

## ZONING BOARD OF APPEALS

The hearing on Tuesday, January 11th, 2022, is called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey  
John Johnston  
Harry Kwiek  
Gregory Kalinowski  
Shawn Pralow

Also: Ray Balcerzak, Bldg. Inspector  
Phyllis Todoro, Town Atty.  
Robert Schafer, Alternate

Appeals Case #1403 for JDCS Celebration, Inc./Niagara Produce of 3131 Transit Road, Elma, NY who is requesting a variance to install a new digital/LED sign § 144-102.1 A, B (1)b, e; § 144-102.1 H, I (2), (8), (9), C-3.

Brandon from Niagara Produce was present along with Jeff Palumbo. Jeff explained that he took pictures of the sign and other similar signs.

More of a seasonal operation, the sign would be the same sign as the one in Lockport. Mr. Palumbo explained that putting the sign up would not change the character of the neighborhood, and that there are no other ways to achieve this.

Mr. Kwiek mentioned a lot of the signs along Transit were there before the sign code was established and that they are grandfathered in. Mr. Kwiek asked about the statement of the business being seasonal and not like other businesses. Mr. Palumbo stated signs are a safety measure, so the customer knows where they are going.

Mr. Kwiek asked specifics of the signs at their other locations and Brandon stated they don't flash; they are set to dim at night and that the signs change every 5-7 seconds.

Mr. Kwiek asked if he would be open to specific limitations on the colors and other features. Mr. Palumbo mentioned that they would like to only have to program the signs to read the same at both locations.

Mr. Carey asked what type of message would be displayed on the sign and was informed it would specifically be the specials going on at the store. Mr. Carey mentioned we have strict guidelines for the signs and explained what some of them are. Mr. Palumbo said it would just be advertising sales of goods and deals.

Mr. Kalinowski asked how many locations would use this sign and was informed two of their locations. Mr. Kalinowski brought up stipulations that the board has put on various signs and asked the gentleman to review the stipulations. Mr. Palumbo asked about the 30 seconds and why not 10 seconds.

Mr. Kalinowski said traveling on Transit Road, you may only get to see one advertisement, but the gentleman mentioned someone may not be interested in the first special but may be interested in the second ad.

Mr. Carey tried to explain what some of the terminology meant in the stipulation sheet that the gentleman was given. Mr. Palumbo stated it would be the best for all involved to ask for a continuance.

No one spoke in favor or against the variance.

Mr. Kalinowski made a motion for a continuance. Seconded by Mr. Carey All-Yes

Motion to adjourn at 7:49 by Mr. Carey seconded by Mr. Johnston.

Respectfully Submitted,

Kerry Galuski  
Zoning Board Secretary