



**2013-019** (continued)

Motion by Hughes, seconded by Greenan, to close the public hearing and grant a two-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

**2021-045**

Request of Joseph Jankowiak for a variance for property located at 559 Potters Road to construct an addition to existing building with 1) 10' 9" front yard setback; 2) 3' side yard setback; 3) 3' rear yard setback; 4) 10 parking spaces requested (40' front yard setback required; 5' side yard setback required; 30' rear yard setback required; 15 parking spaces required with 3 per bay)

Motion by Hughes, seconded by Hicks, to table the item until the July meeting pending receipt of comments from NYS DOT.

Ayes: All

Noes: None

Motion Carried

**2020-043**

Request of Sutton Architecture for review of a variance for property located 555 Orchard Park Road for outdoor seating

Chairman Elling stated the applicant recently started the building; the one-year time frame will start when the Certificate of Occupancy is issued.

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

Ayes: All

Noes: None

Motion Carried

**2021-015**

Request of Deborah L Miller and James R Hill for a variance for property located at 3916 Clinton Street to install a second driveway (one driveway permitted on residential lot)

Mr. Hill stated the request is for a second driveway off Sharon Drive to provide access to the garage.

Chairman Elling stated he was in receipt of letters of approval from property owners at 3924 and 3892 Clinton Street, and 26 and 25 Sharon Drive.

Ms. Hicks questioned if Mr. Hill had spoken to the neighbor who previously sent an email in opposition to the variance. Mr. Hill replied the email came from a neighbor two doors down. Mr. Hill had a conversation with the neighbor next to him stating that there would be no work equipment stored in the driveway.

Chairman Elling questioned if the driveway would be a standard single 8' wide driveway. Mr. Hill replied he is planning on the driveway being 12' wide.

**2021-015** (continued)

Chairman Elling stated his concern with a 12' wide driveway with it being a second driveway off of the main driveway, and the possibility of commercial equipment parked on site. Code Enforcement Officer Doug Busse replied that is not a concern for him, as commercial equipment is not permitted to be parked on a residential property.

Ms. Greenan questioned if there was a curb that would have to be cut. Mr. Hill replied there is a curb, and he will obtain a curb cutting permit from the Highway Department.

Mr. Hill further stated he would like the driveway to be 12' wide as an area for his kids to play, and there will not be commercial equipment stored on the driveway.

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 3916 Clinton Street to install a second 12' wide driveway with the following condition: no commercial vehicles may be stored on the driveway.

Ayes: All

Noes: None

Motion Carried

**2021-030**

Request of Brandon Gajewski and Angelina Cswaykus for a variance for property located at 826 Mineral Springs Road to erect a 6' fence in front and side yard on corner lot of paper street with 15' projection (4' maximum height allowed; no projection permitted)

Mr. Gajewski stated they would like to fence in the yard. A second parcel was obtained making the property an "L" shape; with the extension being on Barnsdale Avenue, the parcel is a corner lot. Mr. Gajewski stated they would like the yard fenced in for their dog and future children/resale value.

Chairman Elling stated he was in receipt of letters of approval from property owners at 831, 837, 843, 820, and 838 Mineral Springs Road along with corespondance from Erie County Department of Public Works with no objection to the variance.

Ms. Hicks reiterated this is a flag lot; the area of the residence and garage is very narrow and expands in the back adjacent to property owners and requested confirmation that the fence is not in neighbor's ingress or egress. Mr. Gajewski replied that he does have a neighbor on Barnsdale Avenue with a driveway near the property, however the neighbor signed that the fence would not be an issue.

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 826 Mineral Springs Road to erect a 6' fence in front and side yard on corner lot of paper street with 15' projection.

Ayes: All

Noes: None

Motion Carried

**2021-033**

Request of Daniel Nelson for a variance for property located at 418 Lein Road to construct an accessory structure with 14' 6" midspan (12' midspan allowed)

Mr. Nelson stated the request is to erect a pole barn structure for storage of recreational vehicles and cars.

Mr. Hughes questioned if a commercial business will be run out of the structure. Mr. Nelson replied that a business will not be run.

Chairman Elling questioned how he would get the vehicles through to store in the pole barn. Mr. Nelson stated he has a pull through garage.

Ms. Hicks questioned if an apartment would be put in the pole barn. Mr. Nelson replied the use would be solely for automotive storage.

Chairman Elling stated he was in receipt of corespondance from Erie County Department of Public Works with no objection to the variance, noting that a second driveway will not be permitted to service this structure.

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 418 Lein Road to construct an accessory structure with 14' 6" midspan with the following condition: a commercial business is not allowed in the structure.

Ayes: All

Noes: None

Motion Carried

**2021-034**

Request of Paul Straela c/o NAS Sign Company for a variance for property located at 1900 Ridge Road to erect a 10' wall sign (maximum 5' height allowed)

Mr. Straela from NAS Sign Company stated he is proposing a single sided illuminated wall sign as Aldi's is moving to a new location. The plan shows the sign dimensions being 12' tall x 10' wide.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1947, 1985, 1953/1957, 1977, 1976, and 1956 Ridge Road along with corespondance from Erie County Department of Public Works with no objection to the variance.

Ms. Hicks questioned if this is an LED sign. Mr. Straela replied it is a standard box sign with a plastic face and is lit with LED's from behind; this is not a changing message sign.

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 1900 Ridge Road to erect a 10' wall sign.

Ayes: All

Noes: None

Motion Carried

**2021-035**

Request of Alexander Suffoletto for a variance for property located at 220 Center Road to construct a new building on parcel with 20' front yard setback (40' front yard setback required)

The applicant was not present.

Motion by Hicks, seconded by Greenan, to table the item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**VI. New Business**

**2021-036**

Request of Gloria and Marcelo Lebron for a variance for property located at 4 Steiner Avenue on the corner of Indian Church Road to erect a 6' fence in front and side yard with 34' projection (4' maximum height allowed; no projection allowed)

Mrs. Lebron stated they would like the fence to keep out garbage caused by traffic on Indian Church Road, to enclose their dog, and for privacy/security.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1 and 9 Cresthaven Drive, and 12 Steiner Avenue along with correspondence from Erie County Department of Public Works with no objection to the 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 4 Steiner Avenue to erect a 6' fence in front and side yard with 34' projection.

Ayes: All

Noes: None

Motion Carried

**2021-037**

Request of Joseph Werniewski for a variance for property located at 192 Tim Tam Terrace to erect a 5' fence in front and side yard (4' maximum height allowed)

Mr. Werniewski stated he would like the fence to keep his dog enclosed.

Chairman Elling stated he was in receipt of letters of approval from property owners at 185, 193, 201, 217 and 186 Tim Tam Terrace.

No comments were received from the public.

**2021-037** (continued)

Motion by Hughes, seconded by Greenan, to close the public hearing and grant a variance for property located at 192 Tim Tam Terrace to erect a 5' fence in front and side yard.

Ayes: All

Noes: None

Motion Carried

**2021-038**

Request of Tritec Construction c/o Rex Cameron for a variance for property located at 2111 Clinton Street to construct a new four (4) pump gas canopy with 25' setback (40' front yard setback required)

Mr. Cameron stated the parcel is currently a gas station with a canopy and the request is to place a new canopy with the reduced setback.

Code Enforcement Officer Doug Busse stated the only issue is with the setback of the canopy. The parking requirements are met with new parking stalls on the Nash Street side of the property. There are no stacking issues with the canopy, just the setback of the overhang.

Chairman Elling stated he was in receipt of letters of approval from property owners at 2085 and 2115 Clinton Street, and 138 Electric Avenue along with correspondence from NYSDOT with no objection to the variance.

Mr. Busse noted this will still require Planning Board approval.

A Nash Street resident expressed concerns with the upkeep of the property and submitted pictures to the Zoning Board members. There is garbage around the property; the resident has tried to address this with the owner and has had no success. The resident stated she was told there would be a drive-thru on site and stated cars blast music and speed through the parking lot. Mr. Busse replied they have been out to speak with the owner multiple times for multiple complaints, and will go back tomorrow to address these concerns with the owner again. A drive-thru would be addressed with the site plan approval in front of the Planning Board.

The owner of the property, Anwar Khulaqi, stated the cleanliness of the property is not an issue. The neighbor may have taken pictures during construction or she may have tossed the debris on the property.

Chairman Elling stated that according to the pictures, and reports from Code Enforcement Officer Busse there is debris around the property that needs to be taken care of.

Motion by Elling, seconded by Hughes, to table the item until the July meeting pending inspection of property by Chairman Elling and Zoning Board members.

Ayes: All

Noes: None

Motion Carried

**2021-039**

Request of Michael Williams for a variance for property located at 719 Cindy Lane to install a non-hard surface second driveway in front yard setback on corner lot (off street parking not allowed in front yard setback; hard surface paving required)

**2021-039** (continued)

Mr. Williams stated he installed a 10' x 38' stone driveway for a travel trailer he purchased. Without the stone pulling the trailer in and out made the yard muddy and wished for something non-permanent so it could potentially be removed.

Ms. Greenan referred to the stone driveway already being in place, and that they likely have been driving over the curb and questioned if the curb cutting is something that would be required. Code Enforcement Officer Busse replied it is not required; the curb also abuts the town right of way, so a conversation with the Highway Superintendant is needed.

Chairman Elling questioned the zoning regarding a front yard set back. Mr. Busse replied that R-75 zoning required front yard is 30 feet from the front property line, and the driveway falls within the front yard set back.

Chairman Elling stated he was in receipt of letters of approval from property owners at 710, 711 and 716 Cindy Lane, and 81 and 80 Crystal Lane.

Chairman Elling stated that he has an issue with the appearance of a stone driveway on the side of a property. Mr. Williams replied it will be landscaped to add to the aesthetics of the property. Mr. Busse added stone driveways are not permitted, any new drive installed must be blacktop or concrete.

Ms. Hicks questioned if travel trailers are permitted to be parked on a residential property. Mr. Busse confirmed this is not permitted, and added that the parking of the vehicle along with the stone driveway are a part of the variance request.

A Covington Drive resident stated that in the past, other residents have been refused stone driveways per the code, so this request should be treated the same.

Motion by Elling, seconded by Hughes, to close the public hearing and deny the variance request for property located at 719 Cindy Lane to install a non-hard surface second driveway in front yard setback on corner lot.

Ayes: All

Noes: None

Motion Carried

**2021-040**

Request of Joshua Kew and Christen Jones for a variance for property located at 786 Indian Church Road to erect a 6' privacy fence in front and side yard with 25' projection (4' maximum height allowed; no projection allowed)

Ms. Jones stated they were looking to drop the request down to a 4' fence along the front on Indian Church Road and halfway along the side of Cresthaven Drive.

Chairman Elling stated he was in receipt of letters of approval from property owners at 9, 16, 21, 27, and 87 Cresthaven Drive and 778 Indian Church Road, along with corespondance from Erie County Department of Public Works with no objection to the variance.

No comments were received from the public.

**2021-040** (continued)

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 786 Indian Church Road to erect a 4' privacy fence along the front on Indian Church Road and partway along the side on Cresthaven Drive, going up to 6' toward the rear of the house and across the parcel in the rear, with 25' projection, noting the fence is to be 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

**2021-041**

Request of James Boy for a variance for property located at 2570 Seneca Street to construct an addition to existing building with 36' setback (40' setback required)

Mr. Krempholz stated he would like to update the building with a new front facade and addition. The addition would give room to redo the office, with the office area coming up 4' each way, along with putting in a handicap bathroom. The entire front of the exterior of the property with darker trim, gold leaf and garage doors.

Chairman Elling stated he was in receipt of letters of approval from property owners at 2573, 2599, 2600, and 2575 Seneca Street and 18, 72, and 21 Kirkwood along with correspondence from NYSDOT with no objection to the variance.

Chairman Elling questioned the parking lot requirements, noting over 40 cars were parked on site. Mr. Krempholz replied taking out the gas pumps gave a 30' x 30' area to be black topped to fit more parking; the architect has the site plan showing space for 21 cars. Chairman Elling reiterated to keep in mind the 21-car capacity going forward. Code Enforcement Officer Doug Busse stated the Code Enforcement Office will go over parking with Mr. Krempholz.

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 2570 Seneca Street to construct an addition to existing building with 36' setback.

Ayes: All

Noes: None

Motion Carried

**2021-042**

Request of Donald Dentice for a variance for property located at 58 Rose Avenue to erect an above ground pool with 7' setback (10' setback required)

Mr. Dentice stated that he would like to put in a 21' above ground pool, and there is a hardship because there is a high voltage line which he was unaware had to be 18' from. The pool must be 10' from the house and theoretically this is the deck area.

Chairman Elling stated he was in receipt of letters of approval from property owners at 66 and 64 Rose Avenue and 59 and 63 Evelyn Avenue.

**2021-042** (continued)

Ms. Hicks questioned if the high voltage line was now at the required 18'. Mr. Dentice responded the location is now settled with both the town and NYSEG requirements.

Ms. Hicks questioned if someone would be able to jump in the pool from the roof of the house. Mr. Dentice stated the roof is over 20' high; it would be very difficult.

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 58 Rose Avenue to erect an above ground pool with 7' setback.

Ayes: All

Noes: None

Motion Carried

**2021-043**

Request of Ryan and Paulina DiFlavio for a variance for property located at 117 Woodcrest Drive to install an 8' driveway expansion in front yard setback (no building construction permitted in front yard setback; no parking in front yard setback)

Mr. DiFlavio stated he would like to make their driveway wider for a 2-car side by side. Currently if both cars are in the driveway, it blocks the sidewalk, and Mr. DiFlavio is looking to avoid that.

Chairman Elling stated he was in receipt of letters of approval from property owners at 113, 116, 121, 120 and 125 Woodcrest Drive.

Mr. Hughes questioned if the apron would be changed. Mr. DiFlavio replied the apron will be replaced but stay in the same footprint.

Ms. Hicks commented on the location of the driveway and questioned the placement being in front of the house, rather than go towards the neighbors driveway where there is already an existing sidewalk. Mr. DiFlavio replied his original request was to expand 3' to the left and 3' to the right instead of just 8' to the right, but however the Zoning Board would approve is agreeable.

Code Enforcement Officer Busse stated Mr. DiFlavio would only be able to go 2' toward his side property line to maintain the required 3' barrier between the driveway and property line, and can expand 4' toward the front of his house. No variance is needed to expand 2' to the side, which would amend the request from an 8' expansion in the front of the house to 4'.

Ms. Hicks stated she is in favor of amending to less than 8' as this does not take up much green space in the front of a home for parking.

No comments were received from the public.

**2021-043** (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and amend the variance for property located at 117 Woodcrest Drive to install a 4' driveway expansion in front yard setback.

Ayes: All

Noes: None

Motion Carried

**2021-044**

Request of Joseph Pinto and Jennifer Ruberto for a variance for property located at 83 Tampa Drive to erect an above ground pool with 11' front setback (30' front yard setback required)

Mr. Pinto stated he is looking to put in an above ground pool in his backyard.

Chairman Elling stated he was in receipt of letters of approval from property owners at 89 Tampa Drive and 98, 90 and 94 Woodcrest Drive.

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 83 Tampa Drive to erect an above ground pool with 11' front setback.

Ayes: All

Noes: None

Motion Carried

**2021-035**

Request of Alexander Suffoletto for a variance for property located at 220 Center Road to construct a new building on parcel with 20' front yard setback (40' front yard setback required)

The applicant was not present.

Motion by Hughes, seconded by Elling, to table the item until the July meeting.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Greenan, seconded by Hicks, to adjourn the meeting at 7:13 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler  
Town Clerk/Zoning Board Secretary