

ZONING BOARD OF APPEALS

The hearing on Tuesday, January 12, 2016 was called to order by Chairman Schafer at 7:00 PM.

Members present:	Harry Kwiek Michael Komorek Donald Trzepacz Greg Kalinowski Robert Schafer, Chairman	also:	Ray Balcerzak, Bldg Inspector Phyllis Todoro, Town Atty Ron Carey
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After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1271 for Danny Thompson, 1690 Bullis Road, Elma, who is requesting a variance to have the side setback less than 20 feet from the property line § 144-99 C-4, residential C.

Mr. Trzepacz recused himself from the case and Mr. Carey will fill in and vote on the variance.

Present for the case was Mr. Thompson to explain why he is requesting a variance and how he has changed this request from his previous variance that was requested. The new proposal has the frontage at 100 feet so that it is no longer a flag lot request. The variance is for a side setback of less than 20 feet.

Chairman Schafer mentioned that the applicant is looking for a side setback to be less than the required 20 feet. Mr. Thompson advised the board that the property is now 100 feet by 250 feet and that it gets narrow in the middle and then gets wider in the back of the property. Mr. Kwiek asked what the width was in the front on both properties and was informed that it is 244 feet wide.

Mr. Komorek asked if he could review the larger survey that Danny Thompson has brought to the meeting and what the dimension would be when the property was resurveyed and if the distance of the side setback would be roughly 15 feet. Mr. Carey asked about the septic on Mr. Thompson's property. Mr. Thompson relied if the variance was to be granted the new property line will cross through the existing septic system therefore an easement would be drafted between himself and the new property owner.

For the variance was Mark Zamorski of 1660 Bullis Road and against the variance was Tom Tambe of 1710 Bullis Road.

Mr. Komorek made the motion in Appeals Case #1271 for Danny Thompson, 1690 Bullis Road, Elma, who is requesting a variance to have the side setback less than 20 feet from the property line § 144-99 C-4, residential C, that the variance be granted based on the following items:

- 1.) that there is not the potential of an undesirable change to the character of the neighborhood;
- 2.) that the benefit can not be achieved another way;
- 3.) that the area variance is not substantial;
- 4.) that there is not an adverse effect on the neighborhood; and
- 5.) that the situation is not self created.

Second by Mr. Kwiek. Ayes: 5. Nays: 0.

Appeals Case #1272 for Priscilla Cashmore, 160 Pinewood Trail, Elma, who is requesting a variance to have the setback from the road line less than the required 50 feet § 144-98 C-4, residential B.

Present for the variance was Priscilla Cashmore and her husband. Mrs. Cashmore advised the board that her husband will be speaking for the variance. Mr. Cashmore explained that there are two parcels but that they are both their property and that they would like to put a barn on the one property. He also explained how there is a drop off on the back portion and that it would make the building higher in the back section of the barn.

Mr. Schafer asked if the barn would be the same as the house on the property and Mr. Cashmore advised that it would be a cedar shake on the outside. Mr. Schafer also asked Mr. Cashmore if he would be doing the work or if he would be hiring someone to construct the barn and was informed that they would be hiring someone to do the work.

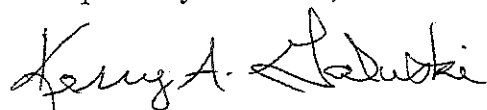
No one spoke for or against the variance.

Mr. Kwiek made the motion in Appeals Case #1272 for Priscilla Cashmore, 160 Pinewood Trail, Elma, who is requesting a variance to have the setback from the road line less than the required 50 feet § 144-98 C-4, residential B, that the variance be approved based on the following items: 1.) that there is not the potential of an undesirable change to the character of the neighborhood; 2.) that the benefit can not be achieved another way; 3.) that the area variance is not substantial; 4.) that there is not an adverse effect on the neighborhood; and 5.) that the situation is not self created. Second by Mr. Trzepacz. Ayes: 5 Nays: 0

The minutes of the last meeting on November 10, 2015 were approved. Motion made by Mr. Kwiek and seconded by Mr. Trzepacz. Ayes: 5.

The meeting was adjourned at 7:43 PM. Motion made by Mr. Kwiek and seconded by Mr. Kalinowski.

Respectfully submitted,



Kerry A. Galuski  
Secretary-Clerk