

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

### ZONING BOARD OF APPEALS

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

Members present: Harry Kaczmarek also: Tom Stynes, Asst Bldg Insp  
Greg Kalinowski  
Mike Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1085 for Omnipoint Communications Inc, 103 Monarch Dr, Liverpool, NY, who are requesting a variance for 881 Schultz Rd to allow construction of a 170' monopole in a Residential C/Agricultural zoned area. 59A -9 (A) (6); Appeals Case #1086 for Margaret Quinn, 234 Gaylord Ct, who is requesting a variance to expand an existing storage shed 10.6'x23.7' reducing the rear setback from 10' from the property line to 5'6" set back for personal use only, no business use. Res. B. 144-98 C (4); Appeals Case #1087 for Norman Hanel, 931 North Star Rd, who is requesting a variance to construct a 24'x32' detached garage for personal use only, no business use. Res. C. 52-6; Appeals Case #1088 for Robert & Michelle Bauer, 7471 Clinton St, who are requesting a variance to build a 32'x48' pole barn for personal use only, no business use. Res. C. 52-6.

In the matter of Appeals Case #1085 Attorney James Whitcomb and Radio Frequency Engineer Dan Ford were present representing Omnipoint Communications Inc. Mr. Whitcomb stated several other sites in Town were looked into but were found to be inappropriate. The proposed site is located on farmland at 881 Schultz Rd and the property is owned by Ronald Luders. The 170' monopole would sit over 2000' off Schultz Rd line, over 1500' off Girdle Rd and 1900' off Rice Rd. There are lots of trees around for screening from Girdle Rd. The fall down zoned would be entirely on the property and 212' from the nearest neighboring property. This project requires a Type I SEQR which is not complete. No one spoke on favor of this project. Those against: Lawrence Hoffman & Elizabeth Theal, 861 Schultz Rd; Cecilia Weidenbach, 811 Schultz Rd; Shirley Donnelly who owns 30 acres of vacant land on Schultz Rd; Walter & Raye

Ann Dryden, 2080 Woodard Rd and Joe Knarr who owns property on Schultz Rd.

In the matter of Appeals Case #1086 William Quinn stated they would like to add onto their shed a 10.6Æx23.7Æ to store a new lawn mower, pool accessories, tools and a solar collector for the pool. The pool is 3 years old. The addition would reduce the set back from 10Æ to 5Æ6ö not including the 6ö overhang which would actually reduce the setback to 5Æ. The location of the addition is mainly for the solar collector for the pool and Mr. Quinn says that part of the property is useless. The children have a swing set and play in the other open section of the yard. There are trees around the shed for screening and Mr. Quinn stated the neighbors are aware of the addition and the close proximity of the structure to the property line and have no concerns with the addition. No one spoke for or against this project.

In the matter of Appeals Case #1087 Norman Hanel stated he would like to construct a 24Æx32Ægarage 10Æ off the property line to store his classic cars and Harley Davidson Motorcycle. He also likes to work on his own vehicles and needs to room to do that. There will be no driveway added at this time. No one spoke for or against this project.

In the matter of Appeals Case #1088 Robert Bauer stated they were here on September 15, 2005 (Appeals Case #1021) for a variance to remove a two car garage and construct a 32Æx48Æ pole barn. He now wishes to leave the existing 2 car garage where it is and attach a 32Æx48Æ pole barn to it. Mr. Bauer states the pole barn can be attached to the existing garage because there is a foundation there (The Building Inspector still needs to verify this). There will be electric only. A race car and a trailer and some other personal items will be stored in the pole barn. Repairs to the race car will be done at a workshop in Cheektowaga. The car will not be run at night according to Mr. Bauer. No one spoke for or against this project but Beverly Schwab, 7485 Clinton St had a couple of questions and is concerned about screening the building from their view.

Mr. Schafer made the motion: In Appeals Case #1085 for Omnipoint Communications Inc, 103 Monarch Dr, Liverpool, NY who are requesting a variance for 881 Schultz Rd to allow construction of a 170Æ monopole in a Residential c/Agricultural zoned area, I move the variance be granted a continuance. Seconded by Mr. Kaczmarek. Poll vote û 5 ayes. Motion carried.

Mr. Komorek made the motion: In Appeals Case #1086 for Margaret Quinn, 234 Gaylord

Ct, who is requesting a variance to expand an existing storage shed 10.6Æx23.7Æ reducing the rear setback from 10Æ from the property line to 5Æ6ö set back for personal use only, no business use, I move the variance be denied because no hardship has been demonstrated and/or proven. Seconded by Mr. Schafer. Poll vote û 1 aye. 4 noes. Motion to deny carried. (Only Chairman Trzepacz voted yes).

Mr. Kaczmarek made the motion: In Appeals Case #1087 for Norman Hanel, 931 North Star Rd, who is requesting a variance to construct a 24Æx32Æ 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. Kalinowski. Poll vote û 5 ayes. Motion carried.

Mr. Kaczmarek made the motion: In Appeals Case #1088 for Robert & Michelle Bauer, 7471 Clinton St, who are requesting a variance to build/attach a 32Æx48Æ pole barn to an existing 2 car 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. Kalinowski. Poll vote û 5 ayes. Motion carried.

The minutes of the last meeting of June 12, 2007 were approved as submitted.

All have received information on 2- two hour training sessions to be hosted by TVGA at the Town Hall in Sept & Oct.

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

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk