

02/14/06 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 14, 2006 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst Building Insp
Harry Kaczmarek Robert Pierce, Town Atty
Michael Komorek
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1034 for the Boys & Girls Club of Elma, Marilla & Wales, 2080 Girdle Rd, who are requesting a variance to use the north wall of the Boys & Girls Club building to advertise for the club and rent out space for advertising to the public; Res. B., 144-51A4, 144-102.1 B,C,D,H, 144-18A; Appeals Case #1035 for Russell Tucker, Seneca St, who is requesting a variance to construct a small block building 408' from the Right of Way to store trucks, concrete forms, a trailer and bobcat, Commercial, 144-78B; Appeals Case #1031 for Fred & Judette Dahleiden, 2209 Woodard Rd, who were granted a continuance at the meeting of December 13, 2005.

In the matter of Appeals Case #1034 George Blair and Mike Ritter represented the Boys and Girls Club. Mr. Blair stated the Boys and Girls Club would like the opportunity to use discreet advertising on the north wall of the Club, which faces the soccer field, to help raise money for the Club. The sign would be 106' wide x 30' high (3183 sq. ft). Mr. Blair stated they feel the advertising would not change the character of the neighborhood. Alcohol, smoking, lingerie and others ads of those types would not be used. No additional lighting would be added to highlight the wall. The Town Ordinance requires that any sign placed in Town may advertise only the business conducted on the premises, so the Building Inspector referred this matter to the Zoning Board. Mr. Blair asked if the Board would consider a conditional variance, meaning any advertisements to be posted would have to be approved by the Board. Mr. Schafer questioned as to whether they had any concern for the four (4) houses that sit behind the Club facing Woodard Rd. Mr. Blair stated the houses are to the northwest of the Club and have been taken into consideration.

No one spoke in favor of this project. Those against: Ron Wyzykiewicz, 2444 Woodard Rd, says he isn't exactly against the project but is concerned with the size of the sign to be placed on the building. He asked if they would consider making the sign smaller and states if the Board approves the variance they will be setting a precedence that billboards are okay to be placed any where in the Town.

In the matter of Appeals Case #1035 Russell Tucker was present. Mr. Tucker has purchased property on Seneca St and would like to construct a 60'x100' building to store his company trucks and equipment. The building would sit 480' back from the road to allow for other future commercial use of the front of the property. The first 300' is zoned Commercial. Mr. Tucker has been before the Town Board to discuss rezoning the back portion of the property Commercial and will be going before the Planning Board on February 21st to further discuss the rezone and a sketch plan review. Assistant Building Inspector Tom Stynes stated Mr. Tucker is here to discuss section 144-78 "Prohibited Uses" in a commercial zone. Chairman Trzepacz feels Mr. Tucker has to first have the rezone approved by the Town Board and then have a sketch plan approved by the Planning Board and then the Zoning Board could hear his request for a variance pertaining to "Prohibited uses" in a Commercial Zone. No one spoke in favor of this project.

Those against: Randy Rojek, 131 Streif Rd, owns property adjoining Mr. Tucker's stated he isn't against the project but asks why the building has to sit so far back, why he can't utilize the first 300' of the commercial property with his building and leave the back residential.

Gary Siebert, 5981 Seneca St, will there be burms or green space, will there be any buffers between residential properties so no one has to look at equipment.

Janice Planter, 151 Streif Rd, owns the property behind and adjacent to Mr. Tucker's Property. Mrs. Planter questioned if the rezone was really necessary and could it be prevented from being rezoned for further future commercial uses.

Annette Fasolino, 5991 Seneca St, is concerned about noise from trucks and equipment in and out all day long.

Charlie Dickinson, 101 Northrup Rd, questioned buffers to protect residential areas if the property is rezoned commercial and had some drainage concerns.

Todd Huber owns property on Seneca St isn't against the project but questioned if private citizens in the residential areas adjacent to commercial properties can offer suggestions on the type of buffers to be used between the properties.

In the matter of Appeals Case #1031 Fred and Judette Dahleiden were present and have submitted drawings from an engineering firm as requested by the Board at the meeting on December 13, 2005, proving the cottage they are remodeling is structurally sound. The drawings submitted show a second floor being added above an existing garage. Mr. Dahleiden stated he has talked with the engineer on the project; however an inspection of the existing foundation will need to be performed prior to the issuance of any building permit. Mr. and Mrs. Dahleiden were asked if they will be correcting the issue of the driveway crossing over the adjacent neighbor's property. The Dahleiden's agreed to move the driveway so it will be totally on their property. The Building Department will make sure the foundation is sound for the existing cottage before a building permit is issued.

Those in favor of the project:

Frank Hill, 2210 Woodard Rd, states he has no problem with the cottage and the second floor addition and feels any work done on the cottage will be an improvement.

No one spoke against this project.

Mr. Schafer made the motion: In Appeals Case #1034 for the Boys and Girls Club of Elma, Marilla and Wales, 2080 Girdle Rd, who are requesting a variance to use the north wall of the Boys and Girls Club building to advertise for the club and rent out space for advertising to the public, I move the variance be denied because it is contrary to the character of the surrounding area. Seconded by Mr. Kaczmarek. Poll vote 6-5 ayes. Motion to deny. Carried.

Mr. Komorek made the motion: In Appeals Case #1035 for Russell Tucker, Seneca St, who is requesting a variance to construct a small block building 408G+ from the Right of Way to store trucks, concrete forms, a trailer and a bobcat, I move the variance be granted a continuance pending further additional information requested from the Town Board and Planning Board reviews on this project. Seconded by Mr. Schafer. Poll vote- 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #1031 for Fred and Judette Dahleiden, 2209 Woodard Rd, who were granted a continuance at the meeting of December 13, 2005; I move the variance be granted per sketches submitted, provided all Elma Town codes and ordinances are met, including, but not limited to, those code provisions relating to all driveway issues. Seconded by Mr. Komorek. Poll vote- 5 ayes. Carried.

There was no meeting in January so the minutes of the last meeting of December 13, 2005 were approved as submitted.

Correspondence was received from Judith Geer, Chairman of the Zoning Board of Holland. She was looking for information on training for Zoning Board of Appeals and opinions regarding training for members.

Chairman Trzepacz has received a copy of the lawsuit regarding Advanced Auto Parts store.

There being no further business, the meeting was adjourned at 9:00PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk