

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 12, 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 #1297 for Angela Terio of 7270 Clinton Street, Elma, NY who is requesting a variance to run a business out of her residence §144-58 B, residential C.

Angela Terio was present and explained how she would like to build onto her home to run a small nail business.

Mr. Schafer mentioned that her home is in a residential area and running a business is not permitted. Angela Terio brought up that there is a day care just up the road from her house and that there are people coming and going constantly from that address. Mrs. Terio advised the board that the women coming to her house would have appointments and that it would be a small clientel.

Mr. Komorek asked her about her statement about making additional money and the fact that the addition was going to cost money to do and Angela Terio replied that the addition would be simple and that it would allow her to make additional money for her family.

Mr. Kwiek addressed the issue of the daycare up the road and that there is a code for a daycare to be operated in a home. Mr. Kwiek asked if she had a business plan and if there were figures showing the hardship. Mrs. Terio replied that she did not have anything with her. Mr. Trzepacz mentioned that Angela brought up selling clothes on the internet and what that was all about. Angela Terio replied that she would only be shipping items out of her home and that there was a business on Clinton Street selling clothes as well and that her nail salon would only be nails and not hair.

Mr. Kalinowski asked how many clients she currently has and was informed she has none. Mr. Kalinowski also asked if she is running the business by herself or if she would have employees and was informed that it would just be her.

No one spoke for the variance, but against was Susan Owczarek of 7201 Clinton Street.

Mr. Komorek made the motion for Appeals Case #1297 for Angela Terio of 7270 Clinton Street, Elma, NY who is requesting a variance to run a business out of her residence §144-58 B, residential C, that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Kwiek. Ayes: 3. Nays: 2. Mr. Kalinowski and Mr. Trzepacz voted no.

Appeals Case #1298 for William and Linda Geary of 1260 Girdle Road, Elma, NY who are requesting a variance to install a shed 5 feet from the south property line § 144-99 C6, residential C.

Mr. & Mrs. Geary's daughter was present to discuss the variance but did not have a letter authorizing her to speak on their behalf.

Mr. Kwiek made the motion for Appeals Case #1298 for William and Linda Geary of 1260 Girdle Road, Elma, NY who are requesting a variance to install a shed 5 feet from the south property line § 144-99 C6, residential C, that the variance be given a continuance. Seconded by Mr. Trzepacz. Ayes: 5. Nays: 0.

Appeals Case # 1299 for Bill Miller of 7661 Seneca Street, East Aurora, NY who is requesting a variance to exceed the allowable size by code in a C-1 district for a new building § 144-71, § 144-76A and § 144-79 (7), C-1.

Mr. Miller was present to explain his case and advised the board that he is a distributor of machine tools and is looking to put up a facility to allow them to handle additional work. Mr. Schafer asked how large the building was going to be and was informed that it would be 9,000 square feet. Mr. Kalinowski asked the size of the existing building that he has on his property and was told that it is 22,000 square feet.

Mr. Trzepacz asked how large the parking lot is and if a fire truck will be able to turn around and he was advised that Jamison Road Fire Company and Mr. Nolan approved the layout of the property. Mr. Kwiek asked if the purpose of the addition was to manufacture items or if the building was for a different purpose and Mr. Miller replied that the building is going to allow the business to do final testing on products. The machines are built off site and brought to the Elma location and then testing will be done.

Mr. Kalinowski asked if there might be a problem with any machinery and if it would have to be stored outside at any given time. Mr. Miller replied that there is not any reason why the machines would have to be stored outside on the property.

No one spoke for the variance; against the variance was Mr. Collins from 1545 Billington Road.

Mr. Kwiek made the motion for Appeals Case # 1299 for Bill Miller of 7661 Seneca Street, East Aurora, NY who is requesting a variance to exceed the allowable size by code in a C-1 district for a new building § 144-71, § 144-76A and § 144-79 (7), 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 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. Ayes: 5. Nays: 0.

Appeals Case # 1300 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting a variance to renovate an existing five unit building and convert it to a two unit dwelling with one commercial tenant § 144-10c, § 144-142.12 A(1) and § 144-142.14 F(1), C-1.

Mr. Huber explained that he would like to keep the left side of the building as is with two units and that other third of the building would be turned into a store. His architect spoke about how they are trying to create a village type setting in that area.

Mr. Schafer asked about the request to construct a two unit building and Mr. Huber replied that the two units on the left would stay and that he would reconstruct the other third of the building into a store. Mr. Trzepacz brought up the issue of no prints or any explanation for another building on the property behind the front building. Mr. Huber replied that he wants the approval to knock down part of the front building and put up a new unit and that the section in the rear he would like to come back later to discuss. Mr. Trzepacz replied that Mr. Huber does not need the board's approval to come back at a later date for the house behind the front building.

Mr. Schafer brought up that the information that was submitted with the variance was not complete. Mr. Huber was advised by the board that the application could be altered to just include the two front buildings that he has plans for.

For the variance was: Charlie Hunt; Barb Zilliox; Mark Subjeck; Mrs. Zilliox; Rick McClure and Tom Schmidt. Against the variance was: Rita Ruger.

Mr. Trzepacz made the motion for Appeals Case # 1300 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting a variance to renovate an existing five unit building and convert it to a two unit dwelling with one commercial tenant § 144-10c, § 144-142.12 A(1) and § 144-142.14 F(1), C-1, that the variance be approved as per the legal notice description and the amended application and 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. Ayes: 5. Nays: 0

Appeals Case #1301 for David Satola of 6205 Clinton Street, Elma, NY who is requesting a variance to build a detached garage 10 feet from the property line § 144-98 C(4), residential B.

Mr. Satola was present and explained how the back part of his property retains water and that is the reason why he chose the location that he did for the garage. He would also like the ability to drive right into the garage.

Mr. Kalinowski asked about the location and if Mr. Satola would have to remove any trees and if the garage would have utilities. Mr. Satola advised the board that he would not have to disturb any trees.

No one for or against the variance.

Mr. Kalinowski made the motion for Appeals Case #1301 for David Satola of 6205 Clinton Street, Elma, NY who is requesting a variance to build a detached garage 10 feet from the property line § 144-98 C(4), 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. Komorek. Ayes: 5. Nays: 0

The motion was made to approve the minutes from August 8, 2017 by Mr. Trzepacz and seconded by Mr. Kalinowski. Ayes: 5.

The meeting was adjourned at 8:31 PM. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk