

ZONING BOARD OF APPEALS

The hearing on Tuesday, June 14, 2016 was called to order by Chairman Schafer at 7:00 PM.

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

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1277 for Alison Wallenbeck of 3000 Bowen Road, Elma, NY who was given a continuance last month and is returning to request a variance to open a dessert business from her home which is not zoned for business § 144-45 B(1) and § 144-39 H, residential A.

Alison Wallenbeck was present to explain where the kitchen for the business will be located inside the house and that it will be in the front room of the house.

Mr. Schafer asked if anyone would be coming to the house to make deliveries or pick up product and was informed that no deliveries or pick ups will be taking place at her residence. Mr. Komorek stated that if she wants to get out of the business and sell the business or the home that the new owner would have to file for a variance and seek approval as well. The variance that she is requesting is only good for her and not transferable to anyone.

Mr. Kalinowski thanked Mrs. Wallenbeck for all the work that went into her package of information that was submitted. Mr. Trzepacz also stated that he wanted to be sure that the fire company was well aware of the business being inside the home.

No one spoke for or against the variance.

Mr. Trzepacz made the motion in Appeals Case #1277 for Alison Wallenbeck of 3000 Bowen Road, Elma, NY who is requesting a variance to open a dessert business from her home which is not zoned for business § 144-45 B(1) and § 144-39 H, residential A, that the variance be granted based on the following items and that the variance is good only for this applicant and is for one year from the date of this meeting:

- 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. Kwiek. Ayes: 4. Nays: 1 (Robert Schafer).

Appeals Case #1281 for James Bach, 930 Maple Road, Elma, who is requesting a variance to have a non-conforming lot at 950 Maple Road of less than 300 feet § 144-86.12 A(2), C-3.

Mr. Bach was present to explain his case, he explained how Crosby's gas station and Bach's towing are located right next to each other and that the impound lot is part of Crosby's lot and that he and his brother would like to split the impound lot from the Crosby's lot and have it included with the Bach's towing parcel.

Mr. Schafer asked if Mr. Bach and his brother owned the whole property and was informed that they do. Mr. Schafer stated if the impound lot was taken away from the Crosby parcel that the remaining parcel would then be a non-conforming lot. Mr. Bach explained that he and his brother are getting older and if they ever wanted to sell the towing business the impound lot should be included with that part of the business.

Mr. Trzepacz mentioned that the Crosby parcel could not be a non-conforming lot. His opinion to Mr. Bach was to lease the back impound lot to who ever wanted to buy the towing business. Mr. Kwiek asked if Mr. Bach had looked into any other alternative ways to where the impound area could be. Mr. Bach replied that he and his brother may be looking to sell and that the impound lot is in the rear of the property and out of site from the public.

No one spoke for or against the variance.

Mr. Komorek made the motion in Appeals Case #1281 for James Bach, 930 Maple Road, Elma, who is requesting a variance to have a non-conforming lot at 950 Maple Road of less than 300 feet § 144-86.12 A(2), C-3, that the variance be denied based on the following items:

1.) that there is the potential of an undesirable change to the character of the neighborhood; 2.) that the benefit can be achieved another way; 3.) that the area variance is substantial; 4.) that there is an adverse effect on the neighborhood; and 5.) that the situation is self created. Second by Mr. Kalinowski. Ayes: 4. Nays: 1 (Don Trzepacz).

Appeals Case #1282 for Elma Conservation Club, 600 Creek Road, Elma, who is requesting a variance to replace two signs with one dual purpose sign § 144-58 A(2), residential C.

Bill Gilbert was present to represent the Elma Conservation Club and explained how there was a new sign installed and a second temporary sign is also being used on the property and that they would like to replace both signs with one dual multi purpose sign.

Mr. Trzepacz asked if the new sign was going to be just like the sign located at the Jamison Fire Company since there was a picture submitted with the application of the Jamison sign and was informed that it will be the same except that it would have a shingle roof on the sign.

Mr. Schafer asked about the lights and if it would have LED flashing lights anywhere on it and was informed that the lights would not be LED flashing. Mr. Trzepacz commented that the light on the Jamison sign are internal lights and when you drive by the sign at night it is visible to read. Mr. Kwiek asked if the purpose of the sign was just going to be to advertise their events at the club and Mr. Gilbert replied that it will advertise their events and their name.

Mr. Kalinowski asked if it would be a dual purpose sign and was informed that it would be.

No one spoke for or against the variance.

Mr. Trzepacz stated that there are four members of the Zoning Board who are also members of the Conservation Club and that their purpose tonight was as Zoning Board representatives.

Mr. Kalinowski made the motion in Appeals Case #1282 for Elma Conservation Club, 600 Creek Road, Elma, who is requesting a variance to replace two signs with one dual purpose sign § 144-58 A(2), residential C, that the variance be granted based on the following items and that code section 144-102.1 on signage and digital signs be adhered to and that the variance is good for one year from the date of this meeting:

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 not self created. Second by Mr. Kwiek. Ayes: 5. Nays: 0.

The minutes of the last meeting on May 10, 2016 were approved. Motion made by Mr. Trzepacz and seconded by Mr. Kalinowski. Ayes: 5.

The meeting was adjourned at 7:41 PM. Motion made by Mr. Komorek and seconded by Mr. Trzepacz. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk