

2013-035 (continued)

Motion by Hicks, seconded by Harmon, to table this item until the August 28, 2013 Zoning Board meeting.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2013-045

Request of Scott & Amy Woodley for a variance for property located at 57 Treehaven Road to allow 6' fence extending 8' into front yard setback (maximum 4' fence and no extension into front yard allowed)

Attorney Simon Manka represented the petitioners and stated their request to construct a 6' fence in their front yard setback. The house is located on a corner lot and he presented pictures of the front yard indicating the location of the proposed fence and stated there will be no obstruction to traffic. The Woodley's have a pool and a dog and they were requesting the fence for privacy.

Mr. Harmon commented there was no sidewalk and did not see a problem extending the fence to the lot line.

Chairman Monopolus noted receipt of letters of support from property owners at 59 Treehaven Road and 386 Woodward Crescent.

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 57 Treehaven Road to allow a 6' fence extending to the front lot line.

Ayes: All

Noes: None

Motion Carried

2013-046

Request of Richard A Johnson of X-Press Signs Inc. for a variance for property located at 4744 Clinton Street to allow an electronic sign 75' from residential property (minimum 500' from residential property required)

Richard Johnson stated his request to allow an electronic sign on an existing pole at 4744 Clinton Street. The sign is capable of scrolling, but they will abide by the current code for electronic signs including the 30 second rule.

2013-046 (continued)

Chairman Monopolopolus noted receipt of letters of support from property owners at 4680 Clinton Street and 4721 Clinton Street.

No comments were received from the public.

Motion by Harmon, seconded by Hughes, to close the public hearing and grant a variance for property located at 4744 Clinton Street to allow an electronic sign 75' from residential property.

Ayes: All

Noes: None

Motion Carried

2013-047

Request of Suzette Evans for a variance for property located at 225 Northwood Avenue to allow swimming pool in side yard (accessory structures permitted in rear yard) with deck connecting pool to house (10' separation required)

Suzette Evans stated her house is on a corner lot and she would like to have a pool in the side yard with a second deck that will connect to the existing deck. The existing deck will have a self-closing gate to the second deck and there will be a pool alarm and railings on the deck.

Chairman Monopolopolus noted receipt of letters of support from property owners at 209 Northwood Avenue and 1 Terrace Blvd.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 225 Northwood Avenue to allow a swimming pool in the side yard with a deck connecting the pool to the house.

Ayes: All

Noes: None

Motion Carried

2013-048

Request of Jason Havens of Rusty Nickel Brewing Co. for a variance for property located at 4348 Seneca Street to operate a nano/micro brewery

Jason Havens stated his request to use the 2000 sf building behind the Ebenezer Ale House for a nano/micro brewery. The beer will be sold at the Ebenezer Ale House and transported out for sale elsewhere. There will also be a small tasting room for people to taste beer and purchase growlers to be consumed off site.

2013-048 (continued)

Mr. Hughes questioned why this application was before the Zoning Board of Appeals and what variance was being requested.

Code Enforcement Officer Jeffrey Schieber stated they were seeking an interpretation as to whether the operation of a brewery fits in the C-2 zoning because the code specifies cider mill but not production of beer.

Town Attorney Shawn Martin questioned if the building in the rear is covered by the liquor license for the Ebenezer Ale House and Shawn Schweis owner/operator of the Ebenezer Ale House stated that a separate liquor license is required for the brewery.

Mr. Havens stated the business will be production with retail sales to the general public and they could also contract with a beer company. He was not able to contact the neighbors on either side for letters of support, but he did not believe they would be impacted. The business will not be a commercial retailer with constant traffic and the actual traffic generated will be smaller than the previous tenant. Nothing will be stored outside, they will not be operating past 10 P.M. and only a small amount of steam is produced with no offensive smell.

No comments were received from the public.

Motion by Rosenswie, seconded by Hughes, to close the public hearing with the determination that operation of a nano/micro brewery at 4348 Seneca Street is an appropriate use in the C-2 zoning.

Ayes: All

Noes: None

Motion Carried

2013-049

Request of Roger Suter for a variance for property located at 15 Sunset Creek Drive to allow a shed in side yard 3' from house (10' separation required)

Roger Suter stated his proposal to construct an 8' x 12' or 8' x 14' shed in the side yard 3' from his house. The lot is an irregular shape and this is the most convenient place for it. He planned to have a cement pad under the shed and keep it narrow so there is room to work around it.

Mrs. Hicks questioned if a footer was required and Code Enforcement Officer Jeffrey Schieber advised there is no requirement for a footer under a shed.

Chairman Monopolus noted receipt of a letter of support from the property owner at 11 Sunset Creek Drive who is most affected by the shed.

2013-049 (continued)

No comments were received from the public.

Motion by Rosenswie, seconded by Hughes, to close the public hearing and grant a variance for property located at 15 Sunset Creek Drive to allow a shed in the side yard 3' from the house.

Ayes: All

Noes: None

Motion Carried

2013-050

Request of Nicholas M Calandra of Hearts for the Homeless for a variance for property located at 11 North America Drive to allow a temporary structure on site

Nicholas Calandra stated his proposal to place a clothing donation bin between the two vacuum pumps at the car wash at 11 North America Drive. They currently have 230 clothing donations bins throughout WNY, two of which are located in West Seneca. Mr. Calandra did not believe there had been any issues with any of the bins and noted they have a 24 hour response policy in case of a problem.

Mr. Hughes questioned Mr. Calandra's definition of "temporary" and Mr. Calandra stated the bins are placed based on demand and if they begin to see a diminishing return they will be removed.

Chairman Monopolus noted receipt of a letter of support from the property owner at 11 North America Drive.

No comments were received from the public.

Motion by Hughes, seconded by Monopolus, to close the public hearing and grant a variance for property located at 11 North America Drive to allow a temporary structure on site.

Ayes: All

Noes: None

Motion Carried

2013-051

Request of Diana L Taylor for a variance for property located at 124 Fawn Trail to erect a frame porch with roof projecting 10' off front of house (maximum 7.5' projection allowed)

Diana Taylor stated her proposal to remove a concrete slab in front of her house and add a frame porch with a roof. The proposed 10' x 16' porch will be larger than the current concrete slab and will be positioned 16' to 18' off the sidewalk.

2013-051 (continued)

Chairman Monopolus noted receipt of letters of support from property owners at 118 & 130 Fawn Trail.

No comments were received from the public.

Motion by Hicks, seconded by Harmon, to close the public hearing and grant a variance for property located at 124 Fawn Trail to erect a frame porch with roof projecting 10' off the front of the house.

Ayes: All

Noes: None

Motion Carried

2013-052

Request of Richard O'Neil for a variance for property located at 760 Seneca Creek Road to construct a 6' fence in side yard (maximum 4' fence allowed)

Richard O'Neil stated he recently built his house at 760 Seneca Creek Road and has two small children and two small dogs. He is requesting to construct a 6' vinyl privacy fence in his side yard 8' forward from the rear corners of the house and 138' from the roadway. There will be a 12' or 16' gate on one side and a man gate on the other side and the rear of the property will not be fenced.

Chairman Monopolus noted receipt of letters of support from property owners at 742 & 782 Seneca Creek Road.

No comments were received from the public.

Motion by Monopolus, seconded by Harmon, to close the public hearing and grant a variance for property located at 760 Seneca Creek Road to construct a 6' fence in the side yard.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

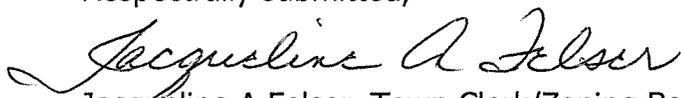
Motion by Rosenswie, seconded by Hicks, to adjourn the meeting at 7:40 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser, Town Clerk/Zoning Board Secretary