ZONING BOARD OF APPEALS

The hearing on Tuesday, September 9, 2014 was called to order by Chairman Schafer at 7:00 PM.

Members present: Harry Kwiek

Harry Kaczmarek

also: Ray Balcerzak, Bldg Inspector Phyllis Todoro, Town Attorney Greg Kalinowski -absent

Michael Komorek
Donald Trzepacz

Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1238 for Dave Laufer, 41 New Bullis Road, Elma, who is requesting a variance from the required 20 foot side setback, to be reduced to approximately 8 feet§ 144-90 B(1), industrial.

Mr. Laufer was present and explained that he is looking to clean the outside around the building up, that he does not like the look of everything just laying on the ground outside. He would like to have everything that is outside on the ground stored in a building so that it is contained. Mr. Laufer received a letter from the neighbor at 51 New Bullis stating that he has nor problem with what Mr. Laufer would like to do. Mr. Kwiek stated that there is plenty of room for him to expand the building.

Mr. Trzepacz asked if there was a permit for the trailer in the rear of the building and was informed by Mr. Laufer that yes there is and that he would like to remove the trailer once the addition is complete. Mr. Laufer also added that he would like the building to look like the other building.

No one spoke for or against the variance.

Mr. Komorek made the motion to approve the variance based on the following criteria:

- 1. that there will be no undesirable change to the character of the neighborhood or property.
- 2. that there is a benefit to the addition.
- 3. that there is no negative impact in granting the variance.
- 4. that there is no physical impact on the environmental conditions in the neighborhood.
- 5. that the situation is not self created.

and that the drawings dated 8/8/14 for the proposed addition and be it that all Town of Elma codes and ordinances are met. Seconded by Mr. Kaczmarek. Poll vote—5 ayes. Motion carried.

Appeals Case #1239 for Ronald Fraser, 731 Girdle Road, East Aurora, who is requesting a variance from the required 50 foot front setback§144-98 C(4), residential B.

Mr. Fraser was present and submitted photos to show the property and that there is no room in the back portion of the land. Mr. Schafer asked how far back from the right of way the building will be positioned and was informed by Mr. Fraser that it will be approximately 12 feet back.

Mr. Trzepacz stated that behind the house is an angle and it would not allow for something to be built in that area. Mr. Schafer asked if there will be a driveway and was advised yes and that the building would be for storage of items. Mr. Kaczmarek asked if there would be vehicles stored in the building and Mr. Fraser advised that there would not

Bob Meidenbauer at 681 Girdle Road spoke for the variance. No one spoke against the variance.

Mr. Trzepacz made the motion in Appeals Case #1239 for Ronald Fraser, 731 Girdle Road, East Aurora, who is requesting a variance from the required 50 foot front setback§144-98 C(4), residential B, I move the variance be granted bases on the following criteria:

- 1. that the characterisitics of the neighborhood will not change.
- 2. that there will be no adverse effect on the physical conditions of the neighborhood.

and be it that all Town of Elma codes and ordinances are met. Seconded by Mr. Kaczmarek. Poll vote - 5 ayes.

It was noted that there will only be 5 cases per meeting and that the use of a time limit of 3 weeks before the zoning board meeting will be the cut off date for applications. Also that there will be 10 days notice for the legal notice in the paper.

The minutes of the last meeting on August 12, 2014 were approved. Motion made by Mr. Komorek and seconded by Mr. Trzepacz.

The meeting was adjourned at 7:22 PM. Motion made by Mr. Kaczmarek and seconded by Mr. Trzepacz.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk