

ZONING BOARD OF APPEALS MEETINGS
August 26, 2014

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:33 PM.

PRESENT: Chairman DeWitt, Members: Dumke, Kirszenstein and Gaffney, Mike Ratajczyk, Jeremy Ratajczyk and Sue Lorenzi.

Absent - member Brian Schumacher and CEO Czechowski

Alden Automotive, 13151 Broadway 6:30 pm

Chairman DeWitt called the meeting to order at 6:30 pm

MOTION by Charlie Gaffney, and seconded by Bob Dumke, to review the decision of the ZBA of August 7, 2014 regarding Alden Automotive, 13151 Broadway, due to new information that has been brought to the ZBA's attention in this matter.

ROLL CALL VOTE

Robert Dumke – aye

Charles Gaffney – aye

Tom Kirszenstein – aye

Chairman DeWitt – aye Unanimous. Carried.

A discrepancy has been discovered regarding the intentions of the ZBA in their approval conditions at the August 7, 2014 meeting on this matter. The approval at that time was as follows:

To approve the request for a variance by Alden Automotive, 13151 Broadway, for a pole sign to be located 0 feet from the property line and 11.5 feet from the street pavement, with the following conditions:

- 1) The sign height shall be 16 feet measured to the bottom of the sign box
- 2) Illumination of the east side of the sign shall be terminated by 11:00PM
- 3) The remaining signs on the property shall be removed

The following are findings of fact regarding this matter:

- 1) Alden Automotive (Applicant) submitted an application to the Building Department for a pole sign on the premises to be located 0 feet from the front property line and 11.5 feet from the street pavement. Applicant also indicated that they were willing to remove any signs to preclude requirements for a variance over 102 square feet of total sign area on the premises. The permit was subsequently denied by the Code Enforcement Officer because Village Code

requires a front yard setback of 10 feet from the property line and 15 feet from street pavement.

- 2) Applicant submitted an Application for a Hearing of the ZBA for the two setback variances. A public hearing was held on July 15, 2014.
- 3) On July 3, 2014, a Judgment was issued by Hon. Shirley Troutman pursuant to an Article 78 proceeding by the applicant against the ZBA for a previous variance request that was denied. In the judgment it was ordered that a previously approved variance for sign square footage was upheld, allowing the applicant up to 156 square feet of signage on the property.
- 4) At the July 15, 2014 Public Hearing, Michael Ratajczyk, principal for the Applicant, stated in his opening remarks that "we agreed to take all of our signs down and put up just a freestanding sign."
- 5) The matter was tabled after the hearing to allow the ZBA time to review the comments from the hearing before rendering a decision.
- 6) A subsequent meeting of the ZBA was held on August 7, 2014, at which time the ZBA deliberated in an effort to evaluate the variance request based on the required criteria and come to a decision. Several factors were discussed, including the height of the proposed sign, the illumination of the proposed sign, and the status of the signs that currently exist on the building now.
- 7) After careful consideration, the aforementioned decision was reached and duly passed by the ZBA. The conditions set forth took into consideration comments made by the Applicant, neighbors, the general public, and the ZBA itself.

After the decision was reached, the Applicant questioned why all existing signs were required to be removed in light of the Court Judgment, despite the Applicant's own statements that he was intending to remove all other signs after the Judgment was issued. Clarification was also necessary with regard to the measurement of the sign height and timing of the illumination of the sign.

The board briefly discussed their intentions with respect to the existing signs, height, and illumination. The board felt that accommodating Alden Automotives request to have up to 156 sq. ft. of signs was minor and would not adversely impact the neighborhood.

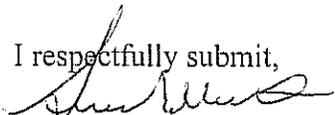
A Motion by Tom Kirszenstein, seconded by Charlie Gaffney, to modify the August 7, 2014 decision of the ZBA to approve the request for a variance by Alden Automotive, 13151 Broadway, for a pole sign to be located 0 feet from the property line and 11.5 feet from the street pavement, with the following conditions:

- 1) The sign height shall be 16 feet to the bottom of the lowest sign box measured from grade at the concrete sign pole base
- 2) Illumination of the pole sign shall be terminated on the east by no later than 11:00PM
- 3) The total signage on the premises shall not exceed 156 sq. ft. as allowed in the prior variance and stated in the court decision of July 3, 2014.

ROLL CALL VOTE

Robert Dumke – aye
Charles Gaffney – aye
Tom Kirszenstein – aye
Chairman DeWitt – aye Unanimous. Carried.

MOTION by Charlie Gaffney, seconded by Tom Kirszenstein, to adjourn 6:42 pm.
Carried.

I respectfully submit,

Sue Galbraith, Clerk
Zoning Board of Appeals