ZONING BOARD OF APPEALS

The hearing on Tuesday, February 13, 2007 was called to order by Acting Chairman Kaczmarek at 8:00 PM.

Members present: Alfred Harrington

Greg Kalinowski Mike Komorek

Robert Schafer

Harry Kaczmarek, Chairman

also: Tom Stynes, Asst Bldg Inspector Phyllis Todoro, Town Attorney

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1068 for Steven Szefler, 7511 Clinton St, who is requesting a variance to build a 24'x32' pole barn for personal use only, no business use. Res. C. 52-6; Appeals Case #1061 for Omnipoint Communications Inc, 103 Monarch Dr, Liverpool, NY for 0 Girdle Rd, who were granted a continuance at the meeting of October 10, 2006; Appeals Case #1019 for Scott Balcerzak, 2120 Hall Rd, who is asking for an extension of a variance granted on September 13, 2005.

In the matter of Appeals Case #1068 Tina Marie Szefler stated they don't have enough room in their attached garage for their tractors, 4 wheeler and other personal belongings and need the pole barn for storage. It will be steel sided, 10' to the eave, with an additional 4'-6' to the peak, no utilities and will sit 50' from the property line. Mr. Szefler and his father-in-law will be constructing the pole barn. No one spoke for or against this project.

In the matter of Appeals Case #1061 James Whitcomb from Phillips Lytle LLP represented Omnipoint Communications for an informational discussion on the proposed tower project. Proposed is a mono pole 170' telecommunications tower located on Elma Fire Company land on Girdle Rd near the Boys and Girls Club. The front of the property is zoned Residential B and the rear is zoned Residential C/Agricultural. The closest structure would be 500' away. The tower would sit 400+ feet from the road, 100' from the side property line and 100' from the back property line. Fall down zones were discussed as well as service range/area coverage of cell phone usage with the new tower and the height of other towers in the area and frequency. Omnipoint was asked if they could co-locate on other towers in Town and Mr. Whitcomb stated they cannot co-locate because of location and the other towers were too short for the frequency needed. Mr. Schafer suggested a different location on vacant National Grid property near Schultz Rd where there only other power poles. When asked why not have the tower placed on the school, Mr. Whitcomb stated Iroquois School Board Members turned them down. Dangers and interference issues were discussed in regards to people, animals, TV reception, close proximity to a school, etc. Lights on the tower will be for servicing issues only, not to be on 24/7. The Board has asked if they would consider looking for an alternate, more appropriate site. No one spoke for this project. Those against: Dominic Spano of 2011 Girdle Rd and Jim Wyzykiewicz who owns property near the location of the proposed tower.

In the matter of Appeals Case #1019 for Scott & Carol Balcerzak, no one was present for this case but a letter was submitted requesting an extension of their variance granted on September 13, 2005. The letter was read by the Clerk and will be part of the minutes. No one spoke for or against this case.

Mr. Schafer made the motion: In Appeals Case #1068 for Steven Szefler, 7511 Clinton St, who is requesting a variance to build a 24'x32' pole barn 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. Harrington. Poll vote -5 ayes. Motion carried.

Mr. Harrington made the motion: In Appeals Case #1061 for Omnipoint Communications Inc, 103 Monarch Dr, Liverpool, NY for 0 Girdle Rd, who were granted a continuance at the meeting of October 10, 2006, I move the variance be tabled pending the receipt of further information. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion carried.

Mr. Komorek made the motion: In Appeals Case #1019 for Scott Balcerzak, 2120 Hall Rd, who is asking for an extension of a variance, granted on September 13, 2005, I move the variance be granted an extension until December 31, 2007, per sketches submitted, provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting of January 9, 2007 were approved as submitted.

Required 4 hour training for Zoning Board of Appeals, Planning Board and for alternate Board members was mentioned

Erie County Dept of Environment & Planning will be holding a training session on March 1, 2007 at the Emergency Operations Center Auditorium, 3359 Broadway in Cheektowaga.

A letter was received from James Tuck resigning as an alternate member to the Zoning Board of Appeals.

There being no further business, the meeting was adjourned at 9:25PM.

Respectfully submitted,

Jennifer M. Ginter Secretary-Clerk

January 18, 2007

Town Of Elma Zoning Board of Appeals Attn: Donald Trzepacz – Chairman 1600 Bowen Road Elma, New York 14059

Mr. Trzepacz:

On September 15, 2005, my husband Scott and I attended the zoning board meeting, to be granted a variance to build a pole barn at our home address of 2120 Hall Road. Our request was granted under case #1019. We were delayed in obtaining a building permit, as we were unsure of where to obtain plans for the sketches that we had submitted to the board. A friend of ours recommended Mr. Robert Leary from Marilla to undertake this request. When we brought the plans to Town Hall to obtain our building permit, we were told that our variance had expired. With this letter, we are requesting that our case be reviewed, and our variance be granted an extension. The building inspector is in possession of our plans, and we have made no changes to our original request. Your consideration in this matter will be greatly appreciated.

Respectfully Yours,

Carol Balcerzak