

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

**ZONING BOARD OF APPEALS**  
**Minutes #2012-03**  
**March 28, 2012**

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

**ROLL CALL:** Present - David Monopolus, Chairman  
Michael P. Harmon  
Evelyn Hicks  
Michael P. Hughes  
Sandra Giese Rosenswie  
Jeffrey Schieber, Code Enforcement Officer  
Shawn P. Martin, Town Attorney

Absent - None

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

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**OPENING OF PUBLIC HEARING**

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

Ayes: All                                      Noes: None                                      Motion Carried

**APPROVAL OF PROOFS OF PUBLICATION**

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

Ayes: All                                      Noes: None                                      Motion Carried

**APPROVAL OF MINUTES**

Motion by Hicks, seconded by Harmon, to approve Minutes #2012-02 of February 22, 2012.

Ayes: All                                      Noes: None                                      Motion Carried

**NEW BUSINESS**

**2012-006**

Request of Joseph Jerge for a variance for property located at 4141 Clinton Street to construct a house in the required front yard setback

**2012-006** (continued)

Joseph Jerge stated his proposal to build a new house at 4141 Clinton Street. There is an 18" sewer in the rear and an easement that runs through the center of the property. Mr. Jerge stated he can build to the easement, but if work on the sewer is necessary the machine could crack the foundation. A 15' variance for the front setback will move the house 10' off the easement. Mr. Jerge indicated on the plans the location of the house and stated he also would like to park to the east in the front setback. He further noted that he owns the property adjacent to this parcel.

Mr. Harmon noted that the houses on both sides of this parcel are situated the same way so Mr. Jerge's proposal will not change the characteristics of the neighborhood.

Mr. Hughes questioned if Mr. Jerge had obtained letters of support from any of his neighbors. Mr. Jerge stated he did not get any letters but the neighbors did not have a problem with his proposal.

Mrs. Hicks questioned if the dirt driveway will be used and where the parking space will be located. Mr. Jerge responded that the dirt driveway is for the other house and the driveway for the proposed house will be on the east side 15' – 20' off the lot line. The Zoning Board members reviewed the location of the parking space on the plans and the side load garage.

Mr. Monopolus suggested a one car parking space in front of the garage with a sidewalk to the front door.

Mr. Harmon questioned if the driveway will be hard surfaced and Mr. Jerge responded he planned to hard surface the driveway this year or next.

No comments were received from the public.

Motion by Monopolus, seconded by Harmon, to close the hearing and grant the variance to construct a house with a 25' front yard setback, a 9' x 18' parking space in front of the garage on the north side and a 9' x 18' parking space on the east.

Ayes: All

Noes: None

Motion Carried

**2012-007**

Request of Jeff Tutuska for a variance for property located at 320 Center Road to construct a 10' high, 65 sf/side ground sign setback 10' (5' high, 20sf/side, 15' setback required)

**2012-007** (continued)

Jeff Tutuska stated his proposal to replace an existing sign at 320 Center Road, noting that the current sign is larger than the proposed 10' sign but it is not a solid sign.

Mr. Hughes questioned how long the current sign has been there. He further expressed concern about the size of the sign obstructing the sight for vehicles exiting the plaza and suggested the new sign be placed closer to the building.

Mr. Tutuska did not know how long the current sign was there but stated it is an eyesore for the neighborhood. He had no problem moving the proposed sign closer to the building.

Code Enforcement Officer Jeffrey Schieber noted that the current sign is 4" off the property line and the proposed sign will be placed 10' off the property line.

Chairman Monopolus stated that letters were received from Mike Swan, 330 Center Road, and Bueme Development, 220 Center Road, stating they had no objection to the proposed sign.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the hearing and grant the variance for a 10' high, 65 sf/side ground sign setback 10' at 320 Center Road.

Ayes: All

Noes: None

Motion Carried

**2012-008**

Request of Peter & Kelly Schreier for a variance for property located at 120 Suburban Court to construct a 4' high fence in the required front yard on a corner lot

Peter Schreier stated they live on a corner lot and would like to have a safe place for their two young daughters to play. The proposed 4' picket fence will be 4' off the sidewalk along Suburban Court and along the side lot line with a 6' privacy fence along the rear lot line.

Chairman Monopolus stated that letters were received from property owners at 136 & 145 Laurelton Drive and 114 & 135 Suburban Court stating they had no objection to the proposed fence.

Motion by Rosenswie, seconded by Hicks, to close the hearing and grant the variance for a 4' high fence in the required front yard at 120 Suburban Court.

Ayes: All

Noes: None

Motion Carried

**2012-009**

Request of Shawn Hudson for a variance for property located at 3864 Clinton Street to construct a 6' high fence in side yard (4' high permitted)

Shawn Hudson stated his house is located on a corner lot and he would like to construct a 6' wooden fence along Northwood Avenue 13' off the road for privacy with a 4' chain link fence on the side.

Chairman Monopolus stated that letters were received from property owners at 3870 Clinton Street, 20 Northwood Avenue, and Quik Fill at 3850 Clinton Street stating they had no objection to the proposed fence.

Motion by Hughes, seconded by Rosenswie, to close the hearing and grant the variance for a 6' high fence in the side yard at 3864 Clinton Street.

Ayes: All

Noes: None

Motion Carried

**2012-010**

Request of Deacon Michael Comerford for a variance for property located at 151 Century Drive to raise chickens.

Deacon Michael Comerford stated his request to raise 4 or 5 chickens for eggs due to medical and food allergies his wife was experiencing, noting they have been buying organic food for a while and it is expensive.

Mrs. Rosenswie questioned if the feed will be enclosed and Town Attorney Shawn Martin noted that they have to avoid drawing vermin so the feed has to be contained properly.

Mrs. Comerford stated that they will enclose the feed to prevent any vermin from being attracted to the neighborhood.

Mr. Hughes questioned if any amendments had been proposed to the Town Code concerning the raising of poultry?

Mr. Martin advised there has been some discussion among the board members but no formal declaration to do so. He will draft a local law to address this issue if and when the Town Board decides to amend the ordinance.

Mr. Hughes noted that the Zoning Board has granted two variances in the past year for six (6) chickens, no roosters, and the property owners must return in one year.

Chairman Monopolus stated that letters were received from property owners at 145 & 157 Century Drive and 143 Bayberry Avenue stating they had no objections to the Comerford's request to raise chickens.

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**2012-010** (continued)

Linda Toy did not think it was a good idea to set a precedent, noting that she had a neighbor on Burch Avenue that raised chickens illegally and they smelled and drew flies. Mrs. Toy thought the chickens should be kept in the country.

Mr. Harmon stated they took this into consideration in the past and limited the variances for one year, so the applicants have to return for review. The code enforcement officer should be contacted if there are any problems.

Motion by Monopolus, seconded by Rosenswie, to close the hearing and grant a variance to raise a maximum of six (6) chickens, no roosters, at 151 Century Drive, noting that the applicant will have to return to the Zoning Board in one year.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

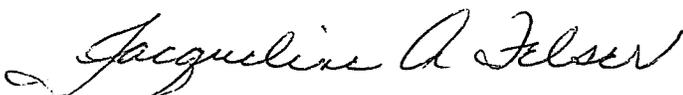
Motion by Monopolus, seconded by Harmon, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser  
Town Clerk/Zoning Board Secretary