

## **11/13/07 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, November 13, 2007 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Greg Kalinowski, Alternate  
Harry Kaczmarek Phyllis Todoro, Town Attorney  
Mike Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1102 for Joseph Mastandrea, 960 Girdle Rd, who is requesting a variance to build a 10'x20' shed 14' from the side lot line for personal use only, no business use. Res. C. 144-99 C 7; Appeals Case #1103 for Bald Eagle Trust, 101 Buffalo Creek, who are requesting a variance to build a 32'x36' detached building for personal use only, no business use. Res. C. 52-6; Appeals Case #1104 for Derek & Laura Sullivan, 549 Winspear Rd, who are requesting a variance for the garage of their new residence under construction in which the side set back is lacking 25.24' for personal use only, no business use. Res. C. 144-99 C 4.

In the matter of Appeals Case #1102 Joseph Mastandrea stated he would like to build a 10'x20' personal storage shed in his back yard 14' from the side lot line because he has no other location for the shed. There is a gas pipeline that runs diagonally thru his property and his septic is in the back yard behind the house. The only other place for the shed would be the front yard. The shed will be on skids with a stone base. Mr. Mastandrea says he has talked with neighbors and they have no objections to his shed or the location. No one spoke for or against this project.

In the matter of Appeals Case #1103 Thomas Johnson from Thomas Johnson Construction represented Bald Eagle Trust. Mr. Johnson stated his company had built the new residence at 101 Buffalo Creek and will be building the proposed 32'x36' detached garage. The garage will be brick and limestone to match the residence, 24'-26' tall with two (2) 8' garage doors, second floor storage only and will have electric and water. There

is a turn around driveway in line with the new garage. No one spoke for or against this project.

In the matter of Appeals Case #1104 Derek & Laura Sullivan stated they need a variance for 25.24" on the north side of their property for their garage. Mr. Sullivan stated while building their new home and garage the original plans were for a two (2) car garage, but then they decided to change the plans and were approved for a three car garage. The footer was inspected. The Construction Manager for the job notified them after the fact to have a survey completed. The survey showed the shortage on the north side set back. The house is complete and they are waiting for the CO. David & Margaret McAnulty, who own the adjacent property to the north sent a letter in support of the project. Timothy Klein, 559 Winspear Rd, spoke in favor of this project. No one spoke against this project.

Mr. Schafer made the motion: In Appeals Case #1102 for Joseph Mastandrea, 960 Girdle Rd, who is requesting a variance to build a 10'x20' shed 14' from the side lot line 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. Kaczmarek made the motion: In Appeals Case #1103 for Bald Eagle Trust, 101 Buffalo Creek, who are requesting a variance to build a 32'x36' detached building 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. Harrington. Poll vote – 5 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1104 for Derek & Laura Sullivan, 549 Winspear Rd, who are requesting a variance for the garage of their new residence under construction in which the side set back is lacking 25.24" for personal use only, no business use, I move the variance be granted for the 25.24" lacking on the side set back and per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Komorek. Poll vote – 4 ayes. 1 – no. Motion to approve carried. (Mr. Schafer voted no).

The minutes of the last meeting of October 9, 2007 were approved as submitted.

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

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk