

ZONING BOARD OF APPEALS

The hearing on Tuesday, December 10, 2019 was called to order by Chairman Trzepacz at 7:00 PM.

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

After Roll Call, the Clerk read the Notice for Appeals Case #1370 for Jason Fedus of 454 N. Davis Road, Elma, NY who is requesting a variance to build a 52x50 pole barn with less than the required side yard setback §144-98 C4, Residential B.

Mr. Fedus was present and explained to the Zoning Board that he would like to put the pole barn up on the left side of the driveway so that it is not easily able to be seen from the road and that he would need a variance for 10 feet for a small section of the building due to it being on an angle to the property line.

Mr. Sobczak asked why it could not be squared up with the driveway and Mr. Fedus explained that the garage and garage door that his wife uses would not allow for enough room to enter the existing garage. Mr. Kwiek mentioned that there is plenty of land available on the east side of the property. Mr. Fedus replied that if he had to put the building on that side he would need to run utilities on that side of the house or possibly go under the driveway with the utilities.

Mr. Carey asked about the location near the garage again to understand why it could not be located here and was told about the existing garage and not having enough room for his wife to enter the garage and that Mr. Fedus is looking to store his RV in the new pole barn and that there would not be enough room to back the unit in the new pole barn.

Mr. Kalinowski asked about another location on the site in the front and was told that he was trying to hide the pole barn so that the neighbors would not have to always be viewing the garage. Mr. Kalinowski pointed out to Mr. Fedus that the dimensions are correct but the scale does not match the drawing and if the variance was approved that would have to be corrected before he could proceed.

For the variance were: Robert Dollman of 81 Henry Drive and William Neu of 71 Henry Drive. No one spoke against the variance.

Mr. Kalinowski mentioned that the building is going to be very large and not easily hidden from the view of the neighbors. Mr. Sobczak asked about if the drawing issue should be mentioned in the motion and Mr. Trzepacz said yes it should be a consideration.

Mr. Kalinowski made the motion for Appeals Case #1370 for Jason Fedus of 454 N. Davis Road, Elma, NY who is requesting a variance to build a 52x50 pole barn with less than the required side yard setback §144-98 C4, Residential B that the variance be approved based on the following criteria and that new drawings should be submitted to the building department with the correct measurements:

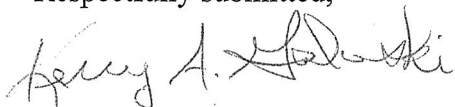
- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

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

Motion was made by Mr. Kwiek and seconded by Mr. Sobczak to approve the November 12, 2019 minutes. Ayes: 5

The meeting was adjourned at 7:37 PM. Motion made by Mr. Kwiek and seconded by Mr. Carey. Ayes: 5.

Respectfully submitted,



Kerry A. Galuski  
 Secretary-Clerk