

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

ZONING BOARD OF APPEALS
Minutes #2012-02
February 22, 2012

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

ROLL CALL: Present - David Monopolus, Chairman
Michael P. Harmon
Evelyn Hicks
Michael P. Hughes
Sandra Giese Rosenswie
John Gullo, Code Enforcement Officer

Absent - Shawn P. Martin, Town Attorney

Chairman Monopolus 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, to approve the proofs of publication and posting of legal notice.

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Hughes, seconded by Rosenswie, to approve Minutes #2012-01 of January 25, 2012.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

2012-002

Request of Timothy Mielko for a variance for property located at 4518 Clinton Street for a driveway with no setback (3' required), a 5' side yard setback (10' required), non-hard surface pavement, and a reduction in parking from 15 to 7 spaces for an office

2012-002 (continued)

Motion by Harmon, seconded by Hicks, to remove the item from the table.

Ayes: All

Noes: None

Motion Carried

Timothy Mielko stated he notified his neighbor at 4520 Clinton Street of the proposed project and gave him a copy of the town's letter, but received nothing from him in return. After discussing the project with Code Enforcement Officer John Gullo, Mr. Mielko agreed to the required 3' setback for the driveway and 10' side yard setback so he was no longer requesting a variance for the setbacks. Mr. Mielko would like to initially use rolled stone for paving to get the project started and requested the hard surface paving requirement be deferred for one to two years to assist him with some budget issues. There will be no retail operation and Mr. Mielko requested a reduction in parking to 14 spaces for the office, warehouse and storage, which is still more than needed. Only two people work in the shop and three in the office. Eight other employees go right to the work sites. Mr. Mielko referred to the drainage swale that will take runoff from the driveway to the detention area and also indicated the fire hydrant he is required to install.

Mr. Gullo noted that the Engineering Department still has to review the drainage for the project and a SEQR review will also be required.

Mrs. Hicks suggested the Zoning Board recommend to the Planning Board that a berm or vegetative buffer be installed.

Mr. Mielko had no problem with the berm but noted there are wetlands on the property that he has to stay away from. Moving things to the east is not an option because of the cost involved.

Mrs. Hicks wanted Mr. Mielko to be aware that when this project proceeds to the DEC and Army Corps of Engineers it may not be able to proceed as planned.

No comments were received from the public.

Motion by Hughes, seconded by Rosenswie, to close the hearing and grant the two variances requested as follows: 1) one year deferral on hard surface pavement; 2) parking reduced to 14 spaces; and further, recommend to the Planning Board that a berm be installed between the driveway and swale.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2012-003

Request of Richard Flett for a variance for property located at 2250 Transit Road for a 70 sf electronic sign (40 sf allowed) located within 500' of a residential zoning district and 46.65" from the ground (8' required)

Attorney Jay Pohlmann represented the petitioner, Richard Flett, and stated his proposal to construct a 70 sf electronic sign at 2250 Transit Road. The sign will be free standing in front of the building off the parking area and temporary signage will be removed. The sign will make the business more visible and help prevent drivers from missing it and having to turn around on a busy highway. The frontage of the parcel is 385' and the northern 100' is still wooded so it gives some visual barrier to the residential neighbors to the north. Mr. Pohlmann presented a rendering of the sign and a letter from Flappy's Restaurant stating they were not opposed to the proposed sign. The sign will be wooden and the LED portion will be added at a future date.

Mrs. Hicks questioned if Mr. Flett had a letter from or had approached the neighbor to the north concerning this proposal. Mr. Flett stated he had not approached the neighbor regarding the sign.

Mr. Harmon questioned how late the sign will be lit. Mr. Flett responded that the lights will go off at 10 or 11 P.M.

Code Enforcement Officer John Gullo stated that the proposed sign will be lower than the required 8' because Mr. Flett would like it to be smaller and less obtrusive.

Mr. Pohlmann also noted that the sign will be setback far enough so anyone entering and exiting the property will be able to see.

Mrs. Hicks questioned if the upper portion of the sign will be lit. Mr. Flett responded that the sign will have spotlights on it.

No comments were received from the public.

Motion by Rosenswie, seconded by Hicks, to close the hearing and grant the variance for a 70 sf electronic sign located within 500' of a residential zoning district and 46.65" from the ground.

Ayes: All

Noes: None

Motion Carried

2012-004

Request of Thomas Reese II for a variance for property located at 23 Greenfield Avenue to construct a 17' high garage (12' maximum height allowed)

Thomas Reese stated his proposal to construct a 32' x 40' pole barn on the second lot at his home on Greenfield Avenue to store a race car trailer, snowmobile trailer, etc. The trailer is 9'8" tall and he needs to install a 10' garage door to get the trailer inside.

Code Enforcement Officer John Gullo stated that the total height of the building is about 22' or 24' depending on the style of roof.

Mr. Reese stated he will be using a barn style roof instead of an "A" frame style. Garage doors will be installed on the side and there will be no driveway going to the barn from the street. There will be a storage area on the upper part of the garage.

Mr. Monopolus noted that Mr. Reese had presented letters from neighbors at 27 and 29 Greenfield Avenue and 2247 Union Road that were not opposed to the pole barn.

No comments were received from the public.

Motion by Monopolus, seconded by Hughes, to close the hearing and grant the variance to construct a 17' high garage.

Ayes: All

Noes: None

Motion Carried

2012-005

Request of X-Press Signs Inc. for a variance for property located at 146 Reserve Road for a 35.9 sf electronic sign (20 sf allowed) located within 500' of a residential zoning district

Rick Johnson of X-Press Signs stated that this sign was previously approved by the Zoning Board but the applicant did not have the funds to go forward and the variance expired in June 2011. They now have the financing to proceed. There is no change from the previous sign proposed and it will replace the existing sign but will be set farther back.

Chairman Monopolus acknowledged receipt of letters from the residents at 137 & 147 Reserve Road stating they were not opposed to the proposed sign.

No comments were received from the public.

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ZONING BOARD OF APPEALS
Minutes #2012-02
February 22, 2012
Page five . . .

2012-005 (continued)

Motion by Rosenswie, seconded by Harmon, to close the hearing and grant the variance for a 35.9 sf electronic sign located within 500' of a residential zoning district.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

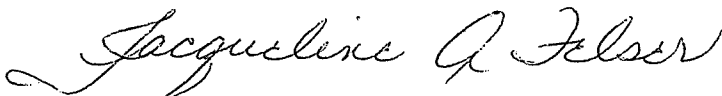
Motion by Hicks, seconded by Rosenswie, to adjourn the meeting at 7:30 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk/Zoning Board Secretary