

## **07/11/06 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, July 11, 2006 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst Bldg Insp  
Harry Kaczmarek  
Michael Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1046 for Russell & Bradley Day, 840 Bullis Rd, who are requesting a variance to construct a 1,250 sq ft residential home on a vacant parcel on Pound Rd for personal use only, no business use. Res. C. 144-99 C 2, 144-99 C 3; Appeals Case # 1047 for Gary & Carol Brooks, 210 Handy Rd, who are requesting a variance to split 2 acres off their property at 210 Handy Rd for personal use only, no business use, Res. C. 100-3 Depth; Appeals Case#1045 for Frank Abraszek, 5960 Seneca St, who was granted a continuance at the meeting of June 13, 2006.

In the matter of Appeals Case #1046 Bradley Day stated he would like to construct a 1250 sq ft home for his sister on a vacant lot adjacent to Rte 400 Expressway on Pound Rd. The non-conforming lot lacks depth. He was granted a variance back on April 14, 1998 but never acted on the approval. The house will be rectangular shape and will not have a garage. Plans submitted showing a house and garage were incorrect and new plans will be submitted to the Building Dept. The new plans will show the house conforming to Elma Town codes on side, rear and front setbacks. No one spoke for this project. Those against this project:

Dawn Mamon, 271 Pound Rd, stated the address in the legal notice was incorrect, feels the lot is too small for a house, concerned about the placement of a driveway and concerned about water on the property (a small stream) running onto her property. No

one else spoke against this project.

In the matter of Appeals Case #1047 Gary Brooks stated he purchased 9.64 acres on Handy Rd in 1990. In 1995 he split 2 acres from his property and gave it to his oldest son. A variance was granted by the Zoning Board on Sept 12, 1995 for Edward Brooks to build a residence on the 2 acre parcel. Mr. Brooks is requesting approval of another split for his other son who lives in Phoenix. The proposed lot lacks the required depth of 350G+. Mr. BrooksG+ intent is for his son to build a home on the lot but says it will be up to his son to do what he wants with the lot. No one spoke for this project. Those against this project:

Jim Mercurio, 6006 Clinton St, owns the adjacent property and is against the split of the property and feels any house built on the property would be too close to his.

Carol Filipowicz, lives at 5990 Clinton St and owns the properties at 5991 and 6000 Clinton St., does not want the property split and a house built on the small parcel and feels the area will be too cluttered.

Cheryl Siejak, 6020 Clinton St, does not want the property split and a home built as it will be too crowded and cluttered looking.

A letter was received from Florence Wasielewski, 6016 Clinton St, who is opposed to any approval of a variance granted to create a non-standard size building lot. The Clerk read the letter.

No one else spoke against this project.

In the matter of Appeals Case #1045 for Frank Abraszek, 5960 Seneca St, Mr. Abraszek has asked for a postponement until the August meeting.

Mr. Schafer made the motion: In Appeals Case #1046 for Russell & Bradley Day, 840 Bullis Rd, who are requesting a variance to construct a 1,250 sq ft residential home on a vacant parcel on Pound Rd for personal use only, no business use, I move the variance be granted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote G|( 5 ayes. Motion Carried.

Mr. Kaczmarek made the motion: In Appeals Case #1047 for Gary & Carol Brooks, 210 Handy Rd, who are requesting a variance to split 2 acres off their property at 210 Handy Rd for personal use only, no business use, I move the variance be denied. Seconded by Mr. Komorek. Poll vote G|( 5 ayes. Motion to deny Carried.

In Appeals Case #1045 for Frank Abraszek, 5960 Seneca St, this case will be postponed for 1 month.

The minutes of the last meeting of June 13, 2006 were approved as submitted.

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

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk