

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 10, 2019 was called to order by Chairman Trzepacz at 7:00 PM.

Members present:	Ron Carey	also:	
	Greg Kalinowski		Phyllis Todor, Town Atty.
	Harry Kwiek		Robert Schafer
	Mike Sobczak		
	Donald Trzepacz, Chairman	Absent:	Ray Balcerzak, Bldg. Inspector

Appeals Case #1365 for Troy Fallon representing 31 Winona Road, Elma, NY who is requesting a variance to demo the existing house and build a new house on the nonconforming lot §144-10 B & C and §144-86.2 A (1) (2) & (3), C-2.

Troy was present and had a letter from the homeowner to speak on his behalf at the meeting. At least 25% of the house must be used when rebuilding to be grandfathered in.

Mr. Trzepacz asked if Troy had any plans that the board could view as to the type of house he is looking to construct and was informed that he did not, but that he wanted to use the same footprint as the existing house. Mr. Fallon expressed to the board that he does not want to purchase the house unless he can rebuild a new house on the property.

Mr. Carey asked if Mr. Barber owns the house and how much is owed on the property and Troy responded that there is roughly thirty thousand owed. Mr. Carey also asked how long the property has been vacant and the answer was 6-8 years.

Mr. Fallon stated he did not feel safe walking in the house in its current condition. Mr. Carey asked if he has a contract and was informed that he does but did not bring a copy with him to the meeting. Town Attorney Phyllis Todor mentioned that the building inspector said the foundation is not good.

Mr. Kalinowski asked the square footage of the slab used as the foundation and Troy replied that there are various numbers that he was given, they range from 650 to 950 square feet. Mr. Fallon could not get into the house to take exact measurements.

Mr. Kalinowski asked what style of house was going to be built and was informed that it would be a two-story home and the first floor was be 750 square feet. The second story of the house would only be over the garage area.

Mr. Kwiek asked when he was looking to get started on the project and Troy responded with as soon as possible hoping it would be within 30 days. Mr. Kwiek also asked about the contract and if he could get out of the contract if he had to. Troy replied that he could cancel the contract and that the amount of the contract was basically the back taxes on the property.

For the variance was Cindy Bork of 41 Winona, who is the neighbor. Against the variance were Attorney David Blackman who represented the owners of 5881 Seneca Street and 5871 Seneca Street.

Mr. Fallon asked with there being an existing structure on the property does he have to follow the current codes and Mr. Trzepacz explained that with no plans for the new house the board can not work on assumptions.

The board was informed that there is a five-foot encroachment on the driveway of the property by Attorney Blackman and asked if Troy was aware of this and Troy replied he knew nothing about it. Mr. Fallon asked if he could get additional information to the board to support and Mr. Trzepacz advised Troy that the board can not act on anything until the next meeting in October.

Mr. Kalinowski made the motion for Appeals Case #1365 for Troy Fallon representing 31 Winona Road, Elma, NY who is requesting a variance to demo the existing house and build a new house on the nonconforming lot §144-10 B & C and §144-86.2 A (1)(2) & (3), C-2 to be granted a continuance given the lack of information and to determine the size of the foundation and the driveway issue. Seconded by Mr. Carey. Ayes: 5. Nays: 0.

Mr. Sobczak made the motion to approve the minutes from the August meeting. Seconded by Mr. Kwiek. Yes: 5. Nays: 0.

Mr. Kwiek made the motion at 7:31 to end the meeting. Seconded by Mr. Kalinowski. Yes: 5. Nays: 0.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk