

2013-13

Request of Brian and Lisa Hirsch for renewal of a variance for property located at 122 Tampa Drive to allow raising of chickens (raising of poultry/farm animals not permitted)

Mr. Hirsch stated there have been no changes to the number of chickens and there are no roosters.

Chairman Elling stated no complaints were registered with the West Seneca Police Department over the past year relative to the chickens.

No comments were received from the public.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a one-year variance for property located at 122 Tampa Drive to allow raising of chickens.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2021-020

Request of John C. Schultz for a variance for property located at 9 Leocrest Court to erect a 6' fence in front yard with 25' projection on corner lot (maximum 4' height allowed; no projection allowed in front yard)

Mr. Schultz stated the request is for a 6' privacy fence on the right hand side of the property. Mr. Schultz has a dog he would like to keep in the yard.

Chairman Elling stated the house is on a corner lot with the side yard being the backyard. Chairman Elling noted the application shows the fence extending to the sidewalk. Mr. Schultz replied the fence would be approximately 1' from the sidewalk.

Chairman Elling explained the requirement is for the fence to be 3' from the sidewalk to allow pedestrians to have room if a car were to jump the curb. Mr. Schultz stated moving the fence to 3' is not an issue.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 9 Leocrest Court to erect a 6' fence in front yard with 25' projection on corner lot, noting the fence is to be 3' from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2021-014

Request of Paul and Kristin Levulis for a variance for property located at 3 Centerpoint Circle to install a concrete patio with a 15' rear setback (30' rear setback required)

Ms. Levulis stated there is a sliding glass door on the back of her property and she would like to put a patio in the yard. There is not much room in the back yard; this is more of a side yard. Ms. Levulis stated the placement of the patio in the backyard would provide privacy.

Chairman Elling stated he was in receipt of letters of approval from property owners at 9 Centerpoint Circle and 40 Greymont Avenue. The house is in a culdesac and has a unique footprint where the house and lot are; there is not much of a backyard.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 3 Centerpoint Circle to install a concrete patio with a 15' rear setback.

Ayes: All

Noes: None

Motion Carried

2021-015

Request of Deborah L Miller and James R Hill for a variance for property located at 3916 Clinton Street to erect a 6' fence in front and side yard on corner lot (4' maximum height allowed)

Chairman Elling stated the variance requested a fence on a corner lot and also a side driveway. The driveway was not in the publication and will be tabled until the May meeting.

Mr. Hill stated this is a corner lot; the fence would come down the back of the house and to the end of the property line to enclose the applicant's dog and children. The style would be a black chain link fence. On the side of the house the fence would not go to the property line; the fence would be approximately 5' in.

Chairman Elling stated he was in receipt of letters of approval from property owners at 3892 and 3924 Clinton Street and 26 and 25 Sharon Drive. Chairman Elling referred to correspondence from the NYSDOT stating there is no objection to granting the variance. A letter was sent from a neighbor with concerns regarding the 6' fence stating the children are older and the dog is small. The neighbor expressed concerns that large size commercial vehicles will be contained on the property from Mr. Hill's blacktop company and fears regarding Mr. Hill pulling out of the property with a 6' fence. Chairman Elling questioned if this was the same neighbor who signed for Mr. Hill stating there were no objections. Mr. Hill replied that is correct; there is a little tree on Mr. Hill's property that is the neighbors. Mr. Hill stated he moved the fence in to accommodate the neighbor's tree. The fence is needed for the kids and the dog. The dog shouldn't be on a leash and upsetting the neighbors.

Ms. Hicks stated she was on site; from the street there is no sidewalk on the property. The adjoining property has a sidewalk that ends right at Mr. Hill's residence. There is a slight incline from the street and up to the yard. The fence will be located at the top of the berm. The fence will stay the same equal distance from the point where it starts, at the house, to the end. This is a deep corner lot; considered to have two fronts. The entire

2021-015 (continued)

front of the house as it currently exists is all on Clinton Street. The side yard and backyard are on Sharon Drive. The furthest corner of the back of the lot has three trees. It appears the trees are on both properties. Mr. Hill did confirm he will keep all three trees. This would be a chain link fence; from the street to where the proposed fence is would be approximately 18' – 20' and would not impede the visual aspect of backing out. The fence would be back far enough and it would be unlikely a car would be able to breach the fence.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 3916 Clinton Street to erect a 6' fence in front and side yard on corner lot, noting the fence will be 5' in from the property line.

Ayes: All

Noes: None

Motion Carried

2021-016

Request of Jeffrey M Zubler for a variance for property located at 28 Rebecca Way to install a concrete driveway extension with 6" setback from the property line (3' setback required)

Mr. Zubler stated he would like to widen the driveway to accommodate the vehicles registered to the residence along with a work vehicle.

Chairman Elling stated he was in receipt of letters of approval from property owners at 22, 25, 31, 34, and 35 Rebecca Way.

Ms. Hicks noted the survey shows the proposed driveway expansion from the apron, on an angle to the other side of the sidewalk and questioned if this was allowed in the right of way. Code Enforcement Officer Doug Busse replied if the proposal was for a curb cut, a permit would be required.

Ms. Hicks stated this appears to be an extensive amount of concrete and questioned if there is a drainage plan for the impact this will have on the neighbor. Mr. Zubler stated the neighbor had no issue with the concrete.

Chairman Elling stated the concern is the neighbor may eventually move and questioned what is being proposed to catch the water. Mr. Zubler stated the new concrete would pitch towards the existing driveway and out to the street. Chairman Elling stated Mr. Zubler's house is significantly higher than the neighbors; drainage should be included. Mr. Busse stated the Town Code states you may not affect any neighboring property with water runoff.

Mr. Kapuscinski stated to pitch the driveway back, the level would need to be dropped below the existing driveway; this would be substantial.

Ms. Hicks stated this is a lot of concrete that will add at least six blocks to the side of the driveway and substantially changes the esthetics of the neighborhood.

2021-016 (continued)

Ms. Greenan noted there is another property in the neighborhood with a similar extension. Chairman Elling questioned if the extension butted up to the neighboring property. Ms. Greenan stated it came close to the property line.

Chairman Elling suggested tabling the item to allow the applicant to speak with the contractor about a plan for the drainage concerns.

Motion by Elling, seconded by Kapuscinski, to table the item until the May meeting to allow the applicant to provide a drainage plan.

Ayes: All

Noes: None

Motion Carried

2021-017

Request of Sheila M Blidy for a variance for property located at 34 Barnsdale Avenue to install a concrete driveway with 0' setback from the property line (3' setback required)

Mr. Blidy stated the application is to make the driveway 4' wider from the sidewalk to the fence. The new section will pitch towards the current driveway, with an expansion joint between, to form a gully and remove water to the street.

Chairman Elling stated he was in receipt of letters of approval from property owners at 40, 24, 50, 28, 45, 13, 35, and 21 Barnsdale 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 34 Barnsdale Avenue to install a concrete driveway with 0' setback from the property line.

Ayes: All

Noes: None

Motion Carried

2021-018

Request of David Bystrak for a variance for property located at 4721 Clinton Street to construct a garage in front yard on corner lot with 13' setback (accessory structure not permitted in front setback of residential district; 40' setback required)

Mr. Bystrak stated the application is for a two-door detached garage on the east side of the existing driveway that opens to the existing driveway. This a shallow property that backs up to Buffalo Creek.

Chairman Elling stated he was in receipt of letters of approval from property owners at 4744, 4680, 4760, 4783, and 4745 Clinton Street. NYSDOT has provided correspondence that states the following: NYSDOT has no objection to the town issuing a variance for the accessory structure. However, we will not permit an expansion of the existing curb cut or allow a second point of access on Clinton Street. Assuming a driveway will be

2021-018 (continued)

constructed to the second garage, then no part of that driveway shall be constructed within the State Highway Right-of-Way. Mr. Bystrak stated he understands this requirement.

Ms. Hicks questioned if the lawn would remain between the garage and Clinton Street. Mr. Bystrak replied yes, the lawn will remain.

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 4721 Clinton Street to construct a garage in front yard on corner lot with 13' setback.

Ayes: All

Noes: None

Motion Carried

2021-019

Request of Brian Wachowiak for a variance for property located at 15 Century Drive to erect a 6' fence in front and side yard on corner lot with 21' projection (4' maximum height allowed in front and side yard; no projection allowed in front yard)

Mr. Wachowiak stated he is looking to install a 6' privacy fence to replace an existing 5' stockade fence on the west side of the property and a 5' chain link fence on the north side.

Chairman Elling stated he was in receipt of letters of approval from property owners at 106 and 105 Westcliff Drive and 31, 18, and 11 Century Drive.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 15 Century Drive to erect a 6' fence in front and side yard on corner lot with 21' projection.

Ayes: All

Noes: None

Motion Carried

2021-021

Request of Nicole Smith for a variance for property located at 81 John Alex Drive to erect a 6' fence in front and side yard with 29' projection on corner lot (4' maximum height allowed in front and side yard; 10' projection allowed)

Ms. Smith stated this is a corner lot and she would like to extend the neighbor's fence into the side yard, which is technically the back yard. The request is for privacy and safety.

Chairman Elling stated he was in receipt of letters of approval from property owners at 9 and 12 Adam Chris Drive and 100, 92, 104, 96, and 93 John Alex Drive, noting the Deputy Town Attorney is one of the neighbors.

2021-021 (continued)

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a variance for property located at 81 John Alex Drive to erect a 6' fence in front and side yard with 29' projection on corner lot.

Ayes: All

Noes: None

Motion Carried

2021-022

Request of Ben Weremblewski for a variance for property located at 44 Bosse Lane to erect a 6' fence in front and side yard on corner lot with 27' projection past front corner (4' maximum height allowed; 10' projection allowed)

Mr. Weremblewski stated the application is for a fence in the yard to enclose children and a new puppy.

Chairman Elling stated he was in receipt of letters of approval from property owners at 43 and 30 Bosse Lane and 16 and 15 Giblin Drive.

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a variance for property located at 44 Bosse Lane to erect a 6' fence in front and side yard on corner lot with 27' projection past front corner, noting the fence is to be 3' from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2021-023

Request of Daniel Hart for a variance for property located at 59 Aurora Avenue to construct a driveway expansion 1' off lot line (minimum 3' required)

Mr. Hart stated he would like to expand his driveway by 4' to create one additional parking spot that does not block the garage door.

Chairman Elling stated he was in receipt of letters of approval from property owners at 49, 50, 42, and 60 Aurora Avenue.

Chairman Elling questioned the pitch of the driveway. Mr. Hart stated the driveway is evenly pitched but does not object to changing the pitch if required.

No comments were received from the public.

2021-023 (continued)

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 59 Aurora Avenue to construct a driveway expansion 1' off lot line.

Ayes: All

Noes: None

Motion Carried

2021-024

Request of Marathon Engineering for a variance for property located at 1889 and 1893 Union Road for the following: 1) 6,600 sf lot area (13,000 sf required); 2) 7' rear yard setback (30' setback required); 3) 0 parking spaces (6 parking spaces required); 4) 0' parking setback (3' required); 5) 14' entrance width (30' required); 6) 22' drive lane width (24' required); 7) 6' rear yard setback (30' required)

Code Enforcement Officer Doug Busse noted that the following items have been resolved: 5) 14' entrance width (30' required); 6) 22' drive lane width (24' required).

Chairman Elling stated the petitioner is applying for the variances to correct the mistakes of the past. Mr. Busse stated a previous owner attempted to construct an apartment complex on the parcel; this was not zoned correctly, and construction was halted. The property line runs directly through one of the buildings. The variances are to correct the issues of the past.

Chairman Elling questioned what is currently in the buildings. The applicant stated the buildings are vacant; ultimately they would like two, two-family structures.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1888, 1887 and 1889 Union Road and 26 Seneca Creek Road.

Chairman Elling questioned if the variance would need to be on the deed. Ms. Hicks stated there will be a permanent easement from one parcel to the other and will be included on the deed. Ms. Hicks stated this should be a condition of granting the variance; the deed restriction or permanent easement should be included in the deed when the deed is filed with Erie County. Deputy Town Attorney Kim Conidi concurred.

The project engineer provided a brief summary on the project in relation to the variance requests. Mr. Busse stated the applicant satisfied the concerns of the NYSDOT.

No comments were received from the public.

Motion by Hicks, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 1889 and 1893 Union Road for the following: 1) 6,600 sf lot area (13,000 sf required); 2) 7' rear yard setback (30' setback required); 3) 0 parking spaces (6 parking spaces required); 4) 0' parking setback (3' required); 5) 6' rear yard setback (30' required) with the following condition: the 1889 Union Road property with 0 parking spaces and the 1893 Union Road property with 10 parking spaces have a legal document attached to the deed that provides for parking at 1889 Union Road; this will be a deed restriction or a permanent easement.

Ayes: All

Noes: None

Motion Carried

2021-025

Request of Keith Brydalski for a variance for property located at 1478 Ridge Road to erect a 4' fence in front yard with 41' projection (10' projection permitted)

Mr. Brydalski stated he would like to put a fence through the driveway and along the east side of the property.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1500 and 1466 Ridge Road as well as correspondence from Erie County with no objection to the variance.

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a variance for property located at 1478 Ridge Road to erect a 4' fence in front yard with 41' projection.

Ayes: All

Noes: None

Motion Carried

2021-026

Request of Robert Balcarczyk for a variance for property located at 3 Mossie Loop to erect a 6' fence in side yard (4' maximum height allowed)

Mr. Balcarczyk stated he would like to replace his current 4' section of fence with a 6' section on the southeast corner of the backyard.

Chairman Elling stated he was in receipt of letters of approval from property owners at 314 and 306 Fisher Road.

Code Enforcement Officer Doug Busse stated there is an easement that is not on the owner's property; it is a private easement. Chairman Elling stated a neighbor on Fisher Road has a fence on the easement.

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 3 Mossie Loop to erect a 6' fence in side yard.

Ayes: All

Noes: None

Motion Carried

2021-027

Request of Ciara Hudson and Ryan Pierce for a variance for property located at 74 Knox Avenue to erect a 6' fence in front and side yard on corner lot with 16' projection (4' maximum height allowed; no project allowed)

Mr. Pierce stated the application is for a 6' fence from the garage to Arcade Street and will be 4' in from the property line.

2021-027 (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 68 and 86 Knox and 79 and 71 Barnsdale Avenue.

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a variance for property located at 74 Knox Avenue to erect a 6' fence in front and side yard on corner lot with 16' projection.

Ayes: All

Noes: None

Motion Carried

2016-018

Request of Deborah Arzaga for renewal of a variance for property located at 227/229 Pellman Place to allow raising of chickens (raising of poultry/farm animals not permitted)

The applicant was not present.

Motion by Elling, seconded by Hicks, to table the item until the May 26, 2021 meeting.

On the question, Chairman Elling stated if the applicant is not present at the May meeting the application will be received and filed.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Kapuscinski, seconded by Greenan, to adjourn the meeting at 7:19 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler
Town Clerk/Zoning Board Secretary