

Town of Shelby Zoning Board of Appeals
Public Hearing
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
May 3, 2016

Board Members Present:

Patti Bushover Secretary
Larry Szatkowski
Thurston Dale
Linda Fuller

Call to Order: Secretary P. Bushover called the Public Hearing to order at 7:00 p.m.

Voice roll call was taken by P. Bushover. P. Bushover reported that there was a quorum present.

Others Present: Gary Lamar 900 West Av. Medina NY Representative Shelby Volunteer Fire Company the applicant. Tim Petry 1318 S. Main St. Medina NY Representative Shelby Volunteer Fire Company.

Dan Wolfe Code Enforcement Officer Town of Shelby.

Old Business P. Bushover called for Old Business:

No old Business.

New Business: P. Bushover called for New Business:

First Order of New Business: Public Hearing for variance 16-02. A request of a variance of 333' from Zoning Code, 600 Paragraph 5 Subparagraph i, which a 500' set back is require for the placement of an LED sign from the nearest residence.

Secretary P. Bushover read the Legal Notice (see attachment 1) which had been published in the *The Daily News* Batavia NY April 26, 2016.

The ZBA Board Members had viewed the area and had received a site plan.

The board members reviewed the site plan and asked Mr. Lamar about the need for updating the sign. Mr. Lamar stated that with the LED style sign it will be easier to update messages, which includes Advertising Fire Company events, recruitment for new members and can be used as a feature for renting the Fire Hall.

The board members asked if there was another location on the property that the sign could be located Mr. Lamar stated that the current location is the best area for viewing the sign.

Board member L. Fuller asked if there had been any objection to the LED sign. Secretary P. Bushover reported that the board had received no comments regarding this Application from the public.

Meeting was closed at 7:25

LEGAL NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Shelby will hold a public hearing on an application for an Area Variance for property located at 4677 South Gravel Road Medina, Town of Shelby, NY owned by Shelby Volunteer Fire Dept. P.O. Box 1 Medina, NY 14103. The applicant requests an area variance of 333ft for the placement of a LED Sign, whereas 500' is required from Section 600 paragraph 5 sub paragraph i of the Town of Shelby Zoning Laws, is required between sign and nearest residence. The public hearing on this application will be held on Tuesday May 3, 2016 at 7:00pm at the Shelby Town Hall located at 4062 Salt Works Road, Medina, NY 14103. The Proposed Action has been classified as a Type II Action under SEQRA.

All those having an interest in the Application will be given an opportunity to be heard at the Public Hearing and may also submit comments in writing to Patricia Bushover, Zoning Board Secretary Shelby Town Hall 4062 Salt Works Road, not later than 12:00 noon on Monday, May 2, 2016. The Application and supporting information may be examined prior to the Public Hearing at the Town Hall during normal business hours.

By order of the Zoning Board

Patti Bushover Sectary

Published April 26, 2016

The Daily News

Batavia NY

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Gary Lamar Representative of
Shelby Volunteer Fire Department

Appeal Concerns Property at the following address:
4677 South Gravel Rd. Medina NY

County Tax Map Section: 90 Block 20 Lot 1-4

Zoning District Classification: Hamlet

Application No. AV- 16-02

Date of Application: 03-30-16
(Postmarked or Hand Delivered)

Date of Public Hearing: **05-03-16**

Date notice Published: **04-26-16**

Date of County Referral: N/A

Date of Final Action: **05-03-16**

Date of Filing Decision with the
Municipal Clerk: **05-04-16**

Requirements for which Variance is Requested: 333' from 500' is needed from nearest residence.

Applicable Section of Town Zoning Code: **Section 600 Paragraph 5 Sub paragraph i**

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: YES NO **X**
Reasons: **Replacing existing sign in same location**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **Placing in another location is not an option due to the need of the sign to be visible from the road**
3. Whether the requested variance is substantial: YES **X** NO
Reasons: **333' of Required Set-Back of 500' is 66%**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**
Reasons: **There is a sign there already.**
5. Whether the alleged difficulty was self-created: YES **X** NO
Reasons: **Wanting to update sign.**

DETERMINATIONS OF ZBA BASED ON THE ABOVE FACTORS:

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

_____ the benefit to the Applicant DOESNOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

 X the benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: The up grading of the sign to an LED sign will allow for enhanced communications with the public.

The ZBA further finds that a variance of **333’ from section 600 paragraph 5 subparagraph i** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because.

It will allow the Shelby Volunteer Fire Company to update the existing sign.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impact upon the neighborhood or community, for the reasons following:

Condition NO. 1: To follow all the Shelby Zoning Codes pertaining to LED Signs.

Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:

Patti Bushover
Secretary Zoning Board of Appeals

05/03/16
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair			
Member	Patti Bushover	X	
Member	Thurston Dale	X	
Member	Larry Szatkowski	X	
Member	Linda Fuller	X	