

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 10, 2013 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1223 for New York State Electric & Gas, 400 West Avenue, Rochester, who is requesting a variance to install a 300 foot communication tower at 145 Stolle Road, Elma and the town code is 50 feet in a residential area § 59A 9B5, residential C.

An Attorney for NYSEG was present to discuss the case. The Attorney explained what the purpose of him being at the meeting was. He explained how NYSEG has to update it's equipment every few years with technology. The substation is going to be digitally monitored with the new tower. The purpose is to make the analog station into a digital and update the technology being used.

Chairman Schafer asked if the location was staying the same as when he was before the Zoning Board a few months back. The representative informed the board that the location would remain the same due to an existing access road being on the property. He also advised that there are wetlands on one of the sides of the property and that there are trees to give some coverage where the existing proposed location is.

Mr. Kwiek asked if there were concerns addressed at the public hearing held with the Planning Board and was informed that there was still some concern about health issues with a tower. Chairman Schafer said that he reviewed the minutes from the Planning Board meeting. Mr. Trzepacz asked about the seqr and was informed that an engineering firm reviewed the file. The Board was informed that the engineer was Clark, Patterson and Lee that did the study.

Mr. Kalinowski asked if the recommendations made by the Engineer were taken into consideration by NYSEG.

No one spoke for the case. Against the case the following person spoke:
 Roseann Kroboth 391 Stolle Road

Mr. Komorek made the motion that the variance be approved based on the drawing submitted and that all Town of Elma codes and ordinances are met. The variance will expire a year from the zoning board meeting date of September 10, 2013. Seconded by Mr. Kwiek.
 Poll vote – 5 ayes, 0 nays. Motion carried.

The Notice of Public Hearing for Appeals Case # 1227 for Todd Huber, 6300 and 6320 Seneca Street, Elma, who is requesting a variance to place a 4 foot overhang on both of the existing buildings and a 8 foot by 8 foot tower on the building located at 6300 Seneca which would make the front yard setback not compliant § 144-78D, commercial 1.

Mr. Huber was present to discuss his case and explained how 6300 Seneca was previously Reid's Tire and before that Spring Brook Fire Company. He intension is to install a front and side facade on the building and have a side entrance as opposed to the entrance being in the front of the building. From a safety stand point a side entrance would make better sense. Mr. Huber goal is to look for someone to rent the building when it is completed and open up a restaurant.

Chairman Schafer asked where the facade would be placed on the building. Mr. Trepacz stated that the facade would be placed on the front and the side of the building at 6300 and that at 6320 there would also be a facade on the front of the building. Chairman Schafer asked about the tower and Mr. Huber said it goes back and does not go beyond the facade that is being added. The Board made Mr. Huber aware that the case should have been two different cases for future reference. Behind the second building will be two apartments that will have a brick wall installed for privacy and to keep the public to the front of the building. Mr. Trzepacz stated that 6320 Seneca was only seeking approval for the facade overhangs and that 6300 was seeking approval for the facade and the tower.

Mr. Kalinowski asked Mr. Huber how confident he is that he will be able to rent the building that he is looking for a restaurant to go into. Mr. Huber said he has a lot of money invested in the work he is looking to do and would not do so unless he was sure.

No one spoke for or against the case.

Mr. Trzepacz made the motion that the variance be granted based on the drawings submitted and that all Town of Elma codes and ordinances are met. The variance will expire a year from the zoning board meeting date of September 10, 2013. Seconded by Mr. Komorek. Poll vote - 5 ayes, 0 nays. Motion carried.

The minutes of the last meeting on July 9, 2013 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kalinowski.

Mr. Trzepacz made the motion to dismiss the appeals case # 1225 for Bryan Young. Seconded by Mr. Kwiek. Poll vote - 5 ayes, 0 nays. Motion carried

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

The meeting was adjourned at 7:46 PM.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk