ZONING BOARD OF APPEALS

The hearing on Tuesday, July 10, 2018 was called to order by Chairman Schafer at 7:00 PM.

| Members present: | Ron Carey Greg Kalinowski Harry Kwiek Donald Trzepacz | also: | Ray Balcerzak, Bldg. Inspector Phyllis Todoro, Town Atty. |
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| | Robert Schafer, Chairman | Absen | t: Mike Sobczak, Alternate |

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1323 for 611 Jamison Road, LLC at 611 Jamison Road, Elma, NY who is requesting a variance to construct a building which is less than the required 50-foot front yard setback § 144-90 B, Industrial.

Steven Tait was present to explain the increase in usage is approaching 200 pounds of pressure and it use to be 85 pounds of pressure at the beginning. The pressure is the main reason for a new pump house and to be able to access the lines. The building that will be constructed will be concrete like the one located down the road at Steuben. All the piping and pumps will be inside the building.

Mr. Trzepacz asked how much bigger the building will be above ground and was informed that it should be roughly 8x12 above ground. The system will be self-contained. Mr. Trzepacz asked if Mr. Tait read the code for the appeal case and was informed by the Building Inspector what the code was. Mr. Kalinowski brought up that the side setback is 100 feet. The drawing shows 11 feet from the side and the code says if it is abutting a residential property which there are two parcels; one is residential C and the other is residential B, the closest being residential C the minimum side setback is 100 feet.

Mr. Tait asked if their property is zoned industrial and both Mr. Kalinowski and Mr. Trzepacz replied yes. Mr. Kalinowski brought up the fact that the building dept. should have pointed out the side setback. Mr. Tait asked if he could amend the zoning application and town attorney Phyllis Todoro said she would write something up for him to sign and place in the file.

Mr. Kwiek asked if the pumps will be able to handle the pressure and was informed that they will. The dimensions should be referenced on the plans provided to the Zoning Board.

No one spoke for or against the variance.

Mr. Kwiek made the motion for Appeals Case #1323 for 611 Jamison Road, LLC at 611 Jamison Road, Elma, NY who is requesting a variance to construct a building which is less than the required 50-foot front yard setback and the 100-foot side yard setback § 144-90 B, Industrial, 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. Ayes: 5. Nays: 0.

The motion was made to approve the minutes from June 12, 2018 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

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

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk