ZONING BOARD OF APPEALS

The hearing on Tuesday, November 12, 2019 was called to order by Chairman Trzepacz at 7:00 PM.

Members present: Ron Carey also: Ray Balcerzak, Bldg. Inspector

Greg Kalinowski Dean Puleo, Asst. Town Atty.

Harry Kwiek Robert Schafer

Mike Sobczak

Donald Trzepacz, Chairman Absent:

After Roll Call, the Clerk read the Notice for Appeals Case #1367 for Bowen Place LLC of 2350 & 2324 Bowen Road, Elma, NY who is requesting a variance to install a sign §144-93.9 G (1) (7) (9) and (10), C-2 overlay.

Tim Delaney was present and stated he recently purchased the property and spoke with the business owners within the plaza about the signage at the location and would like to install a new roadside sign.

Mr. Carey asked if it will be a double pole sign and Mr. Delaney replied it would be like the signage across the street at the Elma plaza. Mr. Trzepacz asked if the old sign would be taken down and the reply was yes and that the area around the sign would be cleaned as well.

Mr. Sobczak asked if the address would be on the sign. Mr. Delaney advised that he is not sure how the addresses would look but they would be on the sign as well. Mr. Trzepacz mentioned that it could contain the beginning and ending address number of the businesses.

Mr. Kwiek asked about the names on draft copies that were submitted of the sign and are the names the tenants that are going to be at the location. The reply was that there are currently 9 tenants and most looking to grow and that each panel is removable and changeable and that the size will stay the same.

Mr. Carey asked about the size and Mr. Delaney's reply was 18 feet is the preference like the sign across the street. The lack of signage is hurting some of the businesses.

Mr. Kalinowski asked when it will be started, and the answer was as soon as possible but depending on the weather.

No one spoke for or against the variance.

Mr. Kwiek made the motion for Appeals Case #1367 for Bowen Place LLC of 2350 & 2324 Bowen Road, Elma, NY who is requesting a variance to install a sign §144-93.9 G (1) (7) (9) and (10), C-2 overlay 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 #1368 for Penny Pennington of 10 Timberline Drive, Elma, NY who is requesting a variance to install an inground pool on the side yard of the property §144-50, Residential A.

Robert Ronosny was present as the builder and explained that there is a leach field on back side of house and that there is another house on Chairfactory that has a pool on the side of the lot.

Mr. Sobczak asked if it is on the left side and the reply was yes. Mr. Kalinowski asked if there is going to be a pool house built and the gentleman replied that he is unaware of one and that he only heard a mention of possibly a gazebo.

A letter from the neighbor was received in favor and no one spoke against the variance.

Mr. Kalinowski made the motion for Appeals Case #1368 for Penny Pennington of 10 Timberline Drive, Elma, NY who is requesting a variance to install an inground pool on the side yard of the property §144-50, Residential A, 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.

Appeals Case #1369 for David Ponitz of 7020 Clinton Street, Elma, NY who is requesting a variance to add an addition of 14x16 feet to the home with less than the required 50 feet setback §144-99 C4, Residential C.

Mr. Ponitz was present and explained that the house sits sideways to the road and that the addition will be a second story with a deck underneath.

Mr. Trzepacz asked if the back of property has the septic system and was informed that it is. Mr. Carey asked if it will sit level and if you will go upstairs to get to the new addition and the reply was yes. Mr. Trzepacz asked if it is only going to be a second floor and again the reply was yes.

No one spoke for or against the variance

Mr. Carey made motion for Appeals Case #1369 for David Ponitz of 7020 Clinton Street, Elma, NY who is requesting a variance to add an addition of 14x16 feet to the home with less than the required 50 feet setback §144-99 C4, 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. Sobczak. Ayes: 5. Nays: 0

Motion was made by Mr. Carey and seconded by Mr. Sobczak to approve the October 8, 2019 minutes. Ayes: 5

The meeting was adjourned at 7:27 PM. Motion made by Mr. Kalinowski and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk