

## **05/08/07 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, May 8, 2007 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst. Bldg Inspector  
Harry Kaczmarek Phyllis Todoro, Town Attorney  
Mike Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1075 for Gary & Carol Brooks, 210 Handy Rd, who are requesting a variance for a building lot which is 2.1 acres but is lacking depth (50Æ) to meet the Town of Elma Code 100-3 for personal use only, no business use. Res. C; Appeals Case #1076 for Donald & Cynthia White, 81 King Rd, who are requesting a variance to take down a garage and replace with a 32Æx32Æ garage with patio for personal use only, no business use. Res. C. 52-6; Appeals Case #1077 for T. Michael Dugan Jr, 8181 Tonawanda Creek Rd, who is requesting 2 variances for 1241 Bowen Rd for Specialized Tree Service for 1.) A variance to park 5 commercial pieces of equipment and 5 commercial trucks outside and 2.) A variance to store 2-300 gallon fuel tanks. Commercial. 144-78 B, 144-151 C and 144-152 A.

In the matter of Appeals Case #1075 Mr. Brooks stated heÆs increased the width of the proposed building lot on Handy Rd to 305.6Æ making it 2.1 acres. The depth is still 324.75Æ as from the previous Appeal #1047. The neighbors affected by this proposed split were contacted and asked to sign a petition if they approve this project. The petition with 17 signatures of surrounding residents approving the split was submitted to the Zoning Board. A friend of Mr. Brooks will purchase the piece of property to build a home on. There was mention of lot sizes in Residential C and this lot will be comparable to other lots in the Handy Rd and Clinton St area. Those in favor of the project were residents of Handy Rd who have signed the petition. (A copy of the petition is at the end of the minutes). Those against the project were:

James Mercurio, 6006 Clinton St; Carol Filipowicz who lives at 5990 Clinton St and

owns 5991 & 6000 Clinton St; Kenneth Siejak, 6020 Clinton St.

In the matter of Appeals Case #1076 Donald White stated he would like to take down an existing 18'x24' garage and replace with a 32'x32' garage to include an 8' patio. He would like to be able to park a conversion van in the garage as well as personal storage. The garage door would be 8'6" tall and 16' wide. There will be electric only. No one spoke for or against this project.

In the matter of Appeals Case #1077 Michael Dugan stated he would like to move his family and his business to Elma. The variance for the 300 gallon fuel tanks includes one tank for off road vehicles/equipment and one for on road vehicles/equipment. There are 5 trucks: 2 bucket trucks, 1 log truck and 2 chip trucks, and 5 pieces of equipment (2 grinders, 2 choppers and 1 skid steer). Mr. Dugan will store as much of his equipment and trucks inside as possible. There will not be any storage of brush, stumps, small logs, but he does request to be able to occasionally (about once a month) store 8-15 timber logs on site for about a week. He plans to landscape the property as soon as possible and has set aside \$15,000.00 for planting of trees to screen the property from the road. There will be approximately 6-12 employees. There will be no chipping or chain saw work done on the property. Mr. Dugan plans on servicing and repairing his fleet in the existing building on site. He is still in discussion with the Building Dept. regarding applicable codes. There are working utilities and facilities on the property. Hours of operation 7:30AM until dusk Monday- Friday and half days Saturdays. Those in favor of this project: Shorty Marzolf, 151 Hilltop Dr & 1241 Bowen Rd; Mrs. Dugan, 8181 Tonawanda Creek Rd. Those against this project: Howard Winkler, 750 Jamison Rd. Those not for or against the project but had questions: Mary Betker, 730 Jamison Rd.

Mr. Harrington made the motion: In Appeals Case #1075 for Gary & Carol Brooks, 210 Handy Rd, who are requesting a variance for a building lot which is 2.1 acres but is lacking depth (50') to meet the Town of Elma Code 100-3 for personal use only, no business use, I move the variance be granted, per sketches and survey submitted dated April 10, 2007, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote ð 3 ayes. 2 ð Noes. Motion to approve carried. (Mr. Kaczmarek & Mr. Komorek voted no).

Mr. Schafer made the motion: In Appeals Case #1076 for Donald & Cynthia White, 81 King Rd, who are requesting a variance to take down a garage and replace with a

32Æx32Æ garage with patio for personal use only, no business use, I move the variance be granted, per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote û 5 ayes. Motion carried.

Mr. Komorek made the motion: In Appeals Case #1077 for T. Michael Dugan Jr., 8181 Tonawanda Creek Rd, who is requesting 2 variances for 1241 Bowen Rd for Specialized Tree Service for 1.) A variance to park 5 commercial pieces of equipment and 5 commercial trucks outside and 2.) A variance to store 2-300 gallon fuel tanks, I move the variance be granted per photographs and drawings submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote û 4 ayes. 1- Abstained. Motion carried. (Chairman Trzepacz abstained).

The minutes of the last meeting of April 10, 2007 were approved as submitted.

Chairman Trzepacz is working with TVGA to set up a course at the Town Hall for the Zoning Board to get their four hours certification.

The Zoning BoardÆs involvement with the Code Review Committee on code changes was mentioned.

There being no further business, the meeting was adjourned at 9:25PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk