

Town of Shelby Zoning Board of Appeals  
Public Hearing  
Shelby Town hall  
4062 Salt Works Rd  
Medina, NY 14103  
October 4, 2016

Board Members Present: Patti Bushover Secretary  
Larry Szatkowski  
Thurston Dale  
Linda Fuller

**Call to Order:** Secretary Patti Bushover called the Public Hearing to order at 7:00 p.m.

Voice roll call was taken by P. Bushover. P. Bushover reported that there was a quorum present.

**Others Present:** Lisa and John Misiti 10894 Ryan Rd Medina NY neighbors to the East of applicant Dan Wolf Code Enforcement Officer for the Town of Shelby.

**Old Business** P. Bushover called for Old Business:

No old Business.

**New Business:** P. Bushover called for New Business:

**First Order of New Business:** Public Hearing for variance 16-05. A request of a variance of 5' east- side setback and a 7' west setback from Zoning Code 510 ( E ) for the placement of 32'x 20' addition to the rear of the property and a 7' west side setback for a 8' by 10' addition to the front of the property Secretary P. Bushover read the Legal Notice (see attachment 1) which had been published in the *The Daily News* Batavia NY September 27, 2016

P. Bushover opened the meeting to comments by stating that Chairman Craig Lacy had phoned her to inform the ZBA board members that Mr. Foss the applicant would not be able to attend the Public Hearing do to his work. C. Lacy also stated that Mr. Foss said he was not going to start the 32' x 20' rear addition for several years.

Mr. Misiti asked to be heard he stated that he had no problem with Mr. Foss's front addition he did have some concerns about the rear addition mostly being the length of time before the construction would start and be finish.

CEO Dan Wolf stated that Mr. Foss has talked to him and informed him that the rear addition was not going to happen for several years. D. Wolf reported that he explained to Mr. Foss that it would be better to reapply for a new variance when he had the plans and information needed for the rear addition.

The ZBA Board Members had viewed the area and had received a site plan.

P. Bushover reported that the ZBA received no letters concerning this application.

The ZBA board members discussed the two additions and though general agreement it was determent that the board would act on only the 7' west side variance for the 8' by 10' front addition because the rear addition was too far in the future.

The applicant Mr. Foss was not able to attend the Public Hearing P. Bushover asked CEO Dan Wolf to explain the reason that only the 7' west side variance request for the 8' by 10' front additions was acted on.

Hearing no more concerns from the ZBA P. Bushover closed the Public hearing at 7:10 p.m.

LEGAL NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Shelby will hold a Public Hearing on Tuesday October 4, 2016 at 7:00 p.m. at the Shelby Town Hall, 4062 Salt Works Road, Medina New York on the application for an area variance from the requirements of Section 530 (E) of the Shelby Zoning Local Law relative to the property located at 10878 Ryan Road Medina, New York. The applicant is seeking a 5' east-side setback variance and 7' west-side setback variance for an 8' x10' addition to the front and a 32'x20' addition to the rear of the property. The property is located in the Agriculture/Residential District. The Proposed Action has been classified as a Type II under SEQRA.

At such Public Hearing all persons, either for or against the same, shall be heard. In addition, comments may also be submitted in writing to Patricia Bushover, Secretary Zoning Board of Appeals c/o Shelby Town Hall 4062 Salt Works Road, not later than 12:00 noon on Monday, October 3, 2016. The application and supporting information may be examined prior to the Public Hearing at the Town Hall during normal business hours.

By order of the Zoning Board

Patricia Bushover, Secretary

Shelby Zoning Board of Appeals.

Town of Shelby Zoning Board of Appeals  
Board Meeting  
Shelby Town hall  
4062 Salt Works Rd  
Medina, NY 14103  
October 4, 2016

Board Members Present: Patti Bushover Secretary  
Larry Szatkowski  
Thurston Dale  
Linda Fuller

**Others Present** Dan Wolfe Code Enforcement Officer Town of Shelby.

**Call to Order:** Secretary Patti Bushover called the Business Meeting to order at 7:12 p.m.

Voice roll call was taken by P Bushover. P Bushover reported that there was a quorum present.

**Old Business:** P. Bushover Called for Old business:

**First Order of Old Business:** No Old business.

**New Business:** P. Bushover Called for New business:

**First Order of New Business:** was to consider the application for variance 16-05 just the variance for the 7' west side for the 8' by 10' front addition is to be considered.

Submitted by: Stephen P. Foss 10878 Ryan Rd Medina, New York

P. Bushover asked the ZBA to consider the five factors and state their findings.

(See Attachment #1)

After considering the Five Factors P. Bushover called for a motion. Thurston Dale made a motion to grant the variance to allow the applicant to place an 8' by 10 addition in the requested location. Larry Szatkowski seconded the motion. The motion passed by a unanimous roll call vote.

Reasons being: it will cause no detriment to the health, safety, and welfare of the area. The ZBA farther finds, 7' west side set back, from the Town Zone Code 510 ( E), is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health and safety of the community.

No SEQAR was needed because this request is a Type 2, #12 variance request.

**Second Order of New Business:**

CO Dan Wolfe stated that of this date he had not received any application that needed to come before the ZBA. P. Bushover reminded the board members of the training on Oct. 20, 2016 at NCCC.

**Next Meeting:** As Needed Chairman Lacy will notify ZBA members.

**Respectfully Submitted**

**Patti Bushover Secretary ZBA**

**October 6, 2016 Variance 16-05**