

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

ZONING BOARD OF APPEALS
Minutes #2012-08
August 22, 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 to the Flag led by Michael Hughes.

ROLL CALL: Present - David Monopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
John Gullo, Code Enforcement Officer
Shawn P. Martin, Town Attorney

Absent - Sandra Giese Rosenswie

Chairman Monopolus 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 Hughes, seconded by Harmon, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Harmon, seconded by Hughes, to approve Minutes #2012-07 of July 25, 2012.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2012-038

Request of Eric Barton for a variance for property located at 2 Windmill Road North to construct an addition in the rear yard reducing setback to 20' (30' rear yard setback required)

2012-038 (continued)

Eric Barton stated his proposal to construct a 30' x 30' addition on the rear left side of his home, noting that the pool has been removed.

Mr. Hughes questioned if Code Enforcement Officer John Gullo had any safety concerns with the reduced rear setback and Mr. Gullo responded he did not see a problem with it.

Chairman Monopolus noted receipt of a letter of support from adjacent neighbors at 220 Heritage Farm Road and 10 Windmill Road North.

No comments were received from the public.

Motion by Harmon, seconded by Hicks, to close the public hearing and grant a variance for property located at 2 Windmill Road North to construct an addition in the rear yard reducing setback to 20'.

Ayes: All

Noes: None

Motion Carried

2012-039

Request of Edward J Berger for a variance for property located at 57 Kron Avenue to reduce front yard setback to 10' (minimum 30' front yard setback required)

Edward Berger stated his proposal to build a garage on the east side of his property extending 7 to 8 feet in the front yard and presented sketches of the building.

Chairman Monopolus commented on snow removal on Kron Avenue and questioned if this will be a problem.

Mr. Berger did not see a problem and stated the snow will be piled about 30 feet from the garage.

Chairman Monopolus noted receipt of a letter of support from adjacent neighbors at 56 Kron Avenue and 3562 & 3566 Clinton Street.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 57 Kron Avenue to construct a garage in the front yard reducing the front setback to 10'.

Ayes: All

Noes: None

Motion Carried

2012-040

Request of Joseph R Frontera for a variance for property located at 606 Mill Road to construct a 15'6" high garage (12' high allowed)

Joseph Frontera presented his proposal to construct a 30' x 40' pole barn over part of the existing tennis court on his property. The property sits about 9' below the street and the true height of the peak of the roof will be 19.4'.

Mr. Hughes questioned if Mr. Frontera intended to run a business from the garage.

Mr. Frontera stated he is not running a business; he collects cars and needs a building to store them.

Mr. Harmon questioned why the height was necessary and how the building will be accessed.

Mr. Frontera responded that he is thinking about stacking the cars. The building will be accessed by a 150' driveway that was installed with road millings on top of highway fabric.

Chairman Monopolus noted receipt of letters from adjacent neighbors at 601 & 604 Mill Road.

Joseph Szczerbowski stated the proposed garage will be adjacent to his property and he was not made aware of Mr. Frontera's intentions. He further commented on some property maintenance issues with Mr. Frontera's property.

Town Attorney Shawn Martin stated that property maintenance issues can be addressed by the Code Enforcement Office and only the height of the building needed approval from the Zoning Board.

Mr. Harmon questioned if Mr. Szczerbowski had any objection to the height of the building.

Mr. Szczerbowski responded that this will be a big structure sitting 110' back from his home. He stated that Mr. Frontera already has a four car garage and now wants another one.

The Zoning Board suggested this item be held until later in the meeting to allow time for Mr. Frontera to meet with Mr. Szczerbowski, show him his plans and attempt to come to an agreement.

2012-041

Request of Robert Andolina for WSPBA for a variance for property located at 1250 Union Road for an electronic sign located within 300' of residential property

Robert Andolina stated the WSPBA's proposal to remove the existing 4' x 8' sign at Main Street & Union Road and update it with a 3' x 10' LED sign. The top of the existing sign will be mounted on top of the new sign. The new sign will be black with multi color lettering and full animation.

Code Enforcement Officer John Gullo noted that if the variance is approved this item will also have to go to the Town Board for approval.

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a variance for property located at 1250 Union Road for an electronic sign located within 300' of residential property.

Ayes: All

Noes: None

Motion Carried

2012-042

Request of Wallace Grieser for a variance for property located at 860 Union Road to construct a garage 5' from house (10' required)

Ralph Lorigo represented his brother-in-law, Wallace Grieser, and stated he has an antique car and wants to put up a 20' x 20' garage at the back of the driveway. Mr. Grieser could attach the garage to his house and would not need a variance. He would like to place the garage 3.49' from his house and it will be 5' off the property line.

Code Enforcement Officer John Gullo noted that the inside wall will need to be fire rated.

Chairman Monopolus noted receipt of a letter of support from the neighbor at 854 Union Road on the south side of Mr. Grieser's property. Mr. Lorigo stated that Mr. Grieser did not receive a response from the neighbor to the north.

Christian Piszanczyn stated he lives two houses north of the property and expressed concern about maintaining the appearance of the neighborhood. He did not have any objection but asked to see plans.

Motion by Harmon, seconded by Hughes, to close the public hearing and grant a variance for property located at 860 Union Road to construct a garage 3.49' from the house.

2012-042 (continued)

On the question, Mrs. Hicks commented on the appearance of other garages on Union Road and did not see a problem with the proposed garage.

Ayes: All

Noes: None

Motion Carried

2012-043

Request of Thomas Bausch for a variance for property located at 44 Norwood Drive to construct an addition in front yard reducing setback to 14' (30' front setback required)

Thomas Bausch stated his proposal to construct an addition on the front of his house extending into the front yard. The entrance will be moved to the west side and a bay window will be installed.

Chairman Monopolus noted receipt of letters of support from neighbors on the east & west at 40 & 48 Norwood Drive.

Mr. Harmon noted that Mr. Bausch's current home is at a 21' setback.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 44 Norwood Drive to construct an addition in the front yard reducing the setback to 14'.

Ayes: All

Noes: None

Motion Carried

2012-044

Request of Daniel Kaputa for a variance for property located at 657 Cindy Lane to construct a 4' fence projecting 22' into front yard (no projection into front yard allowed)

Daniel Kaputa stated his home is on a corner lot and he would like to install a 4' black chain link fence in the side yard 1' off the sidewalk.

Chairman Monopolus referred to the electrical service and questioned if it will be in the way of where the fence will be.

Mr. Kaputa stated they will be going around the electrical box.

Mrs. Hicks thought that 1' off the sidewalk was too tight for kids riding bikes, etc. and suggested 1.5' instead.

2012-044 (continued)

Mrs. Kaputa noted there is 3' or 4' of grass on the other side of the sidewalk and no trees so there is enough room.

Mr. Harmon agreed with Mrs. Hicks and stated they have had these issues in the past with fences along sidewalks.

Chairman Monopolus noted receipt of letters of support from neighbors at 9 & 21 Tommie Court and 644 & 663 Cindy Lane.

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a variance for property located at 657 Cindy Lane to construct a 4' fence projecting into front yard 18" off sidewalk and going around electrical box.

Ayes: All

Noes: None

Motion Carried

2012-045

Request of Patricia & Daniel Warren for a variance for property located at 832 Indian Church Road to construct an addition in side yard reducing setback to 2.68' (5' side setback required)

Daniel Warren stated he is a co-owner of 832 Indian Church Road and they are residing the house, installing new windows, and remodeling the bathroom and kitchen. As part of these improvements, the small porch like structure on the rear of house will be eliminated to allow for a 12' addition.

Chairman Monopolus noted receipt of a letter of support from the neighbor at 830 Indian Church Road.

No comments were received from the public.

Motion by Monopolus, seconded by Hicks, to close the public hearing and grant a variance for property located at 832 Indian Church Road to construct an addition in the side yard reducing the setback to 2.68'.

Ayes: All

Noes: None

Motion Carried

2012-040 (continued)

Mr. Szczerbowski understood that the roof peak will be 19.4' and he approved of that height.

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a variance for property located at 606 Mill Road to construct a 15'6" high garage with a 19.4' peak.

Ayes: All

Noes: None

Motion Carried

2012-046

Request of Lorraine Brubaker for a variance for property located at 2 George Drive to construct a 6' fence in front yard (4' fence allowed)

Lorraine Brubaker stated her proposal to replace an existing 4' chain link fence with a 6' privacy fence in her front yard. She stated that the contractor would not give an estimate until the variance is approved, so she was not sure she could afford another fence or what type of fence it will be. She planned to move the gate to a different location and stated that the new fence will also allow more room for garbage cans.

Chairman Monopolus questioned if the trees will be in the way and where snow will be plowed.

Mrs. Brubaker responded that the trees will not interfere and the fence sits back considerably from the sidewalk so she did not see a problem with snow removal. She further stated that there has been a problem with noise and with people shouting things while driving by. Mrs. Brubaker stated that her neighbor at 8 George Drive has no objection to the fence, but she did not know any of the other neighbors.

Mr. Harmon was concerned that the fence is constructed of something that will be attractive to the neighborhood. He suggested a vinyl fence.

Town Attorney Shawn Martin suggested tabling this item until the type of fence is determined.

Motion by Harmon, seconded by Hicks, to table the request for a variance for property located at 2 George Drive to construct a 6' fence in front yard pending receipt of more information on the type of fence to be constructed.

Ayes: All

Noes: None

Motion Carried

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2012-047

Request of Ronald & Cheryl Nikander for a variance for property located at 167 Main Street to construct a garage 9' from house and reducing side setback to 1.8' (10' from house and 3' side yard setback required)

Cheryl Nikander stated her proposal to demolish an existing garage and construct a new 24' x 24' garage in its place. The new garage will be slightly larger than the old and extend 2' wider into the yard. The yard is sloped so this is the only option.

Chairman Monopolus noted receipt of letters of support from adjacent neighbors at 161 & 179 Main Street.

No comments were received from the public.

Motion by Hughes, seconded by Hicks to close the public hearing and grant a variance for property located at 167 Main Street to construct a garage 9' from the house and reducing side setback to 1.8'.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Harmon, seconded by Hicks, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary