

## ZONING BOARD OF APPEALS

The hearing on Tuesday, April 13, 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 ##1394 for Christopher Haley of 811 Willardshire Road, Elma, NY who is requesting a variance to construct a 24x24 garage with less than the required front setback §144-99C (6), Residential C.

Christopher Haley was present and explained how he wants to build a detached garage and that he does not want to take away the view from the house. Mr. Kalinowski asked what the use of the garage would be, and the reply was to store their vehicles.

Mr. Carey asked about the overhead power lines and if there would be a problem with them and Mr. Haley stated that they currently drive under the lines and there are no issues. Mr. Schafer mentioned that everything submitted seemed to be in order and he had no questions. Mr. Pralow also made the same statement.

No one spoke for or against the variance.

Mr. Carey made the motion for Appeals Case ##1394 for Christopher Haley of 811 Willardshire Road, Elma, NY who is requesting a variance to construct a 24x24 garage with less than the required front setback §144-99C (6), Residential C be approved, and that the location would be the first site proposed and 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.

2<sup>nd</sup> by Mr. Schafer    Ayes: 5    Nays: 0

Appeals Case #1395 for Matthew Dole of 7111 Clinton Street, Elma, NY who is requesting a variance to build an addition on the house with less than the side yard setback, §144-99C (4), Residential C.

Mr. Dole's brother was present and had a letter to speak on his behalf. Mr. Dole stated he was aware of what the addition was to the house. Mr. Kalinowski asked if it was a continuance of the western wall for the addition and the reply was that it was.

Mr. Johnston asked if the addition would go straight back and again the reply was that it would. Mr. Pralow stated that he drove by the property and noticed some work currently being doing and Mr. Dole stated that his brother is having the pool repaired. Mr. Schafer confirmed that it is just an addition for the master bedroom and kitchen, and it is.

No one spoke for or against the variance.

Mr. Johnston made the motion for Appeals Case #1395 for Matthew Dole of 7111 Clinton Street, Elma, NY who is requesting a variance to build an addition on the house with less than the side yard setback, §144-99C (4), Residential C 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.

2<sup>nd</sup> by Mr. Pralow    Ayes: 5    Nays: 0

Appeals Case #1396 for Alton's Restaurant of 2221 Transit Road, Elma, NY who is requesting a variance to construct an addition on the front of the building with less than the 50-foot front setback §144-86.12D, C-3.

Milton was present and explained how he would like to take an area out of the sitting area and convert it to take out and then construct an addition that would allow for the seating area that he lost due to converting the space to a takeout waiting area.

Mr. Kalinowski asked how long the project might take and the reply was possibly two to three months. Mr. Carey asked if there was going to be handicap parking available as you face the building and Milton replied that the parking will be off to the side.

Mr. Schafer asked if the setback is not going to be any closer than the patio that was installed a few years ago and he reply was that it is not. Mr. Schafer also asked where the pickup area would be located, and Milton's reply was that it would be the area to the right when you walk into the restaurant and the seating area will then be the new addition that is being requested.

Mr. Johnston asked if the waiting area would be the same and it is not changing. Mr. Pralow mentioned that the current handicap parking spots seem to be closer than the proposed new locations. Mr. Pralow also mentioned that there are vehicles sometimes parked in front and why they are there, and the answer was that those are customers who are running in quickly to pick up to go orders.

No one spoke for or against the variance.

Mr. Schafer made the motion for Appeals Case #1396 for Alton's Restaurant of 2221 Transit Road, Elma, NY who are requesting a variance to construct an addition on the front of the building with less than the 50-foot front setback §144-86.12D, C-3 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.

2<sup>nd</sup> by Mr. Carey      Ayes: 5    Nays: 0

Mr. Kalinowski asked before the motion was approved if the addition effects any approvals from the State and Milton stated no.

Mr. Schafer made the motion to approve the minutes of March 9, 2021. Second by Mr. Johnston. Ayes: 5

Mr. Carey made the motion to approve the minutes of January 12, 2021. Seconded by Mr. Johnston. Ayes: 5

The meeting was adjourned at 7:31pm by Mr. Pralow and 2<sup>nd</sup> by Mr. Johnston.