

11/14/06 Zoning Board Minutes

ZONING BOARD OF APPEALS

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

Members present: Alfred Harrington also: Joe Colern, Bldg Inspector
Harry Kaczmarek Phyllis Todoro, Town Attorney
Greg Kalinowski
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1062 for Frank & Dorothy Phillips, 191 S Ostrander Rd, who are requesting a variance for a two story addition to an existing single family residence in which the side setback is 5.90Æ from property line and 50Æ front setback is non-conforming from property line. Res. C. 144-99 C 4; Appeals Case #1063 for Paul Callahan, 61 Kinsley Rd, who is requesting a variance to expand an existing pole barn from 768 sq ft to 1680 sq ft for personal use only, no business use. Res. C. 52-6; Appeals Case #1064 for Chad Barry, 1750 Bowen Rd, who is requesting a variance for 1195 Girdle Rd to split the lot into 2 non-conforming lots lacking depth. Res. C 144-99 C 2; Appeals Case #1058 for Faith Lutheran Church, 1230 Bowen Rd, who were granted a 1 month continuance at the meeting of October 10, 2006; Appeals Case #1059 for Vikki Hamill, 226 Depew Ave, who was granted a 1 month continuance at the meeting of October 10, 2006.

In the matter of Appeals Case #1062 Mrs. Phillips and Architect Greg Schneider from Aurora Architectural were present. Mr. Schneider stated Mr. and Mrs. Phillips would like to add on to their home a bathroom, laundry room and closet space off the master bedroom and additional sitting room space with a bathroom to the basement. The side yard setback has an existing non-conforming setback and with the location of the septic system they have no other option for the addition. There is vacant property adjacent to the residence. No one spoke for or against this project.

In the matter of Appeals Case #1063 Paul Callahan would like to expand his existing pole

barn from 768 sq. ft to 1680 sq. ft making the structure an L shape. The height will be the same, there will be no water or electric. It will be used for cold storage of antique cars and other personal belongings. The structure will be 15' from the west property line. There are several pine trees around his property. No one spoke for or against this project.

In the matter of Appeals Case #1064 Chad Barry stated he would like to split a conforming lot he just purchased into 2 non-conforming lots, each lacking 18' in depth. The land parcel is part of the original 1950 four (4) splits. Mr. Barry would like to build on the south lot which would be approximately 1.81 acres. A relative would build on the north lot which is approximately 1.25 acres. The house on the south lot will sit 125' from the road. Those for the project: Gerald Barry, Creek Road.

Those against the project for reasons of drainage concerns and splitting an existing conforming lot into two non-conforming lots: Mike Borsuk, 1201 Girdle Rd; Robert Kraft, 1551 Jamison Rd; and an opposing letter was received and read by the Clerk from Daniel and Judith Grambo, 1180 Girdle Rd.

The Building Inspector Joe Colern noted there is a Drainage District in place for that area. Chad Barry stated he is concerned with the water/drainage problem and has every intention of correcting the problem.

In the matter of Appeals Case #1058 for Faith Lutheran Church the Church would like to move their sign from Bowen Road to Jamison Road for better view of advertisements. The concept of the sign will remain the same. No lighting will be added. No one spoke for or against this project.

In the matter of Appeals Case #1059 Vikki Hamill stated she hasn't heard back from any neighbors against her plans to continue with the existing horse farm. There were also no responses back on the letters sent out by the Clerk of the Zoning Board to surrounding neighbors that hadn't responded last month. (See minutes of October 10, 2006). No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1062 for Frank & Dorothy Phillips, 191 S Ostrander Rd, who are requesting a variance for a two story addition to an existing single family residence in which the side setback is 5.90' from property line and 50' front setback is non-conforming from property line, I move the variance be granted, per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote is 5 ayes. Motion carried.

Mr. Kaczmarek made the motion: In Appeals Case #1063 for Paul Callahan, 61 Kinsley Rd, who is requesting a variance to expand an existing pole barn from 768 sq. ft to 1680 sq. ft 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 û 5 ayes. Motion carried.

Mr. Schafer made the motion: In Appeals case #1064 for Chad Barry, 1750 Bowen Rd, who is requesting a variance for 1195 Girdle Rd, to split the lot into 2 non-conforming lots lacking depth, 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 4 ayes. 1 û Abstained. (Chairman Trzepacz abstained). Motion carried.

Mr. Kalinowski made the motion: In Appeals Case #1058 for Faith Lutheran Church, 1230 Bowen Road, who were granted a 1 month continuance at the meeting of October 10, 2006, I move the variance be granted, per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote û 5 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1059 for Vikki Hamill, 226 Depew Ave, who was granted a 1 month continuance at the meeting of October 10, 2006, 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.

The minutes of the last meeting of October 10, 2006 were approved as submitted.

There being no further business, the meeting was adjourned at 9:20PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk