

## **09/09/08 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, September 9, 2008 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Joe Colern, Bldg Insp  
Harry Kaczmarek Phyllis Todoro, Town Attorney  
Greg Kalinowski  
Mike Komorek  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1128 for Lorraine Swiatek, 2560 Hall Rd, who is requesting a variance for a non-conforming front setback of 47' on existing house lot at 2560 Hall Rd to create a Flag Lot on rear of property just west of 2560 Hall Rd. Res. C. 144-9 & 144-99 C (4); Appeals Case #1123 for Mark & Eva Subjeck, 442 N Davis Rd, who were granted a continuance at the meeting of August 12, 2008 for a 3200 sq ft building for personal use only, no business use.

In the matter of Appeals Case #1128 Lorraine Swiatek submitted a letter to the Board from her sister-in-law, the property owner of 2560 Hall Road, Arlene Swiatek, allowing Lorraine to speak on her behalf. Lorraine stated she and her husband would like to build a new home on the lot behind 2560 Hall Rd creating a flag lot. The existing home in the front was built in 1950/1951 and is presently occupied by her mother-in-law and sister-in-law. Mrs. Swiatek needs the variance for the existing house because with the house being built in the 1950's the setbacks have changed and the front setback is 47' and a 3' easement is needed for the 50' front setback to create the flag lot from that point and make the lot compliant. No one spoke for or against this project.

Mr. Komorek made the motion: In Appeals Case #1128 for Lorraine Swiatek, 2560 Hall Rd, who is requesting a variance for a non-conforming front setback of 47' on existing house lot at 2560 Hall Road to create a Flag Lot on rear property just west of 2560 Hall Rd, 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 Subject and his daughter were present. Chairman Trzepacz stated since the last Zoning Board meeting the two (2) concerns of the Board were: a member or members of the Zoning Board along with the Building Inspector being allowed to visit the property to address whether past variances were complied with and second, to know exactly what they are looking at. Joe Colern and Mr. Harrington visited the property today. Mr. Colern verified there is a berm and a double row of pine trees and also regarding the horse manure pile, there is a barrier and presently there was very little manure on the property. Mr. Harrington confirmed what Mr. Colern said and added there was very little to almost no odor from the manure and that the barn and property was immaculate. No formal complaints have been made against this property. Mr. Subject has purchased a dump truck and will haul the horse manure out himself and will do so approximately every five weeks. No changes or additions have been made to the 3200sq ft building proposed at the last meeting which will be used to house an antique car collection for personal use only, no business use. All past variances has been complied too. No one spoke in favor of this project. Mike Walton, 91 Woodland Ridge, spoke against this project.

Mr. Harrington made the motion: In Appeals Case #1123 for Mark & Eva Subject, 442 N Davis Rd, who were granted a continuance at the meeting of August 12, 2008 for a 3200 sq ft 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. Kalinowski. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of August 12, 2008 were approved as submitted.

There being no further business, the meeting was adjourned at 8:14PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk