

Town of Shelby Zoning Board of Appeals
Board Meeting
Shelby Town Hall
4062 Salt Works Rd
Medina, NY 14103
October 6, 2019

ZBA Board Members Present:

Patti Bushover	Secretary
Larry Szatkowski	
Sharlene Pratt	
Marian Fry	

Planning Board Members Present:

Kirk Myhill	Chairman
Bradley Pask	Secretary
Larry Hill	
Teresa Wilkins	
Jerry Velesko	
Roger Wilkins	Alternate

Others Present Applicants Michelle Kingdollar CFO and Timothy Winters Pres., CEO Western New York Energy 4141 Bates Rd Medina, NY. Also local citizens Edward Zelazny 11535 Harrison Rd Medina NY, James Zelanzy 11722 Harrison Rd Medina NY and Philip D. Keppler 4765 S. Gravel Rd Medina.

Call to Order: Secretary P. Bushover called the Business Meeting to order at 7:01 p.m.

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

Old Business: Sec. P. Bushover called for Old business:

First Order of Old Business: No Old business.

New Business: Sec. P. Bushover called for new business:

First Order of New Business: Is to consider the application for variance 20-02, concerning a request from Western New York Energy 4141 Bates Rd Medina, NY. Sec. P. Bushover asked the ZBA to consider the five factors and state their findings. (See Attachment1)

After considering the Five Factors P Bushover called for a motion. Larry Szatkowski made a motion to grant the variance to allow the applicant to construct a 150 ft. high distillation towers at the purposed site. Marian Fry 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 benefit to the community has been clearly stated no detriment is noted also the requested height of 150 ft. height is the needed to provide the desired product. This is an unclassified SEQAR

Meet adjointed at 7:05 pm

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

Respectfully Submitted

Patti Bushover Secretary ZBA

Oct. 6, 2020 Variance 20-02

**TOWN OF SHELBY
ZONING BOARD OF APPEALS
4062 SALT WORKS ROAD
MEDINA, NY 14103**

**RESOLUTION FOR REFERRALS TO THE
ORLEANS COUNTY PLANNING BOARD**

On this date, the Zoning Board of Appeals for the Town of Shelby did meet to discuss the referral of an application from Western New York Energy, LLC to the Orleans Country Planning Board.

Upon motion duly made by **Sharlene Pratt**

and seconded by **Larry Szatkowski** and approved by the following roll call,

Craig C, Lacy	Yes	X	No
Patti Bushover	Yes	X	No
Larry Szatkowski	Yes	X	No
Sharlene Pratt	Yes	X	No
Marion Fry	Yes	X	No

RESOLVED, that the applicant Western New York Energy, LLC. Be referred to the Orleans County Planning Board for their review at their regularly scheduled meeting.

There being no further business, upon motion duly made and seconded, the meeting was adjourned.

Respectfully Submitted
Patti Bushover

Patti Bushover, Secretary

Dated 09/15/2020

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant Western New York Energy LLC:

Application No. **AV-20-02**

Date of Application: **08-12-20**

(Postmarked or Hand Delivered)

Date of Public Hearing: **10-06-2020**

Appeal Concerns Property at the following address:

4141 Bates Rd Medina, NY 14103

County Tax Map Section:343689 Block: 80.3-15 Lot: 1

Date notice Published: **09-25-2020**

Zoning District Classification: Industrial

Date of County Referral: **09-24-2020**

Date of Final Action: **10-06-2020**

Date of Filing Decision with the

Municipal Clerk: **10-07-2020**

Requirements for which Variance is Requested: **Height variance of 115'**

Applicable Section of Town Zoning Code: **514 F**

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: YES NO **X**

Reasons: **The property already has towers, buildings of that height or taller.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**

Reasons: **The height of towers is needed for the distillation of a high grade of alcohol.**

3. Whether the requested variance is substantial: YES **X** NO

Reasons: **The request of 115 ft. is 4.3 times the height the code allows which is 35 ft.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**

Reasons: **The property has towers and buildings of that height or taller and new construction will be on the same foot print as other buildings.**

5. Whether the alleged difficulty was self-created: YES **X** NO

Reason: **Company wants to diversity their products that are made at this location.**

DETERMINATIONS OF ZBA BASED ON THE ABOVER FACTORS:

The ZBA, after taking into consideration the above five factors, find that:

_____ the benefit to the Applicant DOESNOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

___**X**___ the benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: **The benefit to the community has been clearly stated and no detriment is noted**

The ZBA further finds that a variance of **115'** from **Section 514 F** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because. **Will be on property with the other buildings and towers of equal or greater height.**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impact upon the neighborhood or community, for the reasons following:

Condition No. 1

Adverse impact to be minimized:

Condition No. 2

Adverse impact to be minimized:

Patricia Bushover
Secretary Zoning Board of Appeals
RECORD OF VOTE

10-06-2020
Date

	MEMBER NAME	AYE	NAY
Chair	Craig Lacy	Excused	
Member	Patti Bushover	X	
Member	Larry Szatkowski	X	
Member	Sharlene Pratt	X	
Member	Marion Fry	X	