

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 10, 2022, was called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey	Also: Ray Balcerzak, Bldg. Inspector
John Johnston	Phyllis Todoro, Town Atty.
Gregory Kalinowski	Robert Schafer, Alternate
Shawn Pralow	
Harry Kwiek	

Appeals Case #1410 for Daniel Rupp of 641 Ostrander Road, Elma, NY who is requesting an area variance to build a roofed entrance area on the existing front door of the house with less than the required front yard setback §144-99 C4, Residential C.

Mr. Rupp was present and explained how he wants to enhance the front view of the house. Mr. Kwiek asked if the picture shows what he is looking to do, and the reply was yes it does. Mr. Carey asked when the house was built and was informed it was in the 1960s and that the roofed entrance would extend an additional 6 feet out on the front of the house. Mr. Kalinowski asked how long he has lived in the house, and it has been 45 years.

No one spoke for or against variance.

Mr. Pralow made the motion to approve Appeals Case #1410 for Daniel Rupp of 641 Ostrander Road, Elma NY who is requesting an area variance to build a roofed entrance area on the existing front door of the house with less than the required front yard setback §144-99 C4, Residential C, 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.

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

Appeals Case #1411 for Ronald Kimmel of 5800 Seneca Street, Elma, NY who is requesting a use variance to change an office space building to a four-apartment building §144-84 A1; §144-74 A3 and §144-140, C-2.

Bill Swyers was present to represent Mr. Kimmel. He explained how the existing space was rented by a repair company who has since moved out. Also stated was the reference that there is a larger need for apartment than there is for business rentals right now.

Mr. Kwiek explained that there must be a hardship for a use variance to be considered and possibly granted. Mr. Carey asked how many apartments are going to be created and the reply was either four one-bedroom or two two-bedroom. There are already two apartments on the lot.

Mr. Carey brought up how long the building has been empty and that again there must be a hardship. Mr. Swyers advised the board that it has only been 2-3 months that someone has not been in the building. Mr. Carey also stated that the problem must be unique to him and that this is also a requirement for a use variance. Mr. Carey explained what a use variance is and how difficult it is to be granted.

Mr. Kwiek followed up on the requirements of a use variance and that maybe a continuance would be advisable at this meeting due to the owner not being present.

Mr. Carey made a motion for a continuance for Appeals Case #1411 for Ronald Kimmel of 5800 Seneca Street, Elma, NY who is requesting a use variance to change office space building to a four-apartment building §144-84 A1; §144-74 A3 and §144-140, C-2.

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

Appeals Case #1412 for Gary & Nadine Reformat of 81 Winona Road, Elma, NY who are requesting an area variance to split an existing lot into two equal lots size 100' x 242' each §144-99 C2 & 3, Residential C.

Mr. and Mrs. Reformat were present and explained how they would like to split the lot in half and build a home. Mr. Kwiek asked how long they have lived there and was advised that it has been 27 years. Mr. Kwiek asked about the photo that was submitted and if that was the house they would like to build. Mr. Reformat replied that it is and that they would like to start building next spring and that it would be for his mother-in-law.

Mr. Johnston asked about the drawing and the setbacks of the house. Attorney Todoro advised the Reformat's that they would have to follow the rules for the side setback for the house.

No one spoke in favor or against the variance.

Mr. Johnston made the motion to approve the variance for Appeals Case #1412 for Gary & Nadine Reformat of 81 Winona Road, Elma, NY who are requesting an area variance to split an existing lot into two equal lots size 100' x 242' each §144-99 C2 & 3, Residential C, 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.

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

Motion to accept the minutes from April 12, 2022, by Mr. Johnston. 2nd by Mr. Kalinowski noting the changes mentioned. Ayes: all.

Motion to adjourn at 7:44 by Mr. Pralow seconded by Mr. Carey.

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary