



**2016-56** (continued)

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

Ayes: All

Noes: None

Motion Carried

**2017-30**

Request of Jack Stewart III for a variance for property located at 2305 Union Road to allow a 91.5 sf sign and an electronic message board within 500 feet of residential property (maximum 40 sf allowed)

Jack Stewart, owner of Value Vision Center, stated he hired a sign company to install a new sign and they did so without obtaining the proper permits. Mr. Stewart turned off the electronic sign when he found out and he is now trying to make it right. The existing sign was 72 sf and the digital portion that was added is 19.5 sf per side. Five signatures of surrounding neighbors were obtained and additional attempts were made to property owners that did not respond.

Chairman Elling stated he was in receipt of letters of approval from property owners at 8, 16 and 20 Greenfield Avenue and 2290 & 2291 Union Road. A response was received from Erie County indicating they had no recommendation. A response was also received from NYSDOT indicating they had no objection to the sign, but no portion of the sign, catwalk, base or foundation shall be located within the state highway right-of-way and no portion of the sign should project into the air space of the right-of-way.

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 2305 Union Road to allow a 91.5 sf sign and an electronic message board within 500 feet of residential property.

Ayes: All

Noes: None

Motion Carried

**2017-31**

Request of Joseph Szafranski for a variance for property located at 79 Brookside Drive to construct a deck & pergola projecting 12' into front yard setback (minimum 30' front yard setback)

**2017-31** (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 79 Brookside Drive to construct a deck & pergola projecting 12' into the front yard setback.

On the question, Mr. Hughes stated the Zoning Board reserved decision on this item at the last meeting. Mrs. Hicks noted that similar variances have been granted in the past for similar neighborhoods.

Ayes: All

Noes: None

Motion Carried

**2017-32**

Request of Keith Berlinski for a variance for property located at 277 Center Road to construct a 14' high garage (maximum 12' height for accessory buildings)

The petitioner was not present at the meeting.

Motion by Elling, seconded by Marzullo, to table this item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**2017-33**

Request of Julie Wick for a variance for property located at 7 Bradwood Road to construct a 6' high fence in side yard of corner lot (maximum 4' high fence permitted)

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 7 Bradwood Road to construct a 6' high fence in the side yard of the corner lot.

On the question, Mr. Hughes stated the Zoning Board reserved decision on this item at the last meeting.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2017-36**

Request of Amy Betz for a variance for property located at 169 Knox Avenue to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence permitted)

Amy Betz stated her proposal to enclose her yard with a 6' high privacy fence.

Code Enforcement Officer Jeffrey Baksa stated this property is at the corner of Knox Avenue and Bradford Street and that section of Bradford Street only accesses two side yards, so there is no hazard for vehicles or pedestrians.

Chairman Elling stated he was in receipt of letters of approval from property owners at 165, 168 & 175 Knox Avenue.

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 169 Knox Avenue to construct a 6' high fence in the front and side yard of the corner lot.

Ayes: All

Noes: None

Motion Carried

**2017-37**

Request of Ralph Lorigo as Attorney for Harvest Hill Golf Course for a variance for property located at 1715 Reserve Road to replace two existing billboards with two electronic billboards within 500' of residential property

Attorney Ralph Lorigo represented Ross Cellino and Harvest Hill Golf Course and stated his proposal to reduce the number of billboard faces at 1715 Reserve Road from three to two faces. The new billboards will each be 10' x 36' on two pedestals placed in a v-shape on the property, one facing south and one facing north, to minimize any impact on the three houses across the street and they will be static with no motion. Mr. Lorigo stated the new sign ordinance requires electronic signs to change no faster than eight seconds and they will increase that timeframe to ten seconds. The ordinance also regulates lumens and they will agree to limit the lumens to 465 per sf during the day and 26 per sf after sundown. Mr. Lorigo further stated they are willing to allow the town to utilize the billboards for emergencies (i.e. snow, traffic, amber or silver alerts) and will agree to not advertise tobacco products or adult entertainment.

**2017-37** (continued)

Code Enforcement Officer Jeffrey Baksa questioned ownership of the property. Mr. Lorigo responded Mr. Cellino will have a long term lease with the property owner and will be obligated to maintain the property.

Ross Cellino stated he recognizes this is a gateway to West Seneca and he plans to cut the grass on a regular basis and clean up the area completely.

Chairman Elling stated a response was received from NYSDOT indicating they had no objection to the sign, but no portion of the sign, catwalk, base or foundation shall be located within the state highway right-of-way and no portion of the sign should project into the air space of the right-of-way. A letter from the Town of Orchard Park was also received and filed and a response from Erie County indicated they had no recommendation.

Mr. Harmon questioned if any attempt was made to obtain signatures from the neighbors. Mr. Lorigo stated they had no neighbor letters to submit; however, his secretary owns one of the houses across the street and has no objection to the billboards.

Chairman Elling questioned if the position of the billboards can be adjusted in the future if there is a problem. Mr. Cellino responded the billboards are not adjustable after they are installed. Mr. Baksa suggested the lumens be adjusted if there is a future problem.

Mrs. Hicks was concerned about the brightness of the billboards and also wanted an opportunity to review the new sign ordinance. She suggested this item be tabled pending receipt of letters of approval from the surrounding neighbors.

No comments were received from the public.

Motion by Hicks, to table this item to allow the Zoning Board members time to review the new sign ordinance and also allow the applicant an opportunity to obtain signed letters of approval from the surrounding neighbors.

The motion failed due to lack of a second.

**2017-37** (continued)

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a variance for property located at 1715 Reserve Road to replace three existing billboards with two electronic billboards within 500' of residential property, conditioned upon no advertisement of tobacco products or adult entertainment and a one year review for possible adjustment of the lumens.

Ayes: (3) Mr. Hughes, Mr. Marzullo, Chairman Elling

Noes: (2) Mr. Harmon, Mrs. Hicks

Motion Carried

**2017-38**

Request of Susan Mayerat for a variance for property located at 99 Greenfield Avenue to construct a covered porch in front setback

Karen Lehman represented Susan Mayerat and stated her proposal to construct an unenclosed covered porch.

Chairman Elling stated he was in receipt of letters of approval from property owners at 93, 96 & 105 Greenfield Avenue.

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 99 Greenfield Avenue to construct a covered porch in the front setback.

Ayes: All

Noes: None

Motion Carried

**2017-39**

Request of Deborah & Karl Burns for a variance for property located at 87 Maplewood Avenue to extend driveway to 1' off side property line (minimum 3' from side lot line required)

Deborah Burns stated the proposal to widen their driveway to accommodate their childrens' cars. The driveway will be concrete and the downspouts will run underground to a bubbler system.

Chairman Elling stated he was in receipt of letters of approval from property owners at 81, 84, 90 & 93 Maplewood Avenue.

**2017-39** (continued)

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 87 Maplewood Avenue to extend the driveway to 1' off the side property line, conditioned upon installation of drain tile.

Ayes: All

Noes: None

Motion Carried

**2017-40**

Request of Maritza Baez & Tim Neary for a variance for property located at 2 Louise Drive to construct a 6' high fence in front and side yard of corner lot projecting into front yard three feet from the sidewalk (maximum 4' high fence with maximum 10' projection into front yard)

Maritza Baez stated the proposal to construct a 6' high privacy fence around their property and 3' from the sidewalk. The fence will be solid vinyl with a gate on the right of the garage.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1, 5, 6, 9 & 10 Louise Drive and 90 & 101 Camelot Drive.

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 2 Louise Drive to construct a 6' high fence in the front and side yard of the corner lot projecting into the front yard three feet from the sidewalk.

Ayes: All

Noes: None

Motion Carried

**2017-41**

Request of Susan & James Vanderwerf for a variance for property located at 161 Flohr Avenue to construct a 6' high fence in side yard of corner lot (maximum 4' high fence permitted)

Susan Vanderwerf stated the proposal to construct a 6' high fence along the side yard of their corner lot and noted North Seneca Street is a paper street.

No comments were received from the public.

**2017-41** (continued)

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for property located at 161 Flohr Avenue to construct a 6' high fence in the side yard of the corner lot.

Ayes: All

Noes: None

Motion Carried

**2017-42**

Request of Sandra Wojciechowski for a variance for property located at 174 Cloverside Drive to construct a garage addition two feet from side lot line (minimum 5' side setback required)

Sandy Wojciechowski stated her proposal to construct an addition on her garage extending two feet from the side lot line.

Mrs. Hicks questioned if there will be any drainage issues. Code Enforcement Officer Jeffrey Baksa stated a gutter will be necessary depending on how the gable is run and if the downspouts become a problem it will be a property maintenance issue.

Chairman Elling stated he was in receipt of letters of approval from property owners at 165, 183 & 186 Cloverside 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 174 Cloverside Drive to construct a garage addition two feet from the side lot line.

Ayes: All

Noes: None

Motion Carried

**2017-43**

Request of Richard Smith for a variance for property located at 4101 Clinton Street to construct a 16' high garage (maximum 12' height for accessory buildings)

Richard Smith stated his proposal to construct a 16' high garage at the rear of his property, noting the extra height is needed because he would like to install a lift in the garage. Mr. Smith stated he does not intend to operate a business and the garage will only be used to work on his personal vehicles in his retirement.



**2017-43** (continued)

Code Enforcement Officer Jeffrey Baksa stated if there is a change of elevations a revised drainage plan will be required. It may also be deemed necessary to install a drain and oil separator in the garage. Mr. Baksa noted this is a large accessory structure in a residential neighborhood and should only be used for residential use.

Chairman Elling stated he was in receipt of letters of approval from property owners at 4095 & 4103 Clinton Street.

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 4101 Clinton Street to construct a 16' high garage.

Ayes: All

Noes: None

Motion Carried

**2017-44**

Request of Todd Huber of Buildings Solutions for a variance for property located at 235 Carriage Park to construct a shed one foot from side lot line (minimum 3' side setback for accessory buildings)

The petitioner was not present at this meeting.

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

Ayes: All

Noes: None

Motion Carried

**2017-45**

Request of Rusty Nickel Brewing Company for a variance for property located at 4350 Seneca Street to allow live music

Jeff Orlowski stated the Rusty Nickel is already having live music every Sunday night.

Code Enforcement Officer Jeffrey Baksa stated the applicants were notified last summer that a variance is needed for live music. They were under the assumption it was not necessary because of the NYS Farm Brewery Laws, but that does not apply. Mr. Baksa advised them they needed to get signatures from the neighbors and there should not be any live music until this is addressed at the Zoning Board. Appearance tickets will be issued if they do not comply.

2017-45 (continued)

Mr. Marzullo suggested the residents contact the Police Department if they hear live music to register their complaint.

Mr. Orlowski commented that noise from the Ebenezer Ale House and Rusty Nickel echoes in his house and is not suitable for a residential neighborhood. Their hours of operation also often go later than 11 P.M.

Mr. Baksa stated if they are conducting business on the patio later than 11 P.M., they will be notified by the Code Enforcement Office and if it continues they will be issued appearance tickets.

Kelly Cosgrove stated the Rusty Nickel complied with the solid fencing stipulation and it has improved the noise in the lower yard, but not in their houses. Mrs. Cosgrove asked that there be time stipulations if approval is given for live music.

Chairman Elling questioned if Mrs. Cosgrove would object to three days of live music weekly.

Mrs. Cosgrove responded that she would not object to live music later than 9 P.M. on Friday and Saturday nights, but asked that if there is an event on weekdays the music end by 9 P.M.

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

Ayes: All

Noes: None

Motion Carried

2016-56

Request of Michele & Leonard Damico for a variance for property located at 70 Iris Avenue to raise chickens

The petitioner was not present at the meeting.

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

Ayes: All

Noes: None

Motion Carried

**2017-32**

Request of Keith Berlinski for a variance for property located at 277 Center Road to construct a 14' high garage (maximum 12' height for accessory buildings)

The petitioner was not present at the meeting.

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

Ayes: All    Noes: None    Motion Carried

**2017-44**

Request of Todd Huber of Buildings Solutions for a variance for property located at 235 Carriage Park to construct a shed one foot from side lot line (minimum 3' side setback for accessory buildings)

The petitioner was not present at the meeting.

Motion by Elling, seconded by Harmon, to table this item until the next meeting.

Ayes: All    Noes: None    Motion Carried

**ADJOURNMENT**

Motion by Hughes, seconded by Marzullo, to adjourn the meeting at 8:30 P.M.

Ayes: All    Noes: None    Motion Carried

Respectfully submitted,



Jacqueline A Felser  
Town Clerk/Zoning Board Secretary