

## ZONING BOARD OF APPEALS

The hearing on Tuesday, October 9, 2012 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1212 for Transitowne USA, Southtowns, 2989 Transit Road, Elma, who is requesting a variance to install a 30 foot sign for the car dealership §144-102.1B1(h) & §144-102.1B1(e) commercial C-3.

Chairman Schafer called the case to order. Mr. Jonathan Morris from Carmina Wood Morris, P.C. was present to represent Transitowne USA, Southtowns. Mr. Morris is working with Transitowne on renovation of the former Online Auto Dealership and site plan approval and construction documents that will be submitted this week to the Town for permanent review. The owner is requesting a 30 foot sign in front of the building. The current electronic sign that is on the premise is coming down and being moved over to the location of the KIA dealership down the road. Mr. Morris pointed out on the drawings how the 30 foot sign would look in comparison to the building. Mr. Trzepacz asked if the sign is going to replace the sign in the same location that it is in now. Mr. Morris confirmed that the sign is going in the same location. Mr. Schafer asked when the project will be started and was informed that as soon as possible the company would like to start the process. Mr. Schafer stated that electronic signs are not allowed in the Town of Elma and Mr. Morris stated that is the reason for the sign being moved to the KIA location on the West Seneca side of Transit Road. Mr. Kalinowski asked if there are going to be signs on the building and at the road and if they are going to be the same size. Mr. Morris stated they are all going to be the same size in lettering and the signs on the building will be smaller. Mr. Kalinowski asked why he did not know the exact height of the Ford sign down the road. Mr. Morris advised that he had not gone to get permission to measure the exact height of the sign and it appears to be higher than 30 feet. The base of the sign unit will stay the same as what it is right now.

No one spoke for or against the variance.

Mr. Trzepacz made the motion: In the matter of Appeals Case # 1212 for Transitowne USA, Southtowns, 2989 Transit Road, Elma, who is requesting a variance to install a 30 foot sign for the car dealership §144-102.1B1(h) & §144-102.1B1(e) commercial C-3 this is written confirmation of the decision reached by the Board at the October 9, 2012 hearing.

The motion was made, seconded and passed that the variance be approved based on the drawings submitted and that all Town of Elma building codes shall be adhered to. Seconded by Mr. Komorek. Poll vote – 4 ayes, 1 nays. Mr. Kaczmarek voted no. Motion carried.

Appeals Case # 1213 for Eric Weaver, 74 Sullivan Drive, Elma, who is requesting a variance to build a shed within 10 feet of the property line § 144-98C4 residential B.

Mr. Weaver was present and apologized to the Board for not coming in before he started his extension. He was unaware that he needed to get a variance to build the shed. This would just be an extension of the existing garage with the same roof line and siding to match the current unit. There is a privacy fence on the right hand side and this is the logically location to do the extension to the garage. Mr. Schafer asked that the shed is going to be 7 x 12 in dimension and was informed that those are the dimensions. The existing garage is 12 feet from the property line and the shed will not make the garage 5 feet from the property line. The unit will be half the length of the garage. Mr. Komorek asked why the wording was not changed to 5 feet and Mr. Weaver advised that originally the paperwork was worded wrong. Mr. Schafer stated it is going to be a 5 foot set back. Mr. Kalinowski asked why it could not be put behind the garage and it was explained that there is a hill and a tree behind the garage that would make it rather difficult to construct the addition in the rear of the unit. Mr. Kalinowski had additional pictures of the property and Mr. Weaver pointed out how the back has a few trees and when it rains there are some issues. Mr. Kaczmarek asked if there would be any utilities in the unit and was advised by Mr. Weaver that there would be electricity in the unit. Mr. Trzepacz asked who owns the fence and was told there are two fences on that side one is Mr. Weaver's and the other is Norm's his neighbors. It was asked also how long he has lived in town and advised the board it has been three and a half years.

No one spoke for the variance and Mr. Norm Verbanic of 66 Sullivan Drive spoke against the variance.

Mr. Weaver explained why he is building on the side of the garage that he is. There is a small area on the opposite side and it would be very tight. The side that he chose has the two fences and there is not a privacy issue. Mr. Weaver stated that he will maintain the fence so that it does not get run down and the fence will remain as is at all times. If any part of the fence has to be replaced it was agreed that the fence would be identical to the existing fence.

Mr. Komorek made the motion: In the matter of Appeals Case # 1213 for Eric Weaver, 74 Sullivan Drive, Elma, who is requesting a variance to build a shed within 10 feet of the property line § 144-98C4 residential B this is written confirmation of the decision reached by the Board at the October 9, 2012 hearing.

The motion was made, seconded and passed that the variance be approved based on the drawings submitted and that all Town of Elma building codes shall be adhered to. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

The minutes of the last meeting on August 14, 2012 were approved. Motion made by Mr. Kaczmarek and seconded by Mr. Trzepacz.

Motion was made to strike from the August 14, 2012 minutes the entire last paragraph before the meeting was adjourned. Motion made by Mr. Trzepacz and seconded by Mr. Kalinowski.

Mr. Trzepacz made the motion to adjourn and Mr. Komorek seconded the motion.

The meeting was adjourned at 7:41 PM.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk