

ZONING BOARD OF APPEALS

The hearing on Tuesday, July 9, 2013 was called to order by Chairman Schafer at 7:03 PM.

Members present: Harry Kaczmarek also: Ray Balcerzak, Bldg Inspector
 Greg Kalinowski Phyllis Todoro, Town Attorney
 Michael Komorek Harry Kwiek, alternate
 Donald Trzepacz
 Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1225 for Bryan Young, 1120 Bullis Road, Elma, who is requesting a variance to install a fireplace in the existing house at 2280 Bullis Road that would be 14 feet from the front property line and to install a new garage where the existing garage was demolished that is 32.64 feet from the front property line § 144-98 C(4), residential B.

Bryan Young was present to discuss his case, he explained that a fireplace is looking to be added in the existing home and that the existing garage was taken down and a new garage would be installed adjacent to the house. Mr. Trzepacz asked why the survey says right of way and the plans say property line and which is the right measurement. Mr. Young explained that the survey was from 2007 and is an old survey.

Chairman Schafer asked what the garage size is going to be. Mr. Young said it would be roughly 25 feet by 29 feet. Mr. Trzepacz added that there is a 13 foot covered space also. Bryan Young is looking to be able to have a couple of cars parked in the driveway and also have the garage and the house be sub metrical. The septic system is going behind the garage to the south.

Mr. Kaczmarek asked the purpose of making the changes and Mr. Young replied that the gentleman that will be taking care of the horses will live there in time. It was asked what utilities the garage would have and Mr. Young answered that it will have electric, water and heat. Mr. Kalinowski asked if it would be possible to move the garage back from the road if he is not going to be living there. Mr. Young replied that the garage would not look as appealing if it was moved back. Mr. Kaczmarek mentioned that if the garage was to be moved back would any of the trees need to be taken down to do so. Mr. Young replied that there would be six trees that will have to be taken down due to the trees not be taken care of correctly and there may be additional trees taken down if the house was moved back.

Mr. Kalinowski asked if there is a hardship if this was not approved. Mr. Young said there is no hardship but if the appeal is not approved then he may have to remove the building and start from the beginning.

Chairman Schafer asked about the fireplace that is being added to the existing home. Mr. Young stated that the front of the building would be similar and that he would want the building to look the same as the remainder of the house. The fireplace would be 14 feet from the front property line. Mr. Young commented that he was looking for the right look to the front of the house.

Mr. Kaczmarek asked who would be residing on the premise and if the building was taken down what would be done. Mr. Young replied that his wife and himself would be living on the premise in a new house that would be built. Mr. Kaczmarek also asked how old the building is and a member of the audience replied that it was built in 1912. Mr. Kaczmarek asked if the building is structurally sound and Mr. Young advised that there was a fire in the building at one time.

Mr. Trzepacz asked if it is possible to put the fireplace in another location. Mr. Young said it would not look symmetrically look right. Mr. Kalinowski asked if there is a budget amount and Mr. Trzepacz asked how far along he is with the house. Mr. Young said he stopped work on the property when he was advised that he need to come before the Zoning Board.

No one spoke for the case. Against the case the following spoke:

Marlene Baumgartner	resident
Deanne Filipski	Pondbrook Association

Mr. Kaczmarek asked if the residence is going to have an entire family and how many rooms. Mr. Young said it would be the gentleman's family and he is not sure of the number of rooms. The assistant building inspector made the zoning board aware that the garage is actually further back than the demolished garage. Chairman Schafer made the board aware that the house is actually going to be shielded from Bullis Road. Mr. Trzepacz asked what his address is and if 1120 is his address and if the 2280 is the location of the property. Mr. Young replied he spoke

with a resident that lives by the property and they were notified of the case. The confusion was on the address that was submitted on the zoning application on Bullis Road.

Chairman Schafer asked that a continuance be given due to proper notification and a proper legal notice in the paper. Chairman Schafer asked for a motion on the variance.

Mr. Komorek made the motion that the variance be given a continuance. Seconded by Mr. Trzepacz. Poll vote – 4 ayes, 1 naves. Mr. Kaczmarek voted no. Motion carried.

The Town Attorney brought to the Zoning Boards attention that the items should be two separate appeals.

The Notice of Public Hearing for Appeals Case # 1226 for Michael & Lisa Lohiser, 90 Cemetery Road, Elma, who is requesting a variance to install an addition on the existing garage that would be 2 feet from the property line § 144-99 C(4), residential C.

Michael Lohiser was present to request a small addition to be added to the back of the garage for storage of lawn mower and other outside equipment. Chairman Schafer asked if the letter from the neighbor is the property that is behind his property. Mr. Bauer is the gentleman that wrote the letter and he owns 23. Mr. Trzepacz stated that it is 2 feet from the rear property line.

No one spoke for the case. Speaking against the case was Betsy Goinski of 60 Cemetery Rd.

The issue of the water run off was brought up and where the water would drain to. The assistant building inspector advised that with either design it would have the same affect.

Mr. Komorek made the motion that the variance be granted based on the drawings submitted and that all Town of Elma codes and ordinances are met. Seconded by Mr. Trzepacz. Poll vote - 3 ayes, 2 naves. Mr. Kaczmarek and Mr. Kalinowski voted no. Motion carried.

The minutes of the last meeting on June 11, 2013 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kaczmarek.

Mr. Kaczmarek made the motion to adjourn and Mr. Kalinowski seconded the motion.

The meeting was adjourned at 8:04 PM.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk