

10/11/05 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, October 11, 2005 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 #1022 for Ron Krol, 1980 Hall Rd, who is requesting a variance to build a 20G'+x30G'+ storage building for personal use only, no business use, Res. C. 52-6; Appeals Case #1023 for Matt & Lou Mariacher, 230 Pound Rd, who are requesting a variance to build a 44G'+x80G'+ detached barn for personal use only, no business use, Res. C. 52-6; Appeals Case #1024 for Metzger Civil Engineering, 8560 Main St, Williamsville, who are requesting a variance for 5061 Clinton St, 5071 Clinton St and 3421 Transit Rd, to construct a new 7,000 sq ft commercial structure. The lot is lacking 300G'+ depth. Commercial. 144-100-B-2.

In the matter of Appeals Case #1022 Ron Krol stated he would like to construct a 20G'+x30G'+ storage building 110G'+ behind his existing home. A sketch submitted shows the structure 20G'+ from the side property line but does not include the 1G'+ overhang. Mr. Krol stated the builder drew up the plans but he has no problem with moving the structure over a 1G'+ to accommodate for the overhang. The building will be vinyl sided to match the house and there will not be any utilities. No one spoke for or against this project.

In the matter of Appeals Case #1023 Matt Mariacher stated he would like to construct a 44G'+x80G'+ detached barn 575G'+ from the road, 30G'+ from the side property line to store several antique cars, snowmobiles and farm equipment he uses to maintain his property. There will be electric only. There is presently a 32G'+x60G'+ barn in front of the new proposed barn and he has a small attached garage on his residence. Mr.

Mariacher says he has four children and lots of personal belongings he would like to store in the barn. The barn will not be near the gas wells on his property. The gas wells on the property are owned and maintained by the previous owner. No one spoke for or against this project.

In the matter of Appeals Case #1024 Mike Redlawsk and Jack Gordon from West Minster Place Partnership in Erie, Pa and Allan Hopkins from Metzger Civil Engineering were present to ask for a variance for relief from lot depth in a Commercial Zone for a commercial structure. Mr. Redlawsk stated they are under contract to purchase 3 properties (5061 and 5071 Clinton St and 3421 Transit Rd) to combine into one large lot for a 7,000 sq ft commercial Advance Auto Parts retail store. The lot size is approximately 1.06 acres (approximately 47,000 sq ft). The proposed frontage is according to Lots 5, 6 & 7 on the Erie County tax map. There are 41 proposed off street parking spaces. 300G'+ is required for lot depth, they have 283.4G'+ depth off Clinton St. Mr. Redlawsk went onto to read a list of criteria they feel they have met to be granted a variance. A copy was submitted to the Clerk for the record. There will not be any auto work done at the store, there will not be large truck docks, parts will be dropped off once a week in the back by a truck with a lift. Approval will be required by the State for stormwater and curb cuts. Mr. Redlawsk was asked if MetzgerG'+s had considered contacting Mr. Orlando to buy a portion of his property for additional depth. Mr. Redlawsk stated Mr. Orlando cancelled the contract with West Minster regarding the original proposal. No one spoke in favor of this project. Those against the project:

Susanne Schuster, 5101 Clinton St, read a letter stating they feel they have been lied to and deceived with this project and the neighborhood is being divided. A copy of the letter was submitted to the Clerk for the record.

Louise Szimonisz, 155 Shady Grove, Amherst, who is the Executor of the Estate of Lottie Mamrod, Clinton St, stated she only just received a notice regarding this case and hasnG'+t had the chance to review the new plans in regards to the location of the building, the driveways and parking. She feels the character of the neighborhood will be changed by this project.

Peter J. Sorgi, Atty for the Orlando Family, states the area of this project is smaller than the original variance request, which was denied. The OrlandoG'+s contract was cancelled by West Minster not the other way around as Mr. Redlawsk stated. A letter from West

Minster canceling the contract was submitted for the record. The character of the neighborhood will be changed on Clinton St. The OrlandoG|+s are requesting the variance be denied.

Robert Mitchell, 3431 Transit Rd, has concerns with the truck traffic and feels the Board is being mislead into believing there will only be one truck dropping off parts once a week.

Mr. Redlawsk briefly addressed the neighbors concerns.

Mr. Schafer made the motion: In Appeals Case #1022 for Ronald Krol, 1980 Hall Rd, who is requesting a variance to build a 20G|+x30G|+ storage 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. Komorek. Poll vote G|(5 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #1023 for Matt & Lou Mariacher, 230 Pound Rd, who are requesting a variance to build a 44G|+x80G|+ detached 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. Komorek. Poll vote- 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #1024 for Metzger Civil Engineering, 8560 Main St, Williamsville, who are requesting a variance for 5061 Clinton St, 5071 Clinton St and 3421 Transit Rd to construct a new 7,000 sq ft commercial structure, (the lot is lacking 300G|+ depth), I move this matter be continued for a 1 month period until the next Zoning Board Meeting to allow requisite referral to the Erie County Department of Planning and allow additional time for individuals to submit further documentation for or against this matter. Seconded by Mr. Kaczmarek. Poll vote- 5 ayes. Carried.

The minutes of the last meeting of September 13, 2005 were approved as submitted.

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

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk