

## **11/11/08 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, November 11, 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 #1133 for Jason & Kimberly Vitez, 2300 Hall Rd, who are requesting a variance to install an above ground pool in the side yard. Res. C. 144-63; Appeals Case #1134 for Clayton Schwab, 7485 Clinton St, who is requesting a variance to build a 24'x32' pole barn with an 8'x16' attached lean-to 5' from the property line for personal use only, no business use. Res. C. 52-6 & 144-99 C (6); Appeals Case #1113 for David & Jennifer Weremblewski, 7931 Clinton St, who were granted a continuance at the meeting of July 8, 2008.

In the matter of Appeals Case #1133 Jason Vitez stated he would like to install a 24' pool in his side yard instead of the back yard because they put a garage addition on and there is no visibility at the back of the house. The house sits back 125' from the road and the property adjacent to where the pool will be located is wooded. There will be a 12' deck off the side of the house up to the pool. The sketches submitted show a burm with trees on it. Mr. Vitez also suggested maybe just planting some trees, but the Zoning Board wants the burm with the trees on it and would like it to be 30' long and 3' high. The burm would go from the deck to the property line. No one spoke for or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1133 for Jason & Kimberly Vitez, 2300 Hall Rd, who are requesting a variance to install an above ground pool in the side yard, I move the variance be granted, per sketches submitted to include the 30' long and 3' high burm with trees and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kalinowski. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1134 Clayton Schwab stated he would like to build a 24'x32' pole barn with an 8'x16' overhang to store personal vehicles, a truck and trailer. The lean-to will be used like a covered porch and will also be the entrance way into the pole barn. There are two septic tanks on the property. One is the original tank, the other was added on just before he bought the house and runs into a sand filter which is located near the proposed new pole barn. Chairman Trzepacz informed Mr. Schwab he is requesting two variances, 1) is for the 5' side setback and 2) is for the pole barn. Mr. Trzepacz asked Mr. Schwab why he can't move the building back 10' and over another 5' because he has the room and will move the building further from the sand filter. Mr. Schwab wanted to leave the building as is to line up with the driveway and the house. After further discussing the matter with the Board and no hardship could be proven, he agreed to move the building. The extended driveway will be stone at this time. There will be no utilities because the pole barn will be used for cold storage only. Brian Schiemont, 7491 Clinton St, didn't speak for or against this project only had a couple of concerns. No one spoke for or against this matter.

Mr. Schafer made the motion: In Appeals Case #1134 for Clayton Schwab, 7485 Clinton St, who is requesting a variance to build a 24'x32' pole barn with an 8'x16' attached lean-to 5' from the property line for personal use only, no business use, I move the variance be granted, per sketches submitted and provided the 24'x32' pole barn with an 8'x16' attached lean-to complies with the Town of Elma Code of 10' side set back. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1113 David Weremblewski stated nothing has changed since the last meeting he attended in July. He has not been able to purchase any extra land to make his vacant lot a conforming lot. He talked with the Building Inspector about a 1 lot subdivision designation but the lot didn't perk, so that option was out. Mr. Weremblewski is now asking the original variance be granted. The lot with the house on it is 267' deep and the vacant lot is 242' deep. The Weremblewski's no longer live on Clinton St and have the property with the house on it up for sale only but would include the vacant property if someone was interested in both parcels. There was a lengthy discussion on the deed to these properties and the history of the property and surrounding properties known as the proposed Elma Estates Subdivision. No one spoke for or against this project.

Mr. Komorek made the motion: In Appeals Case #1113 for David & Jennifer, 7931

Clinton St, who were granted a continuance at the meeting of July 8, 2008, I move the variance be granted another continuance for one month until the meeting of December 9, 2008. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of October 14, 2008 were approved as submitted.

There being no further business, the meeting was adjourned at 9:15PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk