

ZONING BOARD OF APPEALS

The hearing on Tuesday, March 12, 2013 was called to order by Chairman Schafer at 7:00 PM.

Members present: Harry Kaczmarek also: Ray Balcerzak, Bldg Inspector
 Greg Kalinowski Phyllis Todoro, Town Attorney
 Michael Komorek Harry Kwiek, alternate
 Donald Trzepacz
 Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1218 for Ewald Tober, 6513 Seneca Street, Elma, who is requesting a variance to separate joined parcels into two individual parcels § 144-86.2 A2 & A3 (shop lot 6515) and § 144-86.2 A1 (house lot 6513), commercial C-2.

Chairman Schafer called the case to order. Mr. Tober was present to speak about his case. In 1979 Mr. Tober purchased the land from Mrs. Shettler and came before the building department and was advised what he needed to do to the existing footers. The following year Mr. Tober came to see the Town Assessor and was advised to put the two properties together so that the taxes would be less. There are two separate deeds and two separate surveys for both properties. Mr. Tober is in need of a new roof on his house and went before a bank to get a home equity loan and was refused to get a loan because he is paying taxes on both properties and the bank is saying that the properties are joint properties. Mr. Tober is looking for the properties to go back to the way they were assessed when he purchased them.

Mr. Kalinowski asked what the tax bill shows on it for the tax property. Mr. Tober advised the board that the tax bill reads 6513 Seneca Street, single parcel. Deputy Attorney Puleo asked if there are any other deeds that describes the entire parcel. Attorney Puleo said that if Mr. Tober was to try and sell one of the properties there is nothing stopping him from doing so. Greg Kalinowski mentioned one parcel was purchased in 1970 and the other was purchased in 1979. There may be another deed filed with the County. The bank may have a different deed and that may be the reason for denial. The Town's records show the properties as on parcel.

Mr. Komorek questioned how long ago did Mr. Tober hear from the bank on the denial for a loan. Mr. Tober advised the board that it had been a few years since he had applied. Mr. Trzepacz asked when the building was built on the second property and was advised that it was in 1979. Mr. Tober told the board that there is a survey that shows the entire property. Mr. Komorek asked why Mr. Tober did not have anything in writing from the bank on the denial for the loan. Mr. Tober stated he did not think of getting anything in writing regarding why it was denied. Mr. Kalinowski brought up if Mr. Tober has gone to the bank recently for a loan and Mr. Tober said he will not approach the bank again until he knows the loan will go through and not be denied again.

Mr. Kalinowski also asked if Mr. Tober has meet with the Assessor regarding the property and Mr. Tober said he spoke with the Assessor but was told that there is nothing she could do. Deputy Attorney Puleo suggested that Mr. Tober may have to go to the County to have the paperwork straightened out. Deputy Puleo also suggested looking at a past tax bill to see when it went from two bills to one bill. Chairman Schafer suggested that there be a continuance on this case. Deputy Puleo is going to look at the County Clerk's office to try and get information on the properties.

No one spoke for or against the case.

Mr. Trzepacz made the motion for a continuance until more information is available to Mr. Tober and the Town. Seconded by Mr. Kalinowski. Poll vote – 5 ayes, 0 naves. Motion carried.

The minutes of the last meeting on February 12, 2013 were approved with the correction of the ayes and naves. Motion made by Mr. Trzepacz and seconded by Mr. Kalinowski.

Mr. Kaczmarek made the motion to adjourn and Mr. Komorek seconded the motion.

The meeting was adjourned at 7:34 PM.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk