

**December 4, 2012
7:15PM**

Petition #550

**Emerling Chevrolet
9000 Boston State Road**

PRESENT: Dennis Mead, Chairman
Tracy Hirsch
Beverly Kent
Kathy Prackajlo

ABSENT: Joanne Bonsack
Bethany Pryor

ALSO PRESENT: Kelly Vacco Deputy Town Attorney
William Ferguson Code Enforcement Officer
Thelma Faulring Secretary to the Boards and Committees
Mike Eberhard ALCO Signs – 60 Fawn Meadows Ct., Getzville
Bill Solak 9000 Boston State Road

Mr. Mead opened the Public Hearing at 7:15 PM and asked for a roll call of the members. Attendance is noted above.

Mr. Mead appointed Beverly Kent to serve as a regular voting member for this petition.

Mr. Mead introduced Mr. Ferguson, Mrs. Vacco and Miss Faulring to those in attendance.

Mr. Mead read the Public Hearing Notice and the SEQR review received from Town Engineer James Hannon – ‘there is no significant impact to the environment, and that no further action with respect to SEQRA is necessary or recommended.’

Mr. Mead asked the applicants to come forward and state their reasons for requesting a variance.

Mike Eberhard – ALCO Sign Company

- General Motors are requiring dealership to have a uniform look
- They are requiring a certain amount of branding; we need the variance for
 - Emerling
 - Certified Service
 - Chevrolet logo
- These signs will not change the character of the premises
- Lighting
 - More of an accent lighting
 - Not overpowering
 - More of a glow rather than a parking light type of light

Mrs. Prackajlo: Will these lights be turned off at night?

Bill Solak – Emerling Chevrolet representative: They will be on a timer.

Mrs. Prackajlo: What time will they go off?

Mr. Solak: Around 11:00 PM. There will be some lights on for security, like there is now.

Mr. Mead asked if there were any further comments from the Board.

Mr. Mead asked if there were anyone present to speak for or against the variance request.

Being none, Mr. Mead closed the Public Comment portion of the Public Hearing, and requested a motion on the petition.

Mrs. Vacco: Mr. Hirsch, do you have anything to add, for the record?

Mr. Hirsch: For the record I own property at 9009 Boston State Road, right across from Emerling’s.

Mrs. Vacco: And do you feel that you can fairly vote on this petition?

Mr. Hirsch: Yes.

Mr. Mead repeated his request for a motion.

Mrs. Praczkajlo: I'll make a motion to approve the variance request:

- (1) Does it create an undesirable change to the character of the neighborhood? Yes [] No [X]
- (2) Can the benefit sought by the applicant be achieved if the variance is not granted? Yes [] No [X]
- (3) Is the requested variance substantial? Yes [] No [X]
- (4) Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? Yes [] No [X]
- (5) Is the alleged difficulty self-created? Yes [] No [X]

Mr. Mead: I'll second. All in favor?
All were in favor of the motion

Mr. Mead: You have your variance.

Mr. Mead: I'll make a motion to go into Executive Session.

Mrs. Praczkajlo: Second.
All were in favor of the motion

Mr. Mead: I make a motion to return to Regular Session.

Mr. Hirsch: Second.
All were in favor of the motion

Mrs. Praczkajlo: Mr. Chairman, I'd like to make a motion that we close our meeting for this evening.

Mr. Mead: I'll second.
All were in favor of the motion.

Mr. Mead: So moved.

Dennis Mead, Chairman

Dated: December 4, 2012