

ZONING BOARD OF APPEALS

The hearing on Tuesday, June 8, 2004 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Harry Kaczmarek  
 Anthony Lotempio  
 Lee Occhino  
 Robert Schafer  
 Donald Trzepacz, Chairman

Also: Tom Stynes, Asst Building Inspector  
 Robert Pierce, Town Attorney

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #970 for Charles and Linda Martindale, 5350 Clinton St, who are requesting a variance to construct a 24'x32' pole barn for storage of lawn equipment and recreational vehicles for personal use only, no business use. Res. C., 52-6. Appeals Case # 971 for Donato Homes Inc, 4814 Transit Rd, who are requesting a variance for 2271 Jamison Rd because the side setback is too close to lot line. Res. C, 144-99C (4). Appeals Case #972 for David Urbanski, 1899 Girdle Rd, who is requesting a variance to for a side setback to construct a 8' x 12' private shed on existing concrete pad 13' from the north side of the property line. The shed will be for personal use only, no business use. Res. B, 144-98C (4).

In the matter of Appeals Case #970, Charles & Linda Martindale presented their case. Mr. Martindale stated he has a lot of lawn equipment, a GTO, a motorcycle and tractors. DDM Construction Co. will construct the 24'x32' pole barn 130' behind the existing house. The roof and sides will be steel, the side walls will be 10' high and there will be no utilities at this time. No one spoke for or against this project.

In the matter of Appeals Case #971, Marko Donato from Donato Homes Inc presented this case. The first 3' to 4' of the home being built at 2271 Jamison Rd is 19.69' from the property line. There is a 6" overhang. Mr. Donato stated by the time he received the survey the house was 3/4 framed. They didn't want to move the house to the left of the property because a telephone pole would be in the center of the driveway. On the east side of the property is an unbuildable lot with power lines and guide wires. Mr. Donato said NYSEG refuses to sell any portion of the adjoining property and nothing can be done about the wires & lines. No one spoke for or against this project.

In the matter of Appeals Case #972, David Urbanski presented his case. Mr. Urbanski stated when his pool was put in a concrete pad was poured on the most level piece of the property to store pool accessories. Because the property slopes, there is no other place to move the pad which is 13' from the property line to the north and will be approximately 30' from back property line. Paul Lyons of 2001 Girdle Rd questioned the angle of the pad and feels it may be less than 13' from the property line and is concerned with being able to sell his property in the future. No one else spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case # 970 for Charles & Linda Martindale, 5350 Clinton Street, who are requesting a variance to construct a 24'x 32' pole barn for storage of lawn equipment and recreational vehicles for personal 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. Carried.

Before a motion was made Chairman Trzepacz commented to Mr. Donato the moving of a telephone pole wouldn't be a problem if necessary and in the past, builders were required to purchase more property for the required 20' side setback and also Chairman Trzepacz questioned as to whether the cost of cutting back the corner of the garage was ever checked into.

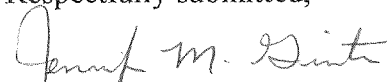
Mr. Kaczmarek then went on to make the motion: In Appeals Case #971 for Donato Homes Inc., 4814 Transit Road, who are requesting a variance for 2271 Jamison Rd because the side setback is too close to lot line, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Lotempio. Poll vote- 3 ayes, 2 noes. Carried. (Mr. Schafer and Chairman Trzepacz voted no).

Mr. Occhino made the motion: In Appeals Case #972 for David Urbanski, 1899 Girdle Rd, who is requesting a variance for a side setback to construct a 8'x12' private shed on an existing concrete pad 13' from the north side of the property line 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. The 13' setback must be adhered to. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Carried.

The minutes of the last meeting (May 11, 2004) were approved as submitted.

There being no further business, the meeting was adjourned at 8:40PM.

Respectfully submitted,

  
 Jennifer M. Ginter  
 Secretary-Clerk