

## ZONING BOARD OF APPEALS

The hearing on Tuesday, September 14, 2021, is called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey

John Johnston

Greg Kalinowski

Shawn Pralow

Harry Kwiek

Also: Ray Balcerzak, Bldg. Inspector

Phyllis Todoro, Town Atty.

Robert Schafer, Alternate

Appeals Case #1402 for Springbrook Volunteer Fire Company of 31 & 70 Pound Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-102.1 I (2), (8) and (9), C-1.

Joe Gnojek and Tyler Tedesco were present for Springbrook Volunteer Fire Company and Mr. Kwiek asked what the purpose of the request was. Mr. Gnojek stated that all three of the other fire companies in town applied for a variance for an LED sign and their fire company was not included when the approvals were given.

Mr. Kwiek asked where the sign would be going, and it will be replacing the existing sign. Mr. Kwiek stated the application is missing information like the dimensions and drawings needed for the board to review.

Mr. Carey brought up the fact that normally when an organization comes before the board for an LED sign, they have had a representative from the sign company present to explain the type of sign and the size.

Mr. Kalinowski showed the gentleman what a previous applicant in the area submitted for their sign application. Mr. Kwiek requested that they come back with more information, like a letter from the sign company as to what the sign is going to be. Mr. Kwiek also asked if they had pricing and the response was yes. Mr. Kalinowski pulled out the guidelines that the board is currently using and gave Mr. Gnojek a copy.

Mr. Carey asked about the one sign and Mr. Gnojek said that there are two different locations that the company has a sign. Mr. Pralow wanted to know the purpose of the sign and was informed to advertise their events and current information. Mr. Kalinowski informed both gentlemen to read over the guidelines carefully and to follow them.

Mr. Pralow asked if the neighbors are going to have an issue with the sign and the answer was that they were not aware of any issues.

Mr. Kalinowski made the motion for Appeals Case #1402 for Springbrook Volunteer Fire Company of 31 & 70 Pound Road, Elma, NY who are requesting a variance to replace an existing illuminated sign with a new LED sign of similar size and shape § 144-102.1 I (2), (8) and (9), C-1 be given a continuance to allow for additional information and to meet with sign companies.

2<sup>nd</sup> by Mr. Johnston Ayes: 5 Nays: 0

Appeals Case #1403 for Ron Brewer of 901 Stolle Road, Elma, NY who is requesting a variance to install a shed on the side of the house with less than the required front yard setback §144-132, Residential B.

Mr. & Mrs. Brewer were present. Mr. Brewer explained how they were told that they needed no permit for a fence and that they needed to be a certain distance back for a shed. The house is on a corner lot.

Mr. Kwiek stated no measurement is from the center of the road and Mr. Brewer replied that the right of way was for the fence. Mr. Kwiek asked about the survey and the trees on the property. Mr. Carey asked when Mr. Brewer came to the town hall and was told it was around February or March.

Mr. Carey showed the survey to Mr. Brewer and asked how far away from the pad is the property line and the reply was approximately 30 feet and that the pad was put in at the end of July.

Mr. Carey asked if the shed could be moved, and Mr. Brewer replied that he would like to not have it in the back portion of the property behind the house. Mr. Carey also asked if maybe it could be moved closer to the house. The assistant building inspector mentioned the shed needs to be 10 feet away from the house for fire guidelines.

Mr. Kwiek asked about the obstruction from the road with the trees and the reply was that the trees were placed further back so that you could see down the road. Mr. Kalinowski asked when the house was built, and the answer was 2019. Mr. Kalinowski also stated that there are three different SBL numbers for the lot of 901 Stolle Road.

Mr. Kalinowski stated that there could be a safety issue if the shed was not put behind the house. Mr. Carey asked if they would consider another location on the property. Mr. Brewer replied that it would cost more money.

No one spoke for or against the variance.

Mr. Carey made the motion for Appeals Case #1403 for Ron Brewer of 901 Stolle Road, Elma, NY who is requesting a variance to install a shed on the side of the house with less than the required front yard setback §144-132, Residential B be denied based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way by putting the shed in a different location.
- 3) The request is substantial.
- 4) The request would have an adverse effect due to the safety and the property being a corner lot.
- 5) The alleged difficulty is self-created due to a permit not being requested before the work was started.

2<sup>nd</sup> by Mr. Johnston Ayes: 5 Nays: 0

Appeals Case #1404 for Peter Coates of 111 Rice Road, Elma, NY who is requesting a variance to install a detached garage with less than the required side yard setback §144-99 C4, Residential C.

Mr. Coates was present and explained how he would like to install a garage on the back of the property. Mr. Kwiek stated the drawing shows he is trying to stay as far over as possible. Mr. Carey asked for clarification on the application and Mr. Coates read that section of the application that was in question.

Mr. Carey asked the distance of the garage, and it is 5 feet. Mr. Carey asked when he would be moving in, and Mr. Coates thought it might be a year or two. Mr. Pralow asked if there would be a loft and the reply was yes, a small loft for storage.

Mr. Kalinowski asked if the house is rented and was advised that it is not. Mr. Kalinowski also asked about the overhang and where the measurement was taken from, and it is one foot and measured from the roof. The variance request would be for 6 feet instead of the 5 feet originally requested.

A letter from 101 Rice Road was read in favor and no one spoke against the variance.

Mr. Carey made the motion for Appeals Case #1404 for Peter Coates of 111 Rice Road, Elma, NY who is requesting a variance to install a detached garage with less than the required side yard setback §144-99 C4, Residential C be approved based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could be not achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse effect.

5) The alleged difficulty is not self-created.  
2<sup>nd</sup> by Mr. Kalinowski      Ayes: 5   Nays: 0

Motion to accept the minutes from August 10, 2021, by Mr. Carey, 2<sup>nd</sup> by Mr. Johnston  
Ayes: 5

Motion to adjourn at 8:04 pm made by Mr. Johnston, 2<sup>nd</sup> by Mr. Pralow.

Mr. Kalinowski mentioned that maybe a login system in the building department would be helpful for residents to sign in to know who was there and who they spoke with.

Respectfully Submitted,

Kerry Galuski  
Zoning Board Secretary