

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

ZONING BOARD OF APPEALS
Minutes #2012-07
July 25, 2012

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairman David Monopolopolus at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Deputy Town Clerk Mary L. O'Connell and 30 seconds of silent prayer.

ROLL CALL: Present - David Monopolopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Sandra Giese Rosenswie
John Gullo, Code Enforcement Officer
Shawn P. Martin, Town Attorney

Absent - Michael P. Hughes

Chairman Monopolopolus 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 Rosenswie, seconded by Hicks, 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 Hicks, seconded by Rosenswie, to approve Minutes #2012-06 of June 27, 2012.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2012-031

Request of Reginald Gostomski for a variance for property located at 36 Iris Avenue to reduce front yard setback to 22.5' (30' setback required)

2012-031

Reginald Gostomski stated he will be taking down an old porch on the front of his house and adding on to his living room along with building a smaller porch. He plans to keep the same basic footprint and not extend out any further toward the road, but will be adding onto the width of the porch so it will be as wide as the house.

Chairman Monopolus noted receipt of letters of approval from neighbors at 32 & 42 Iris Avenue.

No comments were received from the public.

Motion by Monopolus, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 36 Iris Avenue to reduce front yard setback to 22.5'.

Ayes: All

Noes: None

Motion Carried

2012-032

Request of John R Keem Jr. for a variance for property located at 302 Knox Avenue to construct a 6' high fence on side of house (4' high allowed)

John Keem Jr. stated he would like to construct a 6' tall solid wood privacy fence to block the view of his neighbor's rear and side yard. He commented on the condition of the property and also noted there are six dogs harbored there. Mr. Keem stated he did not have any letters from his other neighbors but understood they had complained to the town about the situation.

Code Enforcement Officer John Gullo responded that his office was addressing the property maintenance issue, but this was the first time he heard there were six dogs and he will look into it.

No comments were received from the public.

Motion by Rosenswie, seconded by Monopolus, to close the public hearing and grant a variance for property located at 302 Knox Avenue to construct a 6' high fence on the side of house.

Ayes: All

Noes: None

Motion Carried

2012-033

Request of Leanna Pilarski for a variance for property located at 164 Slade Avenue to locate electronic billboard within 500' of residential property

Property owner Carl Paladino indicated the proposed location for the electronic billboard on a vacant parcel behind Potter Road school and Country Inn & Suites Hotel. This location will be visible to northbound traffic on the Ridge Road bridge, on Route 219 and I-90 and will advertise the hotels on Slade Avenue and possibly others in the area. The sign will be LED type, 48' x 14' and 34' high with the lowest portion 20' off the ground. Flyers were distributed to the surrounding property owners indicating the location of the sign and demonstrating that it will not face the residents' homes. Mr. Paladino noted that the homes on Slade Avenue are zoned commercial and he will have to obtain a permit from the NYS Thruway Authority and the West Seneca Town Board if the variance is approved. The location of the sign will be 213.82' from the rear property line of the closest residential property on Slade Avenue and the houses are approximately 100' farther away.

Mrs. Hicks was concerned about light intruding on the residences and questioned if Mr. Paladino had actual specs for the sign, noting that she would like to know the number of lumens it puts out.

Mr. Paladino did not have the information available but stated the sign company will meet all the restrictions of the NYS Thruway Authority. He further stated that the sign will face south and the majority of homes are to the east.

Code Enforcement Officer John Gullo stated this was the first LED billboard sign of this type in West Seneca and noted that all the new LED signs have an auto dimming device so the brightness is automatically turned down after dark. He further stated that the maximum allowable size of a sign is 380 sf, so a variance is also necessary to increase the size to 672 sf.

Henrietta Lubkowski stated she lives on Slade Avenue and received the flyer in her mailbox today. She wanted to protect her property and stated she does not object to the size of the sign as long as no additional light spills onto her property.

David Kims, Covington Drive, stated he can see the hotels from his home and was concerned about also being able to see the sign.

Motion by Harmon, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 164 Slade Avenue to locate a 48' x 14' (672 sf) electronic billboard within 500' of residential property.

2012-033 (continued)

On the question, Mr. Gullo stated that Mr. Paladino will also have to apply to the Planning Board for a special permit for the billboard.

Ayes: All

Noes: None

Motion Carried

2012-034

Request of Karen Melvin for a variance for property located at 83 N. Covington Drive to allow parking in required front yard setback

Karen Melvin stated she had a rotten tree removed from her front yard and replaced it with blacktop so she can park in that location. This would be beneficial during the winter months when parking restrictions are in place. Ms. Melvin presented letters of support from numerous neighbors.

David Kims, Covington Drive, objected to parking in the front yard setback of any home because he felt it distracted from and cheapened the look of neighborhoods.

Chairman Monopolus noted receipt of letters of support from neighbors at 39, 51, 59, 70, 75, 76, 79 and 86 N. Covington Drive.

Mrs. Hicks questioned if there was a driveway on both sides of the house and Code Enforcement Officer John Gullo confirmed there was.

Mr. Harmon questioned how many people live in the house and Ms. Melvin stated that she and her sister currently live there.

Mr. Gullo commented that when residents park on their front lawns they risk damaging underground utilities.

Motion by Harmon, seconded by Hicks, to close the public hearing and deny the request for a variance for property located at 83 N Covington Drive to allow parking in front yard setback.

Ayes: All

Noes: None

Motion Carried

2012-35

Request of Arthur J Foster for a variance for property located at 2185 Berg Road to construct a 14' high garage (12' high permitted)

2012-35 (continued)

Arthur Foster presented plans to the board members along with letters from adjoining neighbors in support of his variance request for a 14' high garage. Mr. Foster stated the garage will be for his own personal use and the garage door will be standard size.

Mrs. Hicks questioned if he had any intention of putting an apartment above the garage and Mr. Foster stated he did not.

Chairman Monopolus noted receipt of a letter of support signed by neighbors at 2175 & 2225 Berg Road.

No comments were received from the public.

Motion by Harmon, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 2185 Berg Road to construct a 14' high garage.

Ayes: All

Noes: None

Motion Carried

2012-036

Request of Melinda & Edward Bauerlein for a variance for property located at 72 Sunset Creek Drive for permission to raise five chickens.

Edward J. Bauerlein II stated he has two chickens, no roosters, and was unaware that a variance was required. The chickens are housed in a coop located in the back right corner of his lot. Mr. Bauerlein described the coop he had purchased, noting there are no noise or waste issues with the chickens. He applied for the variance for five chickens because that is the maximum he would have.

Chairman Monopolus stated that no roosters are allowed. Neighbor complaints are monitored and the Bauerlein's will have to reappear before the Zoning Board in six months if the variance is approved. He further noted receipt of letters of support from neighbors at 68 & 76 Sunset Creek Drive.

Code Enforcement Officer John Gullo stated that a building permit is required for the chicken coop.

Linda Toy commented on the capacity of chicken coops, noting that the coops she is familiar with only house two chickens.

2012-036 (continued)

Motion by Rosenswie, seconded by Harmon, to close the public hearing and grant a variance for property located at 72 Sunset Creek Drive to raise five chickens, no roosters, and noting the petitioner needs to reappear before the Zoning Board in six months.

Ayes: All

Noes: None

Motion Carried

2012-037

Request of Mary Webb Earsing for a variance for property located at 1300 Indian Church Road for use as a temporary kennel and for construction of a 6' and 4' fence in front yard

Mary Webb Earsing stated she has a home in Marilla, but currently needs to live with and care for her elderly mother at 1300 Indian Church Road. The property is farmland and there has never been less than three dogs harbored there. Mrs. Earsing stated she is temporarily housing dogs for a friend from out-of-state. She initially took two litters and currently has one at risk litter remaining.

Code Enforcement Officer John Gullo stated that the property is not zoned properly for a kennel and if Mrs. Earsing wants to permanently have a kennel she will have to apply for a rezoning to R-100A.

Mr. Harmon stated he was not in favor of a fence in the front yard and questioned why Mrs. Earsing was requesting this.

Mrs. Earsing stated she would like the fence in the front so she can let the dogs out the front door of the house. She was proposing a chain link fence for the front of the house and a stockade fence for the side yard along the tree line.

Chairman Monopolus questioned how many dogs were currently being housed on the property. He further expressed concern that a fence in the front yard will pose a sight problem when backing out of the driveway and may cause a problem with plowing snow in the winter.

Mrs. Earsing responded she currently has 13 dogs harbored on the property, but she is not a breeder. The puppies are not being housed permanently and should be gone by August 13th. Mrs. Earsing stated she has four dogs between herself and her mother.

