

ZONING BOARD OF APPEALS

The hearing on Tuesday, January 9, 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 #1308 for Todd Huber of 6350 Seneca Street, Elma, NY who was given a continuance at the December 12, 2017 meeting for requesting a variance to install a sign in C-1 district and Springbrook multiple dwelling overlay § 144-142.14 K3, § 144-102.1 B (1) C & F, and § 144-79 E (9), C-1.

Mr. Huber was not present.

Mr. Trzepacz made the motion for Appeals Case #1308 for Todd Huber of 6350 Seneca Street, Elma, NY who was given a continuance at the December 12, 2017 meeting for requesting a variance to install a sign in C-1 district and Springbrook multiple dwelling overlay § 144-142.14 K3, § 144-102.1 B (1) C & F, and § 144-79 E (9), C-1, that the variance be given a continuance. Seconded by Mr. Kwiek. Ayes: 5. Nays: 0.

Appeals Case #1310 for the Jamison Road Volunteer Fire Co. of 1071 Jamison Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-102.1 I (2), (8) and (9), C-2 and Appeals Case #1311 for the Elma Fire Co. of 2070 Girdle Road and 2945 Bowen Road, Elma, NY who are requesting a variance to replace an existing sign with a new LED sign at the location of 2945 Bowen Road and install a new LED sign at the location of 2070 Girdle Road § 144-45 A4, § 144-51 (4) and § 144-102.1 I (2), (8) and (9), Residential A and Residential B and Appeals Case #1312 for the Blossom Volunteer Fire Co. of 1000 N. Blossom Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-58 A3 and § 144-102.1 I (2), (8) and (9), Residential C.

Daryl Nolan was present and was going to speak and represent all three fire companies. Daryl expressed the concern that all three companies are lacking members and they are looking to have new members join with the advertising that could be done on the signs.

All three companies are lacking man power and that the signs could assist in notifying our residents of important information. Real time signage would allow residents of up to date information.

Mr. Schafer advised Daryl that the codes are in place for a reason and that we must follow them the best we can. Mr. Trzepacz said his opinion is that he can understand the logic due to himself being a member at Springbrook Fire Company. The new signs would assist with road closures, water breaks and other important information.

Mr. Carey stated the request is against the code but he does see the need. Mr. Carey also suggested that the town code should be revised and updated to today's standards. Daryl stated the new signs are to notify of emergencies in town and there is a need for the companies to update at the current time. Mr. Trzepacz addressed Mr. Carey's concerns and advised that the Zoning Board acts on every case individually.

Mr. Kwiek thanked the fire companies for volunteering their time and stated that the statement of the new signs being a hardship is more of a convenience, Daryl mentioned that the current signs are old technology and they need to be updated. Mr. Kwiek also mentioned that he has lived in Elma a long time and he has never been approached to join one of the fire companies in town.

Mr. Kwiek asked if the fire companies have given any thought to a resident driving by and trying to read the sign and the safety concerns with that. Daryl replies that the signs will work and people will be able to read the information being displayed. Mr. Kwiek asked if they will be considering the scrolling or other ways the messages will be displayed. Daryl mentioned that a variance stipulation was created with guidelines as to how the sign would be used.

Mr. Kalinowski asked where the variance stipulation came from and Daryl replied that he had assistance writing up the stipulation by Councilman Nolan. Mr. Kalinowski said he supports the companies and he does not know about the hardship issue. The health and well-being of the residents is the most important issue.

Mr. Carey said the last five items on the stipulation should be followed very closely. Mr. Schafer advised that he is not in favor but there must be guidelines for the new signs if the variance is approved. He suggested one color for the background and one color for lettering and asked if the signs will be on all night long since two of the signs are in a residential area.

Mr. Kwiek stated that there is a lot of information to be considered in these cases. Mr. Schafer asked if the sign would fit in the current location of the existing signs and Daryl replied that the new sign may be a little smaller than the existing sign at Jamison Fire Company.

Mr. Kalinowski brought up that he would like to go through the stipulation's line by line and discuss each condition. He also asked if the current sign code will be looked at in the future and Councilman Nolan replied it will be addressed soon by the Town Board.

Mr. Kalinowski went through the stipulation list and addressed any concerns of the Zoning Board members. Mr. Schafer asked about the question of one background color and one letter color for the sign and Mr. Trzepacz stated that the Zoning Board cannot control how the colors on the sign are being done and Attorney Todoro mentioned we could make suggestions on the coloring.

Mr. Trzepacz suggested it should be up to the departments as to what an emergency is in Town. Attorney Todoro asked if all the companies would be using their existing signs and Daryl had each fire company representative advise the board as to what they would be doing.

Mr. Carey asked that the representative from the other company's state that they agree with the stipulation that was presented to follow. Pete Natalzia represented Elma Fire Company replied that the Bowen Road location would replace their existing sign and that the Girdle Road location has no sign but the new sign would be the same as the Jamison Road Fire Company and that they agree with the stipulation. Paul Derkowitz represented Blossom Fire Company is also in agreement with the stipulation and would be replacing the existing sign.

Speaking for the variance were: Rich Willard – 1241 Rice Road, Elma Fire Company member
Mrs. Banas – 1181 Girdle Road
Ron Wyzykiewicz – 2444 Woodard Road, Elma Fire Co. member
Pete Natalzia – 2080 Girdle Road, Elma Fire Company member

No one spoke against the variance.

The question was brought up about the brightness of the sign at night and Daryl replied that there is an eye on the sign and the sign would be able to be dimmed at dusk and that this request is already part of the stipulation. Mr. Kwiek asked if the Board wanted to address the color issue of the signs. Mr. Trzepacz suggested the coloring should be respectful and nonintrusive and that this wording should be in the stipulation. Also add that there should be only be four colors at any time used on the sign.

Also, item (i) should be changed from changeable signs may change no more often than once per minute to changeable signs may change no more often than once every 30 seconds.

Attorney Todoro stated the fire companies can work with the other fire companies as to the colors on the display and Daryl replied that the fire companies have no issues with working with the Town and that the stipulation could be a working document.

Mr. Kalinowski mentioned all the signs are in a different area in town and the signs might display differently and that this should be taken into consideration with the lighting issue.

Mr. Trzepacz made the motion for Appeals Case #1310 for the Jamison Road Volunteer Fire Co. of 1071 Jamison Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-102.1 I (2), (8) and (9), C-2 and Appeals Case #1311 for the Elma Fire Co. of 2070 Girdle Road and 2945 Bowen Road, Elma, NY who are requesting a variance to replace an existing sign with a new LED sign at the location of 2945 Bowen Road and install a new LED sign at the location of 2070 Girdle Road § 144-45 A4, § 144-51 (4) and § 144-102.1 I (2), (8) and (9), Residential A and Residential B and Appeals Case #1312 for the Blossom Volunteer Fire Co. of 1000 N. Blossom Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-58 A3 and § 144-102.1 I (2), (8) and (9), Residential C, that the variance for all three fire companies be approved 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.

And that all three fire companies acknowledged and agreed to operate the sign in the same general manner consistent with the Elma sign code and the stipulations presented and discussed at this hearing. Seconded by Mr. Kalinowski. Ayes: 4. Nays: 1 Mr. Schafer.

The motion was made to approve the minutes from December 12, 2017 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 8:20 PM. Motion made by Mr. Kwiek and seconded by Mr. Kalinowski. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk