

the sign is. When people do not like the sign it is normally because they are scrolling. The sign would just have intermittent changes through out the work day. What would be advertised are the banquet facility events and not the specials at the restaurant. Mr. Kwiek asked if the existing sign is still available at this time. Paul answered that the sign is still available but technology has increased that there is more control with the newer signs.

Mr. Trzepacz said the new sign would have the technology but that not all the technology would be utilized. Mr. Kwiek asked if it is acceptable having the sign mirror the existing sign that is already being utilized.

Mr. Kalinowski asked why the need is for the new technology and was informed that the old technology would become ugly and outdated quicker than the new technology. With the new technology the sign can be changed remotely instead of an employee have to go out and change the lettering as on the old sign.

No one spoke for or against the variance.

Mr. Komorek made the motion to approve the variance and included but not limited to requirements that the time of change be noted and adhered to, the illumination limits do not exceed the current sign on the premise, and the color of the sign background is black. Also that there will be no undesirable change to the character of the neighborhood or property; the benefit can not be achieved any other way; and that there is no adverse effect on the neighborhood. Second by Mr. Trzepacz. Poll Vote: 3-ayes and 2-nayes (Mr. Kalinowski and Mr. Schafer)

Appeals case #1252 for Kyle Miller, 824 Ostrander Road, Elma, who is requesting a variance to install a driveway that is less than the 2 feet from the property line § 144-33, residential C.

Mr. Miller was present to explain why he is requesting the variance. Mr. Trzepacz asked if he is looking for the variance so he can be near the property line of the rear of the property that he is selling on Jamison Road. Mr. Kwiek asked Mr. Miller to show him on the drawing what he was looking to do with a driveway and where it would be placed. There are woods and they are a nice buffer between him and his neighbors. He has buyers that understand that the driveway will be going through the property. The Town Attorney made Mr. Miller aware that he does not need to be before the Zoning Board. Mr. Miller can get an easement from the buyers of the property and does not need a variance from the Town.

The Town Attorney advised that there is no need for Mr. Miller to be requesting a variance.

Mr. Trzepacz made the motion that the variance be tabled until Mr. Miller confirms with his Attorney as to if an easement could be done during the real estate closing. Second by Mr. Kwiek. Poll vote: 5-ayes. Motion carried.

Appeals case #1253 for Kevin Kerl Inc./CarMasters Collision & Glass of 5770 Seneca Street, Elma, who is requesting a variance to sell cars on their property § 145.01-6-35.122, Commercial 2, but not auto sales overlay.

Present were Kevin & Debbie Kerl to explain their case. Debbie proposed that they would like to use some additional space to sell vehicles. They are not looking to get into the business of selling cars; they would like to be able to get a retail dealer New York State License for better deals at auctions so that they could possibly sell a few cars. The proposal is for six spots but they may not be using all six spots at all times. The hardest thing is that there existing customer base does not know who they moved to.

Mr. Kalinowski excused himself from the case. Kevin Kerl explained that the business would be clean and well kept up. Mr. Schafer explained that the area does not allow for selling of vehicles in that area. Mr. Trzepacz mentioned that in that area of Seneca Street there are all ready to many businesses to close together doing the same thing.

Mr. Kwiek asked if they still own the other property and was informed that it was not there's it was leased.

No one spoke for or against the variance.

Mr. Komorek made the motion that the variance be denied based on the fact that no undue hardship has been proven. Second by Mr. Trzepacz. Poll vote: 4-ayes, Mr. Kalinowski excused form case. Motion carried.

The minutes of the last meeting on November 12, 2014 were approved. Motion made by Mr. Trzepacz and second by Mr. Kwiek.

The meeting was adjourned at 7:55 PM. Motion made by Mr. Komorek and seconded by Mr. Kalinowski.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk