

## **06/08/10 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, June 8, 2010 was called to order by Chairman Trzepacz at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1174 for Robert Michalski, 1961 Jamison Rd, who is requesting a variance to place an above ground pool on the east side of his house and garage. The pool will meet all setback requirements. Res. C. 144-63; Appeals Case #1175 for David Power, 141 Stolle Rd, who is requesting a variance to build an addition and an 8' deck on his house 44' from the road. Res. C. 144-99 C (4); Appeals Case #1176 for Pages of Elma Inc, 4701 Transit Rd, who are requesting a variance to replace an existing 48"x120" changeable copy sign with a 48"x12" LED sign. C-3. 144-102.1 B 1 (b); Appeals Case #1177 for Deborah Kaczka, 610 Chairfactory Rd, who is requesting variance to make 3080 Bowen Rd a buildable lot for a single family residence. Res. A. 144-97 C (1) (2) (3).

In the matter of Appeals Case #1174 Robert Michalski stated he would like to place his 24' above ground pool on the side of his house between the house and garage. The area behind the house is heavily wooded and cannot be placed there. The pool will sit 120' back from the road. There is landscaping in front of the property hiding the pool. Mr. Michalski stated he had begun the excavation for the pool but stopped when he realized he needed a variance and a permit. There will be electric by the pool to run the filter. The filter will be located next to the pool. No one spoke for or against this project.

Mr. Kaczmarek made the motion: In Appeals Case #1174 for Robert Michalski, 1961

Jamison Rd, who is requesting a variance to place an above ground pool on the east side of his house and garage. The pool will meet all setback requirements, I move the variance be granted per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1175 Darwin Kipfer of Darwin Kipfer Contractor & Builder was present on behalf of David Power. Chairman Trzepacz questioned Mr. Kipfer as to whether he had an actual plot plan of the proposed addition and deck. Mr. Kipfer showed the same plans the Zoning Board members have. Chairman Trzepacz stated there is a discrepancy in the measurements submitted and what is being proposed. The location of the road and the easement is incorrect. The survey submitted by Mr. Kipfer given to him by Mr. Power is not accurate. The garage on the property is not found on the survey and had to be drawn in. A new survey needs to be done and accurate plot plans need to be submitted. No one spoke for or against this project.

Mr. Komorek made the motion: In Appeals Case #1175 for David Power, 141 Stolle Rd, who is requesting a variance to build an addition and an 8' deck on his house 44' from the road, I move the variance be granted a 1 month continuance until such time corrected documents are submitted for this project. Seconded by Mr. Schafer. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1176 Francis from DKM Signs was present representing Bryan Page from Pages of Elma Inc. Francis stated the new sign will be the same size as the present sign. They had looked into a smaller LED sign but found the same size sign worked best. The new sign is capable of several functions to include scrolling and flashing. Mr. Page's main concern is to have the sign display pictures of inside Page's to include a catch phrase and occasional advertising. There will be no flashing of the sign. To allow advertising and catch phrases to be displayed that involves scrolling and the application submitted stated no scrolling. Scrolling and illumination are allowed. The application was amended by crossing off "will not scroll or flash" and signed by Francis. Mr. Page will need to initial and date the amended change as the owner of Page's. Mr. Page will have 1 week to see the Clerk to initial the change. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1176 for Pages of Elma Inc, 4701 Transit Rd, who are requesting a variance to replace an existing 48"x120" changeable

copy sign with a 48"x120" LED sign, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met and provided the owner comes in within 1 week to initial the amended application. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion Carried.

In the matter of Appeals Case #1177 for Deborah Kaczka, 610 Chairfactory Rd, the application has been withdrawn.

The minutes of the last meeting of May 11, 2010 were approved as submitted.

All have received Zoning Board training and education literature.

There being no further business, the meeting was adjourned at 8:37PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk