

and that he would prefer a preliminary drawing. Mr. Trzepacz also stated that it would be possible for him to sell the property after he received the variance. Mr. Kwiek pointed out to Mr. O'Brien his property and that he needs to be aware of what he may have to do in positioning the house on the property.

The Town Attorney asked if he was in a hurry to build and Mr. O'Brien replied that he was not and was advised that he should get a layout of where the house may be built on the property first. Mr. Schafer made Mr. O'Brien aware that a continuance should be the direction his case goes until he is sure of where the house is going to be located on the property.

Mr. Trzepacz made the motion for a continuance. Second by Mr. Kwiek. Ayes: 5

Appeals Case #1264 for Laurence Daley, 1960 Girdle Road, Elma, who is requesting a variance to have a shared driveway instead of the required two driveways with two feet from a lot line, §144-33, residential B.

Mr. Daley was present and explained that he has a lot that was 300 by 350 feet and that he is looking to use the approach for his property and the new owner of the property right next to his. Mr. Schafer asked how far back Mr. Daley's property goes. Mr. Trzepacz showed Mr. Daley on his drawing the lot that he is selling and where the new owners driveway would be.

Mr. Kwiek pointed out on his drawing where the proposed driveway would be. Mr. Daley advised that board that the driveway would split off shortly after you pulled in using the shared driveway and that the approach had to be filled in significantly due to the grade difference.

Mr. Komorek stated that he was confused as to why the variance is being requested, he informed Mr. Daley that the board is here to assist residents with hardships that are requesting a variance. Mr. Kalinowski made Mr. Daley aware that the two properties could be divided differently so that each could have a driveway.

Mr. Daley was hoping to keep the appearance and the cost of putting in a driveway to a minimum. Mr. Kalinowski also informed Mr. Daley that there would have to be an agreement with the purchaser of the property and himself regarding the shared driveway. Mr. Trzepacz asked how old the pictures were that they received with the application and that the approach drop did not look that bad. Mr. Daley stated that they were fairly current and that he tried to take different angles to show the drop in grade.

No one spoke for or against the variance.

Mr. Kalinowski made the motion in Appeals Case #1264 for Laurence Daley, 1960 Girdle Road, Elma, who is requesting a variance to have a shared driveway instead of the required two driveways with two feet from a lot line, §144-33, residential B that the variance be denied based on the following items:

1.) that the variance can be achieved by other means; 2.) that there is no adverse effect; 3.) that there may be a potential change in character over time; 4.) that there may be an adverse effect on the neighborhood; and 5.) that the situation is self created and there is not hardship for the applicant. Second by Mr. Komorek. Ayes: 5

Appeals Case #1265 for Thomas Cantie, 7190 Clinton Street, Elma, who is requesting a variance to run a business out of his residence where no commerce is permitted, §144-58B commerce, residential C.

Mr. Cantie was present to explain he has a home office and no business will take place at his residence. Mr. Schafer stated that no one will be visiting his home to do business with him and Mr. Cantie replied that no one would ever be visiting him at his home.

Mr. Cantie said he does the Elma Fire Company gun raffle and that the guns would be at his home for a time frame of roughly a week before the event. Mr. Kwiek asked what his SIC code is and Mr. Cantie was unaware of what his code is. Mr. Schafer asked if he has any inventory that is kept at his home and Mr. Cantie advised that normally he does not. Mr. Kwiek also asked if he does pistol permits and was advised that he does not.

No one spoke for the variance. Against the variance were the following:

Kim Taylor, 7170 Clinton Street

Mr. Bader, 7221 Clinton Street

Letters were received against the variance from the following:

Owczarek, 7201 Clinton Street

Zelasko, 7151 Clinton Street

Occhino, 7190 Clinton Street

Occhino, 7130 Clinton Street

Mr. Kwiek made the motion in Appeals Case #1265 for Thomas Cantie, 7190 Clinton Street, Elma, who is requesting a variance to run a business out of his residence where no commerce is permitted, §144-58B commerce, residential C that the variance be granted based on the following items:

1.) that there is no potential of an undesirable change to the character of the neighborhood; 2.) that there are no other methods to achieve the benefit; 3.) that the area variance is not substantial; 4.) that there is not an adverse effect on the neighborhood; and 5.) that the situation is not self created. Second by Mr. Trzepacz. Ayes: 5

The minutes of the last meeting on July 14, 2015 were approved. Motion made by Mr. Kalinowski and seconded by Mr. Kwiek.

The meeting was adjourned at 8:04 PM. Motion made by Mr. Komorek and seconded by Mr. Kalinowski.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk