

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

ZONING BOARD OF APPEALS
Minutes #2018-05
May 23, 2018

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 and 30 seconds of silent prayer.

ROLL CALL: Present - Timothy J. Elling, Chairman
Evelyn Hicks
Michael P. Hughes
Richard P. Marzullo
Raymond Kapuscinski
Jeffrey Baksa, Code Enforcement Officer
Tina Hawthorne, Deputy Town Attorney

Absent - None

Chairman Elling 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 Hicks, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Marzullo, seconded by Hughes, 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 #2018-04 of April 25, 2018.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2016-01

Request of Steven Haney of Seneca Steel Erectors for renewal of the variance for property located at 611 Indian Church Road to allow a temporary structure for five years (one year permitted)

2016-01 (continued)

Steven Haney stated his request to renew the variance to allow a temporary structure at 611 Indian Church Road, noting this is a remote area and the nearest residence is 130'.

Code Enforcement Officer Jeffrey Baksa stated he met with Mr. Haney and reviewed the storage of materials on site. The material is now up on racks and behind the building and the site has been cleaned up. Mr. Baksa also discussed the temporary structure itself and advised what steps would be necessary to change it to permanent.

Chairman Elling stated it is understood that Mr. Haney is looking to retire in the next few years and just intends to keep the temporary structure until his retirement. He further noted there are no neighbors in the rear of the property and no neighbor issues with the site.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a one year variance for property located at 611 Indian Church Road to allow a temporary structure.

Ayes: All

Noes: None

Motion Carried

2017-22

Request of Julie Dembski for renewal of a variance for property located at 171 Wetherstone Drive to raise chickens

Julie Dembski stated her request to renew the variance to raise four chickens at 171 Wetherstone Drive.

Chairman Elling stated no complaints were registered with the town for this address over the past year.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a one year variance for property located at 171 Wetherstone Drive to raise four chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2018-17

Request of Christopher Pawlowski for a variance for property located at 36 John Alex Drive to construct a 6' high fence in side yard (maximum 4' high fence permitted)

Christopher Pawlowski stated his request to install a 6' high fence in his side yard for the safety and privacy of his children and to contain his pets.

Chairman Elling stated he was in receipt of letters of approval from property owners at 32, 37 and 44 John Alex Drive.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 36 John Alex Drive to construct a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

2018-18

Request of Philip Leszak for a variance for property located at 21 Morris Crescent to construct a 6' high fence in the front and side yard projecting more than 10' into front yard (maximum 4' high fence in front and side yard with maximum 10' projection into front yard)

Philip Leszak stated his proposal to construct a 6' high fence on his corner lot for privacy and for the safety of his child.

Chairman Elling stated he was in receipt of letters of approval from property owners at 15, 25, 34 & 38 Morris Crescent and 6 & 7 Pine Cove Drive.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a variance for property located at 21 Morris Crescent to construct a 6' high fence in the front and side yard projecting more than 10' into the front yard and 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2018-19

Request of Robert Carlone for a variance for property located at 61 Rolling Hills Drive to operate an online marketing and sales business

Robert Carlone stated his proposal to operate an online marketing and sales business from his home at 61 Rolling Hills Drive, noting he will work specifically with executors of estates. Everything will be done online, storage will be offsite and there will be no signage.

Mrs. Hicks questioned if clients will meet with Mr. Carlone at his home and he responded that executors may come to his home. Code Enforcement Officer Jeffrey Baksa commented this is comparable to a real estate agent or attorney where there is one client at a time.

Mr. Hughes suggested a possible update to the Town Code for businesses at home since an increasing number of people are working from home.

Chairman Elling stated he was in receipt of letters of approval from property owners at 51 & 75 Rolling Hills Drive.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a variance for property located at 61 Rolling Hills Drive to operate an online marketing and sales business.

Ayes: All

Noes: None

Motion Carried

2018-20

Request of Karl Popek for a variance for property located at 192 Indian Church Road to construct a deck on back of house with 5' separation from detached garage (10' separation required between house and accessory structure)

Karl Popek stated his proposal to construct a deck with gate on the back of his house, noting he does not have 10' separation from the garage as required by the Town Code.

Chairman Elling stated he was in receipt of letters of approval from property owners at 190, 194 & 195 Indian Church Road and 15 Forrestal Lane. Erie County also has no issue with the project.

No comments were received from the public.

2018-22 (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 171 Densmore Avenue, 56 Onondaga Avenue and 93 & 101 Brookside Drive.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a variance for property located at 62 Onondaga Avenue to construct a fence in the front yard with no setback and in the same location as the existing chain link fence.

Ayes: All

Noes: None

Motion Carried

2018-23

Request of Anthony Baeumler for a variance for property located at 100 Carmelite Drive to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence in front and side yard with maximum 10' projection)

Anthony Baeumler stated his proposal to construct a 6' high fence in the front and side yard of his corner lot to enclose his yard and contain his two dogs.

No comments were received from the public.

Motion by Hicks, seconded by Hughes, to close the public hearing and grant a variance for property located at 100 Carmelite Drive to construct a 6' high fence in the front and side yard of the corner lot, 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2018-24

Request of Kenneth Dominczak for a variance for property located at 190 Hyland Avenue to construct a new driveway with one foot setback from lot line (minimum 3' setback required)

Kenneth Dominczak stated his proposal to construct a new driveway with one foot setback from his lot line. His existing driveway is in need of repair and the added footage will help him access his side load garage and allow him to park his motor home and enclosed race car trailer.

Code Enforcement Officer Jeffrey Baksa stated the town requires drain tile to be installed if a driveway is located within 3' of the neighbor's property and it will need to be inspected.

2018-24 (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 85, 162, 184, 237 & 250 Hyland Avenue and 110 Terrace Blvd.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 190 Hyland Avenue to construct a new driveway with one foot setback from the lot line, with the stipulation that drain tile be installed along the length of the driveway.

Ayes: All

Noes: None

Motion Carried

2018-25

Request of David Krolkowski for a variance for property located at 6 Clearview Drive to construct a 54" high fence in front yard of corner lot (maximum 4' high fence allowed)

David Krolkowski stated his proposal to construct a 54" high ornamental aluminum fence in the front yard of his corner lot.

Chairman Elling stated he was in receipt of letters of approval from the property owner at 15 Vista Court.

No comments were received from the public.

Motion by Hicks, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 6 Clearview Drive to construct a 54" high fence in the front yard of the corner lot.

Ayes: All

Noes: None

Motion Carried

2018-26

Request of Robert Pattison for East Seneca Fire Company for a variance for property located at 100 Lein Road to construct a new electronic sign within 500' of residential property and construct a 20'6" high storage building (12' maximum height allowed)

Chairman Elling stated no response was received from Erie County.

No comments were received from the public.

2018-26 (continued)

Motion by Hughes, seconded by Marzullo, to close the public hearing and table this item until the next meeting pending a response from Erie County.

Ayes: All

Noes: None

Motion Carried

2018-27

Request of Jonathan Powers for a variance for property located at 1500 Ridge Road to construct a building addition reducing rear yard setback to 5' (30' rear setback required)

Chairman Elling stated no response was received from Erie County.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and table this item until the next meeting pending a response from Erie County.

Ayes: All

Noes: None

Motion Carried

2018-28

Request of Richard Donovan of 14 Holy Helpers Church for a variance for property located at 1345 Indian Church Road to construct an electronic sign within 500' of residential property

Chairman Elling stated no response was received from Erie County.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and table this item until the next meeting pending a response from Erie County.

Ayes: All

Noes: None

Motion Carried

2018-29

Request of Caitlin Chmura for a variance for property located at 990 Center Road to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence permitted)

Chairman Elling stated no response was received from Erie County.

2018-29 (continued)

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and table this item until the next meeting pending a response from Erie County.

Ayes: All

Noes: None

Motion Carried

EXECUTIVE SESSION

Motion by Elling, seconded by Hicks, to recess to executive session at 7:40 P.M. to discuss pending litigation.

Ayes: All

Noes: None

Motion Carried

The Zoning Board members returned from executive session at 8:45 P.M.

ADJOURNMENT

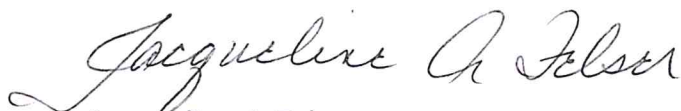
Motion by Hughes, seconded by Hicks, to adjourn the meeting at 8:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary