

At a meeting of the Zoning Board of Appeals of the Village of East Aurora, New York, held at the Village Hall, East Aurora, New York on the 13th day of December 2018

PRESENT:

John Spooner, Chairman
Molly Flynn
John Pagliaccio
Michael Croft
Joe Cassidy

ABSENT:

Bruce Mitchell, Alternate

ALSO PRESENT:

Liz Cassidy, Code Enforcement Officer
Nancy Burkhardt, Deputy Village Clerk
Rachel Smith, 257 Prospect Ave
Martha Auget, 436 Quaker Road
Tony Rosati, 350 Oakwood Ave

Chairman John Spooner opened the meeting at 5:58 PM. Chairman Spooner requested a motion to approve the minutes from October 11th. Member Joe Cassidy motioned to approve the minutes, Member Molly Flynn seconded the motion with unanimous approval.

Member Joe Cassidy motioned to close the meeting of the Zoning Board of Appeals at 5:59 PM, seconded by Chairman Spooner with unanimous approval.

Chairman Spooner notified the Board and the audience that the hearing scheduled for 205 South Grove Street for John and Holly Layer has been tabled for a later date due to a scheduling error.

IN THE MATTER OF THE APPLICATION OF

Rachel Smith - 502 Main Street

Village Code §209-6 (1)(a) only one non-illuminated identification sign is allowed non-compliant property must seek relief from the ZBA; Village §209-6(B)(1) In the R-C (also includes MM) the identification sign is not to exceed 25 square feet

Chairman, John Spooner opened the meeting at 6:15 pm and introduced the (5) members of the Zoning Board of Appeals which constitutes a quorum.

IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on December 7th 2018 as it appears from the

affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Chairman John Spooner requested Code Enforcement Officer, Elizabeth Cassidy, to read the denial letter sent to Rachel Smith:

1. The denial letter from the Code Enforcement Officer dated November 19th, 2018 stating that relief is needed from Village Code Sections §209-6 (1)(a) only one non-illuminated identification sign is allowed non-compliant property must seek relief from the ZBA; Village §209-6(B)(1) In the R-C (also includes MM) the identification sign is not to exceed 25 feet.
2. The letter of appeal from Rachel Smith was read aloud and made part of the record.

IT APPEARING that this matter was not referred to the Erie County Division of Planning with Erie County giving no recommendation.

Chairman Spooner asked if there were any other communications received on the matter. CEO Liz Cassidy responded 'Yes', and reviewed the submitted letters and emails received in support of the project. (See Appendix A for letters of support).

Chairman Spooner asked Rachel Smith, to present her case to the Zoning Board of Appeals.

Ms. Smith stated she operates a business out of both the main building in the front, and a secondary building set behind the main location. These two buildings have two separate businesses ran out of them. Due to the nature of this, both buildings require for their own signage. The first sign will be located out front and will be approximately 27 square feet in size. The additional size is to accommodate the names of the additional practitioners at this location.

The second sign will on the rear building – specifically, the front of the barn. The letters will be attached to the face of the barn and will help patients see the location from the street.

Eric Zimmerman of Visual Impact Signs will be designing and crafting the signage. The lettering will be in the Roycroft font, neither sign will be internally lit. The freestanding sign in the front of the building only has copy on the front side – not the back.

Chairman Spooner emphasized that neither sign will be internally lit. Applicant Smith confirmed both signs are completely unlit; there will be no electrical illumination.

As there were no further questions for the applicant, Chairman Spooner closed the hearing at 6:35 PM for deliberations.

Chairman, Spooner called the meeting back into order to read the following findings for Rachel Smith for 502 Main Street.

1. 502 Main Street is in an MM District and was built in 1890. The rear building was approved for business use and remodeled in 2006.

2. The request for variance is for a 27 square foot freestanding sign to be located in the front yard at 502 Main Street. The allowable square footage for this sign is 25 square feet.
3. The second request is for a 16 square foot sign on the front of the rear business.
4. There are two distinct and different businesses in each building on the property which require for identification.
5. Neither proposed sign would be internally illuminated.
6. There have been two businesses at this property since 2006.
7. This request for a variance will not change the character of the neighborhood.
8. The request is not substantial.
9. This is not a self-created hardship.
10. The proposed variance is the minimum variance which will prevent the practical difficulty herein without violating the spirit and intent of the zoning code.
11. There were 36 notices sent out and 7 responses, all 7 of which spoke in favor.
12. This is a type II action under SEQR.

Member Flynn made a motion to accept the proposed findings and to **GRANT** a variance. The motion was seconded by Chairman Spooner with unanimous approval.

The Chairman asked for a motion to close this meeting of the Zoning Board of Appeals, motioned by Member Croft, seconded by Member Pagliaccio, unanimous “aye”, Zoning Board of Appeals meeting for December 13th, closed.

Respectfully submitted,
Nancy A. Burkhardt
Deputy Village Clerk