

ZONING BOARD OF APPEALS

The hearing on Tuesday, March 13, 2018 was called to order by Chairman Schafer at 7:00 PM.

Members present:	Ron Carey	also:	Ray Balcerzak, Bldg. Inspector
	Greg Kalinowski		Phyllis Todoro, Town Atty.
	Harry Kwiek		Mike Sobczak, Alternate
	Donald Trzepacz		
	Robert Schafer, Chairman	Absent:	

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1316 for David Blair of 3060 Bullis Road, Elma, NY who is requesting a variance to build a building on a vacant lot § 144-133, § 144-65, and § 144-51 A2, Residential B.

Dave Blair was present to explain how he would like to build a storage building on the corner of Bullis and Girdle Road. Mr. Schafer asked if the building was going to be 46 feet wide. Mr. Trzepacz said in the paperwork submitted that the purpose of the building was for storage and produce from the family farms. Mr. Blair explained how he is the third generation of farmers in his family and how he would like to keep the business going. The new building would be like the produce stand he currently has on his front lawn and would be open from mid-July through the first week of November. The property is combined with the property behind his house.

Mr. Kwiek asked if it is zoned residential B and if there were going to be any signs displayed. Mr. Blair stated that there is no need for any signs. Mr. Carey asked if the old stand is staying up and was informed that they would like to possibly move the stand at some point. Mr. Kalinowski asked when the lots were combined and was informed that they were combined in 2017.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1316 for David Blair of 3060 Bullis Road, Elma, NY who is requesting a variance to build a building on a vacant lot § 144-133, § 144-65, and § 144-51 A2, Residential B, that the variance be granted based on the following criteria and that the property is maintained and conforms to town code:

- 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. Carey. Ayes: 5. Nays: 0.

Appeals Case #1317 for Elma Public Library of 1860 Bowen Road, Elma, NY who is requesting a variance to install a digital lighted sign § 144-102.1 B (1) b, c, g and I (2), (8) & (9) and §144-58 A3, Residential C.

Mr. Enberg was present along with Sue Sudlik to present the Elma Public Library and explained how the Library would like to install a 38x91 inch sign on the corner of Rice and Bowen Road. When the Library has advertised with a portable sign on the lawn the attendance for that event has been larger. Mrs. Sudlik showed the board members a picture of the type of sign they are looking to purchase and a representative from the company attended the meeting.

Mr. Trzepacz stated that the board does not need to know how the sign would be made. Mr. Schafer mentioned that he did not understand the hardship for having a sign. Mrs. Sudlik explained how the patronage at the Library is down and they are trying to improve the attendance at the Library. Mr. Schafer asked if the Library has a website and the answer was yes.

Mr. Trzepacz asked if the mark on the drawing is the location of where the sign would be placed and if they could explain the location. Mr. Enberg stated that the sign would be visible from Rice and Bowen Road. The only traffic that might have a hard time viewing the sign would be if you were at the light on the Rice Road side across from the Library.

Mr. Schafer stated that digital signs are not permitted and that there is no scrolling of messages on the sign. The sign would be static and it would not run all night. Mr. Kalinowski mentioned that it is not the responsibility of the Zoning Board to help with guidelines for having a sign. Mr. Enberg

mentioned the hardship is carrying the portable sign out every morning to advertise a different event. Mr. Kalinowski brought up that he is not opposed to what the Library is asking to do and would give guidance. He thinks the sign is very large and that there could be visibility problem from the road. Mr. Kalinowski does not know if this is the best way to go about what they are looking to accomplish.

Mr. Trzepacz asked if the sign would display on both side and was informed that it would. Mr. Carey asked about the size and was informed that the sign is 38x91 and that with the brick and header it would be larger. Mr. Kalinowski asked if they would consider a different size and the answer was yes. Mrs. Sudlik asked if any size sign is acceptable and the Assistant Building Inspector replied that in Residential C on 8 square feet is allowed.

Mr. Kwiek stated he understands what they are trying to get done but also that the Library could advertise on their website to get events out to the public. Mr. Trzepacz asked if they would like to come back with a different presentation and was informed that they would.

Mr. Trzepacz made the motion for Appeals Case #1317 for Elma Public Library of 1860 Bowen Road, Elma, NY who is requesting a variance to install a digital lighted sign § 144-102.1 B (1) b, c, g and I (2), (8) & (9) and §144-58 A3, Residential C, that the variance be given a continuance for a year. Seconded by Mr. Kwiek. Ayes: 5. Nays: 0.

The motion was made to approve the minutes from February 13, 2018 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 7:40 PM. Motion made by Mr. Kwiek and seconded by Mr. Trzepacz. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk