

11/08/11 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 8, 2011 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1205 for Joan Archibald Curry, 281 Girdle Road, Elma, who is requesting a variance to convert an existing pole barn into a proposed guest suite building §144-45(A)(1) and §144-97A.

Mr. & Mrs. Curry and their architect Greg Shetter with Aurora Architecture were present for the case. Mr. Shetter explained the proposed project and what they are looking to do. The project calls for renovating the existing pole bar that is attached to the two car garage. The existing structure has two by twelve rafters. There are only minor renovations to the existing building. New windows on the front and back, proposed is a one bedroom which is 650 square feet. Painting of the exterior siding and all the utilities would come from the existing home.

Mr. Paul Curry spoke next and explained how Joan's mother is quite elderly and how the parents have lived in Elma. Joan's father recently passed away and her mother would like to continue to live in the home she calls her own. Joan's mother would like to live in her home for the summer months and then live in Florida with Joan the other months. A caregiver would assist with meals and other needs that the mother would need.

Mr. Schafer stated only one residence on a property is permitted. The ground space should be 1200 square feet not the 650 square feet that is being proposed. Mr. Curry stated it is not intended to be rented out, the sole purpose is just meant as a quest suite for the primary residence. Mr. Schafer mentioned that once approved it would be approved

for the entire future someone owns the home.

Mr. Trzepacz asked about the construction on the building and if it will meet NYS codes. Converting a barn to a residence and if the structure is sound enough to support a second floor residence. Mr. Komorek asked about a sanitary facility in the building. A separate septic or a new septic system will be needed.

Mr. Curry brought up the emotional attachment to the home. Mr. Kalinowski brought up the point that maybe an addition on the home would be a better alternative.

No one spoke for the project and against the project the following spoke:

Dr. Lynch 271 Girdle Road, a letter was given to the board

Glen Reukauf 291 Girdle Road

Document from Mrs. Gunner

Dariusz Keyhani 301 Girdle Road

Francis Gunner 261 Girdle Road

Nancy Husler Francis Gunner's daughter 261 Girdle Road

Letters from Aurora Swimming Club, Inc; 257 Girdle Road; 261 Girdle Road; 271 Girdle Road and 291 Girdle Road

Mr. Curry responded to the concerns of the neighbors. It was mentioned that Dr. Lynch has a in-law house on his property.

Mr. Komorek made the motion: In Appeals Case #1205 for Joan Archibald Curry, 281 Girdle Road, Elma, who is requesting a variance to convert an existing pole barn into a proposed guest suite building §144-45(A)(1) and §144-97A, I move the variance be denied based on hardship has not been sustained. As stated there are other potential available options to satisfy the stated hardship. Seconded by Mr. Trzepacz. Poll vote – 5 ayes and 0 naves. Motion carried.

In the matter of Appeals Case # 1206 for David & Marjorie Schmidt, 181 Tiffany Lane, Elma, who is requesting a variance to build a garage addition with a reduction of the required side yard setback from 20 feet to 17 feet 6 inches § 144-98(C)(4).

David Schmidt stated his request to build a new garage and turn the existing garage into

living space. The width of the new garage would provide additional space for storage or space for the vehicles.

Mr. Schafer mentioned the word approximately is a rough wording and would like the footage actually needed from the lot line. Mr. Trzepacz asked if the site plan is actually what is needed and that would be the variance that is required. The site plan should include the one foot overhang around the entire garage. The variance would need to be 16 feet 6 inches for the one foot overhang on the garage. No one spoke for or against the project.

Mr. Trzepacz made the motion: In the matter of Appeals Case # 1206 for David & Marjorie Schmidt, 181 Tiffany Lane, Elma, who is requesting a variance to build a garage addition with a reduction of the required side yard setback from 20 feet to 16 feet 6 inches § 144-98(C)(4), I move the variance be granted as per print changed to 16 feet 6 inches and provided all Elma Town codes and ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes and 0 nays. Motion carried.

The minutes of the last meeting on October 11, 2011 were approved.

Mr. Trzepacz wanted to thank the Town Board for allowing the members to go for the training.

There being no further business, the meeting was adjourned at 8:05 PM.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk