

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

**ZONING BOARD OF APPEALS**  
**Minutes #2016-08**  
**September 28, 2016**

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

**ROLL CALL:** Present - Timothy J. Elling, Chairman  
Michael P. Harmon  
Evelyn Hicks  
Michael P. Hughes  
Richard P. Marzullo  
Jeffrey Baksa, Code Enforcement Officer

Absent - John J. Fenz, Town Attorney

Chairman Elling 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 Marzullo, 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 Marzullo, to approve Minutes #2016-08 of August 24, 2016.

Ayes: All                                      Noes: None                                      Motion Carried

### **OLD BUSINESS**

#### **2016-72**

Request of Obad Alkholaki for a variance for property located at 2111 Clinton Street to allow an electronic message board within 500' of residential zoning

The petitioner was not present at the meeting.

**2016-72** (continued)

Motion by Hughes, seconded by Hicks, to table this item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2016-75**

Request of Joseph Kandefer of Kandey Co. Inc. for a variance for property located at 15 Ransier Drive to construct an addition reducing rear setback to 15' (minimum 50' rear setback required)

Chairman Elling stated he is recusing from voting on this item.

Joseph Kandefer of Kandey Company presented his proposal for a 50' x 80' rear addition on the building at 15 Ransier Drive. The addition will be used for indoor storage of construction equipment and will help in cleaning up the yard. The rear setback will be reduced to 15' from the north property line, the same distance as Buffalo Felt located next door. Mr. Kandefer sent neighbor letters by certified mail to the four adjacent property owners. Two neighbors responded they had no problem with the project and there was no response from the other two.

Mrs. Hicks stated she had spoken to the property owner at 233 Seneca Creek Road and they had no problem with the addition provided there will be no storage of equipment and construction debris between the building and the property line.

Mr. Kandefer responded there will be no storage of equipment and the unsightly materials are stored on his other property at 70 Ransier Drive.

Chairman Elling stated he was in receipt of letters of approval from property owners at 227 & 239 Seneca Creek Road.

No comments were received from the public.

Motion by Hughes, seconded by Hicks, to close the public hearing and grant a variance for property located at 15 Ransier Drive to construct an addition reducing rear setback to 15'.

Ayes: (4) Mr. Hughes, Mrs. Hicks, Mr. Harmon, Mr. Marzullo

Abstentions: (1) Chairman Elling

Noes: None

Motion Carried

**2016-76**

Request of Christine Kurtz for a variance for property located at 1 Carla Lane to construct a 6' high fence in the front and side yard of corner lot (maximum 4' high fence allowed)

Christine Kurtz stated her proposal to construct a 6' high vinyl fence for privacy and to contain her two dogs.

Mrs. Hicks questioned if there is any problem with locating the fence on the private drainage easement and noted the fence will be required to be 3' off the property line.

Code Enforcement Officer Jeffrey Baksa responded that fences are allowed on drainage easements, but structures are not.

No comments were received from the public.

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for property located at 1 Carla Lane to construct a 6' high fence in the front and side yard of the corner lot setback 3' from the property line.

Ayes: All

Noes: None

Motion Carried

**2016-77**

Request of Charles Stiglmeier for a variance for property located at 4261 Clinton Street to construct an addition reducing front setback to 32' (40' front setback required)

Motion by Elling, seconded by Harmon, to table this item until the October meeting pending receipt of comments from the NYSDOT.

Ayes: All

Noes: None

Motion Carried

**2016-78**

Request of Joseph Jarnot for a variance for property located at 2724 Transit Road to construct a 100 sf sign (maximum 40 sf sign per side allowed)

Joseph Jarnot presented neighbor letters of approval for the proposed sign.

**2016-78** (continued)

Motion by Elling, seconded by Hughes, to table this item until the October meeting pending receipt of comments from the NYSDOT.

Ayes: All

Noes: None

Motion Carried

**2016-79**

Request of Linda Ross for a variance for property located at 479 Fisher Road to allow a two-family home on 70' frontage lot (85' frontage required)

A representative for Linda Ross stated the house at 479 Fisher Road has been used as an in-law apartment since 1993. Ms. Ross now wants to sell the house as a two-family home and needs a variance due to the 70' frontage. There is a two-car garage and an extra driveway pad, so there is room for six vehicles to park.

Mr. Marzullo questioned if there are separate entrances for a two-family home.

Code Enforcement Officer Jeffrey Baksa stated upon filing for a building permit his department will ensure the house is in compliance with the requirements for a two-family home.

Chairman Elling stated he was in receipt of letters of approval from property owners at 368, 473, 487 and 717 Fisher Road along with a no recommendation response from Erie County.

No comments were received from the public.

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for property located at 479 Fisher Road to allow a two-family home on a 70' frontage lot.

Ayes: All

Noes: None

Motion Carried

**2016-80**

Request of Katie Rowley for a variance for property located at 9 Emerald Drive to construct a roof over porch with 10' front setback (minimum 30' front setback required)

Katie Rowley stated her proposal to construct a roof over her front porch to improve the outside appearance and increase the value of her home.

**2016-80** (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 8 & 15 Emerald Drive and 11 & 23 W. Willowdale Drive.

No comments were received from the public.

Motion by Hughes, seconded by Elling, to close the public hearing and grant a variance for property located at 9 Emerald Drive to construct a roof over the porch with 10' front setback.

Ayes: All

Noes: None

Motion Carried

**2016-81**

Request of Michelle Monaco for a variance for property located at 1420 Union Road to reduce required 30' entrance and reduce parking to two spaces (three parking spaces required)

Motion by Hughes, seconded by Hicks, to table this item until the October meeting pending receipt of comments from the NYSDOT.

Ayes: All

Noes: None

Motion Carried

**2016-72**

Request of Obad Alkholaki for a variance for property located at 2111 Clinton Street to allow an electronic message board within 500' of residential zoning

Motion by Hughes, seconded by Elling, to table this item until the October meeting.

Ayes: All

Noes: None

Motion Carried

**OTHER BUSINESS**

Chairman Elling announced the November and December meeting will be combined due to the holidays and the meeting will be held on Wednesday, December 14, 2016 at 7 P.M. with an application deadline of November 30, 2016.

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**ADJOURNMENT**

Motion by Elling, seconded by Marzullo, to adjourn the meeting at 7:25 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Jacqueline A Felser  
Town Clerk/Zoning Board Secretary