

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

ZONING BOARD OF APPEALS
Minutes #2018-01
January 24, 2018

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 Raymond Kapuscinski and 30 seconds of silent prayer.

ROLL CALL: Present - Timothy J. Elling, Chairman
Evelyn Hicks
Michael P. Hughes
Richard P. Marzullo
Raymond Kapuscinski
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.

Chairman Elling thanked former board member Michael Harmon for his many years of service to the Zoning Board of Appeals and welcomed new board member Raymond Kapuscinski.

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 Marzullo, seconded by Hughes, 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 #2017-11 of December 13, 2017.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2011-47

Request of Lynda Otto for renewal of a variance for property located at 183 Westcliff Drive to raise chickens

Lynda Otto stated her request to renew the variance to raise chickens at 183 Westcliff Drive, noting she currently has four chickens and sometimes has up to six.

Chairman Elling stated there have been no complaints registered with the town for this address.

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 183 Westcliff Drive to raise a maximum of six chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

2011-60

Request of Dennis Sullivan for renewal of a variance for property located at 1481 Orchard Park Road to raise chickens

Dennis Sullivan stated his request to renew the variance to raise chickens at 1481 Orchard Park Road, noting he currently has six chickens.

Chairman Elling stated there have been no complaints registered with the town for this address.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, 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

2012-36

Request of Melinda & Edward Bauerlein for renewal of a variance for property located at 72 Sunset Creek Drive to raise chickens

The petitioner was not present at the meeting.

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

Ayes: All

Noes: None

Motion Carried

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 letters were sent to surrounding neighbors in November and they also visited properties and got two out of four signatures. One parcel on Ridge Road is a vacant lot and the other property owner at 758 Orchard Park Road would not sign because she does not like electronic signs.

Chairman Elling stated he was in receipt of letters of approval from property owners at 2003 Ridge Road and 725 Orchard Park Road. He further noted there is a NYS Code regarding maximum lumens. The Zoning Board may require that the sign be dimmed even more and he suggested a one year variance in case there is any issue with brightness.

Code Enforcement Officer Jeffrey Baksa stated the billboard will have to comply with NYS codes, but the Town of West Seneca recently adopted a new sign ordinance and they will have to comply with whichever is more restrictive. A copy of the electronic sign ordinance will be provided at the time a permit is issued.

Mr. Hughes noted receipt of comments from NYSDOT stating no objection to the proposed sign as long as no portion of the sign, base or foundation is located within the state highway right-of-way.

No comments were received from the public.

2017-74 (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and grant 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, conditioned upon a one year review for possible adjustment of the lumens.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2018-01

Request of Desiree Malachowski for a variance for property located at 30 Burch Avenue to allow a pre-existing, non-conforming two-family home on a 30' wide, 3480 sf lot (60' width and 8500 sf lot required)

Desiree Malachowski stated she is trying to buy the property at 30 Burch Avenue, but the mortgage lender is requesting satisfactory verification of zoning for a two-family. Ms. Malachowski noted she will be living in the lower and her adult son will live upstairs.

Code Enforcement Officer Jeffrey Baksa stated the house has been there for many years and nothing has been changed. The house is not in conformance and if destroyed by more than 50 percent could not be rebuilt as a two-family under the current zoning. Mr. Baksa noted the house was vacant for a period of time and there were neighbor complaints, so the neighbors would be happy to have someone buy it and live in it.

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 30 Burch Avenue to allow a pre-existing, non-conforming two-family home on a 30' wide, 3480 sf lot.

Ayes: All

Noes: None

Motion Carried

2018-02

Request of Ralph Lorigo for a variance for property located at 1197 Union Road to allow the following: 1) parking in front (side/rear parking required); 2) a one story building (two story required); 3) reduced parking spaces; 4) 24' driveway (30' required); 5) 83' front setback (0' - 20' setback required); 6) 5' rear setback (30' setback required)

2018-02 (continued)

Chairman Elling stated he received a call today from the applicant requesting this item be tabled.

Motion by Hughes, seconded by Elling, to table this item.

Ayes: All

Noes: None

Motion Carried

2012-36

Request of Melinda & Edward Bauerlein for renewal of a variance for property located at 72 Sunset Creek Drive to raise chickens

The petitioner was not present at the meeting.

Motion by Elling, seconded by Marzullo, to table this item until the February meeting.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Hughes, seconded by Marzullo, to adjourn the meeting at 7:15 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary