

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

ZONING BOARD OF APPEALS
Minutes #2017-02
February 22, 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 Michael Hughes.

ROLL CALL: Present - Timothy J. Elling, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Richard P. Marzullo
John J. Fenz, Town Attorney

Absent - Jeffrey Baksa, Code Enforcement Officer

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 Marzullo, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Harmon, seconded by Hicks, 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 #2017-01 of January 25, 2017.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2015-38

Request of Hassan Mohamed for extension of the variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles (five vehicles stacking required)

The applicant was not present at the meeting.

2015-38 (continued)

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

Ayes: All

Noes: None

Motion Carried

2016-90

Request of Garrett Mayer for a variance for property located adjacent to 1540 Seneca Creek Road to allow a parking lot constructed of millings/stone (parking areas to be constructed of concrete or asphalt)

Alan Zak represented Garrett Mayer and stated his request to allow use of asphalt millings for a parking lot at Mayer Bros Cider located at 1540 Seneca Creek Road to provide additional parking for customers of the store during the cider season. This will accommodate overflow parking and offer a safe place to park. Mr. Zak stated the parking area will only be used from mid August to the end of November each year.

Chairman Elling stated a response from Erie County indicated they had no recommendation on this variance request. He further questioned if Mr. Zak had a copy of the neighbor letter Mr. Mayer brought with him to a previous Zoning Board meeting. Mr. Zak did not have the neighbor letter with him.

Mr. Hughes questioned if this is a permanent solution to the parking issue. Mr. Zak responded the asphalt millings worked for the last season and they have no plans to do anything different.

Mr. Marzullo suggested barricading the parking area during off months to avoid unauthorized use. Mr. Zak was not aware of any plans to barricade the parking lot.

Mr. Harmon commented he travels past this location regularly and has not seen any vehicles parked in the lot during off months.

Chairman Elling stated there should be no overnight parking in the lot and suggested limiting use to no vehicles over five tons.

Town Attorney John Fenz stated site plan approval may be required from the Planning Board due to the size of the parking area, but he will check with Code Enforcement Officer John Gullo.

No comments were received from the public.

2016-90 (continued)

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for property located at 1540 Seneca Creek Road to allow a parking lot constructed of millings/stone, conditioned upon submission of approval letters from surrounding neighbors and with the stipulation there will be no overnight parking and a five ton weight limit on vehicles.

Ayes: All

Noes: None

Motion Carried

2017-01

Request of Rev. John Stanton of St. John XXIII Parish for a variance for property located at 1 Arcade Street to allow an electronic message board within 500' of residential zoning

Rev. John Stanton stated his request to replace the plastic lettering portion of their existing sign with an electronic message board, noting the sign is antiquated and difficult to change in the winter. A letter was sent to 64 surrounding residents advising them of the proposed sign along with a postcard to mail back indicating if they approve and 31 were received to date.

Chairman Elling stated comments were received from Edward Rutkowski of NYSDOT and although they have no objection with installation of an LED sign, the proposed sign will replace the existing sign which is located within a state highway right-of-way. Mr. Rutkowski advised the existing sign must be relocated entirely within the church property and a NYSDOT highway work permit is required.

Rev. Stanton referred to the survey and site plan and stated there is room to move the sign off the right of way.

Chairman Elling stated he was in receipt of a letter of approval from property owners at 67, 85, 105, 133, 139, 167 & 175 Aurora Avenue; 50, 66, 75, 85, 86, 97, 100, 108, 109, 110, 122, 132, 139, 169, 172 & 173 Dwyer Street; and 515, 541, 554, 564, 574, 577, 581 & 585 Harlem Road.

No comments were received from the public.

Motion by Harmon, seconded by Hughes, to close the public hearing and grant a variance for property located at 1 Arcade Street to allow an electronic message board within 500' of residential zoning, conditioned upon the sign being relocated out of the state highway right-of-way.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2017-02

Request of Jane Reukauf for a variance for property located at 1589 Orchard Park Road to allow a two-family home (R-75 zoning permits only single family homes)

Attorney Ralph Lorigo represented Jane Reukauf and provided a Google search map indicating the location of the property at 1589 Orchard Park Road. The prior owner applied for a building permit for construction of a single family home, but the house is actually a two-family. The current owner purchased the home in 2014 and it was listed as a two-family. The town also has it classified as a two-family on the tax roll and there is a tenant that has lived there 8½ years. Mr. Lorigo provided a letter signed by three surrounding neighbors approving of the two-family home. He also stated an architect has provided plans to legally convert the dwelling to a two-family home that will then conform to Town Code.

Mrs. Hicks commented on the driveway that is also being used for the business at this location and questioned if a variance is required for a shared driveway. Mrs. Reukauf stated there is an easement in the deed for the driveway and it is registered with Erie County. She further stated her sister owns the other parcel, so there is no issue with a shared driveway.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1543, 1593 and 1713 Orchard Park Road. A response was also received from NYS DOT indicating they do not object to the variance for a two-family home.

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 1589 Orchard Park Road to allow a two-family home.

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)

2017-03 (continued)

Mark Mogavero stated he and his mother own 751 Seneca Creek Road and requested a variance to allow the 12' x 20' shed to remain in the front yard. The shed was supposed to go in the back yard, but they had a problem with the contractor and he was let go. The pre fab building was put in the current location which is at least 100' off the road and they would like to keep it there for storage of handicap scooters and other equipment.

Chairman Elling questioned how the house is accessed by a handicapped person when there is no ramp. Mr. Mogavero stated they have hired a new contractor and a ramp is being installed soon.

Mrs. Hicks commented on the condition of the property and questioned if it will be cleaned up and landscaped.

Chairman Elling commented that other sheds are required to be located in back yards and suggested 6' tall arborvitae to screen the shed from the road.

Mr. Mogavero responded he did not know how this could be done but will speak with his contractor.

Chairman Elling stated he was in receipt of letters of approval from property owners at 691, 730, 735 & 736 Seneca Creek Road. A response from Erie County indicated they had no issue as the shed is not located in the right-of-way.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to table this item until the next meeting pending receipt of a landscape plan.

On the question, Chairman Elling stated Mr. Mogavero can submit the landscape plan to the Town Clerk's office if he has it prior to the next meeting.

Ayes: All

Noes: None

Motion Carried

2015-38

Request of Hassan Mohamed for extension of the variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles (five vehicles stacking required)

Hassan Mohamed stated his request to renew the variance to allow reduced stacking at the drive-thru window at 2566 Seneca Street.

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2015-38 (continued)

Chairman Elling stated police records indicate only one accident at this location since the variance was granted and there was nothing involving the drive-thru.

Motion by Elling, seconded by Hughes, to grant a two year variance for property located at 2566 Seneca Street to reduce stacking at the drive-thru window to two vehicles.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

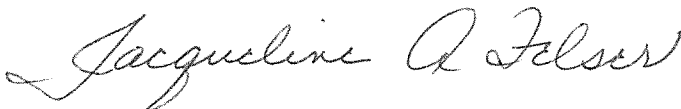
Motion by Marzullo, seconded by Hicks, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary