

July 5, 2012
7:00 PM

Petition #442

Bailey, Michael & Heidi
6175 Ward Road

PRESENT: Dennis Mead, Chairman
Joanne Bonsack
Tracy Hirsch
Kathy Prackajlo
Bethany Pryor

ALSO	Kelly Vacco	Deputy Town Attorney
PRESENT:	William Ferguson	Code Enforcement Officer
	Thelma Faulring	Secretary to the Boards and Committees
	Heidi Bailey	Applicant – 6175 Ward Road
	Mike Bailey	Applicant – 6175 Ward Road
	Shannon Berry	8660 Hayes Hollow Road, Colden
	Samantha Buzelli	6167 Ward Road
	Kevin Buzzelli	6167 Ward Road
	Kimberly Becker	6159 Ward Road
	Cathy Mather	6177 Ward Road
	Kara Mather	6177 Ward Road
	Lisa Jeswald	6154 Ward Road
	Rick Jeswald	6154 Ward Road

Mr. Mead called the meeting to order at 7:00 PM and asked for a roll call of the members. Attendance is noted above.

Mr. Mead introduced Mrs. Vacco, Mr. Ferguson and Miss Faulring to those in attendance.

Mr. Mead read the Public Hearing Notice and the SEQR review received from Town Engineer James Hannon – ‘there is no significant impact to the environment; and no further action with respect to SEQRA is necessary or recommended.’

Mr. Mead read the correspondence received on July 3, 2012 from Kara Mather and Cathy Mather stating their opposition to the variance being granted; and, a petition with nine signatures also in opposition to the variance. The letter also contained the Tax Map indicating the location of the neighbors who signed the petition; and pictures of 6177 Ward Road showing the enclosed backyard.

Mr. Mead asked the applicant to come forward and state his reasons for requesting a variance.

Heidi Bailey:

- This is my husband Michael Bailey
- In addition to some of the information that was in our application pamphlet, I'd like to enter this another neighbor who signed, if I could bring this forward

Mr. Mead also mentioned that two other letters were received from neighboring property owners in support of the variance request.

Mrs. Bailey:

- In response to the neighbor that wrote that letter
 - I'm not going to comment
 - I'm not here to debate
- Yes we have had the dog for over a year
- When I went to license my other animals it was never brought up...
- We were told we would need a pedigree license
 - We investigated into that
 - From January, when the dog Warden came to our house, to now, it just had never been taken care of
- It is a rescue dog, the fourth dog
 - Between the Rescue agency and our veterinarian, neither of them told us we couldn't have a fourth dog
- We've had the three dogs for several years, the fourth one is a rescue
- There really isn't much to say other than we love these dogs
- I'm not going to comment on any of that stuff that was said, because I'm not going to debate any of it

- They can say what they want to say; all I'm here is to say that we don't want to lose any of our dogs
- All have been vaccinated, they're all loved

Mr. Bailey: There's a lot of false information on that letter, that's my comment.

Mrs. Praczakajlo: We're not here to...a neighbor dispute...we're here to discuss the dogs.

Mrs. Praczakajlo: You've indicated the ages of the three dogs, how old is the fourth?

Mrs. Bailey: When we rescued her the agency said she was two, our veterinarian said that she is probably more around 5 or 6; so to give you an exact age, no, I'm sorry I don't know, approximately 5 or 6.

Mrs. Bonsack: Now when you let your dogs out are they all let out at one time?

Mrs. Bailey: Typically, yes.

Mrs. Bonsack: For how long?

Mrs. Bailey: Just for a minute so they can go to the bathroom.

Mrs. Bonsack: So how do you exercise your dogs?

Mrs. Bailey: They have full reign of the yard, they play...they're just little dogs, they don't require a lot of exercise but run, play ball...

Mrs. Bonsack: Do you take them past your fenced in area like in your back there to play ball and...

Mrs. Bailey: That's where they play ball is in the fenced area.

Mrs. Bonsack: Do they go beyond the fence?

Mrs. Bailey: No, not at all. And the little white one, if I'm outside the fence, she will come out to me, that is the only time any of those animals, ever get out of that fence. I would be the first to admit that she squeaks under there when she sees me.

Mrs. Bonsack: No I understand, but when you have four dogs, two dogs are fine, when you three or more they become a pack and only because I've done dog training in the past, but my concern is are they yappy during the day? Do you let them out to pee in the middle of the night, all four at the same time? When do they go out? What is their schedule?

Mr. Bailey: They probably go out on the average of 4 to 5 times a day.

Mrs. Bonsack: Is there shelter out there?

Mr. Bailey: Yes.

Mrs. Bonsack: So you leave them when you're there?

Mrs. Bailey: No they just go out to go to the bathroom and come in. If we're out, barbecuing or working in the yard, they are never, never left out by themselves, absolutely never.

Mrs. Bonsack: So when's the earliest you let them out to go pee in the morning?

Mr. Bailey: There's sometimes around 4:15, before I leave for work.

Mrs. Bonsack: Okay, are they quiet then?

Mr. Bailey: Yes.

Mrs. Bonsack: They're quiet at 4:15?

Mr. Bailey: Yes.

Mrs. Bonsack: All four?

Mr. Bailey: Yes.

Mrs. Bailey: And all four may not necessarily go out...it might be one dog, it might be all four of them, but typically one or two that want to...

Mrs. Bonsack: That have to use the facilities.

Mrs. Bailey: We don't as a rule take them out when he goes...

Mr. Bailey: And it's not every single morning. It might be once a week, it might be three times a week.

Mrs. Bonsack: But that's only if somebody...I'm not...your dogs, do you take them for walks?

Mrs. Bailey: No, because they have that fenced in yard and I've never wanted to give them a mixed message of going beyond their property. They have the fenced in yard, they play...it would be different if these were larger dogs. They absolutely run, play in the yard, we have water in the yard. I'm out there hours at a time gardening and...

Mrs. Bonsack: Do you both work?

Mrs. Bailey: No, I'm a stay at home housewife.

Mrs. Bonsack: You stay at home.

Mr. Bailey: It's tough to walk them on a leash, being so little...they've got short legs and...

Mrs. Bailey: They don't want to go very far. They only weigh combined 61 pounds. I mean there's not much to these little guys.

Mrs. Bonsack: Well size doesn't really matter when you're taking a dog for a walk.

Mrs. Bailey: I understand that, but my point is they run and play in the yard...

Mrs. Bonsack: In a 24 hour span how many hours or minutes would you say they all bark together?

Mrs. Bailey: Bark together?

Mrs. Bonsack: Yeah, to make it the topically of barking.

Mr. Bailey: In a 24 hour span?

Mrs. Bonsack: Yes.

Mrs. Bailey: Combined time?

Mrs. Bonsack: Yes, like if you came home from work, are they all outside waiting for daddy to come home, and are they all in the back yard and all yap at the same time?

Mrs. Bailey: Yes they're going to yap, out of excitement, yes.

Mrs. Bonsack: How long does that go on?

Mrs. Bailey: Oh, two minutes at the most. They're just glad to see him.

Mr. Bailey: It's inside a lot, then they meet me at the door.

Mrs. Bailey: I will tell you that the neighbors on the other side of us, they have a dog and our dogs love that dog, and what they do is when they see that dog out, if we're letting our dogs out, they'll run down and talk to each other and it might be a matter of 30 seconds of seeing each other, and that has stopped.

Mrs. Bonsack: They're doing what dogs do.

Mrs. Bailey: They're doing what dogs do. They're just doing what dogs do. They're good dogs.

Mr. Mead: Okay does anybody else have any questions?
members at this time.

There were no further questions from the Board

Mr. Mead opened the Public Comment portion of the Public Hearing (7:19 PM).

Lisa Jeswald

- I live across the street from Mike and Heidi
- I'm up for work every morning at 4:30
 - There is never any noise from those animals early in the morning, ever
- They have the four dogs, they're tiny dogs, they're smaller than our cat
- There's more noise coming from other houses
 - Motor vehicles
 - Dirt bikes
 - Yelling and screaming
- They are not a nuisance
 - They're just little dogs
- Our dogs bark when we come home
 - That's all they do
- It's beyond ridiculous the statements that I heard in that letter
 - That's just my opinion, maybe I shouldn't say that
- They're very good homeowners
 - They keep their house beautiful
- They've never had any problems with any other neighbors and it just infuriates me that this was an even an issue
 - I find...
- They're loving dog owners and to take a dog away from them who they've adopted and put money and time and love into it, this infuriates me
- I just find this whole thing crazy
- I'm a real big animal lover
 - I have a couple of cats
 - I have a dog
 - It would break my heart if somebody made me get rid of one of my pets for no reason at all
- It's not like they have big vicious dogs that attack someone, they've never attacked anybody
- They're wonderful people, they're wonderful homeowners
- No one but them have had a problem with them, not one neighbor
- Thank you

Mr. Mead: Is there anybody else? Seeing as there is nobody else I will close the Public Comment portion of the Hearing (7:21 PM) and at this point have a motion for the Petition for Michael and Heidi Bailey.

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Bailey, Michael & Heidi
6175 Ward Road

Mr. Mead: At this time I will make a motion to approve the variance:

- | | | |
|--|-----------|----------|
| (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 requested variance substantial? | Yes [] | No [X] |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes [] | No [X] |
| (5) Is the alleged difficulty self-created? | Yes [X] | No [] |

And along with this motion I would like to place a stipulation that you maintain and you do have the variance for the four dogs, but not a continued variance, that after the passing of one of the family members, that the petition does not...

Mrs. Bailey: I understand.

Mrs. Prackajlo: I'll second.

Mr. Mead: All those in favor. All members were in favor of the motion.

Dennis Mead, Chairman

July 5, 2012

July 5, 2012

Petition #443

Dobson, Mark & Cathy
8260 Feddick Road

PRESENT: Dennis Mead, Chairman
Joanne Bonsack
Tracy Hirsch
Kathy Praczakajlo
Bethany Pryor

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Mark Dobson Applicant – 8260 Feddick Road

Mr. Mead asked for a roll call of the members. Attendance is noted above.

Mr. Mead introduced Mrs. Vacco, Mr. Ferguson and Miss Faulring to those in attendance.

Mr. Mead opened the Public Hearing to order at 7:25 PM.

Mr. Mead read the Public Hearing Notice and the SEQR review received from Town Engineer James Hannon – ‘there is no significant impact to the environment; and no further action with respect to SEQRA is necessary or recommended.’

Mr. Mead asked the applicant to come forward and state his reasons for requesting a variance.

Mark Dobson – 8260 Feddick Road:

- I have some documents I would like to give to you, some pictures – these documents were brought forward and given to Mr. Mead
- There are two sets of pictures and a list of things I’m going to talk about

Mr. Mead explained what was brought forward: similar to the letter that was given in the Petition, pretty much stating what Mr. Dobson would be putting in the building or the need for why he would be putting it in and a registration for all the vehicles, his toys that Mr. Dobson is going to be putting in.

Mr. Dobson:

- On the last page is the survey where the proposed barn addition is going to be
- So basically in the picture it shows the front view of the house from the driveway back to where the addition is going to be
- The reason I’m looking to get the addition is
 - I have three vehicles that I keep store off site for the winter months
 - It costs me about \$775.00 to \$800.00 a year to keep those vehicles stored during the winter months
 - My though process is that in five years that’s going to pay for the building
- I have no intention on getting rid these three vehicles
- During the summer months , the cars that we don’t drive are sitting in the driveway
- And having 7 registered vehicles, we can put them in the accessory building and keep them out of sight

Mrs. Bonsack: Do you have receipts for your rental.

Mr. Dobson: I have one right now, I don’t have the boat one, for some reason I didn’t keep them; I didn’t think I would be doing this. If you want to see the boat one?

Mrs. Bonsack: I would yes.

Mr. Mead: As far as the picture that you have as far as the accessory - the roof line where, you’re going to...

Mr. Dobson: I’m going to keep the same pitch it’s a 4 / 12 pitch and it’s going to come right our 14 feet, so when you’re looking at it, it’s going to be facing the left hand side of the building; so it’s just going to continue over...

Mr. Mead: Okay.

Mrs. Bonsack: Is this for the whole season? What season? From when to when?

Mr. Dobson: It’s from October to April.

Mrs. Bonsack: And that’s just for the one boat?

Mr. Dobson: For one boat.

Mrs. Bonsack: And you pay for other vehicles?

Mr. Dobson: Yes I have a '69 Olds Cutlass convertible and 1985 F-150 that go into the same storage place.

Mrs. Bonsack: And this is special storage for...

Mr. Dobson: It's a cold storage for vehicles; it's off Camp Road.

Mrs. Bonsack: Does your addition have to be a certain type of heating for your classic car?

Mr. Dobson: No, I'm going to keep the classic car in the actual barn itself, I'm not going to put it in the accessory building. The boat will be in the accessory building, the F-150 will be in there and all my tractor implements.

Mr. Mead: Are there any other questions?
members.

There were no further questions at this time from the Board

Mr. Mead: At this time I will open up the Public Comment portion of the Public Hearing, if anyone has any questions regarding the variance. There were no questions from the audience.

Mr. Mead closed the Public Comment portion of the Public Hearing (7:29 PM) and asked for a motion on the variance.

Ms. Pryor: I'd like to make a motion to approve the variance:

- | | | |
|--|-----------|----------|
| (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 requested variance substantial? | Yes [] | No [X] |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes [] | No [X] |
| (5) Is the alleged difficulty self-created? | Yes [X] | No [] |

Mrs. Praczkajlo: I'll second.

Mr. Mead: All those in favor. All members were in favor of the motion.

Mr. Dobson: Thank you very much.

Dennis Mead, Chairman

July 5, 2012

July 5, 2012

Petition #444

Mulawka, Joanne
6595 Valley View Lane

PRESENT: Dennis Mead, Chairman
Joanne Bonsack
Tracy Hirsch
Kathy Prackajlo
Bethany Pryor

ALSO Kelly Vacco Deputy Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Joanne Mulawka Applicant – 6595 Valley View Lane
Marilyn Coulombe 6573 Valley View Lane
Yves Coulombe 6573 Valley View Lane

Mr. Mead asked for a roll call of the members. Attendance is noted above.

Mr. Mead introduced Mrs. Vacco, Mr. Ferguson and Miss Faulring to those in attendance.

Mr. Mead opened the Public Hearing to order at 7:31 PM.

Mr. Mead read the Public Hearing Notice and the SEQR review received from Town Engineer James Hannon – ‘there is no significant impact to the environment; and no further action with respect to SEQR is necessary or recommended.’

Mr. Mead asked the applicant to come forward and state his reasons for requesting a variance.

Joanne Mulawka – brought forward two letters from neighbors and gave them to Mr. Mead:

- I have been in a dilemma for over two years
- The problem is the creek bed that has deteriorated and because of the permits and environmental reasons it wasn't repaired
- Because of that I was losing the bed and the structure of my garage
- I was promised by the Town that ‘we'll get to it, we'll get to it’ - monies was given elsewhere is what I heard
- I had a letter from 2010 stating that they were going to come and take up some of the creek and make it straight, that still did not happen
- In October of '11 they did come and put wall behind the creek, but because of the delay I lost the strength of my garage
- I had my builder, hopefully, was going to try to straighten it, it was too weak and they told me safety wise it would not be right for me to even get in there or for them to try to pull it back
- Therefore they knocked it down

Mrs. Vacco: I think that we could probably stipulate that this hardship was not created.

Mrs. Mulawka: No it was not and it's been going on for over two years.

Mrs. Vacco: So it's in the record, this has nothing to do with...(Mrs. Vacco was not understood on the tape)

Mrs. Mulawka: They did come and put a five foot wall with boulders behind it; but the damage to my garage was already done. I lost the whole floor and everything inside, so therefore it had to come down. So what I just want to do it rebuild it in the spot that was there.

Mr. Mead: Understood. Are there any questions from the Zoning Board members?

Mrs. Bonsack: I was there this afternoon and I'm sorry that this happened to you and I...if you have issues going further just bring them up to the Town so that we can remedy any of your concerns as being a good citizen, resident of 36 years. But in the 36 years that you've been living there have you had any other problems with water behind the house.

Mrs. Mulawka: Years and years ago, I'm going to say it's more than 20 years where the Town came and they built up some of the creek bed; but since then a lot of that deteriorated and they lost that because all they did was put like nests of stone in the banks, and those deteriorated.

Mrs. Bonsack: That's 18-Mile Creek behind your house?

Mrs. Mulawka: Yes it is, so they had to wait for permits and environmental statements and everything before they could actually do the wall that they did, but they were supposed to straighten the creek and they never even straightened it...

Mrs. Bonsack: Who's they?

Mrs. Mulawka: The Town.

Mrs. Bonsack: The Town. And you were promised this by the Town.

Mrs. Mulawka: Yes, I have a letter.

Several speaking at the same time..

Mrs. Vacco broke through and stated: This is jurisdictionally outside of what we're here to do this evening.

Mrs. Praczajlo: The Town Board's aware...

Mrs. Bonsack: You don't have to tell me that...okay, I'll listen to the Town Attorney. Thank you.

Mrs Mulawka: But I don't have any problem with the Town. All I want is to be able to rebuild my garage so that I can put a vehicle in it, put my tractor back in it; clean up the mess so that my neighbors don't have to look at tarps.

Mr. Mead: Okay, thank you.

Mrs. Mulawka: I do have one of my neighbors here also.

Mr. Mead: We'll get to that in just a second. Are there any other questions. There were no further questions from the Board members.

Mr. Mead: At this point we would like to open to the Public Comment, if anybody wants to come forward to state for or against the variance (7:40 PM).

David Duffy

- I'm going to be building her pole barn on the spot
- I'm actually making it smaller so that it's not, it's going to be about 8 feet further away from the creek so this problem doesn't happen again
- The fifty foot setback would put her garage anywhere you go from the fifty foot setback, 25 feet from the center of that road and then fifty feet, anywhere you put it on her property it's going to be in the middle of the creek, so there is nowhere else to put it
- Thank you

Yves Coulombe

- I'm her neighbor
- I'm at 6573 Valley View Lane
- We're having the same problem
- The creek is starting to eat away our property as well
- There's a bend in the creek and it just keeps...
- I already had to move my shed because of the problem
- I have no problem with her building a new garage
- I think it's a great idea

Mr. Mead: Is there anyone else? No then I will close the Public Comment portion of the meeting (7:44 PM) and entertain a motion for the Petition.

Mrs. Praczkajlo: Mr. Chairman I would like to make motion that we approve this...

Mr. Mead: Excuse, I should add for the record that there were two letters in support of her variance, from the neighbors.

Mrs. Praczkajlo:

- | | | |
|--|---------|----------|
| (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 requested variance substantial? | Yes [] | No [X] |
| (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes [] | No [X] |
| (5) Is the alleged difficulty self-created? | Yes [] | No [X] |

Mr. Mead: I'll second.

Mr. Mead: All those in favor. All members were in favor of the motion.

Mr. Mead: At this point I would like to make a motion that we adjourn (7:53 PM).

Mrs. Praczkajlo: Second.

Mr. Mead: We are adjourned for this evening. Thanks everyone.

Dennis Mead, Chairman

July 5, 2012