

09/08/09 Zoning Board Minutes

ZONING BOARD OF APPEALS

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

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1155 for Anthony Occhino Jr, 7220 Clinton St, who is requesting a variance to construct a 23'x48' detached garage for personal use only, no business use. Res. C. 52-6; Appeals Case #1156 for Daniel Dion, 191 Kinsley Rd, who is requesting a variance to build a 24'x24' detached garage with 10' attached carport for personal use only, no business use. Res. C. 52-6; Appeals Case #1157 for Richard Willard, 1241 Rice Rd, who is requesting a variance to build a new house on his property while living in existing house. The existing house will be removed after new house is complete. Res. B. 144-51 A (1); Appeals Case #1158 for Michael & Michele Devine, 261 Handy Rd, who are requesting a variance to split land for a building lot at the corner of Clinton St & Handy Rd. Res. C. 100-3; Appeals Case #1159 for Thomas & Francis Banas, 1181 Girdle Rd, who are requesting a variance to split the land property of 1181 Girdle Rd making a separate lot at the corner of Girdle & Jamison Rds. Res. C. 100-3; Appeals Case #1123 for Mark & Eva Subjeck, 442 N Davis Rd, who were granted a variance on September 9, 2008 are requesting a one year extension of said variance.

In the matter of Appeals Case #1155 Anthony Occhino Jr stated he is in the process of building a new house with an attached two car garage and would like to build a detached three car garage on an existing pad where an old house sat. The detached garage will be used to store his car collection. The new house, which is only framed now, sits back 400' from the Right of Way. The proposed garage will sit 85' from the Right of Way. Mr.

Occhino hopes the placement of the garage will help block road noise from Clinton St. The garage doors and a concrete pad will face the house. The side facing the road will have stone and stucco to match the house. Two Red Maples have been planted behind the garage as a buffer. The small shed on the property will remain. The proposed garage cannot go behind the new house because of a pond in the back. No one spoke for or against this project.

Mr. Kalinowski made the motion: In Appeals Case #1155 for Anthony Occhino Jr, 7220 Clinton St, who is requesting a variance to construct a 23'x48' detached garage for personal use only, no business use, I move the variance be granted a continuance until such time as drawings be submitted showing the front elevation of the building to include landscaping. Seconded by Mr. Schafer. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case #1156 Daniel Dion stated he had been approved a variance back on October 9, 2007 but due to financial reasons was unable to go forward with the project. He is now requesting to build a smaller garage (24'x24'). The garage will sit 10'-12' from the side lot line in which he owns that lot also and will sit 10' from the back lot line. The garage will sit further back than the plans submitted. The sketches were revised to reflect the change of location. No one spoke for or against this project.

Mr. Harrington made the motion: In Appeals Case #1156 for Daniel Dion, 191 Kinsley Rd, who is requesting a variance to build a 24'x24' detached garage with 10' attached carport for personal use only, no business use, I move the variance be granted, per the revisions in sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kalinowski. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case #1157 Richard Willard stated he would like to build a new house on his property, 50' from the neighbor's property. 50' was acquired on the west side of the property. Once the new house is built the old house will be taken down. The 2 garages on the property will remain. Mr. Willard stated that once this variance is approved the new house should be complete in approximately 4 months. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1157 for Richard Willard, 1241 Rice Rd, who is requesting a variance to build a new house on his property while living in the existing house. The existing house will be removed after the new house is complete, I

move the variance be granted, provided the new structure is built with a CO and the old house be demolished within one year of obtaining the building permit. Seconded by Mr. Harrington. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case #1158 Michael Devine stated that due to financial hardship he would like to divide a part of his property and sell it as a residential lot. He is willing to divide the property in half or what he would like to do is divide the property: 2 acres to be sold and the remaining 1.79 acres would belong to the Devines. If the property is divided in half 220+’ would be on Handy Rd and 364’ would be on Clinton St. Chairman Trzepacz is concerned that both lots will be non-conforming and on the vacant lot where can a house and driveway be placed and also the highway access to the corner lot. No one spoke in favor of this project. Donnamarie Gozdzia, 6090 Clinton St spoke against this project and Michael Wyzykiewicz, 6101 Clinton St, submitted a letter against this project.

Mr. Kalinowski made the motion: In Appeals Case #1158 for Michael & Michele Devine, 261 Handy Rd, who are requesting a variance to split land for a building lot at the corner of Clinton St & Handy Rd, I move the variance be denied. Seconded by Mr. Harrington. Poll vote – 4 ayes. Motion to deny carried.

In the matter of Appeals Case #1159 Thomas & Frances Banas stated they would like to split the land portion of their property which would be at the corner of Girdle & Jamison Rds. Presently their property is 507’ on Girdle Rd and 258+’ on Jamison Rd. There is an existing driveway off Girdle Road. The Banas’ have suffered great financial loss with the construction of their present home due to a corrupt contractor. The split of the property would help their present situation. The lot sits higher than some of the other properties in the area making it dry and free of water problems. The County put in a culvert pipe to help with drainage. Mrs. Banas feels the lot has plenty of room for a house and a new home would only compliment the area. The neighbors Chad Barry and Jon Miller split Chad’s lot into 2 non-conforming lots in 2006. Jon Miller, 1199 Girdle Rd, spoke in favor of the project. Chad & Jennifer Barry, 1195 Girdle Rd, sent a letter in favor of the project. No one spoke against the project.

Mr. Schafer made the motion: In Appeals Case #1159 for Thomas & Frances Banas, 1181 Girdle Rd, who are requesting a variance to split the land property of 1181 Girdle Rd making a separate lot at the corner of Girdle & Jamison Rds, I move the variance be

denied. Seconded by Mr. Harrington. Poll vote – 3 ayes. 1 – no. Motion to deny carried.
(Chairman Trzepacz voted no.)

In the matter of Appeals Case #1123 Mark & Eva Subjeck sent in a letter requesting an extension of the variance they were approved last September 2008.

Mr. Harrington made the motion: In Appeals Case #1123 for Mark & Eva Subjeck, 442 N Davis Rd, who were granted a variance on September 9, 2008 and are requesting a one year extension of said variance, I move the variance be granted a one year extension of the original variance. Seconded by Mr. Schafer. Poll vote – 4 ayes. Motion carried.

There was no correspondence at this time.

The minutes of the last meeting of August 11, 2009 were approved as submitted.

There being no further business, the meeting was adjourned at 9:07PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk