

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

ZONING BOARD OF APPEALS
Minutes #2012-04
April 25, 2012

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairman David Monopolopolus at 7:00 P.M. followed by the Pledge of Allegiance led by Michael Harmon and 30 seconds of silent prayer.

ROLL CALL: Present - David Monopolopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Sandra Giese Rosenswie
John Gullo, Code Enforcement Officer
Shawn P. Martin, Town Attorney

Absent - None

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

OPENING OF PUBLIC HEARING

Motion by Hughes, seconded by Hicks, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Hicks, seconded by Harmon, that proofs of publication and posting of legal notice be received and filed.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Hughes, seconded by Rosenswie, to approve Minutes #2012-03 of March 28, 2012.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2012-011

Request of Susan & John McMahon for a variance for property located at 143 Carla Lane to construct a 6' high privacy fence (4' high permitted) in the front yard 22' past house (10' permitted)

2012-011 (continued)

John McMahon stated his request to install a 6' high privacy fence on his corner lot, noting that foot traffic increased when the sidewalk was extended and the fence will enclose his pool. Mr. McMahon presented pictures, a letter from the adjoining property owner, a survey, and an estimate of the cost of the fence.

Chairman Monopolus noted receipt of a letter of approval from the property owner at 141 Carla Lane.

Code Enforcement Officer John Gullo stated the fence will be 40' away from the intersection and will not present a problem with vision.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the hearing and grant a variance for property located at 143 Carla Lane to construct a 6' high privacy fence in the front yard 22' past the house.

Ayes: All

Noes: None

Motion Carried

2012-012

Request of Edward Berlin for a variance for property located at 109 Treehaven Road to construct a canopy over the front entrance with a 22' front setback (30' front setback required)

Edward Berlin stated his request to construct a roof over the existing stairway in front of his house, noting that it will extend a little past the stairway.

Chairman Monopolus noted receipt of letters of approval from property owners at 107, 108, 110, 111 and 114 Treehaven Road.

No comments were received from the public.

Motion by Hicks, seconded by Harmon, to close the hearing and grant a variance for property located at 109 Treehaven Road to construct a canopy over the front entrance with a 22' front setback.

Ayes: All

Noes: None

Motion Carried

2012-013

Request of Douglas Carstens for a variance for property located at 1069 East & West Road to construct an accessory structure on property with no principal structure

Douglas Carstens stated his request to build a 12' x 20' shed at 1069 East & West Road to house a lawn mower and tools, etc. He is unsure what he is going to do with the property, but will possibly be building a home within the next two to five years. Mr. Carstens presented a letter of approval from his neighbor.

Code Enforcement Officer John Gullo stated that a variance will probably be needed for the home due to the setback requirements.

Chairman Monopolus noted receipt of a letter of approval from the next door neighbor at 1075 East & West Road.

Mr. Hughes questioned the hardship involved in this request.

Mr. Carstens stated he is mowing the property by hand and has to transport the lawn mower in his car. He would like to store it in a shed along with items to build a house in the future.

Zoning Board members further questioned if there will be plumbing and electricity in the shed. They expressed concerns about vandalism since Mr. Carstens does not live there and also were concerned that someone could live there based on the large size of the shed. A suggestion was made to reduce the size to 12' x 12'.

Mr. Carstens responded that he did not intend to have plumbing and electricity in the shed and he had no intention of living in it. He just wanted to be able to maintain the property and had no problem reducing the size of the shed to 12' x 12'.

No comments were received from the public.

Motion by Chairman Monopolus, seconded by Harmon, to grant a two year variance for property located at 1069 East & West Road to construct a 12' x 12' accessory structure on property with no principal structure, noting that the petitioner must return to the Zoning Board in two years with plans to build a house on the property.

Ayes: (3) Chairman Monopolus, Mr. Harmon, Mrs. Hicks

Noes: (2) Mrs. Rosenswie, Mr. Hughes

Motion Carried

2012-015

Request of Bernard Perillo for a variance for property located at 413 Meadow Drive to construct a 6' high fence on corner lot (4' high permitted)

Bernard Perillo stated his request to construct a 6' high fence on a corner lot for privacy and safety, noting he has young children and is having a pool installed. Mr. Perillo stated the fence will be placed 3' in from the sidewalk.

Chairman Monopolus noted receipt of a petition signed by adjoining property owners on Meadow Drive and Lowell Lane that had no objection to the proposed fence.

No comments were received from the public.

Motion by Rosenswie, seconded by Hughes, to close the hearing and grant a variance for property located at 413 Meadow Drive to construct a 6' high fence on a corner lot 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2012-016

Request of Richard Lynch for a variance for property located at 92 Collins Avenue to construct a 6' high fence on corner lot (4' high permitted)

Richard Lynch stated his request to construct a 6' high privacy fence extending 35' from the rear of the garage to the existing fence and 50' over to the neighbor's fence, noting the section in front will be gone.

Chairman Monopolus noted receipt of letters of approval from property owners at 97 Dwyer Street and 82 & 96 Collins Avenue.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the hearing and grant a variance for property located at 92 Collins Avenue to construct a 6' high fence on a corner lot.

2012-014

Request of Timothy Simpson for a variance for property located at 3030 Transit Road to construct a 6' high fence (4' high permitted) projecting 74' from front of house (10' permitted)

2012-014 (continued)

Zoning Board member Mike Harmon recused himself from this item, stating he is the property manager for Hillcrest Heights condominiums, the development that adjoins this property on the north.

Timothy Simpson stated his proposal to construct a 6' high board on board fence from City Fence in his front yard, 72' long on one side 46' across and 44' on the other side with a gate on the driveway side for access by a tractor to mow. There is 258' of frontage from the sidewalk on Transit Road to the house.

Mr. Hughes did not see any hardship and thought the fence could be put in the back yard. He questioned the need to fence off the front of property.

Mr. Simpson stated he was requesting the fence in the front because his 84 year old mother-in-law with dementia will be moving in along with her dog that would be able to jump a 4' fence. The pool in the back is already fenced, but to fence the rear of the property would be an exorbitant cost, around \$15,000. Mr. Simpson stated the fence will not really be visible from the street and it will be well over 15' from the property line. It also will not negatively impact the value of the condominiums.

Mr. Gullo noted that no structure is allowed to be constructed in the front yard, but they will not be able to see it behind the fence.

Mr. Hughes questioned if Mr. Simpson had a letter of support from the condominium association.

Mr. Simpson did not believe the fence would affect the association and stated he only had a letter from the neighbors that would be affected.

Chairman Monopolus noted receipt of letters of support from property owners at 3, 15 & 23 Hillcrest Heights.

Mrs. Hicks commented that the fence will be 72' behind the nearest neighbors in the condominiums and she questioned if the Zoning Board should table this item until the association meets.

Mr. Harmon advised that Hillcrest Heights Association owns all the common area behind the development including the land behind the decks up to the lot line. He asked that the association's board of directors be notified for their opinion before voting on this item and stated he will try to get them together for a meeting as quickly as possible.

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2012-014 (continued)

Zoning Board members discussed granting a conditional variance, but it was decided to table the item and call a special meeting if necessary.

Motion by Chairman Monopolus, seconded by Hughes, to table this item for one month, or if the association's board of directors reviews the proposal sooner, a special meeting can be called to act on this item.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Chairman Monopolus, seconded by Hicks, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary