## **ZONING BOARD OF APPEALS**

The hearing on Tuesday, October 8, 2013 was called to order by Chairman Schafer at 7:00 PM.

Members present: Greg Kalinowski

Michael Komorek Harry Kaczmarek

Donald Trzepacz

Robert Schafer, Chairman

also: Ray Balcerzak, Bldg Inspector Phyllis Todoro, Town Attorney

Harry Kwiek

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1228 for Kenneth Kelchlin, 8351 Clinton Street, Elma, who is requesting a variance for a nonconforming use for a vehicle sales and/or service station § 144-10 C and § 144-77 A4, commercial 1.

Mr. Kelchlin was present to talk about how he moved his business a year ago and that he was not aware that he needed to have a tenant in within a year to continue under the same variance.

Mr. Kaczmarek asked if there was something going on in the business already. Mr. Kelchlin advised that the tenant had moved some items into the building but was not operating out of the building. Mr. Schafer advised that the code listed by the Building Inspector listed the property as being vacant. Mr. Kelchlin explained he was not aware of what the inspector wrote on the application.

Mr. Kalinowski asked what was being done at the building before he moved. Mr. Kelchlin explained that he use to repair items in the back of the shop. Mr. Schafer asked why there is something going on at the premise already. Mr. Kelchlin explained that there is no business going on just that the tenant stated to move his equipment into the building before he was aware that he had to come before the board to get a variance. The Town Attorney asked why a vehicle was being worked on at the location. The vehicle that was being worked on was the gentleman that is renting the location and it was his personal vehicle that had a problem.

Mr. Kechlin said the building is built for repair and it took some time to rent the location. Mr. Kechlin's tenant advised that he is not working right now, his lease ran out at his previous location. Mr. Kalinowski asked how many employees he would have on staff. The tenant responded that it would be himself and his son at the beginning.

The pole barn that is at the location is still going to be used by Mr. Kelchlin and the other structure is what is being rented. Mr. Kalinowski asked how many cars would be worked on and was advised that there would be between 3 to 4 vehicles. All the vehicles will be stored inside the building. Mr. Kelchlin advised the board that the cars that would be being worked on would have a five to six month project time frame and not a quick turn around.

Mr. Kalinowski asked if any changes to the building are in the future. Mr. Kelchlin responded that he would have to approve any changes that the tenant needed before anything could be done.

No one spoke for or against the case.

Mr. Komorek made the motion that the variance be granted with the amendment that no sales are to occur on the premise and a new business use permit must be secured from the Town Board and that all Town of Elma codes and ordinances are met. The variance will expire a year from the zoning board meeting date of October 8, 2013. Seconded by Mr. Trzepacz. Poll vote – 4 ayes, 1 nayes. Chairman Schafer voted no. Motion carried.

The minutes of the last meeting on September 10, 2013 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kaczmarek.