

ZONING BOARD OF APPEALS

The hearing on Tuesday, October 10, 2017 was called to order by Chairman Schafer at 7:00 PM.

Members present:	Greg Kalinowski	also:	Ray Balcerzak, Bldg Inspector
	Michael Komorek		Phyllis Todoro, Town Atty.
	Harry Kwiek		Ron Carey
	Donald Trzepacz		
	Robert Schafer, Chairman	Absent:	

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1298 for William and Linda Geary of 1260 Girdle Road, Elma, NY who are requesting a variance to install a shed 5 feet from the south property line § 144-99 C 6, residential C.

Mr. & Mrs. Geary were present to discuss the shed and informed the board that it would be 60 feet from the front property line. Mr. Schafer asked the distance to the front from the driveway and why the shed could not be in the rear of the property. Mr. Geary replied that if the shed was in the back of the property he would not be able to drive back to the shed. The question was asked about the use of the shed and Mr. Geary informed the board that he is looking to remove items from the garage and store them in the shed.

Mr. Kalinowski asked what the shed that is already on the property is used for and he was informed that it has tools and other belongings in the building. Mr. Schafer asked that the distance from the road to the front of the building of 60 to 62 feet be stated in the motion when the motion is made.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals Case #1298 for William and Linda Geary of 1260 Girdle Road, Elma, NY who are requesting a variance to install a shed 5 feet from the south property line § 144-99 C 6, residential C, that the variance be approved based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Komorek. Ayes: 5. Nays: 0.

Appeals Case #1302 for George Weissenburger of 21 S. Ostrander Road, Elma, NY who is requesting a variance for a non-conforming lot lacking depth and square footage § 144-99 C 2 & 3, residential C.

Mr. Weissenburger was not present but Jerry Thompson spoke on his behalf and told the board the history on the property and that a variance was granted back in 1999 for the same request. Mr. Schafer stated that the board back then gave the variance. Mr. Thompson showed a picture of the property to understand the two pieces of property. Harry Kwiek also asked for the drawing to be explained to him as well. Mr. Thompson told the board that the lots stand alone and that there are separate tax bills for both properties and an individual deed.

Mr. Kalinowski asked why no one came back in 2007 to renew the permit and was told Mr. Weissenburger was not looking to do anything back then and the lot is going to be sold now.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1302 for George Weissenburger of 21 S. Ostrander Road, Elma, NY who is requesting a variance for a non-conforming lot lacking depth and square footage § 144-99 C 2 & 3, residential C, that the variance be approved based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Komorek. Ayes: 3. Nays: 2. Mr. Kalinowski and Mr. Schafer voted no.

Appeals Case #1303 for the Willson Family Trust of 520 Pound Road, Elma, NY who are requesting a variance for a non-conforming lot lacking the square footage § 144-99 C 3, residential C.

Present were Mr. and Mrs. Willson to explain what they are looking to do.

Mr. Komorek brought up the fact that the house is sold and that you cannot just separate the industrial property from the entire property and that there are other factors with the property. Mr. Willson asked about if the property is sold as is; would there be issues and that the DEC has inspected the property every year.

Mr. Kwiek asked why the new buyers are looking to separate the property and if there are two separate lots. The family would like the auto parts to be kept separate from the sale of the property. Mr. Kwiek also asked if everything that belongs to the business could be taken off the property with the house on it. He was informed that it could if they really needed it to. Mr. Komorek asked why they did not come for a variance before the property was sold.

No one spoke for or against the variance.

Mr. Komorek made the motion for Appeals Case Appeals Case #1303 for the Willson Family Trust of 520 Pound Road, Elma, NY who are requesting a variance for a non-conforming lot lacking the square footage § 144-99 C 3, residential C, that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Kalinowski. Ayes: 4. Nays: 1. Mr. Trzepacz voted no.

Appeals Case #1304 for Joseph Schubbe of 781 Stolle Road, Elma, NY who is requesting a variance to build a shed 4 feet from the side property line and 9 feet from the back-property line § 144-98 C 4, residential B.

Mr. Schubbe was present and explained how he would like to build a shed for his lawn mower and his son's toys.

Mr. Schafer mentioned that it should be two variances that he is requesting. Mr. Schubbe stated that the back property is on a slant down and it would be uneven to put a shed in the far back of the property and that he is looking to keep the shed away from the neighbor's house.

Mr. Kwiek asked where his neighbors are positioned from the shed and Mr. Trzepacz asked if he thought about using anything to level the shed off if it was in the back portion of the property. Mr. Schubbe stated that he did not even think about using something to level the ground off to put the shed in the back of the property.

For the variance was Dennis Cervi of 791 Stolle Road and no one spoke against the variance.

Mr. Kwiek made the motion for Appeals Case Appeals Case #1304 for Joseph Schubbe of 781 Stolle Road, Elma, NY who is requesting a variance to build a shed 4 feet from the side property line and 9 feet from the back-property line § 144-98 C 4, residential B, that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Trzepacz. Ayes: 5. Nays: 0

Appeals Case #1305 for IDOC of 980 West Maple Court, Elma, NY who is requesting a variance to install two additional free standing signs on the lot § 144-102.1 B (1) C & E, commercial 3.

Dr. O'Connor was present to explain that he has a letter from the partners of IDOC and is looking to install two additional standing signs on the property to advertise his business.

Mr. Schafer asked about the locations of the signs and was informed that one sign will be near the existing sign and the smaller signs are located near the building. Mr. Kalinowski pulled up an aerial view and Mr. O'Connor pointed to the locations of the signs.

Mr. Schafer advised Mr. O'Connor that in the future if there are additional doctors that there should only be one sign.

No one spoke for the variance and against the variance was Karen Weissbeck.

Mr. Trzepacz made the motion for Appeals Case Appeals Case #1305 for IDOC of 980 West Maple Court, Elma, NY who is requesting a variance to install two additional free standing signs on the lot § 144-102.1 B (1) C & E, commercial 3, that the variance be approved based on the following criteria:

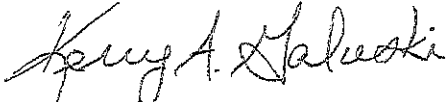
- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Kwiek. Ayes: 5. Nays: 0

The motion was made to approve the minutes from September 12, 2017 by Mr. Trzepacz and seconded by Mr. Komorek. Ayes: 5.

The meeting was adjourned at 8:00 PM. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk