

05/12/09 Zoning Board Minutes

ZONING BOARD OF APPEALS

The hearing on Tuesday, May 12, 2009 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Ray Balcerzak, Bldg Inspector
Harry Kaczmarek Phyllis Todoro, Town Attorney
Michael Komorek Greg Kalinowski, Alternate
Robert Schafer
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1143 for Brian & Marcia Ergort, 12 S. Herrick Rd, who are requesting a variance to replace a 15'x20'x14' 1 ½ story single car garage with a 24'x40'x14' single story pole barn for personal use only, no business use. Res. A. 52-6; Appeals Case #1144 for N.A.S. Quick Signs Inc for Jan Cen Motor Sports, 3161 Transit Rd, who are requesting a variance for a new digital/fluorescent sign to replace the old sign. C3. 144-102.1 B (b); Appeals Case #1145 for John Fisher of Fisher Property Mgmnt, 3480 Transit Rd, Depew, who is requesting a variance for 900 Maple Road to operate a LED Board Sign for business as well as community events. C-3. 144-102.1 B (b) (c); Appeals Case #1141 for Edward Sauer, 111 Jamison Rd, who was granted a continuance at the meeting of March 12, 2009.

In the matter of Appeals Case #1143 Brian & Marcia Ergort stated they would like to remove an existing garage and replace with the larger building in the same location. The old garage will be given away to a military veteran. If approved tonight they plan to begin construction in June otherwise they would have to wait until September or October. No one spoke for or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1143 for Brian & Marcia Ergort, 12 S. Herrick Rd, who are requesting a variance to replace a 15'x20'x14' 1 ½ story single

car garage with a 24'x40'x14' single story pole barn for personal use only, no business use, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1144 Paul Fanale from N.A.S. Quick Signs was present. Mr. Fanale stated the new LED sign will be 7'x8' and will be located in the same location as the existing sign. New drawings with the correct measurements were submitted. The upper portion of the sign will be standard plastic with fluorescent lighting and the lower portion will be the LED. The sign will be full color and has the ability to display photographs, time and temperature. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1144 for N.A.S. Quick Signs Inc for Jan Cen Motor Sports, 3161 Transit Rd Rd, who are requesting a variance for a new digital/fluorescent sign to replace the old sign, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1145 Jay Fisher stated they purchased this sign from Santoro Signs Inc for \$30,000 and had no idea they weren't allowed to use the flashing and scrolling. A representative from Santoro's went to the Building Department and applied for and paid for the Building permit, so the Fisher's had no idea the comments written on the permit about no flashing or scrolling until they were notified by the Building Inspector. Had they known about needing a variance they would have followed the proper procedures. No one spoke for or against this project.

Mr. Harrington made the motion: In Appeals Case #1145 for John Fisher of Fisher Property Mgmt, 3480 Transit Rd, Depew, who is requesting a variance for 900 Maple Road to operate a LED Board sign for business as well as community events, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Komorek. Poll vote – 2 ayes. 3- noes. (Mr. Kaczmarek, Mr. Schafer and Chairman Trzepakz voted no). Motion not carried.

Mr. Komorek made the motion: In Appeals Case #1145 for John Fisher of Fisher Property Mgmt, 3480 Transit Rd, Depew, who is requesting a variance for 900 Maple Road to operate a LED Board sign for business as well as community events, I move the

variance be granted a continuance. Seconded by Mr. Harrington. Motion Carried.

In the matter of Appeal Case #1141 for Edward Sauer, 111 Jamison Rd, who was granted a continuance at the meeting of March 12, 2009, the continuance, is extended to allow Mr. Sauer time to work out his building issues.

Chairman Trzepacz and Mr. Schafer attended a Dig Safely Seminar on May 11, 2009.

There is no correspondence at this time.

The minutes of the last meeting of April 14, 2009 were approved as submitted.

There being no further business, the meeting was adjourned at 8:55PM.

Respectfully submitted,

Jennifer M. Ginter
Secretary-Clerk