

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

**ZONING BOARD OF APPEALS**  
**Minutes #2013-03**  
**March 27, 2013**

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 led by Code Enforcement Officer Jeffrey Baksa and 30 seconds of silent prayer.

**ROLL CALL:** Present - David Monopolus, Chairman  
Michael P. Harmon  
Evelyn Hicks  
Michael P. Hughes  
Sandra Giese Rosenswie  
Jeffrey Baksa, 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 Hughes, seconded by Hicks, to open the public hearing.

Ayes: All                                      Noes: None                                      Motion Carried

**APPROVAL OF PROOFS OF PUBLICATION**

Motion by Harmon, seconded by Rosenswie, 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 Rosenswie, to approve Minutes #2013-02 of February 27, 2013.

Ayes: All                                      Noes: None                                      Motion Carried

**OLD BUSINESS**

**2012-010**

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

**2012-10** (continued)

Deacon Michael Comerford stated he received the variance one year ago and has been raising six chickens, no roosters. The food is contained and he has heard no complaints from the neighbors.

Code Enforcement Officer Jeffrey Baksa advised that his office had not received any complaints concerning the chickens on this property.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the public hearing and grant a one year variance for property located at 151 Century Drive to raise six chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

**2012-060**

Request of Nicholas M Calandra (Hearts for the Homeless WNY) for a variance for property located at 395 Center Road for placement of a temporary structure in parking lot (temporary structures not allowed)

Chairman Monopolus stated the applicant requested this item be tabled until next month.

Motion by Hughes, seconded by Rosenswie, to table this item until the April meeting.

Ayes: All

Noes: None

Motion Carried

**2013-007**

Request of Nick & Nancy Gugliuzza for a variance for property located at 527 Meadow Drive to reduce front setback to 20' (30' required)

Nick Gugliuzza presented pictures of the inside of his garage at 527 Meadow Drive that had been converted to a hobby/wood shop. Mr. Gugliuzza stated that four cars fit in the driveway without coming near the sidewalk. He presented pictures indicating there is no obstruction to anyone's ability to walk on the sidewalk and presented additional pictures of neighboring properties indicating the majority have cars parked in their driveways.

**2013-07** (continued)

Code Enforcement Officer Jeffrey Baksa advised that the garage is now considered living space so a 30' setback is required.

Chairman Monopolus noted receipt of letters of support from 20 surrounding neighbors on Meadow Drive.

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 527 Meadow Drive to reduce front setback to 20'.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2013-011**

Request of Marisa Alessi for a variance for property located at 2 Kellybrook Court to construct a 6' fence in front yard projecting 25' off house (4' fence and 10' projection allowed)

Marisa Alessi stated her request to construct a 6' fence on her corner lot 20" off the driveway and 22" from the sidewalk on Kellbrook Court with 45° angles at both corners. Ms. Alessi stated she originally had two letters of support from neighbors, but they are now objecting to the height. She further presented pictures of the fence across the street from her that is 6' high and 22" off the sidewalk.

Chairman Monopolus questioned if Ms. Alessi would have any objection to moving the fence back to 30" off the sidewalk instead of 22".

Mrs. Hicks stated she preferred to see the fence positioned 36" from the sidewalk.

Carrie Bebak lives next to Ms. Alessi and was opposed to the 6' high fence along Kellybrook Court and going down the property line along her driveway. She asked that the fence along Kellybrook Court be reduced to 4' along with the last section along her driveway a distance of 8' from the angle at the corner. Mrs. Bebak was concerned about being able to see backing out of her driveway and also with the aesthetics of a 6' fence.

Ms. Alessi stated she was trying to have privacy and more room in her yard and the angled corners allows for better visibility for the neighbors.

**2013-011** (continued)

Jim Curry stated he owns the house across the street and the fence was there when he bought it. He commented that his fence is 6' high and he has to look carefully when exiting his driveway.

Mr. Harmon suggested Ms. Alessi reduce the height of the fence along Kellybrook Court and the driveway to 5' as a compromise but stated he would like to see it 3' off the sidewalk. He further questioned the type of fence she was planning.

Ms. Alessi responded it will either match the shadowbox wooden fence already on her property or she may go with vinyl fencing.

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a variance for property located at 2 Kellybrook Court to construct a 5' fence in front yard 22" off sidewalk along Kellybrook Court, angled along the southwest corner and continuing to house, and angled along the southeast corner and continuing along east property line increasing height to 6' approximately 8' off southeast angle.

On the question,

Motion by Harmon, seconded by Hicks, to amend the motion and increase the distance off the sidewalk to 36".

Ayes: (2) Mr. Harmon, Mrs. Hicks

Noes: (3) Mrs. Rosenswie, Mr. Hughes, Chairman Monopolus                      Motion Denied

On the original motion,

Ayes: (3) Mrs. Rosenswie, Mr. Hughes, Chairman Monopolus

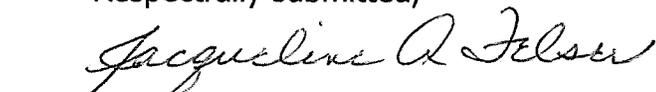
Noes: (2) Mr. Harmon, Mrs. Hicks    Motion Carried

**ADJOURNMENT**

Motion by Hughes, seconded by Rosenswie, to adjourn the meeting at 7:40 P.M.

Ayes: All    Noes: None    Motion Carried

Respectfully submitted,

  
Jacqueline A Felser  
Town Clerk/Zoning Board Secretary