

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 11, 2014 was called to order by Chairman Schafer at 7:04 PM.

Members present: Harry Kaczmarek
Greg Kalinowski
Michael Komorek
Donald Trzepacz
Robert Schafer, Chairman

also: Ray Balcerzak, Bldg Inspector
Phyllis Todoro, Town Attorney
Harry Kwiek

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1232 for Thomas & Frances Banas, 1181 Girdle Road, Elma, who is requesting a variance to split the property at 1181 Girdle Road and create a 245 x 258 non-conforming lot making it less than 2 acres required § 100-3, residential C.

Mr. Banas was present to discuss the case. Mr. Banas explained how he has liens at the age of 63 due to problems incurred when he was building his house. Mr. Banas is looking to sell the additional lot on his property. Chairman Schafer made Mr. Banas aware of the lots being nonconforming if they were to be split.

Mr. Trzepacz stated that the major problem is the four split rule and that there has already been four splits on the property. The code is specific with the four split rule. Mr. Banas thought that there could be two more splits done on his property. Mr. Trzepacz advised him that the Building Dept. has supplied information showing that there has already been four splits.

Mr. Kalinowski asked if he spoke with his neighbors and if he checked to see if they were in favor of his splitting his property. Mr. Banas said he knew of just one neighbor that was against the creating of the lot.

Speaking for the case was Anthony Salvo of 1190 Girdle Road. Speaking against the case was Robert and Mary Kraft of 1551 Jamison Road.

Mr. Komorek made the motion that the variance be denied based on the fact that the Town of Elma code 100-3 is valid. Seconded by Mr. Kalinowski.
Poll vote – 4 ayes, 1 naves. Don Trzepacz denied. Motion carried.

The minutes of the last meeting on November 12, 2013 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kaczmarek.

The meeting was adjourned at 7:30 PM. Motion made by Mr. Kalinowski and seconded by Mr. Komorek.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk