

05/10/05 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 10, 2005 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Harry Kaczmarek also: Robert Pierce, Town Attorney
Robert Schafer Tom Stynes, Asst Bldg Inspector
James Tuck
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1005 for Daniel McNamara, 711 Ostrander Rd, who is requesting a variance to construct a 28G'+x32G'+ detached garage 2G'+ from the north property line for personal use, no business use, Res. C. 144-99 C 6, 52-6; Appeals Case #1006 for Jeffrey Pundt, 2151 Billington Rd, who is requesting a variance to build a 16G'+x20G'+ family room 22.88G'+ from the Right of Way for personal use only, no business use, Res. B. 144-98 C (4); Appeals Case #1007 for Michael Borsuk, 1201 Girdle Rd, who is requesting a variance to extend an existing 22G'+x28G'+ barn to 22G'+x48G'+ for personal use only, no business use, Res. C 52-6; Appeals Case # 1008 for Michael Smith, 310 Seneca Creek Rd, who is requesting a variance for 7651 Seneca St to sell up to six (6) cars on the wets side of the front lot, Commercial; Appeals Case # 1009 for Rodney & Mary Rudich, 81 May Rd, who are requesting a variance to enclose an existing porch 33.80G'+ from the road for personal use only, no business use, Res. B 144-98 C (4), 144-9; Appeals Case# 1010 for Dwight Smith, 46 E Jerge Dr, who is requesting a variance to construct a 20G'+x30G'+ barn 11G'+ from the side property line for personal use only, no business use, Res. A. 52-6; Appeals Case #1011 for Michael & Jennifer Smith, 1100 Ostrander Rd, who are requesting a variance to construct a 24G'+x 26G'+ 2 -+ car garage for personal use only, no business use, Res. C. 52-6.

In the matter of Appeals Case # 1005 Mr. McNamara stated he would like to build a 28G'+x32G'+ garage 2G'+ from the north property line. The back of the property drops off to a creek and a flood zone and the septic is in the front of the property. The garage will line up with the back of the house. The submitted plans show 2 garage doors but Mr. McNamara says the width of the garage allows him to add a third door, which he plans to

do with out changing the dimensions of the structure. Mr. McNamara submitted a letter in favor of his garage from his neighbor and adjoining north line property owner Edward Kelley, 721 Ostrander Rd. No one spoke for or against this project.

In the matter of Appeals Case #1006 Jeffrey Pundt presented pictures of the back of his house showing the placement of the proposed family room addition. The family room will not extend past the house and a back deck will be moved back to allow for the addition. The house is located on the corner of Gulfview Dr. and Billington Rd. No one spoke for or against this project.

In the matter of Appeals Case #1007 Michael Borsuk stated he would like to extend his existing barn east 20G⁺ to store personal equipment and tractors . The width and height will remain the same. There is a garage door at the back of the present garage which will be used as an opening to the extension. Two double doors will be added. No one spoke for or against this project.

In the matter of Appeals Case #1008 Michael Smith stated he owns the property at 7651 Seneca St. and currently has a limo business and stores 4 limos in the garage on the property. Mr. Smith would like to sell up to six (6) cars on the front lot (90G⁺x90G⁺) for additional income due to the high costs to maintain the limos and decrease in business. There will be no work done on the vehicles in the garage. The front lot has enough parking for six cars and customer parking. Assistant Building Inspector Tom Stynes noted the property is not in Special Commercial Zone. The garage will not be used for sales or repairs of the used vehicles; the cars will be sold over the internet like E-Bay. No one spoke for or against this project.

In the matter of Appeals Case #1009 Rodney & Mary Rudich stated they would like to enclose an existing porch 33.80G⁺ from the easement. There is a metal awning over the porch. The porch will be enclosed in screen and glass and will only be used for three seasons. The existing front door will remain the entrance to the enclosed porch. No one spoke for or against this project.

In the matter of Appeals Case #1010 Dwight Smith stated he would like to build a barn 11G⁺ from the side property line for storage. The barn will sit on an angle, with a lean-to facing the pond in the back yard. There will be a side entrance to the barn. The application submitted requests a 20G⁺x30G⁺ barn but will actually be 32G⁺x30G⁺ and

the sketches submitted showing the direction of the barn is incorrect. There is a concrete pad for the barn with stone under the lean-to. No one spoke in favor of this project. Karen Schwab from 400 Chairfactory questioned the height of the barn (17'6") and how it compares to a similar barn on Homeward Place.

Walter & Marie Glowny, 37 W Jerge, spoke against this project stating they do not want a barn in the area. The back of their property backs Mr. Smith's property and they do not want to look at a barn and are upset about the pond in the backyard.

In the matter of Appeals Case #1011 Michael Smith stated he is looking to build a 24' x 26' + 2 -+ car garage in front of his hillside ranch home approximately 124' - 128' from the road 10' from the side property line. He currently has a 1 car attached garage but needs more space for personal storage. The new garage would sit lower than the top of his house. There are farm fields on the side of his house and power lines making it difficult to place the garage elsewhere. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1005 for Daniel McNamara, 711 Ostrander, who is requesting a variance to construct a 28' x 32' detached garage 2' from the north property line for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Kaczmarek. Poll vote 4 (4 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #1006 for Jeffrey Pundt, 2151 Billington Rd, who is requesting a variance to build a 16' x 20' family room 22.88' from the Right of Way for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Kaczmarek. Poll vote 4 (4 ayes. Carried.

Mr. Kaczmarek made the motion: In Appeals Case # 1007 for Michael Borsuk, 1201 Girdle Rd, who is requesting a variance to extend an existing 22' x 28' barn to 22' x 48' for personal use only, no business use, I move the variance be granted per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote 4 (4 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case # 1008 for Michael Smith, 310 Seneca Creek Rd, who is requesting a variance for 7651 Seneca St to sell up to six (6) cars on the west side of the front lot, I move the variance be denied upon the determination that

requested would be contrary to the character of the area, is self-created and not sufficiently unique to justify the variance. Seconded by Mr. Kaczmarek. Poll vote- 4 ayes. Motion to deny carried.

Mr. Kaczmarek made the motion: In Appeals Case # 1009 for Rodney and Mary Rudich, 81 May Rd, who are requesting a variance to enclose an existing porch 33.80G'+ from the road for personal use only, no business use, I move the variance be granted per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote G'(4 ayes. Carried.

Mr. Tuck made the motion: In Appeals Case #1010 for Dwight Smith, 46 E Jerge Dr, who is requesting a variance to construct a 20G'+x30G'+ barn 11G'+ from the side property line for personal use only, no business use, I move the variance be granted a continuance for lack of detailed accurate information. Seconded by Mr. Schafer. Poll vote- 4 ayes. Carried.

Mr. Kaczmarek made the motion: In Appeals Case #1011 for Michael & Jennifer Smith, 1100 Ostrander Rd, who are requesting a variance to construct a 24G'+x26G'+ 2 -- car garage for personal use only, no business use, I move the variance be granted per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote G'(4 ayes. Carried.

The minutes of the last meeting (April 12, 2005) were approved as submitted.

Correspondence was received from The Pipeline Group G'(Midwest, Inc. regarding a 1 day presentation on May 24, 2005 at the Buffalo Niagara Marriott.

There being no further business, the meeting was adjourned at 9:10PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk