

08/12/08 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, August 12, 2008 was called to order by Chairman Trzepacz at 8:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1122 for Michael Dixon, 761 Northrup Rd, who is requesting a variance for a basement and a 1st floor Family room and a porch which would be 48' from the front property line. Res. C. 144-99 C (4); Appeals Case #1123 for Mark & Eva Subjeck, 442 N Davis Rd, who are requesting a variance to build a 2,334 sq ft building to store a personal antique car collection for personal use only, no business use. Res. C. 52-6; Appeals Case #1124 for Judith Rizk, 1911 Woodard Rd, who is requesting a variance to build a 2nd story deck on the back of the house up to the property line. Res. B. 144-98 C (4); Appeals Case #1125 for Michael Sinski, 481 Hemstreet Rd, who is requesting a variance to build a new house 35' from the front property line. Res. C. 144-99 C (4); Appeals Case #1126 for Jewish Community Center of Greater Buffalo, 2640 North Forest Rd, Getzville, who are requesting to renew the existing five (5) year temporary permit to operate Camp Centerland at 2280 Bullis Rd. Res. B. 144-67 A& B; Appeals Case #1127 for Susan Neubauer, 2200 Hall Rd, who is requesting a variance to build a 24'x32' private storage barn for personal use only, no business use. Res. C. 52-6.

In the matter of Appeals Case #1122 Michael Dixon stated he would like to extend his basement and 1st floor for the addition of a family room. Due to the angle of the road, one angle of the porch is in question. The building is more than 50' away. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1122 for Michael Dixon, 761 Northrup

Rd, who is requesting a variance for a basement and a 1st floor family room and a porch which would be 48' from the front property line, 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 #1123 Mark Subjeck stated he proposes to construct a 3200 sq ft garage to house 8 cars and a motor home. The application submitted and Legal Notice states 2334 sq ft not 3200 sq ft. The plans submitted by Mr. Subjeck also states 3200 sq ft. The figure on the application is incorrect and was not submitted by Mr. Subjeck. The present application submitted has the garage 600sq ft smaller than the previous application submitted but it is larger than 2334 sq ft. Chairman Trzepacz asked Assistant Building Inspector Ray Balcerzak if the Building Department has received any written complaints on the maintenance or the operations on this property. Mr. Balcerzak replied they have not. Chairman Trzepacz asked Mr. Balcerzak if the variances given to this property in the past have been complied with. Mr. Balcerzak replied he did not know. A ZBA letter dated February 14, 2001 was shown to Mr. Subjeck stating a berm of trees was required as part of his variance approval. Mr. Subjeck says there is a natural berm with trees and he planted more trees as he was told he was required to and not a separate berm and trees was the requirement. No one spoke in favor of this project but a letter of support was submitted from Lawrence Kaznica, 71 Henry Drive in favor of this project. Michael Walton, 91 Woodland Ridge, is against this project.

Mr. Harrington made the motion: In Appeals Case #1123 for Mark & Eva Subjeck, 442 N Davis Rd, who are requesting a variance to build a 2334 sq ft building to store a personal antique car collection for personal use only, no business use, I move the variance be granted a continuance for one month until a corrected Legal Notice has been posted and for written verification from the Building Department related to a previous variance granted that all conditions have been met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1124 Judith Rizk stated she would like to build a 7'x2' deck off the second floor of her home 8' up. After purchasing her home she had a second story addition put on. She had sliding glass doors put in her bedroom and would like that to open out to a deck. The deck would be touching the property line. The property line is 2' from the back of the house. She purchased the house last year and didn't know the back property line was only 2' from the house. No one spoke for or against this project.

Donald and Dorothea Larson, 810 Schultz Rd, had questions with the project.

Mr. Kaczmarek made the motion: In Appeals Case #1124 for Judith Rizk, 1911 Woodard Rd, who is requesting a variance to build a 2nd story deck on the back of the house up to the property line, 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 #1125 Michael Sinski stated he would like to build a house on 1.3 acres on Hemstreet Rd. He needs the variance because the ROW goes thru the front of his property and the one corner of the house will only be 35' from the ROW. The house will still be 50' from the road. He was aware of the gas line on the property when he bought the land but not the ROW. Dale Landahl, 481 Hemstreet Rd, owner of the land sold to Mr. Sinski, spoke in favor of the project. No one spoke against this project.

Mr. Komorek made the motion: In Appeals Case #1125 for Michael Sinski, 481 Hemstreet Rd, who is requesting a variance to build a new house 35' from the front property line, 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 Appeals Case #1126 David Fuhrmann was present representing the Jewish Community Center of Buffalo for the renewal permit for Camp Centerland on Bullis Rd. Letters were received from the Health Dept. No changes are planned for the property. The Building Dept hasn't received any complaints against the property. They will continue to abide by all Town noise and traffic codes and ordinances. No one spoke for or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1126 for Jewish Community Center of Greater Buffalo, 2640 North Forest Rd, Getzville, who are requesting to renew the existing five (5) year temporary permit to operate Camp Centerland at 2280 Bullis Rd, I move the temporary 5 year permit be granted, contingent upon valid SPEDES Permit, including approval of DEC and ECHD and providing all other Town Codes are met, and thereby permission is granted also to apply to the Building Inspector for the renewal of the 5 year temporary permit. Seconded by Mr. Harrington. Poll vote- 5 ayes. Motion carried.

In the matter of Appeals Case #1127 Victor Schinta was present representing Susan Neubauer. Ms. Neubauer would like to put a 24'x32' private storage barn on her property which is 1600' deep and 118' wide. There are presently three buildings on the property: a garage apartment, a cottage and the main house. The proposed new barn will sit approximately 800' back off the road. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1127 for Susan Neubauer, 2200 Hall Rd, who is requesting a variance to build a 24'x32' private storage 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. Kaczmarek. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of July 8, 2008 were approved as submitted.

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

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk