

ZONING BOARD OF APPEALS

The hearing on Tuesday, October 9, 2018 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1330 For Jeremy & Julie Erny of 990 Stolle Road, Elma NY, who are requesting a variance to replace and existing front entrance with less than the required front setback §144-98 C4, Residential B.

Mr. Schafer asked if they are doing the work and if the area will be covered. Response by the homeowner was yes it will be covered, and they have hired a contractor.

Mr. Kalinowski asked if anything is changing, the homeowner's response was just the size will change. Mr. Carey asked if it will be any closer to the road and the homeowners response was no it will not. Mr. Kalinowski asked if there is a foundation under the area. The homeowners response was no, it will have pillars.

Mr. Kwiek asked how many steps will be coming off the front and Mr. Erny's replied that there will only be 2 steps.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1330 For Jeremy & Julie Erny of 990 Stolle Road, Elma NY, who are requesting a variance to replace and existing front entrance with less than the required front setback §144-98 C4, Residential B, 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. Carey. Ayes: 5. Nays: 0.

Appeals Case #1331 for Bo Tucker of 5990 Seneca Street, Elma NY who is requesting a variance to construct a 75 by 174-foot building, which is larger than the 7000-sq ft. allowable §144-84, C-2.

Mr. Tucker said his customer asked for the building to be 15 feet wider, instead of the 60 feet that was originally approved in a previous zoning application.

Mr. Schafer said the variance was given at the beginning of the year and wanted to know why the delay. Mr. Tucker replied that the customer that was renting the building asked if the building could be larger and Mr. Tucker started by making the lot 15 feet wider to accommodate the extra 15 feet for the building.

Mr. Schafer asked why the building needed to be larger and was informed that the customer needed the extra space.

Mr. Trzepacz asked if the building would sit any further back than the other 2 buildings located next to that property and was informed that the building may be a little further back.

Mr. Trzepacz asked about wetlands on the back property and Mr. Tucker said it was further in the back and that it is a water easement.

Mr. Kwiek asked about the 15 feet for the property and where that was taken from and Mr. Tucker replied that the land was taken from the property going toward East Aurora.

Mr. Kalinowski asked about the parcel number that is referenced on the application and the number that is referenced on a GIS of the property. Mr. Tucker replied that the extra land that was added to

the property to accommodate the extra 15 feet has not officially been approved and once he receives the variance he will have the property approved.

Mr. Carey asked if this is the final size for the building and was told that this would be the final size.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1331 for Bo Tucker of 5990 Seneca Street, Elma NY who is requesting a variance to construct a 75 by 174-foot building, which is larger than the 7000-sq ft. allowable §144-84, C-2, that the variance be approved based on the following criteria and the approval of the 15 extra feet for the property:

- 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 11, 2018 by Mr. Trzepacz and seconded by Mr. Carey. Ayes: 5.

The meeting was adjourned at 7:31 PM. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk