

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

ZONING BOARD OF APPEALS
Minutes #2020-06
July 22, 2020

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

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 Elling, 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 Elling, seconded by Hughes, to approve Minutes #2020-05 of June 24, 2020.

Ayes: All
Noes: None
Motion Carried

OLD BUSINESS

2013-019

Request of David Shearer for review of a variance for property located at 1800 Union Road to allow live music

David Shearer stated his request for renewal of the variance to allow live music and there were no changes from the previous year.

Chairman Elling stated no complaints were registered with the Police Department over the last year relative to live music at this location.

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 1800 Union Road to allow live music Friday and Saturday nights, 10 P.M. until 2 A.M.

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)

Code Enforcement Officer Doug Busse stated there have been issues that have come up with the paperwork.

Motion by Elling, seconded by Hughes, to table this item until the Code Enforcement Office places the request back on the agenda.

Ayes: All

Noes: None

Motion Carried

2020-029

Request of Anthony De George 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)

Chairman Elling stated the Zoning Board members were in receipt of 4 propositions from the applicant. Deputy Town Attorney Kim Conidi stated proposal #2 and #3 should not be considered as they were not advertised as legally required. If the applicant would like proposal #2 and/or #3 considered it would require the proposal being republished. Code Enforcement Officer Doug Busse stated proposal #4 would not require a variance.

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

Ms. Greenan questioned if proposal #4 would be a hindrance on the applicant. Mr. De George stated proposal #4 would require him to move utilities and reduce the size of the shed.

Ms. Hicks stated she prefers proposal #4. Chairman Elling stated he went and looked at the property and understands what the applicant is referring to with the trees in the yard. Although there is a spot, trees would need to be cut back and the shed would be under shade. Ms. Hicks agreed there are limitations to placing the shed in the back yard.

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 7 Brook Lane to construct a shed 6' away from house.

Ayes: (4) Greenan
Hicks
Hughes
Elling

Noes: (1) Kapuscinski

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)

2020-032 (continue)

Mr. Budziszewski stated he would like to install an above ground pool in what is considered a front yard, which is fenced in, 7' off the property line and 30' from the house. There are drainage issues behind the house preventing placement of the pool in that location.

Chairman Elling stated he was in receipt of approval signatures from property owners at 22, 16 and 19 Brianwood Drive and 570 East & West Road along with a letter from Erie County Department of Public Works stating they have no issue with the request.

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 590 East & West Road to construct an above ground pool with 7' front yard setback.

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)

Mr. Rozmus stated he is on a corner lot on Center Road and the paper street Avenue B and would like to put on a great room to accomadate the family and entertaining.

Chairman Elling stated he was in receipt of approval signatures from property owners at 695, 646, 670, 690, 678, 667 and 715 Center Road along with a letter from Erie County Department of Public Works stating they have no issue with the request.

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 675 Center Road to construct a 20' x 20' addition with a 17' setback.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2020-044

Request of Andrew Maedl for a variance for property located at 76 Bernice Drive to construct a front porch with roof (roof not permitted)

Mr. Maedl stated some upgrades have been done on the house including new siding, windows and doors and would like to have a covered entry to complete the look of the project.

Chairman Elling stated he was in receipt of approval signatures from property owners at 82, 90, 85, 58, 101, 70 and 64 Bernice Drive.

2020-044 (continue)

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 76 Bernice Drive to construct a front porch with roof.

Ayes: All

Noes: None

Motion Carried

2020-045

Request of Andrew Kuczmariski for a variance for property located at 62 Diane Drive to erect a 6' fence on corner lot with 25' projection (shall not exceed 4' in front and side yard – 10' projection permitted)

Mr. Kuczmariski stated his residence is on a corner lot and no projects have ever been done on what is considered the side yard. Since this is a corner lot, the backyard is actually the side yard. The intent is to enclose the yard for a growing family.

Chairman Elling stated he was in receipt of approval signatures from property owners at 72, 36, 45, 39 and 33 Diane Drive. It is required the fence be 3' in from the sidewalk. Mr. Kuczmariski stated he understood and the fence is well within those guidelines.

Ms. Hicks questioned if there will be a shed in the future and noted the shed will need to be placed inside of the fence. Mr. Kuczmariski replied eventually he would like a shed and the placement will be inside of the fence.

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 62 Diane Drive to erect a 6' fence on corner lot with 25' projection with the condition the fence is to be 3' in from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2020-046

Request of Michael B. Maw for a variance for property located at 105 Westcliff Drive to construct a 30' x 48' pole barn with 14' 6" midpoint height (12" midpoint height permitted)

Mr. Maw stated he currently has a 24' x 24' garage on the property with a 14' x 14' shed behind the garage and would like to take both down to construct a 30' x 48' garage. Mr. Maw has a race car trailer and is paying for storage.

Chairman Elling noted the neighbor letter signature sheets state the project is for a new garage larger than what is allowed. This project is for pole barn - not a garage. The midpoint shown is 17' as opposed to the 14' 6". Chairman Elling stated he is not comfortable with the neighbor letter as this is a pole barn with a 17' midpoint. A new neighbor letter should be drafted and circulated to the neighbors. Mr. Maw stated a copy of the plans was attached to the neighbor letter with the property survey.

2020-046 (continued)

Mr. Hughes and Ms. Hicks agreed that a new neighbor letter should be drafted and circulated with more detailed measurements.

Mr. Kapuscinski stated he would also like to see a new neighbor letter stating the project is a 30' x 48' pole barn. Mr. Kapuscinski spoke to a neighbor on Century Drive and although she signed the sheet, she was not aware of size of the pole barn.

Chairman Elling stated he was in receipt of approval signatures from property owners at 106, 114 and 113 Westcliff Drive and 15, 5 and 31 Century Drive. Chairman Elling would like a new neighbor letter as neighbors may have been misled by the wording.

Code Enforcement Officer Doug Busse stated the variance was advertised as a pole barn.

Ms. Hicks would like the neighbor letter to state the proposed pole barn is 1,440 sq ft. Ms. Hicks believes the pole barn does not fit in with the character of the neighborhood; the building is very large and an obstruction in a residential neighborhood.

Motion by Kapuscinski, seconded by Hughes, to close the public hearing and table the request for a variance for property located at 105 Westcliff Drive to construct a 30' x 48' pole barn with 14' 6" midpoint height pending receipt of a newly distributed neighbor letter stating the height of the pole barn.

Ayes: All

Noes: None

Motion Carried

2020-047

Request of Benjamin and Mary McPherson for a variance for property located at 168 Northwood Avenue to erect a 6' fence in front and side yard (shall not exceed 4' in front and side yard)

Mr. McPherson stated he recently purchased the house with an existing fence which cuts the back yard in half; extending to the property line leaves more room for the family.

Chairman Elling stated he was in receipt of approval signatures from property owners at 160 and 176 Northwood Avenue, 545 Meadow Drive and 384 Forest Avenue.

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 168 Northwood Avenue to erect a 6' fence in front and side yard with the condition the fence is to be 3' in from the sidewalk.

Ayes: All

Noes: None

Motion Carried

Chairman Elling noted the neighbor across the street is in violation of their variance; the fence is not 3' from the sidewalk. Code Enforcement Officer Doug Busse stated he will follow up with the owner.

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2020-048

Request of Jeffrey Walters for a variance for property located at 49 Country Lane to allow raising of chickens (raising of poultry/farm animals not permitted)

Mr. Walters stated the family recently took care of chickens for a friend and would like their own bantam chickens for eggs and pets.

Chairman Elling stated he was in receipt of approval signatures from property owners at 55 and 45 Kathy Lane and 55, 41, 25, 19 and 48 Country Lane.

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a one year variance for property located at 49 Country Lane to allow raising of chickens.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

The August 26, 2020 meeting will be held virtually via WebEx at 6:00 P.M.

Motion by Elling, seconded by Kapuscinski, to adjourn the meeting at 6:49 P.M.

Ayes: All

Noes: None

Motion Carried