

Mr. Carey asked size of pad and was informed it would be 20 feet and the asked why it must be a side leading garage. Mr. Kalinowski asked about the drawing and why there were pencil markings and why it is not a survey. The information must be accurate.

Mr. Kwiek asked someone to view an arial of the property and point out where the house would be.

No one spoke for or against the variance.

Mr. Johnston made the motion to approve the Appeals Case #1421 for Jessica & Reece Mariacher of 220 Pound Rd, Elma, NY who are requesting an area variance to build a house with less than the required side yard setback §144-99 C4, 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.

Also added was that the distance on the south side be no less than 15 feet.

Seconded by Mr. Carey. All-Yes

Appeals Case #1422 for Ryan and Kristina Speidel of 7200 Seneca St, Elma NY who are requesting an area variance to build a 6,000 square foot building in C-1 district §144-78 D, C-1.

Ryan and Kristina are looking to demolish the existing building and put up a new building for a golf simulator and bar.

Mr. Kwiek asked the timing of putting up a building and was told maybe February next year and open in the fall. Mr. Johnston asked how many units would be in the building and was informed there would be 3 single and 2 double simulators. Mr. Kalinowski asked if they have a business plan and yes, they do.

Mr. Carey asked the size and its 60 x 96, 5760 sq ft building. 15 x 25 is one simulator with 9 ft or 10 ft ceiling. Mr. Schafer asked about parking area and how many parking spaces there would be and was told 44 total. Mr. Kalinowski indicated drawing states the 5760 sq ft.

For variance:	Kathy Berger	7191 Seneca St
	Bruce	1331 Billington
	Barbara	7701 Seneca St
Against:	Dan	839 North Star

Mr. Schafer made motion to approve Appeals Case #1422 for Ryan and Kristina Speidel of 7200 Seneca St, Elma NY who are requesting an area variance to build a 6,000 square foot building in C-1 district §144-78 D, C-1 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. Johnston. All-Yes

Appeals Case #1423 for Patricia and David Wagner of 6221 Seneca St, Elma, NY who are requesting an area variance to rebuild a pole barn with less than the required side yard setback §144-78 D, C-1.

Patricia and David were present and explained how the roof caved in on their garage and that they would like to build a pole barn in the same existing spot.

Mr. Carey asked with the 4 feet how much room is left and it is over 200 ft.

No one spoke in favor or against the variance.

Mr. Johnston made motion to approve Appeals Case #1423 for Patricia and David Wagner of 6221 Seneca St, Elma, NY who are requesting an area variance to rebuild a pole barn with less than the required side yard setback §144-78 D, C-1 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. Kalinowski. All-yes

Appeals Case #1424 for Anthony Runk and Molly Spisiak of 631 Winspear Rd Elma, NY who are requesting an area variance to build an attached garage with less than the required side yard setback §144-76 F and §144-71, C-1, Residential C.

Anthony Runk was present and purchased the home a year ago with a 1 ½ garage and said that there is already a concrete pad there and will build a garage in that location.

Mr. Kwiek asked if the property bumps out where the garage would be. Mr. Johnston asked about the existing garage and Mr. Kalinowski asked if the new garage will be next to the existing garage.

No one spoke for or against the variance.

Mr. Schafer made a motion to approve Appeals Case #1424 for Anthony Runk and Molly Spisiak of 631 Winspear Rd Elma, NY who are requesting an area variance to build an attached garage with less than the required side yard setback §144-76 F and §144-71, C-1, 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 John Johnston. All-Yes

Appeals Case #1425 for A.W. Miller Technical Sales, Inc of 7661 Seneca St, Elma NY who are requesting an area variance and a use variance to allow commercial use in a residential C area and the addition of the square footage beyond the allowable square footage in a C-1 district §144-58 and §144-76 F and §144-71, C-1, Residential C.

Peter Sorgi – attorney; Bill Miller – owner; Charles – building; Lance Johnston – Moog were all present to represent the case.

Peter Sorgi stated that in 2018 the business came before the zoning for a variance for a building to be put up. Mr. Miller stated his dad started the business.

Mr. Kwiek asked if they looked at other areas and was told that the engineers are at the current facility, and it would make sense to have the building in the same location.

Mr. Carey stated there are other areas in town that are zoned for this type of work. Mr. Johnson explained that off site is where the testing occurs. Mr. Sorgi stated no other sited have been looked at. Mr. Carey asked when the land was purchased in 1973 did, they know what the land was zoned at that time. The back property is residential and has been for 50 years.

Mr. Carey asked the height and was informed that it would be less than 35 ft and depends on how big the building is. Mr. Carey asked what portion of the building would fall in the residential C.

Mr. Carey talked about the trucks coming and going and how often that would occur. The reply was they would be box trucks and maybe 3-4 times a month. Mr. Carey asked about additional lighting and it will be kept to a minimum. Mr. Carey stated concern of pollution.

Mr. Carey asked what the hardship is, and Mr. Sorgi asked hardship he was referring to and answered that it is to expand the business and meet the customers' demands. Mr. Carey read a definition of a zoning hardship.

Mr. Sorgi stated the hardship is the property and it is explained in his paperwork that was submitted. Mr. Sorgi went over the hardship criteria and explained the second and fourth criteria are two separate items.

Mr. Kalinowski stated that there are items in the case that are incorrect. Mr. Kalinowski said the hardship for the property in use is a dollar and cents factor. There must be a real cost associated with getting the variance. In a use variance the cost must be taken into effect. Mr. Sorgi said it is explained but that there was a not a cost figure.

Mr. Kalinowski asked how the supply chain issues get resolved. Mr. Miller said that these machines are to more automated. Mr. Kalinowski asked for a proforma as to what is being lost. Mr. Kalinowski asked what the current buildings on site are used for and there is no answer. Basically, it can be built the same as other buildings.

Mr. Kwiek said it is hard to say why it must be at the same site. Mr. Miller stated if not here than maybe Pittsburgh. Mr. Kalinowski asked the Moog gentleman how that would impact them, and it does not work very well for them. Several Moog employees go to the Miller site to view things.

For Variance: Jackie Coons – Springbrook

Against:	Ken	1449 Billington
	Chelsey	1545 Billington
	Bruce Slachton	1331 Billington
	Wendy Slachton	“ “
	John	1545 Billington
	Barb	7701 Seneca
	Bill	7701 Seneca
	Marcia Bliss	1170 Bullis Rd
	Kathy Berger	7101 Seneca St

Mr. Miller addressed the lighting issue not being a problem, the lights would not be on all night long. Mr. Kalinowski brought up the financial impact and any items brought up by the audience.

Mr. Carey asked if they would address other areas in the Town to possibly put the new building up at. Mr. Carey brought up the financial loss and a real estate exploration.

Mr. Carey made the motion for a continuance for Appeals Case #1425 for A. W. Miller Technical Sales, Inc of 7661 Seneca St, Elma NY who are requesting an area variance and a use variance to allow commercial use in a residential C area and the addition of the square footage beyond the allowable square footage in a C-1 district §144-58 and §144-76 F and §144-71, C-1, Residential C. Seconded by Mr. Kalinowski All-4 Nays: 1 (Mr. Kwiek)

Meeting to adjourn at 9:36 by Mr. Kalinowski seconded by Mr. Johnston

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary