

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

ZONING BOARD OF APPEALS
Minutes #2013-06
June 26, 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 Sandra Giese Rosenswie and 30 seconds of silent prayer.

ROLL CALL: Present - David Monopolopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Sandra Giese Rosenswie
John Gullo, Code Enforcement Officer

Absent - Shawn P. Martin, Town Attorney

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 Hughes, seconded by Rosenswie, to approve Minutes #2013-05 of May 22, 2013.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2013-033

Request of Jason Schneckenberger for a variance for property located at 444 Indian Church Road for service of alcoholic beverages (no service of alcoholic beverages allowed in C-2 zoning)

Chairman Monopolopolus stated this item is being referred to the Planning Board.

2013-034

Request of Southgate Associates LLC for a variance for property located at 950 Union Road to construct a new 480 sf pylon sign located within 500' of a residential zoning district (maximum 231 sf sign allowed)

Jim Campofelice, General Manager at Southgate Plaza, stated the proposed new pylon sign will replace the existing sign and will be 480 sf and approximately 30' higher than the existing sign. The LED sign will promote the stores in the plaza along with other charitable events held there and will only be lit until 11 PM in accordance with the town ordinance.

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 950 Union Road to construct a new 480 sf pylon sign located within 500' of a residential zoning district.

Ayes: All

Noes: None

Motion Carried

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)

The petitioner had requested this item be held until the July meeting.

Motion by Hughes, seconded by Hicks, to table this item until the July 24, 2013 Zoning Board meeting.

Ayes: All

Noes: None

Motion Carried

2013-036

Request of Harvey Benard & Laurie Benard for a variance for property located at 103 Tampa Drive to raise chickens

Harvey & Laurie Benard stated their request to have a small chicken coop to raise four chickens, no roosters, as pets and for the eggs. The coop will be located about 10' from the back fence.

Mr. Hughes stated the Zoning Board has been approving these variance requests and having the petitioner return in one year to review it.

2013-036 (continued)

Chairman Monopolus noted receipt of letters of support from property owners at 93 and 109 Tampa Drive and 108 Woodcrest Drive.

Linda Toy referred to the location of the coop at the rear of the property instead of the side yard and questioned if the property owner to the rear is aware of the request.

Mr. Benard responded that there is a garden in the side yard. Also, he is able to access electricity in the rear yard to heat the coop in the winter and the neighbor behind him is aware of the proposal.

Johanna Guenther questioned if any of the board members lived next to someone that raises chickens and commented on the mess they make. She thought that chickens belonged on a farm and not in West Seneca.

David Kims objected to the overall pattern of allowing residents to raise chickens. He commented that the town is spending a lot of money on garbage totes to avoid rodents and he felt that chickens attract rodents.

Susan Kims stated one of the reasons for the totes is the rat problem and chickens will attract rats. She could not see spending money on totes and then allowing chickens that will attract rats.

Mrs. Hicks stated they have granted about eight variances for chickens in the past and she questioned if the Code Enforcement Office had received any complaints on any of them.

Code Enforcement Officer Jeffrey Baksa responded that only one complaint was received concerning property on Orchard Park Road and that had to do with how the chickens were being housed. Mr. Baksa further stated that his office receives several complaints on rodents, but none of those complaints involve chickens.

Motion by Monopolus, seconded by Rosenswie, to close the public hearing and grant a one year variance for property located at 103 Tampa Drive to raise four chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

2013-037

Request of Joseph Grimaldi for a variance for property located at 1956 Ridge Road to 1) allow outdoor seating; 2) allow LED sign within 500' of a residential zoning district

Joseph Grimaldi stated his request to replace the existing sign at 1956 Ridge Road with a new state-of-the-art sign that is smaller than the existing one. The sign will be used to showcase the restaurant's offerings to the public and also to advertise amber alerts and other community interest items.

Michael Yost of Yost Neon Displays stated the top portion of the existing sign is 6' x 14' and the new sign will be 6' x 12'. The lower portion is 4' x 8' and that section will now be a 3' x 7' LED sign.

Mr. Grimaldi further stated he would also like an outdoor dining area with a gas fireplace in the front of the restaurant to stay competitive with other restaurants/bars. He noted that the area will be enclosed with a fence as required and have internal ingress/egress only, other than fire exits that are properly coded. Mr. Grimaldi stated he hoped to open the last week of August, but it could be into September and they may open without a liquor license.

Chairman Monopolus noted receipt of a letter of support from Greg Ford, an owner of property that adjoins 1956 Ridge Road. Chairman Monopolus also read comments from the Erie County Division of Planning stating that because Ridge Road is a Federal Aid eligible road, FHWA and NYSDOT guidelines must be strictly followed with regard to sign changes, brightness, etc.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 1956 Ridge Road to 1) allow outdoor seating and 2) allow an LED sign within 500' of a residential zoning district.

Ayes: All

Noes: None

Motion Carried

2013-038

Request of David Barker for a variance for property located at 525 Leydecker Road to construct a 15'4" high garage (12' maximum allowed)

David Barker stated his proposal to demolish the existing 23' x 34' garage at 525 Leydecker Road and construct a 40' x 44' pole barn for storage of a travel trailer and other personal items. The pole barn will be 18'6" high with two overhead doors facing the front of the property.

Chairman Monopolus noted receipt of letters of support from property owners at 515 & 535 Leydecker Road.

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 525 Leydecker Road to construct a 15'4" high garage.

Ayes: All

Noes: None

Motion Carried

2013-039

Request of Christopher & Sarah Courtney for a variance for property located at 590 East & West Road to construct a 6' fence in front yard (maximum 4' fence allowed)

Christopher Courtney stated his proposal to construct a 6' high fence on his corner lot 2' away from the sidewalk. The fence will be white vinyl stockade type with two or three gates. Mr. Courtney stated he had received letters of approval from the rear and side yard neighbors.

Mr. Hughes questioned if there were any concerns on sight distance and Code Enforcement Officer Jeffrey Baksa stated he had no concerns with the 50' setback.

Chairman Monopolus noted receipt of letters of support from property owners at 19 Brianwood Drive and 600 East & West Road.

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 590 East & West Road to construct a 6' fence in the front yard.

Ayes: All

Noes: None

Motion Carried

2013-040

Request of Anthony Strazzella for a variance for property located at 3150 Seneca Street to construct an 8' high chain link fence & gate with privacy slats in side yard and an 8' high ornamental fence with gate in rear yard (6' maximum fence allowed)

Anthony Strazzella stated his proposal to construct an 8' high chain link fence with gate and privacy slats to screen the operations of the property at 3150 Seneca Street in order to improve the appearance and also for security to stop vandalism.

Mrs. Hicks referred to the ornamental fence and was concerned about deer jumping over it and impaling themselves.

Mr. Strazzella responded that the ornamental fence will have a solid rail on top.

Karen Lucachik questioned why the proposal was for an ornamental fence in the back and a chain link fence in the front, noting the ornamental fence was much more attractive than chain link.

Mr. Strazzella responded that he also preferred the ornamental fence but a chain link fence is easier to screen.

Code Enforcement Officer Jeffrey Baksa stated this is a fencing and landscaping business and a chain link fence with black vinyl slats is appropriate screening.

Chairman Monopolus noted receipt of letters of support from property owners at 3155 and 3160 Seneca Street.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 3150 Seneca Street to construct an 8' high chain link fence & gate with privacy slats in the side yard and an 8' high ornamental fence with gate in the rear yard.

Ayes: All

Noes: None

Motion Carried

2013-041

Request of David A Geary for a variance for property located at 2700 North America Drive to construct a 7' high ornamental fence along front lot line (maximum 4' high and 10' past building allowed) and a 7' chain link style fence in side and rear yard (maximum 6' high allowed)

2013-041 (continued)

David Geary, Facilities Manager at McKesson Pharmaceutical stated their proposal for a 7' high ornamental fence in the front yard at 2700 North America Drive and 6' high chain link fence with barb wire on top in the side and rear yard of the facility.

Chairman Monopolus commented on the use of spikes on the top of an ornamental fence that could impale deer.

Mr. Geary responded that they have used a curved fence at their other facilities and have had no issues with it.

Mrs. Hicks requested Code Enforcement Officer Jeffrey Baksa's opinion on the curved fencing.

Mr. Baksa responded that the curved fence will not allow the deer to become impaled when entering the property, but he did not know how it would affect deer attempting to exit.

Chairman Monopolus noted receipt of letters of support from property owners at Certo Bros. located at 2500 North America Drive and Upstate Milk Cooperative.

No comments were received from the public.

Motion by Monopolus, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 2700 North America Drive to construct a 7' high ornamental fence along the front lot line and a 7' chain link style fence in the side and rear yard.

Ayes: All

Noes: None

Motion Carried

2013-042

Request of Christopher Ford for a variance for property located at 165 East Avenue to construct a 6' fence in front yard (maximum 4' fence allowed)

Christopher Ford stated his proposal to replace his shrubs that died with a 6' stockade wood, dogeared fence in the front yard of his corner lot at 165 East Avenue. The fence will be 18' off the road. Mr. Ford received no letters from his neighbors.

Chairman Monopolus questioned if there were any sight distance problems and Code Enforcement Officer Jeffrey Baksa responded he did not see any issue with sight distance.

2013-042 (continued)

No comments were received from the public.

Motion by Monopolus, seconded by Rosenswie, to close the public hearing and grant a variance for property located at 165 East Avenue to construct a 6' fence in the front yard.

Ayes: All

Noes: None

Motion Carried

2013-043

Request of Chris Candino for a variance for property located at 2732 Transit Road to construct a 72 sf per side ground sign (maximum 20 sf allowed)

Christopher Candino of Palladian Health stated Houghton College is a new tenant at the facility at 2732 Transit Road and they would like to construct a new 8' sign for advertising. The sign will be located 8' from the sidewalk and 18' from the road. The building is 40,000 sf and the college is 12000 sf.

Code Enforcement Officer Jeffrey Baksa stated the proposed sign has the same setback as the current sign and there are no nearby neighboring properties.

Karen Lucachik stated she is not in favor of a lot of signage in town, but she is in favor of this proposed sign because the driveway is difficult to find. She suggested adding an arrow to indicate the location of the driveway. Mrs. Lucachik further requested that the TV screen in the meeting room be used to display plans so the public can see what is being discussed.

Chairman Monopolus noted receipt of letters of support from property owners at 2711, 2730, 2741, 2756 & 4721 Transit Road.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 2732 Transit Road to construct a 72 sf per side ground sign.

On the question, Mrs. Hicks questioned if a third tenant is added to the facility if a third sign will be added.

Mr. Candino did not know if there will be a third tenant for the building and Code Enforcement Jeffrey Baksa advised that they will have to reapply to add a sign.

2013-043 (continued)

Mrs. Hicks suggested the motion be amended to include that if they come back within a year with an additional tenant the application fee will be waived.

Motion by Hughes, seconded by Harmon, to amend the motion and close the public hearing and grant a variance for property located at 2732 Transit Road to construct a 72 sf per side ground sign, noting that if the petitioner returns within a year with an additional tenant the application fee will be waived.

Ayes: All

Noes: None

Motion Carried

2013-044

Request of Edward J Gemza III for a variance for property located at 57 Neubauer Court to construct an addition with an 8' setback from garage (10' setback required)

Edward Gemza stated his proposal to construct a 12' x 27' addition on the back of his house, noting the current deck is 10' from the garage and there are no neighbors behind the property.

Code Enforcement Officer Jeffrey Baksa stated that 10' is required for fire safety purposes and 8' can be approved but the garage drywall will require an extra rating.

Chairman Monopolus noted receipt of letters of support from property owners at 51 and 63 Neubauer Court.

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 57 Neubauer Court to construct an addition with an 8' setback from the garage.

Ayes: All

Noes: None

Motion Carried

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ADJOURNMENT

Motion by Rosenswie, seconded by Hicks, to adjourn the meeting at 8:00 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser

Town Clerk/Zoning Board Secretary