

12/09/08 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, December 9, 2008 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Joseph Colern, Building Insp
Harry Kaczmarek Phyllis Todoro, Town Attorney
Mike Komorek Greg Kalinowski, Alternate
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1135 for Michael & Gina McCartney, 611 Winspear Rd, who are requesting a variance to build a 24'x30' garage for personal use only, no business use. Res. C. 52-6; Appeals Case #1136 for Linda Jentsch, 281 Pound Rd, who is requesting a variance for a 20'x22' attached garage 5' from the property line for personal use only, no business use. Res. C. 144-99 C (4); Appeals Case #1113 for David & Jennifer Weremblewski, 7931 Clinton St, who were granted a continuance at the meeting of November 11, 2008.

In the matter of Appeals Case #1135 Michael McCartney stated he would like to build a 24'x30' garage in his front yard. He needs the extra storage space because he has too many personal belongings in his existing attached garage (snowmobiles, 4 wheelers, gators, kids stuff, etc.). Chairman Trzepacz asked Mr. McCartney if he would consider moving the new building next to the attached garage. Mr. McCartney said that there is a large wooden play set for his children next to the attached garage so there is no room for the new building. His house sits far enough away from the road the new building will be barely visible. The second floor on the building would be for personal storage only, there will be no living quarters and no business use. There will be electric only. No one spoke for or against this project.

Mr. Harrington made the motion: In Appeals Case #1135 for Michael & Gina

McCartney, 611 Winspear Rd, who are requesting a variance to build a 24'x30' garage for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1136 Bradley Day was present on behalf of his sister Linda Jentsch. Mr. Day stated his sister would like to build a 20'x22' attached garage on the side of the house 6' from the side property line. On July 11, 2006 when he came before the Board asking for a variance to build the house he stated the house would not have a garage. Mr. Day replied at that time he owned the house and he didn't want a garage, but now his sister owns the house and she would like to have an attached garage. Chairman Trzepacz asked they would consider putting the garage behind the house. Mr. Day said there is room but his sister would like to have the garage attached to the house. No one spoke in favor of this project. Dawn Mamon, 271 Pound Rd, spoke against this project.

Mr. Komorek made the motion: In Appeals Case #1136 for Linda Jentsch, 281 Pound Rd, who is requesting a variance to build a 20'x22' attached garage 5' from the property line for personal use only, no business use, I move the variance be denied based upon prior historic information and side encroachment issues. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion to deny carried.

In the matter of Appeals Case #1113 David Weremblewski stated nothing has changed since the meeting in November. He couldn't get any information from the Erie County Clerk's Office. There are few records at the Town Hall except to say the Elma Estates subdivision plans were rescinded by the Erie County Health Dept on September 23, 1959. The lot did not perc 1" in 30 min or less so an approval for a one lot subdivision is not an option. The 4 original splits from 1950 are gone and the lot does not conform to the Town's 2 acre code. There was further discussion other possible options with the lot. Bruce Lutgen, 7891 Clinton St, spoke in favor of the variance. Tom Wagner, 8 Deercrest Ct, was not for or against the project but had questions. No one spoke against this project.

Mr. Schafer made the motion: In Appeals Case #1113 for David & Jennifer, 7931 Clinton St, who were granted a continuance at the meeting of November 11, 2008, I move the variance be denied because of detailed historical document review and also based upon Town Code sections 144-131 & 100-3. Seconded by Mr. Harrington. Poll vote – 5 ayes.

Motion to deny carried.

Correspondence regarding a Zoning Board Training Questionnaire was discussed.

The minutes of the last meeting of November 11, 2008 were approved as submitted.

There being no further business, the meeting was adjourned at 9:00PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk