

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

ZONING BOARD OF APPEALS
Minutes #2016-02
February 24, 2016

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

ROLL CALL: Present - Timothy J. Elling, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Jeffrey Baksa, Code Enforcement Officer
John J. Fenz, Town Attorney

Absent - Richard P. Marzullo (excused)

Chairman Elling 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 Harmon, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Harmon, 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 Hughes, seconded by Hicks, to approve Minutes #2016-01 of January 27, 2016.

Ayes: All

Noes: None

Motion Carried

Motion by Hughes, seconded by Harmon, to receive and file correspondence dated February 18, 2016 from Zoning Board member Richard Marzullo.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2015-72

Request of Vincent Citriniti of Bunting Signs for a variance for property located at 1055 Union Road to allow a 19' high, 130 sf +/- ground sign (5' high maximum and 20 sf maximum allowed)

Chairman Elling stated an email was received from the petitioner notifying the town that he is withdrawing the variance application for 1055 Union Road.

Motion by Hicks, seconded by Harmon, to remove this item from the agenda and receive and file the application.

Ayes: All

Noes: None

Motion Carried

2016-05

Request of Joe Christiano of Ryan Homes for a variance for property located at 33 John Alex Drive to reduce rear yard setback to 28'2" (30' rear yard setback required)

Steve Round of Ryan Homes stated the stakes were moved during excavation at 33 John Alex Drive and replaced in error at 28'2" for the rear setback rather than 30', so the house was constructed at the wrong rear setback. No letters of support were acquired because at the time the variance was applied for Ryan Homes owned the property next door and there are no rear neighbors at this time.

Code Enforcement Officer Jeffrey Baksa noted the rear setback is only changed by less than two feet so they probably would not even know the distance is off. He had spoken to the new owner of 37 John Alex Drive and they are aware of the variance request.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to close the public hearing and grant a variance for property located at 33 John Alex Drive to reduce rear yard setback to 28'2".

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2016-07

Request of Angela Ardary-Smith for a variance for property located at 721 Union Road for a 26.695 sf ground sign (20 sf allowed)

Angela Ardary-Smith stated she is co-owner of Sunshine Spa that opened at 721 Union Road one year ago and she is requesting a 26.695 ground sign, noting the extra size is needed because of the size of the West Seneca Dental Center sign.

Chairman Elling stated he was in receipt of letters of support from property owners at 671, 697 and 711 Union Road and an email from the NYSDOT stating they had no objection to the sign. Chairman Elling questioned the location of the sign.

Code Enforcement Officer Jeffrey Baksa responded there is already an existing sign for West Seneca Dental Center and they are not adding another sign location.

Mrs. Hicks questioned if the same light will be used for both signs and Ms. Ardary-Smith responded it will.

No comments were received from the public.

Motion by Harmon, seconded by Hughes, to close the public hearing and grant a variance for property located at 721 Union Road to allow a 26.695 sf ground sign.

Ayes: All

Noes: None

Motion Carried

2016-08

Request of John Hangartner for a variance for property located at 139 Allendale Road to construct a garage 1.5' from side lot line (3' setback required)

John Hangartner stated his plan to demolish the existing garage at 139 Allendale Road and construct a new, slightly larger garage.

Code Enforcement Officer Jeffrey Baksa stated the existing garage is 1.49' from the property line at the rear corner and 1.35' at the front corner. He suggested the variance be for a minimum 1.25' setback.

Chairman Elling stated he was in receipt of letters of support from property owners at 131, 138, 147 and 154 Allendale Road.

No comments were received from the public.

NEW BUSINESS

2016-08 (continued)

Motion by Hughes, seconded by Hicks, to close the public hearing and grant a variance for property located at 139 Allendale Road to construct a garage up to 1.25' from the side lot line.

Ayes: All

Noes: None

Motion Carried

2016-09

Request of Mark & Kaitlin Hanrahan for a variance for property located at 75 Duchess Drive to allow parking in required front setback

Mark & Kaitlin Hanrahan stated they converted their garage to living space and now have to park in the required front setback. They plan to either widen the driveway or move it to the other side of the house on Summit Avenue.

Code Enforcement Officer Jeffrey Baksa advised the existing driveway could be widened so it runs along side the house, but if it is moved to the other side of the house they will have to go to the Planning Board for site plan approval. He further stated the garage was converted to living space without the proper permits, but the Hanrahan's are attempting to bring this into compliance.

Chairman Elling stated he was in receipt of letters of support from property owners at 69, 70 and 76 Duchess Drive and 310 Summit Avenue.

No comments were received from the public.

Motion by Harmon, seconded by Hughes, to close the public hearing and grant a variance for property located at 75 Duchess Drive to allow parking in the required front setback.

Ayes: All

Noes: None

Motion Carried

2016-10

Request of Leonard & Sophie Savage for a variance for property located at 105 Terrace Blvd. to construct a new house with 15' front setback on corner lot of paper street (30' front setback required)

NEW BUSINESS

2016-10 (continued)

Kathy Hooper represented her parents, Leonard & Sophie Savage, and stated their request for a variance to construct a new house with a wheelchair entrance on the corner of Terrace Blvd. and a paper street, noting there is no indication that the paper street will be developed. The Savage's would like to position the house in the center of the lot which will reduce the setback to 15'. Mrs. Hooper presented a signed letter from the next door neighbor and noted her sister lives across the street.

Chairman Elling stated he was in receipt of a letter of support from the property owner at 75 Terrace Blvd.

Code Enforcement Officer Jeffrey Baksa stated there are no plans for the paper street to be developed, but in the future if the town decided to do something with the street, the Planning Board has been permitting 15' setbacks on corner lots in new subdivisions.

No comments were received from the public.

Motion by Hicks, seconded by Harmon, to close the public hearing and grant a variance for property located at 105 Terrace Blvd. to construct a new house with 15' front setback on the corner lot of a paper street.

Ayes: All

Noes: None

Motion Carried

2016-11

Request of Andrew J Pawelek Jr. for a variance for property located at 935 Harlem Road to allow a 72 sf pedestal sign with 0' setback (maximum 40 sf allowed and 10' setback required)

Andrew Pawelek owner of Holidays located at 935 Harlem Road stated his request to allow a 72 sf pedestal sign with 0' setback. The sign will be moved south of the original location, closer to the building but still in the paved area. Mr. Pawelek presented plans from the upcoming NYSDOT project, indicating when the project is complete the sign will be at the 10' setback.

Chairman Elling stated he was in receipt of a letter of support from Pastor Jason Drapeau of 909 Harlem Road along with an email from the NYSDOT suggesting a minimum 1' setback and elimination of the bollards.

NEW BUSINESS

2016-11 (continued)

Mr. Pawelek stated he will be removing the bollards but would like the 0' setback because the church has some trees that will block the sign.

Mrs. Hicks questioned if the NYSDOT will be abandoning part of the property to Mr. Pawelek. Mr. Pawelek responded that was the intention. The bridge is being replaced and will actually be relocated about 10' farther away from his property.

Code Enforcement Officer Jeffrey Baksa noted along with the sign variance Mr. Pawelek is requesting an extension to the variance he received last year for construction of a vestibule in the front setback.

No comments were received from the public.

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for property located at 935 Harlem Road to allow a 72 sf pedestal sign with 0' setback, and further, approve an extension to the variance granted June 24, 2015 for construction of a vestibule in the front setback.

Ayes: All

Noes: None

Motion Carried

2016-12

Request of Richard Johnson for a variance for property located at 2085 Union Road to allow an electronic message sign within 500' of residential zoning and with 2' front setback (10' front setback required)

Richard Johnson stated his request for a variance to allow a new LED sign at Buszka Funeral Home, 2085 Union Road. This will be a single post sign setback 2' in the same location as the existing sign.

Chairman Elling stated he was in receipt of letters of support from property owners at 2055, 2060 and 2100 Union Road and 24 Kron Avenue along with an email from the NYSDOT indicating they had no problem with the proposed sign. No signatures were obtained from 2105 and 2109 Union Road which are vacant or the Orchard Avenue residences.

Mr. Pawelek responded he had visited the homes on Orchard Avenue but no one was home.

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NEW BUSINESS

2016-12 (continued)

Chairman Elling advised that signatures are required from all residences within 500'. He suggested sending a letter to the Orchard Avenue residences and the vacant properties on Union Road. Mrs. Hicks recommended sending certified letters as proof that the property owners were notified.

No comments were received from the public.

Motion by Hughes, seconded by Harmon, to table the request for a variance for property located at 2085 Union Road pending receipt of the required signatures from surrounding property owners on Orchard Avenue and Union Road.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Harmon, seconded by Hughes, to adjourn the meeting at 7:40 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary