

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 9th, 2021 is called to order by Chairman Kalinowski at 7:00pm.

Members present: Ron Carey
John Johnston
Greg Kalinowski
Shawn Pralow
Robert Schafer

Also: Ray Balcerzak, Bldg. Inspector
Phyllis Todoro, Town Atty.

Appeals Case #1388 for St. Gabriel's Church of 5271 Clinton Street, Elma, NY who were given a continuance and are requesting a variance to recondition the existing illuminated sign with a new face and partial LED display §144-102.1 I (2) (8), C-2.

Attorney John Fenz, Paul Strada from NAS Sign and Father Gabrowski were all present. Mr. Fenz stated this is the third time they have been before the board.

Mr. Carey stated he agrees with the document that was worked on by both parties. Mr. Carey read the highlights of the document on behalf of the church. Mr. Fenz agreed to the document on behalf of the church.

It was noted that the document with the guidelines for the church would be exhibit A.

Mr. Fenz stated the sign is for non-commercial messages and that the sign would just advertise items or events happening at the church. Mr. Carey asked and the church agreed that the second sign will come down and only one sign will remain on the premise.

Mr. Carey made a motion to approve Appeals Case #1388 for St. Gabriel's Church of 5271 Clinton Street, Elma, NY who were given a continuance and are requesting a variance to recondition the existing illuminated sign with a new face and partial LED display §144-102.1 I (2) (8), C-2 noting 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.

2nd by Mr. Johnston Mr. Schaefer-No Ayes: 4 Nays: 1

Appeals Case #1391 for Todd Huber of 6170 Seneca Street, Elma, NY who is requesting a variance to build multiple dwelling units at rear of property and commercial buildings with drive thru on front portion of property §144-75, §144-77 A(1), §144-142.14 F(1), §144-142.14 I(1), and §144-142.12 A(1), C-1.

Todd Huber was present along with his son.

Todd explained how he is trying to reconnect the Spring Brook area. His intent is to promote betterment of the neighborhood. He is looking to enhance and bring back the viability of the area.

Todd went over his slide presentation and the changes to the various buildings from past years to what it looks like now and what it could look like in the future.

The grade for the drive thru would be graded to cut the light reflection. If there was any congestion with vehicles it would be in the back of the property. The parking is in the back of the property behind the buildings. Due to what is happening now with COVID that is the reason for having the ability for a drive thru.

There would be multiple dwellings in the back of the property with a two-story structure. Pricing will be feasible for young families so that they could transition into a new home.

Mr. Carey asked if there are any tenants and was informed at this time there are not.

Mr. Pralow asked if there would be a buffer to the west and if there are any future buildings and Todd advised that it would only be the two.

Mr. Kalinowski said from a practical standpoint that having two entrances and exits would maybe be more beneficial. It was asked if it is too tight for vehicle movement. Todd replied that there would be two lanes for both entering and exiting the parking lot.

Mr. Kalinowski asked if the septic is sufficient and it is. Mr. Pralow asked if the grade of the apartments is lower and Todd said that the grade now is close to where it would be and if anything, the west may be a little higher.

For:

Luke Murphy	6261 Seneca Street
Mark Shriver	6341 Seneca Street
Dr. Zack	6320 Seneca Street Karate Place
Charlie	St. Vincent member N. Star address
Julie	Spring Brook Hotel
Dale Bove	6165 Seneca Street
Penny H. (letter)	6251 Seneca Street
Mark	6350 Seneca Street

Against:

Tina Rimbeck	30 Pound Road
Lori Gross	11 Northrup Road
Charlie Dickenson	101 Northrup Road
Tom Gorecki	6210 Seneca Street
Ann Zielinski	6235 Seneca Street
Tom Anderson	171 Northrup Road
Shannon & Martin Kedge	6211 Seneca Street
Sandy	
Gross Gross	11 Northrup Road
Nicole Blachura	6171 Seneca Street

Todd brought up that there will be a drainage district created for the property.

Mr. Schafer made the motion to approve Appeals Case #1391 for Todd Huber of 6170 Seneca Street, Elma, NY who is requesting a variance to build multiple dwelling units at rear of property and commercial buildings with drive thru on front portion of property §144-75, C-1 noting 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.

2nd by Mr. Carey All-yes

§144-77 A (1)	2 nd by Mr. Pralow	All-yes
§144-142.14 F (1)	2 nd by Mr. Johnston	All-yes
§144-142.14 I (1)	2 nd by Mr. Johnston	All-yes
144-142.12 A (1)	2 nd by Mr. Johnston	No-Mr. Carey

The meeting was adjourned at 9:13pm by Mr. Schafer and 2nd by Mr. Carey.

Krzysztof Kalinowski