## **ZONING BOARD OF APPEALS**

The hearing on Tuesday, October 11, 2011 was called to order by Chairman Schafer at 7:02 PM.

Members present: Harry Kaczmarek also: Ray Balcerzak, Bldg Inspector Greg Kalinowski Phyllis Todoro, Town Attorney

Michael Komorek

Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1202 for Bammel Architects PC, 6459 West Quaker Street, Orchard Park, who is requesting a variance for Sahlen's Sport Park to build a storage building with a reduction of the required side yard setback from 20 feet to 10 feet §144-90(B)(1). The case was withdrawn from the meeting.

In the matter of Appeals Case # 1203 for Christopher Decker, 720 Rice Road, Elma, who is requesting a variance to build a garage with a reduction of the required side yard setback from 20 feet to 10 feet §144-98(C)(4). Mr. Decker explained how he is looking to build the garage on the desired site that he has presented to the Zoning Board. Chairman Schafer explained that when you come for a variance that there has to be a hardship and he does not feel that a tree is a hardship. There is another plan submitted with the garage back further on the property. Mr. Decker understood the hardship factor for his variance and he did try to work with his neighbors as to where the garage could go. Mr. Komorek asked when the property was purchased and if it was taken into consideration at that time. Mr. Decker stated that he still would have bought the house. Mr. Decker also made mention that he is trying to work with his neighbors and the Zoning Board as to the location of the garage. Mr. Decker stated he has given thought to making the garage smaller but for what he is going to store in the garage the size he has chosen will be correct. Mr. Kaczmarek asked if he is going to be selling items from his garage after he has run out of space in the garage and Mr. Decker stated that is not his intension. No one spoke for or against.

Mr. Komorek made the motion: In Appeals Case #1203 for Christopher Decker, 720 Rice Road, Elma, who is requesting a variance to build a garage with a reduction of the required side yard setback from 20 feet to 10 feet §144-98(C)(4), I move the variance be denied based on premise that the undue hardship has not been sustained and that the alternate site would not require Zoning Board of Appeals intervention. Seconded by Mr. Kaczmarek. Poll vote – 4 ayes. Motion carried.

In the matter of Appeals Case # 1204 for TRB Group, LLC, 1515 Bullis Road, Elma, who is requesting a variance to convert a two family to a four family dwelling at 1910 Bowen Road §144-142(A)8 & 15(a), §144-142(A)6. Mrs. Bapst was present for the case and explained that she and her brother bought the old Town Hall building and that now that they have done some major renovations they are trying to do more renovations to the outside and decide the use for the lower downstairs. There are two entrances into the building that still exist and the old Town Hall is unique and that is part of its difficulty in using the building. There are still a lot of other renovations that will need to be completed and they are looking to convert the lower building into two apartments. Mrs. Bapst mentioned that she would be willing to put a garage up on the property if it is necessary. Mr. Kaczmarek asked what type of renovations would be done in the future. Mrs. Bapst stated that there needs to be some foundation work done, the front door needs to be updated and several other items. Having the 5000 square foot building that is half empty is difficult. Chairman Schafer asked what the approximate size of the apartments would be. Mrs. Bapst said that she doe not have the sizes of the apartments but could do it according to what the layout was when it was the old Town Hall. The building office and assessor area would be one apartment and the sheriff's office would be a one bedroom apartment. The layout would be the same as the upstairs meaning one on the left and one on the right. Mr. Kalinowski asked if there are any issues with hazardous materials in the building. Mrs. Bapst stated there was at the beginning of the project when she first started her renovations. There are two tenants in the upstairs apartments. No one spoke for or against.

Mr. Kalinowski made the motion: In the matter of Appeals Case # 1204 for TRB Group, LLC, 1515 Bullis Road, Elma, who is requesting a variance to convert a two family to a four family dwelling at 1910 Bowen Road §144-142(A)8 & 15(a), §144-142(A)6, I move the variance be granted provided sketches submitted and provided all Elma Town codes and ordinances are met. Seconded by Mr. Komorek. Poll vote – 3 ayes and 1 naye (Mr. Kaczmarek) Motion carried.

Chairman Schafer went over the training sessions that are up and coming in the next two weeks.

The minutes of the last meeting on September 13, 2011 were approved.

There being no further business, the meeting was adjourned at 7:33 PM.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk