

Town of Shelby Zoning Board of Appeals  
Business Meeting  
Shelby Town Hall  
4062 Salt Works Rd  
Medina, NY 14103  
July 2, 2019

Planning Board Members Present: Kirk Myhill                      Chairman  
Bradley Pask    Secretary  
Larry Hill  
John Pratt  
Teresa Wilkins  
Jerry Velesko    Alternate

ZBA Board Members Present: Craig Lacy                              Chairman  
Patti Bushover    Secretary  
Larry Szatkowski  
Sharlene Pratt  
Marian Fry

**Others Present:** Dan Wolf Town of Shelby Code Enforcement Officer, Timothy Winters applicant, Jessika Bulera 10497 West Shelby Rd Middleport (a neighbor)

**Call to Order:** Chairman C. Lacy called the Business Meeting to order at 7:00 p.m.  
Voice roll call was taken by P Bushover. P Bushover reported that there was a quorum present

**Old Business:** C. Lacy called for Old business:

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

**New Business:** C. Lacy Called for New business:

**First Order of New Business:** was to consider the application for variance 19-02,  
C. Lacy asked the ZBA to consider the five factors and state their findings.  
(See Attachment #1)

After considering the Five Factors C. Lacy called for a motion. Patti Bushover made a motion to grant the variance to allow the applicant to dig a pond at the purposed site. 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 80' side set back and 80' rear set back from Zoning Code 765 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, variance request.

**Next Meeting:**                      **Public Hearing at 7:10 pm on July 2, 2019 for V-19-03**

**Respectfully Submitted**  
**Patti Bushover Secretary ZBA**  
**July 12, 2019 Variance 19-02**

Attachment A

The Town of Shelby Planning Board shall conduct a combined Public Hearing on Tuesday, July 2, 2019 at 6:45 pm at the Shelby Town Hall, 4062 Salt Works Road, on the Application by Timothy Winters for a Special Use Permit and Site Plan Review and Approval pursuant to Section 765 of the Town Zoning Regulations and pursuant to procedures of Article IX and Article X of the Town of Shelby Zoning Regulations, in the matter of a proposed Pond to be located at 10500 West Shelby Rd. Middleport, NY 14105 on Town Parcel Tax Map No.111.-1-42.11, which is within an Agricultural/Resident District. The Proposed Action has been classified as an Unlisted Action under SEQRA.

All those having an interest in the Application will be given an opportunity to be heard at the Public Hearing and may also submit comments in writing by mailing them to the Town of Shelby in care of Bradley Pask, Planning Board Secretary, not later than 12:00 noon on Monday July 1, 2019. 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 Planning Board

Kirk Myhill, Planning Board Chairman