

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 8, 2016 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1288 for Leszek Pulit, 100 Pearl Terrace, Elma, NY who is requesting a variance for the front setback to be less than the required 50 feet §144-98 C(4), residential B.

Mr. Leszek Pulit was present to explain how the house was built as there retirement home on land that no one wanted. Mr. Pulit was acting as the general manager and did not have a lot of experience. The land condition was horrible and made it unbuildable because of the land condition the whole project was moved by 50 feet.

The applicant said the error was because of the surveyor. Todd Huber had to excavate all the material out until he got the land to the point where the land could be used. They had the land surveyed and gave the offsets when they set the foundation. They did not want to infringe on the neighbors.

The Building Dept. gave the homeowner a checklist which stated you need a foundation survey before you can go forward with building. Todd Huber said they met all the necessary inspections. Mr. Komorek disagreed.

The survey points were done before the foundation but a copy never went to the Building office. Todd Huber said it wasn't due. Todd Huber wasn't the general contractor, but just went to help Mr. Pulit when he got into trouble. The owner was not aware of the issue until the final inspection.

Mr. Schafer and the Zoning Board want this stopped, it is resolvable with the instructions that the Building Dept. has. Mr. Kwiek asked Todd what needs to be done to make it easier for the builder. Mr. Huber stated that on a residential site a builder needs to submit an as-built survey.

Initially was set back 52 feet with a buffer of 2 feet but because of the condition with the soil the foundation guy changed the house and as a result moved it closer than the required setback.

For the variance were Jim O'Connor of 90 Pearl Terrace and Jane Wichowski of 80 Pearl Terrace. No one spoke against the variance.

Mr. Trzepacz made the motion in Appeals Case #1288 for Leszek Pulit, 100 Pearl Terrace, Elma, NY who is requesting a variance for the front setback to be less than the required 50 feet §144-98 C(4), residential B, that the variance be granted based on the following items:

- 1.) that there is not the potential of an undesirable change to the character of the neighborhood;
 - 2.) that the benefit can not be achieved another way;
 - 3.) that the area variance is not substantial;
 - 4.) that there is no adverse effect on the neighborhood; and
 - 5.) that the situation is some what self created but had to be because of the conditions.
- Second by Mr. Komorek. Ayes: 5 Nays: 0.

Appeals Case #1289 for Derek Barclay, 231 Hillside Drive, Elma, NY who is requesting a variance to build a front porch with the front setback being less than the required 50 feet §144-98 C(4), residential B.

Mr. Barclay was present and explained how he wants to improve the appearance of the home and take cover from the weather elements. The porch will probably be 2 1/2 feet closer to the road and the builder will be Terhar Construction.

The applicant changed the 48 feet to 47 feet and the application was changed to reflect the changes and initialed by Mr. Barclay.

No one spoke for or against the variance.

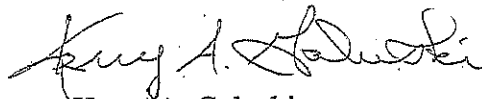
Mr. Komorek made the motion in Appeals Case #1289 for Derek Barclay, 231 Hillside Drive, Elma, NY who is requesting a variance to build a front porch with the front setback being less than the required 50 feet §144-98 C(4), residential B, that the variance be granted based on the following items:

- 1.) that there is not the potential of an undesirable change to the character of the neighborhood;
- 2.) that the benefit can not be achieved another way; 3.) that the area variance is not substantial;
- 4.) that there is no adverse effect on the neighborhood; and 5.) that the situation is not self created. Second by Mr. Trzecz. Ayes: 5 Nays: 0.

The minutes of the last meeting on October 11, 2016 were approved. Motion made by Mr. Komorek and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 8:03 PM. Motion made by Mr. Komorek and seconded by Mr. Kalinowski. Ayes: 5.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk