

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairman Timothy Elling at 6:00 P.M. followed by the Pledge of Allegiance and 30 seconds of silent prayer.

ROLL CALL: Present - Timothy J. Elling, Chairman
Amelia Greenan
Evelyn Hicks
Michael P. Hughes
Raymond Kapuscinski
Douglas Busse, Code Enforcement Officer
Kimberly Conidi, Deputy Town Attorney

Absent - None

OPENING OF PUBLIC HEARING

Motion by Elling, seconded by Hughes, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Greenan, seconded by Elling, 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 Hicks, to approve Minutes #2020-03 of May 6, 2020.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

2013-013

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)

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 Hughes, 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

2016-001

Request of Steven Haney of Seneca Steel Erectors for renewal of the variance for property located at 611 Indian Church Road to allow a temporary structure for five years (one year permitted)

Mr. Haney stated the building has been up for approximately five years with no problems other than general maintenance.

Code Enforcement Officer Doug Busse stated there are no complaints or concerns on file with the Code Enforcement Office.

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 611 Indian Church Road to allow a temporary structure.

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 via conference call.

Motion by Elling, seconded by Hughes, to close the public hearing and table the item until the June 24, 2020 meeting.

Ayes: All

Noes: None

Motion Carried

2017-022

Request of Julie Dembski for renewal of a variance for property located at 171 Wetherstone Drive to allow raising of chickens (raising of poultry/farm animals not permitted)

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 171 Wetherstone Drive to allow raising of chickens.

Ayes: All

Noes: None

Motion Carried

2019-071

Request of Child Creative Development Center for a variance for property located at 2900 Transit Road to reduce required 10' setback to meet parking requirements

The applicant was not present via conference call.

Motion by Elling, seconded by Hughes, to close the public hearing and table the item until the June 24, 2020 meeting, noting if the applicant is not in attendance the request will be received and filed.

Ayes: All

Noes: None

Motion Carried

2020-011

Request of Mohit Kumar for a variance for property located 147 Leydecker Road to construct a two family dwelling with 76' frontage (85' frontage required)

Ms. Greenan stated the drawings Mr. Kumar provided do not show a garage and noted other two family dwellings along Leydecker Road have garages and questioned if the intent is to build a garage. Ms. Greenan further expressed concerns with neighbor complaints at a previous Zoning Board of Appeals meeting and where normal garage items would be stored by potential tenants. Mr. Kumar replied due to the width of the dwelling a garage is not able to be built; the architect advised against adding a garage as there would not be enough room. A storage shed will be built in the back of the property to house garage items.

Code Enforcement Office Doug Busse stated a garage is not required. Adequate parking is required outside of the front setback and is discussed during site plan review with Code Enforcement and the owner.

Ms. Hicks questioned the setback from the driveway to the neighboring property. Mr. Busse stated a driveway is only required to be 3' off the neighboring property line.

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 147 Leydecker Road to construct a two family dwelling with 76' frontage

Ayes: (3) Hicks
Kapuscinski
Elling

Noes: (2) Greenan
Hughes

Motion Carried

NEW BUSINESS

2020-019

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

Ms. Gaasch stated she moved onto her property June 2018 and brought three chickens and has since acquired more. There is a chicken coop and the chickens are fenced in.

Chairman Elling stated he was in receipt of neighbor letters with no objection to the chickens from 1330 Indian Church Road (four signatures) and 1310 Indian Church Road (thirteen signatures).

Mrs. Earsing residing at the neighboring property expressed concerns that the chickens may wander to her property as she owns dogs.

Ms. Hicks stated she visited the property and noticed there was additional fencing being installed to ensure no chicken were able to roam. Ms. Gaasch replied the fencing has been completed. A line of fencing was placed along Mrs. Earsing property as well as her own property keeping the chickens from accessing the gate.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a one year variance for property located at 68 School Street to allow raising of chickens.

Ayes: All

Noes: None

Motion Carried

2020-020

Request of Chris Rumble for a variance for property located at 6 Rolling Woods Lane to construct a 6' fence off side yard (maximum 4' height allowed)

The applicant was not present via conference call.

Motion by Elling, seconded by Hicks, to close the public hearing and table the item until the June 24, 2020 meeting.

Ayes: All

Noes: None

Motion Carried

2020-021

Request of James Gehen for a variance for property located at 38 Lisa Ann Lane to construct a 6' fence off side yard (maximum 4' height allowed)

Mr. Gehen explained he is looking to install a 6' privacy fence in the side yard to contain the family dogs. The only access to the deck is through a french door causing the dogs to damage the floors. The fence would contain the side yard allowing the dogs to enter through a garage stopping further damage to the home.

2020-021 (continued)

Chairman Elling stated he was in receipt of neighbor letters with no objection to the fence from 32, 39, 45, 44 and 33 Lisa Ann Lane.

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 38 Lisa Ann Lane to construct a 6' fence off side yard.

Ayes: All

Noes: None

Motion Carried

2020-022

Request of Richard Radwan for a variance for property located at 76 Sunnyside Drive to construct a 6' fence in front and side yard (maximum 4' height allowed)

Mr. Radwan stated they would like the fence for privacy 4' high off garage and 6' going off Norwood Drive.

Chairman Elling stated he was in receipt of neighbor letters with no objection to the fence from 237, 235, 200 and 208 Norwood Drive and 84 Sunnyside Drive and noted there should be a 3' setback going down Norwood along the sidewalk.

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 76 Sunnyside Drive to construct a 4' high fence along Sunnyside Drive and 6' high along Norwood Drive and back of the property with a 3' in from the sidewalk toward the property.

2020-023

Request of Sarah and Mark Mingle for a variance for property located at 11 Steiner Avenue to construct a 6' fence in front and side (maximum 4' height allowed)

Mr. Mingle stated he recently installed a pool and would like the fence for safety and privacy. The fence will run over the pad next to the garage line and will replace the current fence line within 1'.

Chairman Elling stated he was in receipt of neighbor letters with no objection to the fence.

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 11 Steiner Avenue to construct a 6' fence in front and side.

2020-024

Request of Elisa and Jason Kirby for a variance for property located at 102 Toby Hill to allow raising of chickens (raising of poultry/farm animals not permitted)

Mrs. Kirby stated her children have expressed an interest in the family raising chickens and would like them to have the experience of farm animals and agriculture.

Chairman Elling stated he was in receipt of neighbor letters with no objection to the chickens from 96, 82, 88, 107 and 108 Toby Hill.

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 102 Toby Hill to allow raising of chickens.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Hicks, seconded by Elling, to adjourn the meeting at 6:35P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M Kobler
Town Clerk/Zoning Board Secretary