



Motion made by Hicks, seconded by Greenan to table this until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**2024-1**

Request of Robert Hopkins of Hopkins Solutions for a variance for property located at 5190 Seneca Street to erect a temporary storage structure with 15' setback to the lot line (1. Temporary structures are not permitted and 2. 30' setback required).

Motion made by Hicks, seconded by Tronolone to table this until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS:**

**2024-49**

Request of Robert Ballard for property located at 76 Tudor Boulevard to allow a variance for the construction of an addition to existing dwelling of a 5' setback (accessory structures shall be 10' from dwelling).

Motion made by Hicks, seconded by Lang to table this until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**2024-50**

Request of Brett Hoffman for property located at 451 East and West Road to allow a variance to erect a detached 17'4" pole building (maximum height of 12' to midspan permitted).

Brett Hoffman appeared and would like to erect a structure to house his camper and host parties on the attached patio to this structure. His lot is steep and has issues with parking. Chairperson Hicks asked if anyone would be living in the upstairs of the proposed building. Mr. Hoffman advised that there is no upstairs, but rather a crawl space.

Chairperson Hicks state neighbor signatures with no objection to the variance were received from residents at 431, 465, 450, 460, 473, 425, 475 and 461, East and West Road Chairperson Hicks then corrected her statement to only 431 465 and 450 only. Ms. Greenan advised 461 and 431 are the immediate neighbors to left and right while across the street neighbors are 450 and 460. Chairperson Hicks asked for clarification and Mr. Hoffman advised that 465 is 461 his immediate neighbor. Code Enforcement Busse advised that there is no 465 East and West. No neighbors declined and just did not respond. Letter of no recommendation from the Erie County Department of Environment and Planning and from the NYS DOT, both concern this request as of local concern. Mr. Busse advised that this would resolve the parking issues, the lot is extremely large for this building.

No comments from the public.

Ms. Tronolone questioned if utilities were planned for the building and Mr. Hoffman advised electricity and water. Ms. Greenan noted that he planned to use this for family gatherings just wondered if the neighbors were concerned about noise. Mr. Hoffman advised that his neighbors were invited to his wedding which was held in his backyard. Mr. Bedient acknowledged that the height of this structure would not really even be visible from the road. Ms. Greenan added that in actuality this structure would add to the neighborhood. Code Enforcement Officer Busse reiterated that second driveways are not permitted. The driveway will extend from the existing driveway to this building, which was confirmed by Mr. Hoffman. Chairperson Hicks believed that the existing garage was attached to the house, however it is not as Mr. Hoffman indicated that it is very close but not attached. Ms. Hicks asked again if the immediate neighbor signed the letter to which Mr. Hoffman confirmed yes and advised that is 461 East and West Road.

Ms. Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, Mr. Bedient already indicate minimal or none or because of the grade of the property; 2) Is there an alternative –no, house and garage already close to street; 3) Is the request substantial – no.; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, 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 451 East and West Road for a detached pole building in the rear of the property lot.

Ayes: All    Noes: None    Motion Carried

**2024-51**

Request of Logan Bruckman for property located at 4343 Clinton Street to allow a variance for the construction of an addition to existing dwelling of 35' front setback (front setback maximum 40').

Motion made by Hicks, seconded by Lang to table this until the end of the meeting.

Ayes: All    Noes: None    Motion Carried

**2024-52**

Request of Greg Drabik for property located at 74 Southwood Drive to allow a variance to erect a 5' fence in front yard (maximum 4' height allowed in front yard).

Mr. Drabik recently adopted a dog and has concerns about the dog getting out. Currently has most of his lot fenced in. Would like to have the fence gates go across his driveway. Chairperson Hicks requested clarification from Code Enforcement about the specifics of the variance and what is allowable. Mr. Busse reviewed the drawing submitted with the application.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 80, 77, 86, 83, 62 and 71 Southwood. Mr. Busse advised that house #80 is the immediate that is affected by this variance.

No comments from the public.

Ms. Greenan stated that his need for a 5 foot fence for his rescue dog only adds to the character of the neighborhood and neighbor letters also agree and the request is not substantial. Ms. Hicks stated in her opinion that the variance has little or no impact on the environment and although this is this a self-created difficulty, but this is not the determining factor and there is no alternative.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for property located at 74 Southwood Drive to allow a variance to erect a 5' fence in front yard (maximum 4' height allowed in front yard). Letter of no recommendation from the Erie County Department of Environment and Planning and from the NYS DOT, both concern this request as of local concern.

Ayes: All

Noes: None

Motion Carried

**2024-53**

Request of Terry McNamara for property located at 32 Greenspring Court to allow a variance to erect a 6' fence in the side yard (maximum 4' height allowed in front/side yard).

Mr. McNamara is a new resident to the town and would like to have some privacy and security for his dog and children.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 19, 64, 15 and 55 Greenspring.

No comments from the public.

Ms. Greenan referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, neighbors are also fenced in; 2) Is there an alternative – no based upon the request for his two kids and dog; 3) Is the request substantial – no, other surrounding neighbors have approached the board with fencing requests; 4) Does the variance have an impact on the environment – no, there is little or no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Lang, to close the public hearing and grant a variance for property located at 32 Greenspring Court to allow a variance to erect a 6' fence in the side yard (maximum 4' height allowed in front/side yard).

Ayes: All

Noes: None

Motion Carried

**2024-54**

Request of Sal Zawistowski for property located at 50 Pine Cove Drive to allow a variance to erect a shed within the front/side yard setback of 6' (no accessory building, structure or other improvements shall be erected in front/side yard within the setback – front yard 30' setback).

Mr. Zawistowski appeared requested to have a second shed on his property and does have an existing shed. This shed would be for his pool accessories.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 46, 69, 42 Pine Cove Drive, 98, 65, 106, and 102 Morris Crescent. Mr. Zawistowski advised that there is an existing tree that would block most of the view of the shed.

No comments from the public.

Ms. Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, neighbors signed letter; 2) Is there an alternative –yes, could be outside of the setback; 3) Is the request substantial – no, 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Greenan, seconded by Bedient, to close the public hearing and grant a variance for property located at 50 Pine Cove Drive to allow a variance to erect a shed within the front/side yard setback of 6' (no accessory building, structure or other improvements shall be erected in front/side yard within the setback – front yard 30' setback).

Ayes: All

Noes: None

Motion Carried

The following parties were still not present for the meeting:

**2024-49**

Request of Robert Ballard for property located at 76 Tudor Boulevard to allow a variance for the construction of an addition to existing dwelling of a 5' setback (accessory structures shall be 10' from dwelling).

**2024-51**

Request of Logan Bruckman for property located at 4343 Clinton Street to allow a variance for the construction of an addition to existing dwelling of 35' front setback (front setback maximum 40').

Motion made by Hicks, seconded by Tronolone to table both requests until the October meeting.

Ayes: All

Noes: None

Motion Carried

The following parties were still not present for the meeting:

**2023-30**

Request of Edward Culliton for a variance for property located at 20 Florence Avenue to allow a second driveway for new garage access (maximum one driveway allowed on residential property).

Mr. Busse indicated has received complaints of code enforcement nature, but nothing about the variance request. A neighbor was present at the beginning of the meeting but had to leave and stated that they have not started the garage. Mr. Busse stated that the permits were filed in March 2024 and are valid for up to a year and would reach out to the parties.

Motion made by Hicks to table until the applicant is ready to appear before the board, but not later than the February 2025 meeting, seconded by Greenan.

Ayes: All

Noes: None

Motion Carried

Deputy Town Attorney recommended new neighbor letters should be provided to the board in the event that someone new has moved in.

Mr. Busse had done several drive byes and the property is consistent with the prior requests made by the board about debris, driveway and storage. Mr. Busse did remind the board that there is an existing neighbor dispute. Town Clerk Newton advised that the board received neighbor letters in the summer of 2023 from 6, 27, 73, 40, and 69 Florence.

The following parties were still not present for the meeting:

**2024-1**

Request of Robert Hopkins of Hopkins Solutions for a variance for property located at 5190 Seneca Street to erect a temporary storage structure with 15' setback to the lot line (1. Temporary structures are not permitted and 2. 30' setback required).

No communications have been received. Mr. Busse advised that his department is working with the equipment on the lot. This is just for the approval of the temporary structure. This property is commercially zoned and would allow for storage of the vehicle, however once approved by the Planning Board. He first would need this board's approval and then would go to Planning Board.

Ms. Tronolone advised/confirmed that there are now numerous vehicles on the lot. Ms. Hicks noted that there are snowplows housed on the lot and there is debris as well.

Mr. Stachowski advised that there is no use variance in place currently on the property and the use variance is temporary. Given that the applicant did not communicate as to why he was not able to make the meeting then he currently is in violation and code enforcement would notify the applicant. Ms. Greenan did want to acknowledge this is still the busy season and/or contractor's are trying to finish up the workloads. Discussions were held summarizing that the applicant's temporary variance expired tonight.

Motion made by Hicks, seconded by Greenan that the Town Clerk Newton is to send him a letter advising him that he did not show up and that the variance is now expired and to reach out to Code Enforcement for information and direction moving forward.

On the question of whether to table this was asked by Greenan. Chairperson Hicks said would deal with that on a separate motion.

Ayes: All

Noes: None

Motion Carried

Discussions were again held on code enforcement involvement and whether or not the applicant must reapply.

Motion made by Lang, seconded by Bedient that #2024-001 request be officially closed and if the applicant still requires the variance, applicant may resubmit.

Ayes: All

Noes: None

Motion Carried

Town Clerk Newton asked for clarification of the letter to be sent to applicant based on the prior motions. Mr. Stachowski confirmed that the variance was not a guarantee, and the variance expired tonight. Chairperson Hicks acknowledged that she misspoke, and the letter should not include his nonappearance.

Chairperson Hicks asked if the Board would rather move the meeting to 6:30pm rather than 6:00pm. Most members preferred 6:00 pm. Future meetings will remain at 6:00 pm.

Motion by Bedient, seconded by Lang, to close the public hearing 7:59 P.M.

Ayes: All

Noes: None

Motion Carried

DRAFT