

2017-05 (continued)

Attorney Ralph Lorigo represented Nick Croglio and referred to the Planning Board's motion to grant final approval of the 48-lot subdivision at the end of Chancellor Lane, and specifically, the requirement for a 20' buffer along Lot #1 and a 10' buffer along Lot #48. Mr. Lorigo requested interpretation of a "buffer" and stated he believes the Planning Board's intent was simply to maintain space between the houses. He presented pictures and proposed the buffer along Lot #1 and #48 be maintained with grass along with keeping the healthy existing trees, but not the overgrown brush. Mr. Lorigo further stated the existing Marrano subdivision has over 160 homes and there is no natural buffer between any of the houses. All those property owners have the right to maintain their property up to the property line.

Town Attorney John Fenz stated the Zoning Board should only be addressing a definition for "buffer" to be included in the Town Code and not approving a particular buffer.

Chairman Elling referred to the 10' buffer requirement for Lot #48 and noted 6' has already been cleared for the Tennessee Gas right-of-way. Mr. Lorigo agreed and stated the buffer for Lot #48 will be 10' of grass. He suggested that "buffer" be defined as: "the space between two areas that needs to be contiguous with the other areas." In this particular case it would be grass or the existing tree line. If the Planning Board or Town Board wanted to then modify that definition, they could add to it if they wanted to see a fence, row of trees, berm, etc.

Jeff & Chris Wesley live adjacent to Lot #1 and stated they were told by Marrano that Lot #1 & #48 were delineated wetlands and would never be developed. They paid a premium (\$6000) for their lot and were drawn to it because they thought the property next to them would not be developed. Mr. Wesley thought it was agreed at the Planning Board meeting there would be a 20' buffer with no tree removal. He wanted to see the 20' left in its natural state so they would have privacy in their back yard. Mr. Wesley further stated he saw the plot plan for the house on Lot #1 which he will be able to see from his back yard and questioned how a house can be built on wetlands. Mrs. Wesley noted the trees are still tagged from when the Army Corps of Engineers delineated the wetlands.

Mrs. Hicks stated as Chairperson of the West Seneca Environmental Commission she visited the site when the subdivision was originally proposed. She commented on her observations that indicated wetlands, noting it was a federal wetlands but was made smaller in the last three or four years by a federal agency. Mrs. Hicks further stated a buffer between similar land uses could be different than a buffer between dissimilar land uses. The town does not have an adequate definition of "buffer" in the Town Code and she suggested tabling this item to allow the Zoning Board time to seek further guidance to help them make a determination.

2017-05 (continued)

Jason Wiepert & Lindsay Romanchuk live adjacent to Lot #48 where the Planning Board specified a 10' buffer from the property line. Ms. Romanchuk stated the residents trusted Marrano when they were told by the sales people there were delineated wetlands in this area and it would not be able to be built upon. She further stated that while the other 160 houses do not have natural barriers between them, she chose to buy her house because of the woods next to it. Mr. Wiepert commented on the wetlands on Lot #48 and stated his concern that the house will be located directly on the lot line.

Chairman Elling presented a picture of another area of town with a natural, untouched buffer and questioned if that is what the residents are looking for. The residents confirmed they would like to see the buffer area remain untouched.

Mr. Lorigo stated a buffer does not mean untouched and he agreed with Mrs. Hicks that a buffer is different depending on what two areas it is buffering. He stated that a buffer is a distance between two areas and when the two areas are residential he suggested it be defined as "the space between two residential lots that maintains a specific distance and conforms with the same or similar nature as the balance of the lots so there is continuity." Mr. Lorigo further stated he understood the residents paid premium for their lots because they are wider and for other reasons, not because they were told that no development would take place behind them. He also noted the wetlands did not change since the subdivision was originally presented. The wetlands are delineated on the subdivision map and will not impact Lot #1. On Lot #48 the house will have to be located outside the wetlands.

Mrs. Hicks commented that no landscape plan or tree conservation plan was submitted with the application which would normally be included in a conversation concerning a buffer. She did not believe they had enough information to make a decision at this meeting.

Chairman Elling questioned if they make a determination at this meeting if it will hold true for any future instances concerning a buffer.

Mr. Fenz responded the determination would hold for the future, but it could be further defined by the Planning Board or Town Board if they choose to do so.

2017-05 (continued)

Vince Croglio stated he and his brother purchased the property and went through the subdivision process. He commented on the wetlands and stated the area was remapped because it was outdated and less than one-tenth of an acre of wetlands will be disturbed. Topsoil was removed from this area many years ago and they will only be disturbing the areas that do not have topsoil. Mr. Croglio further questioned why a tree survey is needed when they will only be removing three trees. The area behind Smokes Creek is forested, but they intend to maintain ownership of that area and it will remain untouched.

Chairman Elling commented on previous issues the town has had with developers clear cutting the land, which is why a tree survey is now required.

Nick & Laura Croglio stated they bought this land to develop it and want to build their house on Lot No. 1, but they do not want to be restricted from using part of their property. Mrs. Croglio stated they have no problem keeping the trees in the 20' buffer, but did not want to keep the brush. They would like to have a manicured lawn and do not want to have neighbors telling them what they can do with their land. Mr. Croglio stated the only trees that will be touched are in the corridor of the ditch where the road will cross and they will be doing a tree survey when the trees bud. He further stated their house will not fit at the 30' setback because of the 20' buffer set by the Planning Board, so it will have to be setback 60' which will be adjacent to the neighbor's back yard.

Motion by Hicks, seconded by Harmon, to table this item pending further guidance on the definition of buffer zones.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2012-10

Request of Deacon Michael Comerford for renewal of a variance for property located at 151 Century Drive to raise chickens

The applicant was not present at the meeting.

Motion by Hughes, seconded by Elling, to table this item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

2016-01

Request of Steven Haney of Seneca Steel Erectors for renewal of the variance for property located at 611 Indian Church Road to allow a temporary structure for five years (one year permitted)

Steven Haney of Seneca Steel Erectors stated his request to renew the variance to allow a temporary structure at 611 Indian Church Road, noting the structure was built in May 2016 and they have not had any problems.

Senior Code Enforcement Officer John Gullo stated the site plan for the original building was not followed and there is an issue with striping of the parking lot, handicapped parking and trees that were supposed to be planted.

Chairman Elling stated that going forward properties must be up to code or no variance or extension of a variance will be granted. He presented a picture of items/debris on the abutting National Grid property and questioned if Seneca Steel Erectors has permission to use this property.

Mr. Haney responded items were there when they bought the property, but they will remove them if requested.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to table this item pending notification by the Code Enforcement Office that the original building is in compliance with the site plan that was filed.

Ayes: All

Noes: None

Motion Carried

2016-13

Request of Thomas Herrmann of Dunn Tire LLC for renewal of the variance for property located at 2150 Union Road to allow temporary structures on site for an extended period of time (maximum 30 day period allowed)

Chairman Elling stated the temporary structures have been removed from the property so a variance is no longer required.

Motion by Hughes, seconded by Marzullo, to receive and file this item.

Ayes: All

Noes: None

Motion Carried

2016-18

Request of Deborah Arzaga for renewal of a variance for property located at 227/229 Pellman Place to raise chickens

Deborah Arzaga stated her request to renew the variance to allow her to raise five chickens at 227 Pellman Place, noting there are no chickens at 229 Pellman Place and no roosters.

Chairman Elling stated no complaints were filed with the Police Department over the last year relative to this address.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a one year variance for property located at 227 Pellman Place to raise five chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

2017-03

Request of Mark Mogavero for a variance for property located at 751 Seneca Creek Road to allow a 12' x 20' shed in the front yard (accessory structures not permitted in required front yard)

Mark Mogavero presented a proposed site plan indicating trees and landscaping on the property, noting he intends to comply as soon as the contractor finishes his work.

Chairman Elling commented on the site plan and stated they were looking for the trees to be planted around the shed. Mr. Mogavero responded it will be difficult to plant anything around the shed because there is a concrete pad and blacktop, but he could plant them along the driveway which would shield the shed.

Senior Code Enforcement Officer John Gullo questioned how tall the trees will be and Mr. Mogavero responded the trees will be 2' tall.

Mr. Harmon suggested three or four Blue Spruce trees, 5' or 6' tall along the west side of the driveway to screen the shed.

Mrs. Hicks suggested Mr. Mogavero meet with his contractor to have him redo the plan to scale and resubmit to the Zoning Board.

2017-03 (continued)

No comments were received from the public.

Motion by Elling, seconded by Harmon, to table this item until the May meeting pending submission of an improved landscape plan.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2017-04

Request of Jim & Karin Billinghamurst for a variance for property located at 42 Molnar Drive to construct a 6' high fence in side yard (maximum 4' high fence allowed)

Jim & Karin Billinghamurst stated their request for a variance to construct a 6' high wood stockade fence in the side yard of their property at 42 Molnar Drive, noting they are looking for some privacy on their corner lot.

Chairman Elling stated he was in receipt of letters of approval from property owners at 33, 38, 39 and 46 Molnar Drive.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a variance for property located at 42 Molnar Drive to construct a 6' high fence in the side yard.

Ayes: All

Noes: None

Motion Carried

2017-06

Request of Charles Zglinicki for a variance for property located at 5414 Seneca Street to raise chickens (raising poultry not permitted)

Charles Zglinicki stated his request for a variance to allow him to raise three chickens, no roosters, on his property at 5414 Seneca Street.

Mrs. Hicks questioned if three will be the maximum number of chickens and Mr. Zglinicki responded he did not intend to have more than three chickens.

Chairman Elling stated he was in receipt of letters of approval from property owners at 5406, 5411, 5434 & 5444 Seneca Street.

2017-06 (continued)

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a one year variance for property located at 5414 Seneca Street to raise a maximum of three chickens, no roosters.

Ayes: All

Noes: None

Motion Carried

2017-07

Request of Joseph Petronella for a variance for property located at 22 Chambers Road to construct a 6' high fence in the front and side yard of corner lot projecting 25' into front yard (maximum 4' high fence in front and side yard and maximum 10' projection into front yard)

Joseph & Melissa Petronella stated their request to construct a 6' high white vinyl fence to contain their small dog, noting the fence will be setback 3' from the sidewalk.

Chairman Elling stated he was in receipt of letters of approval from property owners at 18 & 23 Chambers Road, 37 Lockhart Road and 23 Chancellor Lane.

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 22 Chambers Road to construct a 6' high fence in the front and side yard of the corner lot projecting 25' into the front yard and setback 3' from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2017-08

Request of David Powers for a variance for property located at 368 Casimer Street to construct a 6' high fence in side yard of corner lot (maximum 4' high fence allowed)

David Powers stated his request for a variance to construct a 6' high wood stockade fence in the side yard of his corner lot as indicated on the plan submitted. There will be a gate on the side facing Crawford Drive, but not on the Casimer Street side.

2017-08 (continued)

Chairman Elling stated he was in receipt of letters of approval from property owners at 362 & 380 Casimir Street and 16 & 22 Crawford Drive.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to close the public hearing and grant a variance for property located at 368 Casimer Street to construct a 6' high fence in the side yard of the corner lot.

Ayes: All

Noes: None

Motion Carried

2017-09

Request of Tricia Denea for a variance for property located at 41 Lind Avenue to reduce required 75' frontage to 70' for a two-family home

Tricia Denea stated she has lived at 41 Lind Avenue with her brother for nine years and they would like to tear down the existing house and build a duplex. The driveway will be moved slightly and there will be parking in the back for four vehicles. The lot is 175' deep and the new house will be setback 30' from the street.

Chairman Elling stated he was in receipt of letters of approval from property owners at 32, 35, 40, 46 & 49 Lind Avenue and 32, 40 & 48 Willow Drive.

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 41 Lind Avenue to reduce required 75' frontage to 70' for a two-family home.

Ayes: All

Noes: None

Motion Carried

2017-10

Request of Pat Boni of Saxton Sign Corp. for a variance for property located at 1200 Southwestern Blvd. to allow a 110.5 sf LED sign within 500' of residential zoning (maximum 40 sf allowed with minimum 500' from residential zoning)

2017-10 (continued)

Terry Meissner of Saxton Sign Corp. stated their request for a variance to allow a 110.5 sf LED sign at Buffalo RV at 1200 Southwestern Blvd. The top section of the sign will be 60 sf with white letters and an opaque background. The electronic message portion of the sign will be 50 sf and it will broadcast messages and dim automatically at dusk. Mr. Meissner stated they attempted to get signatures on four occasions and were only able to obtain four signatures.

Mrs. Hicks noted the sign will be almost triple what is allowed and she questioned the need for such a large sign.

Mr. Meissner responded the top section is the same as the existing sign, but Buffalo RV would like to add the electronic message board and raise the height of the sign.

Mr. Hughes commented there are at least 20 neighbors within 500' of the proposed sign and suggested Mr. Meissner obtain additional support from the neighbors.

No comments were received from the public.

Motion by Hughes, seconded by Marzullo, to table this item pending receipt of additional signatures from surrounding neighbors.

Ayes: All

Noes: None

Motion Carried

2017-11

Request of Kideney Architects for a variance for property located at 300 Harlem Road to allow an 8'6" high ground sign (5' maximum height allowed)

A representative from Concept Construction presented a site plan indicating the location of the proposed two-sided, 8'6" ground sign for the new SPCA location at 300 Harlem Road.

Chairman Elling stated there are no residences along that portion of Harlem Road and NYSDOT has no objection as long as the sign is not located in the right-of-way.

No comments were received from the public.

2017-11 (continued)

Motion by Elling, seconded by Harmon, to close the public hearing and grant a variance for the SPCA property located at 300 Harlem Road to allow an 8'6" high ground sign, noting the Code Enforcement Office should check with NYS Thruway Authority to ensure the sign is in compliance with the required distance from the thruway ramp.

Ayes: All

Noes: None

Motion Carried

2012-10

Request of Deacon Michael Comerford for renewal of a variance for property located at 151 Century Drive to raise chickens

The petitioner was not present at the meeting.

Motion by Hicks, seconded by Elling, to table this item until the April meeting.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Harmon, seconded by Marzullo, to adjourn the meeting at 8:35 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary