

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 13, 2012 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1214 for Douglas Callaghan, 454 Northrup Road, Elma, who is requesting a variance for the house being less than 50 feet from the front setback §144-99 C4, residential C.

Chairman Schafer called the case to order. Mr. Doug Callaghan was present and so was the builder, Kevin Stoldt from CMK. Mr. Callaghan apologized for the problem at hand and made the board aware that Mr. Stoldt was going to speak for the clients and explain what happened. Mr. Stoldt mentioned that the measurement was taken from the center of the road for the measurement on how far back the house had to be. Mr. Komorek said a print was given in April showing the right of way. A foundation survey should have been submitted after the foundation was done. The roughing process should not have been started until after approval was given by the building department.

Mr. Kalinowski asked who submitted the appeal and who signed the other forms that were submitted with the appeal. Mr. Stoldt and Mr. Callaghan explained to the board that the paperwork was filled out by the Mr. Stoldt and that Mr. Callaghan and his wife signed one part of the paperwork that they were informed had to be signed by them. Mr. Kalinowski also asked how long the owner has been in the Buffalo area. Mr. Callaghan advised that he was evicted from his apartment and is residing at the current location. While the house was being built he lived in an apartment. Mr. Schafer asked Ray Balcerzak when the survey was given showing the distance in feet from the right away and Ray asked if he was talking about the site plan and was advised it was April 11, 2012. The site plan shows the building 51 feet from the right away and Mr. Schafer wants to know how that was changed. Mr. Trzepacz stated the permit was given based on those original site plans submitted in April 2012.

Mr. Schafer stated the letter submitted states it had to be repositioned a couple of times. Mr. Kalinowski also made mention that the side set backs had plenty of room. Mr. Trzepacz asked how often the builder has built in the Town of Elma and the builder replied maybe one a year. Mr. Komorek stated that the builder put the couple in jeopardy with the changes that were made. Phyllis Todoro, the Town Attorney asked when the closing is scheduled and when the last draws are and Mr. Callaghan advised that the closing has already happened.

No one spoke for or against the variance.

Mr. Komorek made the motion: In the matter of Appeals Case #1214 for Douglas Callaghan, 454 Northrup Road, Elma, who is requesting a variance for the house being less than 50 feet from the front setback §144-99 C4, residential C this is written confirmation of the decision reached by the Board at the November 13, 2012 hearing.

The motion was made, seconded and passed that the variance be approved based on the survey submitted on October 12, 2012 and that all Town of Elma building codes shall be adhered to. Seconded by Mr. Kalinowski. Poll vote – 3 ayes, 2 nays. Mr. Kaczmarek and Mr. Kalinowski voted no. Motion carried.

Appeals Case # 1215 for James Bodekor, 7140 Clinton Street, Elma, who is requesting a variance to put a roof on the existing deck that is less than 50 feet from the front property line § 144-99 C4, residential C.

Mr. Bodekor was present for his case and explained how he would like to put a roof on the existing deck. Mr. Trzepacz asked what is supporting the deck and was informed by Mr. Bodekor that there are 6x6 post. The present deck size is 10 by 9 and the new size would be 13 by 10. Mr. Kalinowski asked where the headers would be and was informed by Mr. Bodekor that there would be post installed.

No one spoke for or against the variance.

Mr. Trzepacz made the motion: In the matter of Appeals Case # 1215 for James Bodekor, 7140 Clinton Street, Elma, who is requesting a variance to put a roof on the existing deck that is less than 50 feet from the front property line § 144-99 C4, residential C this is written confirmation of the decision reached by the Board at the November 13, 2012 hearing.

The motion was made, seconded and passed that the variance be approved based on the drawings submitted and that all Town of Elma building codes shall be adhered to. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting on October 9, 2012 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kaczmarek.

Mr. Trzepacz made the motion to adjourn and Mr. Komorek seconded the motion.

The meeting was adjourned at 7:41 PM.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk