

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

ZONING BOARD OF APPEALS
Minutes #2019-07
July 24, 2019

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 Evelyn Hicks and 30 seconds of silent prayer.

ROLL CALL: Present - Timothy J. Elling, Chairman
Evelyn Hicks
Michael P. Hughes
Richard P. Marzullo
Raymond Kapuscinski
Douglas Busse, Code Enforcement Officer
Tina Hawthorne, 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 Hughes, seconded by Hicks, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Marzullo, seconded by Hughes, to approve Minutes #2019-06 of June 19, 2019.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2019-20

Request of Brian & Erica Carr for a variance for property located at 327 Woodcrest Drive to construct a garage with 27' front setback (30' setback required) and a driveway 2' off lot line (3' from lot line required)

2019-20 (continued)

The applicant was not present at the meeting.

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

Ayes: All

Noes: None

Motion Carried

2019-37

Request of Paul Strada of N.A.S. Sign Company for a variance for property located at 4100 Clinton Street to construct an electronic sign within 500' of residential zoning

Paul Strada of N.A.S. Sign Company and Kimberly McCartan, Principal at Clinton Street Elementary School, stated their proposal to replace the existing 40 sf sign that was damaged with a new 52.04 sf double sided monument sign. The top portion will be a standard illuminated sign and the bottom portion will be LED. The new sign will be in the same place, but one to two feet further from the street. Mr. Strada further stated the LED sign will help the school better communicate with the public and will not have an adverse effect on the character of the neighborhood.

Chairman Elling stated he was in receipt of approval signatures from property owners at 4047, 4055, 4070, 4077, 4101, 4103, 4130, 4138, 4141 & 4148 Clinton Street and 7 French Lea Road. NYSDOT submitted comments that they had no problem with the sign, but no survey was submitted with the application and they want to ensure that the sign will be not located within the state right-of-way.

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 4100 Clinton Street to construct an electronic sign within 500' of residential zoning, noting the sign must have automatic dimming, the hours of illumination cannot exceed 6 A.M. to 10 P.M., messages must be displayed for a minimum of 30 seconds and no A-frame or temporary signs are allowed on the property.

Ayes: All

Noes: None

Motion Carried

2019-34

Request of Paul Strada of N.A.S. Sign Company for a variance for property located at 154 Orchard Park Road to construct an electronic sign within 500' of residential zoning

Paul Strada of N.A.S. Sign Company represented Southtowns Animal Hospital and stated their proposal to replace the existing 5.5' x 6' sign that is located on two poles. The replacement sign will be 40 sf with an overall height of 13.5'. The top portion will be a 3'2" x 7'4" static illuminated sign and the lower LED portion will be 2' x 7'4". Mr. Strada commented on the many services performed at the hospital and stated the new sign will allow them to communicate better with the public and remain viable and competitive. They will utilize the same poles and foundation and there will be no undesirable change in the character of the neighborhood.

Chairman Elling stated he was in receipt of approval signatures from property owners at 40, 46, 51, 63, 70, 76 & 82 Marlow Road; 47, 61 & 63 Lenox Road; 57, 64 & 81 Innes Road; 25, 30, 56, 60 & 69 Fairfax Road; and 179 Orchard Park Road. NYSDOT has no objection to the proposed sign as long as it is not located within the state right-of-way.

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 154 Orchard Park Road to construct an electronic sign within 500' of residential zoning, noting the sign must have automatic dimming, the hours of illumination cannot exceed 6 A.M. to 10 P.M., messages must be displayed for a minimum of 30 seconds and no A-frame or temporary signs are allowed on the property.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2019-40

Request of Michael Ferraraccio of Bilt Rite for a variance for property located at 83 Princess Lane to construct an accessory structure with 7' front setback (minimum 30' front setback required)

2019-40 (continued)

Michael Ferraraccio of Bilt Rite represented the property owner and stated their proposal to construct a garage toward the rear of the house, noting this is a unique lot on the corner of Summit Avenue and Princess Lane. The driveway will be extended and utilized to drive around the side to the garage. Mr. Ferraraccio noted the house is only 21' off the side lot line and the garage is located 10' behind the house.

Chairman Elling stated he was in receipt of approval signatures from property owners at 348, 354 & 370 Summit Avenue and 84 Princess Lane.

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 83 Princess Lane to construct an accessory structure with 7' front setback.

Ayes: All

Noes: None

Motion Carried

2019-41

Request of Scott Smith for a variance for property located at 19 Brianwood Drive to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence permitted)

Scott & Morgan Smith stated their proposal to construct a 6' high, grey vinyl privacy fence to enclose their yard and contain their dogs. The fence will be 3' off the sidewalk and there will be a 4' gate on the south side and an 8' gate on the north side.

Chairman Elling stated he was in receipt of approval signatures from property owners at 16, 22 & 33 Brianwood Drive 590, 600 & 610 East & West Road.

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 19 Brianwood Drive to construct a 6' high fence in the front and side yard of the corner lot, 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2019-42

Request of Diane & Daniel Hartnett for a variance for property located at 4551 Clinton Street to construct a 6' high fence in side yard (maximum 4' high fence permitted)

Daniel Hartnett stated his proposal to construct a 6' high privacy fence, parallel with Clinton Street and 150' from the road for privacy and to buffer road noise.

Chairman Elling stated he was in receipt of approval signatures from property owners at 4511, 4524, 4549 & 4553 Clinton Street. Erie County Division of Planning and NYSDOT have no objection.

No comments were received from the public.

Motion by Hughes, seconded by Hicks, to close the public hearing and grant a variance for property located at 4551 Clinton Street to construct a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

2019-43

Request of West Seneca Fire District #5 for a variance for property located at 2829 Seneca Street to construct a 6' high fence with barbed wire around the top to enclose an above ground fuel storage tank

Attorney Dale McCabe represented West Seneca Fire District #5 along with Commissioner Board Chairman Peter Spilsbury and stated their request to install a 6' high fence with barbed wire to enclose an above ground storage tank. The inground tank had to be removed due to a leak and NYSDEC indicated it was more practical to have the tank above ground, but they would like a fence around it. Code Enforcement Officer Jeffrey Schieber suggested bollards across the front portion and the fire district has no problem with that. Mr. Spilsbury stated it is a double wall tank so it is properly contained and there are no neighbors on the Orchard Park Road side, which is where the tank is located.

Chairman Elling stated Erie County Division of Planning indicated they have no issues with the proposed fence. Also, there is already a fence with barbed wire surrounding the cell tower on the property.

No comments were received from the public.

2019-43 (continued)

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a variance for property located at 2829 Seneca Street to construct a 6' high fence with barbed wire around the top to enclose an above ground fuel storage tank.

Ayes: All

Noes: None

Motion Carried

2019-44

Request of Frank Wailand of FJ Wailand Associates Inc. for a variance for property located at 3155 Seneca Street to reduce side yard setback to 3' (minimum 10' side yard setback required)

Frank Wailand represented the property owner and stated a prospective tenant is requiring the size of the building, which will reduce the side yard setback. National Grid is coming into town on Friday to talk about accessing their transmission lines, but he was confident they will receive their approval.

Chairman Elling stated he was in receipt of approval signatures from property owners at 3155 Seneca Street, but noted there was nothing from the residential home across the street.

Mr. Wailand stated they had distributed letters, but nothing was returned.

Mrs. Hicks questioned the zoning of the house across the street and stated she would like to have approval from that neighbor.

No comments were received from the public.

Motion by Hughes, seconded by Hicks, to table this item pending additional communication from the neighbor and National Grid.

Ayes: All

Noes: None

Motion Carried

2019-45

Request of Lee & Cecille Ellen for a variance for property located at 15 Morris Crescent to construct a 6' high fence in front & side yard (maximum 4' high fence permitted)

Lee Ellen stated his proposal to construct a 6' high fence on his corner lot for privacy and security for his family, noting the fence will be located 3' off the sidewalk.

2019-45 (continued)

Chairman Elling stated he was in receipt of approval signatures from property owners at 11, 21, 22 & 26 Morris Crescent and 7 Pinecove Drive.

No comments were received from the public.

Motion by Marzullo, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 15 Morris Crescent to construct a 6' high fence in the front & side yard, 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2019-46

Request of Gary & Patricia Gouchie for a variance for property located at 311 Woodcrest Drive to construct an addition with 6' separation from garage (minimum 10' separation required)

Gary & Patricia Gouchie stated their proposal to construct a 12' x 12' addition on the back of their house with 6' separation from the garage.

Chairman Elling stated he was in receipt of approval signatures from property owners at 310, 313, 314 & 323 Woodcrest 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 311 Woodcrest Drive to construct an addition with 6' separation from the garage.

Ayes: All

Noes: None

Motion Carried

2019-47

Request of Brandon & Amber Williams for a variance for property located at 136 Woodlane Drive to construct a 6' high fence in side yard (maximum 4' high fence permitted)

Brandon Williams stated his proposal to construct a 6' high vinyl privacy fence in the side yard with a 4' chain link fence across the front, noting the 6' fence will go up to the neighbor's house.

2019-47 (continued)

Chairman Elling stated he was in receipt of approval signatures from property owners at 124, 130, 145, 146 & 156 Woodlane Drive and 197 Iris 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 136 Woodlane Drive to construct a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

2019-48

Request of Luigi Collana for a variance for property located at 71 Terrace Blvd. to construct a 6' high fence in front yard projecting more than 10' from house (maximum 4' high fence with maximum 10' projection into front yard)

Luigi Collana stated his proposal to extend the existing fence 30' past the corner of his garage for privacy and safety for his children. He presented police records indicating an issue with his neighbor.

Chairman Elling stated he was in receipt of approval signatures from property owners at 66, 70 & 75 Terrace Blvd.

Code Enforcement Officer Douglas Busse stated there is no sight issue with extending the fence this distance.

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 71 Terrace Blvd to construct a 6' high fence in the front yard projecting more than 10' from the house, noting there are extenuating circumstances contained in police reports to support this variance.

Ayes: All

Noes: None

Motion Carried

2019-49

Request of Daniel Hart for a variance for property located at 59 Aurora Avenue to construct a 14' high detached garage (maximum 12' height for accessory structures)

Daniel Hart stated his proposal to construct a 14' high detached garage, noting he restores vehicles and the additional ceiling space is needed to install a lift and for storage space.

Mr. Marzullo questioned if Mr. Hart will be working on other people's vehicles and Mr. Hart responded the garage will be used for his own personal use.

Chairman Elling stated he was in receipt of approval signatures from property owners at 42, 49, 50, 56, 59 & 63 Aurora Avenue and 484 Harlem Road.

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 59 Aurora Avenue to construct a 14' high detached garage, noting the garage is for personal use only and no business shall be operated from this location.

Ayes: All

Noes: None

Motion Carried

2019-50

Request of Matthew Friend for a variance for property located at 62 Kirkwood Drive to install a driveway in front yard setback with 0' side setback (no parking in 30' front setback and 3' side setback required)

Matthew & Destiny Friend stated their proposal to extend their driveway to the left and right for additional parking, noting no parking is allowed on the street in the winter. The driveway will be poured concrete up to the sidewalk.

Chairman Elling stated he was in receipt of approval signatures from property owners at 56, 59, 65 & 68 Kirkwood Drive.

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 62 Kirkwood Drive to install a driveway in the front yard setback with 0' side setback.

Ayes: All

Noes: None

Motion Carried

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2019-20

Request of Brian & Erica Carr for a variance for property located at 327 Woodcrest Drive to construct a garage with 27' front setback (30' setback required) and a driveway 2' off lot line (3' from lot line required)

The applicant was not present at the meeting.

Motion by Elling, seconded by Marzullo, to receive and file this item based on non-appearance at three consecutive meetings.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

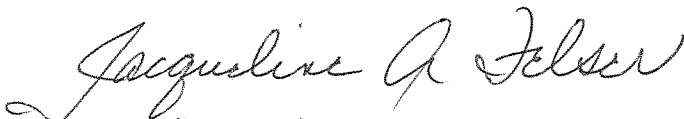
Motion by Hicks, seconded by Elling, to adjourn the meeting at 7:50 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary