

TOWN OF EDEN  
ZONING BOARD OF APPEALS  
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: May 17, 2018

BOARD MEMBERS PRESENT: Phil Muck  
Curtis Neureuter  
Joseph Winiecki  
Drew Reidel  
Doug Schaeu  
Candice Pineau

MEMBERS ABSENT: Kristin Kent

APPLICANT PRESENT: Mr. William Bancroft

OTHERS PRESENT: Gary Sam – Town Board Member  
Jesse Baker – Code Enforcement  
Officer

RESIDENTS: Mr. Joshua Wooley, Mr. Paul Osinski, Mr. William Bancroft

RE: **Appeal No. 2018-2 (Bancroft)**  
**2401 Shadagee Road**  
**Eden, NY**

Mr. Winiecki called the hearing to order at 7:00 p.m.

Mr. Winiecki then read the following Legal Notice published in the “The Sun”:

**Pursuant to the Code of the Town of Eden, notice is hereby given of a public hearing by the Zoning Board of Appeals of the Town, to be heard on Thursday, May 17, 2018 at 7:00 P.M. at the Town Hall, 2795 East Church Street, to consider the following:**

**Bancroft: Application for a Special Permit under Code section 225-32 F, to allow a home occupation at 2401 Shadagee Road for the sale of custom lumber products.**

**Osinski: Application for variances at 4146 Schintzius Road, under the Bulk Regulations in Code section 225-23, to allow (1) construction of a new garage (side lot line violation), (2) addition to an existing garage (side lot line violation) and (3) waiver of the total lot coverage rule for each project above.**

**Wooley: Application for variances at 3651 Yochum Road, under Code sections 225-23 (side lot line violation) and 225-25 (side lot line and street line setback violations), to allow construction of a pole barn.**

**Dated: April 25, 2018**

Mr. Winiacki noted that there was no one in attendance in the audience.

Mr. Winiacki stated that our secretary, Ms. Diane Herzog has reviewed all the applicants Certified Mailings and they are all in substantial compliance with our Code requirements. Mr. Winiacki then explained the order of hearing and appeal process. If the applicant does not like the decision of this board they can appeal to New York State Supreme Court; the decision of this board will be filed with the Town Clerk.

Mr. Winiacki then asked the applicant to give this board a little background into why he would like to have a Special Permit to allow a Home Occupation.

**Mr. Bancroft:** *My intention is to sell lumber, rough cut or planed. I buy logs or take down trees and then I get them sawed to dimensions and then I take them to a kiln to get them dried. The people that buy the rough cut lumber are builders, homeowners and craftsmen. The customers give me a cut sheet of what they want I would then go down to the Amish and get the wood.*

**The board also asked Mr. Bancroft the following:** *(his response in Italics)*

- **Do you have a saw mill at your house?** *No, I do not.*
- **Do you have any intentions of having a saw mill in the future?** *No, they are too large.*
- **Would you use your garage to store all inventory?** *Yes, I only use half of it and can store 5000 board feet. That's equivalent to a 6' high pile of wood. My garage is 24' x 24' I use 12' x 24' of it for the lumber. I always have lumber on hand and as my inventory goes down I replenish it.*
- **Who dries the wood?** *I use the Amish right now but would like to someday have a kiln of my own.*
- **Would customers bring wood to you or do you go to them?** *They can bring it to me or I can go get it from them.*
- **What kind of mechanical equipment will be in the building?** *I have an 8" planer.*
- **If you were to add a kiln to your property do you feel it would create a lot of noise?** *No, it's like running an air conditioner - 24/7.*
- **What about the wood chips you would create what happens to them?** *I give them to my neighbor for the cow bedding.*

- **So we are to assume this would be a retail business? Yes, I do charge sales tax.**

**Mr. Winiecki then went through the list of requirements for a variance:**

This board shall consider-

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? NO
2. Whether the benefit sought by the applicant can be achieved by a method feasible for the applicant to pursue, other than an area variance? NO
3. Whether the requested area variance is substantial? NO
4. Whether the requested area variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? NO
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance? YES, but not relevant.

**Mr. Neureuter made a motion to grant the Special Permit for a Home Occupation at 2401 Shadagee Road subject to the applicant being held to the limitations of his application dated February 26, 2018. Seconded: by Mr. Reidel. All in favor: Phil Muck (Aye) Joe Winiecki (Aye) Curtis Neureuter (Aye) Candice Pineau (Aye) Doug Scheu (Aye) Drew Reidel (Aye) motion approved.**

Respectfully submitted,  
Diane Herzog  
Secretary  
May 20, 2018

The above minutes were reviewed and approved on \_\_\_\_\_, 2018 by

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