

ZONING BOARD OF APPEALS

The hearing on Tuesday, April 13, 2010 was called to order by Chairman Trzepacz at 7:00 PM.

Members present: Alfred Harrington also: Ray Balcerzak, Asst Bldg Inspector
 Harry Kaczmarek Phyllis Todoro, Town Attorney
 Michael Komorek
 Robert Schafer
 Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1169 for William Beyer, 13237 Bullis Rd, Alden, prospected property owner of a flag lot between 531 and 563 North Star Road, is requesting a variance for a 100' front setback for the construction of a single family home. Res. B. 280-A Resolution; Appeals Case #1167 for Dale and Diane Kling, 4760 Clinton St, West Seneca, who were granted a 1 month continuance at the meeting of March 9, 2010.

In the matter of Appeals Case #1169 William Beyer stated he would like to build a single family home on a 6.08 acre flag lot. The current requirement for a flag lot is 125' and he would like a variance to reduce the front setback to 100'. Chairman Trzepacz asked if he would consider moving the house back. Mr. Beyer stated if he moves the house back further it will start to impede on the wetlands which were designated on the property by a Wetlands Consultant Firm. Approval letters was received from both the DEC and the Army Corp of Engineers regarding the driveway being on wetlands. There are no elevation issues with the property. Mr. Beyer's concerns with moving the house back further is the cost of extending the driveway and utilities another 35' and the house will then be in a clearing in the direct site line of the homes in front of his property. The purchase of this property has been in process for quite sometime and was started before the 125' front set back was in place. Mr. Beyer stated there is a financial hardship if he was to move his house back further with extending the driveway and utilities. Property owners of the 17acre parcel, George Adams and Charles Sauers aka Star-Davis LLP spoke regarding the proposed flag lot which they confirmed has been in the process for several months. They have attended a few of the 280-A Committee meetings and have spoken with the Town Board as well as Supervisor Nolan regarding this matter. Those who spoke in favor of this project: Robert & Beverly Ferringer, 491 N Star Rd; George Adams, 441 N Star Rd and Charles Sauers, 421 N Star Rd. Those against the project: Ron Stepowski, 521 N Star Rd. Other surrounding property owners voiced their concerns over the wetlands on the property and drainage issues.

Mr. Komorek made the motion: In Appeals Case #1169 for William Beyer, 13237 Bullis Rd, Alden, proposed property owner of a flag lot between 531 and 563 North Star Rd, is requesting a variance for 100' front setback for the construction of a single family home, I move the variance as presently presented be denied based on a solid accounting of "Hardship". Present Town of Elma flag lot regulations require 125' setback. Seconded by Mr. Schafer. Poll vote – 2 ayes. 3 – Noes. Motion to deny carried. (Mr. Kaczmarek, Mr. Komorek & Mr. Schafer voted no).

In the matter of Appeals Case #1167 Dale Kling stated he has reduced the height of the proposed barn as shown on the new sketches submitted. The barn will be wood and cedar to keep the old barn look, which will conform to the area. The location has not changed as presented on original application. No one spoke for or against this project.


Mr. Schafer made the motion: In Appeals Case #1167 for Dale & Diane Kling, 4760 Clinton St, who were granted a 1 month continuance at the meeting of March 9, 2010, I move the variance be granted, per recent sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of March 9, 2010 were approved as submitted.

The Secretary distributed information on two (2) educational conferences to the Zoning Board members.

There being no further business, the meeting was adjourned at 7:40PM.

Respectfully submitted,


 Jennifer M. Ginter
 Secretary-Clerk