

09/14/10 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 14, 2010 was called to order by Chairman Trzepacz at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1182 for Calvary Chapel of the Niagara Frontier, 2090 Bowen Rd, who are requesting a variance to replace "The Lodge" sign with a "Calvary Chapel of the Niagara Frontier" sign with the same dimensions on the existing pole. The sign will be internally lit. Res. C. 144-29, 144-58 A 2, 144-102.1 B 1 (c) (f) (g) (j) & 144-102.1 F; Appeals Case# 1183 for IDOC Properties, 411 Main Street, East Aurora who are requesting a variance for 980 West Maple Ct, Elma, in which the property is 15' short of the 100' minimum lot width. C-3. 144-86.12A (1); Appeals Case #1184 for Matthew Reboj, 2615 Eldridge Rd, East Aurora who is requesting three (3) variances for Reboj Supply Inc, 1300 Maple Rd: 1) the height of a proposed garage, 2) the square footage of the proposed garage and 3) the minimum side lot setback. C-3. 144-86.12 C (2), 144-86.12 D and 144-86.8 B (1); Appeals Case #1179 for Patricia Curran, 7860 Clinton St, who was granted a continuance at the meeting of August 10, 2010.

In the matter of Appeals Case #1182 Pastor Mark Siena was present representing the Calvary Chapel of the Niagara Frontier. Pastor Siena stated they would like to replace the existing sign with a new internally lit sign for the Chapel. Chairman Trzepacz asked the Pastor who owns the property the sign is located on. Pastor says they (The Calvary Chapel) are not the owners of the property and he is not sure who is. The Chapel needs to find out who the current property owner(s) are and they will need to request the variance for the placement of the new sign or give the Chapel permission to act as the property owner's agent to request the variance to replace the old sign with the new sign. Town Attorney Phyllis Todoro will help Pastor Siena locate the owner(s) of the property which

may be the Town of Elma, the County of Erie and/or Mr. Ronald Luders. Pastor Siena stressed the importance of the sign and the location as well as the Chapel's need for it. Several members of the Chapel were present in support of the variance. No one spoke against this project.

Mr. Harrington made the motion: In Appeals Case #1182 for Calvary Chapel of the Niagara Frontier, 2090 Bowen Rd, who are requesting a variance to replace "The Lodge" sign with a "Calvary Chapel of the Niagara Frontier" sign with the same dimensions on the existing pole. The sign will be internally lit, I move the variance be granted a continuance until more facts regarding the sign location can be presented. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1183 Keith DelPrince and Dick O'Connor, property owners, Mark Dean of Dean Sutton Architects, and Dennis Gaczewski, builder were present for the variance for IDOC Properties. Mr. Sutton stated the parcel was a previously subdivided commercial property and is 15' short of the 100' minimum lot width. The building will be 6700 sq ft. Part of the building will be used for Aurora Optometric Group. Every other zoning requirement has been met and they are expected to get final site plan approval at next weeks Planning Board meeting. Chairman Trzepacz questioned the location of the driveway. Mr. Dean submitted new sketches to the Zoning Board showing a more detailed drawing of the project. There will be five (5) doctors working in the office. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1183 for IDOC Properties, 411 Main Street, East Aurora who are requesting a variance for 980 West Maple Ct, Elma, in which the property is 15' short of the 100' minimum lot width, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1184 Matthew Reboy stated he would like to build a new garage in back of his property for equipment. One variance requested is for height. Due to the equipment being stored the doors need to be 14', making the height of the roof peak 24'. All the buildings on the property are the same height or taller. The second variance is for the square footage (2250 sq ft) of the proposed garage. The third variance is for the side setback. All three (3) variances are for the same proposed garage. Presently there are storage trailers on the property which will be removed from the property and the

new proposed garage will be built there. Mr. Reboj would like to put doors on the existing garage there now and the new garage will be heated for maintenance of the equipment. No one spoke for or against this project but 2 letters were received and read by the Clerk from Ronald & Rosa McCabe, 1240 Maple Rd and Donald & Barbara Owens, 1091 Jamison Rd all of who are in favor of this project.

Mr. Schafer made the motion: In Appeals Case #1184 for Matthew Reboj, 2615 Eldridge Rd, East Aurora, who is requesting three (3) variances for Reboj Supply Inc, 1300 Maple Rd: 1) the height of a proposed garage, 2) the square footage of the proposed garage and 3) the minimum side lot setback, I move the three (3) variances be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote - 5 ayes. Motion carried.

In the matter of Appeals Case #1179 Patricia Curran property owner and Norm Bealer owner of the Elma Town Grille were present for the meeting. Mr. Bealer stated they are looking to put up a 24'x24' garage on the Bowen Rd side parking lot. The garage will be used to store 2 vehicles of the restaurant owners (a pick-up truck and a plow truck), dry goods for the restaurant and tables and chairs. Two and a half parking spots will be lost due to the new garage. Chairman Trzepacz asked if it would be possible to place the garage in a different location on the property, but due to grease traps and septic lines/system that is not possible. Mr. Komorek questioned if they would consider downsizing the build. Mr. Bealer stated the proposed garage they are requesting a variance for is the minimum size they require for the storage needed. There will be some rafter storage of boxes, some paper goods and banquet items for the restaurant. No one spoke in favor of this project. Santino Terio, 3270 Bowen Rd, spoke against the project. Mr. Komorek asked if he could see drawings or a survey as to the location of the grease pits and the septic system to prove their hardship. The paperwork was not in with the application received by the Zoning Board members. Assistant Building Inspector Raymond Balcerzak stated the drawings are in the main file in the Building Office. Mr. Balcerzak went to the Building Office to locate the file, but was unable to find it. Mr. Bealer stated he has a copy of the drawings at the restaurant. Town Attorney Phyllis Todoro stated the Board could approve this project based on the word of Mr. Balcerzak that he can attest to seeing the septic drawings and to their location. Mr. Komorek would like to see these drawings to verify to the exact locations of the grease pits and septic system. The drawings were done by an architect. Chairman Trzepacz called a recess at 7:50PM to allow Mr. Bealer time to get the drawings in question from his restaurant. Mr.

Kaczmarek had to leave the meeting at 7:50pm for a previous commitment. Mr. Kalinowski will sit in for Mr. Kaczmarek for the remainder of the meeting.

The meeting reconvened at 8:01pm. Mr. Bealer submitted the drawings requested of the grease pits and septic system on the property. A discussion ensued regarding the newly submitted drawings and the drawings already in with the application received by the Board.

Mr. Komorek made the motion: In Appeals Case #1179 for Patricia Curran, 7860 Clinton St, who was granted a continuance at the meeting of August 10, 2010 for a 24'x24' garage and who's hardship has been sufficiently proven, I move the variance be granted, per all sketches submitted and to include new sketch submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of August 10, 2010 were approved as submitted.

There were no communications at this time. Mr. Komorek asked for an update on his training hours.

Before the Board adjourned the meeting there was a discussion on the procedures of applicants applying to the Zoning Board and the required paperwork needed with the application and the procedures of the Building Department regarding variance applications being complete, the file accessible and submitted in a timely manner and who from the Building Department is required to attend the meetings. Mr. Komorek made a motion that the Chairman of the Zoning Board set a meeting with the Supervisor to express the concerns of the Zoning Board and report back to the Zoning Board when appropriate. Seconded by Mr. Harrington.

There being no further business, the meeting was adjourned at 8:45PM.

Respectfully submitted,

Jennifer M. Ginter, Secretary-Clerk

