

9/14/04 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 14, 2004 was called to order by Acting Chairman Kaczmarek at 8:00 PM.

Members present: Alfred Harrington Also: Joseph Colern, Building Inspector
Lee Occhino Robert Pierce, Town Attorney
Robert Schafer
Harry Kaczmarek, Acting Chairman

Acting Chairman Kaczmarek opened the meeting by welcoming everyone to the first meeting at the New Elma Town Hall. Mr. Kaczmarek then went on to introduce and welcome Alfred Harrington as a new member on the Zoning Board of Appeals.

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #980 for Jenn and Chad Barry, 1750 Bowen Rd, who are requesting a variance to build a 24G⁺x30 addition to the side of existing house less than 50G⁺ from the front property line for personal use only, no business use. Res. C. 144-99 C (4); Appeals Case #981 for Fotini Bechakas, 56 Hemlock , who is requesting a variance for the corner of Transit Rd & Clinton St to construct a 5,000 sq. ft. 1 story building for retail & office use. Commercial. 144-132; 144-100 B (2); 144-100 B (3); 144-100 B (4); 144-72 A (1) & 144-99 B; Appeals Case #982 for Thomas Thoman, 1590 Rice Rd, who is requesting a variance to extend a pre-existing structure from 40G⁺ to 62G⁺ for personal storage only, no business use. Res. B. 52-6; Appeals Case #983 for Mark Subject, 442 N. Davis Rd, who is requesting a variance to construct a 24G⁺x45G⁺ pole barn for personal use only, no business use. Res. B. 52-6; Appeals Case #984 for Bonnie Marzolf, 1241 Bowen Rd, who is requesting a variance to add to existing garage (25G⁺x35G⁺) at 151 Hilltop Dr. for personal use only, no business use. Res. B. 52-6; Appeals Case#985 for John & Terry Lush, 1600 Jamison Rd, who are requesting a variance to build a 3 car garage (20G⁺x30G⁺) with second floor 50G⁺ from the Right of Way, for personal use only, no business use. Res. C/Ag. 52-6/144-99 C (6); Appeals Case #986 for Frank Leonard, 81 Schwartz Rd, who is requesting a variance to build a front porch the width of his house (32G⁺) 17G⁺.35G⁺Ñ from the road. Res. C. 144-99 C (4).

In the matter of Appeals Case #980, Chad Barry presented his case regarding the 24G^l+x32G^l+ addition he would like to add to the side of his house. The addition would be 45G^l+ from the side property line. It would be 2 stories with a great room on the first floor; the upstairs will have 2 bedrooms and a bathroom. The extra room is needed because of the birth of their first child. No one spoke for or against this project.

In the matter of Appeals Case #981, Rick Sanders with Silvestri Architects represented Mr. Bechakas in this case. The 5,000 sq. ft. 1 story facility has met the rear set back on Clinton St but did not meet the front setback on Transit Rd. Mr. Sanders is asking for a 25G^l+ setback in lieu of 50G^l+ setback. The use intended is business and office space. There will be 2 entrances into parking lot on Transit Rd- no access from Clinton St. There will be 31 parking spaces. The residence on Clinton St will be removed to be used for parking.

Joe Orlando of 110 Taylor Heights in Holland owns property to the north of Mr. Bechakas states he has no problem with the project if the residence on Clinton is to be removed.

Those against the project:

Jim Edwards and family, 5071 Clinton Street says the building goes against all State and Town Codes and should be denied.

Bob Mitchell of 3431 Transit Rd has concerns with the traffic with such a large building on a corner lot. No one else spoke for or against this project.

In the matter of Appeals Case #982, Thomas Thoman presented his case to extend his 2 car garage. A second man door would be added. The depth from the road will remain the same. The siding and roof will be the same as existing garage. Four (4) tractors, plows, firewood and personal items will be stored in the garage. No one spoke in favor of the project.

Katherine Glinsboeckel of 1600 Rice Rd stated she is not against the project as long as the structure is extended toward the back of the property. No one else spoke against this project.

In the matter of Appeals Case #983, Mark Subject stated the 24G^l+x45G^l+ pole barn will be located at the very back part of this property and will conform to surrounding area. The structure is not intended for stable use now or in the future. No one spoke for or against this project.

Robert Dollman of 81 Henry Drive just questioned the location of the pole barn and was

satisfied the barn would be on the side of the property opposite to his.

In the matter of Appeals Case #984, Bonnie Marzolf stated she purchased the house at 151 Hilltop Drive and would like to put an addition on to the garage 25G'+x35G'+. The garage is too small for vehicles and storage space. The house as well as the garage needs work before she can move in but would like to begin with the garage. No one spoke in favor or against this project.

In the matter of Appeals Case # 985, Mr. & Mrs. Lush were present. They would like to build a garage with a second floor to house 5, possibly 6 vehicles, and a four wheeler. The second floor would be a game room, not a living space. There will be no water, only electric and minimal heat. The setback needs to be 75G'+. An old barn will need to be removed, an old holding tank will need to be removed, along with an old tree. No one spoke in favor of.

Mike Barsottelli of 1641 Jamison Rd, whose property is across from the LushG'+s, would like to see a smaller structure with the proper set back. No one else spoke against. Carl Baker of 29 Pondbrook did not speak for or against the project but had some questions because he owns property adjacent to the LushG'+s.

In the matter of Appeals Case #986, Frank Leonard stated he would like to extend the front porch on the west side of his house. He recently purchased the house and realizes the structure is already close to the road and thatG'+s why he would like to make the porch longer, not wider. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case # 980 for Jenn and Chad Barry, 1750 Bowen Rd, who are requesting a variance to to build a 24G'+x30G'+ addition to side of existing house less than 50G'+ from the front property line for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Harrington. Poll vote G' (4 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #981 for Fotini Bechakas, 56 Hemlock, who is requesting a variance for the corner of Transit Rd & Clinton St to construct a 5,000 sq. ft. 1 story building for retail and office use, I move the variance be denied. Seconded by Mr. Occhino. Poll vote- 4 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #982 for Thomas Thoman, 1590 Rice Rd, who is requesting a variance to extend a pre-existing structure from 40G⁺ to 62G⁺ for personal storage only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Harrington. Poll Vote G⁺(4 ayes. Carried.

Mr. Occhino made the motion: In Appeals Case #983 for Mark Subject, 442 N. Davis Rd, who is requesting a variance to construct a 24G⁺x45G⁺ pole barn for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote G⁺(4 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #984 for Bonnie Marzolf, 1241 Bowen Rd, who is requesting a variance to add to existing garage (25G⁺x35G⁺) at 151 Hilltop Dr for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote G⁺(4 ayes. Carried.

Mr. Occhino made the motion: In Appeals Case #985 for John & Terry Lush, 1600 Jamison Rd, who are requesting a variance to build a 3 car garage (20G⁺x30G⁺) with second floor 50G⁺ from the Right of Way, for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met; I further move that under this Appeals Case #985 requesting a variance to allow such building to be 50G⁺ from the Right of Way be denied requiring that such structure be minimum of 75G⁺ from the Right of Way. Seconded by Mr. Schafer. Poll vote- 4 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #986 for Frank Leonard, 81 Schwartz Rd, who is requesting a variance to build a front porch the width of his house (32G⁺) 17G⁺.35G⁺Ñ from the road, I move this variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Harrington. Poll vote G⁺(4 ayes. Carried.

The minutes of the last meeting (August 10th) were approved as submitted.

There being no further business, the meeting was adjourned at 9:17PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk