

TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS
MINUTES of March 27, 2008

Present: Bill Kaufman
John Klodzinski
Peter Randall
Corky Keppler
John Good – Code Enforcement Officer
Jennifer Heberling – Recording Secretary

Absent: Scott Zitzka

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American Flag.

Area Variance Request – The Rothlands LLC – 12089 Clarence Center Road – legal notice was read by the clerk. Jim Burkhardt of 8605 Goodrich Road, Clarence NY appeared to speak on behalf of The Rothlands LLC. The building needs a new roof and since there were so many additions they are doing a new roof line on the entire building. This will also connect the pro-shop to the main building. Mr. Burkhardt presented a drawing to show what Rothlands is proposing. Because of the curve on Clarence Center Road, the right of way is difficult to determine and Mr. Burkhardt believes that only the proposed porch will encroach the ROW. The ROW on a State/County Road is 65'. The pro-shop was probably set too close to the ROW.

This addition will allow Rothlands to comply with the ADA and be handicap accessible with handicap bathrooms.

Since no one else appeared to speak, the public hearing was closed at 7:38 PM.

Discussion amongst board.

This addition will eliminate the other exit from the building.

A motion was made by Peter to approve the variance request of 10 feet, reducing the required setback to 55 feet, to allow for the addition of a front porch/drop off area, seconded by Corky.

Bill – Aye
John – Aye
Peter – Aye
Corky – Aye

Variance request granted.

Use Variance Request – Nicholas, Perot, Smith, Bernhardt & Zosh – 12364 Main Road – legal notice was read by the clerk. John explained to the board that they are replacing an existing sign that was damaged by wind. They want to have advertising on this LED sign. Charlie Nadler of 12710 Brucker Road appeared to speak. He told the board that the new sign will be the same size as the old one. Since signs have become more technical, this sign may be programmed from inside their building. One phrase they want to put on the sign is “Your Own Personal Attorney”. The sign does not strobe. The top signs will remain the same – attorney’s office and chiropractor’s office.

Since no one else appeared to speak, the public hearing was closed at 7:50 PM.

Peter asked for explanation of current law. The current code allows these signs to report time and temperature, stock market and/or news reports and was done to not discriminate against banks. Peter has seen signs in other communities that really stand out. Red lights seem to be less obtrusive at night.

Bill asked if the actual sign could be erected without using the message board and Charlie stated that it can.

John G. stated to the board that this is really not that different than the signs where you change the letters by hand.

The board asked Charlie is there is any paperwork that has the specifications on the sign, the flash rate, etc. He said there is and that he would drop it off.

John G. was asked what other municipalities have in their codes and he said he is not familiar with that.

John G. hopes that if the code was rewritten it would include flash rates and other specifications including the color of the writing.

Corky made a motion to table the request until they see paperwork and the sign, seconded by John K. They would also like John G. to find out how other communities that border Newstead handle LED signs.

Bill – Aye
John – Aye
Corky – Aye
Peter – Aye

Discussion by the board on the minutes from the previous meeting. Motion made by Corky to accept the minutes of 01/24/2008, seconded by Peter and all in favor.

Peter motioned to adjourn the meeting at 8:15 PM, seconded by Bill and all approved.

Respectfully Submitted,
Jennifer Heberling
Recording Secretary