

06/10/08 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, June 10, 2008 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Joe Colern, Building Inspector
Harry Kaczmarek Ray Balcerzak, Asst Building Insp
Mike Komorek Phyllis Todoro, Town Attorney
Robert Schafer Greg Kalinowski, Alternate
Donald Trzepacz, Chairman

After Roll Call, the Town Attorney who was filling in for the clerk while on vacation read the Notice of Public Hearing for Appeals Case #1112 for James Pickett, 891 Bullis Rd, who is requesting a variance to replace an old pool with a new pool in same location with existing deck. Commercial. 144-72 A, 144-63; Appeals Case #1113 for David & Jennifer Weremblewski, 7931 Clinton St, who are requesting a variance to make a buildable lot from a non-conforming lot. Res. C. 144-131, 100-3; Appeals Case #1114 for Thomas & Laurie Salerno, 2650 Hall Rd, who are requesting a variance to construct a 30'x45' garage for personal use only, no business use. Res. C. 52-6; Appeals Case #1115 for Mark & Eva Subjeck, 442 N Davis Rd, who are requesting a variance for a 53.8'x84.8' private garage for personal use only, no business use. Res. B. 52-6; Appeals Case #1116 for Samcoe Recreational Vehicles Inc, 1721 Transit Rd, who are requesting a variance to install a L.P. Pump Station with a capacity of 1,000 gallons and a fence enclosure for L.P. cylinder refills. Commercial. 144-152 A; Appeals Case #1117 for William Markowski, 1341 Stolle Rd, who is requesting a variance to construct a 30'x40' garage behind his residence for personal use only, no business use. Res. B. 52-6.

In the matter of Appeals Case #1112 Mr. Pickett stated the pool and deck were there when he bought the house, they are over 20 years old. He would like to replace the old pool with a new pool in the same location. The pool is over 10' from property line but the deck is less than 10' from the property line. Mr. Pickett stated he didn't know he had to apply for a building permit and that's what started this process. A survey submitted by Mr. Pickett shows the property was surveyed but doesn't show the property stakes. There

is a conflict with the adjacent neighbor as to her property line according to her property survey. Mrs. Pickett says they have no other place to put the new pool because of their septic system. Chairman Trzepacz says the issue is not the pool but the deck. No one spoke for this project. Those against this project: Sophie Osika, 911 Bullis Rd, submitted a letter against; Ted Sluberski (brother of Sophie Osika), 871 Bullis Rd; Carol Sluberski, 871 Bullis Rd; Steve Srobeda didn't speak for or against but commented on the case.

Mr. Harrington made the motion: In Appeals Case #1112 for James Pickett, 891 Bullis Rd, who is requesting a variance to replace an old pool with a new pool in the same location with existing deck, I move the variance be granted a 1 month continuance until the meeting of July 8, 2008. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1113 Mr. Weremblewski purchased two (2) pieces of property 17 years ago on Clinton St and now wants to create a buildable lot from the non-conforming lot so he can sell the lots separately. He was unaware the lot was not buildable when he made the purchase. Former Building Inspector Gerald Barry informed him back in 1995 the lot was not buildable. Mr. Weremblewski said when he bought both properties they were listed on one (1) deed and doesn't think there are 2 separate deeds. The lot in question is less than 2 acres and the Town Code states a lot needs to be a minimum of 2 acres to be a buildable lot. Two letters of support of this case were submitted to the Clerk from: Sandra Turchiarelli, 7930 Clinton St and Timothy Farland, 7921 Clinton St. Tom Wagner, 8 Deercrest Ct, owner of lot 6 & lot 2, spoke in favor of this project. No one spoke against this project.

Mr. Harrington made the motion: In Appeals Case #1113 for David & Jennifer Weremblewski, 7931 Clinton St, who are requesting a variance to make a buildable lot from a non-conforming lot, I move the variance be granted a 1 month continuance until the meeting of July 8, 2008. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals case #1114 Mr. Salerno stated he would like to put up a 30'x45' garage along the side of the house in the back yard with the septic system running along the one side of the building. The new garage would be 40' from the side property line. He owns 19+ acres. The garage would be used to store personal tractors, snowmobiles, etc. There will be electric only and will be vinyl sided to match the house. No one spoke for

or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1114 for Thomas & Laurie Salerno, 2650 Hall Rd, who are requesting a variance to construct a 30,x45' garage for personal use only, no business use, I move the variance be granted per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeal Case #1115 Mr. Subjeck stated he would like to build a 53.8'x84.8' garage to store 6-8 antique cars and a motor home. He presently owns 30 cars which are kept off the property in other garages. The barn on the property behind the pool houses tractors and lawn mowing equipment. There is also horse barn on the property. Mr. Subjeck said he just purchased the 100'x223' vacant lot to the east of his property. All the cars are taken to shows and events-they are all drivable. No one spoke for this project. Those against: Sal & Patti Valvo, 101 N Woodland Ridge (spoke and submitted letter) and Michael & Gail Walton, 91 N Woodland Ridge (spoke and submitted letter).

Mr. Komorek made the motion: In Appeals Case #1115 for Mark & Eva Subjeck, 442 N Davis Rd, who are requesting a variance for a 53.8'x84.8' private garage for personal use only, no business use, I move the variance be denied. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion to deny carried.

In the matter of Appeals Case #1116 Samcoe Recreational Vehicles would like to have an above ground LP tank 145' from the building, 50' from the street and 135' from the side lot line. The tank will be used for propane refills. They are leasing this property for 1 year at this time and when they leave the property they will remove the tank. There will be a fence around the tank. The Fire District will be made aware of the tank. No one spoke for or against this project.

Mr. Komorek made the motion: In Appeals Case #1116 for Samcoe Recreational Vehicles Inc, 1721 Transit Rd, who are requesting a variance to install a L.P. Tank Pump Station with a capacity of 1,000 gallons and a fence enclosure for L.P. cylinder refills, I move the variance be granted per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote- 5 ayes. Motion carried.

In the matter of Appeals Case #1117 Mr. Markowski stated he would like to construct a

30'x40' garage behind his residence for storage of classic cars, snowmobiles, four wheelers, etc. There will be electric only. The pole barn will be steel sided with steel roof and color similar to the house. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #117 for William Markowski, 1341 Stolle Rd, who is requesting a variance to construct a 30'x40' garage behind his residence for personal use only, no business use, I move the variance be granted per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Kaczmarek. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of May 13, 2008 were approved as submitted.

There being no further business, the meeting was adjourned at 10:30PM.

Respectfully submitted as per the notes of Town Attorney Phyllis Todoro,

Jennifer M. Ginter
Secretary-Clerk