

ZONING BOARD OF APPEALS

The hearing on Tuesday, June 13, 2017 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 #1292 for Vincent and Elaine Sinibaldi of 2131 Billington Road, Elma, NY who were given a continuance at the May meeting and are requesting a variance to install a garage with less than the required 10 feet for the side line setback §144-98 C (4), residential B.

Mr. & Mrs. Sinibaldi were present to explain their request, Mr. Schafer asked for the distance to be moved over 3 feet so that there is 10 feet between the leech field and the garage. Mrs. Sinibaldi mentioned that the neighbors were at the last meeting and supported the placement of the garage.

Mr. Trzepacz thanked the Sinibaldi's for getting the drawing to show exactly where the septic and leech field are located on the property and did not have any other questions for the couple. Mr. Kwiek asked for clarification on the drawing from Mr. Sinibaldi. Mr. Sinibaldi explained that there is a patio located where Mr. Kwiek was looking for clarification on the drawing.

Mr. Komorek had no questions, he also thanked the couple for the updated drawing. Mr. Kalinowski had an aerial view and asked where the garage would be placed on the property. Mr. Sinibaldi pointed the area out on his drawing for Mr. Kalinowski. He also stated that the back section of the property gets very wet and he would not want to place the building in the back due to that reason.

No one spoke for or against the variance.

Town Attorney Phyllis Todoro brought to the boards attention that the measurements on the new drawing did not add up correctly. Mr. Trzepacz went over the figures for the Zoning Board members and Mr. & Mrs. Sinibaldi to understand. The difference would benefit the distance from the side line setback.

Mr. Trzepacz made the motion for Appeals Case #1292 for Vincent and Elaine Sinibaldi of 2131 Billington Road, Elma, NY who were given a continuance at the May meeting and is requesting a variance to install a garage with less than the required 10 feet for the side line setback §144-98 C (4), residential B that the variance be approved and that 4.88 is the new measurement for the side line setback and based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved any other 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. Komorek. Ayes: 5

Appeals Case #1293 for Mike Boll, 290 Schultz Road, Elma, NY who is requesting a variance to create a property line that is less than the required 20 feet for the side setback §144-99 C (4), residential C.

Mike Boll was present to explain that he bought the property back in 1988 and intended to leave 102 feet and he built a home for his daughter on the property. He is looking presently to build another home for his other daughter. Mr. Schafer advised that he can't create a non-conforming lot on his property.

Mr. Schafer asked if he wanted to end up being 2 feet from the lot line and Mr. Boll said he did not want to only have 2 feet. Mr. Trzepacz asked if that is already a building lot and Mr. Boll replied it is not and he would have to follow the codes as they are today.

Mr. Komorek stated that there is not a valid survey and Mr. Boll had a copy with him. The board reviewed the new survey that Mr. Boll brought with him to the meeting. Mr. Trzepacz asked the

assistant building inspector Ray Balcerzak to step up to the bench to review the survey that Mr. Boll brought to the meeting.

Mr. Kwiek asked if Mr. Boll did the original splitting of the property and Mr. Boll said no. Mr. Trzepacz mentioned that there would be two non-conforming lots created if Mr. Boll could do anything. Unfortunately, two non-conforming lots cannot be created and approved by the board.

Town Attorney Phyllis Todoro stated that Mr. Boll would have to submit a new application for a revision to the application to be done.

No one spoke for the variance. Against the variance was Karen Smith of 240 Schultz Road.

Mr. Komorek made the motion for Appeals Case #1293 for Mike Boll, 290 Schultz Road, Elma, NY who is requesting a variance to create a lot with less than the required 20 feet for the side setback §144-99 C (4), residential C that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Trzepacz. Ayes: 5

Appeals Case #1294 for Al Bromley, 3011 West Blood Road, Elma, NY who is requesting a variance to add an addition to the house with less than the required 50 feet front setback §144-99 C (4), residential C.

Mr. Bromley and his architect were present at the meeting. The architect explained the drawings that were submitted. There will be a first-floor master suite and the main addition is in the back part of the house. The dark shaded area on the drawing is the proposed addition.

Mr. Trzepacz stated that he is familiar with the house and how close it is to the road. Mr. Komorek and Mr. Kwiek had no questions.

Mr. Kalinowski asked about the structure on the drawing and was told a timber frame roof addition is over the top. Mr. Kalinowski also asked when the property was bought and was informed it was November 2016.

No one spoke for or against the variance.

Mr. Kwiek made the motion for Appeals Case #1294 for Al Bromley, 3011 West Blood Road, Elma, NY who is requesting a variance to add an addition to the house with less than the required 50 feet front setback §144-99 C (4), residential C 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 any other 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. Komorek. Ayes: 5

The motion was made to approve the minutes from May 9, 2017 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 7:59 PM. Motion made by Mr. Kalinowski and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk