ZONING BOARD OF APPEALS

The hearing on Tuesday, August 14, 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

Robert Schafer, Chairman

Absent: Donald Trzepacz, Alternate

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1325 for Dale Bove of 6165 Seneca Street, Elma, NY who is requesting a variance to replace an existing front entrance with less than the required front and side setback §144-78 D, C1.

Mr. Bove was present and explained how he has a small entrance way that the structure is falling apart. He is looking to just replace the material for the entrance and keep it the same. Mr. Schafer asked if it is just the entrance way and if it is going to be identical to what is currently in place and was informed that it would be the same all around.

Mr. Carey asked if it is the exact same size and Mr. Bove replied that it may be a little wider but not any further out. Mr. Kwiek asked if the overhang would be the same size and was informed yes. Mr. Kalinowski asked if the concrete porch goes the length of the porch and Mr. Bove has no intension of doing anything with the concrete.

For the variance was Mr. Todd Huber and No one spoke against the variance.

Mr. Kwiek made the motion for Appeals Case #1325 for Dale Bove of 6165 Seneca Street, Elma, NY who is requesting a variance to replace an existing front entrance with less than the required front and side setback §144-78 D, C1, that the variance 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.

Seconded by Mr. Carey. Ayes: 5. Nays: 0.

Appeals Case #1324 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting a variance to install a sign larger than the code allows §144-79 E3, 7, 8 and 9, C1.

Mr. Huber and Mr. Pease were both present to speak about the history of the property and the old style of the building. They explained that there will be a wine barrel that will sit on top of the brick structure at the corner of the sidewalk and then an additional barrel on the front of the building.

Mr. Carey asked if the logo will be on the barrel sitting on the brick and Mr. Huber replied that there would be a logo and the entire structure would be 8 ½ feet high. Mr. Carey informed the applicants that the sign on the building could only stick out 6 inches and was told the barrel would stick out 27 inches and would be over the sidewalk.

Mr. Schafer asked about a sign on the front and the side and Mr. Huber replied that the only signs would be the one on the front of the building and the one on the brick structure. Mr. Kalinowski asked what era they were referencing when they spoke about the history of the building and was told the 1930's and that the restaurant would have an open cooking area and a seating area. Mr. Kalinowski also asked what the side portion was on the building and was informed it is a separate business. Mr. Kalinowski also asked about the material of the barrel and was informed it is an actual wine barrel. Mr. Kalinowski mentioned the signs on the front of the building on the windows and Mr. Pease replied that they are only temporary.

Mr. Sobczak asked if the sign on the front of the building could possibly be hit by a passing truck and was informed that it should not be.

No one spoke for or against the variance.

Mr. Kalinowksi made the motion for Appeals Case #1324 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting a variance to install a sign larger than the code allows §144-79 E3, 7, 8 and 9, C1, that the variance 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.

No one seconded the motion.

Mr. Carey made the motion for Appeals Case #1324 for Todd Huber of 6272 Seneca Street, Elma, NY who is requesting a variance to install a sign larger than the code allows §144-79 E3, 7, 8 and 9, C1, that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit can 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. Sobczak. Ayes: 4. Nays: 1 (Mr. Kalinowksi).

The motion was made to approve the minutes from July 10, 2018 by Mr. Kalinowksi and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 7:56 PM. Motion made by Mr. Kwiek and seconded by Mr. Carey. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk