

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 12, 2013 was called to order by Chairman Schafer at 7:01 PM.

Members present: Harry Kaczmarek
Greg Kalinowski
Michael Komorek
Donald Trzepacz
Robert Schafer, Chairman

also: Ray Balcerzak, Bldg Inspector
Phyllis Todoro, Town Attorney
Harry Kwiek

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1229 for Jeffrey Toy, 640 North Blossom Road, Elma, who is requesting a variance for a pole barn that does not meet the minimum setback of 75 feet from the front property line § 144-99 C6, residential C.

Jeff Toy was present and explained what happened with the pole barn and the location of it. He started with a regular barn but the cost was too expensive, he then switched his plans to a pole barn. Mr. Toy came into the Building Dept. and was told it had to be 50 feet back and not the 75 feet required in the code book. Jeff Toy presented the Zoning Board with pictures he took of the pole barn on his property.

Chairman Schafer said the case is very confusing that a set of drawings that the Building Dept. was given shows the pole barn building at 100 feet back from the property line. Mr. Trzepacz showed Jeff Toy a survey with a pole barn at 59 feet back. Jeff Toy explained that the survey was done a while ago by another company.

Mr. Komorek made Mr. Toy aware of the town website having the ability to review an section of the Town Code book and that Jeff should have looked into things before he proceeded with putting up the pole barn. Mr. Kalinowski asked what his neighbors view points are on the property and the location of the pole barn. Mr. Toy explained it is going to have trees around the barn next year once the weather is better. The trees will hide the view of the pole barn from the road. Mr. Kalinowski expressed that it sticks out in the neighborhood.

Chairman Schafer explained that when a change occurs to the plans for a project the homeowner should check with the Building Dept. before they proceed with their project to make sure everything is still in compliance. Mr. Kalinowski also added that he should have consulted with the Building Dept. when he had questions or when changes to his plans occurred.

Mr. Trzepacz asked what he is using the building for and Mr. Toy responded it will hold his vehicles and his DJ equipment will also be stored in the barn.

For the variance spoke Gayle Toy, resident of Elma and against the variance Paul Kloc of 651 Blossom Road spoke.

Mr. Trzepacz made the motion that the variance be denied. Seconded by Mr. Kalinowski. Poll vote – 5 ayes, 0 nays. Motion carried.

Appeals Case #1230 for Todd Huber, 6320 Seneca Street, Elma, who is requesting a variance for a 10 foot addition to the rear of the existing building which would make the side setback 3 feet from the southeast property line § 144-78 D, commercial 1.

Todd Huber was present to explain that he is looking to do an addition on the karate building. The addition would be on the rear of the building and it would be a first and second floor unit.

Chairman Schafer mentioned the address is not correct on the drawings that were submitted and that Mr. Huber should make sure they are changed. The application that was submitted has the correct address but not the drawings. Mr. Trzepacz asked if there is going to be a deck added to the building as well. Todd Huber said that there would be a deck on the upper portion of the building.

For the variance spoke David Vona of 6330 Seneca Street and no one spoke against the variance.

Mr. Komorek made the motion that the variance be granted and that all Town of Elma codes and ordinances are met. The variance will expire a year from the zoning board meeting date of November 12, 2013. Seconded by Mr. Trzepacz. Poll vote - 5 ayes, 0 nays. Motion carried.

Appeals Case #1231 for Moog, 300 Jamison Road, Elma, who is requesting a variance for multiple free standing signs on the lot § 144-102.1 (B)1e, industrial.

Dennis Wilcox from Wilcox Sign Co. was present to explain what Moog Inc. would like to do with all the signs around the complex. All the sign will be the same color and size. There will be 16 sign in all put up, of which 6 will replace existing signs and 10 will be new signs around the driveways.

Chairman Schafer asked what the reason was for changing the signs and adding additional signs and when the project will be done. Mr. Wilcox answered that it will make it easier for visitors to find there way around the complex and locate buildings. There were also two representative from Moog on hand to answer any questions as well. They were Mike Kenney and Tom Pearson.

No one spoke for or against the case.

Mr. Kalinowski made the motion that the variance be granted and that all Town of Elma code and ordinances are met. The variance will expire a year from the zoning board meeting date of November 12, 2013. Seconded by Mr. Kacmarek. Poll vote - 5 ayes, 0 naves. Motion carried.

The minutes of the last meeting on October 8, 2013 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kalinowski.

A motion was made by Chairman Schafer to speak to the Town Board to make them aware that effective October 15, 2013 the new SEQR form should be being used. Seconded by Mr. Trzepacz. Poll vote - 5 ayes, 0 naves. Motion carried.

Mr. Komorek made the motion to adjourn and Mr. Kalinowski seconded the motion.

The meeting was adjourned at 7:39 PM.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk