

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 8, 2012 was called to order by Chairman Schafer at 7:00 PM.

Members present: Harry Kaczmarek also: Ray Balcerzak, Bldg Inspector
Michael Komorek Phyllis Todoro, Town Attorney
Greg Kalinowski Harry Kwiek, alternate
Donald Trzepacz
Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1209 for John Meidenbauer, 580 Schultz Road, Elma, who is requesting a variance to expand the current 24 foot by 32 foot structure by adding a 10 foot by 32 foot section on the south side to provide storage for personal property which would make the side setback 3 feet § 144-99 C6, res. C.

Chairman Schafer called the case to order. Mr. John Meidenbauer was present to speak about his case. Mr. Meidenbauer stated that the current structure on his property he has out grown and needs to expand. Mr. Komorek asked what the overhang was going to be and was informed it would depend out what the board would recommend. The other question was the documents being submitted are legal and binding documents and the survey submitted was dated May 1991 and the survey documents have been altered. All the numbers may be suspect numbers on the survey. Mr. Meidenbauer asked what would be the way to address the survey. Mr. Kaczmarek asked why the building could not be extended to the East. He was informed that there are oak and pine trees on that side of the building and it is on a slope. Mr. Trzepacz said he does not see anything close to the building that would not allow him to build out on that side. Mr. Trzepacz also stated that it would also be very close to the neighbor's property to build out on the back side. Mr. Kalinowski asked if there will be a driveway going back to the building. Mr. Meidenbauer advised the board that he is not looking to put an actual driveway in. Mr. Kaczmarek asked what kind of power the building has and was told it had 120 volt and that he was not looking to change anything. He is just looking to get additional storage space.

Howard Pfeiffer spoke for the project and no one spoke against the case.

Mr. Komorek made the motion: In the matter of Appeals Case # 1209 for John Meidenbauer, 580 Schultz Road, Elma, who is requesting a variance to expand the current 24 foot by 32 foot structure by adding a 10 foot by 32 foot section on the south side to provide storage for personal property which would make the side setback 3 feet § 144-99 C6, res. C this is written confirmation of the decision reached by the Board at the May 8, 2012 hearing.

The motion was made, seconded and passed that the variance be denied based on the documents submitted and that other options should be evaluated. Seconded by Mr. Trzepacz Poll vote – 5 ayes, 0 nays. Motion carried.

The Clerk read the Notice of Public Hearing for Appeals Case #1210 for Lisa Fucina, 889 Jamison Road, Elma, who is requesting a variance for the side setback to be less than 20 feet, actual 19.19 due to the site contractor positioning the house one foot to the west §144-99 C4, res. C.

Chairman Schafer called the case to order. Lisa Fucina was present to present her case and told the board that she had hired WM Schutt to stake out the property for her house to be built. After the property was marked, the foundation was poured and a new survey was done only to realize that the foundation was off by 1 foot to the left. Chairman Schafer stated his question is the east side is right on the set back line. Lisa told the board that in the future she would like to put in a concrete pad to put her car. Mr. Trzepacz stated the contractor should have been more careful in positioning and stayed within that line and did not stay within those lines. Mr. Komorek said the foundation has a lot of nooks and asked why. Mr. Kaczmarek asked if she got all the parties involved to discuss where the problem may have occurred. Lisa Fucina said she has spoken to all the parties but have not gotten everyone together at one meeting. The company that dug the hole was Badger Construction and the company that poured the structure was Lawrence Concrete.

Teresa at 887 Jamison Road spoke for the project and no one was present to against the case.

Mr. Trzepacz made the motion: In the matter of Appeals case #1210 for Lisa Fucina, 889 Jamison Road, Elma, who is requesting a variance for the side setback to be less than 20 feet, actual 19.19 due to the site contractor positioning the house one foot to the west §144-99 C4, res. C, the motion was made, seconded and passed that the variance be granted provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Komorek Poll vote – 3 ayes, 2 nays. Mr. Kaczmarek and Chairman Schafer. Motion carried.

Mr. Kalinowski made a motion that the Zoning Board starts to receive the monthly building report. Seconded by Mr. Trzepacz. Motion carried.

The minutes of the last meeting on April 10, 2012 were approved.

The meeting was adjourned at 7:38 PM.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk