

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 6, 2025, is called to order by Chairman Kwiek at 7:00 pm.

Members Present:	Harry Kwiek	Also:	Robert Schafer, Alternate
	Greg Kalinowski		Jim Lembke, Alternate
	Shawn Pralow		Phyllis Todoro, Town Atty
	Ron Carey		Ray Balcerzak, Building Inspector
	John Jimenez		

Appeals Case #1474 for Christopher Burg of 2323 Woodard Road, Elma, NY, who is requesting an area variance to build a pole barn less than 20' of property line §144-98 C4, Residential B.

Mr. Kwiek recapped that this case was from last month, April 2025, and it had a continuance. Since he was absent, he will allow Mr. Schafer to step in with questions, comments, and vote as fifth member for this case.

Mr. Burg explained that he had his land resurveyed and it was staked as the original survey. The cement slab is 24' plus 1' of grass. He can push back the pole barn 10' from the original request.

Mr. Jimenez questioned if the driveway is 2' from the corner, 10' from the edge of the driveway. What will be the approximate measurement from the house? Mr. Burg replied 10' for fire safety.

Mr. Jimenez asked Mr. Burg if he would consider taking the current 7' and move over 3' to be 10' or 12' from the edge of the house to be able to make the turn in the driveway to park the boat? 7' is giving 60% variance.

Mr. Carey said that it was substantial and asked if Mr. Burg had any other ideas.

Mr. Carey said it is not a hardship or substantial variance. If they were to grant the variance, they must keep the area of the pole barn smaller. Is he looking for an alternative solution? Mr. Burg mentioned that his wife would not agree.

Mr. Schaefer went by the residence to observe the trailer. He mentioned that the pole barn to be built is too close to the residence on the 130' wide property. He finds it difficult to understand that it needs to be so close just to be able to back in the trailer. It would be difficult to allow a variance just to back in the boat.

Mr. Schafer continues to say they have to have a hardship, also. He does not think backing up warrants hardship.

Mr. Pralow said, given it is difficult for the board to give this variance, is there any chance that Mrs. Hartloff can sell a piece of the land or sign an easement so she can have access to back field..

Mr. Burg said if he could get the land sold to him, how much would he need? Pralow said it would be worth discussing it with Mrs. Hartloff.

Mr. Kolonowski asked to be clear, 1' is changing to 13'-14'?

Mr. Burg answered he thought he had more property.

Mr. Kalinowski said 14' was found in records.

Mr. Burg 24' wide pole barn to 20'

No one spoke in favor or against.

Mr. Shafer made the motion for Appeals Case #1474 for Christopher Burg of 2323 Woodard Road, Elma, NY, who is requesting an area variance to build a pole barn less than 20' of property line §144-98 C4, Residential B to be denied.

1. Achieved in other ways that were suggested for backing in the trailer.
2. Undesirable change in neighborhood, would have to have 20' setback, cannot set a precedent with 7', that is hard to approve.
3. The request is substantial, pole barns were not accepted previously in the area.
4. Adverse, not necessarily physical but this particular area does not need structure of this size so close to property line.

5. The action is self-created, It was brought on itself by Mr. Burg's planning to store equipment and a boat. .

Second: Mr. Kalinowski

Yes: 5. Nays: 0

Appeals Case #1478 for Robert Barr of 801 Chairfactory Road, Elma, NY, who is requesting an area variance to be less than required 50' front setback and replace an existing garage §144-97 C4, Residential A.

Mr. Barr and Mr. Anderson, the contractor, are present

Mr. Anderson is requesting 13' setback from the existing garage. The garage is already on a hill, and mature trees would need to be cut down. He is requesting a change from the application requesting 10-12' from the rear of the existing garage. The garage would still be obstructed from the street view. They would like to save the trees and on construction costs, that is as far as they want to go back.

Mr. Kwiek passed by the property and saw an old farm house building foundation crumbling. Mr. Anderson mentioned that they would be removing that.

Mr. Carey asked if they were now asking for a larger setback of 50'?

Mr. Anderson said it was originally 15' now will be 13'.

Mr. Carey said that is a substantial request. Asked if they were to push it back with trees being removed? Mr. Anderson said it would be 8-10'. Mr. Carey mentioned that would be closer to original footage of 10-12'

Mr. Carey said he was looking for the smallest variance. Changing the application now is not favorable.

Mr. Jimenez mentioned it would be a 58% variance, understands hardships that can be factored in. Asked: will the garage close to the tree be a problem?

Mr. Anderson answered the garage in front has structural issues, which will be removed. At the bottom of the hill, there is a garage that will be removed. The garage will be configured to a two car, for storage and cars.

Mr. Jimenez asked if they would be building a new house. Barr said yes.

Mr. Carey asked what is in the loft? Mr. Anderson answered just storage.

Mr. Carey googled a map of the property and mentioned it is 70' from the road. Mr. Kwiek agrees.

Mr. Barr showed Mr. Kwiek the actual survey. Mr. Kwiek mentioned the survey shows 69.

Mr. Carey said the pole is 62' from the property. Mr. Anderson asked if it is within 60', then the original request of 23' would give enough room.

Mr. Barr and Mr. Anderson are asking for a continuance.

Mr. Kalinowski would like to do that but may not vote for that since they would like to see more paperwork on ideas.

Mr. Jimenez made the motion that Appeals Case #1478 for Robert Barr of 801 Chairfactory Road, Elma, NY, who is requesting an area variance to be less than the required 50' front setback and replace an existing garage §144-97 C4, Residential A. to be a Continuance and requested a Topo map provided with the survey.

Second: Mr. Pralow

Yes: 5. Nays: 0

Appeals Case #1479 for Christopher and Laura Pyszczyk of 55 Hessland Court, Elma, NY, who are requesting an area variance to be less than required 50' front setback and 10' side yard

setback to build an attached two-car garage in front of the existing one-car garage §144-99 C4, Residential C.

Mr. Pyszczeek stated he has outgrown the garage and would like to have more space. Since his illness, it has been difficult for his wife to take care of snow removal, which has led to a need for extra car space.

Mr. Kwiek asked, since the setback is in front of the property, if this could be achieved any other way.

Mr. Pyszczeek is looking into other options. This is their preliminary idea.

Mrs. Pyszczeek mentioned that the current living room is the old garage. Mr. Balcerzak said that was done in 1987. The house was originally built in 1959.

Mr. Jimenez asked Mr. Balcerzak to clarify if the property is Resident C is 10'. Mr. Balcerzak: Yes.

Mrs. Pyszczeek said the existing garage is 12' wide, needs 4' to enlarge.

Mrs. Jimenez asked if the old garage is 18x18'.

Mrs. Pyszczeek needs extra storage space. They do not have a full basement, and the area that exists in the basement is constantly wet/damp. They are unable to store anything there.

Mr. Jimenez questioned expanding the original garage.

Mrs. Pyszczeek answered if they need 24' x 24', they would need to come out and cannot expand. The width would need to be 24' to park both cars. If 18x18 could not close the garage door with vehicles.

Mr. Jimenez questioned if they were adding 6' x 6' to make it 24 x 24'

Mrs. Pyszczeek said she is worried about losing space in the house to expand the existing. The mudroom, which is 4' x 6', and the closet would be removed with the expansion.

Mr. Jimenez asked for the measurement of the garage.

Mrs. Pyszczeek mentioned that the 8' garage space makes it so the passenger side cannot be opened when parked in the garage.

Mr. Carey side setback 6.5' instead of 10' front is concerning. It is required to have a 50' front setback. The Pyszczeek's are asking for 20-24'. Explained that the goal of the Zoning Board is to maintain character on the whole street, to have no obstructions. Could the garage be put on the left or pushed back?

Mrs. Pyszczeek replied that they would have to refigure the whole house and utilities if they put on the left or pushed back the garage.

Mr. Carey noted that to consider it a hardship, that space is not a hardship. To ask for 50% variance is huge and it would change the character of the home.

Mrs. Pyszczeek asked what they needed to do. Mr. Carey answered that the Board cannot tell her what to do.

Mr. Kwiek asked why it needs to be 24'

Mrs. Pyszczeek believes that it is the size needed for 2 cars

Mr. Kwiek replied that he believes 20'

Mrs. Todaro mentioned going down to 20-21' does not help 50% variance.

Mr. Jimenez suggested going 24' outside 18' would be more possible.

Mrs. Pyszczeek said that when creating the idea of a 24' x 24' garage, it was thought to be the average number used. She is flexible in changing size.

Mr. Pralow asked if the size of the vehicles was an issue. Mrs. Pyszezek agreed.
Mr. Pralow said 24' is understood for the room.

Mr. Kalinowski is concerned that the character of the street would be changed. It may obstruct views.

No one spoke in favor or against.

Myretta Zimpfer of 67 Hessland (next door) spoke as neither against or for, just wanted to say a few concerns. The 10' would be on her side. Concerned about drainage, if they came out it would not obstruct. The existing house of a neighbor already does. Her house was built in 1956.

No one replied.

Mr. Jimenez made the motion for Appeals Case #1479 for Christopher and Laura Pyszczeck of 55 Hessland Court, Elma, NY, who are requesting an area variance to be less than required 50' front setback and 10' side yard setback to build an attached two-car garage in front of the existing one-car garage §144-99 C4, Residential C to deny with:

1. There is a requirement of a 50' front setback and 10' side yard setback to permit the addition; making it less than that will have a detrimental effect.
2. An undesirable change would be known. Character of the neighborhood would be affected, and aesthetics would change. By code, the addition of a garage and distances to property lines are significant.
3. The request is substantial, with the 7' being a 35% variance.
4. Adverse impact on the neighborhood. It will have an impact on the environment, as no homes on the road are that close to the road. It could create a safety issue.
5. This is a self-created hardship by adding to the existing structure. There is not enough room for 50' front setback and 10' side yard setback .

Second: Mr. Carey

Yes: 4. Nays: 1 (Mr. Kalinowski).

Mr. Jimenez made the motion at 8:25 PM to end the meeting. Second by Mr. Carey.
Yes: 5 Nays: 0.

Respectfully Submitted,

Christine Zeitler
Zoning Board Secretary