

ZONING BOARD OF APPEALS

The hearing on Tuesday, June 3, 2025, is called to order by Chairman Kwiek at 7:05 pm.

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

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.

Mike Anderson, architect, revised his application, pushing the building back to 25', will need to take a few trees down, but keeping the majority to maintain foliage. Eliminated open shed roof area, allowing to push back on the north side of the new structure.

Mr. Jimenez mentioned Chairfactory is a county road that is where the required 66' (33' feet on either side of the road) comes from. The existing garage is not entirely on Mr. Barr's property. Mr. Anderson stated that the shed is being used for equipment.

Jimenez: Pole barn is at 25', right on the tree line where the fall off starts. Not much room to get a vantage point.

Anderson: 2-3 trees would need to be removed. That would be as far as they would push back.

Jimenez questioned the location, the existing driveway is steep, and it is coming from a different direction. What is the main purpose of that?

Anderson replied that they want to utilize the front of the property once the existing garage is removed.

Mr. Kalinowski asked what variance they were looking for. Mr. Anderson replied a 25' variance.

Mr. Kalinowski asked what variance was asked for a month ago. Mr. Anderson replied 32'.

No one spoke in favor or against the variance.

Mr. Jimenez made the motion for 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 approved.

1. Allowing the pole barn to be built less than 50' front setback will have no detriment to nearby property. Counted five other properties on Chairfactory that are less than 50' from their property line.
2. The benefit sought by the resident is restrained by code only and cannot be achieved because of the slope of the property.
3. The requested variance may be considered significant; taking that into consideration, the proposed area variance relief will have no adverse effect on the physical or environmental conditions in the neighborhood.
4. Should not create any hazard to health, safety, or general welfare of the neighborhood.
5. The hardship is the slope/ grade on the property.

Second: Mr. Lembke

Yes: 5 Nays: 0

Appeals Case #1480 for Sean McGrath, who is requesting a re-approval of case #1240 from October 2014, for the vacant lot located between 1820 and 1830 Bullis Road for an area variance to approve a non-conforming lot with less than the 100 feet required §144-99 C1, Residential C.

Mr. Kwiek asked if Mr. McGrath's address is currently in Buffalo, NY.

Mr. Grath replied it is. The property in question is owned by his cousin, Patrick Handley of 54 savage Pl, East Aurora, NY.

Mr. Kwiek explained that this flag lot property had been previously approved for 1 year in October 2014.

Joe Gauthier, a neighbor, was there to explain why the property was not built on in 2014. Patrick Handley's wife found property in East Aurora; the Bullis Road property was not used at that time.

Mr. Kalinowski asked what he plans to do with the 11 acres.

Mr. McGrath answered to put up a pole barn, possibly, and a house. He wants adequate room from neighbors.

Mr. Kalinowski asked if the property was under contract to Mr. McGrath.

Mr. McGrath replied, Not yet. Mr. Handley is waiting for approval of this request before he sells it to Mr. McGrath.

The following spoke in favor of the variance:

James Rigger, 1880 Bullis Road, explained that Mr. Handley bought 35'. Looking forward to the build.

Mr. Pralow made the motion that Appeals Case #1480 for Sean McGrath, who is requesting a re-approval of case #1240 from October 2014, for the vacant lot located between 1820 and 1830 Bullis Road for an area variance to approve a non-conforming lot with less than the 100 feet required §144-99 C1, Residential C to be approved.

1. A desirable change would be known.
2. The benefit cannot be achieved by another means or a redesign. It will always be 35', since it was pre-approved previously.
3. The request is significant. Substantial request but was previously approved.
4. The request would have no adverse physical or environmental effect on the neighborhood. It is not a crowded area. When built under the Building Department's direction, there should be no problems.
5. The hardship is self-created; it will be used to build a new residence.

Mr. Kalinowski stipulated that Mr. McGrath was present for Mr. Handley.

Second: Mr. Lembke Yes: 5. Nays: 0

Mr. Jimenez made the motion to approve the minutes for 12/03/2024.

Second by Mr. Kwiek Yes 5. Nays: 0

Mr. Pralow made the motion to approve the minutes for 02/04/2025.

Second by Mr. Jimenez Yes 5. Nays: 0

Mr. Jimenez made the motion to approve the minutes for 04/01/2025.

Second by Mr. Kwiek Yes 5. Nays: 0

Mr. Jimenez made the motion at 7:48 PM to end the meeting.

Second by Mr. Pralow. Yes: 5 Nays: 0.

Respectfully Submitted,


Christine Zeitler

Zoning Board Secretary