

10/10/06 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, October 10, 2006 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst Bldg Insp
Harry Kaczmarek Phyllis Todoro, Town Attorney
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1057 for Oliver Twist, 1430 Bullis Rd, who is requesting a variance to construct an 8'x20' steel shed for personal use only, no business use. Res. B. 144-16; Appeals Case #1058 for Faith Lutheran Church, 1230 Bowen Rd, who are requesting a variance to move the Church sign from Bowen Road to Jamison Road by the telephone pole, west of the driveway. Comm. 144-102.1 B (1) C & E; Appeals Case #1059 for Vikki Hamill, 226 Depew Avenue, who is requesting a variance for 1307 Porterville Rd, to continue operating an existing horse farm for training and boarding of show horses. Res. C/Ag. 144-58 A 3; Appeals Case #1060 for Stephen Angelli, 2040 West Blood Rd, who is requesting a variance to take down a 24'x27' building and replace with a 24'x32' pole barn in the same location for personal use only, no business use. Res. C 52-6; Appeals Case #1061 for Omni-Point Communications, 103 Monarch Dr, who are requesting 2 variances for 0 Girdle Rd, Elma Fire Company vacant land: 1.) place a tower greater than 50' in a residential area û the tower height to be 170' and 2.) setbacks for all fall down zones from property line. Res. C/Ag. 59A-9A (6) & 59A-3B (2).

In the matter of Appeals Case #1057 Oliver Twist stated he needs the steel storage container to store personal equipment. Due to the topography of his property and because of a creek, a gas line and the septic system Mr. Twist cannot place another building on his property. The steel structure will be buried 80% into a hill, surrounded by rocks and will sit 130' back behind his house. The container will be 30' from the gas line and

30Æ from the creek. No one spoke for or against this project.

In the matter of Appeals Case #1058 for Faith Lutheran Church, no one was present for this case.

In the matter of Appeals Case #1059 Vikki Hamill stated she has taken early occupancy of Fox Run Horse Farm and would like to continue the business of boarding and training horses. Since moving in they have made several improvements and will continue to upgrade the buildings and property. Of the 20 horses in the stables four belong to her. The barn has 30 -32 stables, some of which are being used for storage. No more than 20 horses will be boarded on the property. The current trainer living on the property will remain as the trainer and will continue to live there. Eight (8) letters were submitted from neighbors in support of Mrs. Hamill continuing the boarding and training of horses. No one spoke for or against this project.

In the matter of Appeals Case #1060 Stephen Angelli stated he would like to tear down an old 24Æx27Æ structure that is in disrepair and replace with a new pole barn 24Æx32Æ in the same location. The new structure will be 5Æ longer, have 9Æ walls, 15Æ to the peak. The structure will sit 150Æ behind the house and will be 28Æ from the property line at the shortest distance. There will be no utilities and will be used for dry storage only. Beverly Klin from 2020 West Blood Rd spoke in favor of this project. No one spoke against this project.

In the matter of Appeals Case #1061 for Omni-Point Communications, no one was present but a letter was submitted asking for a continuance on this matter.

Mr. Schafer made the motion: In Appeals Case #1057 for Oliver Twist, 1430 Bullis Rd, who is requesting a variance to construct an 8Æx20Æ steel shed for personal use only, no business use, I move the variance be granted, per sketches submitted, provided all Elma Town Codes and Ordinances are met and any other conditions the Building Department imposes and based on the topography of the property, 85% of the steel structure will be buried into a hill. Seconded by Mr. Kaczmarek. Poll vote û 4 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1058 for Faith Lutheran Church, 1230 Bowen Rd, who are requesting a variance to move the Church sign from Bowen Rd to Jamison Rd by the telephone pole, west of the driveway, I move the variance be

granted a 1 month continuance until the meeting of November 14, 2006. Seconded by Mr. Schafer. Poll vote û 4 ayes. Motion carried.

Mr. Schafer made the motion: In Appeals case #1059 for Vikki Hamill, 226 Depew Avenue, who is requesting a variance for 1307 Porterville Rd, to continue operating an existing horse farm for training and boarding of horses, I move the variance be granted a 1 month continuance until the meeting of November 14, 2006. Seconded by Mr. Kaczmarek. Poll vote û 4 ayes. Motion carried.

Mr. Kaczmarek made the motion: In Appeals Case #1060 for Stephen Angelli, 2040 West Blood Rd, who is requesting a variance to take down a 24Æx27Æ building and replace with a 24Æx32Æ pole barn in the same location for personal use only, no business use, I move the variance be granted, per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote û 4 ayes. Motion carried.

Mr. Kaczmarek made the motion: In Appeals Case #1061 for Omni Point Communications, 103 Monarch Dr, who are requesting 2 variances for 0 Girdle Rd Elma Fire Company vacant land: 1) place a tower greater than 50Æ in a residential area- tower height to be 170Æ and 2) setbacks for fall down zones from property line, I move the variance be granted a continuance as per your request in your letter dated October 10, 2006. Seconded by Mr. Schafer. Poll vote û 4 ayes. Motion carried.

The minutes of the last meeting of September 12, 2006 were approved as submitted.

There being no further business, the meeting was adjourned at 9:13PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk