

## ZONING BOARD OF APPEALS

The hearing on Tuesday, March 10, 2020 was called to order by Chairman Trzepacz at 7:00pm.

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

After Roll Call, the Clerk read the Notice for Appeals Case #1371 for Paul Millich of 611 Stolle Road, Elma, NY who is requesting a variance to build a detached garage with less than the required front and side yard setback §144-98 C4, Residential B.

Mr. Millich was present and explained where he would like to position the garage. Mr. Trzepacz asked if the garage was just penciled in and then showed a picture and asked if the position was where he pointed. Mr. Kalinowski asked if there was a need for the garage and was informed that there are several cars in the family

Mr. Kalinowski stated the app shows no objection on the case, the WNY Land Conservancy is on the other side of the property. Mr. Kalinowski asked if there would be additional footage for the garage and Mr. Millich's answer was yes.

Mr. Schafer asked if it would be as far back as the house and stated he is concerned the garage would be bigger than the house. Mr. Schafer also said he has a problem with it being 30 feet from the road. Mr. Kalinowski mentioned another option would be to extend it out another way or turn the garage.

For the variance was Mary Jo from 660 Stolle Rd and against the variance was the WNY Land Conservancy who wrote a letter.

Mr. Kalinowski made a motion for Appeals Case #1371 for Paul Millich of 611 Stolle Road, Elma, NY who is requesting a variance to build a detached garage with less than the required front and side yard setback §144-98 C4, Residential B, 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. Schafer. Ayes: 4 Nays: 0

Appeals Case #1372 for Lamar Signs for the billboard on the vacant land located on Seneca Street west of 84 Lumber, Elma, NY who is requesting a variance to replace the existing billboard sign that was damaged due to the weather §144-102.1 K(1), C-2.

Robert Harper was present to explain they are looking to replace the parts that were damaged during a previous storm. Mr. Schafer asked about the lighting and stated that it cannot be digital and that everything will be the same as before. Mr. Harper's response was that it would stay exactly the way it was.

Mr. Kalinowski asked what would be done to prevent this from happening again and was informed that several ash trees have been removed.

No one spoke for the variance, against the variance was Mary from 6100 Seneca St.

Mr. Schafer made a motion for Appeals Case #1372 for Lamar Signs for the billboard on the vacant land located on Seneca Street west of 84 Lumber, Elma, NY who is requesting a variance to replace the existing billboard sign that was damaged due to the weather §144-102.1 K(1), C-2 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. Kalinowski Ayes: 4 Nays: 0

Motion was made by Mr. Schafer and seconded by Mr. Kalinowski to approve the December 10, 2019 minutes. Ayes: 4

The meeting was adjourned at 7:28 PM. Motion made by Mr. Schafer and seconded by Mr. Kalinowski. Ayes: 4

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk