

ZONING BOARD OF APPEALS

The hearing on Tuesday, August 8, 2017 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1296 for Annunciation R.C. Church of 7580 Clinton Street, Elma, NY who is requesting a variance to exceed the maximum allowed by code of 3,000 sq. ft. by 1,935 sq. ft. with an open pavilion structure §144-71 and §144-74, C-1.

The Architect was present along with Father Ulrich. Father Ulrich spoke about the church and the number of years the church has been in Elma and how they are looking to invest the church funds going into the future. The Deacon also spoke about the past year and a half and how the church can grow in the community in the future.

The Deacon spoke about the pavilion and the maintenance garage and the shelter as to how they will add beauty to the area. The Architect spoke about needing to expand the cemetery and how the maintenance garage will have storage for the various groups that use the church building. The church has met with Amigone Funeral Home and there are no issues with the church using the property behind the funeral home. There was also a meeting held for parish members to have input on the layout of the new facilities.

Mr. Schafer brought up letters that were submitted by residents residing on Roycroft and how the building that is going to be built behind Amigone was moved closer to the funeral home and not as close to Roycroft. Mr. Schafer asked if the fence will extend the entire distance and was informed that it would not.

Mr. Kwiek asked about the size of the building being so large and if it was suggested to maybe be smaller. He was informed that the size would accommodate everything that the church needed and the various groups that would be using the building.

Mr. Kwiek also asked about the parking during the church picnic. The main parking right now is on the vacant land adjacent to the church. It was brought up at the meeting with the parish members about the traffic and crossing the roads. There will be new parking spaces with the new plans. The building was originally proposed on Girdle and it was moved to another location due to the traffic.

Mr. Trzepacz asked about the three building that would be taken down and what the square footage is and was informed that the square footage for the new building would be more than the total of the three buildings.

Mr. Kalinowski asked about a comment that he heard that the picnic this year may be cancelled if the zoning case was not approved and was informed that he heard incorrectly, the picnic would still take place. Mr. Kalinowski also asked if any consideration was given to the school be used for anything. Deacon Jim came up and explained that the building should not stay empty and current is being used for various purposes. Right now, there is preschool ages 3-4 in the school and the gym is being rented out and there are various clubs that use different rooms in the building.

Mr. Kalinowski also asked about the size and how it was derived and the architect explained about the various groups using the building, the size of the kitchen and a program study was done. Mr. Komorek had no questions.

For the variance were: Bill Markowski of 1341 Stolle Road  
                          David     of 1168 Old Liberia Road  
                          Frank Kowalski (Chet) who has overseen the cemetery for 10 years

Against the variance were: Debbie Schypulla of 41 Roycroft Parkway  
Lauren Mendolera of 3 Roycroft Parkway  
Jennifer Bialasik of 51 Roycroft Parkway  
Patricia Dowling of 70 Roycroft Parkway  
Patricia Wiedemann of 7 Roycroft Parkway  
Lisa Gee of 7520 Clinton Street

Deacon commented that mailings went out to every house on Roycroft Parkway for the first and third meeting that the church held. The Architect spoke about the area that is going to stay as grass and that the area will have no parking and that the tree line is going to stay for the resident on Clinton Street. The lighting issue is normally for parking and that there is no parking near the pavilion. The various groups using the pavilion will end their meetings early and there will be a soft lighting on the building.

Mr. Kalinowski asked if they have been before the Planning Board and if they were given a preliminary or final approval. Mr. Kalinowski also asked where the parking lot is now if that area was considered for the pavilion. He was informed that they did review all locations and came up with the current location as the best for the project.

Mr. Komorek made the motion for Appeals Case #1296 for Annunciation R.C. Church of 7580 Clinton Street, Elma, NY who is requesting a variance to exceed the maximum allowed by code of 3,000 sq. ft. by 1,935 sq. ft. with an open pavilion structure §144-71 and §144-74, C-1 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 any other 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. Ayes: 3. Nays: 2. Mr. Kwiek and Mr. Kalinowski voted no.

The motion was made to approve the minutes from July 11, 2017 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 8:15 PM. Motion made by Mr. Komorek and seconded by Mr. Schafer. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk