

## **04/10/07 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, April 10, 2007 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Joseph Colern, Bldg Inspector  
Harry Kaczmarek Greg Kalinowski, Alternate  
Mike Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1071 for Robert Ott, 282 Townline Rd, who is requesting a variance for to create a 2.57 acre lot for a 2330 sq ft home and to leave an existing 20'x20' garage on the proposed lot, for personal use only, no business use. The garage would be less than 20' from the proposed lot line. Res. C. 144-133 & 144-99 C (4); Appeals Case #1072 for Paul & Theresa Schiavoni, 801 Bowen Rd, who are requesting a variance to build a 26'x30' detached garage for personal use only, no business use. Res. B. 52-6; Appeals Case #1073 for Ronald & Marilyn Strozyk, 681 Northrup Rd, who are requesting a variance to construct a 24'x24' detached garage for personal use only, no business use. Res. C. 52-6; Appeals Case #1074 for Richard & Christine Muszynski, 3480 Bullis Rd, who are requesting a variance to construct a 24'x48' pole barn with a 12'x48' lean-to for personal use only, no business use. Res. B. 52-6 & 144-98 C (4).

In the matter of Appeals Case #1071 Robert Ott stated he owns 23.5 acres and his daughter and son-in-law (Matt, also present) would like to build a home on 2.57 acres behind an existing 20'x20' garage on the property. The house will sit 350' back. The existing garage will stay and be used for storage. The east side of the garage will be 12.5' from the lot line and the west side will be 13.57' from the side lot line. Mr. Ott's said his son lives in a house on the property now. The new driveway will be south of the garage. No one spoke for or against this project.

In the matter of Appeals Case #1072 Paul Schiavoni stated the trailer on the property was left there by the previous owner. The dog kennel that was left there by the previous

owner was taken down last summer. A new septic system was put in. The access driveway to the new building will come off the main driveway. The new building will sit 25' from the south lot line and will be used for personal storage only. Mr. Schiavoni said due to financial reasons he may need to make the new building 24'x24' instead of 26'x30' and also stated that he intends to remove the trailer on his property prior to any construction of the new building. No one spoke for or against this project.

In the matter of Appeals Case #1073 Ronald & Marilyn Strozyk would like to build a 24'x24' detached garage in addition to their attached garage. It will sit 100' back and will be 12' off back property line. It will be wood frame construction, vinyl sided with an asphalt shingle roof to match the house and will have electric. It will be for personal storage only. No one spoke for or against this project.

In the matter of Appeals Case #1074 Richard Muszynski stated he wanted to place the proposed 24'x48' pole barn with 12'x48' lean-to in front of a 12'x20' shed that is used for storage only. The pole barn would be used for cold storage. The lean-to would be used for storage and a place for sitting. The lean-to would face towards the house. The plans submitted shows the structure 15' from the lot line but Mr. Muszynski says he would move it 20' if the Board requires it. Water run off from the roof needs to be addressed. Due to the slope of the roof and the property the drainage runs onto the neighbor's property. Drainage needs to be directed towards the road. No one spoke for or against this project. John Grzedzicki, 3550 Bullis Rd wasn't for or against the project, only had questions. A letter was received from William Ruhland, 3440 Bullis Rd, who wasn't for or against the project but was concerned about drainage onto his property and about the 20' lot line code.

Mr. Harrington made the motion: In Appeals Case #1071 for Robert Ott, 282 Townline Rd, who is requesting a variance to create a 2.57 acre lot for a 2330 sq ft home and to leave an existing 20'x20' garage on the proposed lot for personal use only, no business use, The garage would be less than 20' from the proposed lot line, I move the variance be granted, per new survey and sketches submitted, and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote = 5 ayes. Motion carried.

Mr. Kaczmarek made the motion: In Appeals Case #1072 for Paul & Theresa Schiavoni, 801 Bowen Rd, who are requesting a variance to build a 26'x30' detached garage for personal use only, no business use, I move the variance be granted, per sketches

submitted for a maximum 26'x30' detached garage, provided all Elma Town Codes and Ordinances are met and also for the prompt removal of the trailer on the property before the certificate of compliance is issued. Seconded by Mr. Schafer. Poll vote û 5 ayes. Motion carried.

Mr. Schafer made the motion: In Appeals Case #1073 for Ronald & Marilyn Stroyk, 681 Northrup Rd, who are requesting a variance to construct a 24'x24' detached 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. Kaczmarek. Poll vote û 5 ayes. Motion carried.

Mr. Komorek made the motion: In Appeals Case #1074 for Richard & Christine Muszynski, 3480 Bullis Rd, who are requesting a variance to construct a 24'x28' pole barn with a 12'x48' lean-to for personal use only, no business use, I move the variance be granted for the barn with a 20' side setback not 15' as submitted, provided all Elma Town Codes and Ordinances are met and to include a drainage system be installed with drainage to go towards the road as approved by the Building Department. Seconded by Mr. Harrington. Poll vote û 5 ayes. Motion carried.

The minutes of the last meeting of March 13, 2007 were approved as submitted.

Correspondence was received from Wendel Duchscherer regarding a presentation on Tuesday, May 8, 2007 in Angola, NY.

Don Trzpacz and Robert Schafer have elected to sit on the Code Review Committee as representatives of the Zoning Board of Appeals as requested by the Town Board. The Clerk will send a letter to the Supervisor and the Town Board.

The Clerk is looking into the status of the ID Cards the Zoning Board had requested months ago.

Building Inspector Joe Colern suggests the Zoning Board look into making the Town Code 52-6 more restrictive regarding restrictions on accessory buildings (garages) û height, size, etc.

There being no further business, the meeting was adjourned at 8:55PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk