ZONING BOARD OF APPEALS

The hearing on Tuesday, August 13, 2019 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 Todor, Town Atty.
	Robert Schafer, Chairman	Absen	t: Mike Sobczak

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. Trzepacz stated that the board received an updated survey with the measurements. Mr. Carey asked if there was a permit for the shed and a contract as well. The permit was only for the pool and nothing additional on the property. Mr. Gugliuzza commented that the pool shed is on a slab of concrete. Mr. Trzepacz asked if there are any utilities in the shed, the response was that at the current time there is not.

The pool shed was placed where it is due to a drainage pipe being in the yard. Mr. Kalinowski asked about excavating for the pool and if the pipe was broken and Mr. Gugliuzza's response was that a section was replaced.

Mr. Gugliuzza explained how the contractor stated he would handle everything that needed to be done. Mr. Kwiek asked if he has spoken to the pool contractor about what he is going through now regarding his zoning appeal and he replied he has not. Mr. Kwiek asked about the shed being on stone and just being dropped in place. Mr. Gugliuzza said that both are questions are correct that the shed is on stone and that it was just dropped in that location.

Mr. Gugliuzza mentioned that the neighbor on the side that the shed is on is in favor of the two sheds and their current location. Mr. Trzepacz stated a building permit needs to be completed for both sheds and that the side set back is 10 feet due to the year the house was built.

Mr. Kalinowski stated that the shed can be moved since it was just dropped in place and the pool house is a different situation. Mr. Kwiek asked about moving the shed to another location on the property, like closer to the road and having it resemble the house.

No one spoke for the variance. Against the variance was Chris Wilckens of 210 Tiffany Lane.

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 to approve the Pool House only, noting 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. Schafer. Ayes: 4. Nays: 1 (Mr. Trzepacz)

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 to deny the shed only, noting the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

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

Appeals Case #1364 for Kevin and Marianne Ziccarelli who own vacant land on Transit Road, Elma NY who are requesting a variance to approve a nonconforming lot \$100-3, Residential C.

Mr. Ziccarelli was present and is looking for a variance for his vacant lot. The abstract of the title shows that in 1953 the parcel was separated from the original lot. Mr. Trzepacz stated he has a deed and it is a separate lot. Mr. Ziccarelli will build the house in line with the other homes next to the property. It was a piece of property before the four-split rule was created.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals Case #1364 for Kevin and Marianne Ziccarelli who own vacant land on Transit Road, Elma NY who are requesting a variance to approve a nonconforming lot §100-3, Residential C to approve, noting 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. Kwiek Ayes: 5. Nays: 0

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

Mr. Kwiek made the motion at 7:43 to end the meeting. Seconded by Mr. Kalinowski. Yes: 5. Nays: 0.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk