

## ZONING BOARD OF APPEALS

The hearing on Tuesday, August 9th, 2022, was called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey

Gregory Kalinowski

Harry Kwiek

John Johnston

Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty

Absent: Ray Balcerzak, Bldg. Inspector

Shawn Pralow

Appeals Case #1405 for Leon Berner of 850 Maple Street, Elma, NY who was given a continuance for a variance to install a new digital/LED sign §144-58 A2, §144-102.1 H, I (2), (8) & (9), Residential C/AG.

Leon Berner was present and spoke to the board about the sign he would like to install. The board again stated that there is a new sign code, and it basically is only for the Transit Road area.

No one spoke in favor of the variance. Against the variance was Jeff Breidenstein owns the duplexes at 2011 and 2031 West Blood Road and Beverly Cline of West Blood Road.

Mr. Kalinowski made the motion to deny Appeals Case #1405 for Leon Berner of 850 Maple Street, Elma, NY who was given a continuance for a variance to install a new digital/LED sign §144-58 A2, §144-102.1 H, I (2), (8) & (9), Residential C/AG based on the following criteria:

- 1) An undesirable change would be known because of safety issue and driving distractions.
- 2) The benefit could be achieved another way, by placing a similar sign as he already has on site.
- 3) The request is substantial in the fact that it does not belong in a residential area.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded, Mr. Carey Ayes: 5.

Appeals Case #1416 for Ken & MaryAnn Dobmeier of 1580 Jamison Road, Elma, NY who are requesting an area variance to install a ground mounted solar project on the side lot §118A-9C, Residential C.

Mr. & Mrs. Dobmeier were present and explained that they own the flag lot on the corner of Jamison and Girdle and that it is 8 acres of property. There would be three solar arrays with a total of 14 modules each. The area of coverage would be 14 feet by 25 feet going north to south on the property.

No one spoke in favor or against the variance.

Mr. Schafer made the motion to deny Appeals Case #1416 for Ken & MaryAnn Dobmeier of 1580 Jamison Road, Elma, NY who are requesting an area variance to install a ground mounted solar project on the side lot §118A-9C, Residential C based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way, by placing it further back on the property.
- 3) The request is substantial in the fact that the neighbors will see the solar project.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded, Mr. Johnson Ayes: 4 Nays: 1

Appeals Case #1417 for Annunciation Church of 7580 Clinton Street, Elma, NY who are requesting an area variance to install a new digital/LED sign §144-102.1 attachment A & B, C-1.

Deacon Jaworski, Father Gene Ulrich and Paul Mustraho were present to explain the variance request. The board was informed that the project was discussed with all the neighbors.

Town Board just had a committee to review and update the sign code. A proposal was submitted on June 15, 2022 and a public hearing was held and the Town Board approved the code. Also

the Comprehensive Plan was recently update and the purpose is to keep Elma's character as it is now, only the area on Transit was approved.

A letter was given with reasons why it is in the Churches favor. The sign still works after 35 years. The use of the sign hardship does not fall within the hardship definition.

No one spoke for or against the variance.

Mr. Carey made the motion to deny Appeals Case #1417 for Annunciation Church of 7580 Clinton Street, Elma, NY who are requesting an area variance to install a new digital/LED sign §144-102.1 attachment A & B, C-1 based on the following criteria:

- 1) The benefit could be achieved in another way
- 2) An undesirable change would be known.
- 3) The request is substantial in the fact that it does not belong in a residential area.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded, Mr. Schafer           Ayes: 5.

Motion to accept the June 14, 2022, minutes made by Mr. Kalinowski and seconded by Mr. Schafer.

Motion to adjourn at 8:15 pm by Mr. Schafer seconded by Mr. Carey.

Based on the notes taken and submitted by Town Attorney Phyllis Todoro.

Respectfully Submitted,

Kerry Galuski  
Zoning Board Secretary