

Against the variance were the following:

Doug Huber of 7011 Clinton Street, Elma, NY
Allen Burger of 110 Carol Lane, Elma, NY
Denny Judware of 6991 Clinton Street, Elma, NY
Peggie Reynolds of 31 Clinton Heights, Elma, NY
Regina Fantozzi of 120 Carol Lane, Elma, NY
Jen Jurek of 140 Carol Lane, Elma, NY
Roger Batt of 6951 Clinton Street, Elma, NY
Ruth Bleckinger of 50 Carol Lane, Elma, NY
Mike Nowicki of 81 Clinton Heights, Elma, NY

Mr. Snyder asked if they could address some of the questions. The first item was the drainage as there is a lot of water running through that area. The house on the corner of Carol and Clinton Street has a drainage ditch that has been cleaned out. The ditch on Clinton Street is the County or State's pipe to clean out. Mr. Snyder is willing to review the drainage issue in that area. There is piping and ditches all the way to Hall Road.

The drainage perk test, none of the subdivision perked when it was being developed. Sand filters would be put in place. When the surveyor went to survey the property, the surveyor noticed the fence was over the property and had to make Mr. Snyder aware of this. At one-point brush hogging was done and Mr. Snyder was the person in the brush hog machine. A resident called the police on him and Mr. Snyder tried to clean up the sticks that were put on resident's lawn.

Mr. Sorgi made mention that the health, safety and welfare aspects must be mentioned as being greater than the property being developed. Health, safety and welfare must be the criteria that is being affected in the denial of the variance.

There were two letters submitted, that the Town Attorney read. The first letter was from the Tonsoline's of 6981 Clinton Street, Elma, NY in favor and the second letter was from the Lock's of 70 Carol Lane, Elma, NY. There was also a petition done with signatures against the variance.

Mr. Kalinowski made the motion for Appeals Case #1352 for Justin Enterprises of Marilla, Inc. for vacant land on Carol Lane, Elma, NY who is requesting a variance to create three non-conforming lots lacking the required depth §100-3, Residential C, that the variance be denied based on the following criteria:

- 1) The benefit can be sought in some other means, as the applicant can build more homes on smaller lots not exclusive to what is there presently.
- 2) This would be detrimental to nearby properties, esthetics and to the harmonious balance as on the entire east side of street. Four lots vs twelve possible lots in a subdivision would be disruptive. In my opinion the larger home built at the end of the street is out of place and does not fit in with the description of the community.
- 3) The request is substantial, the eastern side of the street would no longer be dense, it would eliminate the natural life and trees.
- 4) The request would have an adverse physical or environmental effect due to the clearing of the land which would have a negative impact on the neighborhood.
- 5) The alleged difficulty is self-created because Mr. Snyder bought the land and was told he couldn't build on it. The building department told him it was non-conforming. The self-created issue is putting money into a project that you are not aware of how the project would turn out.

Seconded by Mr. Carey. Ayes: 5. Nays: 0.

Appeals Case #1353 for Andy Boulet of 11 Woodside Drive, Elma, NY who is requesting a variance to build an addition to the existing garage with the side and front setback not meeting required code §144-98 C4, Residential B.

Mr. Boulet was present and explained how he would like to build an addition on the garage to store other vehicles. He did not realize the frontage that he had and needs the variance to expand.

Mr. Trzepacz mentioned that the drawing says 38 feet and it is 33 feet from the center of the road. It will be 9 feet from the property line and he is looking to be 8 feet, so he has enough space. The board mentioned that they prefer exact measurements for the distance. Mr. Boulet said he would need the 9 feet for the variance. Mr. Carey asked if he could go behind the garage with the addition and his sand filter is in the back area.

There is also a shed on the back property that would not allow the addition and it would cut the back yard off and he would not be able to have the septic pumped.

No one spoke for or against the variance.

Mr. Carey made the motion for Appeals Case #1353 for Andy Boulet of 11 Woodside Drive, Elma, NY who is requesting a variance to build an addition to the existing garage with the side and front setback not meeting required code §144-98 C4, 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. Trzepacz. Ayes: 5. Nays: 0.

Motion was made by Mr. Trzepacz and seconded by Mr. Sobczak to approve the amended minutes of January 8, 2019 minutes. Ayes: 5

Motion was made by Mr. Trzepacz and seconded by Mr. Carey to approve the March 12, 2019 minutes. Ayes: 5

The meeting was adjourned at 9:25 PM. Motion made by Mr. Trzepacz and seconded by Mr. Carey. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk