

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

ZONING BOARD OF APPEALS
Minutes #2013-10
October 23, 2013

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairman David Monopolopolus at 7:00 P.M. followed by the Pledge of Allegiance led by Michael Hughes and 30 seconds of silent prayer.

ROLL CALL: Present - David Monopolopolus, 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 Monopolopolus 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 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 Rosenswie, seconded by Hughes, to approve Minutes #2013-09 of September 25, 2013.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

2010-063

Request of Patrick Sullivan for review of a variance for property located at 270 Center Road to allow live music

2010-63 (continued)

David Buffamonte represented Patrick Sullivan and stated his request for renewal of the variance for 270 Center Road to allow live music.

Chairman Monopolus stated there were two complaints to the Police Department over the past year, but the police found nothing upon arrival.

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 270 Center Road to allow live music on weekdays until 11:00 P.M. and on weekends until 1:30 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 raise chickens

Lynda Otto stated her request to continue raising chickens at 183 Westcliff Drive.

Chairman Monopolus stated he had checked with the Police Department and there were no complaints received on the above property. He further commented that he drove past the property and it is very well-maintained.

Mary Jean Starkweather commented that when she lived in San Francisco the people behind her had roosters and it was an annoyance to the neighbors. She suggested the word "hen" be used instead of "chicken" and also commented there should be a stipulation with regard to the distance of the coops from property lines.

Town Attorney Shawn Martin stated that the Zoning Board has approved raising chickens in the past and stipulated only "hens" and "no roosters."

Code Enforcement Officer Jeffrey Baksa stated there are requirements on the distance of the coop from lot lines and the variances are granted for one year at a time in case complaints are received.

Motion by Hughes, seconded by Rosenswie, to close the public hearing and grant a one year variance for property located 183 Westcliff Drive to raise five chickens, no roosters.

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 to raise chickens

Dennis Sullivan stated his request to continue raising chickens at 1481 Orchard Park Road.

Chairman Monopolus stated he had checked with the Police Department and there were no complaints received on the above property.

No comments were received from the public.

Motion by Monopolus, seconded by Rosenswie, to close the public hearing and grant a one year variance for property located at 1481 Orchard Park Road to raise seven chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2013-063

Request of Brian Deck for a variance for property located at 58 Sibley Drive to extend driveway to 1.37' off property line (3' setback required)

Brian Deck stated his request to extend his driveway 7' to the north which will be 1.37' off the property line.

Code Enforcement Officer Jeffrey Baksa stated that drain tile will need to be installed on the side of the driveway and tied into the storm drain and Mr. Deck agreed to comply.

Mrs. Hicks questioned if the storm sewer runs on that side of the house.

Mr. Baksa stated the storm sewer runs along the street in the right-of-way and Mr. Deck could use a bubbler as long as it is brought to the right-of-way.

Chairman Monopolus noted receipt of a letter of support from the property owner at 64 Sibley Drive.

No comments were received from the public.

2013-063 (continued)

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a variance for property located at 58 Sibley Drive to extend the driveway to 1.37' off the property line.

Ayes: All

Noes: None

Motion Carried

2013-064

Request of Todd Schmigel for a variance for property located at 53 Gerard Drive to allow a second driveway 1' off property line (3' setback required)

Chairman Monopolus stated the applicant was unable to attend the meeting and requested the item be tabled.

Motion by Hicks, seconded by Rosenswie, to table this item until the next meeting.

Ayes: All

Noes: None

Motion Carried

2013-065

Request of Martin Glinski for a variance for property located at 2115 Clinton Street to allow outdoor seating

Martin Glinski stated his request to have an outdoor patio in front of his business at 2115 Clinton Street. The patio will be 10' x 18' with 3' railings and be open for seating until 2 A.M. He planned to have left and right side entrances and a retractable awning. The area will be a place for smokers to go and he may eventually serve food on the patio.

Mrs. Hicks questioned if the patio will be fully enclosed on the sides and Mr. Glinski stated he did not intend to do that if it is not required.

Mr. Hughes questioned if outdoor seating will affect the number of parking spaces for the business.

Code Enforcement Officer Jeffrey Baksa stated the area is currently used for parking and the outdoor seating will extend the business to 10' from Clinton Street which is a state road.

Chairman Monopolus noted that the application was submitted to the NYSDOT, but there had not been any response yet.

2013-065 (continued)

Mr. Glinski stated that his survey indicates 36' from the building to the street and the patio will only be 10' closer.

Mr. Baksa disagreed and stated the survey indicates 20.67' from the front of the building.

Mr. Glinski stated it is 21' to the sidewalk and then 15' to the street.

Chairman Monopolus questioned how patrons will be protected from a car hitting the patio if there is only a railing around it.

Mr. Glinski stated he could put up some type of barrier if required. He further commented that he thought parking in the front is a more dangerous situation and he had built a relationship with the adjoining property owner who is allowing patrons of his business to park in their lot.

Mrs. Hicks questioned if the existing pad will be enclosed for the patio and Mr. Glinski stated that was his intention.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to table this item until comments are received from the NYSDOT.

Ayes: All

Noes: None

Motion Carried

2013-066

Request of Joseph J Gatta for a variance for property located at 2447 Clinton Street to reduce required parking to nine spaces (+/- 29 required) and reduce driveway to 19' (25' two-way traffic lane required)

Attorney Ralph Lorigo represented Joseph Gatta and stated he recently purchased 2447 Clinton Street as an investment. There is a front office attached to a two-story home, a storage barn behind that and a metal building behind that which he is requesting a zoning change to C-2(S) for automobile restoration. There are three bays in the building and Mr. Gatta will be using them to restore muscle cars. Mr. Lorigo requested the required parking be reduced to nine spaces as only four spaces are needed for the two-family house and five spaces for the office and business. The ingress/egress from the street is over 30' wide and the 19' comes into effect at the parking area. There is an easement that allows joint use with the property in the rear, but they cannot park on the easement. Mr. Lorigo further stated that all work

2013-066 (continued)

will be performed inside and there will be no painting, no sale of used cars and no outside storage of vehicles. Mr. Gatta will be working on three or four vehicles at a time on evenings and Saturdays. There are no employees and there will be very little ingress/egress. The middle building will be used to store cars over the winter.

Chairman Monopolus noted receipt of letters of support from property owners at 1051 Harlem Road and 2439, 2444, 2460 & 2467 Clinton Street.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the public hearing and grant variances for property located at 2447 Clinton Street as follows: 1) reduce required parking to nine spaces; 2) reduce driveway to 19'.

Ayes: All

Noes: None

Motion Carried

2013-067

Request of Thomas D Greiner for a variance for property located at 306 Knox Avenue to allow a temporary structure in the front setback

Thomas Greiner stated he does not have funds available at this time to build a garage and is currently storing a classic car in a temporary structure. He would like to continue using the temporary structure for approximately two years. Mr. Greiner presented a letter signed by two of his neighbors.

Code Enforcement Officer Jeffrey Baksa understood there is more than a car being stored under the temporary structure and questioned if Mr. Greiner intended to keep other belongings stored in it.

Mr. Greiner responded the only other items in the temporary structure are tires for the car. There is some wood on the side of the structure that will be used for replacement of the fascia and soffit on the carport in the front of the house.

Chairman Monopolus noted receipt of letters of support from property owners at 823 and 859 Mineral Springs Road.

No comments were received from the public.

2013-067 (continued)

Motion by Monopolus, seconded by Hughes, to close the public hearing and grant a six month variance for property located at 306 Knox Avenue to allow a temporary structure in the front setback.

Ayes: All

Noes: None

Motion Carried

OTHER BUSINESS

Motion by Hughes, seconded by Rosenswie, to amend the motion on Item #2013-056 from the August 28, 2013 Zoning Board meeting and reduce the number of parking spaces from 33 spaces to 30 spaces.

Ayes: All

Noes: None

Motion Carried

Motion by Monopolus, seconded by Rosenswie, to schedule the next Zoning Board meeting for December 11th at 7 P.M.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

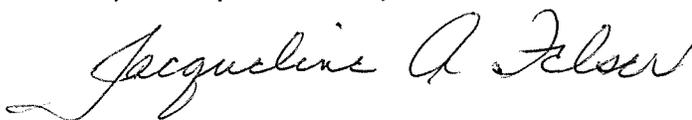
Motion by Harmon, seconded by Hicks, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary