

## **06/09/09 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, June 9, 2009 was called to order by Chairman Trzepacz at 8:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1146 for Donna Kennell, 5930 Seneca St, who is requesting a variance to construct a 20'x24' garage with a 5' side setback for personal use only, no business use. C-2. 144-84 B (20 & 144-86.2 D; Appeals Case #1147 for Milton Koutsandreas, 1791 Bullis Rd, who is requesting a variance to build a 26'x40' detached garage for personal use only, no business use. Res. A. 52-6; Appeals Case #1148 for Robert Meyers, 1464 Bullis Rd, who is requesting a variance to build a 60'x80' storage building for personal use only, no business use. Res. C. 52-6; Appeals Case #1149 for Salvatore & Patricia Valvo, 101 N Woodland Ridge, who are requesting a variance to construct a 24'x30' pole barn for personal use, no business use. Res. B. 52-6; Appeals Case #1145 for John Fisher of Fisher Property Mgmt, 3480 Transit Rd, Depew, who was granted a continuance at the meeting of May 12, 2009; Appeals Case #1141 for Edward Sauer, 111 Jamison Rd, who was granted a continuance at the meeting of May 12, 2009.

In the matter of Appeals Case #1146 Donna Kennell stated she had to knock down her old garage because it was 7' on the neighbor's property and would like to replace with a new 20'x24' garage just slightly further back from where the old garage sat. The new garage will be wood frame construction, vinyl sided to match the house and will have electric only. No one spoke for or against this project.

Mr. Harrington made the motion: In Appeals Case #1146 for Donna Kennell, 5930 Seneca St, who is requesting a variance to construct a 20'x24' garage with a 5' side setback 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. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1147 no one was present.

Mr. Schafer made the motion: In Appeals Case #1144 for Milton Koutsandreas, 1791 Bullis Rd, who is requesting a variance to build a 26'x40' detached garage for personal use only, no business use, I move the variance be granted a continuance for 1 month. Seconded by Mr. Komorek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1148 Robert Meyers stated he would like to put up the large building to store his boat, 2 farm tractors, dump trailer for firewood, the firewood and he may be purchasing an RV in the next couple of years. The main door will be 14' high. Mr. Meyers wants to place the garage in front of his house because there's plenty of blacktop driveway and it will be easier to back up the boat and trailer. One side of his house has a cliff with a 60' drop and the other side is uphill. The back yard has a pond, a pool and the septic system. No one will be able to see the garage from the road. Oliver Twist, 1430 Bullis Rd, spoke in favor of this project. No one spoke against this project.

Mr. Komorek made the motion: In Appeals Case #1148 for Robert Meyers, 1464 Bullis Rd, who is requesting a variance to build a 60'x80' storage building 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 – 5 ayes. Motion carried.

In the matter of Appeal Case #1149 for Sal Valvo stated he would like to build a 24'x30' pole barn in the northeast corner of his property. The building will be used for personal storage of personal items only. No one spoke for or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1149 for Salvatore and Patricia Valvo, 101 N Woodland Ridge, who are requesting a variance to construct a 24'x30' 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. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1145 Mr. Fisher of Northeast Collision and Mr. Jim Popiela from Santoro Signs Inc were present. Mr. Popiela was shown a copy of the building permit by Chairman Trzepacz and was asked if he was aware of the “No flashing or scrolling” comment written on it. Mr. Popiela stated he was aware of the comment but misinterpreted the meaning and apologized to the Board for the misunderstanding. He said had he known about the flashing and scrolling he would have come before the Zoning Board long ago. No one spoke for against this project.

Mr. Harrington made the motion: In Appeals Case #1145 for John Fisher of Fisher Property Mngmnt, 3480 Transit Rd, Depew, who was granted a continuance at the meeting of May 12, 2009, 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 – 4 ayes. 1- no. (Mr. Kaczmarek voted no).

In the matter of Appeals Case #1141 for Edward Sauer, 111 Jamison Rd, who was granted a continuance at the meeting of May 12, 2009, the variance is good for 1 year and will expire May 2010.

In the matter of Appeals Case #1147, Mr. Milton Koutsandreas, 1791 Bullis Rd, showed late for the meeting. Mr. Harrington made the motion to rescind the continuance and reopen the case for Mr. Koutsandreas, seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1147 for Milton Koutsandreas apologized for being late and stated he would like to put up a 26’x40’ garage for the storage of patio furniture, a car and an ATV. There will be electric only. The house sits 1500’ back from the road as will the detached garage. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1147 for Milton Koutsandreas, 1791 Bullis Rd, who is requesting a variance to build a 26’x40’ detached garage 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. Kaczmarek.

Poll vote – 5 ayes. Motion carried.

There are a few training sessions the Zoning Board may attend for credit hours. There was no other correspondence at this time.

The minutes of the last meeting of May 12, 2009 were approved as submitted.

There being no further business, the meeting was adjourned at 8:35PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk