

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2017-005

Date 3-2-17

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Nick Croglis of LNC Properties, LLC
31 Marilyn Dr WS NY 14224 HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____,
DATED _____, 20____, WHEREBY THE BUILDING INSPECTOR DID DENY TO

- | | |
|--|---|
| <input type="checkbox"/> A PERMIT FOR USE | <input type="checkbox"/> A CERTIFICATE OF EXISTING USE |
| <input type="checkbox"/> A PERMIT FOR OCCUPANCY | <input type="checkbox"/> A CERTIFICATE OF ZONING COMPLIANCE |
| <input type="checkbox"/> A TEMPORARY PERMIT OR EXTENSION THEREOF | <input type="checkbox"/> AREA PERMIT |

1. Applicant is the ☒ PROPERTY OWNER
☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
☐ PROSPECTIVE TENANT
☐ OTHER (Describe) _____

2. LOCATION OF THE PROPERTY Jaycee Lane - adjacent to lot 48 & lot 1

3. State in general the exact nature of the permission required, interpretation of "buffer" as
directed by Planning Board at 1-12-17 meeting

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect
to this property, except the appeal made in Appeal No. NA, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or
the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district,
or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

SEE ENCLOSED LETTER

B. Interpretation of the Zoning Ordinance is requested because: no definition for "buffer"
in West Seneca Code

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____,
Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

[Signature]
Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

DEFINITION OF A BUFFER

2. Zoning Classification of the property concerned in this appeal R-75

3. Type of Appeal:

- ☒ Variance to the Zoning Ordinance.
☒ Interpretation of the Zoning Ordinance or Zoning Map
☐ Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. _____

[Signature]

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

WEST SENECA PLANNING BOARD
Minutes #2017-01
January 12, 2017

Chairman Robert Niederpruem called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Sergeant-at-Arms Joseph Sherman.

ROLL CALL: Present - Robert Niederpruem Jr., Chairman
Donald Mendola
Joseph Ciano
Jim Rathmann
Joseph Sherman
George Clifford
Margaret Bebak
Jeffrey Schieber, Code Enforcement Officer
John J Fenz, Town Attorney

Absent - None

Chairman Niederpruem read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

APPROVAL OF PROOFS OF PUBLICATION

Motion by Rathmann, seconded by Ciano, to receive and file the proofs of publication and posting of legal notice.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Rathmann, seconded by Mendola, to approve Minutes #2016-11 of November 3, 2016.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS COMMUNICATIONS

2016-A

A request for final approval of the proposed 48-lot Croglio Subdivision located at the end of Chancellor Lane.

Motion by Mendola, seconded by Sherman, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Chairman Niederpruem and Margaret Bebak stated they will be recusing themselves from voting on this project.



2016-A (continued)

Attorney Ralph Lorigo represented the developer and stated the proposed 48-lot subdivision received both engineering approval and health department approval and federal wetlands issues were addressed. He referred to the issue with wetlands on Lot #48 and provided a map indicating placement of a house on the 185' lot, noting no variances are required. With the house built as indicated there will be 110' on the south as an additional border between the house and the neighbor. Mr. Lorigo presented a Google earth picture of the property and stated the trees there are not the type that would be required on a tree survey. Very few trees will be affected by the subdivision and they do not intend to clear trees on the lot in the areas that have been preserved, so this is not an issue. The proposed landscape plan also calls for a minimum of two flowering pear trees on each lot, 1¾ to 2 inch diameter each.

Mr. Rathmann commented that pear trees are prone to ice and wind damage and suggested mixing honey locust and maple trees instead.

Mr. Lorigo stated he will suggest this to the developer and did not see it being an issue.

Mr. Clifford questioned if the developer offered anyone in the adjoining subdivision an opportunity to purchase Lot No. 48.

Mr. Lorigo responded that Nick Croglio spoke to the owner of the lot adjacent to Lot #48 and told him to make an offer if he is interested, but no offer was received.

Jason Wiepert lives adjacent to Lot #48 and stated he was contacted by Mr. Croglio before Christmas but did not feel comfortable talking on the phone; however, he did contact Marrano and advised them that he is interested in the lot. Mr. Wiepert was concerned with the proposal to build a house on Lot #48, which is an irregular shaped lot with wetlands and is located in his back yard.

Lindsey Romanchuk further stated they had communicated with Marrano and expressed interest in buying the lot, but Marrano did not own the property at that time. She understood Marrano is in the process of buying the property and they are still interested in purchasing it. Ms. Romanchuk stated they chose this lot for the privacy and paid extra for it and they were told by Marrano the property behind them is wetlands and will be preserved space. They invested a lot of money in their home and back yard and do not want to look at the side of a house on the property line.

Mr. Lorigo stated the Croglio's currently own the property, but Marrano has a contract to purchase it. It will be a high end subdivision with houses in the high \$300,000 which will add to the town's tax base and will not devalue the homes in the adjacent development. Mr. Lorigo further stated there are federal wetlands on Lot #48, so building can occur up to the line.

2016-A (continued)

Karl Spencer referred to the Tree Ordinance and stated its intent is to maintain the ecosystem. He requested clarification that there will be a diversity of trees in the subdivision and they will be removing nothing larger than 4" diameter and 4.5' tall.

Mr. Lorigo stated he will explain this to Marrano and in accordance with the ordinance they will be putting in at least 96 trees and removing no more than six or seven trees.

Jeff Wesley stated he lives adjacent to the proposed development and also paid for a premium lot and was told no one would build on this property because there are wetlands. Mr. Wesley wanted some satisfaction with what was promised by Marrano and stated he is looking for privacy. He would like to purchase the lot next to him, but if he can't purchase the lot he would like to purchase a portion to keep the vegetation and privacy.

Chairman Niederpruem stated if there are any trees along the property line of Lots #1 & #48 they will not be able to remove them, so there will be a natural barrier.

Mr. Mendola referred to Lot #48 and the exhibit submitted with a house setback 20' from the lot line. He questioned if there was any assurance that the setback will be 20'.

Code Enforcement Officer Jeffrey Schieber responded that Town Code only requires 5', so the Planning Board would have to stipulate a 20' setback at their discretion.

Robert Pidanic of Nussbaumer & Clarke stated that 5' off the property line is required, but it was plotted at 20' just to demonstrate there is more room on the lot than there appears to be.

Mr. Lorigo stated he could not agree to any restriction with regard to a 20' setback for Lot #48 because the Croglio's have a contract to sell the property to Marrano and he does not know what house they will propose for the lot. He would agree to the tree buffer along Lot #1 because it will stay and is not an issue.

Michael Meder stated he bought the last remaining premium lot on Lockhart Road last year. At that time, he asked what was planned for this property and was told there are wetlands and they could not do anything with it. Mr. Meder stated they were looking for privacy and were misled by Marrano.

Mr. Sherman questioned if the adjacent property owners should negotiate with the Croglio's or Marrano if they are interested in purchasing property.

2016-A (continued)

Mr. Lorigo stated the contract with Marrano requires sale of 48 lots, but suggested the neighbors contact him and he will put them in touch with a Marrano representative.

Motion by Mendola, seconded by Sherman, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Rathmann, seconded by Ciancio, to grant final approval of the proposed 48-lot Croglia Subdivision, contingent upon receipt of a tree conservation plan and landscape plan submitted to the West Seneca Environmental Commission for review and comment and a plan showing a 10' buffer on the north side of Lot #48 and a 20' buffer on the north side of Lot #1, with both buffers to be the entire length of the adjacent lots on Lockhart Road and Chancellor Lane.

Ayes: (5) Mr. Rathmann, Mr. Ciancio, Mr. Mendola, Mr. Sherman, Mr. Clifford

Noes: None

Abstentions: (2) Mrs. Bebak, Chairman Niederpruem

Motion Carried

OTHER BUSINESS

Chairman Niederpruem read a proclamation from Supervisor Meegan and the West Seneca Town Board honoring Joseph Ciancio for his 41 year of service on the West Seneca Planning Board and wishing him well in his retirement.

ADJOURNMENT

Motion by Sherman, seconded by Mendola, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY

