

08/14/07 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, August 14, 2007 was called to order by Acting Chairman Schafer at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst Bldg Insp
Harry Kaczmarek Phyllis Todoro, Town Attorney
Greg Kalinowski
Mike Komorek
Robert Schafer, Acting Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1089 for Petr-All Petroleum Corporation, 6567 Kinne Rd, Dewitt, NY who are requesting a variance for 661 Jamison Rd to place a new sign in existing sign location. Commercial. 144-24; Appeals Case #1090 for Paul Grzywna, 21 Nanette Dr, who is requesting a variance to construct a 20'x34' detached garage 5' from the side lot line and 46' from front lot line for personal use only, no business use. Res. B. 52-6, 144-98 C (4); Appeals Case #1091 for John Grzedzicki, 3550 Bullis Rd, who is requesting a variance to construct a 22'x25' pole barn for personal use only, no business use. Res. B. 52-6; Appeals Case #1092 for Ernest & Karen Belzile, 1430 Bowen Rd, who are requesting a variance to build a 40'x40' pole barn for personal use only, no business use. Res. C. 52-6; Appeals Case #1093 for Kathleen Majchszak, 6730 Clinton St, who is requesting a variance for creating a 280-A (Flag Lot) with non-conforming side setbacks at 6720 Clinton St. Res. C. 144-99 C (4).

In the matter of Appeals Case #1089 Attorney Ralph Lorigo representing Petr-All Petroleum Corp stated Petr-All would like to place a new sign for Tim Hortons and Mobile Express Mart in the same the location as the current sign at 661 Jamison Rd. The new sign would be 20' in height maximum. No one spoke for or against this project.

In the matter of Appeals Case #1090 Paul Grzywna stated they need more storage space for personal belongings. The current attached garage is full. They do not want to attach this new building due to the expense. The back of the lot is narrow and there are four (4) full grown Maple trees and a pool. They do not want to remove the trees. There are a row

of arborvitaes along the side lot line blocking the view of the garage from the neighbors. The 6' eave on the building would make the building 4'6" from the side lot line not 5'. The existing driveway would be used. There will be electric only. Because the area will require excavation drainage problems were a concern. Mr. Grzywna says there are no drainage problems on the property. No one spoke for the project. Roger & Sue Throm, 31 Nanette Dr sent a letter against the project. Stan Labenski, 41 Nanette Dr, had a few questions regarding the project.

In the matter of Appeals Case #1091 John Grzedzicki stated he would like to build a 22'x25' pole barn for personal storage. He says he is running out of space in his garage. The barn would sit 30' from the side lot line, 80' from the house and over 500' from the road. Mr. Grzedzicki owns 7.5 acres. No one spoke for or against this project.

In the matter of Appeals Case #1092 Ernest Belzile stated he would like to build a 40'x40' steel building in his back yard for storage of lawn equipment, 4 wheeler and other personal items. It would sit 530' from the road, 35' from side lot line and approximately 1000' from back lot line. A contractor will be putting the building up. Mr. Belzile will be planting trees for privacy. No one spoke for this project. Those against:
Daryl Hess, 1440 Bowen Rd; Jim Chmura, 147 Kilbourne Rd, Cheektowaga who owns property on Bowen Rd; Tom Nolan, 2082 Hemstreet Rd, East Aurora, who owns property on Bowen Rd.

In the matter of Appeals Case #1093 Kathleen Majchszak stated they recently purchased the house and land at 6720 Clinton St. Utilizing portions of land from 6720 & 6730 Clinton St. they wish to create a building lot to the rear. 6720 Clinton currently has an east side property line set back of 16.9 feet. This conforms as this lot was created prior to 1989 when the Zoning Code of the Town of Elma was amended. The side property line setbacks were changed from 10 feet to 20 feet for all newly created lots. The alteration of these lots places them under the current regulations with regard to side property line setback, which is the reason for the request for a variance. The land in the back would eventually be a Flag lot for her daughter and her son in-law to build a house on 2.5 acres. There is 43' between the property line and the existing garage and 20' of that would be used for the driveway. The driveway will go back 304' back to where the house will be. Mrs. Majchszak and her husband own 6730 Clinton St and rent out 6720 Clinton St to a

cousin. Mr. and Mrs. Majchszak's daughter from 10 Gregory Ct in Depew, NY spoke in favor of this project. Attorney James Partacz representing Joseph Pawlowski, 6710 Clinton St spoke against the driveway of this project.

Mr. Kaczmarek made the motion: In Appeals Case #1089 for Petr-All Petroleum Corporation, 6567 Kinne Rd, Dewitt, NY who are requesting a variance for 661 Jamison Rd to place a new sign in existing sign location limited to a maximum 20' above grade, 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.

Mr. Komorek made the motion: In Appeals Case #1090 for Paul Grzywna, 21 Nanette Dr, who is requesting a variance to construct a 20'x34' detached garage 5' from the side lot line and 46' from front lot line for personal use only, no business use, I move the variance be denied based upon the criteria of hardship not proven. Seconded by Mr. Harrington. Poll vote - 5 ayes. Motion to deny carried.

Mr. Harrington made the motion: In Appeals Case #1091 for John Grzedzicki, 3550 Bullis Rd, who is requesting a variance to construct a 22'x25' pole barn 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 - 5 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1092 for Ernest & Karen Belzile, 1430 Bowen Rd, who are requesting a variance to build a 40'x40' pole barn for personal use only, no business use, I move the variance be granted a 1 month continuance until the meeting of September 11, 2007. Seconded by Mr. Kaczmarek. Poll vote - 5 ayes. Motion carried.

Mr. Kalinowski made the motion: In Appeals Case #1093 for Kathleen Majchszak, 6730 Clinton St, who is requesting a variance for creating a 280-A (Flag Lot) with non-conforming side setbacks at 6720 Clinton St for personal use only, no business use, I move the variance be granted with regards to side setbacks requested and sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote- 5 ayes. Motion carried.

The minutes of the last meeting of July 10, 2007 were approved as submitted.

The Clerk will send a follow up letter to Jill Sawyer at TVGA verifying the members of the Zoning Board attending the Training meetings on Sept 10th & Oct 8th.

There being no further business, the meeting was adjourned at 9:26PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk