

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 14, 2019 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice for Appeals Case #1354 for Lee Hoffman of 6360 Clinton Street, Elma, NY who is requesting a variance to build a garage with less than the required side yard setback §144-98 C4, Residential B.

Mr. Hoffman was present and explained how he needed a variance to build a 28x40 garage and needs 5 feet for the variance. Mr. Schafer asked about a garage already on the property and the reason for a second garage and Mr. Hoffman replied it would be for his truck and antique cars. There is a concrete patio in the way for putting the second garage in the same path way.

Mr. Kwiek asked about an addition on the back of the house and the reply was that it was there before he bought the house. Mr. Trzepacz asked about a lean on the garage and what it was going to be used for and Mr. Hoffman answered that it would be cooking and storing things in the winter.

Mr. Kwiek asked if it would be used seasonally and Mr. Hoffman replied it will be used for his truck. Mr. Trzepacz asked what the hardship is, and Mr. Hoffman said that his truck does not fit in the current garage. Mr. Carey asked if it is just for his use and he replied yes, he does not have time for a business.

The year the house was built decides the setback of 10 feet so only a 5-foot variance is needed. Mr. Kalinowski asked if he would be buying additional items in the future and if he would need more room. Mr. Hoffman replied no, that the truck and antique cars were the only items for the new garage.

Mr. Schafer asked who would be building the garage and the response was Niagara Builders. Mr. Carey asked what is on the property line, Mr. Hoffman replied a tree and said he gets along with the neighbor and the neighbor did not have any issues with the garage.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals #1354 for Lee Hoffman of 6360 Clinton Street, Elma, NY who is requesting a variance to build a garage with less than the required side yard setback §144-98 C4, Residential B. that the variance be approved 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. Trzepacz. Yes: 4. Nays: 1 (Mr. Carey)

Appeals Case #1355 for Tom Terhardt of 3090 Bowen Road, Elma, NY who is requesting a variance to build an addition to the existing house with less than the required side yard setback § 144-97 C4.

Mr. Terhardt was present and explained how he wants to create a master bedroom on the first floor. Mr. Schafer asked about the size and Mr. Terhardt replied that it would be a small area of the back of the house and that he would be subcontracting the work out and some may be done by himself. Mr. Schafer asked where the addition would be located, and Mr. Terhardt pointed out the area in a picture.

Mr. Carey asked if it is on the side going towards the gas station and the reply was yes.

No one spoke for or against the variance.

Mr. Kwiek made a motion to approve Appeals Case #1355 for Tom Terhardt of 3090 Bowen Road, Elma, NY who is requesting a variance to build an addition to the existing house with less than the required side yard setback § 144-97 C4.

- 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. Yes: 5. Nays: 0.

Mr. Trzepacz made a motion to not approve the minutes from April, Seconded by Mr. Kalinowski.

Appeals Case #1346 for Dylan Falank representing Moog Incorporated for the location of 7060 Seneca Street, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial.

Appeals Case #1347 for Dylan Falank representing Moog Incorporated for the location of 6860 Seneca Street, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial

Appeals Case #1348 for Dylan Falank representing Moog Incorporated for the location of 721 Conley Road, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial

Appeals Case #1349 for Dylan Falank representing Moog Incorporated for the location of 300 Jamison Road, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial

Mr. Falank was present and explained the signs are there for safety and appearance and to help people find their way around the complex. Mr. Falank also stated that the signs will be all lateral and no sight will be blocked. The color palette is what is current located at 300 Jamison.

Mr. Trzepacz asked if the signs are far enough back at the 300 Jamison location and was told yes. Mr. Kwiek asked if the line of sight is also taken into consideration and again the reply was yes. Mr. Kalinowski asked why there was such a delay in coming before the board and the gentleman replied that Moog was working on possibly moving the main entrance to the complex.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1346 for Dylan Falank representing Moog Incorporated for the location of 7060 Seneca Street, Elma, NY who is requesting a variance to install more than one advertising sign §144-102.1 B1 e, Industrial that the variance be approved 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. Kwiek. Yes: 5. Nays: 0.

Appeals case #1347 was next, and Mr. Schafer asked if the signs were going to be lite up and Mr. Falank replied no. No one spoke for or against the variance.

Mr. Trzepacz made a motion for Appeals Case #1347 for Dylan Falank representing Moog Incorporated for the location of 6860 Seneca Street, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial that the variance be approved 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. Kwiek. Yes: 5. Nays: 0.

Appeals case #1348 was next, and Mr. Falank stated that currently there is no sign on Conley. There were no other questions. No one spoke for or against the variance.

Mr. Trzepacz made a motion for Appeals Case #1348 for Dylan Falank representing Moog Incorporated for the location of 721 Conley Road, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial that the variance be approved 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. Kwiek. Yes: 5. Nays: 0.

Appeals case #1349 was next and there was discussion as to the address numbers and where on the Moog property the address was located. It was determined that the correct address was not 300 Jamison Road, but it should be 400 and 500 Jamison Road.

No one spoke for or against the variance.

Mr. Trzepacz made a motion for Appeals Case #1349 for Dylan Falank representing Moog Incorporated for the location of 400 and 500 Jamison Road, Elma, NY who is requesting variance to install more than one advertising sign §144-102.1 B1 e, Industrial that the variance be approved 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. Kwiek. Yes: 5. Nays: 0.

Mr. Falank stated that there was an additional case for 7021 Seneca Street and the board advised both himself and Moog that the variance would have to be applied for and heard next month.

Mr. Kwiek made the motion at 8:07 to end all business as no one was present. Seconded by Mr. Trzepacz.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk