ZONING BOARD OF APPEALS

The hearing on Tuesday, October 8, 2019 was called to order by Chairman Trzepacz at 7:00 PM.

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

Appeals Case #1366 for Bo Tucker of 5990 Seneca Street, Elma, NY who is requesting a variance to construct a 125 by 215-foot building which is larger than the 7000 sq. ft. allowable §144-84 & §144-85 (B), C-2.

Bo Tucker was present along with Rick Krantz from Moog. Bo explained how Moog needs the building to be larger to accommodate their equipment that they would like to operate in the building. Mr. Carey commented that this is the third time Bo has been back for the same building on Seneca Street and that last time he was before the board he said that the size he was requesting at that time was the last time he would be before the board for that building. Mr. Carey also asked what the building was going to be used for and Mr. Krantz replied that there is going to be three manufacturing cells.

Mr. Trzepacz asked if there is any space left at the Moog site on Jamison Road and Mr. Krantz replied that they are considering both options at this time. Mr. Sobczak asked how long Moog would be occupying the building on Seneca Street and the reply was ten years with a five-year extension. Mr. Sobczak also asked Bo Tucker if he is looking for the building to be any larger and his answer was no but that he has additional land to do more buildings if needed.

Mr. Kwiek asked if the drawings were Moog's drawings and Mr. Tucker replied that his engineer drew the plans up for Moog specifically. It was also asked if there is a contract and there is not at this time. Mr. Schafer asked if the building could be built on Moog's property and the reply was that it could, and it is a possibility.

Mr. Carey asked about the operation at the building and Mr. Krantz replied that it would be three manufacturing cells with robots operating and it would run 24 hours a day. Mr. Carey asked Ray Balcerzak and Phyllis Todoro about manufacturing being in a C-2 district and was informed that it is not allowed according to the code. The section in the code is 144-86.1 A2 which states that any industrial manufacturing use is prohibited in C-2.

Mr. Trzepacz stated that the original application was for research and development and that was what was approved originally.

No one spoke for the variance. Against the variance were the following:

Greg Mancini	91 Streif Road
Mary Macintosh	6100 Seneca Street
Charlie Dickinson	101 Northrup Road

Mr. Kwiek made the motion for Appeals Case #1366 for Bo Tucker of 5990 Seneca Street, Elma, NY who is requesting a variance to construct a 125 by 215-foot building which is larger than the 7000 sq. ft. allowable §144-84 & §144-85 (B), C-2 that the variance be denied based on the following criteria:

- 1) An undesirable change would be known to the neighborhood based on the size of the building.
- 2) The benefit could be achieved another way by the tenant on their own property.
- 3) The request is substantial due to the size of the building being requested.
- 4) The request would have an adverse physical or environmental effect due to water issues and the operation running 24 hours a day.
- 5) The alleged difficulty is self-created since there is a possibility of building on Moog's property.

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

Mr. Sobczak made the motion to approve the minutes from the September meeting. Seconded by Mr. Kwiek. Yes: 5. Nays: 0.

Mr. Kwiek made the motion at 7:26 to adjourn the meeting. Seconded by Mr. Carey. Yes: 5. Nays: 0.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk