

ZONING BOARD OF APPEALS

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

Members present: Alfred Harrington also: Tom Stynes, Asst Bldg Inspector  
Harry Kaczmarek Robert Pierce, Town Attorney  
Lee Occhino  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1000 for Kris & Gary Fredericks, 2690 Girdle Rd, who are requesting a variance to remain in their existing house while their new house is being built on the property, once the new home is built the old house will be demolished. Res. C. 144-58 A (1); Appeals Case #1001 for Christina Priel-Wilkinson, 1200 Jamison Rd, who is requesting a variance to add a roof to an existing 10'x20' front porch 47' from the right of way, for personal use only, no business use. Res. C. 144-99 C (4); Appeals Case #1002 for Metzger Civil Engineering, 8560 Main St, Williamsville, who are requesting a variance for 3427 Transit Rd. The lot has a depth of 221'. The existing structure will be demolished beyond 75% and the residence at 5081 Clinton St will also be demolished. Commercial. 144-10 E; 144-100 B 2.

In the matter of Appeals Case # 1000 Kris & Gary Fredericks stated they live in a small 550 sq ft wood frame cottage with attached garage located 150' from the road. They would like to build the new house in the open space in front of the existing house. They would like to remain in the existing house while the new house is being built so they can observe & participate in the work being done and also to save the expense of trying to find alternative housing. No one spoke for or against this project.

In the matter of Appeals Case #1001 Christina Priel-Wilkinson stated they would like to put a roof over an existing 10'x20' porch 47' off the easement. The existing porch is open and has no railings. They would like to screen the porch in with a side entrance off the driveway. An overhang will be added to hang a gutter. The addition of the roof, the overhang with the gutter puts the front setback 36.86' off the easement. The porch is built over an old 8.7'x18' concrete slab. No one spoke for or against this project.

In the matter of Appeals Case #1002 representing Metzger Civil Engineering was Al Hopkins and Mike Metzger. Also present was Jack Gordon representing West Minster Place Partnership and current property owner Joe Orlando. Mr. Hopkins stated they are proposing a 1 story 7000 sq ft retail building for an Advanced Auto Parts Store at the northeast corner of Transit Rd & Clinton St. Property owner Joe Orlando is looking to combine the properties at 3427 Transit Rd and 5081 Clinton St for this project. The sale on this property is contingent upon approval of the variance and site plan. The building will sit to the rear of the property, the frontage on Transit Rd and a side access off Clinton St. The residence and garage on the Clinton St property will be demolished. There are no plans to purchase any other residences on Clinton St. There will be 40 parking spaces including handicap. Soil & wetland testing has been done. Drainage issues are being worked on. It was mentioned the DOT recommended an alternate access road and Clinton St met the access management criteria. No one spoke in favor of this project, but Joe Orlando owner of 3427 Transit Rd (Bell Optical) and 5081 Clinton St stated he bought the property on Clinton St to make the two properties sellable being in a commercial zone.

Those speaking against this project are:

Attorney Ralph Lorigo representing Margaret Betz, Robert Edwards, Michael Edwards & James Edwards, the owners of 5071 Clinton St, request the variance be denied for the following reasons:

1. variance criteria issues
2. changes the character of the neighborhood
3. a self created hardship- they should have attempted to purchase more property
4. the drainage, the access driveway & demolishing of the other residence would be a detriment to his clients property

Louise Szimonisz representing the Trask Family at 5091 Clinton St, whose property is on the east side of the proposed driveway, is concerned about the distance of the residences to a business driveway, increases in traffic and large truck traffic, ditches and lighting.

Susanne & Gerald Schuster of 5101 Clinton St, neighbors to 5091 Clinton St, complained of the access driveway on Clinton St bordering the back of their property and drainage problems.

David Kurch, tenant of 5081 Clinton St, stated he didn't know anything about this project and had to hear about it by word of mouth and is concerned about drainage.

Mr. Schafer made the motion: In Appeals Case #1000 for Kris & Gary Fredericks, 2690 Girdle Rd, who are requesting a variance to remain in their existing house while their new house is being built on the property, once the new house is built the old house will be demolished, 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 – 5 ayes. Carried.

Mr. Kaczmarek made the motion: In Appeals Case #1001 for Christina Priel-Wilkinson, 1200 Jamison Rd, who is requesting a variance to add a roof to an existing 10'x20' front porch 47' from the right of way, 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. Occhino. Poll vote- 5 ayes. Carried.

Mr. Harrington made the motion: In Appeals Case #1002 for Metzger Civil Engineering, 8560 Main St, Williamsville, who are requesting a variance for 3427 Transit Rd. The lot has a depth of 221'. The existing structure will be demolished beyond 75% and the residence at 5081 Clinton St will also be demolished, I move the variance be denied as not meeting the requirements necessary to legally justify the variance for a non-conforming lot. Seconded by Mr. Kaczmarek.

The minutes of the last meeting (February 8, 2005) were approved as submitted.

There being no further business, the meeting was adjourned at 9:00PM.

Respectfully submitted,



Jennifer M. Ginter  
Secretary-Clerk