

**Regular Meeting of the Great Valley Planning Board
Zoning Board of Appeals
March 10, 2022**

Present: Steve Ward (chairperson)
Amy DeTine
Al Puszcz
Jeff Ramsten
Chris Schena (via zoom)

Others: Jake Alianello
Dan Brown
Marcy Brown
Mr. Peter Sorgi
Rich Rinko
Dan Bialaszewski
LeighAnn Bialaszewski
Jackie Bialaszewski
Daniel Hart
Kelly Hart
Kendall Miller
Kathy Nerogic
Natalie Schwab
Lalonne Sponeybarger
Mr. Gerald Vella
Eric Hund
Don Wild

The Public Hearing was opened by Steve at 7 PM.

Mr. Peter Sorgi, town attorney, stated that the board would be considering NY Town Law 267-b for an area variance for Dan and LeighAnn Bialaszewski for their property at 3893 Ellicott St. (tax map no. 73.066-1-8). The board will need to consider the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood. He read the 5 factors the board will need to consider for granting an area variance (section 7.3B of the zoning law). He stated that he had already had conversations with the applicant's and Daniel Hart's attorneys. He submitted a letter from Mr. Joel Kurtzhaltz, attorney for Daniel Hart, to the board clerk. At the conclusion of the Public Hearing the board can close the hearing or keep it open. If the board decides to close the hearing they can make a decision during this meeting to approve or deny or table. The decision must be made within 62 days.

The following are the people that spoke during the Public Hearing.

Mr. Gerald Vella, attorney for the applicant

- asked Dan Bialaszewski to outline what he had done. Dan said that in March of 2020 he contacted code enforcement about building a structure off the back of his

garage. Rich Rinko told him it was OK to build. Dan stated that Rich and him had talked and that Rich had no problem with the permit.

- submitted a pre construction copy of a survey of the property along with a letter from Rich Rinko to the board members and clerk
- after contact with Rich his client went ahead with the project which cost \$12,024.92
- passed out several pictures to the board members and clerk
- said it was suggested that his client brought in fill to change property drainage
- the fence that was put up is roughly the boundary line
- the mobile home next to the property has no windows facing the new construction
- no undesirable change as the barn was there before zoning and the addition doesn't change the character of the neighborhood
- maybe the Bialaszewski's should have asked for a variance and maybe it is too close
- the small addition on the existing structure is no closer to the line
- Code Enforcement said no permit was needed
- no adverse effects
- drainage can be remedied with gutters and drained into his client's backyard
- situation is self-created but what could have been done different

Mr. Sorgi asked if the house, garage, and addition are attached. He was told it is closed off to the neighbor side. It is enclosed on 2 sides and fully open on the Bialaszewski house side.

Daniel Hart

- submitted a packet to the board members and clerk which includes correspondence with his attorney, correspondence with Rich Rinko, pictures, his response to the 5 factors for granting an area variance, a copy of the zoning application, SEQR, and building permit
- sent a letter to Rich Rinko and had placed 2 calls and left a voice mail
- attended town board meetings to ask them to enforce the zoning codes. Mr Sorgi stated that a notice of violation was sent but it can't be enforced until this process is done.
- had his property surveyed and posted signs disappeared
- the non window area of the single wide home shown in one of Mr. Vella's pictures is a bedroom and people can't sleep because of the noise
- in August, 2019 the side porch on the Bialaszewski property was put on with no permit
- confronted Dan Bialaszewski about a building permit and Dan said he had one but didn't have to show it
- the structure should have no electric in it because it is just an extension of the garage
- knows gravel was brought in because he has pre construction pictures that show no gravel
- overhang of the roof extends onto his property. Snow falls off the roof onto his property.
- it is the burden of the applicant to know the laws
- asked the board if this was going on next to them would they like it

Mr. Sorgi asked Rich if the addition is closer to the line than the existing structure was and Rich said he didn't know.

Lalonne Sponeybarger

- undesirable and detrimental to the neighborhood because of late and loud parties. The Bialaszewskis had parties before but things changed with the addition.
- structure draws more people and many vehicles are parked on the road
- objective could have been achieved by putting the building between the garage and porch or on the back side of the house so she believes the situation was self-created
- 37" from the property line which is closer than the original garage
- feels Rich had her do her permit applications in much more detail than what the Bialaszewskis were required to do

Mr. Sorgi stated that the board must focus on the structure and not the behavior issues. If the structure hadn't happened the Bialaszewskis could have stood 1' from the property line and partied.

Kendall Miller

- rock was brought in to take care of drainage
- bar and area behind garage is to dry off from the pool instead of having to go in the house
- partying is irrelevant

Kelly Hart

- lives the closest and believes there is too much partying

Natalie Schwab

- lives across the street
- backs up what Daniel, Lalonne and Kelly said
- environmental and neighborhood issue. Her children can't sleep. People park all over which makes it difficult for the neighbors to get out.

Mr. Sorgi reminded the board that they need to focus on the structure and not the behavior issues. He told the board they could close the hearing or keep it open. Amy made a motion to close the Public Hearing with a 2nd by Jeff. All in favor. He also said they could deliberate or table or make a motion to approve or deny. This will be a Type II action with no SEQ. When the board votes they will need to address the 5 criteria. Amy made a motion to table with a 2nd by Jeff. All in favor. A motion to close the ZBA meeting was made by Amy with a 2nd by Jeff. All in favor.

Planning Board

The Planning Board meeting was opened by Steve at 8:12PM.

A motion to accept the minutes from the February 9, 2022 meeting as submitted was made by

Amy with a 2nd by Jeff . All in favor.

Eric Hund wants to do a subdivision on 65.003-2-1. The property is located at 5965 Rt. 98. The subdivision would make the existing 2 story building 13'4" from the property line. The setback is 15'. The subdivision would be combined with an existing parcel that is owned by Don Wild. Eric has 3 options. He can try to get an area variance, ask the surveyor to get the line to 15', or remove the building which would have to be done before approving the subdivision. Eric and Don had previously discussed taking down the building in the summer but don't want to wait that long for the subdivision. They want to close soon so they will try to get the survey pins moved. If this is done before the next meeting the board can review and approve with a condition of combining the parcels.

Kathy Nerogic questioned why the minutes haven't been on the web site in the last few months. Also, the website didn't indicate this meeting was on Thursday.

Amy moved to adjourn at 8:25 PM with a 2nd by Jeff. All in favor.

The next Planning Board and ZBA meeting will be on Thursday, April 14, 2022 at 7PM.