

## **12/12/06 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, December 12, 2006 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 Atty  
Greg Kalinowski  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1065 for Richard Pancali, 1271 Rice Rd, who is requesting a variance for 5900 Seneca St to add an 8Æ wide porch to an existing porch along the front of the house with a non-conforming front setback and to extend along the south side of the house and also to add a 2nd story to the rear of the house for personal use only, no business use. Comm. 144-100B (4); Appeals Case #1066 for Thomas Leone, 8659 Finch Rd, who is requesting a variance for 700 N Davis Rd to construct a 849 sq ft detached garage with breezeway, a 2339 sq ft barn with attached equipment shed and electrical service room and a 3072 sq ft workshop in advance of 50% completion of principle structure. Res. C. 144-133. (See also Appeals Case #1038 4/11/06).

In the matter of Appeals Case #1065 Richard Panicali has asked for a 1 month continuance due to a death in his family.

In the matter of Appeals Case #1066 Mr. and Mrs. Leone were present along with Sheila Thomas from Berkshire Homes. Mr. Leone stated they are here to ask the 50% rule regarding the residence be waived so they may proceed with the barn, workshop and garage. The house and garage are in the process of being built but will not be 50% complete until March 2007. They have sold their present home and need to be out by June 2007 and in the mean time need a place to house their animals. The barn is needed to house not only the animals but the electrical supply unit for the house. They will be producing their own electricity. There is also a gas well on the property. They have

personal equipment (tractors, log splitter, etc.) they need to store in the workshop. The driveway is complete, the residence foundation is complete and utilities have been installed. The house will have a sprinkler system. There will be two breeze ways connecting the buildings, both being covered but not enclosed. No one spoke for or against this project.

The Board unanimously voted to grant a 1 month continuance to Mr. Panicali Appeals Case #1065 until the meeting of January 9, 2007. Poll vote û 5 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1066 for Thomas Leone, 8659 Finch Rd, who is requesting a variance for 700 N Davis Rd to construct a 849 sq ft detached garage with breezeway, a 2339 sq ft barn with attached equipment shed and electrical service room and a 3072 sq ft workshop in advance of 50% completion of principle structure, I move the variance be granted, per sketches submitted, with the condition that the certification of compliance on the accessory structures will not be issued by the Building Department until they determine the house is at least 50 % complete and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote û 5 ayes. Motion carried.

The Association of Towns meeting in February 2007 was mentioned. One member of the Zoning Board of Appeals may attend the meeting.

The minutes of the last meeting of November 14, 2006 were approved as submitted.

There being no further business, the meeting was adjourned at 8:50PM.

Respectfully submitted,

Jennifer M. Ginter