

ZONING BOARD OF APPEALS

The hearing on Tuesday, July 11, 2017 was called to order by Chairman Schafer at 7:00 PM.

Members present:	Greg Kalinowski	also:	Ray Balcerzak, Bldg Inspector
	Michael Komorek		Phyllis Todoro, Town Atty.
	Harry Kwiek		Ron Carey
	Donald Trzepacz		
	Robert Schafer, Chairman	Absent:	

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1295 for Todd Huber of 6320 Seneca Street, Elma, NY who is requesting a variance to install three signs on the building, with one of the signs being larger than 20 sq. feet §144-79 E (4)(5), C-1.

Todd Huber was present to explain his case and how he is looking to put up three signs on the building. The signs will be located on the side and front of the building. One sign will hang from the soffit. The sign that is on the side of the building is more than 20 sq. ft.

Mr. Schafer mentioned the measurement is 20 sq. ft. and Todd replied that with the speed limit in that area it is difficult to read a smaller sign. Mr. Komorek asked what proof Todd has for supporting a larger sign being needed on the building. There are no other 20 sq. ft. signs along Seneca Street. Todd replied that he is just trying to make the business visible for the traffic to notice what the business is.

Mr. Schafer stated he would like the business to be successful, but there are still codes that must be followed. Mr. Komorek asked if Todd has a valid sign permit for the sign that is already hanging on the side of the building and was informed that he does not. The sign was hung to allow the lighting to be completed so he could obtain an electrical inspection.

Mr. Kwiek asked if the sign is illuminated and was told there are back lights and recessed lights shining on the sign. Mr. Trzepacz asked if the third sign is a decorative system or a sign and Todd replied that it is a symbol of what type of business is being conducted in the building.

Todd Huber brought up the sign for Springbrook Fire and was informed that the sign is the only one on the property for Springbrook Fire and that it is their way of advertising their events. Mr. Kalinowski asked about the other signs that Todd had pictures of and if Todd had spoken to any of those businesses. Todd replied that he spoke with three of the businesses and how discouraged they are to not be able to advertise differently.

Mr. Kalinowski asked about the statement regarding the traffic at 45 miles an hour and viewing the signs on the building and was informed that the sign is on the building to let the public know about the new business and what type of business it is. The pictures that Todd had given the board only one sign is attached to the building, the other two signs are photo shopped. Mr. Kalinowski asked why the sign had to go up on the building and Mr. Trzepacz asked why the sign was not covered up after Todd was done with the lighting for the sign. Mr. Huber agreed that he could have covered the sign until he came before the board for a variance.

No one spoke for or against the variance.

Mr. Trzepacz made the motion for Appeals Case #1295 for Todd Huber of 6320 Seneca Street, Elma, NY who is requesting a variance to install two signs and one plaque on the building, with one of the signs being larger than 20 sq. feet §144-79 E (4)(5), C-1 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 any other 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. Kwiek. Ayes: 4. Nays: 1. Mr. Schafer voted no.

The motion was made to approve the minutes from June 13, 2017 by Mr. Trzepacz and seconded by Mr. Kalinowski. Ayes: 5.

The meeting was adjourned at 7:41 PM. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk