

05/10/11 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 10, 2011 was called to order by Chairman Harrington at 7:01 PM.

Members present: Harry Kaczmarek also: Ray Balczerak, Bldg Inspector
Michael Komorek Phyllis Todoro, Town Attorney
Robert Schafer Greg Kalinowski
Donald Trzepacz
Alfred Harrington, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1192 Mary Dryer, 176 Mill, Williamsville, who is requesting a variance for a 38 foot minimum set back instead of a 50 foot set back for the placement of a 10x12 storage shed. §144-99 C-4. Mary Dryer was present and explained the purpose of needing 10x12 storage shed. Mr. Schafer asked if it is going to be constructed on site or brought in made. Mary Dryer said it would be made and then brought to her location. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case # 1192 for Mary Dryer, 176 Mill, Williamsville, who is requesting a variance for a 38 foot minimum set back instead of a 50 foot set back for the placement of a 10x12 storage shed. §144-99 C-4, I move the variance be granted per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Trzepacz. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case # 1193 for Tom Schmidt, 1359 Eastwood Road, Alden, who was granted a variance back on March 12, 2010 case # 1168 and is requesting a re-approval of the variance to split the property at the corner of Schwartz and Hall Roads. Res. C. 100-3. Tom Schmidt was present and explained that nothing has changed from the original approval. Tom Schmidt spoke with the Town and the Town Engineer and will file a drainage plan with the Town. The Town Engineer will come out and go over any of the requirements that need to be taken in consideration. Mr. Komorek stated this is a new case and is being treated that way. No one spoke for this project. Against this project was Mark Palace from 107 Schwartz and Scott and Faye Mages from 2520 Hall

Road.

Mr. Komorek made the motion: In Appeals Case # 1193 for Tom Schmidt, 1359 Eastwood Road, Alden, who was granted a variance back on March 12, 2010 case # 1168 and is requesting a re-approval of the variance to split the property at the corner of Schwartz and Hall Roads. Res. C. 100-3, I move that the new variance be approved based on documents and drawings submitted referencing the new survey dated 3/14/11 and provided all Town of Elma Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case # 1194 for Thomas Nolan, 2082 Hemstreet Road, East Aurora, who is requesting a variance for a non conforming lot. Res. C. §144-99 C-2 & C-3 see 144-2 definition of depth of lot. Tom Nolan and Daryl Nolan were both present to speak about the case. Tom Nolan explained that he purchased the lot ten years ago as a building lot. Daryl Nolan stated that he sat down with Gerry Barry and the lot was drawn up and stamped received by the building department back when Tom Nolan purchased the lot. There was miscommunication some where along the way and the depth was based on the center line of the road. Mr. Trzepacz asked who owns the land behind Tom Nolan's. Daryl Nolan spoke about how all the drawings are misleading. Daryl Nolan explained to the audience what his father (Tom Nolan) is requesting in his variance. Mr. Komorek explained what the process is for the Zoning Board. The four split rule is still in effect. Chairman Harrington stated the person who was going to purchase the land noticed the dimensions were incorrect. Mr. Trzepacz stated that Daryl Nolan would have corrected the piece had they known it was incorrect. No one spoke for this project. Against this project were a few of the neighbors, no names were given.

Mr. Trzepacz made the motion: In Appeals Case # 1194 for Thomas Nolan, 2082 Hemstreet Road, East Aurora, who is requesting a variance for a non conforming lot. Res. C. §144-99 C-2 & C-3 see 144-2 definition of depth of lot, I move the variance be granted and provided all Town of Elma Codes and Ordinances are met. Seconded by Mr. Komorek. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of April 12, 2011 were approved.

Chairman Harrington will be out of town in North Carolina and Mr. Schafer will chair the meeting in June.

There being no further business, the meeting was adjourned at 7:46 PM.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk