

11/08/05 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 8, 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 #1025 for Raymond Keane, 6776 Clinton St, who is requesting a variance to build a 30G'+x40G'+ pole barn for personal use only, no business use, Res. C. 52-6; Appeals Case #1026 for Wayne Smith, 170 East Avenue, Akron, who is requesting a variance for 631 Chairfactory Rd to establish a vacant lot to a building lot. The lot is lacking 300G'+ depth. Res. A. 144-97 C (2); Appeals Case #1027 for Anna Rettig, 3371 Bowen Rd, who is requesting a variance for a 24G'+x64G'+ storage building for personal use only, no business use, Res. C. 52-6; Appeals Case #1028 for Michael & Kathleen Janiga, 126 Kalla Ln, who are requesting a variance to construct a 30G'+x50G'+ storage building for personal use only, no business use, Res. C. 52-6; Appeals Case #1029 for Larry Decker, 3641 Bullis Rd, who is requesting a variance to construct a 24G'+x24G'+ garage with a 10G'+x24G'+ lean-to, for personal use only, no business use, Res. C., 52-6; Appeals Case #1024 for Metzger Civil Engineering, 8560 Main St, Williamsville, who were granted a continuance until November 8.

In the matter of Appeals Case #1025 Ray Keane stated he would like to construct a 30G'+x40G'+ pole barn on the west side of his house at the end of his driveway, 30G'+ from the side lot line. He would like to store his antique cars and other personal belongings. It will be a metal building with a shingled roof and electric only. The other structures on the property will remain. No one spoke for or against this project.

In the matter of Appeals Case #1026 Wayne Smith stated the property at 631 Chairfactory Rd is only 150G'+ wide x 237G'+ x 247.75G'+ and backs up to the creek.

The lot is lacking depth. Mr. Smith is the Executor for the Estate of Loretta Gaal and has no intentions of building on the lot, but just wants to sell the property with the house on it. The house is on a pre-existing non-conforming lot. No one spoke for or against this project.

In the matter of Appeals Case #1027 for Anna Rettig, Mike Georgal, grandson of Mrs. Rettig was present for the meeting. Mr. Georgal stated his would like to replace a 20G'+x81G'+ storage building that was taken down 2 months ago because it was structurally unsafe and replace it with a 24G'+x64G'+ storage building for the storage of personal items. The new building will be constructed on the same slab of concrete and will be sided to match an existing garage. There will be a garage door on the front, two man doors on the back and windows will be added. No one spoke for or against this project.

In the matter of Appeals Case #1028 Michael Janiga stated they have owned their property since 1984. Because of the 15% slope of his property and concern with water from heavy rains Mr. Janiga wanted to place the new 30G'+x50G'+ storage building 80G'+ from the right of way along his property which was the original request submitted, but since that time he would like the Board to approve a location change to the opposite side of his property 20G'+ from the property line. Electric would be added off the house. Mr. Janiga says he needs a place to store his boat, snowmobiles and tractors. No one spoke for or against this project but residents who inquired to the location of the building were: Roger Metzger of 114 Kalla Ln; Margaret Walker of 40 Kalla Ln and Stan Zaretski of 159 Kalla Ln.

In the matter of Appeals Case #1029 Larry Decker stated he would like to construct a detached 24G'+x24G'+ garage with a 10G'+x24G'+ attached lean-to on his 7.5 acre property. The house presently has a garage. The new structure will share the driveway with the existing garage and will be sided to match the house. Mr. Decker shares a common driveway with 5 other lots but the structure will be adjacent to a wooded area. There will be a 7G'+ garage door and a second floor crawl space only. No one spoke for or against this project.

In the matter of Appeals Case #1024 Jack Gordon from West Minster Place Partnership and Michael Metzger from Metzger Civil Engineering were present. Mr. Gordon stated the project plans havenG'+t changed (see minutes of October 11, 2005). This matter was

continued from last month because the Board required a referral from the County on the area variance and to allow neighbors time to respond to the proposal. The County's response is the concern is a local one and should be decided by the Town. No one spoke in favor of the project. Those who questioned the project:

Fred Lofaso of 61 Chairfactory Rd, the Realtor for the Orlando Family who own two parcels adjacent to the project, questioned the lack of depth and as to whether it is from the centerline or right of way and is the entrance going to be on Clinton or Transit, also how will the site plan affect the surrounding neighbors.

Those against the project:

Peter J. Sorgi, Attorney for the Orlando's, questioned what is the actual depth they are lacking, will the frontage be on Clinton St or Transit Rd, why was the previous request on this project denied for his clients when they were lacking depth and why were the safety issues never told to his clients forcing a Court action. Mr. Sorgi again asks this matter be denied (see minutes of October 11, 2005).

No one else spoke against this project.

The difference in the number of feet short for depth was discussed. A number needs to be determined whether it's 17 or 45.

Mr. Kaczmarek made the motion: In Appeals Case #1025 for Raymond Keane, 6776 Clinton St, who is requesting a variance to build a 30'x40' pole 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. Harrington. Poll vote 5 ayes. Carried.

Mr. Schafer made the motion: In Appeals Case #1026 for Wayne Smith, 170 East Avenue, Akron, who is requesting a variance for 631 Chairfactory Rd to establish a vacant lot to a building lot, the lot is lacking 3000' depth, 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. Carried.

Mr. Kaczmarek made the motion: In Appeals Case #1027 for Anna Rettig, 3371 Bowen Rd, who is requesting a variance for a 24'x64' storage building for personnel use only, no business use, I move this variance be granted, per sketches submitted, provided all Elma Town codes and ordinances are met. Seconded by Mr. Harrington. Poll vote- 5 ayes. Carried.

Mr. Kazcmarek made the motion: In Appeals Case #1028 for Michael & Kathleen Janiga, 126 Kalla Ln, who are requesting a variance to construct a 30G'+x50G'+ storage garage 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. Schafer. Poll vote G\((5 ayes. Carried.

Mr. Komorek made the motion: In Appeals Case #1029 for Larry Decker, 3641 Bullis Rd, who is requesting a variance to construct a 24G'+x24G'+ garage with a 10G'+x24G'+ attached lean-to, 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. Schafer. Poll vote- 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #1024 for Metzger Civil Engineering, 8560 Main Street, Williamsville, who were granted a continuance until November 8, 2005, I move that the Appeals Case be continued for one month to the next Zoning Board Meeting for further submission to the Erie County Department of Planning indicating that the actual variance requested is for approximately 45G'+ from property line, the initial submission stating variance was for 17G'+based upon information submitted on behalf of applicant. Seconded by Mr. Kaczmarek. Poll vote G\((5 ayes. Carried.

The minutes of the last meeting of October 11, 2005 were approved as submitted.

There being no further business, the meeting was adjourned at 9:13PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk