

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 14, 2023, is called to order by Chairman Kalinowski at 7:00pm.

Members present: Ron Carey

Jim Lembke

Shaun Pralow

Greg Kalinowski

Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty

Ray Balczerak, Building

Absent: Harry Kwiek

John Jimenez

Appeals Case #1430 for Martin DiPietro of 2317-2351 Bowen Road (Elma Plaza), Elma, NY who is requesting an area variance to build a 10,000 square foot addition §144-93.9 B2; §144-93.9 G3 & 4; §144-93.9 D1; §144-93.9 E1 & 3, Elma Center Overlay and C-2.

Tim Arlington from APEX was present along with Martin DiPietro who owns the plaza. Mr. Arlington advised the board on the addition that is looking to be built on the south side of the property and that it will have the same character as the existing plaza. The overlay district was created for a village atmosphere, and it was mentioned how there are no sidewalks on that side of the road. The parking lot will be consistent with what is already there. There will be landscaping near the plaza and the signage would also be the same as what is currently on the building.

Mr. Kalinowski asked if the dance studio would be at least going to be using 4,000 sq. ft. of the new addition and the reply was that it would be. Mr. Pralow asked if it will only be two new tenants going into the new addition and the reply was that it would be no more than three tenants. Also, the statement was made that the signage would be on the same façade of the building.

Mr. Carey stated when the overlay was adopted and the plaza was there for several years before that. Mr. Carey read the code on the signage and for multi tenants that it could not be more than six square feet. Mr. Carey asked what the existing signs are, and Mr. DiPietro was not sure but advised the board that Cy's is the largest sign on the plaza and that it maybe 30% of the plaza.

MR. Carey also asked about the wetlands and was informed that they are on the opposite side and are more south towards Woodard Road. Mr. Schafer asked about the parking spaces and how many more would be added and was told there would be 20 spots.

For the variance were Tom & Liz Wood from Pondbrook, no one spoke against the variance.

Mr. Schafer made the motion to approve Appeals Case #1430 for Martin DiPietro of 2317-2351 Bowen Road (Elma Plaza), Elma, NY who is requesting an area variance to build a 10,000 square foot addition §144-93.9 B2; §144-93.9 G3 & 4; §144-93.9 D1; §144-93.9 E1 & 3, Elma Center Overlay and C-2 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.

It was added that the signs are not to be greater than 4% of the total building.

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

Appeals Case #1431 for Bo Tucker of 6000 Seneca Street, Elma, NY who is requesting an area variance to build a 13,104 square foot building §144-84 and §144-85 B, C-2.

Bo Tucker was present and explained that he is looking to build another building like the one he just built. Mr. Kalinowski asked if he has a tenant already and the reply was that he does and they are looking to start in the Spring. Mr. Pralow asked if the building was going to be the same size as the last building and what type of tenant would occupy the

building. Mr. Tucker replied that it would be the same size and that the building will be used for storage and IT work.

Mr. Carey asked if the building was going to be used for manufacturing and the answer was that it will not, it will be a commercial one story building. The tenant will be Moog.

Town Attorney Todoro asked how many more buildings he plans to build in that area and Mr. Tucker informed the board that there are three more lots available to build on. Mr. Kalinowski asked what the address is, and it will be 6000 Seneca Street and advised that the billboard that is located near there will be coming down in the future.

No one spoke in favor of the variance, against the variance was Mary McIntosh of 6100 Seneca Street.

Mr. Pralow made the motion to approve Appeals Case #1431 for Bo Tucker of 6000 Seneca Street, Elma, NY who is requesting an area variance to build a 13,104 square foot building §144-84 and §144-85 B, C-2 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.

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

Appeals Case #1432 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting an area variance to build a new addition with less than the required front setback and building face sign §144-78 D and §144-79 E 5,6,7 & 8, C-1.

Todd Huber was present and explained how the area has changed. The building in question is between the old fire building and the restaurant. The new addition will look like a silo and the barn type building that is currently there. Todd showed several views of the building from the front and back aspects.

Mr. Carey asked about one of the pictures and the view and Todd replied that the view is from the top looking down on the building. Mr. Kalinowski asked about a lift in the building, and it is not an elevator. The building will be a catering venue and an overflow from the building next door.

Mr. Kalinowski asked if it would have to go before the planning board and the reply was that it does. Mr. Carey asked about the front setback and it is for the new silo part of the building. Mr. Carey also asked if there is a property line running through a building and there is not. Ron asked about the sign for the building and a drawing of a sign that was submitted. Mr. Huber informed the board that the sign will be located on the current TSG building and the other sign will be located on the 6300 building.

Mr. Carey asked if the sign on the new building would be 24 sq. ft. and what the percentage would be on the building. It would be the same as the 4% of the building. Mr. Kalinowski asked about the light bulbs on the sign and the purpose for them. Mr. Huber stated they would just be lite and maybe a different shade for each one. Mr. Schafer stated that the sign can not be flashing on and off.

A letter was sent in support of the variance and DJ spoke on behalf of Rita Ruger against the variance.

Mr. Carey made the motion to approve Appeals Case #1432 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting an area variance to build a new addition with less than the required front setback and building face sign §144-78 D and §144-79 E 5,6,7 & 8, C-1 based on the following criteria:

- 1) An undesirable change would not be known, his efforts are improving the area.
- 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.
There are to be no more than three signs being approved 22x8 feet and the third sign is over the new addition and that the total signage will not be more than 4% of the total building frontage.
Seconded by Mr. Lembke Ayes-5. Nays-0

Motion to adjourn at 8:30 by Mr. Carey and seconded by Mr. Lembke.

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary