ZONING BOARD OF APPEALS

The hearing on Tuesday, August 12, 2014 was called to order by Chairman Schafer at 7:00 PM.

Members present: Harry Kwiek

also: Ray Balcerzak, Bldg Inspector Phyllis Todoro, Town Attorney

Greg Kalinowski Michael Komorek Donald Trzepacz

Harry Kaczmarek-absent

Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1236 for Joelle Dueringer, 1971 Transit Road, Elma, who is requesting a variance from the required 50 foot setback from the right of way, to be reduced to 37 feet§ 144-99 C4, residential C.

Joelle Dueringer was present and explained her case. Joelle did not know that she needed a permit to build the porch. Work was stopped once she came in for the permit and the permit was denied. Joelle's builder explained that the porch was 12 feet large than the existing porch. Chairman Schafer asked what the porch was built out of and the builder commented it was 2 x 4's and post. Mr. Komorek stated that he could not believe they did not know a permit was needed.

Grag Kalinowski asked if the builder has built in his town and was advised that he did not. Harry Kwiek asked in what direction the porch was extended by the 12 feet. The builder advised it was to the side and then back to the house.

Fred Strief spoke for the variance and Marcia Gliss sent a letter in favor of the variance as well.

Mike Komorek made the motion to approve the variance and be it that all Town of Elma codes and ordinances are met. Seconded by Mr. Kalinowski. Poll vote - 5 ayes. Motion carried.

Appeals Case #1237 for Diana Ulsrud, 2157 Transit Road, Elma, who is requesting a variance for multiple signs on one parcel§144-102.1 B1e, commercial 2.

Patricia Battar from William Schutt & Associates explained the case as to what the intensions are with the nine signs. The signage is typical for a Tim Horton's building. Chairman Schafer said the plan is very self explanatory and that what is shown in the package of information is in it's entirety. Chairman Schafer asked what the flow of traffic would be and Patricia Battar explained that there will be two lanes out and one lane in for the entrance on Transit Road. Mr. Trzepacz asked if the lanes will be marked with arrows as to what direction you should be turning and was advised that all lanes will be marked.

Chairman Schafer asked how many cars the drive through can hold at one time and was advised that it was adjusted to hold 31 vehicles but it is not expected to every reach that count. Harry Kwiek asked about the main sign and the distance that it is placed at. Patricia Battar advised that it could be moved back, but that it is the standard distance.

Mr. Trzepacz asked how soon the building will be going up and was told that construction will hopefully be happening by the end of August and that it is normally a 90 day turn around. Mr. Kalinowski asked if they had approval from the Planning Board and was advised by Patricia Battar that they have approval and do not have to go back to the Planning Board. The Town Board has to approve the rezoning of the back portion of the land at the next Town Board meeting.

In favor of the variance was Mike from 217 Bullis and Fred Strief. Against the variance was Tom Wozi.

In Appeals Case # 1237 for 2157 Transit Road who is requesting a variance for multiple signs on one parcel §144-102.1 B1e, commercial 2, I move the variance be granted and be it that all Town of Elma codes and ordinances are met. Seconded by Mr. Komorek. Poll vote - 5 ayes.

The minutes of the last meeting on June 10, 2014 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek.

The meeting was adjourned at 7:41 PM. Motion made by Mr. Kwiek and seconded by Mr. Komorek.

Greg Kalinowski asked about putting the SBL # on all application in the future.

Respectfully submitted,

Kerry A. Galuski Secretary-Clerk