ZONING BOARD OF APPEALS

The hearing on Tuesday, July 9, 2019 was called to order by Chairman Schafer at 7:00 PM.

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

Greg Kalinowski Dean Puleo, Deputy Town Atty.

Harry Kwiek Mike Sobczak

Donald Trzepacz

Robert Schafer, Chairman Absent:

Appeals Case #1360 for Douglas Eckam Jr, who owns vacant land on Transit Road, Elma, NY who is requesting a variance to approve a nonconforming lot §100-3, Residential C.

Mr. Eckam was present and explained how his parents were going to build but were not able to develop the property. The property was left to Mr. Eckam and he would like to build on the property or sell the property.

Mr. Schafer mention that the property was bought in 1956 by his grandparents and left to Mr. Eckam. Mr. Trzepacz asked what Douglas would like to do with property and was informed that if he could sell the land, he would use the money for his kids' college.

Mr. Carey asked to see the deed and he noted the date on the deed was June 18, 1956. The survey date was June 3, 1953. Mr. Kalinowski asked about the transfer of the land and if Mr. Eckam has any other relatives in town that might want to do the same thing and the answer was no.

No one spoke for the variance. Against the variance was James Ziccarelli of 681 Transit Rd and Kevin Ziccarelli of 701 Transit Road and Attorney Sorgi.

Mr. Trzepacz made a motion for Appeals Case #1360 for Douglas Eckam Jr, who owns vacant land on Transit Road, Elma, NY who is requesting a variance to approve a nonconforming lot §100-3, 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 since the applicant was willed the property in this case.

Seconded by Mr. Kwiek. Ayes: 5. Nays: 0

Appeals Case #1362 for Dale Kling of 381 Main Street, Elma, NY who is requesting a variance to build an addition on the barn which is 5 feet from the rear property line §144-78 D, C-1.

Mr. Kling was present and explained how he has a barn and would like to build an addition that is 12 feet to the west. He also has letters from the neighbors that they are in favor. The letters were from Fred Strief and Louise Toth.

Mr. Carey asked what the barn addition would be used for and the answer was that it would be additional storage for the business.

No one spoke for or against the variance.

Mr. Carey made the motion for Appeals Case #1362 for Dale Kling of 381 Main Street, Elma, NY who is requesting a variance to build an addition on the barn which is 5 feet from the rear property line §144-78 D, C-1, 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. Kalinowski. Yes: 5. Nays: 0.

Appeals Case # 1363 for Cheryl Bruno of 161 Tiffany Lane, Elma NY who is requesting a variance for a pool house and a shed with less than the required side yard setback §144-98 C-4, Residential B

Mr. Gugliuzza was present and is Mrs. Bruno fiancé. Mr. Gugliuzza explained how last year a pool was put in on the property. They contracted with the pool company to build the pool and pool house. The contractor did the concrete work that was three feet around the pool and the reminder of the concrete was done by a friend, which was six feet from property line.

There was a permit issued for the pool only last year. The pool house was built by Cheryl and Michael. The tool shed was being dropped on site and Mr. Gugliuzza was not aware that he needed a permit for a shed and that it is 6 feet from the setback. The tool shed sits on stones and footers currently.

Mr. Schafer asked why he never checked on anything and Mr. Gugliuzza said it was over looked. Mr. Carey asked to see the permit for the pool and the contract for the pool and pool house. Mr. Carey also asked what made him get a permit and he stated he had received a letter from the Town and at that time he came in to get an additional permit. One of the neighbors sent a letter that she does not have a problem.

Mr. Schafer asked if the house was already built when she bought it and it was. Mr. Gugliuzza mentioned he thought a shed didn't need a permit. Mr. Carey asked when house was built, and Mr. Gugliuzza replied he thinks the 40's.

Mr. Trzepacz asked if he had an updated survey and Mr. Kalinowki stated that we cannot be sure if the measurements are exact until we have a survey. Until that happens a variance could not be given, but a continuance could be given until a survey is finished.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals Case # 1363 for Cheryl Bruno of 161 Tiffany Lane, Elma NY who is requesting a variance for a pool house and a shed with less than the required side yard setback §144-98 C-4, Residential B, that the variance be given a continuance until an updated survey is available. Seconded by Mr. Carey. Yes: 5. Nays: 0.

Mr. Carey made the motion to approve the minutes from the June meeting. Seconded by Mr. Trzepacz. Yes: 5. Nays: 0.

Mr. Kwiek made the motion at 8:18 to end the meeting. Seconded by Mr. Kalinowski. Yes: 5. Nays: 0.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk