

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

ZONING BOARD OF APPEALS
Minutes #2015-011
December 9, 2015

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairman Tim Elling at 7:00 P.M. followed by the Pledge of Allegiance led by Rick Marzullo and 30 seconds of silent prayer.

ROLL CALL: Present - Tim Elling, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Rick Marzullo
Jeffrey Baksa, Code Enforcement Officer
John Fenz, Town Attorney

Absent - None

Chairman Elling read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

OPENING OF PUBLIC HEARING

Motion by Hicks, seconded by Harmon, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Harmon, seconded by Hicks, that proofs of publication and posting of legal notice be received and filed.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Hughes, seconded by Hicks, to approve Minutes #2015-010.

Ayes: All Noes: None Motion Carried

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224
Page 2

ZONING BOARD OF APPEALS
Minutes #2015-011
December 9, 2015

OLD BUSINESS

2012-058

Request of Ronald Race for a variance for property located at 1100 orchard park Road for display of storage sheds for sale.

Ben Race appeared at the meeting on behalf of his father, Ronald Race. Mr. Race brought signed letters of support from adjoining neighbors located at 1064 , 1100, 1108, 1081, 1091 and 1045 Orchard Park Road. Tim Elling received a letter from the Police Department stating that they did not receive any complaints for this property from 1/1/15 through 12/4/15.

Evelyn Hicks questioned how many sheds are currently on the property. Mr. Race stated that as of right now there are four due to the fact that they just sold one of the models but they will be replacing it so that there are a total of five sheds for display on the property.

No comments were made from the public.

Motion by Hughes, seconded by Marzullo to grant the variance as requested to allow the display of storage sheds for sale on the property.

Mr. Race stated that he recently went before the Orchard Park Zoning Board and they granted him a two year variance, he questioned whether or not the West Seneca Zoning Board would be willing to do the same. Attorney Fenz stated that it is up to the discretion of the board.

Motion by Hughes, seconded by Elling to amend the first motion and to grant a two year variance to allow the display of storage sheds for sale on the property.

Ayes: All

Noes: None

Motion Carried

2011-047

Request of Lynda Otto for a variance for property located at 183 Westcliff Drive to allow chickens on the property.

Mike Hughes pointed out that this is Ms. Otto's fifth year in a row coming to renew this variance. Attorney Fenz stated that chickens are not regulated in the same fashion as dogs and cats which is why she is required to appear before the board on

a yearly basis to renew her variance. Ms. Otto stated that she currently has five chickens on her property and no roosters. Chairman Elling presented a letter from the Police Department stating that there have been no reports or complaints for 183 Westclif Drive from October 2014 to October 2015.

No comments were made from the public.

Motion by Hughes, seconded by Harmon to grant a one year variance as requested for property located at 183 Westcliff Drive to allow chickens on the property, noting that Ms. Otto must return before the board to renew this variance in one year.

Ayes: All **Noes: None** **Motion Carried**

2015-059

Request of Mogeeb Nagi for a variance for property located at 175 Chancellor Lane to erect a 6' fence in front and side yard, pool and shed in sideyard, rear yard permitted.

The applicant was not here at this time.

Jeff Baksa noted that this is the third time the applicant has not shown up to the Zoning board meeting and he also stated that he drove by the property and none of this work has started

Motion by Hicks, seconded by Harmon to table the request until the end of the meeting.

Ayes: All **Noes: None** **Motion Carried**

2015-066

Request of Bart Adams for property located at 1510 Orchard Park Road to erect a fence closer to lot line and erect structure 3' from front lot line.

Tim Elling pointed out that Mr. Adams appeared before the board in October and he was granted a variance for the fence located at this property. Mr. Adams stated that he is before the board again because of the variance he needs for the building, as there was a question regarding the easement. Mr. Adams stated that he spoke with Russ Stoll from the Erie County Water Authority, who stated that the easement is for 20' but anything further would be helpful. Mr. Adams stated that he agreed to stay

back an additional 5', it gives 30' of space to work should anything happen to the water line. Chairman Elling stated that he also spoke with Mr. Stoll, who explained he is pleased with the plans Mr. Adams submitted.

Mr. Adams stated that a neighbor was concerned about the outside lighting and whether or not it would be too bright. Mr. Adams stated that he would have a timer set so that the parking lot lights turn off at 11 P.M. to avoid any issues. Mr. Adams submitted a letter signed by neighbors David & Pat Frost of 26 Reserve Road, Ron Kozminski of 71 Reserve Road, Frances Nolan of 49 Reserve Road, Techno Phobia of 1497 Orchard Park Road and Mary Suffoletto of 1481 Orchard Park Road.

Tim Elling pointed out that the board will amend this variance to include an LED sign but it will be tabled at this time, as there are no immediate plans to erect the sign.

John Fenz stated the building will be 5' west of the easement held by the Erie County Water Authority as shown on the survey.

Susan Kims of 99 Covington from the public spoke and questioned the size of the building. Evelyn Hicks explained that this was addressed at the last Zoning Board meeting. Mike Harmon stated that building is roughly 20' by 130', the building next to it will be 27' by 110' as pointed out by Tim Elling.

Jeff Baksa pointed out that Mr. Adams still has to go through the Planning Board and the main focuses of the Zoning Board are the setbacks for the building.

Motion by Harmon, seconded by Elling to table the variance to erect an LED sign and to grant the variance as requested to erect the building 5' west of the easement held by the Erie County Water Authority towards Orchard Park Road.

Ayes: All

Noes: None

Motion Carried

2015-067

Request of Akram Alkhulaqi for a variance for property located at 2566 Seneca Street to erect an electronic message sign.

Mike Hughes pointed out that Mr. Alkhulaqi appeared before the board in October but he was missing signatures of support from some key neighbors. Mr. Hughes pointed out that the board requested signatures from 2550 & 2570 Seneca Street and 17 Columbia. Mr. Alkhulaqi brought letters of support signed by Alden Robinson

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224
Page 5

ZONING BOARD OF APPEALS
Minutes #2015-011
December 9, 2015

of 2575 Seneca Street, The Sheas of 22 Columbia Parkway, Mr. Bartolotta of 21 Columbia Parkway, Michelle B. of 33 Columbia and Erin Moran of 37 Columbia Parkway. The board pointed out that Mr. Alkhulaqi failed to get a signature for 17 Columbia Parkway.

The owner of 2570 Seneca Street, Patrick, appeared before the board and stated that he does not have a problem with Mr. Alkhulaqi's plan to erect an LED sign on the property. He did point out that the concrete curbs on the lot are creating a burden on his business and he has spoken to John Gullo about it. Jeff Baksa explained that this issue would be heard before the Planning Board, as it is an issue with site plans.

No other comments were made from the public.

Motion by Elling, seconded by Harmon to table the variance requesting an electronic message sign until proper signatures from the neighbors are obtained, specifically from 17 and 18 Columbia Parkway.

Ayes: All **Noes: None** **Motion Carried**

2015-068

Request of Johnathan Schmid for property located at 1777 Union Road requesting 60 SF on each side of sign.

Mr. Schmid explained that the proposed sign would be located within 2' of where the existing sign was located. As far as distance from the road, the sign will be located almost directly on the property line, exactly where the previous sign was located. Mr. Schmid explained that the sign will be approximately 5'-6' off of the ground, creating no visibility issues. The sign will be lit from the inside and Mr. Schmid stated that he will most likely have it turn off at midnight but he is not sure about that yet. Mr. Schmid brought a signed letter of support from his neighbor, Ralph Lorigo of 1780 Union Road.

Motion by Hughes, seconded by Marzullo to grant the variance as requested, allowing 60SF on each side.

Ayes: All **Noes: None** **Motion Carried**

VI. NEW BUSINESS

2015-072

Request of Vincent Citriniti of Bunting Signs for a variance for property located at 1055 Union Road to install a new sign bigger than permitted. (Ground sign 5' max height, 20 SF max allowed; 19'0" height +/- 130 SF requested)

The applicant was not present at this time.

Motion by Hughes, seconded by Marzullo to table the variance until the end of the meeting.

Ayes: All **Noes: None** **Motion Carried**

2015-073

Request of Roxanne Birx for a variance for property located at 3887 Seneca Street requesting an electronic sign near residential zoning.

Ms. Birx pointed out that the proposed sign is setback a little bit farther than the original existing sign, it is 10' from the property line. Letters of support were signed by Wallace Piotrowski of 3881 Seneca Street, John McCracken of 3880 Seneca Street, Doug McCormik of 3906 Seneca Street and Ronald Gadra of 3903 Seneca Street. Tim Elling pointed out that there are neighbors within a 500' radius who are not on the list of signatures presented by Ms. Birx. The applicant, Ms. Birx, stated that she does not have a signature from the immediate neighbor Guys and Dolls, as they have had a problem with him in the past and did not feel comfortable entering his place of business.

Chairman Elling stressed the importance of getting neighbor signatures from those located within a 500' radius of the property. Mr. Elling explained that Ms. Birx should obtain all of the signatures that she can get, especially the neighbors that are close to the property.

No comments were made from the public.

Motion by Elling, seconded by Hughes to table the variance for property located at 3887 Seneca Street requesting an electronic sign within 500' of residential zoning until proper signatures from neighbors can be obtained.

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224
Page 7

ZONING BOARD OF APPEALS
Minutes #2015-011
December 9, 2015

Ms. Birx also commented saying that they would be more than willing to display messages regarding weather or local emergencies on their proposed sign.

Ayes: All **Noes: None** **Motion Carried**

2015-074

Request of Frank and Tracy Smith for a variance for property located at 144 Carla Lane to erect a 4' fence past 10' allowed in front yard setback.

Mr. & Mrs. Smith explained that they recently adopted a dog and they would like to erect a fence so that they can enclose their yard for their dog and the safety of their children. Tim Elling pointed out that the posts for the fence are already in and that they are 53" high, Mr. Smith was unaware of this, as they are only asking for a 4' fence. Chairman Elling pointed out that the posts are set back 28" from the sidewalk, which is acceptable in the board's eyes. Code Enforcement Officer Jeff Baksa pointed out that the posts most likely will be trimmed and capped but to be on the safe side it would be a good idea to request a 54" high fence to the top of the cap.

A letter of support was signed by neighbors Donald Burch 164 Crofton Drive, Charles Mancuso of 170 Crofton Drive and Wayne Schreiner of 176 Crofton drive.

No comments were made from the public.

Motion by Harmon, seconded by Elling to grant the variance for property located at 144 Carla Lane to erect a fence no higher than 54" to the top of the cap.

Ayes: All **Noes: None** **Motion Carried**

2015-059

Motion by Hughes, seconded by Marzullo to receive and file the variance for property located at 175 Chancellor Lane to erect a 6' fence in front and side yard, pool and shed in sideyard, rear yard permitted.

Ayes: All **Noes: None** **Motion Carried**

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224
Page 8

ZONING BOARD OF APPEALS
Minutes #2015-011
December 9, 2015

2015-072

Motion by Hughes, seconded by Hicks to table the variance for property located at 1055 Union Road to install a new sign bigger than permitted. (Ground sign 5' max height, 20 SF max allowed; 19'0" height +/- 130 SF requested)

ADJORNMENT

Motion by Marzullo, seconded by Harmon to adjourn the Zoning board of Appeals meeting at 7:56 P.M.