

2011-60 (continued)

William Sullivan represented his father and stated his request to renew their variance to raise chickens, noting they currently have five chickens and no roosters.

Chairman Elling stated no complaints were registered with the Police Department over the last year.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a one year variance for property located at 1481 Orchard Park Road to raise a maximum of six chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

2016-99

Request of Josephine Morcelle for renewal of a variance for property located at 45 Parkside Drive to allow keeping of a pig on residential property

Michael & Josephine Morcelle stated their request to renew the variance to allow keeping of a pet pig at their home, noting she is 3½ years old and fully grown at 48 – 54 lbs.

Chairman Elling stated no complaints were registered with the Police Department over the last year.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a two year variance for property located at 45 Parkside Drive to allow keeping of a pig on residential property.

Ayes: All

Noes: None

Motion Carried

2017-74

Request for renewal of a variance for Lamar Advertising for property located at 730 Orchard Park Road to convert existing 14' x 48' billboard face to a 12' x 25' digital face within 500' of residential zoning

2017-74 (continued)

Robert Harper of Lamar Advertising stated his request to renew the variance for 730 Orchard Park Road for a 12' x 25' digital billboard, noting the engineering took longer than expected, but they are now ready to proceed and he anticipates the sign will be constructed in April or May.

Code Enforcement Officer Douglas Busse stated he will review rules and regulations for electronic signs when they apply for the permit.

Mrs. Hicks questioned if Lamar Advertising will own the sign. Mr. Harper responded that Lamar is the owner and they will lease the property and pay taxes on it. They will also post amber alerts when requested along with other safety alerts and announcements.

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 730 Orchard Park Road to convert the existing 14' x 48' billboard face to a 12' x 25' digital face within 500' of residential zoning, conditioned upon a one year review for possible adjustment of the lumens.

Ayes: All

Noes: None

Motion Carried

2017-59

Request of Robert Jemiolo for renewal of variances for property located at 3369 – 3385 Clinton Street to: 1) allow outdoor patio seating until 9 P.M. Sunday – Thursday and until 11 P.M. Friday and Saturday; 2) allow an unpaved parking lot

Robert Jemiolo stated his request to renew the variances for outdoor patio seating and an unpaved parking lot, noting the project is taking him longer than he anticipated. The kitchen will be ready in about 30 days, but it will not be open to the public yet, so he is not currently using the parking area or outdoor seating. The project is being done in phases and he plans to open a small café/bistro in the fall and the bar portion by the end of the year or in 2020.

Mrs. Hicks questioned if the second floor is rented and Mr. Jemiolo advised that the upstairs apartments are rented.

No comments were received from the public.

2017-59 (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and grant a one year variance for property located at 3369 – 3385 Clinton Street to: 1) allow outdoor patio seating until 9 P.M. Sunday – Thursday and until 11 P.M. Friday and Saturday; 2) allow an unpaved parking lot.

Ayes: All

Noes: None

Motion Carried

2018-67

Request of Jim Popiela of Santoro Sign Company for a variance for property located at 172 Slade Avenue to construct a new sign with no setback (10' setback required)

Chairman Elling stated the applicant decided to withdraw the request for a variance.

Motion by Elling, seconded by Hughes, to receive and file this item.

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)

A representative of Hassan Mohamed stated his request to renew the variance to allow reduced stacking at the drive-thru window, noting there have been no safety issues or accidents.

Chairman Elling stated there were no incidents on file with the Police Department.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and 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

2019-01

Request of Brian Tefft for a variance for property located at 1750 Transit Road to construct a 15' high accessory structure (maximum 12' high accessory structure)

Brian Tefft stated his proposal to construct a 40' x 60' pole barn on his property, noting it will be cold storage for now but he will be installing utilities eventually.

Mr. Hughes questioned if the pole barn will be strictly for personal use.

Mr. Tefft responded the pole barn will be used to store his RV, boat and vehicles. He owns T & R Seasonal Services located on West Quaker Road in Orchard Park and that is where his equipment is stored. He does have an excavator on the property that he is using to do his driveway and he also has a bobcat used to plow the driveway. Code Enforcement Officer Douglas Busse advised the excavator cannot be stored on the property after he is done with construction. The bobcat can be stored there if it is just for personal use and not going in and out of the property daily.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1710 & 1790 Transit Road and 1720 Southwestern Blvd.

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 1750 Transit Road to construct a 15' high accessory structure, noting this structure is for personal use only and no storage of commercial equipment is permitted.

Ayes: (4) Chairman Elling, Mr. Hughes, Mrs. Hicks, Mr. Kapuscinski

Noes: None

Abstentions: (1) Mr. Marzullo

Motion Carried

2019-02

Request of Frank Zappia of Pro Tech LED for a variance for property located at 3512 Clinton Street to construct an LED sign within 500' of residential property

Frank Zappia presented additional signatures from surrounding neighbors as requested by the Zoning Board at the last meeting.

Chairman Elling stated he was in receipt of letters of approval from property owners at 3566 Clinton Street; 2046 & 2048 Union Road; 35, 39, 43, 47, 51, 57, 60, 63 & 95 Orchard Avenue; and 37, 38, 44, 46, 50 & 57 Kron Avenue.

2019-01 (continued)

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 3512 Clinton Street to construct an LED sign within 500' of residential zoning.

Ayes: (4) Mr. Hughes, Mr. Marzullo, Mr. Kapuscinski, Chairman Elling

Noes: None

Abstentions: Mrs. Hicks

Motion Carried

NEW BUSINESS

2019-03

Request of Bogdan Wisniewski for a variance for property located at 486 Union Road to construct a 17'6" high detached garage (maximum 12' height for accessory structures)

Chairman Elling stated the applicant decided to withdraw the request for a variance..

Motion by Elling, seconded by Marzullo, to receive and file this item.

Ayes: All

Noes: None

Motion Carried

2019-04

Request of Eugene Staychock for a variance for property located at 789 Center Road to construct an LED sign within 500' of residential zoning

Michael Yost of Yost Neon Signs represented Eugene Staychock and stated he installed the sign at 789 Center Road with the understanding that Mr. Staychock had obtained a permit from the Code Enforcement office and found out afterward that he had not gotten the permit.

Chairman Elling reviewed the approval signatures from surrounding neighbors and stated there are not sufficient signatures.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to table this item pending receipt of additional signatures.

Ayes: All

Noes: None

Motion Carried

2019-05

Request of Jamie Barnes for a variance for property located at 670 Main Street to install an above ground pool with 12' front setback on corner lot (accessory structures not permitted in required front setback)

Jamie Barnes stated her proposal to construct a 21' above ground pool with 12' front setback and submitted a letter from NYSEG approving the location.

Chairman Elling stated he was in receipt of letters of approval from property owners at 666 Main Street and 40 South Warren Avenue.

No comments were received from the public.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 670 Main Street to install an above ground pool with 12' front setback on corner lot.

Ayes: All

Noes: None

Motion Carried

2019-06

Request of Michael Adams for a variance for property located at 1268 Indian Church Road to construct a 4' high fence in required front yard setback

Michael Adams stated his proposal to extend his wood fence into the front setback 4' from the road, noting there is a neighbor dispute and he is trying to prevent the neighbor from driving on his property.

Chairman Elling expressed concern there may be sight issues with vehicles backing out of the neighbor's driveway.

The property owner at 1264 Indian Church Road stated a 4' fence within 10' of the road will block his sight distance when leaving his driveway.

Mr. Adams stated he is willing to drop the height of the fence to 3' near the road.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1253, 1262 & 1276 Indian Church Road. Erie County also has no issue with the proposed fence.

2019-06 (continued)

Deputy Town Attorney Kimberly Conidi stated there is a feasible alternative for Mr. Adams to accomplish his goal and suggested he look at planting small shrubs rather than extending the fence. Mr. Adams responded he had bushes in that area, but the neighbor took them out without his permission.

Motion by Elling, seconded by Hughes, to close the public hearing and deny the request for a variance for property located at 1268 Indian Church Road to construct a 4' high fence in the required front yard setback, due to safety concerns and noting a feasible alternative would be to plant shrubs.

Ayes: All

Noes: None

Motion Carried

2019-07

Request of Brent Josker of All American Sign for a variance for property located at 2181 & 2185 Clinton Street to construct a 52 sf LED sign (maximum 40 sf sign permitted)

Brent Josker of All American Sign stated a variance was previously granted for a 40 sf electronic sign at this location, but the customer changed the design and the size has been increased to 52 sf. The sign will be higher than originally proposed, but the width will be the same. Mr. Josker submitted a letter of consent from the adjacent neighbor, One Pie Pizza, who will share the sign.

Code Enforcement Officer Douglas Busse noted the sign can only advertise the two businesses at this location.

Chairman Elling commented on another sign by All American Sign that was not in compliance with the sign ordinance with regard to lumens and turning the sign off at night. Mr. Josker stated he informs his customers of the rules and regulations and gives them a copy of the ordinance.

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 2181 & 2185 Clinton Street to construct a 52 sf LED sign.

Ayes: All

Noes: None

Motion Carried

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

**ZONING BOARD OF APPEALS
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OTHER BUSINESS

Motion by Elling, seconded by Hughes, to change the following meeting dates:

March 27th changed to March 20th with March 6th cut off for agenda

June 26th changed to June 19th with June 5th cut off for agenda

November 27th changed to December 4th with November 20th cut off for agenda

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Hughes, seconded by Kapuscinski, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary