

ZONING BOARD OF APPEALS

This hearing on Tuesday December 2, 2025 called to order by chairman, Harry Kwiek at 7:00PM.

Members Present:

Harry Kwiek
John Jimenez
Ron Carey
Greg Kalinowski
Shawn Pralow
Robert Schaefer, Alternate

Also Present:

Phyllis Todoro, Town Attorney
Ray Balcerzak, Dep Bldg. Insp
Jennifer Khan, Secretary

Members Absent:

James Lembke, Alternate

Appeals Case # 1497 for Sophia Koutsandreas of 1971 Bullis Rd Elma who was given a continuance and is requesting an area variance to split a lot into 2 lots creating the lot with the existing house becoming a non-conforming lot 144-97 C1 Residential A.

Mr. Koutsandreas wants to split the lot into 2 lots for his sons to build homes.

The land was bought 25 years ago, and the house was built soon after.

Mr. Koutsandreas was unable to buy 25 feet for the adjacent lot that a family member owns.

Mr. Koutsandreas owns 3 lots if he takes 25 feet from his other lot then makes that lot left non-conforming. He has 3 sons and he wants them to build there.

Mr. Carey: It is against code to split the lot, making a flag lot. Flag lots were outlawed in 2014. It was outlawed due to overcrowding.

Mr. Pralow: There is no hardship from the land. Finical is not a hardship.

This would not be desired change.

The request is significant. Requesting something that is outlawed (Flag Lot).

The request would have an adverse physical and environmental impact on the neighborhood.

It is self-created.

Mr. Carey denies the Variance

Mr. Jimenez seconds

5 yes 0 nay

Appeal Case #1498 for Eric Blackman of 40 Bridle Ln Elma who is requesting an area variance to build a garage bay with less than required side yard setback 144-98 C4 Residential B.

Mr. Blackman wants to build a one-car garage. It is needed because he is building an addition to his home for his in-laws.

The north side of the house was not an option because of the mudroom and the driveway going across the front of the house.

Detached is not possible due to the septic and leach field.

Mr. Jimenez: The wooded lot is the easement for the power lines. There are 3 poles running the length of the lot.

Mr. Kwiek: NYSEG poles are listed but unclear. 15 feet to get vehicle through.

Mr. Jiménez: Is there a fence for the pool?

Mr. Blackman: Yes, there is a fence.

Mr. Parlow: There is a shed, it is floating and can be moved, at present it is very close to the line. Is the easement on either side of the pole. Mr. Blackman doesn't have the easement on his property.

Mr. Jiménez: The easement was established years ago.

Mr. Kalinowski: Is the building encroaching on the easement?

Mr. Blackman: It is very close.

Mr. Kwiek: The easement is not on his property per the survey. 5.2 feet on his property. Call NYSEG to verify.

No one spoke for or against the variance

Mr. Jimenez: Motion to decline the variance.

whether benefit can be achieved by other means feasible

It is an undesirable change in neighborhood

The request is substantial

It will have adverse physical or environmental effects, enough buffer and space for neighbors. To make sure that NYSEG can reach the poles for maintenance.

Whether alleged difficulty is self-created

Mr. Carey seconded

4 yes 1 nay

Appeal Case #1499 for Joel Kopp of 3061 Bullis Rd Elma, NY who is requesting an area variance to build a pole barn with less than the required side yard setback 144-98 C 4 Residential B.

Mr. Kopp wants to build a pole barn for his trailer he needs the ability to back up straight into the pole barn. 15 side set back instead of 20 side set back. Backing up 8 1/2 feet by 34 ft trailer when backing in and the angle he will hit the house. Only needs 3.5 feet. Edge of the garage.

The barn will have 20 ft side back instead of the 10ft side set back.

Mr. Kwiek: Can you move the Pole barn back 10 feet?

Mr. Kopp: It doesn't help with the angle I have to back the trailer up at.

Mr. Jiménez: The house looks to be at an angle to make it even more difficult.

16.5 3.5 feet is what is needed.

Neighbors on Bullis approved.

Mr. Carey: There is no physical land hardship; the residential B not C going to the end of the street.

Mr. Kalinowski: is there any other outbuilding near you that are comparable in size? Mr. Kopp, yes.

No one spoke for or against the variance.

Mr. Kalinowski: motioned to approve the variance that must be 16.5 3.5 set back

The benefit can be achieved by other means feasibly

It does not have an undesirable change to the neighborhood.

The request is substantial yes, but there is other similar building in the neighborhood.

There are no adverse physical or environmental effects

It is self-created but working within the constraints of the property

Mr. Parlow Seconded the motion

5 yes 0 Nays

No minutes to approve, minutes were not available.

Meeting closed 8:30