

ZONING BOARD OF APPEALS

The hearing on Tuesday, March 14, 2023, is called to order by Chairman Kalinowski at 7:00pm.

Members present: John Jimenez
Jim Lembke
Shaun Pralow
Greg Kalinowski
Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty
Ray Balczerak, Building

Absent: Harry Kwiek
Ron Carey

Appeals Case #1433 for Patrick Kleitz of 990 Girdle Road, Elma, NY who is requesting an area variance and a use variance to purchase the property and convert the house to office space §144-58 A (4) and §144-39 H, Residential C was withdrawn by the applicant.

Appeals Case #1434 for Mike & Yvonne Stoklosa of 111 Kirkwood Drive, Elma, NY who are requesting an area variance to build a garage with less than the required 10-foot side setback §144-99 C (6), Residential C.

Mr. & Mrs. Stoklosa were present and explained how they needed to be nine feet from the side setback. They would like to stay away from the septic lines is the reason another location could not be considered.

Mr. Pralow asked what the purpose of the building is, and their reply was that it would be storage and for doing hobby type projects. The utilities have been verified by all the necessary companies. Mr. Pralow asked if any other location was considered, and they did try to lay the plans out differently but could not come up with a better location.

Mr. Jimenez asked about the septic and the location and Mr. Stoklosa explained the entire layout and that they would be able to access the septic in the future if the building was approved for the desired location. Mr. Jimenez also asked about the neighbors and was advised that the wooded area goes towards Girdle Road and there are no close neighbors on that side.

Mr. Schafer asked about the corner of the building and how close that would be, and the reply was that it maybe three feet over the ten-foot setback.

No one spoke in favor or against the variance. The homeowners of 91 Kirkwood Drive had a question for the applicant.

Mr. Pralow made the motion to approve Appeals Case #1434 for Mike & Yvonne Stoklosa of 111 Kirkwood Drive, Elma, NY who are requesting an area variance to build a garage with less than the required 10-foot side setback §144-99 C (6), Residential C, 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.

Seconded by Mr. Lembke Ayes-5. Nays-0.

Approval of the February 14, 2023, minutes was made by Mr. Jimenez and seconded by Mr. Lembke

Motion to adjourn at 7:30 by Mr. Schafer and seconded by Mr. Lembke.

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary