

7/13/04 Zoning Board Agenda

June 22, 2004

LEGAL NOTICE

Town of Elma

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals will hold a hearing on Tuesday, July 13, 2004, at 8:00 PM, at the Elma Town Hall, 1910 Bowen Road, to hear the following:

Appeals Case #969, for Harold & Susan Collier, 7002 Davis Rd, who were granted a variance on May 11, 2004 for a 36G⁺x36G⁺ horse barn for 500 Willardshire Rd request a change in the location of the horse barn because of poor drainage for personal use only, no business use. Res. C. 52-6.

Appeals Case #973, for current property owner Lori Struck, for potential purchasers JoAnn Johnson and Keith Gargiulo, 7470 Center Rd, who are requesting a variance for 801 Jamison Rd to operate a Horse Veterinary Facility for breeding, treatment and short-term boarding of horses and an indoor riding arena. Res. C/Ag. 144.58 A (3)/144.58 B, 144.71 A.

Appeals Case #974, for Frank Abraszek, 5960 Seneca Street, who is requesting a variance for car sales because of loss of business and related income. This property is not in Special-Commercial Zone. 60-7.

Appeals Case #975, for Holt & Marietta Vaughn. 931 Transit Rd, who are requesting a variance to construct a 24G⁺x26G⁺ garage for storage of lawn tractors and recreational vehicles. For personal use only, no business use. Res. C. 52-6.

Appeals Case #976, for James & Janis McLean, 100 S Woodland

Ridge, who are requesting a variance to convert a 24G^l+x40G^l+ barn into a guest room. It is not intended to be another residence. For personal use only, no business use. Res. B. 144-51 A (1).

Appeals Case #977, for Accredited Home Lenders Inc, 15030 Avenue of Science, who are requesting a variance for 651 Rice Rd. Appellant acquired title by foreclosure and was unaware the lot is non-forming. Res. C/Ag. 144-99 (C) (3) and (C) (4); 144-33, 144-11A, 144-31.

All persons in interest will be heard at this time.

Donald Trzepakz, Chairman
Zoning Board of Appeals

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The meeting on Tuesday, June 15, 2004, was called to order by Chairman Streif at 8:00 PM with the Pledge of Allegiance.

Members present: David Baker also: Tom Stynes, Asst Bldg Insp.
Werner Huber Robert Pierce, Town Attorney
James Millard
Thomas Reid
Robert Waver
Fred Streif, Chairman

The minutes of the last meeting of May 18, 2004 were approved as submitted.

The first item on the agenda was Ronald Kimmel with Aurora Excavation for a preliminary sketch plan approval. Mr. Kimmel would like to construct 3 G^l(10,000 sq, ft. buildings. The buildings will be for either office space or retail space. The use is appropriate for the area. Presently, there are 87 proposed parking spaces, with additional future 38 spaces. Retail businesses will require 171 parking spaces, for office space parking is adequate. There is a detention pond for drainage on the adjacent property at

5800 Seneca St. Screening will be needed for the septic area. The State will fix any drainage or flooding problems at the roadside of the property. Mr. Kimmel states the entire parcel is zoned Commercial, but Chairman Streif would like that confirmed with the Building Department. Before final approval of this project Mr. Kimmel will need to:

1. Establish use
2. Address parking
3. Address drainage
4. Form a drainage district

The project is larger than 20,000 square feet and will need to be referred to the Town Board. Mr. Millard moved to table this matter and refer to the Building Department. Seconded by Mr. Huber. Poll Vote G(6 Ayes.

Next item on the agenda was a Preliminary Site Plan Review for the Farmhouse Restaurant for Mary David. Architect Diana Chase of Silvestri Architects PC and builder John Kanutsu of JimG+s Electric and General Contracting were also present. Proposed is a 5500 sq. ft., 1 story simulated cedar siding and asphalt roof building, with front porch on Maple Road. There will be parking along the front and the sides with lighting, receiving area in the back. The parking lot lights will be directed down and will be on only during business hours, 1 light will be left on for security. Light approved as minimal. Screening is adequate at the north and south ends of the property because of residences on each side. Retail and dining area will be in front; the kitchen, restrooms and storage will be in the back. Presently there are 91 parking spaces and seating for 96 people. Parking lot can be expanded if necessary. Items needing to be addressed before approval of preliminary site plan are:

1. A type II SEQR required (completed)
2. Review by Town Engineer of the drainage plans
3. A Drainage District to be formed
4. Approval of Preliminary Business Use Permit by Town Board
5. Approval by County Health Dept of sewage
6. A curb cut permit from the County for the driveway

Mr. Millard moved to check box 2 on the Type II SEQR. Seconded by Mr. Huber. Poll vote G(7 ayes.

Chairman Streif made the motion to approve the preliminary site plan contingent upon

the acceptance of the preliminary Business Use Permit by the Town Board, the completion of above mentioned conditions and issue a Negative Declaration on the Type II SEQR. Seconded by Mr. Millard. Poll vote- 7 ayes.

The next item on the agenda was a late addition for Fischione Construction for a referral to the Town Board for a rezone on Transit Rd. Anthony Fischione was present and stated Fischione Construction has purchased the lot next door to 2151 Transit Road, the lot is 100G+ wide and 500G+ deep and the first 300G+ of the property would need to be rezoned to commercial. Mr. Fischione has signatures from the adjacent property owners approving the project. Screening has been addressed. Drainage was discussed. Chairman Streif made the motion to recommend to the Town Board as this is appropriate use for that area. Mr. Reid seconded. Poll vote G|(5 ayes. 1 no. Mr. Baker voted no.

Under old business: St. GabrielG+s R C Church renovations and addition was discussed.

Correspondence was received from:

Erie County Department of Environment & Planning on Site Plan Review & Special Use Permits one day training on June 28, 2004 and a Community Development Needs Survey.

Planning and Zoning Summer School for 2004.

There being no further business, the meeting was adjourned at 10:00PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary/Clerk