

VILLAGE OF SPRINGVILLE  
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

July 11, 2018

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Timothy O'Neal (absent) Kate Moody (absent) Jamie Raynor Marc Gentner
Also Present:	Mike Kaleta, CEO/Building Inspector
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:23 p.m. to hear the petition of 99 Cascade LLC-Emerling, 135 S. Cascade Dr., Springville, New York, **File #8507** for an Area Variance.

Due to the applicant's property being located within a CIP Zoning District, the applicable section for File #8507 of the Village Code is § 200-31 C.

**§ 200-31 C. Signage within a CIP District.**

- (1) Maximum Size, 65 sqft. The applicant's sign is 103.64 sqft.**
- (2) Maximum Height, 25 feet. The applicant has approximately 30 feet.**

At 7:25 pm Chairman Wolniewicz opened the Public Hearing.

Due to the applicant not being present, CEO Mike Kaleta informed the Zoning Board of Appeals of what the Applicant was hoping to get approved with this Public Hearing. Mr. Kaleta said that the sign that the applicant wants to put up is the sign that they are currently using on W. Main St. at their current dealership. He said that the sign, even though outside of the restrictions of the Code, would be within the character of its surroundings on S. Cascade Dr. and would certainly not be the largest nor the tallest on that strip of businesses.

With the Zoning Board of Appeals having no further questions, Chairman Wolniewicz declared the SEQR for File #8507 a Type II requiring no further action; therefore a negative declaration was determined.

Page 2

Zoning Board Meeting

July 11, 2018

Notification for the Town of Concord and Erie County Planning was not required. All other public notifications were completed and this Public Hearing announcement was published in the Springville.

At this time, the Zoning Board of Appeals started going over the Factors Considered for the Area Variance Findings and Decision sheet:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No x(3)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes x(3) No \_\_\_
3. Whether the requested variance is substantial: Yes x(3) No \_\_\_
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No x(3)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes x(3) No \_\_\_

DETERMINATION OF THE ZONING BOARD of APPEALS BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is approved with stipulation. That "due to the number of signs within this area that have received variances regarding square footage and overall height, this sign is still less than the maximum granted to other signs."

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u>  x  </u>	<u>      </u>	<u>      </u>
TIMOTHY O'NEAL	<u>      </u>	<u>      </u>	<u>  x  </u>
KATE MOODY	<u>      </u>	<u>      </u>	<u>  x  </u>
JAMIE RAYNOR	<u>  x  </u>	<u>      </u>	<u>      </u>
MARC GENTNER	<u>  x  </u>	<u>      </u>	<u>      </u>

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the April 11, 2018 minutes. With there being none, Chairman Wolniewicz asked for a motion to approve the minutes. Member Jamie Raynor made the motion, seconded by Member Marc Gentner. All in favor, none opposed.

At 7:37 p.m. Chairman Wolniewicz made a motion to adjourn the meeting. Member Jamie Raynor seconded the motion. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube