

## **03/09/10 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, March 9, 2010 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Ray Balcerzak, Asst Bldg Inspector  
Harry Kaczmarek Greg Kalinowski, Alternate  
Michael Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1167 for Dale & Diane Kling, 4760 Clinton St, who are requesting a variance for 381 Main St to construct a 16'x30' barn 5' from the rear property line. C-1. 144-74 B 2, 144-78 D & 144-78 C 2; Appeals Case #1168 for Thomas Schmidt, 1359 Eastwood Rd, Alden, who is requesting a variance to split the property at the corner of Schwartz and Hall Roads, making each lot 194'x310'. Res. C. 100-3.

In the matter of Appeals Case #1167 Dale Kling stated he would like to build a 16'x30' period type barn 5' from the property line to utilize the small property. There used to be a barn on the property ages ago. There are residences on both sides of the property. On the west side at 355 Main Street, the property owner is Fred Streif and on the east side, the property owner is Sandor Toth. Both property owners have submitted letters approving the proposed project for Mr. Kling. The barn will be used for storage and possibly in the future a workshop. The Church falls in the C-1 District and there are specific size and height requirements. Accessory buildings can be no more than 18' to the peak not to exceed one story and no more than 250 sq ft max. The proposed barn is approximately 21'-22' high and will have a weathered barn look and electric only. Chairman Trzepacz informed Mr. Kling that due to the C-1 requirements, he is actually looking for the approval for three variances: 1) the height; 2) square footage and 3) the 5' rear setback. Due to the requirements of the C-1 zone Mr. Kling was asked to consider changing the

size, height and specific use of the barn. Fred Streif, 130 Streif Rd, property owner of 355 Main Street and Leo Karr, property owner of 1080 Blossom Rd both spoke in favor of this project. No one spoke against this project.

Mr. Schafer made the motion: In Appeals Case #1167 for Dale & Diane Kling, 4760 Clinton Street, who are requesting a variance for 381 Main St, to construct a 16'x30' barn 5' from the rear property line, I move the variance be granted a continuance for 1 month to allow the property owner time to return with an update plan. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1168 Thomas Schmidt stated he is not the property owner of the vacant land on Schwartz and Hall Roads, but has permission from the property owner who is his father-in-law to request the variance to split the property to make 2 building lots. Mr. Schmidt stated he has no problem with splitting the property from Schwartz Rd or from Hall Road. If he splits the property from Schwartz he will have 2 non-conforming lots lacking depth. Splitting the property from Hall Road will make each piece 155' wide and 389' deep. If the area is zoned for it, Mr. Schmidt would like to build a duplex on each lot. No one spoke for or against this project.

Mr. Harrington made the motion: In Appeals Case #1168 for Thomas Schmidt, 1359 Eastwood Rd, Alden, who is requesting a variance to split the property at the corner of Schwartz and Hall Roads, I move the variance be granted to Thomas Schmidt on behalf of the property owner Harry McFadden to split the property on the corner of Schwartz and Hall Roads into two lots, each lot being 155'x389', per changes in sketches submitted, pursuant to the split being on Hall Road and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 4 ayes. 1 – No. Motion to approve carried. (Mr. Komorek voted no).

The minutes of the last meeting of December 8, 2009 were approved as submitted.

The Zoning Board discussed changing the meeting time to 7:00PM instead of 8:00PM. Mr. Harrington made the motion to approve changing the Zoning Board of Appeals meetings to 7:00PM starting with the meeting of April 13, 2010. Seconded by Mr. Schafer. Poll vote- 5 ayes. Motion carried.

Also discussed were variances for pole barns being approved by the Building Department

and not coming before the Zoning Board for approval. Chairman Trzepacz will look into the matter.

There being no further business, the meeting was adjourned at 8:47PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk