

2012-58 (continued)

Chairman Elling stated there has been no police calls or complaints to the Code Enforcement Office with regard to the display of storage sheds at this location.

Mr. Marzullo questioned if this is a permanent location for displaying the storage sheds and Mr. Race responded they do not own the property so a two year temporary variance is sufficient at this time.

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 1100 Orchard Park Road for display of storage sheds for sale.

Ayes: All

Noes: None

Motion Carried

2016-85

Request of Tracy Coccia of Big Lots for renewal of the variance for property located at 1980 Ridge Road to allow temporary structures to remain permanent (temporary structure maximum is 30 days)

Chairman Elling stated Code Enforcement Officer Jeffrey Baksa received correspondence from Big Lots advising they have rented additional space in the building and no longer require the variance.

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

Ayes: All

Noes: None

Motion Carried

2017-68

Request of Thomas Ribarich for a variance for property located at 25 John Alex Drive to construct a shed 3' from rear property line (5' setback required) and construct a fence projecting 26' in front of house (10' projection allowed)

Code Enforcement Officer Jeffrey Baksa stated he took measurements at the property and the sidewalk is not included in the measurements on the survey. Therefore, on the paper street side of the property, the distance the board members would like the fence off the sidewalk should be the distance from the property line on the survey. Mr. Ribarich would also like to construct a shed in the front yard.

2017-68 (continued)

Mr. Ribarich stated the property slopes so the shed will have to be 10' to 12' from the east property line and at least 3' in from the fence.

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 25 John Alex Drive to construct a fence 24' from the house on the south side which will be 3' from the sidewalk and construct a shed 12' from the east property line and 3' inside the fence.

Ayes: All

Noes: None

Motion Carried

2017-69

Request of Jerry Noworyta of Graffiti Grafix for a variance for property located at 130 Orchard Park Road to relocate existing 60 sf sign (maximum 40 sf sign allowed)

Chairman Elling stated he was in receipt of letters from property owners at 120 & 136 Orchard Park Road stating they were not opposed to relocation of the sign at 130 Orchard Park Road. Approval letters were also received from Erie County Division of Planning and NYSDOT and it was specified that the entire sign must be located out of the state right-of-way.

Mr. Marzullo questioned if the sign will be strictly for Carubba Collision and Mr. Noworyta responded they are relocating the existing sign as is.

Jeffrey Blake represented Continental Transmission and stated they wanted to ensure that the new location of the sign does not block their sign at 120 Orchard Park Road, noting Mr. Carubba had advised them that the sign will be offset. Mr. Noworyta stated he was aware of this and will speak with Continental Transmission before the sign is installed.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 130 Orchard Park Road to relocate the existing 60 sf sign, noting they must meet with Continental Transmission to agree on a location.

Ayes: All

Noes: None

Motion Carried

2017-73

Request of Zoran Evtimov for a variance for property located at 711 Harlem Road to construct a 4-unit residential building on an 18,276 sf parcel (23,000 sf required) and allow parking of vehicles within required 40' setback

Zoran Evtimov stated the plans were revised and he had met with NYSDOT.

Chairman Elling referred to a letter received from Edward Rutkowski of NYSDOT stating the revisions appear reasonable to allow two way traffic internally. Mr. Rutkowski further stated more detailed plans are required for a NYSDOT highway work permit and additional site engineering review will be performed as part of the process.

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 711 Harlem Road to construct a 4-unit residential building on an 18,276 sf parcel and allow parking of vehicles within the required 40' setback.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2017-74

Request of Lamar Advertising for a variance 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

Robert Harper of Lamar Advertising stated their proposal to convert the existing 14' x 48' billboard at 730 Orchard Park Road to a 12' x 25' changeable electronic message sign. Letters were sent to residents within 500' of the site and two were received back stating they are agreeable to the change.

Code Enforcement Officer Jeffrey Baksa stated in accordance with Town Code all residential property owners within 500' should have signed.

Chairman Elling questioned if the letters were sent by registered mail and Mr. Harper responded they were not and he was not aware that they should have been.

2017-74 (continued)

Mr. Marzullo questioned if the display will only be on one side and Mr. Harper confirmed it will be on one side only.

No comments were received from the public.

Motion by Hughes, seconded by Elling, to table this item pending receipt of signatures of approval from surrounding residents within 500'.

Ayes: All

Noes: None

Motion Carried

2017-75

Request of The Green Organization for a variance for property located at 216 Orchard Park Road to reduce required bulk area by 680 sf

Mike Metzger of Metzger Civil Engineering represented The Green Organization and stated their proposal to construct two buildings with a total of 33 units and a ten bay garage building on just under four acres of property located at 216 Orchard Park Road. The property is zoned C-2 and a special permit was granted by the Town Board along with a negative declaration for SEQR. Mr. Metzger stated the project is in compliance with the town's master plan. All setbacks are in compliance, but the density only allows for 32 units. They are requesting a variance of 680 sf to allow the 33 units.

Chairman Elling stated he was in receipt of letters of approval from property owners at 219, 220, 231 & 250 Orchard Park Road. He referred to a letter received from Erie County Division of Planning stating the town and developer should consider vehicular and/or pedestrian access between the subject property and commercial developments to the south in accordance with the 2016 West Seneca Comprehensive Plan. A letter was also received from Edward Rutkowski of NYSDOT stating no objection to the project and noting more detailed plans are required to obtain a NYSDOT highway work permit. Mr. Rutkowski further stated a traffic study is not required for this project, but asked that site plans be submitted for the SEQR process so they can review the driveway, drainage connections, etc. that are located in the state highway right-of-way. Chairman Elling noted the Zoning Board had also received a short environmental assessment form for the project.

Mr. Marzullo questioned if there is ample parking and Code Enforcement Officer Jeffrey Baksa responded the only issue is the bulk area.

2017-75 (continued)

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and adopt the following resolution:

WHEREAS, the Zoning Board of Appeals of the Town of West Seneca reviewed the Short Environmental Assessment Form ("EAF") prepared by the applicant in connection with the proposed zoning variance for property located at 216 Orchard Park Road (SBL 134.17-2-1.1) ("Subject Property"), to reduce the required bulk area by 680 sf and reviewed the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon review of the EAF and documentation and plans submitted by the Applicant in connection with the review of the Project, the Zoning Board of Appeals has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; and

WHEREAS, the Town Board adopted a resolution issuing a Negative Declaration pursuant to SEQR and granted a special permit for multi-family use at the Subject Property; and

WHEREAS, pursuant to the Town Code, the Town Board further found that granting a permit for the Subject Property to allow for the Project is consistent with the applicable special use criteria contained in the Town Code, is appropriate for the location and will not adversely affect surrounding properties; now, therefore, be it

RESOLVED, that pursuant to 6 NYCRR 617.7(a), the Zoning Board of Appeals does hereby adopt a Negative Declaration with respect to the Project and the requested variance based on its determination that the Project will not result in any potentially significant adverse environmental impacts; and be it further

RESOLVED, the Zoning Board of Appeals hereby grants a variance to reduce the required bulk area by 680 sf.

Ayes: All

Noes: None

Motion Carried

2017-76

Request of Robin Clouden of Kids Escaping Drugs Inc. for a variance for property located at 920 Harlem Road to construct a garage 5' from building (10' separation required)

Fred Desjardins stated the proposal from Kids Escaping Drugs to construct a garage 5' from the south side of the building at 920 Harlem Road. The garage will be used as a utility shed and for storage of holiday decorations along with saws and other equipment used for building repairs. Gasoline and gas operated equipment are stored in a shed located at the far west end of the property. The building to the north is just offices and it is unoccupied overnight.

Chairman Elling stated he was in receipt of letters of approval from property owners at 875, 909 & 935 Harlem Road. A letter was also received from Edward Rutkowski of NYSDOT stating no objection to the proposed project.

Chairman Elling requested that any trees removed due to construction be replaced. Mr. Desjardins responded they intend to replace the trees and noted they have planted 2000 trees every year for the past six years.

No comments were received from the public.

Motion by Hughes, seconded by Elling, to close the public hearing and grant a variance for property located at 920 Harlem Road to construct a garage 5' from the building, noting that all trees removed must be replaced with an equal number of trees.

Ayes: All

Noes: None

Motion Carried

2017-77

Request of George & Christy Pournaras for a variance for property located at 1175 East & West Road to construct an addition reducing side yard setback to 2.6' (minimum 5' side yard setback required)

George Pournaras stated his proposal to construct a 12' x 20' addition on his home at 1175 East & West Road, noting the lot next door is vacant and owned by the property owner who lives two lots away.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1145, 1151 & 1187 East & West Road.

No comments were received from the public.

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

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2017-77 (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 1175 East & West Road to construct an addition reducing side yard setback to 2.6'.

Ayes: All

Noes: None

Motion Carried

OTHER BUSINESS

Motion by Elling, seconded by Hughes, to adopt the attached resolution recognizing Zoning Board members' completion of the required annual training.

Ayes: All

Noes: None

Motion Carried
APPENDICES

ADJOURNMENT

Motion by Marzullo, seconded by Hughes, 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

**WEST SENECA ZONING BOARD TRAINING &
RECORD OF ANNUAL COMPLETION**

WHEREAS, Town Law §271 requires all Zoning Board members to complete a minimum of four hours of suitable training each year; and

WHEREAS, West Seneca Town Code §28-6 grants the Chairman of the Zoning Board the authority to determine and define suitable training; and

WHEREAS, West Seneca Town Code §28-7 defines acceptable training to include conferences, seminars and workshops, and reading journals, articles or books and other educational activities acceptable to the Board Chair; and

WHEREAS, each of the current Zoning Board members - Timothy Elling, Michael Harmon, Michael Hughes, Evelyn Hicks and Richard Marzullo have completed various training sessions including one provided on December 7, 2017; now, therefore, be it

RESOLVED, the Chairman recognizes the current board members have successfully completed their minimum requirements for calendar year 2017 and this recognition is to be noted in the minutes of the Board pursuant to West Seneca Town Code §28-6; and be it further

RESOLVED, a record of this annual completion is to be maintained by the Town Clerk and a copy provided to the Town Board pursuant to West Seneca Town Code §28-8.