

Town of Bennington Zoning Board of Appeals

April 5, 2022

Vice-Chair Mike George opened the meeting at 7 p.m. on a motion & second (Files/Jensen) with the following in attendance: ZBA Members Al Files, Tim Pyszczyński, and Rick Jensen; and applicant Eugene Szczecinski. Motion was made and seconded (Files/Pyszczyński) to open a public hearing at 7:00 p.m. All ayes; carried.

Variance #1-2022 Eugene Szczecinski, 1488 Sierk Rd., Attica – Area variance requested to construct a 30' x 40' pole barn closer to the road/front lot line than the dwelling. Mr. Szczecinski contacted neighboring property owners as listed by the Zoning Department and they have all signed off on being notified. There was no one present at the meeting to speak for/against the project and no correspondence had been received from them on the application. Motion was made and seconded to close the public hearing at 7:07 p.m. (Files/Pyszczyński); all ayes, carried.

Board members reviewed the application which included copies of the survey and an aerial photo of the property, as well as the denied zoning application. The owner will be the contractor for the build and the estimated cost of construction is \$20,000. The front set back will be 282 feet and side set back (angled) is 452 feet. All board members inspected the property & proposed site. Members reviewed the required criteria for consideration and found there to be no issues nor conditions to impose, and voted unanimously to approve the variance as applied for. The Zoning Officer will be notified on Wednesday of the approval with a copy sent to the applicant with all required signatures.

Motion was made and seconded (Jensen/Files) to adjourn. All ayes; carried. Meeting adjourned at 7:20 p.m.

Ellen Grant, Acting Secretary

Zoning Board of Appeals September 13, 2022

Acting Chairman Mike George called the meeting to order at 7:05 p.m. Members present: M. George; Tim Pyszczynski, Al Files and Rick Jensen. Also present: ZO Jenna Marley, applicant Kimo Brandon and Acting Secretary Ellen Grant.

Rick Jensen led the pledge of allegiance to the flag.

Minutes of the April 2022 meeting were read and approved on a motion by Files/Pyszczynski. All ayes; carried.

Motion by Jensen, second by Files to open the scheduled public hearing at 7:07 p.m. All ayes; carried.

Variance application 2022-2: Handguns Headquarters LLC dba Sugarbush Armory, Kimo Brandon, 1427 Maxon Road, Attica. Area variance to operate a gun club in an A/R district with less than the required 100 acres. Mr. Brandon is in the process of purchasing property at 2065 Clinton Street, Attica which has been used for a ag/commercial business – MJ Maple, and wants to relocate his existing business from Maxon Road to this site. He will put two addition onto the current building to accommodate a shooting range which will be entirely indoors. The property is less than 20 acres. The Town Attorney reviewed this in consultation with the ZO and believes that at Special Use Permit is a better avenue than a re-zone, as the addition of the shooting range changes the definition of the business from strictly retail to a gun club. Mr. Brandon stated any caliber will be allowed, with guidance from OSHA and PESH on safety steel backdrop, soundproofing, ventilation and air handling. It will take several months to get the type of steel needed and he anticipates being fully operational in about 12-14 months. The Town and County Planning Board have reviewed and approved the application, and the Town Board will be holding a public hearing tomorrow on the Special Use Application, at which time any necessary restrictions may be placed.

Mr. Brandon has no intention on operating an outdoor shooting facility for commercial use. Any outdoor shooting will strictly be his personal licensed hunting.

Neighboring landowners have been notified and signed off that they were aware of the project. Public notice of this meeting has also been published in The Daily News.

There being no further questions, a motion was made and seconded (Files/Jensen) to close the public hearing. All ayes; carried. Hearing closed at 7:15 p.m.

Members reviewed the criteria for determining whether the variance should be granted. While they found that there was a substantial variance in relation to the zoning requirement (20 acres vs. 100 acres) and that the difficulty was self-created, they unanimously voted for approval on the remaining criteria and approved the variance with no conditions.

Members completed their time vouchers and conferred with the ZO on potential matters to come before the Board

There being no further business, a motion was made and seconded to adjourn (Jensen/Pyszczyński.) All ayes; carried.

Ellen Grant
Acting Secretary

Town of Bennington Zoning Board of Appeals
October 11, 2022

Present: Members Mike George, Al Files, Rick Jensen, Tim Pyszczinski, Zoning Officer Jenna Marley, applicant Aaron Quinn, Ernie LaWare's daughter and acting Secretary Ellen Grant

Meeting called to order on a motion by George, seconded by Pyszczinski at 7:04 pm

Public Hearing on Application #2022-3 Ernest LaWare and Application #2022-4 Aaron Quinn opened at 7:05 pm on a motion by Jensen, seconded by Pyszczinski

Application #2022-3 Ernest LaWare – Area Variance: 1043 Maxon Road, seeking to construct additional storage for horse trailers & equipment. Site of the building would be closer to the road than the house. Site is 40 feet from the property line, not the required 50 feet. The applicant's daughter was present to answer any questions. She was told that there are no restrictions on the number of buildings on a parcel in the A/R district. Files, George and Jensen visited the property, and Pyszczinski reviewed the site plans and map. Neighbors were notified per the Zoning Officer, but no one appeared to speak for/against and the Town only received one verbal approval from a neighbor regarding the project.

Motion to Close Public Hearing on Application #2022-3 was made by Files, seconded by Jensen. All ayes; carried, and the hearing was closed at 7:10 p.m.

Action on Application #2022-3: Members reviewed the criteria for a variance against the information provided and completed the findings form with their views/votes. Motion was made and seconded (Jensen/Pyszczinski) to approve the variance with no conditions. All ayes; carried.

Application #2022-4 Aaron Quinn Area & Use variance: Applicant wishes to construct a storage building on a parcel he owns adjacent to his property on Friedman Road (no house number assigned.) There is no dwelling on the property. He would use the building for cold storage. He looked at merging his parcels but some deeds have his and wife's names and some just his, so would need extra legal work to do so. He has time constraints to get the project done before winter weather sets in. Neighbors were all notified and none expressed any concerns. He will still pursue merging the parcels once he gets the deeds changed.

Motion to close public hearing on Application #2022-4 made by Files, seconded by Jensen. All ayes; carried. Public hearing closed at 7:20 p.m.

Action on Application #2022-4: Members reviewed each of the criteria and indicated their votes on each in writing on the findings pages. Files and Jensen visited the site and the others reviewed the maps and drawings. Motion was made and seconded (Jensen/Files) to approve the variance with no conditions. All ayes; carried.

Members reviewed the minutes from the September 2022 meeting. Motion was made and seconded (Jensen/Files) to approve the minutes as prepared. All ayes; carried.

Vouchers were distributed to members to complete and sign. Discussed holding meeting the second Tuesday of the month to ensure that our meeting would be after the County planning board meeting. This would be fine with the members. Ellen has a potential secretary to contact for the future. Next month we will be getting information on a communications tower on Slerk Road (150' height.)

There being no further business, a motion to adjourn was made and seconded (Jensen/Files.) All ayes carried. Meeting adjourned at 7:35 p.m.

Ellen Grant, Acting Secretary

Zoning Board of Appeals Agenda

November 8, 2022

Present: Acting Chairman Mike George, Members Al Files, Tim Pyszczinski, and Rick Jensen, Acting Secretary Ellen Grant.

Meeting called to order by Acting Chairman George at 7:00 pm

Public Hearing on Application #2022-5 Beth Pfuelb opened at 7:01 pm on a motion by Files, seconded by Pyszczinski. All ayes; carried.

Application #2022-5 Beth Pfuelb, 50 S. Shore Drive, Alden – Area Variance: construction of a pole barn/garage that does not meet the required front set back of 50 feet. They have 8 feet frontage available. Applicant and husband Beth & Jim Pfuelb both in attendance. Neighbors have been notified and the project was approved by the Highland Glen HOA pending approval by this board. Building will be 22' x 32' x 12'. The area is treed, providing some screening from neighbors/roadway. There were no written comments submitted to the Town and no one has appeared to speak at the Public Hearing.

Motion to Close Public Hearing on Application #2022-5 by Jensen, seconded by Pyszczinski; all ayes, carried. Hearing closed at 7:05 pm.

Action on Application #2022-5: Acting Chair George explains the review of criteria the Board applies to their request and if the variance sought is reasonable in their opinion and who has inspected the site. Members indicate their opinion in writing on the findings page. Motion made by Pyszczinski, seconded by Files to approve the variance as applied for. All ayes; carried, with no conditions or stipulations.

Review meeting minutes from October 2022. Motion to approve was made and seconded (Jensen/Files) and carried.

Members completed their vouchers for the meeting. Members were informed that there will be a meeting in December to consider a variance for a cellular tower. There being no further business, a motion was made and carried (Pyszczinski/Files) to adjourn. Meeting adjourned 7:14 p.m.

Town of Bennington Zoning Board of Appeals

December 13, 2022 Minutes

Present: Members Mike George, Al Files, Rick Jensen, Tim Pyszczinski, Zoning Officer Jenna Marley & Acting Secretary Ellen Grant.

Meeting called to order on a motion by Files seconded by Jensen at 7:00 pm

Public Hearing on Application #2022-6 Bell Atlantic/Verizon Wireless opened at 7:00 pm on a motion by Files, seconded by Jensen. All ayes; carried.

Application #2022-6 Bell Atlantic/Verizon Wireless – Use Variance for tower in Seasonal District, located at 1363 Sierk Rd., Attica NY.

Members reviewed the application and invited the applicants – Steve Fantizzo and Phil Colantonio to present information on the project. There will be no lights on the tower as it is under 200', the fenced in area will be 100 square feet. The fall zone is all contained on the lessee's property. They are hoping to expand to additional local sites next year. The greatest impact on service will be to the Route 98 corridor. The tower will accommodate additional equipment to co-locate for other companies. Anticipate construction sometime in 2023 – possibly before summer. Plan includes removal of equipment within 12 months if no longer in use.

No one from the public was present to make comment and none were received by the Town Clerk other than casual comments happy to see improved services coming to the area.

Motion was made and seconded (Files/Jensen) to close the public hearing. All ayes; carried. Hearing closed at 7:22 p.m.

Action on Application #2022-6: Use Variance 1363 Sierk Road, Attica NY:

Board members reviewed the criteria for the variance and signed off their opinions on each category. Motion by Jensen, second by Files to approve the variance with no conditions. All ayes; carried. Variance granted. The application will next be reviewed and voted on by the Town Board to grant a Special Use Permit for the tower – decision will be made December 14th.

Board members reviewed minutes from the November 2022 meeting. Motion by Jensen, second by Files to approve the minutes as submitted. All ayes; carried.

Members were notified that the Town Board would be voting to appoint Peggy Schmidt-Wlostowski as ZBA Secretary at the Board meeting tomorrow. She is very familiar with ZBA matters having worked as such in the Village of Depew for many years.

There being no further business, motion was made and seconded (Files/Jensen) to adjourn. Carried; meeting adjourned at 7:33 p.m.

Ellen Grant, Acting Secretary