

## **09/13/11 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, September 13, 2011 was called to order by Chairman Harrington at 7:03 PM.

Members present: Greg Kalinowski also: Ray Balcerzak, Bldg Inspector  
Michael Komorek Phyllis Todoro, Town Attorney  
Robert Schafer  
Alfred Harrington, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1198 for Frank Kester, 800 Northrup Road, Elma, who is requesting a variance for a setback of less than 50 feet §144-99(C)(4). Frank Kester and Ann Kester were present to go over there case. Mr. Kester was asked if a contractor will be building the ramp and replied it will be built by a contractor. Greg Kalinowski asked if the Building department has sufficient information on the file. Ray said the department is satisfied by what was submitted. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case # 1198 for Frank Kester, 800 Northrup Road, Elma, who is requesting a variance for the setback of less than 50 feet §144-99 C-4, I move the variance be granted per sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Komorek. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case # 1199 for Aurora Optometric Group, 411 Main Street, East Aurora, who is requesting a variance for signage at Maple Road and the West Maple Court entrance §144-102.1B(1)(c). Dr. Dick O'Connor was present on behalf of Aurora Optometric Group. Dr. O'Connor stated that some things have changed since the original request. The sign should be on property that Aurora Optometric owns and TVGA decided not to sell them a piece of property to put the sign on. Jim and Don Bach own property on the south side and were contacted and are willing to lease property and put the sign on that leased piece of property. Greg Kalinowski advised Dr. O'Connor that a draft lease

and a letter of intent should be all that is needed to go further in the future. Bob Schafer suggested a new drawing be filed when Aurora Optometric Group is ready to go forward. Greg Kalinowski stated that the same case number would be fine for the continuance. No one spoke for or against the case.

Mr. Kalinowski made the motion: In Appeals Case # 1199 for Aurora Optometric Group, 411 Main Street, East Aurora, who is requesting a variance for signage at Maple Road and the West Maple Court entrance §144-102.1B(1)(c), I move the variance be given a continuance until next months meeting pending further information based on change of the appeal. Seconded by Mr. Schafer. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case # 1200 for Gerald Schuster, 5101 Clinton Street, Elma, who is requesting a variance for a new structure that is 2 ½ feet from the property line §144-84 (B)(2), §144-86.2(C)(2) and § 144-86.2(D). Mr. and Mrs. Schuster were present for the case. Chairman Harrington asked why the structure could not be further back in the yard. Mrs. Schuster stated that the sand filter is in the back and there is a pipe that runs the entire way back. Mike Komorek stated there is no way to compare the septic layout and the survey. Chairman Harrington said a plan of the septic system would be ideal. Greg Kalinowski stated that the septic plan would need to be validated. Mr. Komorek stated that there needs to be a letter stating that there is no other place that the system could be moved to in the yard to show a hardship. A drawing from the Dept. of Health would be ideal. No one spoke for or against.

Mr. Komorek made the motion: In the matter of Appeals Case # 1200 for Gerald Schuster, 5101 Clinton Street, Elma, who is requesting a variance for a new structure that is 2 ½ feet from the property line §144-84 (B)(2), §144-86.2(C)(2) and § 144-86.2(D), I move the variance be given a continuance until next months meeting to allow time to get letters regarding the septic. Seconded by Mr. Schafer. Poll vaote – 4 ayes. Motion carried.

In the matter of Appeals Case #1201 for Young Development Inc., 2240 Southwestern Blvd., West Seneca, who is requesting a variance for the square footage exceeding the allowable in a C2 zone §144-85A. Mr. Brian Young was present for the case. Brian Young had a drawing of what the buildings are going to look like. The building are allowed to be on the property, Mr. Young just wants the buildings to be connected. Mr.

Schafer asked what the approximate square footage is and was told it is 21,700 square feet. The entire operation from Southwestern is moving to the Bullis location. Chairman Harrington asked if the property goes back to the railroad. The Planning Board is where all the items like parking, trees and noise are to be addressed. The only thing being heard at the Zoning meeting is the size of the building. No one spoke for the project. The following spoke against the project: Cynthia Paszek, 1071 Bullis Road; Charles Cichon, 1131 Bullis Road; and Thomas Paszek, 1071 Bullis Road.

Mr. Komorek made the motion: In the matter of Appeals Case # 1201 for Young Development Inc., 2240 Southwestern Blvd., West Seneca, who is requesting a variance for the square footage exceeding the allowable in a C2 zone §144-85A, I move the variance be granted based on drawings and sketches submitted with additional drawings dated 9/7/11 and provided all Elma Town codes and ordinances are met. Seconded by Mr. Schafer. Poll vote – 4 ayes. Motion carried.

The minutes of the last meeting on August 9, 2011 were approved.

There being no further business, the meeting was adjourned at 8:07 PM.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk