

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

ZONING BOARD OF APPEALS
Minutes #2017-06
June 28, 2017

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 led by Richard Marzullo and 30 seconds of silent prayer.

ROLL CALL: Present - Timothy J. Elling, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Richard P. Marzullo
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 Marzullo, seconded by Hughes, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Hicks, seconded by Harmon, to approve Minutes #2017-05 of May 24, 2017.

On the question,

Motion by Elling, seconded by Harmon, to amend the motion and approve Minutes #2017-05 of May 24, 2017 with the following correction on the approval motion for Item #2016-17: conditioned upon installation of a 6' high fence for shielding from the front of the patio to the rear "where people congregate" and the patio shall close no later than 11 P.M.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2013-19

Request of David Shearer for a variance for property located at 1800 Union Road to allow live music

David Shearer requested renewal of the variance to allow live music at 1800 Union Road.

Chairman Elling stated no calls or complaints were registered with the Police Department concerning the live music at this address.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a one year variance for property located at 1800 Union Road to allow live music.

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

Ayes: All

Noes: None

Motion Carried

2017-03

Request of Mark Mogavero for a variance for property located at 751 Seneca Creek Road to allow a 12' x 20' shed in the front yard (accessory structures not permitted in required front yard)

Mark Mogavero presented an updated site plan indicating placement of five 5' tall evergreen trees on the west side of the driveway spaced approximately 5' to 10' apart. The work is being started this month and should be completed by late summer.

Code Enforcement Officer Jeffrey Baksa stated a temporary certificate of occupancy was issued until the final grading is completed and the driveway installed.

2017-03 (continued)

Chairman Elling questioned if there is electricity in the shed and Mr. Mogavero responded he had installed electricity. Mr. Baksa advised an electrical permit is required along with an inspection.

No comments were received from the public.

Motion by Hicks, seconded by Harmon, to close the public hearing and grant a variance for property located at 751 Seneca Creek Road to allow a 12' x 20' shed in the front yard, conditioned upon planting of five 5' tall evergreen trees spaced 5' apart as indicated on the plan presented at this meeting and contingent upon receipt of electrical and other inspections and a permanent certificate of occupancy by October 1, 2017.

Ayes: All

Noes: None

Motion Carried

2017-10

Request of Pat Boni of Saxton Sign Corp. for a variance for property located at 1200 Southwestern Blvd. to allow a 110.5 sf LED sign within 500' of residential zoning (maximum 40 sf allowed with minimum 500' from residential zoning)

The petitioner was not present at the meeting.

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

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2017-30

Request of Jack Stewart III for a variance for property located at 2305 Union Road to allow a 91.5 sf sign (maximum 40 sf allowed)

Chairman Elling stated NYSDOT had not yet responded with their comments on this item and it will be tabled until the next meeting.

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

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)

Joseph Szafranski stated his concrete porch was in need of repair and after receiving an estimate from a contractor, he decided to replace it with a wood deck. Mr. Szafranski was not aware that a variance was needed. He began the work and then received a notice to comply from the Code Enforcement Office. The work should be finished in a week or two.

Code Enforcement Officer Jeffrey Baksa advised the required 30' setback would be reduced to 13'.

Chairman Elling stated he was in receipt of letters of approval from property owners at 72, 73, 76, 80 & 81 Brookside Drive.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to reserve decision on this variance for up to 62 days.

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)

2017-33 (continued)

Julie Wick stated she replaced a 4' high fence with a 6' high stockade fence on the right side of her house and was informed by the Code Enforcement Office that she needed a variance.

Mr. Marzullo questioned if a permit was obtained for the shed in her yard and Ms. Wick responded she did not get a permit.

Chairman Elling stated he was in receipt of letters of approval from property owners at 11 & 17 Bradwood Road. Erie County responded with no recommendation or problem with the fence as proposed.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to reserve decision on this item for up to 62 days.

Ayes: All

Noes: None

Motion Carried

2017-34

Request of Raymond Sullivan for a variance for property located at 123 Southridge Drive to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence permitted)

Raymond Sullivan stated his proposal to construct a 6' high wooden stockade fence in the front and side yards of his corner lot setback 18' from the street.

Mr. Marzullo questioned if he built the shed in the front yard and Mr. Sullivan responded the shed was there when he bought the house.

Chairman Elling stated he was in receipt of letters of approval from property owners at 203 & 204 Oakbrook Drive and 115 & 124 Southridge Drive.

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 123 Southridge Drive to construct a 6' high fence in the front and side yard of the corner lot.

Ayes: All

Noes: None

Motion Carried

2017-35

Request of David Beard for a variance for property located at 60 Savona Street to construct a 6' high fence in front yard (maximum 4' high fence permitted)

David Beard stated he constructed a 6' high fence in the front yard because he installed a pool for his children. His landlord gave his approval and he was unaware that a variance was required.

Chairman Elling commented on the closeness of the fence to the house next door. Code Enforcement Officer Jeffrey Baksa advised the applicant did not put up that fence and the variance is only for the fence that parallels Savona Street.

Chairman Elling stated he was in receipt of letters of approval from property owners at 245 Indian Church Road and 51 & 52 Savona 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 60 Savona Street to construct a 6' high fence in the front yard.

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

Ayes: All

Noes: None

Motion Carried

2017-10

Request of Pat Boni of Saxton Sign Corp. for a variance for property located at 1200 Southwestern Blvd. to allow a 110.5 sf LED sign within 500' of residential zoning (maximum 40 sf allowed with minimum 500' from residential zoning)

