

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

**ZONING BOARD OF APPEALS**  
**Minutes #2013-08**  
**August 28, 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 Michael Harmon 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 Harmon, 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 Hughes, seconded by Rosenswie, to approve Minutes #2013-07 of July 24, 2013.

Ayes: All                                      Noes: None                                      Motion Carried

### **OLD BUSINESS**

#### **2013-035**

Request of Luke Fletcher of Sign-A-Rama for a variance for property located at 701 Orchard Park Road to erect a 64 sf pedestal sign (40 sf maximum allowed) and two (2) 175 sf face signs (92 sf maximum allowed)

**2013-35** (continued)

Luke Fletcher of Sign-A-Rama stated the proposal to convert a corner lot at 701 Orchard Park Road to a Verizon store and presented drawings of the front of the building indicating signage similar to their other store locations.

Mrs. Hicks questioned if the project was before the Planning Board for site plan review. She further questioned if the scale of the sign fit the building.

Code Enforcement Officer Jeffrey Baksa stated his department is aware of Verizon's proposal but nothing has been submitted to start the site plan review process. His office will ensure that the sign fits the building.

Mr. Fletcher was aware of preliminary work being done and stated they will go through the site plan review process. They are not changing the building at all, but will be adding some landscaping and they hoped to be opening in late October.

Mr. Hughes questioned if the size of the pedestal sign was similar to variances granted for other signs and if it was high enough to eliminate safety concerns.

Mr. Baksa stated the size is comparable and the height is fine.

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 701 Orchard Park Road for a 64 sf pedestal sign and two (2) 175 sf face signs.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2013-053**

Request of Gerald J Greenan III for a variance for property located at 51 Rolling Hills Drive to allow a 20' high fence in side yard (maximum 6' high fence permitted)

Gerald J Greenan III stated the application should read 8' fence rather than 20'. He was proposing to construct a white vinyl fence to help screen the neighbor's pool. Mr. Greenan indicated on the survey the location of the 8' fence and a point where it will drop to 6' going forward to the front yard.

**2013-053** (continued)

Chris Donohue stated he lives next to 51 Rolling Hills Drive and presented pictures of the properties. Mr. Donohue agreed to an 8' fence from the last arborvitae to the rear property line and a 6' fence from the arborvitae forward.

Code Enforcement Officer Jeffrey Baksa stated a variance is required for an 8' fence in the rear yard and also a 6' fence in the side yard.

Mr. Harmon questioned if the fence will be installed at ground level and Mr. Greenan confirmed that it will be at ground level.

Mrs. Rosenswie questioned if Mr. Greenan had received permission from his other next door neighbor.

Mr. Greenan stated he had not gotten permission from the other neighbor but they are friends and the fence will have no affect on them.

Motion by Hicks, seconded by Harmon, to close the public hearing and grant a variance for property located at 51 Rolling Hills Drive to allow an 8' high fence in the rear yard dropping to 6' in the side yard.

On the question, Mr. Harmon stated the point where the fence changes from 6' to 8' should be agreed upon by the applicant and the neighbor.

Ayes: All

Noes: None

Motion Carried

**2013-054**

Request of Vincent Canazzi for a variance for property located at 39 Conner Drive to allow a 6' high fence in side yard (maximum 4' high fence permitted)

Vincent Canazzi stated his proposal to construct a 6' high white vinyl fence in his side yard to contain his dog, noting the dog is large enough and could jump over a 4' fence.

Mr. Harmon questioned if the vacant lot next door is a buildable lot.

Mr. Canazzi responded that the lot is sold and a house will be built there but he had not contacted the new owner.

Mr. Harmon commented that the owner of the lot should be made aware of the proposed fence and suggested that approval of the variance be subject to the neighbor's approval.

**2013-054** (continued)

Mr. Hughes stated there are other 6' fences in the neighborhood similar to the proposed fence.

Chairman Monopolus noted receipt of letters of support from property owners at 28 & 35 Conner Drive and 10 Louise Drive.

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 39 Conner Drive to allow a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

**2013-055**

Request of Joseph Ziccardi for a variance for property located at 725 Center Road to allow a stone driveway (hard surface material required)

Joseph Ziccardi stated his proposal to add a stone driveway on the opposite side of his house to park his work truck.

Chairman Monopolus read the recommendation from Erie County Department of Public Works stating that an Erie County highway work permit is required and will have to be reviewed by their maintenance people and traffic safety engineer to determine the need for a second driveway and its impact on Center Road traffic. They may require the driveway apron from the edge of the pavement to the right-of-way line to be paved. They further questioned if the application was referred to the West Seneca Traffic Safety Committee.

Town Attorney Shawn Martin stated the Traffic Safety Committee would not review this type of request and the applicant should get approval from the county first before the Zoning Board acts on it.

Mrs. Hicks commented they generally do not allow a second driveway on a narrow residential lot.

No comments were received from the public.

Motion by Rosenswie, seconded by Monopolus, to table this item pending approval from Erie County.

Ayes: All

Noes: None

Motion Carried

**2013-056**

Request of Steve Bueme for a variance for property located at 3705 Seneca Street to: 1) reduce parking to 33 spaces (39 spaces required); 2) allow 18'5" ingress/egress (25' ingress/egress required); 3) allow 25' front driveway (30' front drive required); 4) allow no screening of parking lot (screening required)

Steve Bueme of Bueme Construction stated his proposal to construct a new building for Dr. Chopra behind the current building at 3705 Seneca Street, noting the value of the project is close to a million dollars.

Town Attorney Shawn Martin stated the project will also require site plan approval from the Planning Board and engineering approval.

Chairman Monopolus read the recommendation from the Erie County Department of Public Works stating they had no problem with a 25' front driveway, but they will need to be involved with site plan review. They note there is no storm sewer on this side of Seneca Street and only six-inch underdrain piping that the site drainage cannot connect to. They further state that stamped drawings and a stamped engineering report will be required during site plan review and Erie County highway work permits will be required for any work within the Seneca Street right-of-way.

Mrs. Hicks questioned if an 18'5" ingress/egress was sufficient for emergency vehicles.

Mr. Bueme stated that 18'5" was sufficient and noted that no vehicles will be parked in the driveway; only the doctor and staff will use that driveway to access their parking area in the rear.

Town Attorney Shawn Martin questioned if the new building will be located on the same footprint as the previous building that was torn down.

Mr. Bueme stated the new building will be located behind the previous building.

Mr. Hughes questioned if there was any concern with having six less parking spaces.

Code Enforcement Officer Jeffrey Baksa stated the reduced parking is not a concern considering the type of business. He further stated that although there is a business next door screening is required because the property is zoned residential and it could revert back to residential at any time.

Mr. Martin recommended waiving the screening requirement, noting that screening of the property will be handled by the Planning Board at site plan review.

**2013-056** (continued)

Chairman Monopolus noted receipt of letters of support from property owners at 3681, 3686, 3694, 3717, 3729, 3764, 3768, 3775 & 3689 Seneca Street and 40 Hillcrest Drive.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the public hearing and grant the following variances for property located at 3705 Seneca Street: 1) reduce parking to 33 spaces; 2) allow an 18'5" ingress/egress; 3) allow a 25' front driveway; and 4) dispense with screening between commercial and residential, subject to site plan review.

Ayes: All

Noes: None

Motion Carried

**2013-057**

Request of Bruce Heckman for a variance for property located at 2 Cathedral Court to allow a concrete porch extending 6' into front yard reducing setback to 24' (30' setback required)

Bruce Heckman stated his proposal to replace a 14' x 3' sidewalk and remove a 4' x 7' front porch and replace it with a 14' x 6' porch. He questioned why a variance was needed for the porch when it was just a replacement.

Mrs. Hicks explained that even though the porch was replacing an existing porch, the variance was necessary because the required 30' front setback was being reduced to 24'.

Chairman Monopolus noted receipt of letters of support from property owners at 1 and 4 Cathedral Court.

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 2 Cathedral Court to allow a concrete porch extending 6' into the front yard reducing the setback to 24'.

Ayes: All

Noes: None

Motion Carried

**2013-058**

Request of Anthony Ujvari for a variance for property located at 87 Crofton Drive to construct an attached garage reducing front setback to 11' (30' front setback required)

Anthony Ujvari stated his proposal to add onto an existing garage reducing the front setback to 11'.

Mrs. Hicks questioned if Mr. Ujvari will be widening the driveway, and if so, will there be a sight issue.

Mr. Ujvari responded that he intended to make the driveway as wide as the garage, but does not need that width the entire length of the driveway.

Code Enforcement Officer Jeffrey Baksa noted that a second variance will be required if the driveway is being widened because a vehicle will be parked in the front setback. The maximum width could be 18' at the street and he did not believe there would be a sight issue at the corner.

Chairman Monopolus noted receipt of letters of support from property owners at 81, 104, 110 Crofton Drive and 75 Tanglewood Drive.

No comments were received from the public.

Motion by Harmon, seconded by Rosenswie, to close the public hearing and grant the following variances for property located at 87 Crofton Drive: 1) construct an attached garage reducing front setback to 11'; 2) allow expansion of the driveway into the front setback, noting the width at Crofton Drive should be no more than 18'.

Ayes: All

Noes: None

Motion Carried

**2013-059**

Request of H. Dale Kling for a variance for property located at 4725 Clinton Street to construct an accessory structure on a vacant lot (principal structure required) with 5' front setback and 5' rear setback (40' front setback and 30' rear setback required)

Dale Kling stated his proposal to construct a three car garage for storage of antique cars along with general storage. He presented plans for the garage indicating it will be 20' x 40' and 17'6" high with a second story. Mr. Kling stated the building will not be used for housing.

Chairman Monopolus questioned the condition of the creek bank at that location.

**2013-059** (continued)

Mr. Kling responded that the creek bank is solid and there are a lot of trees.

Code Enforcement Officer Jeffrey Baksa stated that a 1.5' height variance will also be required. He further presented pictures of the house next door showing the condition of the property and stated that his department will require an engineer's statement that the soil is stable.

Mr. Kling noted the house next door had fill brought in whereas his property is in its natural state.

Mrs. Hicks questioned if this project is required to go for site plan approval.

Mr. Baksa responded that site plan approval is not required, but he suggested the following stipulations be added to the variance: 1) no occupancy; 2) personal storage only and not for commercial use.

Mrs. Hicks suggested Mr. Kling add landscaping so the garage fits in with the neighborhood.

Chairman Monopolus noted receipt of letters of support from property owners at 4721 & 4783 Clinton Street.

No comments were received from the public.

Motion by Hicks, seconded by Hughes, to close the public hearing and grant a variance to construct an accessory structure on a vacant lot at 4725 Clinton Street with 5' front setback and 5' rear setback and a 1.5' height variance, subject to no occupancy and no commercial use of the garage.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

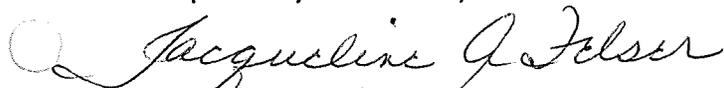
Motion by Chairman Rosenswie, seconded by Hughes, to adjourn the meeting at 8:15 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser

Town Clerk/Zoning Board Secretary