WHEREAS, the Board has reviewed all applicable materials, including a Short Environmental Assessment Form, photos, and deed and has duly considered the standards for an area variance as set forth in New York State Town Law § 267-b, weighing the benefit to the Applicants against any detriment to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, having considered the entire record of the proceedings, made the following findings and hereby approves the application:

1. Undesirable Change or Detriment to Properties: The Board finds that the granting of this variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

Reasoning: In line with neighborhood façade. Such a small distance, very minor request. Neighbors are all ok with the request.

2. Feasible Alternative: The Board finds that the benefit sought by the Applicants cannot be achieved by some other feasible method.

Reasoning: In theory, yes, but project was initiated prior to permit. Pad was poured. Moving the building would cause frontage variance.

3. Substantiality of Variance: The Board finds that the requested area variance is not substantial.

Reasoning: Very small distance. One foot and a few inches. Only 1'3" of 20' setback.

4. Adverse Environmental/Physical Impact: The Board finds that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Reasoning: Not even noticeable. Immediate neighbor is in approval. Little to no concerns.

5. Self-Created Difficulty: The Board finds that the alleged difficulty was self-created.

Reasoning: Most all variances are self-created.

BE IT FURTHER RESOLVED, that the variance is granted.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed in the office of the Town of Wales Town Clerk and the Town of Wales Building Department.

VOTE:

Chairman Edward Wilkolaski voted AYE

ZBA Member Mark Gietler voted AYE

ZBA Member Russell Clothier Jr voted ABSENT

ZBA Member Kevin Ingraham voted ABSENT

ZBA Member James Cornell voted AYE

Dated: July 1, 2026

By Order of the Zoning Board of Appeals Chairperson:

Edward Wilkolaski

Clerk:

Michelle Homac

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: Chris & Christina KRAFT

Appeal Concerns Property at the following address: _____

12110 Goodburg Rd
South Wales NY 14139

OFFICE USE ONLY:	
Application No. AV -	<u>5-2026</u>
Date of Application:	<u>6/19/26</u>
(Postmarked or Hand Delivered)	
Date of Public Hearing:	<u>7/11/26</u>
Date Notice Published:	<u>6/17/26</u>
Date of County Referral:	_____
Date of Final Action:	_____
Date or Filing of Decision with the Municipal Clerk:	<u>7/2/26</u>

County Tax Map (S.B.L.) - Section: 202 Block: 2 Lot: 34.2

Zoning District Classification: RES

Requirements for which Variance is Requested: 20' Setback
for Accessory building

Applicable Section of Zoning Code(s): 200.22

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: In line w neighborhood facade.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes ☐ No ☒

Reason: In theory, yes, but project was
initiated prior to permit, PAD was poured.

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes ☐ No ☒

Reason: only 1' 3" of 20' setback.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes ☐ No ☒

Reason: Immediated neighbor in approval
Little to no concern.

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes ☒ No ☐

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Reason: MOST ALL VAR ARE SELF CREATED

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☒ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: VERY SMALL VARIANCE. LITTLE TO NO CONCERN.

The ZBA further finds that a variance of 22 from Section 700 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

NO CONCERN TO G. WAB

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: N/A

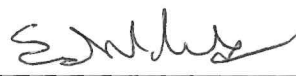
TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

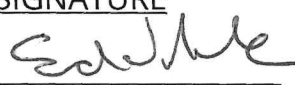
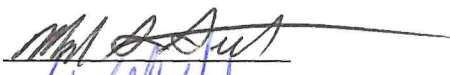
Condition No. 2: N/A

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman:  Date: 1-30-26

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair <u>Ed W. Kolaski</u>	<u>X</u>	_____	<u></u>
ZBA Member <u>Mark Gertler</u>	<u>X</u>	_____	<u></u>
ZBA Member <u>Tom Cornell</u>	<u>X</u>	_____	<u></u>
ZBA Member <u>_____</u>	_____	<u>—</u>	<u>_____</u>
ZBA Member <u>_____</u>	_____	<u>—</u>	<u>_____</u>

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: Chris & Christine Kraft

Appeal Concerns Property at the following address: _____

12110 Goodleberg Road

OFFICE USE ONLY:

Application No. AV - _____
Date of Application: _____
(Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date Notice Published: _____
Date of County Referral: _____
Date of Final Action: _____
Date or Filing of Decision with the Municipal Clerk: _____

County Tax Map (S.B.L.) - Section: 202.00 Block: _____ Lot: _____
-2-342

Zoning District Classification: _____

Requirements for which Variance is Requested: Area

Applicable Section of Zoning Code(s): 200.22

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: such a small distance. very minor
Request. neighbors are All OK with Request

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No x

Reason: Moving Building would cause Frontage
variance

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No x

Reason: Very small Distance. 1 foot +
few inches

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No x

Reason: not even noticable

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes x No _____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Reason: All variances are

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☒ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: such a small distance

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: N/A

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: N/A

Condition No. 2: N/A

Adverse impact to be minimized: N/A

Zoning Board of Appeals Chairman: _____ Date: 7-1-26

RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair <u>ED</u>	_____	_____	_____
ZBA Member <u>Mark</u>	_____	_____	<u>M. S. S.</u>
ZBA Member <u>Jim</u>	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: CHLOE C. HARRIS / FRANK

Appeal Concerns Property at the following address: _____

12117 GOODWIN ROAD, WALES

OFFICE USE ONLY:

Application No. AV – _____

Date of Application: _____

(Postmarked or Hand Delivered)

Date of Public Hearing: _____

Date Notice Published: _____

Date of County Referral: _____

Date of Final Action: _____

Date of Filing of Decision with the Municipal Clerk: _____

County Tax Map (S.B.L.) – Section: _____ Block: _____ Lot: _____

Zoning District Classification: _____

Requirements for which Variance is Requested: _____

Applicable Section of Zoning Code(s): _____

TEST: No area variance will be granted without a consideration by the board of the following factors:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: _____

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No X

Reason: _____

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: NO. MINOR IMPROVEMENTS

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: NO MATERIAL CHANGE IN AREA

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes _____ No X

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Reason: _____

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- ☒ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- ☐ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: _____

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: none _____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized:_____

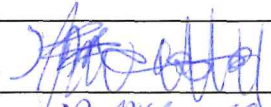
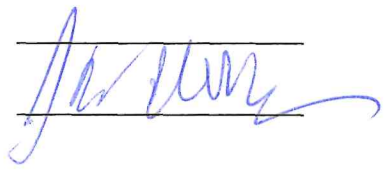
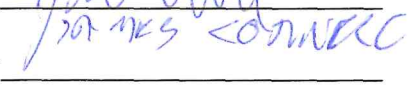
Condition No. 2:_____

Adverse impact to be minimized:_____

Zoning Board of Appeals Chairman:_____Date:_____

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair_____	_____	_____	_____
ZBA Member  _____	_____	_____	 _____
ZBA Member  _____	_____	_____	_____
ZBA Member_____	_____	_____	_____
ZBA Member_____	_____	_____	_____