

## ZONING BOARD OF APPEALS

The hearing on Tuesday, October 13, 2020 was called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey

John Johnston

Greg Kalinowski

Harry Kwiek

Robert Schafer

Also: Ray Balcerzak, Bldg. Inspector

Phyllis Todoro, Town Atty.

Appeals Case #1384 for Paul and Patricia Birrer of 1030 Stolle Road, Elma, NY who are requesting a variance to split one lot into two lots with less than the required frontage and a driveway with less than 2 feet from the lot line §144-98 C (1) and §144-33, Residential B.

Mr. and Mrs. Birrer were present and explained how the house was first built in 1954 and the address for the property was 1090 and 1092. The second house was built in 1968 and that address was 1080 and the home was a ranch. An addition was added to the first house to create a duplex in 1970.

Mr. Kwiek asked if there are separate utilities for all the homes and Mr. Birrer replied that they all do. Mr. Kalinowski asked how three buildings were able to be done and again Mr. Birrer replied that he was not sure how. Mr. Kalinowski asked why they are looking to split the houses and was told that the properties are difficult to appraise and maintain and possibly sell.

Mrs. Todoro asked about the survey and when it was last done, and Mr. Birrer replied it was done a few years ago. Mr. Kwiek asked about a garage in the back of 1080 and was informed that it is and that there is not an apartment with the garage. Mr. Kwiek asked who drew the line on the survey and Mr. Birrer stated that he drew it in and if approved he would give to an architect.

Mr. Schafer asked why the line doesn't go all the way to the back of the property. Mr. Schafer said it looks like a flag lot and flag lots are not allowed. Mr. Kalinowski said the survey frontage shows one thing for measurement and it could be something different after he has the survey professionally done. Mr. Kalinowski asked for the line that is drawn splitting the property to go all the way to the back of the property on the survey.

Mr. Carey said the survey should be drawn up the way they would like the property to be divided. Mr. Carey asked if there are permits in the town files and the building inspector, Mr. Balcerzak stated yes

No one spoke for or against the variance. The resident at 1021 Stolle Road had a question about the property.

Mr. Carey made a motion for Appeals Case #1384 for Paul and Patricia Birrer of 1030 Stolle Road, Elma, NY who are requesting a variance to split one lot into two lots with less than the required frontage and a driveway with less than 2 feet from the lot line §144-98 C (1) and §144-33, Residential B to give a continuance for a more exact and professional survey. Seconded by Mr. Schafer. Ayes: 5. Nays: 0.

Attorney Phyllis Todoro, Kerry and Joe Colern will review the minutes from the last meeting for accuracy.

The meeting was adjourned at 7:33 PM. Motion made by Mr. Carey and seconded by Mr. Schafer.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk