

## ZONING BOARD OF APPEALS

The hearing on Tuesday, August 8, 2023, is called to order by Chairman Kwiek at 7:00pm.

Members present: John Jimenez  
Greg Kalionwski  
Ron Carey  
Jim Lembke, Alternate  
Harry Kwiek

Also: Phyllis Todoro, Town Atty  
Bob Schafer, Alternate

Absent: Ray Balcerczak, Building Insp  
Shawn Pralow

Appeals Case #1440 for Luke & Elyse Kochmanski of 40 Highland Dr, Elma, NY who is requesting an area variance to build a shed less than the required side yard setback §144-98 C4, Residential B.

Mr. Kochmanski's father David was present to represent and explain the case. David explained his son is looking for a level piece of property and that on his property he has several trees.

Mr. Kwiek asked if the old shed would be taken down and it would be due to not being in the best condition. Mr. Kwiek stated that if the neighbor wanted a fence the area might be a tight size to the shed.

Mr. Carey asked about the new shed being closer to the house and how it would be. Mr. Carey asked why the new shed could not be put where the old shed is. The old shed is on a slope at the back of the property.

Mr. Jimenez asked what the current shed is built on and if it is cinder blocks. The new shed would be on gravel.

David asked what the code is for a foundation to be put under a shed and Mr. Kwiek replied that is a Building Department question.

Mr. Kwiek asked if it is correct that the spot that is picked is the most level location on the property. Mr. Kwiek asked if it could be moved north at all.

Mr. Jimenez asked if he knew if there was a discussion with the neighbor.

Mr. Carey stated that in the application there are two different sizes for the shed and asked if his son had decided on which one to do and whether the 12x16 is the size of the shed. Mr. Lembke asked about the property line and a mower getting through the opening.

Mr. Kalinowski asked why the family could not be here and if they would be able to come to the meeting next month. His reply was that the grandmother is not healthy, and they had to visit.

No one spoke for or against the variance.

Mr. Carey made a motion for a continuance for Mr. Luke Kochmanski to bring more paperwork or allow someone to walk the property.

Seconded by Mr. Lembke. 4-Yes. 1-No.

Motion to adjourn at 7:43pm by Mr. Kalinowski and seconded by Mr. Lembke.

Respectfully submitted,

Kerry Galuski  
Zoning Board Secretary