

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairperson Evelyn Hicks at 6:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL: Present - Evelyn Hicks, Chairperson
Edmund Bedient
Amelia Greenan
Paul Lang
Joette Tronolone
Douglas Busse, Code Enforcement Officer
Stephen Stachowski, Deputy Town Attorney

Absent - None

OPENING OF PUBLIC HEARING

Motion by Tronolone, seconded by Greenan, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Lang, seconded by Greenan, that proofs of publication and posting of legal notice be received and filed.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Tronolone, seconded by Lang, to approve Minutes #2023-09 of September 27, 2023.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2023-047

Request of Dave Cellino for a variance for property located at 2756 Seneca Street to install larger and taller signs than permitted: 1) requesting 224-sf of signage; 2) requesting 8' tall sign (maximum 168-sf allowed; maximum 5' tall allowed)

Mr. Cellino stated the building is being updated with roofing, siding, and would like to include signage. The request is for more than one sign; the signs will be smaller than the current sign, but the square footage of all the signs is over what the code allows. The signage would face Harlem Road, Seneca Street, and the vacant lot.

Chairperson Hicks stated correspondence was received from the NYSDOT stating they did not object to granting the variance if the sign advertises only for the business. The Erie County Department of Environment and Planning stated they have no recommendation on the variance as this is of local concern.

No comments were received from the public.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, this is an improvement and will support the business; 2) Is there an alternative - yes, but this makes the most sense for the needs; 3) Is the request substantial - no, the building is deep; 4) Does the variance have an impact on the environment - there is no impact on the environment; 5) Is this a self-created difficulty - yes, but this is not the determining factor.

**WEST SENECA COMMUNITY CENTER
1300 Union Road
West Seneca, NY 14224**

**ZONING BOARD OF APPEALS
Minutes #2023-10
October 25, 2023**

Motion by Greenan, seconded by Lang, to close the public hearing and grant a variance for property located at 2756 Seneca Street to install larger and taller signs than permitted: 1) 224-sf of signage; 2) 8' tall sign.

Ayes: All

Noes: None

Motion Carried

2023-048

Request of Wilford Whitney Jr for a variance for property located at 4780 Clinton Street to: 1) erect a 6' fence in front/side yard; 2) install a turnaround in front yard setback with 13' to front lot line (fences shall not exceed 4' in front/side yard; required 40' setback – no construction permitted)

Mr. Whitney stated earlier in the year his home was struck by a car and he is currently renovating the residence. Mr. Whitney would like to have a turnaround to make it safer to pull onto Clinton Street. A window was replaced with a sliding glass door and Mr. Whitney is requesting a 6' stockade fence for privacy, approximately 30' in length.

Chairperson Hicks stated neighbor signatures with no objection to the variance were obtained from residents at 4783, 4786, 4760, and the east side vacant lot owned by Mr. Lomison.

Chairperson Hicks noted turnarounds have not been approved and questioned if there will be parking in the turnaround. Mr. Whitney stated this is strictly for safety reasons.

Chairperson Hicks stated correspondence was received from the NYSDOT and the Erie County Department of Environment and Planning stating they have no recommendation on the variance as this is of local concern. However, the NYSDOT has noted no construction or alteration should be made to land within the NYS right-of-way, an official survey should be conducted to ensure that the 13' referenced from the front line of the lot is out of the state right-of-way. Code Enforcement Officer Doug Busse stated there is 13' from the beginning of the right-of-way to the beginning of the turnaround. If approved, a permit is required, and the Code Enforcement Officer will go onsite to ensure the 13' is correct for NYS purposes

No comments were received from the public.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, neighbors do not object; 2) Is there an alternative – no, the fence is needed for privacy and the turnaround is needed for safety; 3) Is the request substantial – no, the turnaround is minor in size; 4) Does the variance have an impact on the environment – there is no impact on the environment; 5) Is this a self-created difficulty – no, but this is not the determining factor.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for property located at 4780 Clinton Street to: 1) erect a 6' fence in front/side yard; 2) install a turnaround in front yard setback with 13' to front lot line.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Tronolone, seconded by Greenan, to adjourn the meeting at 6:28 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler
Town Clerk/Zoning Board Secretary