



**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)

Ms. Arzaga stated nothing has changed from the previous year regarding the raising of the chickens.

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

No comments were received from the public.

Motion by Hughes, seconded by Elling, to close the public hearing and grant a one year variance for property located at 227/229 Pellman Place 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

Motion by Elling, seconded by Kapuscinski, to close the public hearing and receive and file the variance application at the request of the applicant.

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)

Mr. Rumble stated the residence is a new build; the sliding door was moved from the back of the house to the side of the house due to a storm drain. For privacy reasons he would like to place the fence along the Rolling Woods Lane side.

Chairman Elling stated he was in receipt of approval signatures from property owners at 1, 8 and 9 Rolling Woods 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 6 Rolling Woods Lane to construct a 6' fence off side yard.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2020-025**

Request of Keith and Viola Kilpatrick for a variance for property located at 291 Norwood Drive to construct a 12'x18' deck in front yard setback (unenclosed and uncovered porch permitted 25% into required setback - requesting 50%)

Mr. Kilpatrick stated they would like to put a deck on the front of the house. The street is a dead end street and they would like to be able to sit out front and visit with neighbors.

Ms. Hicks questioned if there was any intention of enclosing the porch in the future. Mrs. Kilpatrick replied there is not.

Chairman Elling stated he was in receipt of approval signatures from property owners at 290, 282 and 283 Norwood Drive.

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 291 Norwood Drive to construct a 12'x18' deck in front yard setback.

Ayes: All

Noes: None

Motion Carried

**2020-026**

Request of Anthony Parker for a variance for property located at 140 Borden Road to construct a 16' pole barn (accessory structure within R zoning 12' maximum allowed)

Chairman Elling stated Erie County Department of Public Works has not provided a letter of approval. Code Enforcement Officer Doug Busse stated there have been issue that have come up with the structure and the Town Engineer.

Motion by Elling, seconded by Hughes, to table this item pending receipt of a letter of approval from Erie County Department of Public Works.

Ayes: All

Noes: None

Motion Carried

**2020-027**

Request of Sheila Schieppati for a variance for property located at 73 Century Drive to construct a porch with roof in front yard setback (roof not permitted)

Ms. Schieppati stated she presently has concrete steps and would like to put in a porch with railings around it and would like to cover the porch to protect from the elements. The porch will be more welcoming, attractive and safe.

**2020-027** (continued)

Chairman Elling stated he was in receipt of approval signatures from property owners at 120 Boncroft Drive and 55, 66, 75 and 86 Century Drive.

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 73 Century Drive to construct a porch with roof in front yard setback.

Ayes: All

Noes: None

Motion Carried

**2020-028**

Request of Chris Freeman for a variance for property located at 3 Summit Meadow to construct a 6' privacy fence in corner lot (fences shall not exceed 4' in front and side yard)

Mr. Freeman stated the family recently adopted a puppy and would like to install a fence for security and privacy. The fence will be at least 5' from the sidewalk area.

Chairman Elling stated he was in receipt of approval signatures from property owners at 254, 259, 258 and 250 Summit Avenue and 2, 6 and 11 Summit Meadow Avenue.

No comments were received from the public.

Motion by Hughes, seconded by Hicks, to close the public hearing and grant a variance for property located at 3 Summit Meadow to construct a 6' privacy fence in corner lot.

Ayes: All

Noes: None

Motion Carried

**2020-029**

Request of Anthony DeGeorge for a variance for property located at 7 Brook Lane to construct a shed 6' away from house (accessory structure shall not be nearer than 10' to any dwelling)

Mr. DeGeorge stated when he first moved in a neighbor allowed him to use his shed; unfortunately the neighbor has passed requiring a need for a shed. The back yard has very mature trees and the only logical spot to place the shed is on the side of the house; because the house is on the curve of the road the house is perpendicular to the property line.

Chairman Elling stated he was in receipt of approval signatures from property owners at 16, 12 and 11 Brook Lane and 5 Park Meadow.

Code Enforcement Office Doug Busse stated the variance is for the shed to be within 10' of the house.

Mr. Kapuscinski stated it appears there is more room on the left rear corner of the lot or on the opposite side of the house. Mr. DeGeorge replied there is landscaping on the front left hand side of the house and a mature tree in the back left corner.

**2020-029** (continued)

Mr. Kapuscinski expressed concerns with setting precedence in the neighborhood stating he drove down the street and did not see any other shed towards the front. Mr. DeGeorge stated there is one other and is not sure if a variance was obtained.

Mr. Kapuscinski reiterated the belief the shed could be placed in the back. Mr. DeGeorge replied he would need to take down approximately five mature trees in the back right and two from the back left to place the shed in the back.

Ms. Hicks stated she also would prefer to see the shed in the back behind the workshop for aesthetics and safety. The shed would be better in the back than flush with the house. Mr. DeGeorge stated he would have to remove mature trees and had planted the back yard to be a sanctuary for the birds.

Chairman Elling suggested tabling the item until the next meeting and asked Mr. DeGeorge if he would allow Zoning Board of Appeals members to look at the yard. Mr. DeGeorge stated he does give permission for the members to look at the yard.

No comments were received from the public.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and table the item until the July 22, 2020 meeting to allow members of the Zoning Board of Appeals time to look at the applicant's yard to help make a determination.

Ayes: All

Noes: None

Motion Carried

**2020-030**

Request of Jane Harrington, Esq. for a variance for property located at 210 Center Road to combine property lines to create one parcel (new parcel short on bulk area requiring a permanent access easement to allow fire department access to bowling alley)

Ms. Harrington stated the building is an 8-unit apartment building owned by Bueme Development who is also the owner of the Wimbledon Plaza. Currently the building straddles two parcels – 210 and 220 Center Road. Bueme Development is in the process of selling 210 Center Road and would like to sell as one parcel with one deed and SBL. An easement for ingress and egress both off Center Road and the back of the plaza with a fire lane in front of Wimbledon Plaza will be in place.

Chairman Elling stated he was in receipt of approval signatures from property owners at 229, 195, 190, 180, 221, 225 and 219 Center Road. Along with a letter from Erie County Department of Public Works with the following concerns:

1. The proposed easterly property lines do not allow for sufficient space to construct a driveway from Center Road (CR-571) to address 210 (SBL parcel no. 134.14-2-9). Additional land must be conveyed to address 210 for a driveway or an access easement must be provided from address 220 (SBL parcel no. 134.14-2-8.11 to address 210 (SBL parcel no. 134.14-9-9).

**2020-030** (continued)

2. The town should verify that sufficient parking spaces are provided on the property for the use of the building. If sufficient parking cannot be obtained onsite then additional land must be conveyed to address 210 or a permanent easement must be provided from address 220 (SBL parcel no. 134.14-2-8.11) to address 210 (SBL) 134.14-2-9) for parking.

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 210 Center Road to combine property lines to create one parcel with the following stipulations: 1) The proposed easterly property lines do not allow for sufficient space to construct a driveway from Center Road (CR-571) to address 210 (SBL parcel no. 134.14-2-9); additional land must be conveyed to address 210 for a driveway or an access easement must be provided from address 220 (SBL parcel no. 134.14-2-8.11 to address 210 (SBL parcel no. 134.14-9-9); 2) the town should verify that sufficient parking spaces are provided on the property for the use of the building; if sufficient parking cannot be obtained onsite then additional land must be conveyed to address 210 or a permanent easement must be provided from address 220 (SBL parcel no. 134.14-2-8.11) to address 210 (SBL) 134.14-2-9) for parking.

Ayes: Elling  
Kapuscinski  
Hughes  
Hicks

Noes: None

Motion Carried

Abstained: Greenan

**2020-031**

Request of Fritznel Theodore for a variance for property located at 3 Taylor Court to construct a 6' privacy fence in front yard (shall not exceed 4' in front and side yards)

Mr. Theodore stated he currently has three children and a dog; the house behind the property and on the side recently put in a 6' privacy fence and he would like to enclose the backyard to better guard the yard.

Chairman Elling stated he was in receipt of approval signatures from property owners at 7, 12, 8, 4 Taylor Court, 26 Taylor Drive and 4 Conner Drive.

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 Taylor Court to construct a 6' privacy fence in front yard.

Ayes: All

Noes: None

Motion Carried

**2020-032**

Request of Brian Budziszewski for a variance for property located at 590 East & West Road to construct an above ground pool with 7' front yard setback (40' front yard setback required)

Chairman Elling stated Erie County Department of Public Works has not provided a letter of approval.

Motion by Elling, seconded by Hughes, to table this item pending receipt of a letter of approval from Erie County Department of Public Works.

Ayes: All

Noes: None

Motion Carried

**2020-033**

Request of Russ and Tara Campise for a variance for property located at 124 Southridge Drive to construct a 6' privacy fence on corner lot (shall not exceed 4' in front and side yard)

Mr. Campise stated he was before the Zoning Board of Appeals before for an addition to his home and would like to replace an existing fence and move it approximately 9' off the front property line.

Chairman Elling stated he was in receipt of approval signatures from property owners at 114 and 115 Southridge Drive, 100 and 186 Oakbrook Drive and 121 Northridge Drive.

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 124 Southridge Drive to construct a 6' privacy fence on corner lot.

Ayes: All

Noes: None

Motion Carried

**2020-034**

Request of Cynthia Bielinski for a variance for property located at 3924 Clinton Street to construct a 6' privacy fence in side yard (shall not exceed 4' in front and side yard)

Ms. Bielinski stated she is taking down an existing 6' fence and installing a new one and would like to bring it a little bit forward to enclose the air conditioning unit and pool heater/filter.

Chairman Elling stated he was in receipt of approval signatures from property owners at 25 Sharon Drive and 3916 Clinton Street. The town is in receipt of a letter from the NYSDOT stating there is no objection to the requested variance.

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 3924 Clinton Street to construct a 6' privacy fence in side yard.

Ayes: All

Noes: None

Motion Carried

**2020-035**

Request of Joe Rozmus for a variance for property located at 675 Center Road to construct a 20' x 20' addition with a 17' setback (40' setback required)

Chairman Elling stated Erie County Department of Public Works has not provided a letter of approval.

Motion by Elling, seconded by Greenan, to table this item pending receipt of a letter of approval from Erie County Department of Public Works.

Ayes: All

Noes: None

Motion Carried

**2020-036**

Request of Amanda Smith for a variance for property located at 107 Tobey Hill Drive to construct a 6' foot privacy fence in front and side yard on corner lot (shall not exceed 4' in front and side yard)

Ms. Smith stated they are taking down an existing 4' chain link fence and would like to extend the new fence to include more side yard for privacy.

Chairman Elling stated he was in receipt of approval signatures from property owners at 108, 102, 101, 114 Toby Hill Drive and 145, 134, 159 and 151 Bradwood Road.

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 107 Tobey Hill Drive to construct a 6' foot privacy fence in front and side yard on corner lot 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

**2020-037**

Request of Tim and Christine Trapp for a variance for property located at 48 John Alex Drive to construct a 6' foot privacy fence in side yard (shall not exceed 4' in front and side yard)

Mr. Tripp stated he would like a 6' fence into the side yards and would like the side door off the garage enclosed by the fence for access to the yard.

Chairman Elling stated he was in receipt of approval signatures from property owners at 45, 41, 44, 52 and 49 John Alex Drive.



**2020-037** (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 48 John Alex Drive to construct a 6' foot privacy fence in side yard.

Ayes: All

Noes: None

Motion Carried

**2020-038**

Request of Michael McMahon for a variance for property located at 13 Treehaven Road to construct a 6' foot privacy fence in front and side yard (shall not exceed 4' in front and side yard) with 26' projection off house (10' projection required) and 11' setback for in ground swimming pool (30' for pool required)

Mrs. McMahon stated they are on a corner lot and will be installing an inground pool and would like to replace the 4' fence with a 6' privacy fence and place the pool slightly off to the side of the house for safety reasons and wires on the property.

Chairman Elling stated he was in receipt of approval signatures from property owners at 9, 12, 10 and 15 Treehaven Road and 31, 30 and 32 Blair 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 13 Treehaven Road to construct a 6' foot privacy fence in front and side yard with 26' projection off house and 11' setback for in ground swimming pool.

Ayes: All

Noes: None

Motion Carried

**2020-039**

Request of Meaghan Gorman for a variance for property located at 102 Oakbrook Drive to construct a 6' fence in front yard (shall not exceed 4' in front and side yard) and shed in front yard with 3' setback (no accessory structures in front yard)

Ms. Gorman stated she would like to place a shed in the rear of her property and extend the existing privacy fence to surround more of the yard.

Chairman Elling stated he was in receipt of approval signatures from property owners at 100, 174 and 101 Oakbrook Drive and 168, 149, 156 and 162 Northridge Drive and 129 Southridge Drive.

No comments were received from the public.

Ms. Hicks would like to note this is a corner lot and there are considered to be two front yards; the shed is really in the rear of the property. The fence must be 3' off the sidewalk.

**2020-039** (continued)

Code Enforcement Officer Doug Busse stated as long as the fence does not obstruct the view of neighboring driveways and traffic there is no issue from his office. The 6' fence is along the Northridge side of the property; the variance for the fence is along the front of the Oakbrook side. The fence where the shed will be already exists.

Chairman Elling stated the fence will need to be 3' off the sidewalk.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 102 Oakbrook Drive to construct a 6' fence in front yard with the condition the fence is 3' off the sidewalk and shed in front yard with 3' setback.

Ayes: All

Noes: None

Motion Carried

**2020-040**

Request of Jessica Failey for a variance for property located at 291 Casimer Street to construct a 6' fence in side yard (shall not exceed 4' in front and side yard) with 6' projection off house (no projection permitted)

Ms. Failey stated she is trying to secure her yard better as she has a dog and a busy neighborhood.

Chairman Elling stated he was in receipt of approval signatures from property owners at 26, 45, 19, 25, 46 and 20 Electric Avenue and 299 Casimer Street.

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 291 Casimer Street to construct a 6' fence in side yard with 6' projection off house.

Ayes: All

Noes: None

Motion Carried

**2020-041**

Request of John and Susan Yea for a variance for property located at 328 Dwyer Street to construct a new detached garage 1.5' setback on side yard and 2.5' setback on rear yard (3' required setback on side and rear)

Mr. Yea stated he is looking to replace to current garage which was built around 1955; the footprint will not be expanded.

Chairman Elling stated he was in receipt of approval signatures from property owners at 322 and 334 Dwyer Street and 777 Harlem Road.

No comments were received from the public.

**2020-041** (continued)

Code Enforcement Officer Doug Busse stated the existing garage was built closer than the current zoning regulations allow for a location which is the reason for the proposal.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 328 Dwyer Street to construct a new detached garage 1.5' setback on side yard and 2.5' setback on rear yard.

Ayes: All

Noes: None

Motion Carried

**2020-042**

Request of Greg Ross for a variance for property located at 136 Fawn Trail to construct a front porch with 23' setback in front yard (30' setback required) with roof (roof not permitted)

Mr. Ross stated he is looking to construct an 8' roofed structure off the front of his house for curb appeal; the house faces due east and makes the front unusable until the afternoon due to the sun. The cover would protect the front door and allow the airconditioning less run time.

Chairman Elling stated he was in receipt of approval signatures from property owners at 145, 151, 130, 124, 142, 148 and 127 Fawn Trail.

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 136 Fawn Trail to construct a front porch with 23' setback in front yard with roof.

Ayes: All

Noes: None

Motion Carried

**2020-043**

Request of Sutton Architecture for a variance for property located 555 Orchard Park Road for outdoor seating (outdoor seating not permitted)

Mr. Sutton stated the project is located on approximately four acres of land and the last use was for vehicle storage. The building has been vacant for many years and the land is in a little bit of disrepair. Mr. Sutton is heading up an investment group wishing to purchase the property. The proposal is for a brewery, restaurant and future banquet facilities. Site plan was provided with the application including the proposed outdoor seating and future developments that are not part of today's approval. The seating will wrap around the front of the building facing Orchard Park Road and run along the west side of the building. A portion of the patio area will be used for the restaurant and the back portion will have a series of overhead doors creating a beer garden type atmosphere with seating. The environment will be family friendly and will create a good curb appeal - bringing life back to the building. Bollards will protect the outdoor seating from vehicular traffic and the petitioners will follow all time restrictions and noise ordinances.

**2020-043** (continued)

Chairman Elling stated he is very appreciative of the investment group. Normally outdoor seating has hours attached to it; this is a unique property with no residential properties around it.

Mr. Kapuscinski questioned if there were plans to cover the outdoor seating. Mr. Sutton replied there will be canvass umbrellas and sunshades; there are no hard structures at this time. Chairman Elling stated usually a one year variance is granted to make sure the applicant is living up to the time frames. Mr. Sutton explained the project will take time to develop and developers are looking to open in 2021. If there is a negative impact on the town or neighbors the hours can be adjusted; all noise ordinances will be followed.

Code Enforcement Officer Doug Busse stated any outdoor music would require a variance and this variance is just for the outdoor seating on the patio.

Ms. Hicks questioned if there is an occupancy limit. Mr. Busse stated that falls on the Planning Board during site plan review.

Chairman Elling stated he was in receipt of a letter from the NYSDOT with no objection to the outdoor seating and they would like to review the plans during the site plan review process.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a one year variance for property located at 555 Orchard Park Road for outdoor seating with the following hours of operation: Sunday through Wednesday from 11:00 A.M. to midnight; Thursday through Saturday from 11:00 A.M. – 2:00 A.M. noting, if there is an issue with the hours they may be readdressed.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

The July 22, 2020 meeting will be held virtually via WebEx at 6:00 P.M.

Motion by Elling, seconded by Kapuscinski, to adjourn the meeting at 7:25 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,06/

Amy M Kobler  
Town Clerk/Zoning Board Secretary