

ZONING BOARD OF APPEALS

This hearing on Tuesday, September 2, 2025, called to order by Chairman, Harry Kwiek at 7:00 p.m.

Members Present:

Harry Kwiek, Chairman
 James Jiminez
 Ron Carey
 Greg Kalinowski
 Shawn Pralow
 Robert Schaefer, Alternate
 James Lembke, Alternate

Also Present:

Phyllis Todoro, Town Attorney
 Ray Balcerzak, Deputy Building Inspector

Ray Balcerzak submitted his building report.

Appeals Case #1488 for Bach's Towing LLC of 930 Maple Road, Elma, NY, who is requesting an area variance to install a digital advertising sign on property. Sections 144-102.1, 1 (2) (*) Commercial 3.

Daniel Knoll is present for Bach's Towing LLC.

Mr. Kwiek stated that Elma has restrictions concerning digital advertising signs for services.

Mr. Carey reviewed the background and history of the Town's Code concerning the sign code that was approved in June 2022 after extensive meetings. The created code created a special commercial district for digital advertising signs, and the Board has denied other individuals that have applied for these types of signs outside of the C3 districts on Transit Road.

Mr. Knoll raised Carstar at 900 Maple, who Mr. Carey stated had placed their sign prior to the law being adopted. They are grandfathered in, however, if there were a change in ownership they would have to comply with the code.

Gas Stations have signs, but the signs do not change except for the gas prices. There are no constant messages advertising various services as the applicant requests.

The Board has denied prior applicants including a church, Leon Berner, Boys and Girls Club and the Library for the same requests.

Mr. Carey and Mr. Kalinowski indicated that they did not believe that he had stated a case for financial hardship based upon his application when raised by Mr. Knoll.

Mr. Carey and Mr. Kalinowski referred Mr. Knoll to the Town Board if he wanted to address changes to the sign code, since the Town Board has the authority to modify the code.

Mr. Kalinowski asked Mr. Knoll when he acquired the property and business, which Mr. Knoll indicated that he has owned the property and assets since 2021.

Mr. Knoll asked the Board what sign would be approved and was told to discuss this with the Building Department.

Mr. Carey stated that Mr. Knoll's application in front of the Zoning Board was specifically requesting an LED digital advertising message board.

Mr. Carey made a motion on Appeals Case #1488 for Bach's Towing LLC of 930 Maple Road, Elma, NY, who is requesting an area variance to install a digital advertising sign on property. Sections 144-102.1, I (2) (*) Commercial 3 be denied due to:

1. The benefit can be achieved in another way feasible to applicant with a manual sign as some of the neighbors have.
2. Some of the people in the past have indicated that a sign of this nature creates an undesirable change to the neighborhood in part to the character of the neighborhood and therefore detrimental to property values and the like.
3. The request is substantial. The amendment to the code in June 2022 was very specific as to when and where this type of sign could be allowed and unfortunately Maple Road is not part of this permitted location.
4. This may not have an adverse environmental effect on the neighborhood but may have a physical impact on the character of the neighborhood.
5. That this is self-created because you have other means to accomplish your goals.

Motion Seconded by Mr. Kalinowski Yes: 5 Nays:0
Motion is denied.

Appeals Case #1489 for Kenneth Dolph of 50 Holland Ave., West Seneca, NY for property located at 270/280 South Blossom Road, Elma, NY, who is requesting an area variance to separate the property into two non-conforming properties. Sections 144-99 C (2)(3) Residential C

No one appeared. This was held until the end of the agenda.

Appeals Case #1490 for William Zulewski of 4142 Broadway, Depew, NY 14043 for vacant land located at 360 Pound Road, Elma, NY who is requesting an area variance to create a conforming lot pursuant to Sections 144-99 C (1) and 144-2, Residential C.

Tim Pawarski, Esq appeared with William Zulewski, the buyer of the property. Gerald Paradise III, Esq. represented Mr. Mauerman, the owner of the property.

Mr. Paradise submitted a letter by Thomas Mauerman indicating that he is the current owner of the property and that he is under contract to sell this property to Mr. Zulewski. He is fully in support of Mr. Zulewski's application and authorized Mr. Pawarski and his personal attorney, Mr. Paradise, III to speak on his behalf at the hearing.

Mr. Pawarski stated that he believed that this was not a self-created hardship since eminent domain took property to build the 400 expressway. That the area variance requested was only 6 feet due to the distance not being 100 feet back 250 feet. Mr. Zulewski was planning to build a home for his personal use on an approximate 13-acre parcel.

Mr. Kwiek asked what the garage section of the home was for since the plans refer to a “shop” and the size. Mr. Zulewski indicated that it was for his RV, boat, and cars. Mr. Zulewski indicated that this was for his personal home and not for any business purposes.

Mr. Kalinowski asked what kind of business he ran and whether any of his heavy large vehicles would be stored or enter the premises. Mr. Zulewski denied that any of his heavy large construction vehicles from his concrete business would be stored on site.

Mr. Pralow asked the width of the property and where the house and garage would be faced since there was a problem in the past when the property was not wide enough for the size of the house they wanted to build. It was noted that the home and garage will face the 400 expressway not Pound Road.

The request for people in favor was made:

Diane Erbs at 390 Pound Road asked questions about the distance of the house from the pond. She mentioned that she had concerns about the driveway. Mr. Zulewski indicated that he did not plan to remove all of the trees but to keep as many as possible for the driveway and property.

David Ahi at 372 Pound expressed concern about the drainage and said that he gets a lot of water from runoff from the 400 Expressway. He stressed that he was not against the project but was concerned about the drainage issues as to how it would affect his property. Mr. Balcerzak indicated that once Mr. Zulewski submitted his plans, drainage would be addressed.

No one spoke against.

Mr. Jiminez made a motion on Appeals Case #1490 for William Zulewski of 4142 Broadway, Depew, NY 14043 for vacant land located at 360 Pound Road, Elma, NY who is requesting an area variance to create a conforming lot Sections 144-99 C(1) and 144-2, Residential C be approved.

1. That the Zoning Code requires a minimum frontage of 100 feet.
2. The variance requested is for less than 6 feet or 6 % at 94 feet.
3. This property was family owned, and property was taken for the 400 Expressway by New York State.
4. To allow a permit to create a building lot with less than the required consistent 100 feet width I believe would not be a detriment to nearby properties by granting this area variance.
5. That the benefit sought by the applicant to allow 6 feet or 6% variance, which is constrained by Elma Code would not be significant.
6. That the proposed area variance would have no adverse effect or impact on the physical or environmental conditions in the neighborhood. That the variance would not create a hazard to health, safety of the general welfare of the neighborhood.
7. The hardship is not self-created since NYS, by eminent domain, purchased a portion of the property for the 400 Expressway.
8. That this Board has taken into consideration the benefit to the applicant if the variance sought as weighed against the detriment to health, safety and welfare of the neighborhood or community.
9. Based on the above a negative declaration of the short form SEQR is made.

Motion is seconded by Mr. Carey
Motion is granted.

Yes: 5 Nays:0

Appeals Case #1489 for Kenneth Dolph of 50 Holland Ave., West Seneca, NY for property located at 270/280 South Blossom Road, Elma, NY, who is requesting an area variance to separate the property into two non-conforming properties. Sections 144-99 C (2)(3) Residential C

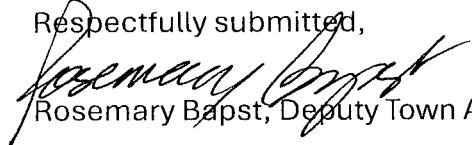
This matter was again called. Since no one appeared, this matter was held to the October meeting.

No one spoke in favor or against this matter.

Mr. Jiminez made a motion to adjourn the meeting at 8:02 p.m. Mr. Kalinowski seconded the motion.

Yes: 5 Nays:0

Respectfully submitted,


Rosemary Bapst, Deputy Town Attorney