

2010-063 (continued)

Pat Sullivan stated he is the owner of Cheers located at 270 Center Road and he was requesting renewal of the variance to allow live music at the bar weekdays until 11 P.M. and weekends until 1:30 P.M.

Mr. Hughes questioned if there were any complaints concerning noise on file with the Police Department.

Town Attorney Shawn Martin stated that some complaints were registered with the Police Department, but they did not indicate there was anything to follow up on. He was not aware of any citations or summons being issued or any noise violations.

Code Enforcement Officer John Gullo noted that Mr. Sullivan was opening another establishment in the area and still needed sign permits, building permits and a fire inspection for that location. Also, there was a sign advertising live music at that location but it had not yet appeared before the Zoning Board.

Mr. Sullivan responded that he recently took over that property and the previous owner had a variance for live music at that location. He had called the Code Enforcement Office and they informed him that the variance had expired so he will be filing an application soon.

Motion by Harmon, seconded by Hicks, to close the public hearing and grant a one year extension of the variance for property located at 270 Center Road to allow live music Sunday – Thursday until 11 P.M. and Friday and Saturday until 1:30 ~~P.M.~~ ^{A.M.}*

Ayes: All

Noes: None

Motion Carried

2011-047

Request of Lynda Otto for review of a variance for property located at 183 Westcliff Drive to allow for raising chickens

Joseph Otto represented his wife and stated their request for renewal of the variance to raise chickens, noting they have five chickens and no roosters.

Town Attorney Shawn Martin and Code Enforcement Officer John Gullo stated they received no complaints on this matter and the Otto's have complied with the stipulations of the variance.

No comments were received from the public.

* corrected 12/12/2012

2011-047 (continued)

Motion by Rosenswie, seconded by Harmon, to close the public hearing and grant an extension to the variance for property located at 183 Westcliff Drive to allow for raising five chickens, no roosters, for a one year period.

On the question, Mrs. Hicks questioned if they should limit the variance to one year or make it open because of the Otto's good record.

Mr. Hughes questioned if a local law concerning raising poultry had been proposed by the Town Board.

Mr. Martin responded that a local law was drafted but had not yet been introduced by any board member. If a local law is passed within the year, a variance will not be necessary.

Ayes: All

Noes: None

Motion Carried

2011-057

Request of Christine Sanfilippo for review of a variance for property located at 17 Wenro Place for a 6 ft. fence in front yard

Christine Sanfilippo stated her request to continue the variance for a 6 ft. fence on her property.

Code Enforcement Officer John Gullo stated that Ms. Sanfilippo's lot is 35' wide and it was determined that the fence is on the neighbor's property.

Town Attorney Shawn Martin advised that the Zoning Board can grant the variance but cannot authorize Ms. Sanfilippo to put a fence on the neighbor's property.

Ms. Sanfilippo stated she is in the process of purchasing land from her neighbor, but that is not settled. The neighbor does not care about the fence and was happy because it keeps people from trespassing.

Mr. Martin stated Ms. Sanfilippo will either have to purchase some of her neighbor's property or obtain an easement to construct the fence. The Zoning Board could grant a variance with the stipulation that the fence be placed on Ms. Sanfilippo's property and no permit will be issued until proof of proper ownership or easement is obtained.

2011-057 (continued)

Ms. Sanfilippo stated her neighbor will be getting back to her with the amount of feet he is willing to sell. She asked that her request be put it on hold until the purchase is final so she does not have to take the fence down.

Mr. Harmon questioned if Ms. Sanfilippo will buy the property even if the variance is not approved and further questioned why the fence is in the front yard.

Ms. Sanfilippo responded that she will buy the property regardless of whether the variance is approved. She would like to keep the fence in the front yard for privacy so her neighbors cannot see in her yard.

Mr. Hughes noted receipt of letters of support from neighbors at 17, 33, 34 and 39 Wenro and 202 Indian Church Road.

Motion by Rosenswie, seconded by Hicks, to table this item pending notification from the applicant that the transfer of property has taken place.

Ayes: All

Noes: None

Motion Carried

2011-060

Request of Dennis Sullivan for review of a variance for property located at 1481 Orchard Park Road for raising chickens

Dennis Sullivan requested renewal of the variance to raise seven chickens on his property, noting he has no roosters and has built a coop to house the chickens.

Town Attorney Shawn Martin and Code Enforcement Officer John Gullo noted that no complaints were received on this matter.

Motion by Rosenswie, seconded by Hicks, to grant an extension of the variance for property located at 1481 Orchard Park Road for raising seven chickens, no roosters, for a one year period.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2012-053

Request of Craig Jasin for a variance for property located at 77 Campus Drive to construct a 6' fence extending 40' into front yard (4' fence and 10' projection allowed)

Craig Jasin stated that because of the odd shape of his property and it being a corner lot, he has no back yard and would like to fence the side lot which goes in front of his house.

Mr. Harmon questioned if the existing chain link fence will be changed and what the new fence will be constructed of.

Mr. Jasin responded that the existing chain link fence will remain. He presented a picture of the new fence which will be white vinyl with a gate on the side facing the house.

Mr. Hughes noted receipt of letters of support from neighbors at 90 Leaside Drive and 63, 64 and 82 Campus Drive.

Motion by Harmon, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 77 Campus Drive to construct a 6' fence extending 40' into the front yard.

Ayes: All

Noes: None

Motion Carried

2012-054

Request of Frank Cipressi of Brothers F & G Construction for property owner Todd Schmigel for a variance for property located at 53 Gerard Drive to construct a garage 5'8" from house (10' separation required)

Frank Cipressi of Brothers F & G Construction stated Mr. Schmigel's request to build a garage 5'8" away from the flat aluminum awning that is attached to his house, noting that the awning covers a concrete patio.

Code Enforcement Officer John Gullo stated that the separation requirement is a safety issue but there is no problem accessing the back yard.

Mr. Hughes questioned if Mr. Cipressi had any letters of support from the neighbors.

Mr. Cipressi responded that the project will have no effect on the neighbors.

2011-054 (continued)

Motion by Harmon, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 53 Gerard Drive to construct a garage 5'8" from the house.

Ayes: All

Noes: None

Motion Carried

2012-055

Request of Gerard T Jakubczak for a variance for property located at 865 Center Road to reduce required parking to 20 spaces (66 spaces required)

Gerard Jakubczak, owner of Kone King, stated his request to reduce the required parking to 20 spaces. He had received a letter from Erie County and had satisfied their requirements.

Mr Harmon questioned if 20 parking spaces will be adequate during their peak season.

Mr. Jakubczak responded that based on his other location, 35 percent of the volume becomes drive-thru. There has never been a problem with parking even in busy times. There is a constant flow of traffic and the drive-thru customers will make their purchase and leave.

Mr. Harmon referred to parking spaces 1 – 5 on the plan and questioned how the customers will park there.

Mr. Jakubczak responded that the cars will enter from Warren Avenue and parallel park on that side of the parking area.

Mrs. Hicks questioned if there will be stacking on Warren Avenue and how that will effect the people that live behind the store.

Mr. Jakubczak responded that he owns the first house on Warren Avenue and had not approached the other neighbors on that street.

Motion by Rosenswie, seconded by Hughes to close the public hearing and grant a variance for property located at 865 Center Road to reduce parking to 20 spaces.

On the question, Mr. Harmon expressed some concern about vehicles standing on Warren Avenue during busy times and referred to the current situation with Tim Hortons on Union Road.

2012-055 (continued)

Mr. Jakubczak responded that the average wait time is less than 1 or 2 minutes per customer, so the opportunity for cars to stand on the street is minimal.

Mr. Hughes noted that the Department of Public Works had reviewed the project and was in agreement with parking and site driveway utilization based on the installation of a drive-thru window.

Mrs. Rosenswie questioned when the drive-thru will be installed.

Mr. Jakubczak responded that he intends to have the work done in the spring of 2013.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

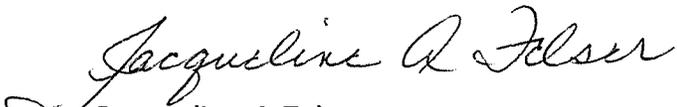
Motion by Chairman Rosenswie, seconded by Hicks, to adjourn the meeting at 7:35 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary