ZONING BOARD OF APPEALS

The hearing on Tuesday, June 12, 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, Alternate

Donald Trzepacz

Robert Schafer, Chairman Absent:

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1318 for Fred Hilliard of 186 Townline Road, Elma, NY who is requesting a variance to add a 24x30 addition to an existing building for garage storage with less than the required side yard setback § 144-99 C4, Residential C.

Mr. Hilliard was present and Mr. Schafer explained that he spoke with the Building Department and that there is no issue with the easement that is next to his property. Mr. Trzepacz had no questions. Mr. Kwiek asked what the timing was for putting up the garage and the response was as soon as Mr. Hilliard receives a decision from the Zoning Board he would like to proceed.

Mr. Kalinowski asked if there were any changes that Mr. Hilliard wanted to make and Mr. Hilliard said he would ask for a 22x30 garage for an addition if that would a better size. Mr. Kalinowski also asked if he built the house and the answer was yes. Mr. Carey asked where the telephone pole is on the property and Mr. Hilliard referenced the drawing of his property and pointed to the area and said it is about two feet from the property line.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals Case #1318 for Fred Hilliard of 186 Townline Road, Elma, NY who is requesting a variance to add a 24x30 addition to an existing building for garage storage with less than the required side yard 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. Trzepacz. Ayes: 5. Nays: 0.

Appeals Case #1321 for Kara Sciarra of 1170 Stolle Road, Elma, NY who is requesting a variance to split the property at 1170 Stolle Road that has two homes on the same property § 144-98 C (1), (2) and (4), Residential B.

Kara Sciarra was present. Mr. Schafer said the house was built in the 1890's and that the way Mrs. Sciarra was proposing to split the property would be fine. Mr. Trzepacz said the issue in dividing the property is not self-created in her case.

Mr. Kwiek asked if she changed her mind on any of the ideas from the meeting the month prior and Mrs. Sciarra stated she spoke with Joe Colern the Building Inspector and he agrees she has the property split in the correct possible way. There is only one address right now for both properties. Mr. Kwiek asked about the utilities being split between both properties and she informed him that both parcels will have their own utilities.

Mr. Kalinowski asked why there could not be two addresses on the property and was informed since they have always been considered on property.

For the variance was: Fran Banas 1181 Girdle Road, Elma.

No one spoke against the variance.

Mr. Trzepacz made the motion for Appeals Case #1321 for Kara Sciarra of 1170 Stolle Road, Elma, NY who is requesting a variance to split the property at 1170 Stolle Road that has two homes on the same property § 144-98 C (1), (2) and (4), Residential B, that the variance be granted 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. Kalinowski. Ayes: 5. Nays: 0.

Appeals Case #1322 for Nancy Schmitt of 51 Kings Road, Elma, NY who is requesting a variance to build a garage with less than the required side yard setback §144-99 C6, Residential C.

Nancy Schmitt was present and explained how she does not have the room to build the garage on any other area of the property except the location she is proposing. Mrs. Schmitt spoke with her neighbor about the proposed 3 feet and the neighbor suggested 5 feet and she agreed. Mr. Schafer asked about the 5 feet as opposed to it being 3 feet.

Mr. Carey mentioned on the paperwork it says the southwest side and it should be the northeast side of the property. He also asked how close from the back-property line the garage would be located and she informed the board it will be 10 feet from the back-property line. Mr. Kwiek asked about the survey and what something on the survey was and Mrs. Schmitt informed him that it is a deck.

Mr. Trzepacz has no questions.

No one spoke for or against the variance.

Mr. Kwiek made the motion for Appeals Case #1322 for Nancy Schmitt of 51 Kings Road, Elma, NY who is requesting a variance to build a garage with less than the required side yard setback §144-990C6, Residential C, that the variance be approved with the following change of 5 feet from the side setback and 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.

The motion was made to approve the minutes from May 8, 2018 by Mr. Trzepacz and seconded by Mr. Kalinowski. Ayes: 5.

The meeting was adjourned at 7:32 PM. Motion made by Mr. Kwiek and seconded by Mr. Trzepacz. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk