



**2017-51** (continued)

Paul Frontera stated his request for approval of a variance for a 6' high fence in his side yard.

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 20 Circle End Drive to construct a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

**2017-62**

Request of Garrett Mayer for a variance for property located at 1540 Seneca Creek Road to construct a building with 16' front setback and 5' side setback (25' front setback and 50' side setback required)

Garrett Mayer of Mayer Brothers stated he met with Erie County Highway Department and the issues mentioned in their previous letter have been resolved. He is in agreement with their terms and believes the improvements will be good for everyone. Mr. Mayer noted Erie County had also asked him to submit a letter petitioning for a reduction in the speed limit on Seneca Creek Road to 30 mph and new signs have been posted.

Chairman Elling read a letter received from Garrett M. Hacker, P.E. of Erie County Department of Public Works approving of the proposed project subject to four conditions that will be made part of the approval.

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 1540 Seneca Creek Road to construct a building with 16' front setback and 5' side setback, subject to the following conditions set forth by Erie County Department of Public Works: 1) installation of a sidewalk connecting the retail store and new parking lot on the north side of Seneca Creek Road; 2) installation of "employee only" parking signs adjacent to the parking lot on the south side of Seneca Creek Road; 3) installation of "customer parking" signs pointing to the new parking lot on the north side of Seneca Creek Road; 4) an agreement between Mayer Brothers and St. Paul's Lutheran Church stating future maintenance and repair of the sidewalk will be provided by Mayer Brothers.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2017-63**

Request of Thomas Wierzbicki for a variance for property located at 21 - 23 Flohr Avenue to reduce bulk area to 7630 sf (23,000 sf required); reduce parking to six spaces (8 spaces required); reduce lot width to 70' (80' required); reduce driveway to 8.9' (30' required)

Thomas Wierzbicki stated the property at 21 – 23 Flohr Avenue has been in his wife’s family for many years and he and his wife have owned it for the last eight years. The four-family house was recently put up for sale and they received a contract for sale; however, the buyer’s mortgage was pulled because the bank found out the property is not properly zoned and if the house burns more than 50 percent they would not be able to rebuild a four-family home.

Chairman Elling stated he was in receipt of letters of approval from property owners at 21 & 34 Bellwood and 15, 52, 56, 62 & 64 Flohr Avenue.

Code Enforcement Officer Jeffrey Baksa noted this is a pre-existing, non-conforming use and nothing is changing. The variances are required to bring the property into compliance and change the zoning.

Mr. Marzullo questioned a need for additional parking. Mr. Baksa responded the requirement is two parking spaces per dwelling, but this property has always had six spaces. Mr. Wierzbicki noted the tenants they have had usually only have one vehicle and they have never had a need for additional spaces.

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 21 – 23 Flohr to reduce bulk area to 7630 sf, reduce parking to six spaces, reduce lot width to 70’ and reduce driveway to 8.9’.

Ayes: All

Noes: None

Motion Carried

**2017-64**

Request of Richard Mata of All Access Builders for a variance for property located at 112 Caldwell Drive to construct a 6' high fence in front and side yard of corner lot (maximum 4' high fence permitted)

**2017-64** (continued)

Richard Mata of All Access Builders represented the property owner of 112 Caldwell Drive and stated this is a corner lot and they would like to construct a 6' high white vinyl privacy fence in their front and side yards. The fence on the Clearview Drive side will be setback 11' off the sidewalk.

Chairman Elling stated he was in receipt of letters of approval from property owners at 108, 119, 123 & 127 Caldwell Drive.

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 112 Caldwell Drive to construct a 6' high fence in the front and side yard of the corner lot, noting the fence will be 11' off the sidewalk on Clearview Drive.

Ayes: All

Noes: None

Motion Carried

**2017-65**

Request of Ronald Schwendner for a variance for property located at 3462 Clinton Street to construct an electronic message board within 500' of residential property

Rick Johnson of X-Press Sign represented Ronald Schwendner and stated his proposal to remove the existing 3' x 8' sign and replace it with a 2' x 6' electronic sign. Mr. Johnson noted he had reviewed the sign ordinance rules with the property owner.

Mrs. Hicks questioned if there is only one business located on this parcel and Code Enforcement Officer Jeffrey Baksa responded there is only one business in the building so there will be no additions to the sign.

Chairman Elling stated he was in receipt of letters of approval from property owners at 29, 31, 34, 35, 37, 38 & 40 Gardenville on the Green; 3425, 3430, 3438, 3440, 3448, 3451, 3454, 3457, 3458 & 3475 Clinton Street; 2034, 2040, 2044, 2046 & 2048 Union Road; 16 School Street; 17, 30 & 31 Kron Avenue; 27 & 28 Orchard Avenue; and 3412 & 3418 Clinton Street. Erie County Division of Planning had no recommendation on the sign and NYSDOT had no objection as long as no portion of the sign is located within the state highway right-of-way.

No comments were received from the public.

**2017-65** (continued)

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a variance for property located at 3462 Clinton Street to construct an electronic message board within 500' of residential property.

Ayes: All

Noes: None

Motion Carried

**2017-66**

Request of James Popiela of Santoro Sign Company for a variance for property located at 40 Gardenville Parkway to construct an 85 sf sign (maximum 40 sf permitted) with no setback (10' setback required) and no clearance under sign (7' minimum clearance under sign required)

James Popiela of Santoro Sign Company represented the property owner of 40 Gardenville Parkway and stated their proposal to replace the existing sign with a non-illuminated monument sign, noting this is an industrial area with no residential nearby.

Code Enforcement Officer Jeffrey Baksa stated although most of the property is located in West Seneca, according to the survey the sign is actually located in the Town of Cheektowaga. He contacted the Cheektowaga Planning Department who instructed Mr. Popiela to apply for a permit in Cheektowaga. The proposed sign is within their allowable sign ordinance, but the existing ground sign at the northeast corner must be removed as a condition of the permit.

Chairman Elling stated he was in receipt of letters of approval from property owners at 45 & 70 Gardenville Parkway and 2350 Union Road along with an email from Daniel Ulatowski of the Town of Cheektowaga Building & Planning Office stating their approval of the proposed sign.

Deputy Town Attorney Tina Hawthorne suggested the variance application be received and filed with a statement the town has no objection to the proposed sign.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and receive and file the variance application and letter from the Town of Cheektowaga, noting West Seneca has no objection to the proposed sign and the applicant should apply for a sign permit in the Town of Cheektowaga.

Ayes: All

Noes: None

Motion Carried

**2017-67**

Request of Nicholas Jerome for a variance for property located at 365 Mill Road to construct an addition reducing side yard setback to 4.5' (minimum 5' side yard setback)

Nicholas Jerome stated his proposal to construct an addition on his home extending .5' closer to the side property line than the required 5' minimum setback. Mr. Jerome stated he already poured the concrete for the addition due to weather concerns.

Chairman Elling questioned where the gutter will drain. Mr. Jerome stated he will tie into the existing drainage. Code Enforcement Officer Jeffrey Baksa noted the drainage cannot flow onto the neighbor's property.

Chairman Elling stated he was in receipt of letters of approval from property owners at 358, 359, 364 & 371 Mill Road.

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 365 Mill Road to construct an addition reducing side yard setback to 4.5', noting the drainage cannot flow onto the neighbor's property.

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)

Thomas Ribarich stated his proposal to construct a shed 3' from the south property line and a 4' black chain link fence 26' from the south side of his house.

Code Enforcement Officer Jeffrey Baksa stated this property is actually a corner lot with an unimproved road on the south side. There are no current plans for development, but a road could be constructed in the near future and the sidewalk may follow the path of the sidewalk on John Alex Drive, which would interfere with the proposed location of the fence and shed. Mr. Baksa suggested this item be tabled to allow him to take measurements to determine proper placement of the shed and fence.

**2017-68** (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 20, 21, 24 & 28 John Alex Drive.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and table this item until the December 13<sup>th</sup> meeting pending clarification on the location of the shed and fence along the paper street.

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)

Jerry Noworyta of Graffiti Grafix represented the property owner of 130 Orchard Park Road and stated their existing sign tends to get hit in its current location. They would like to improve traffic flow on site and are proposing to move the sign to the north in line with the edge of the building with the base on a dividing line between two parking spaces, so they will still be able to use those parking spaces.

Code Enforcement Officer Jeffrey Baksa questioned how far back the sign will be located from the front property line. Mr. Noworyta responded the sign will be setback at least 10' and they have to work around water and gas lines.

Chairman Elling stated Erie County Division of Planning had no recommendation and NYSDOT had no objection as long as no portion of the sign is located in the state right-of-way. He further stated letters of approval were received from property owners at 100, 131, 154 & 174 Orchard Park Road, but questioned lack of a signature from Continental Transmission located at 136 Orchard Park Road. Chairman Elling suggested tabling this item pending receipt of their approval.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and table this item until the December 13<sup>th</sup> meeting pending receipt of a signature of approval from Continental Transmission.

Ayes: All

Noes: None

Motion Carried

**2017-70**

Request of Julie Miller & Roger Schmitt for a variance for property located at 82 Collins Avenue to widen driveway for additional parking (parking not permitted in required front yard setback)

Julie Miller stated her proposal to widen her driveway to allow for additional parking, noting the concrete has already been poured.

Chairman Elling stated he was in receipt of letters of approval from property owners at 67, 71, 74, 75, 78 & 81 Collins Avenue.

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 82 Collins Avenue to widen driveway for additional parking.

Ayes: All

Noes: None

Motion Carried

**2017-71**

Request of James Popiela of Santoro Sign Company for a variance for property located at 3626 Seneca Street to construct a 59 sf electronic ground sign within 500' of residential property (maximum 32 sf allowed)

James Popiela of Santoro Sign Company represented Dr. Christine Hoeplinger and stated a windstorm blew the sign down on her property at 3626 Seneca Street. He presented a picture of the proposed 59 sf sign to replace it, noting it is slightly less square feet than the original sign. There will be no brick columns for the new sign and a small portion will be an electronic message center.

Chairman Elling questioned if Dr. Hoeplinger occupies the entire building and Dr. Hoeplinger responded a portion of the building is unoccupied since her husband passed away, but she is looking for a tenant.

Chairman Elling stated he was in receipt of letters of approval from property owners at 105, 129, 161, 205, 215, 216, 229 & 233 Main Street; 3567, 3585, 3601, 3612, 3615, 3638, 3648, 3651, 3660, 3676 Seneca Street. Erie County Department of Public Works has no issue providing the sign is not installed within the Seneca Street right-of-way.

No comments were received from the public.



**2017-71** (continued)

Motion by Marzullo, seconded by Elling, to close the public hearing and grant a variance for property located at 3626 Seneca Street to construct a 59 sf electronic ground sign within 500' of residential property.

Ayes: All

Noes: None

Motion Carried

**2017-72**

Request of William Vollmer for a variance for property located at 171 Fremont Avenue to expand driveway to 1' from side lot line (minimum 3' from side lot line required)

William Vollmer stated his proposal to expand his driveway, noting he received a permit last year but measured incorrectly and now needs to repave. Mr. Vollmer stated there is no business operating from this property, but he does stores things for friends.

Code Enforcement Officer Jeffrey Baksa stated the property is located in a residential zoning which allows one trailer and only during summer months. If the driveway is widened it is strictly limited to residential use.

Chairman Elling stated he was in receipt of letters of approval from property owners at 165, 166, 172, 175, 178 & 181 Fremont Avenue.

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 171 Fremont Avenue to expand the driveway to 1' from side lot line, noting this is strictly for residential use.

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 his proposal to construct a 4-unit single story townhouse building with garages at 711 Harlem Road, noting there will be one 30' driveway.

**2017-73** (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 702, 714, 725, 726, 732 Harlem Road and 282, 300 & 304 Dwyer Street. He referred to a letter received from NYSDOT stating they do not object to the project, but based on the submitted plan they were concerned that internal parking lot maneuvers will adversely affect vehicles entering and exiting the site and ultimately impact traffic on Harlem Road. They would like to see more detailed plans and also note that a highway work permit is required.

Code Enforcement Officer Jeffrey Baksa stated this project will have to go through the process and NYSDOT may require a 40' entrance. He suggested a more detailed plan be prepared to scale.

Mr. Evtimov questioned if two driveways would be allowed and Mr. Baksa responded they will have to check with NYSDOT.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and table this item until the December 13<sup>th</sup> meeting, pending receipt of more detailed plans.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Marzullo, seconded by Elling, to adjourn the meeting at 8:50 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Jacqueline A Felser  
Town Clerk/Zoning Board Secretary