

## ZONING BOARD OF APPEALS

The hearing on Tuesday, July 14, 2015 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1260 for Lois Renz, 61 New Bullis Road, Elma, who is requesting a variance to construct a 20 x 22 foot garage on an existing concrete pad with the side set back being only 7 feet instead of the required 10 feet §144-99C4, residential C.

Mrs. Renz was present to explain her case. Mr. Schafer asked who was going to be constructing the garage and she replied she did not hire anyone until she received the variance to go ahead with the project. Mr. Trzepacz asked what the pitch was for the roof and Mrs. Renz advised that they had not decided that.

Mr. Kwiek pulled out a map of her area and asked Mrs. Renz which house was her and she pointed her property out to him. Mrs. Renz made the board aware that the overhang would be the same as the current garage. Mr. Kalinowski asked if the previous garage was the same size and Mrs. Renz replied that it was.

It is noted that in the approval the side setback should only read 10 feet not the 20 feet that is mentioned on the legal notice.

No one spoke for or against the variance.

Mr. Trzepacz made the motion in Appeals Case #1260 for Lois Renz, 61 New Bullis Road, Elma, who is requesting a variance to construct a 20 x 22 foot garage on an existing concrete pad with the side set back being only 7 feet instead of the required 10 feet §144-99C4, residential C that the variance be granted based on the following items:

1.) that there is no potential of an undesirable change to the character of the neighborhood; 2.) that there are no other methods to achieve the benefit; 3.) that the area variance is not substantial; 4.) that there is not an adverse effect on the neighborhood; and 5.) that the situation is not self created. Second by Mr. Kwiek. Ayes: 5

Appeals Case #1261 for Ulrich Sign Co., 250 State Road, Lockport, who is requesting a variance to install multiple signs at the new Crosby's and Tim Horton's at 950 Maple Road, Elma, §144-102.1 B(1)(e), commercial 3.

Chris McCaffrey was present from Ulrich Sign Co. to represent the owners of the property. Mr. Trzepacz stated that there is a problem with the application and that there is not a letter of authorization from the owners for Mr. McCaffrey to speak on their behalf. Mr. McCaffrey did have a letter but the letter was not signed or notarized to make the letter official.

Mr. Komorek explained that there is no clear explanation for all the various signs on the property. Mr. Komorek asked who is responsible for which signs. Mr. Kwiek also made mention that there are several different parties involved with this project. Mr. McCaffrey explained who has what signs and who would be responsible to those signs.

Mr. Schafer had a question about the sign with the LED display noted at the bottom of the drawing. The Town Attorney Phyllis Todoro said that there has to be an understanding of who is looking for what in the variance request.

Bach's is the landowner and should be the applicant or a letter stating who is who in the project should be submitted. The Town Attorney Phyllis Todoro explained what the Zoning Board would be looking for at the next meeting. Phyllis also advised that the application needed to be amended and to get a letter stating who is representing who for the variance.

Mr. Kwiek made the motion for a continuance until next months meeting. Second by Mr. Trzepacz. Ayes: 5.

The minutes of the last meeting on May 12, 2015 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek.

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

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk