ZONING BOARD OF APPEALS

The hearing on Tuesday, March 12, 2019 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.

Greg Kalinowski Mike Sobczak

Donald Trzepacz

Robert Schafer, Chairman Absent: Harry Kwiek

After Roll Call, the Clerk read the Notice for Appeals Case #1344 for BPM Property Holdings LLC of 124 South Blossom Road, Elma, NY who are requesting a variance to split a subdivision lot into two lots §144-130. Residential C.

A letter was sent in from BPM Property Holdings asking to withdraw their application.

Appeals Case #1346 for Dylan Falank representing Moog Incorporated for the location of 7060 Seneca Street, Elma, NY who is requesting a variance to install more than one advertising sign §144-102.1 B1 e, Industrial.

Appeals Case #1347 for Dylan Falank representing Moog Incorporated for the location of 6860 Seneca Street, Elma, NY who is requesting a variance to install more than one advertising sign §144-102.1 B1 e, Industrial.

Appeals Case #1348 for Dylan Falank representing Moog Incorporated for the location of 721 Conley Road, Elma, NY who is requesting a variance to install more than one advertising sign §144-102.1 B1 e, Industrial.

Appeals Case #1349 for Dylan Falank representing Moog Incorporated for the location of 300 Jamison Road, Elma, NY who is requesting a variance to install more than one advertising sign §144-102.1 B1 e, Industrial.

Dylan Falank mention that Moog is not ready at this time to proceed with their cases and has asked for an extension. The board asked for a letter to be submitted as to when they would like to proceed.

Appeals Case #1350 for Dylan Falank representing EMW Boys & Girls Club for the location of 2080 Girdle Road, Elma, NY who is requesting a variance to install an electronic sign in a residential zone §144-51 A (4), §144-102.1 A, §144-102.1 B (1)C and §144-102.1 I (2), (8) & (9), Residential B.

Mr. Falank was present and explained how they are looking to install a dual sided sign on Girdle Road with the placement of the signage being 30 feet from the front property line. The sign will have the ability to control the intervals, brightness and to be turned off for certain times during the day. The sign will be isolated and will not disturb residents in the area.

Tracy Karp from the EMW Boys & Girls Club was also present and explained the purpose of the sign and how they are looking to enhance the enrollment in the club. The Sign will help create a positive message for the boys and girls club and the old methods of relaying information needs to be updated. The special events and fund raiser will also be advertised on the sign. The more money the club earns the more the club can serve the community.

Mr. Schafer stressed the issue of there being no electronic signs in the town and there is a code against these types of signs. The fact that there is a code that says no flashing lights and the town gives the club funds annually that may be used for the purchase of the sign. Mr. Schafer asked what the hardship was for the club and Tracy informed the board that the sign would be used and viewable from both sides and you would not have to be right in front of the sign to read it, like the existing sign.

Mr. Carey asked what the hardship is and that they can advertise now and what events would be on the new sign versus what is currently being used by the club. The sign must be carefully placed as to not block the view of the road when pulling out into traffic.

Mr. Trzepacz asked if when the second sign is placed if they come to the town and get a permit for the second sign. Mr. Carey asked what would happen with the current sign and was informed that the only sign would be the electronic sign. Mr. Sobczak asked what type of signage would be used on the new sign.

Mr. Trzepacz stated the school sign has lights that blind the public when they are driving down Gridle Road. Mr. Falank stated that the brightness could be lowered if someone had an issue with the brightness of the sign.

Mr. Kalinowski stated that according to NYS you must demonstrate a hardship in not having that type of sign and to do that the applicant would come before the board to explain the positive effect of the club in the three towns. The code is very restrictive and to approve something of this nature you must demonstrate this and look at all the criteria. The brightness, intervals, scrolling and all the other ways the signs would be used has to be gone over at this meeting.

Mr. Carey also stated there should be a hardship more than anything and right now there does not seem to be any.

Mrs. Banas spoke for the variance, no one spoke against.

Mr. Trzepacz mentioned that this board does not have the authority to change the code and the Town Board was supposed to review the code.

Mr. Kalinowski made the motion for Appeals Case #1350 for Dylan Falank representing EMW Boys & Girls Club for the location of 2080 Girdle Road, Elma, NY who is requesting a variance to install an electronic sign in a residential zone §144-51 A(4), §144-102.1 A, §144-102.1 B (1)C and §144-102.1 I (2), (8) & (9), Residential B that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Carey. Ayes: 4. Nays: 1 (Trzepacz)

Motion was made by Mr. Trzepacz and seconded by Mr. Carey to approve the February 12, 2019 minutes. Ayes: 5

The meeting was adjourned at 7:25 PM. Motion made by Mr. Schafer and seconded by Mr. Sobczak. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk