

12/14/04 Zoning Board Meeting

ZONING BOARD OF APPEALS

The hearing on Tuesday, December 14, 2004 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Robert Pierce, Town Attorney
Harry Kaczmarek Tom Stynes, Asst Building Insp
Lee Occhino Jim Wyzykiewicz, Town Engineer
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #991 for Patrick Pappagallo, 961 Transit Rd, who is requesting a variance to construct a 24G'+x 28G'+ garage 8G'+ south and 45 G' east of new home for personal use only, no business use. Res. C 52-6; Appeals Case #992 for TRB Group LLC, who are requesting a variance to convert the old Town Hall at 1910 Bowen Road into two (2) residential units and two (2) professional offices. Res. C. 144-58 A 4, 144-58, 144-58 A 2; Appeals Case #993 for Michael Derrick, 1360 Bullis Rd, who is requesting a variance to construct a 36G'+x60G'+ barn to house a maximum of 5 horses at a time to be trained for riding and put up for adoption. Res. C. 52-6, 144-58 B.

In the matter of Appeals Case #991 Mr. Pappagallo was late for the meeting so this case was scheduled first but was heard last. Mr. Pappagallo stated he would like to build a 24G'+x28G'+ garage to house his lawn & garden equipment. He has 4 +- acres of land and plans to locate the garage 45G'+ behind the house with 20G'+ side setback. The garage will have a 16G'+ garage door with 1 man door; it will be 13G'+ to the peak, with 8G'+ walls. There will be gas & electric only. No one spoke for or against this project.

In the matter of Appeals Case #992, Rosemary Bapst, representing TRB Group LLC, stated she purchased the old Town Hall at the open auction on October 16, 2004. Ms. Bapst proposes to put in 2 housing units on the top floor and 2 offices on the lower floor. The building will need a new roof, new siding and the windows will need to be replaced. She would like the remainder of the building to remain the same to keep its historical look. She plans to remove the blacktop on the north side and replace with grass and also

remove blacktop along the front and replace with grass. The Health Department says a septic system is required because of the 2 residences in the building. Chairman Trzepacz asked if there were any restrictions on the deed or in the bid specifications regarding use. Ms. Bapst said there were none, but there was a restriction the building itself was not to be altered. A preliminary sketch was presented. Traffic will be directed mainly to the back of the building. A petition with 17 signatures of the surrounding neighbors in support of the project was submitted to the Board. Norman Thor of 1901 Bowen Road has lived across from the Town Hall for 49 years and misses the traffic of the old Town Hall, spoke in favor of the project.

Town Engineer Jim Wyzykiewicz, who resides on the property adjacent to the old Town Hall, read a letter he wrote against this project referencing the use of the building in the current zone, the septic system and whether Ms. Bapst plans to live there. A copy of the letter was submitted to the clerk.

Ms. Bapst responded to past use of the building as business and would continue its use as business.

No one else spoke in favor of or against this project.

In the matter of Appeals Case #993, Michael Derrick stated he and his wife would like to construct a 36G⁺x60G⁺ horse barn to train and care for endangered wild horses and then adopt the horses out. His house currently sits 65G⁺-70G⁺ off the road and the barn will be another 100G⁺ past the house. The barn will be difficult to see from the road, but will be sided to match the house. The area is currently zoned Ag and Residential and there currently is a farm next door. There will be no commercial or business use. Traffic will be minimal and there will be occasional vet visits. Mr. Derrick states they are a Not for Profit organization and receive donations for food and services. He will submit a letter to the Town Attorney from New York State stating they are Not for Profit Organization. There will typically be 1-2 horses at a time. The pasture is approximately 1 -+ acres. There will be no permanent boarding. Corral fencing will be used G⁺(no electric fencing. The barn will have electric and water. Horse manure is not as pungent as cow manure so odor control should not be a problem. The manure will be utilized on the property, so trucks will not be coming and going to transport the manure. Gerald Czuba of 1370 Bullis Rd spoke in favor of the project, but did question the location of the barn. Ed Reinhardt of 1500 Bullis Rd spoke in favor of the barn as long as the proper setbacks are in place. No one else spoke in favor of and no one spoke against this project.

Mr. Schafer made the motion: In Appeals Case # 991 for Patrick Pappagallo, 961 Transit

Rd, who is requesting a variance to construct a 24G'+x28G'+ garage 8G'+ south and 45G'+ east of new home 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 G'(5 ayes. Carried.

Mr. Occhino made the motion: In Appeals Case #992 for TRB Group LLC, who are requesting a variance to convert the Old Town Hall at 1910 Bowen Rd into two (2) residential units and two (2) professional offices, I move the variance to allow a second office in the building be denied as contrary to the applicable Town ordinances of Elma and any hardship created being a self created hardship. Seconded by Mr. Harrington. Poll vote- 4 ayes. 1-no. Motion to deny carried. (Chairman Trzepacz voted no).

Mr. Kaczmarek made the motion: In Appeals Case #993 for Michael Derrick, 1360 Bullis Rd, who is requesting a variance to construct a 36G'+x60G'+ barn to house a maximum of 5 horses at a time to be trained for riding and put up for adoption strictly as a non profit venture, 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. Occhino. Poll vote G'(5 ayes. Carried.

The minutes of the last meeting (November 9) were approved as submitted.

Correspondence was received for a 1day seminar on Zoning, Subdivision and Land Development Law to be held in Buffalo on January 20, 2005.

There being no further business, the meeting was adjourned at 9:20PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk