

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

**ZONING BOARD OF APPEALS**  
**Minutes #2020-10**  
**December 2, 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

Absent - Kimberly Conidi, Deputy Town Attorney

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### **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 Hicks, 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 #2020-09 of October 28, 2020.

Ayes: All Noes: None Motion Carried

### **OLD BUSINESS**

#### **2012-58**

Request of Ronald Race for renewal of the variance for property located at 1100 Orchard Park Road for display of storage sheds for sale

Chairman Elling stated this item was placed on the agenda in error; the petitioner was granted a 2-year variance at the December 2019 meeting.

Motion by Elling, seconded Kapuscinski, to receive and file the variance request.

Ayes: All Noes: None Motion Carried

**NEW BUSINESS**

**2020-082**

Request of Steven Duckworth for a variance for property located at 81 Collins Avenue to construct a shed in front yard with 10' setback on corner lot (30' front yard setback required)

Mr. Duckworth stated he is on a corner lot and would like to place the shed in the front/side yard. The front/side yard is the back yard and is fenced in. The shed is needed for storage of outdoor items.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 104, 92, 75, 96, and 82 Collins Avenue.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 81 Collins Avenue to construct a shed in front yard with 10' setback on corner lot.

Ayes: All

Noes: None

Motion Carried

**2020-083**

Request of Carmina Wood Morris for a variance for property located at 1042 Orchard Park Road to reduce lot area to 17,000 sf (18,000 sf required) with 5' side yard setback (25' required)

Chris Wood of Carmina Wood Morris stated the proposal is for a 3-unit townhouse building on .36 acres. The site was rezoned at the October 8, 2020 Planning Board meeting with the recommendation of 3-units. This project went before the Town Board on November 9, 2020 where rezoning was granted from R-75 to R-50(S). The request is for a variance for a 5' side yard setback on the town side to the north and a reduction in density.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 1048, 1001, 1077, 987, 1063, 1004, and 1021 Orchard Park Road. The NYSDOT has provided correspondence with the condition the driveway to Orchard Park Road should be re-designed to be a single 2-way driveway rather than the proposed split driveway. Mr. Wood replied that is not an issue.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 1042 Orchard Park Road to reduce lot area to 17,000 sf with 5' side yard setback with the following condition: the driveway to Orchard Park Road should be re-designed to be a single 2-way driveway rather than the proposed split driveway.

Ayes: All

Noes: None

Motion Carried

**2020-084**

Request of Dana Andrzejewski for a variance for property located at 109 Norwood Drive to erect a 6' privacy fence on front and side yard on corner lot with 4' projection (4' maximum height allowed – no projection allowed)

Ms. Andrzejewski stated the existing fence is destroying shrubs and a 6' fence is preferred for privacy and to curtail deer in the yard.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 96, 104 Norwood Drive and 53, 56, 59, and 69 Klink Place.

Code Enforcement Officer Doug Busse stated the previous fence was at the corner of house to the street approximately 10'. The applicant is seeking a projection of only 4' from the house. The property line would be 10' off the house.

Motion by Hicks, seconded by Greenan, to close the public hearing and grant a variance for property located at 109 Norwood Drive to erect a 6' privacy fence on front and side yard on corner lot with 4' projection off the corner of the house, 6' off the property line.

Ayes: All

Noes: None

Motion Carried

**2020-085**

Request of Amanda Lanyzs for a variance for property located at 88 Lyndale Court to allow the raising of chickens (raising of poultry/farm animals not permitted)

Chairman Elling stated the applicant was not present on the virtual meeting.

Motion by Elling, seconded by Hughes, to table the variance request until the January meeting.

Ayes: All

Noes: None

Motion Carried

**2020-086**

Request of Nicole and Raymond Doner for a variance for property located at 477 Reserve Road to erect an 8' privacy fence on corner lot (4' maximum height allowed)

Chairman Elling stated Reserve Road is a county road and unfortunately, they have yet to provide the town with an approval letter. Without the approval letter the request must be tabled.

Motion by Elling, seconded by Kapuscinski, to table the variance request until the January meeting to allow a reply from Erie County.

Ayes: All

Noes: None

Motion Carried

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**ADJOURNMENT**

Motion by Hughes, seconded by Elling, to adjourn the meeting at 6:17 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler  
Town Clerk/Zoning Board Secretary