

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

ZONING BOARD OF APPEALS
Minutes #2013-09
September 25, 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 Evelyn Hicks and 30 seconds of silent prayer.

ROLL CALL: Present - David Monopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Sandra Giese Rosenswie
Jeffrey Schieber, Code Enforcement Officer

Absent - Shawn P. Martin, Town Attorney

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 Rosenswie, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Hicks, seconded by Harmon, 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 #2013-08 of August 28, 2013.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

2010-065

Request of Angelo Castricone for review of a variance allowing live music at 2339 Union Road

2010-65 (continued)

Chairman Monopolus stated the applicant had received a one year variance and was returning for review and renewal of the variance. There had been a few complaints - one noise complaint at 11:03 PM (11:00 P.M. is the time specified in the noise ordinance); one for noise decibels (police found the noise to be under the limit); and one for noise in the parking lot (nothing was found upon police arrival).

Angela Castricone stated the police had responded to a neighbor's complaints but each time found nothing upon their arrival.

No comments were received from the public.

Motion by Rosenswie, seconded by Hughes, to close the public hearing and grant a one year extension of the variance for 2339 Union Road with the same conditions as before: live music allowed until 11 P.M. on weekdays, with the exception of Thanksgiving Eve, New Year's Eve, St. Patrick's Day and the 2nd Wednesday in October for applicant's anniversary party when music will be allowed until 2 AM and with live music being allowed until 2 AM on Saturday's and Sunday's, noting the applicant must adhere to the town's noise ordinance.

Ayes: All

Noes: None

Motion Carried

2012-058

Request of Ronald Race for review of a variance for property located at 1100 Orchard Park Road for display of storage sheds for sale (temporary structures not allowed)

Chairman Monopolus stated the applicant had received a one year variance and was returning for review and renewal of the variance. There were no police reports or complaints from neighbors.

Ronald Race stated the business has been working well and he has sold quite a few sheds at this location. A driveway was installed to help avoid any traffic situations.

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 1100 Orchard Park Road for display of storage sheds for sale.

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)

Chairman Monopolus stated the petitioner has withdrawn his application.

Motion by Hughes, seconded by Rosenswie, to remove this item from the agenda.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2013-060

Request of St. David's Episcopal Church for a variance for property located at 3951 Seneca Street to allow an electronic sign within 500' of residential zoning (minimum 500' required)

Jim Stegner of St. David's Episcopal Church stated they would like to replace their existing sign with a 34 to 36 sf electronic sign located the same distance from the road. He presented a picture of the sign which will be used to advertise events and community activities.

Mr. Hughes noted the electronic sign will also need Town Board approval.

Code Enforcement Officer Jeffrey Schieber stated there are no sight distance problems with the sign on St. David's Drive or from Southgate Plaza.

Chairman Monopolus noted receipt of letters of support from Southgate Plaza and property owners at 3939, 3942, 3962 & 3968 Seneca Street and 50 St. David's 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 3951 Seneca Street to allow a maximum 36 sf electronic sign within 500' of residential zoning.

Ayes: All

Noes: None

Motion Carried

2013-061

Request of Gregory & Marguerite Bermel for a variance for property located at 202 Charlescrest Court to allow 6' fence projecting 24' into front setback (4' fence and 10' projection permitted)

Gregory Bermel stated he installed a fence last spring to replace the old one and he is now requesting continuation of the fence to the front yard with two 8' panels 6' high and a third 6' high panel sloping to 4'. The driveway was extended so they are parking closer to the lot line and they would like some privacy from the neighbor's windows whose house is located on a corner lot and faces sideways.

Chairman Monopolus questioned if the drainage work was done as discussed at the previous meeting when the replacement fence was approved.

Mr. Bermel stated the drainage work is in the process of being done.

Marguerite Bermel commented that they are able to see into the neighbor's dining room from their driveway and the neighbor can see out. They are requesting the 6' fence for privacy.

Mr. Harmon stated the Bermel's are allowed to put up a 4' fence extending 10' in the front of the house which is about half the length of the driveway. He thought they would be setting a precedent if they approve a 6' fence.

Mr. Hughes questioned if the Bermel's had discussed this variance request with the neighbor and Mr. Bermel stated they discussed the first fence with the neighbor but not the current proposal.

Chairman Monopolus noted receipt of a letter of opposition from the property owner at 210 Charlescrest Court. She opposed the 6' fence because it will limit her view and cut down on the amount of air flowing into her home, noting she has no air conditioning. The property owner stated she would agree to a 4' fence.

Mr. Bermel asked the Zoning Board to approve two 8' panels – one 6' high and one 4' high.

No comments were received from the public.

Motion by Harmon, seconded by Harmon, to close the public hearing and grant a variance for property located at 202 Charlescrest Court to extend the existing fence with one 6' high x 8' section and one 4' high x 8' section.

Ayes: All

Noes: None

Motion Carried

2013-062

Request of Randolph Diamond for a variance for property located at 2900 North America Drive to allow a 32 sf ground sign (maximum 20 sf permitted)

Dave Kelly represented Randolph Diamond and stated their proposal to construct a 32 sf ground sign (4' high x 8' wide) at Quasar Energy Group located at 2900 North America Drive, noting the sign will not be illuminated and it is located in a non-residential area. This is the same signage used at all their companies.

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 2900 North America Drive to allow a 32 sf ground sign.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Chairman Monopolus, seconded by Hughes, to adjourn the meeting at 7:30 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary