

ZONING BOARD OF APPEALS

The hearing on Tuesday, February 9, 2016 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 Atty.
 Donald Trzepacz Ron Carey
 Greg Kalinowski
 Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1273 for the Elma Conservation Club, 600 Creek Road, Elma, who is requesting a variance to have a second sign which will be considered a temporary seasonal sign for 6 months out of the year § 144-102.1 (e), residential C.

Jeff Twitchell, President of the Conservation Club was present to discuss his case. Mr. Twitchell explained how he was brought up to date on the sign variance from last year to the board members. A sign permit request was filed out last month to have a second sign on the property for six months out of the year. Mr. Twitchell also explained that the Conservation Club is looking to integrate both signs into one sign similar to what the Jamison Fire Company sign looks like.

Mr. Schafer mentioned that one problem was that the sign was never removed from its original location and that the second sign was utilized before the variance has actually been given. Mr. Trzepacz asked how the new sign in the future is going to look and was informed that they were looking at the Jamison Fire Company sign and Mr. Trzepacz mentioned that they should also take a look at the Springbrook Fire Company sign.

Mr. Schafer stressed the fact that before they start to do anything with a new sign they should check with the building department on regulations. Mr. Kwiek asked if the six months is from the date of the application or from the meeting date and was informed that it should be six months from the date of the meeting. A seasonal sign is from one month to six months.

Mike Komorek requested what the date of the expiration would be and was informed it is July 19, 2016. Mr. Twitchell was advised by the board that at the end of the six months if there is not a new sign that the second sign has to be removed. Mr. Komorek mentioned that the club is incorporated and not a private club.

Mr. Schafer made the notification that there are three members and an alternate that are members of the Conservation Club and that based on the "rule of necessity" this board needs a majority vote for all of its decisions. Based on case law the sitting members of this Zoning Board must vote on this case.

Harry Kwiek made the comment that the Conservation Club works well with the community.

No one spoke for or against the variance.

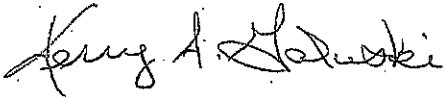
Mr. Kwiek made the motion in Appeals Case #1273 for the Elma Conservation Club, 600 Creek Road, Elma, who is requesting a variance to have a second sign which will be considered a temporary seasonal sign for 6 months out of the year § 144-102.1 (e), residential C, that the variance be granted based on the following items:

- 1.) that there is not the potential of an undesirable change to the character of the neighborhood;
- 2.) that the benefit can not be achieved another way; 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 self created. Second by Mr. Komorek. Ayes: 5. Nays: 0.

The minutes of the last meeting on January 12, 2016 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 7:32 PM. Motion made by Mr. Komorek and seconded by Mr. Kalinowski.

Respectfully submitted,



Kerry A. Galuski
Secretary-Clerk