

01/11/05 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, January 11, 2005 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Tom Stynes, Asst Bldg Inspector
Harry Kaczmarek Fred Streif, Chrmn Planning Board
Lee Occhino Jim Wyzykiewicz, Town Engineer
Robert Schafer Michael Nolan, Elma Supervisor
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #994 for Richard Panicali, 1271 Rice Rd, who is requesting a variance to construct a 30G⁺x 60G⁺ 2 story barn with 2 car garage for personal use only, no business use, Res. B. 52-6; Appeals Case #995 for William McFeely, 141 Kettle Run, who is requesting a variance to construct a 32G⁺x50G⁺ garage to store collector cars for personal use only, no business use, Res. B. 52-6; Appeals Case #996 for Marcy Sly Certis, 60 South Blossom, who is requesting a variance to keep a pony on 1.06 acres (which includes the road), for personal use only, no business use, Res. C., 144-51 A (5), 52-6; Appeals Case #997 for Fotini Bechakas, 56 Hemlock, who is requesting a variance for the corner of Transit Rd & Clinton St to construct a 4500sq ft one story retail building on which the site does not meet minimum required depth of 300G⁺ & minimum corner lot width of 120G⁺. Commercial, 144-132, 144-100B 2; Appeals Case #998 for SahlenG⁺s Sports Park, 7070 Seneca St, who are requesting a variance for a new 1 story 235G⁺x350G⁺ pre-fab metal building & 50G⁺x100G⁺ connector with additional parking. Commercial, 144-72 A 1, 144-98 B, 144-38 E.

In the matter of Appeals Case #994 no one was present for this case.

In the matter of Appeals Case #995 William McFeely stated he has several collector cars and needs a place to store them from the weather. No work will be done in the building, just personal storage. The garage will sit approximately 10G⁺ or so behind the house and will be sided to match the house. The windows will have shutters to match the house. The placement of the structure will not interfere with the septic. No one spoke for or

against this project.

In the matter of Appeals Case #996, Mary Sly Certis stated she has a 16 year old pony she has fenced in on her 1.06 acre property. She has cared for the pony for 15 years. Ms. Certis stated she will be moving in 3 years and will be taking the pony with her. She would like to be able to keep the pony on her property until she moves in August 2007. The pony is not a nuisance and does not wonder off the property onto surrounding neighbors properties. Mary & Kristin Lotempio, who live across the street at 41 South Blossom, spoke in favor of the project. No one spoke against this project.

In the matter of Appeals Case #997, Attorney Kelly Pronti from Harter, Secrest & Emery, LLP and Phil Silvestri of Silvestri Architects spoke on behalf of Fotini Bechakas. Mr. Silvestri stated the plans for the proposed 4500 sq. ft. building to be located on the corner of Transit Rd and Clinton St. has a reduced some variances from the last proposal (see minutes of September 14, 2004, Appeals Case #981). The new proposal now has the building occupying less than 15% of the property and has the required 50' setback. Attempts to purchase the adjacent property have been unsuccessful. Mr. Silvestri feels it is not unreasonable to allow 3 tenants lease the office space for retail businesses. 26 parking spaces are required, so 26 are proposed. There would be an entrance off Clinton St and Transit Rd. The Clinton St entrance could be eliminated if necessary for safety issues. Landscaping will be added and there will be no paving except for the parking lot and a 5'x5' concrete pad in the back for emergency exit. No one spoke in favor of this project.

Adjacent property owners, Jim Edwards, Bob Edwards and Mike Edwards spoke against this project regarding surveys on property lines, set backs, septic system and greenspace/landscaping.

No one else spoke against this project.

In the matter of Appeals Case #998, Joe Sahlen of Sahlen's Meat Packing Co, Jim Bammel of Fontanese, Folts, Aubrecht, Ernst, & Bammel Architects and Bill Samson, President of Sahlen's Sports Park were present for this case. Joe Sahlen gave a lengthy presentation regarding the proposal for an enclosed regulation size soccer field. EMW Soccer fields border Sahlen's property, so parking will be shared. There are approximately 460 parking spaces with a commitment from MOOG for an additional 80 parking spots to cover overflow, also parking can be added by a storage building on Sahlen's property. Events for Sahlen's and EMW do not coincide so parking should

not be a problem and Sahlen's events are staggered. Mr. Sahlen feels this structure will enhance the community and increase property values. The 235'x350' building will be connected to the existing building by a 50'x100' connector with locker rooms and a lobby. There will be back access for emergencies. Issues of public safety and security have not been a problem at the sports park. A traffic signal for safety in front of the park will be looked into. Elma Supervisor Michael Nolan spoke in favor of this project. He feels this is appropriate use for the area. The indoor field would allow all year round activities for kids.

James May, a business owner at 6900 Seneca Street spoke not against the project but expressed concern over drainage off the property onto his father's property on the northside of the sports park. Mr. Sahlen satisfied Mr. May's concern and Mr. May wished him good luck with the project. No one else spoke in favor of or against this project.

In Appeals Case #994, no one was present for this case, appellant will have to re-apply.

Mr. Schafer made the motion: In Appeals Case # 995 for William McFeely, 141 Kettle Run, who is requesting a variance to construct a 32'x50' garage to store collector cars 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. Seconded by Mr. Kaczmarek. Poll vote 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #996 for Marcy Sly Certis, 60 South Blossom, who are requesting a variance to keep a pony on 1.06 acres (which includes the road) for personal use only, no business use, I move the variance be granted per the request. Seconded by Mr. Occhino. Poll vote- 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #997 for Fotini Bechakas, 56 Hemlock, who is requesting a variance for the corner of Transit Rd & Clinton St to construct a 4500 sq. ft. one story retail building on which the site does not meet minimum required depth of 300' & minimum corner lot width of 120', I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote 3 ayes. 2 noes. Motion to approve carried. (Mr. Kaczmarek & Mr. Occhino voted no).

Mr. Kaczmarek made the motion: In Appeals Case #998 for Sahlen's Sports Park,

7070 Seneca Street, who are requesting a variance for a new 1 story 235G'+x350G'+ pre-fab metal building & 50G'+x100G'+ connector with additional parking, I move the variance be granted, per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Occhino. Poll vote G'(5 ayes. Carried

The minutes of the last meeting (December 14, 2004) were approved as submitted.

There being no further business, the meeting was adjourned at 9:27PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk