

ZONING BOARD OF APPEALS

The hearing on Tuesday, March 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.

Absent: Harry Kwiek

Appeals Case #1392 for Pete's Moving LLC of 7397 Seneca Street, Elma, NY who is requesting a variance to store multiple storage containers on the property §144-77A (6) (7), C-1.

Mr. Mays was present and explained how he was not aware that he needed a variance to run his new container business at that location. He also stated that he bought the wooded lot next to his property and that he has purchased 24 containers to start his new business (COWS) and that all the units have not been built.

Mr. Kalinowski asked what the purpose is to move items from one location to another and was informed that maybe someone needs time to store their belongs and that the real estate deal may sometimes take longer than expected. Mr. Kalinowski also asked for a picture of the pods and was provided one by the applicant.

Mr. Pralow asked if the units would ever be stored on his business property and the answer was yes if a closing date for a real estate transaction was pushed back and the owner had to vacate the current home. It is not his intension to store these units for a long period of time.

Mr. Kalinowski asked what Mr. Mays had been using in the past and the reply was a moving truck. Attorney Todoro asked if the units would be visible from the road and Mr. Mays informed the board that was why he purchased the additional property next to him that has woods and that he cleared a back section of the property so the units would not be seen from the street.

Mr. Carey asked if he currently stores personal belongs on his property and was told that currently he does but in the building. Mr. Carey also asked about a buffer and the reply was that the lot is very narrow. Mr. Carey asked if Mr. Mays would be storing any personal belongs in the units and was informed that he is just looking to store his customers items in the units.

Mr. Kalinowski asked how much frontage was purchased and was told there is 200 feet of frontage added to his property and that the woods would be remaining in the newly purchase property that he just acquired.

Mr. Schafer asked how many units were purchased and was told 24. Mr. Mays stated that there may not be many on site if they are out at the customers property. Mr. Kalinowski asked if there are any other vendors in the area and the reply was in Springville.

Mr. Johnston asked how far from the road the units would be stored and Mr. Mays replied at least 100 feet back of the road. Mr. Kalinowski asked if he had already gone before the Town board and he replied that he had and that the Town Board told him he needed to come before the Zoning Board.

Mr. Kalinowski asked if the PODS are strictly for moving and not for industrial purposes and the answer was that the units are not made for industrial purposes.

No one spoke for or against the variance.

Mr. Schafer made the motion for Appeals Case #1392 for Pete's Moving LLC of 7397 Seneca Street, Elma, NY who is requesting a variance to store multiple storage containers on the property §144-77A (6) (7), C-1 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.

2nd by Mr. Carey Ayes: 5 Nays: 0

Mr. Kalinowski added to the motion that no storing of vehicles is allowed.

Appeals Case #1393 for Jason Joseph of 46 Crimson Lane, Elma, NY who is requesting a variance to build a 20 x 40 shop located with less than the 20-foot side yard setback, §144-98 C (4), Residential B.

Mr. Joseph was present and explained how he would like to build a shop behind his existing garage and that he is looking to store some equipment in the shop. The building would look like his current garage and the down spouts would be tied into one area.

Mr. Kalinowski mentioned the letter he wrote is for a general contractor and that is not allowed in that area. Also, the size of the building is not going to fit in with the neighborhood design as well and suggested the possibility of renting a location to work out of.

Mr. Carey asked what type of work and Mr. Joseph replied that he does kitchen and bath remodeling. The equipment he uses is a table saw, a dust collection system and other smaller equipment. Mr. Carey asked where most of his work is being done and right now it is for himself for his home.

Mr. Carey also asked how far from the pool the new garage would be and it looks like there would be 30 feet. Mr. Carey mentioned the area on the back property line and was informed that would be a longer walk and out of the way.

Mr. Carey also asked if the garage needed to be that large and his reply was that is what he had before at his previous home. Mr. Pralow asked what type of floor would be in the garage and was informed that it would be a wooden floor. Mr. Johnston asked how high, and the answer was nine feet for the ceiling and ten feet for the post.

Mr. Kalinowski asked how long he had been a contractor and was informed 20 years. Mr. Carey asked the size of his lot and was told it was 120 by 250.

No one spoke for the variance and against the variance was:

Tony Fodero of 51 Crimson Lane
Letter from Mr. & Mrs. Pfeiffer of 70 Treehaven Road
Gary Renn of 58 Crimson Lane
Michael Weremblewski of 365 Chairfactory Road

Mr. Carey made the motion for Appeals Case #1393 for Jason Joseph of 46 Crimson Lane, Elma, NY who is requesting a variance to build a 20 x 40 shop located with less than the 20-foot side yard setback, §144-98 C (4), Residential B 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.

2nd by Mr. Schafer Ayes: 5 Nays: 0

Mr. Pralow made the motion to approve the minutes of February 9, 2021. Second by Mr. Johnston.

The meeting was adjourned at 8:11pm by Mr. Pralow and 2nd by Mr. Schafer.