

ZONING BOARD OF APPEALS

The hearing on Tuesday, July 12th, 2022, was called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey
Gregory Kalinowski
Harry Kwiek
Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty
Absent: Ray Balcerzak, Bldg. Inspector
John Johnston
Shawn Pralow

Appeals Case #1405 for Leon Berner of 850 Maple Street, Elma, NY who was given a continuance for a variance to install a new digital/LED sign §144-58 A2, §144-102.1 H, I (2), (8) & (9), Residential C/AG.

Mr. Kalinowski made the motion for Appeals Case #1405 for Leon Berner of 850 Maple Street, Elma, NY who was given a continuance for a variance to install a new digital/LED sign §144-58 A2, §144-102.1 H, I (2), (8) & (9), Residential C/AG for a continuance.
Seconded by Mr. Schafer. All-Yes

Appeals Case #1415 for Scott & Jamie Gliss of 2690 Bullis Road, Elma NY who are requested an area variance to build a small pool house with less than the side yard setback §144-98 C4, Residential B.

Mr. Gliss was present and wants to be 8-12 feet off the property line. Mr. Kwiek asked why he is looking to build the pool house in the desired location and the reply was that he would like it to be on an angle, so they still have a view of the backyard.

Attorney Todoro asked about the pad that goes around the building. Mr. Kwiek asked what the distance from the pool to the sideline is and was informed that it is 45ft and that the pad is about 35 feet.

Mr. Carey asked if the pool is installed, and Mr. Gliss replied yes. Mr. Carey asked the size of the pool house, and it would be 16x16ft.

Mr. Gliss explained the pool is in the center of the yard and Mr. Kwiek asked why the pool house could not be moved over slightly. Mr. Schafer stated that there is an alternate location the pool house could be located, and the reasons given for the current location are not a hardship.

Mr. Kalinowski stated a terrain issue could be a hardship and even the septic would be a hardship for why the pool house would have to be in the desired location. Mr. Kalinowski also stated there is no convincing argument as to why it cannot be moved. It is a self-created hardship since he knows what the distance must be.

No one spoke in favor or against the variance.

Mr. Kalinowski asked about any neighbor and there are not any.

Mr. Schafer made the motion to deny Appeals Case #1415 for Scott & Jamie Gliss of 2690 Bullis Road, Elma NY who are requested an area variance to build a small pool house with less than the side yard setback §144-98 C4, Residential B based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way, by placing slightly over.
- 3) The request is substantial in the fact that it does not meet the 20 feet.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case, due to the applicant knowing the distance and the fact that there is plenty of area to build the pool house.

Seconded, Mr. Kalinowski All, Yes

Motion to accept the June 14, 2022, minutes made by Mr. Carey and seconded by Mr. Schafer.

Motion to adjourn at 7:26 pm by Mr. Carey seconded by Mr. Kalinowski.

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary