

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

**ZONING BOARD OF APPEALS
Minutes #2023-02
February 22, 2023**

yes, this is on 3-acres with no neighbors; 3) Does the variance change the character of the neighborhood – no complaints have been received; 4) Is this a self-created hardship - yes, but the family uses the chickens for food and this is not the determining factor.

Motion by Lang, seconded by Greenan, to close the public hearing and grant a variance for property located at 227/229 Pellman Place to allow raising of chickens on the property, noting the variance is valid until the February 2024 meeting.

Ayes: All

Noes: None

Motion Carried

2019-010

Request of Tim and Robin Stolinski for renewal of a variance for property located at 227 Seneca Creek Road to allow raising of chickens on property (raising of poultry/farm animals not permitted)

Mr. Stolinski stated he has four hens and no roosters, there are no changes from last year.

Chairperson Hicks noted the parcel is more agricultural and backs up to the Industrial Park.

Code Enforcement Officer Doug Busse stated no complaints have been received relative to chickens.

No comments were received from the public.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – the applicant states no, as the chickens are pets and provide food; 2) Is this a unique circumstance – yes, this a residential/agricultural parcel; 3) Does the variance change the character of the neighborhood – no complaints have been received; 4) Is this a self-created hardship - yes, but the family uses the chickens for food and this is not the determining factor.

Motion by Hicks, seconded by Bedient, to close the public hearing and grant a variance for property located at 227 Seneca Creek Road to allow raising of eight chickens on the property, noting the variance is valid until the February 2024 meeting.

Ayes: All

Noes: None

Motion Carried

2020-019

Request of Cynthia Gaasch for renewal of a variance for property located at 68 School Street to allow raising of chickens on property (raising of poultry/farm animals not permitted)

Ms. Gaasch stated she has seven chickens and her residence on a dead end with a creek in the back.

Code Enforcement Officer Doug Busse stated no complaints have been received relative to chickens.

No comments were received from the public.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – the applicant states no, as the chickens are pets and provide food; 2) Is this a unique circumstance –

2022-064

Request of Michael Flicinski for a variance for property located at 1000 Center Road to erect a garage with 12' 6" midspan (maximum 12' height permitted)

Mr. Flicinski stated he is building a storage garage and would like to keep the same pitch. Cars and a trailer will be stored in the garage.

Code Enforcement Officer Doug Busse stated a neighbor did have concerns with water runoff from the property; the applicant spoke with the Town Engineer, and this has been straightened out and the water will tie into the town drainage system.

Chairperson Hicks stated neighbor signatures with no objection to the variance were obtained from residents at 1010, 990, 1020, and 1005 Center Road, 255 Summit Avenue and 11 Summit Meadow. Correspondence was received from the Erie County with no objection to the variance request as this is of local concern.

No comments were received from the public.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, the additional height is needed for storage; 3) Is the request substantial – this is not substantial; 4) Does the variance have an impact on the environment – there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for property located at 1000 Center Road to erect a garage with 12' 6" midspan.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2023-01

Request of Gerald and Dawn Gammack for a variance for property located at 3402 Clinton Street to erect an accessory structure with a 30' peak and 22' midspan (maximum 12' height permitted)

Motion by Hicks, seconded by Bedient, to table the item until the March 22, 2023, meeting to allow the Erie County Division of Environment and Planning time to respond to the application.

Ayes: All

Noes: None

Motion Carried

2023-02

Request of Kevin Weber for a variance for property located at 461 Seneca Creek Road to erect a garage with 17' 6" midspan (maximum 12' height permitted)

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Motion by Hicks, seconded by Bedient, to table the item until the March 22, 2023, meeting to allow the Erie County Division of Environment and Planning time to respond to the application.

Ayes: All

Noes: None

Motion Carried

2023-03

Request of Gina Gellar for a variance for property located at 23 Idlewood Drive to allow raising of chickens on property (Raising of farm animals/poultry not permitted)

Mr. Gellar stated the request is to raise six hens on the property; the hens will be in a coop in the backyard.

Chairperson Hicks stated neighbor signatures with no objection to the variance were obtained from residents at 17, 35, and 32 Idlewood Drive and 790 Main Street.

No comments were received from the public.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – the applicant states no, as the chickens are pets and provide food; 2) Is this a unique circumstance – yes, the neighbors did not object; 3) Does the variance change the character of the neighborhood – neighbors have not objected; 4) Is this a self-created hardship - yes, but the family uses the chickens for food and this is not the determining factor.

Motion by Greenan, seconded by Lang, to close the public hearing and grant a variance for property located at 23 Idlewood Drive to allow raising of six chickens on the property, noting the variance is valid until the February 2024 meeting.

TABLED ITEMS

2022-046

Request of Melissa Fazzio for renewal of a variance for property located at 165 Willowdale Drive to allow raising chickens on property (raising of poultry/farm animals not permitted)

The item remained on the table.

ADJOURNMENT

Motion by Hicks, seconded by Greenan, to adjourn the meeting at 6:31 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler
Town Clerk/Zoning Board Secretary

