



Mr. Kwiek asked if the signs are all programable and the answer was yes. Mr. Kwiek also asked where the competitors are located and if they have digital signs and the reply was that the bigger companies do have signs but could not think of any that were close except the location of one near Transit and William.

Mr. Carey asked about the colors and Mr. Adams said he would like the sign to be simple. Mr. Kwiek asked how often the message would change and Mr. Adams replied every day it would have a different advertisement, but the ad would stay on for the duration of the day.

No one spoke for or against the variance.

The board reviewed the guidelines that they have regarding sign and changed the following items:

Change 30 seconds to day for item i).

Make sure items iii); iv) and v are included in the guidelines.

Also, the colors that are to be used need to be spelled out in guidelines.

A copy of the revised guidelines will be sent to Mr. Adams with his approval letter and a copy will also be given to each board member.

Mr. Carey made the motion for Appeals Case #1339 for Bill Adams and George Costello of 3211 Transit Road, Elma, NY who are requesting a variance to install an LED sign §144-102.1 I (2), (8) and (9), C-3, 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. Kwiek. Ayes: 4. Nays: 1 (Mr. Schafer)

Appeals Case #1340 for John Wahl of 1650 Bullis Road, Elma, NY who is requesting a variance to approve a nonconforming lot §100-3, Residential C.

Mr. Wahl was present and explained how in 2004 he purchased the lot and in 2005 his house was built and now his daughter is looking to build on the property the family owns.

Mr. Schafer mentioned the frontage for the one property can not be less than 100 feet. The proposed builder (Derrick Sullivan) was also present and stated a shared driveway as a solution to the frontage issue. The Town Attorney Phyllis Todoro stated that the Town Code does not allow for a shared driveway.

Mr. Kalinowski asked about a family on Bullis Road having one driveway and Attorney Todoro replied that the driveway was created before the code existed in that situation. Mr. Schafer said the residents do not want houses on top of houses.

Mr. Kwiek asked about the four split rule and was informed that the property was split four times. Mr. Trzepacz informed Mr. Wahl that he is taking a conforming lot and creating two non-conforming lots. Mr. Wahl asked if he could find out what the 4 splits were and the assistant building inspector, Ray Balczerzak said he would investigate that tomorrow.

No one spoke for or against the variance.

Mr. Kwiek made the motion for Appeals Case #1340 for John Wahl of 1650 Bullis Road, Elma, NY who is requesting a variance to approve a nonconforming lot §100-3, Residential C, 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. Trzepacz. Ayes: 4. Nays: 1 (Mr. Kalinowski)

The motion was made to approve the minutes from December 11, 2018 by Mr. Trzepacz and seconded by Mr. Kalinowski. Ayes: 5.

The meeting was adjourned at 8:15 PM. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk

Note: At the February 12, 2019 meeting information was provided by the Asst. Building Inspector regarding case #1340.