

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

ZONING BOARD OF APPEALS
Minutes #2018-07
July 25, 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 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
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.

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 #2018-06 of June 27, 2018.

Ayes: All

Noes: None

Motion Carried

Chairman Elling announced the November meeting will be held November 28th at 7 P.M. and there will be no meeting in December.

OLD BUSINESS

2017-37

Request of Ralph Lorigo as Attorney for Harvest Hill Golf Course for review of a variance for property located at 1715 Reserve Road to replace two existing billboards with two electronic billboards within 500' of residential property

The applicant was not present at the meeting.

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

Ayes: All

Noes: None

Motion Carried

2018-30

Request of Scott Eggleston for a variance for property located at 100 Orchard Park Road to construct a new pedestal sign with no setback (10' setback required)

The applicant 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

NEW BUSINESS

2018-39

Request of Andrew Glauser for a variance for property located at 19 Camelot Drive to construct a deck to connect pool to house (10' separation required)

Andrew Glauser stated there is an existing deck attached to his house and he recently installed a pool and would like to connect the pool to the deck. He did not realize he needed 10' separation. Mr. Glauser did not have any approval letters from surrounding neighbors.

Code Enforcement Officer Jeffrey Baksa stated he had explained to Mr. Glauser the need for neighbor signatures.

No comments were received from the public.

2018-39 (continued)

Motion by Hughes, seconded by Marzullo, to table this item pending receipt of letters of approval from the neighbors.

Ayes: All

Noes: None

Motion Carried

2018-40

Request of Luigi Collana for a variance for property located at 4130 Seneca Street to construct an addition reducing rear setback to 5' (30' rear setback required)

Luigi Collana stated his proposal to expand his store for storage purposes. The shed will be demolished and the addition will be constructed in its place and connect to the building. It will be used for the business and not a dwelling.

Chairman Elling stated he was in receipt of letters of approval from property owners at 4114, 4124 & 4134 Seneca Street, 35 Amana Place and 858 Mill Road. He questioned lack of a signature from 29 Amana Place which is directly behind the business. Mr. Collana stated he visited the home four or five times but there was no answer.

No comments were received from the public.

Motion by Hicks, seconded by Marzullo, to close the public hearing and grant a variance for property located at 4130 Seneca Street to construct an addition reducing rear setback to 5'.

Ayes: All

Noes: None

Motion Carried

2018-41

Request of Patrick Krempholtz for a variance for property located at 65 Center Road to construct a 31' x 30' addition with 3.75' side setback (25' side setback required)

Patrick Krempholtz stated his proposal to construct an addition in line with the original building which is setback 3.75' from the side lot line. The addition will allow vehicles to be parked inside instead of outside. He would also like to construct a 45 sf sign with conventional lighting, not LED.

2018-41 (continued)

Code Enforcement Officer Jeffrey Baksa stated Mr. Krempholtz had not previously requested a variance for a sign. The Zoning Board could table the application and have the applicant get signatures concerning the sign or they could go forward with the setback variance and address the proposed sign at a later date. Mr. Baksa further noted the project will need site plan approval from the Planning Board or a site plan waiver. He suggested meeting with his office concerning placement of vehicles for sale to make the Center Road/Seneca Street corner safer.

Mr. Kapuscinski questioned if the unlicensed vehicles on the site are for sale. Mr. Krempholtz responded all unlicensed vehicles are for sale except for the junk vehicles that are scraped within a week. The vehicles are not kept for parts. He further stated his main business is repairs and selling of vehicles is secondary, noting he normally has six vehicles for sale at a given time.

Mrs. Hicks questioned if the area will be paved and Mr. Krempholtz responded that he intends to pave the lot either this year or next.

Chairman Elling stated he was in receipt of letters of approval from property owners at 71 Center Road and 3, 9 & 10 Briarhill Drive. Erie County also has no issue with the proposed project.

No comments were received from the public.

Motion by Hicks, seconded by Hughes, to close the public hearing and grant a variance for property located at 65 Center Road to construct a 31' x 30' addition with 3.75' side setback, noting the request for a variance for a sign will be handled at a later date.

Ayes: All

Noes: None

Motion Carried

2018-42

Request of Edmund Bedient for a variance for property located at 315 Barnsdale Avenue to allow a 7' x 13' driveway extension in required front yard setback

Edmund Bedient stated he hired a contractor to extend his driveway and when the contractor applied for a permit on the day he was pouring the concrete he discovered a variance was needed. Mr. Bedient decided to proceed with the installation rather than have to pay extra to reschedule it.

Mr. Hughes questioned if he intends to park in the driveway extension and Mr. Bedient responded he does not.

2018-42 (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 305, 306, 311, 312 and 316 Barnsdale Avenue.

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 315 Barnsdale Avenue to allow a 7' x 13' driveway extension in the required front yard setback.

Ayes: All

Noes: None

Motion Carried

2018-43

Request of Timothy Clark for a variance for property located at 595 Union Road to construct an 8' high fence in rear and side yard (maximum 6' high permitted in rear yard and maximum 4' high permitted in side yard)

Timothy Clark stated his proposal to construct a fence to reduce noise from Union Road, help with the deer situation and for privacy due to the elevation of the neighboring property. A chain link fence will be replaced with an 8' privacy fence that will be appealing and enhance the neighborhood.

Chairman Elling stated he was in receipt of letters of approval from property owners at 585 & 605 Union Road and 62 Rolling Woods Lane.

Code Enforcement Officer Jeffrey Baksa stated although the neighbors have no issue with this particular fence, he cautioned the board on setting a precedent with allowing 8' fences. Mrs. Hicks commented the neighborhood is not in a subdivision, the house is 80' from Union Road and the size of the lot and elevation is uncommon. Mr. Hughes noted Union Road is a state road and NYSDOT has no issue with the proposed fence.

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 595 Union Road to construct an 8' high fence in the rear and side yard, noting the setback from Union Road is 80' and NYSDOT has no objection, the location is not in a subdivision, it will not alter the character of the neighborhood and taking into consideration the elevation of the house next door.

Ayes: All

Noes: None

Motion Carried

