

- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Kalinowski. Ayes: 4. Nays: 0

Appeals Case #1343 for Randy Orcutt of 5941 Seneca Street, Elma, NY who is requesting a variance to run his dumpster container business at the above address §144-86.01 A5, C-2.

Mr. Orcutt was present and explained how he is looking to put 15 dumpsters on a 50x50 pad on his property. Mr. Schafer mentioned the survey shows the pad and asked how long the dumpster units were and was informed that they are 14 feet long and that the dumpsters would be empty.

Mr. Trzepacz asked about a driveway on King being put in and how he would get the units on his property. Mr. Orcutt replied the driveway on Seneca would be the driveway he would use. Mr. Trzepacz also mentioned that his house is in a C-2 zone and that it is not a commercial business area.

Mr. Kalinowski showed a drawing and asked about the driveway on King and Mr. Orcutt replied that he would not be using King to access getting the dumpsters on his property and that he would put a fence up so that the units would not be visible. Mr. Kalinowski asked if he has other properties to store the units at and was informed that he does.

No one spoke for the variance. Against the variance was Jackie Coons from Seneca Street and Nancy Schmitt from 51 Kings Road.

Mr. Trzepacz made the motion for Appeals Case #1343 for Randy Orcutt of 5941 Seneca Street, Elma, NY who is requesting a variance to run his dumpster container business at the above address §144-86.01 A5, C-2, 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. Kalinowski. Ayes: 4. Nays: 0

Appeals Case #1344 was postponed until March.

Appeals Case #1345 for Donald & Joanne Reding of 21 South Ostrander, East Aurora, NY who are requesting a variance to place a shed with less than required side yard setback §144-99 C6, Residential C.

The Redings were present and explained how they did not realize that there had to be 20 feet for the side property line. Mr. Schafer corrected them and informed them that the shed only must be 10 feet from the side property line. Mr. Schafer also mentioned there are other locations on the property where the shed could be located without any issues.

Mr. Trzepacz asked for assistance with the drawing that was submitted with the case and then proceeded to explain to the Redings that they could go back a few feet and not have any issues with the location. Mr. Sobczak asked the distance from the house and was informed that it is 10 feet and 8 inches.

No one spoke for or against the variance.

Mr. Kalinowski made the motion for Appeals Case #1345 for Donald & Joanne Reding of 21 South Ostrander, East Aurora, NY who are requesting a variance to place a shed with less than required side yard setback §144-99 C6, 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. Sobczak. Ayes: 4. Nays: 0

Appeals Cases #1346-1349 are postponed until March.

The motion was made to approve the minutes from January 8, 2019 by Mr. Trzepacz and seconded by Mr. Sobczak. Ayes: 4.

The Assistant Building Inspector informed the board about the information he had to look up from the January 8, 2019 meeting Appeals Case # 1345. After reviewing the 1950 map it indicated two original Edmund Reinhardt farm parcels side by side. One farm parcel still appears to have original splits left. Therefore, as the minutes reflect, the property can not have less than 100 feet of frontage (§144-99 C 1).

The meeting was adjourned at 7:55 PM. Motion made by Mr. Kalinowski and seconded by Mr. Sobczak. Ayes: 4.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk