

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

**ZONING BOARD OF APPEALS**  
**Minutes #2015-01**  
**January 27, 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 Richard Marzullo and 30 seconds of silent prayer.

**ROLL CALL:** Present - Timothy J. Elling, Chairman  
Michael P. Harmon  
Evelyn Hicks  
Michael P. Hughes (arrived for New Business)  
Richard P. Marzullo  
Jeffrey Baksa, Code Enforcement Officer  
John J. Fenz, Town Attorney

Absent - None

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

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**OPENING OF PUBLIC HEARING**

Motion by Harmon, seconded by Hicks, 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 Marzullo, seconded by Harmon, to approve Minutes #2015-11 of December 9, 2015.

Ayes: All

Noes: None

Motion Carried

**OLD BUSINESS**

**2015-038**

Request of Tommaso Briatico Architect for extension of the variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles (five vehicles stacking required)

**2015-038** (continued)

The applicant was not present at the meeting.

Motion by Harmon, seconded by Marzullo, to table this item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**2015-066**

Request of Bart Adams for property located at 1510 Orchard Park Road to allow an electronic message sign within 500' of residential zoning

Larry Best represented Bart Adams and stated his request to have a 4' x 6' changeable letter LED sign on the north side of the building at 1510 Orchard Park Road facing Reserve Road. Mr. Best presented the architect's rendering of the sign along with a street view and a picture of the same type of manufacturer's sign.

Chairman Elling stated property owners at 26, 49 and 71 Reserve Road and 1481 and 1497 Orchard Park Road had signed a letter of support for the variance for the LED sign.

Code Enforcement Officer Jeffrey Baksa stated the LED regulations were given to the applicant and the sign will still need Town Board approval if the variance is granted.

Mrs. Hicks questioned if property owners at 1487 & 1495 Orchard Park Road had signed in support of the variance. Mr. Baksa noted the property owner at 1487 Orchard Park Road had appeared at the previous Zoning Board meeting and approved of the variance for the sign.

No comments were received from the public.

Motion by Marzullo, seconded by Hicks, to close the public hearing and grant a variance for property located at 1510 Orchard Park Road to allow an electronic message sign within 500' of residential zoning.

Ayes: All

Noes: None

Motion Carried

**2015-067**

Request of Akram Alkhulaqi for a variance for property located at 2566 Seneca Street for an electronic message sign within 500' of residential zoning.

**2015-067** (continued)

Chairman Elling stated Mr. Alkhulaqi had complied with the Zoning Board's request and received signatures from property owners at 17, 18 & 22 Columbia Parkway in support of the variance for an LED sign.

Code Enforcement Officer Jeffrey Baksa stated approval of the variance is contingent upon Town Board approval and compliance with the Town Code on LED regulations.

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 2566 Seneca Street to allow an electronic message sign within 500' of residential zoning.

Ayes: All

Noes: None

Motion Carried

**2015-038**

Request of Tommaso Briatico Architect for extension of the variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles (five vehicles stacking required)

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

Ayes: All

Noes: None

Motion Carried

Chairman Elling stated a six month variance had been granted for the drive-thru and there were no reported accidents at this location. Code Enforcement Officer Jeffrey Baksa also stated his office had received no complaints.

Mrs. Hicks suggested the variance be granted for one year and reviewed at that time.

No comments were received from the public.

Motion by Marzullo, seconded by Harmon, to close the public hearing and grant a variance for one year for two vehicles stacking at the drive-thru at 2566 Seneca Street, noting if any problems arise within one year with the Police Department or Code Enforcement Office the variance can be rescinded.

Ayes: All

Noes: None

Motion Carried

**2015-072**

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)

The applicant was not present at the meeting.

Motion by Hicks, seconded by Marzullo, to table this until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

**2015-073**

Request of Roxanne Birx for a variance for property located at 3887 Seneca Street for an electronic message sign within 500' of residential zoning

Roxanne Birx presented two pages of signatures in support of the variance for an LED sign along with a rendering of the sign.

Chairman Elling stated he was in receipt of 30 signatures from property owners surrounding 3887 Seneca Street in support of the variance for an LED sign.

No comments were received from the public.

Motion by Harmon, seconded by Elling, to close the public hearing and grant a variance for property located at 3887 Seneca Street for an electronic message sign within 500' of residential zoning.

Ayes: All

Noes: None

Motion Carried

**NEW BUSINESS**

**2016-01**

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

Chairman Elling stated the applicant requested this tabled until the March meeting.

Motion by Elling, seconded by Harmon, to table this item until the March meeting.

Ayes: All

Noes: None

Motion Carried

**2016-02**

Request of Linda McDermott for a variance for property located at 58 Westgate Blvd. to construct an addition on rear of house on corner lot, reducing setback to 23' (30' setback required)

Linda McDermott stated her request for a variance for an addition onto her kitchen.

Chairman Elling stated property owners at 50 and 70 Westgate Blvd. and 16 Cherokee Drive had signed a letter in support of the variance.

No comments were received from the public.

Motion by Harmon, seconded by Marzullo, to close the public hearing and grant a variance for property located at 58 Westgate Blvd. to construct an addition on the rear of the house on a corner lot, reducing the setback to 23'.

Ayes: All

Noes: None

Motion Carried

**2016-03**

Request of Kristin & Keith Stiller for a variance for property located at 89 Heritage Farm Road to construct a deck connecting house to pool (decks not permitted to connect principal structure to pool)

Kristin Stiller stated her request to construct a low level platform deck for a future 4' above ground pool, noting the pool will be partially inground because of the grade. The proposed deck will be 3" from the ground on one side and 27" from the ground on the other side, thus making unusable space in her back yard usable.

Mr. Hughes questioned if an additional gate will be installed on the deck. Mrs. Stiller responded that the Code Enforcement Office had advised that it was not necessary as the back yard is fully enclosed by a fence.

Chairman Elling stated property owners at 81 & 95 Heritage Farm Road and 144 & 152 Windmill Road had signed a letter in support of the variance.

No comments were received from the public.

Motion by Hughes, seconded by Hicks, to close the public hearing and grant a variance for property located at 89 Heritage Farm Road to construct a deck connecting the house to a pool.

Ayes: All

Noes: None

Motion Carried

**2016-04**

Request of Harvey T Rodovich III for a variance for property located at 116 Fields Avenue to allow a 6' fence in front setback (4' maximum allowed)

Harvey Rodovich stated he recently purchased 116 Fields Avenue and there has been damage to the outside due to vehicles hitting the house and garage. The property is partially located in the City of Buffalo and Mr. Rodovich contacted them regarding the fence. He was informed that no permit is required for fences in Buffalo so he built the fence. Only 40' of the 6' fence is located in West Seneca and surrounding neighbors have signed in support.

Chairman Elling stated he had contacted the City of Buffalo and they do not allow a 6' fence on a corner lot.

Mr. Rodovich responded the fence in the front yard is 4'. The 6' foot fence begins at the West Seneca line which is more the back of the house. Mr. Rodovich wanted the 6' fence to keep his Rottweiler contained and his son safe.

Mrs. Hicks stated that generally the town wants to keep fences 36" from sidewalks to allow for walkers, but noted Mr. Rodovich's neighbor had built a fence closer. Mr. Rodovich presented pictures of other fences in the neighborhood and stated it is not very pedestrian friendly in that area.

Mr. Baksa commented that the property has been upgraded considerably and Mr. Rodovich is trying to do the right thing. He stated the fence conforms with the rest of the neighborhood, but he was concerned with the comment from Buffalo.

Town Attorney John Fenz stated West Seneca has no jurisdiction over Buffalo and vice versa. The Zoning Board can grant a variance for West Seneca and Mr. Rodovich can go to the City of Buffalo Zoning Board of Appeals if he needs to.

Chairman Elling stated he had received letters of support from property owners at 167, 171 & 186 Indian Church Road and 106 Fields 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 116 Fields Avenue to allow a 6' fence in the front setback.

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 setback to 28'2" (30' rear setback required)

The petitioner was not present at the meeting.

Mrs. Hicks stated the foundation on this new build was poured incorrectly and she questioned if this will affect the houses on either side when they are built.

Code Enforcement Officer Jeffrey Baksa stated this was caught when the as built drawings were brought in and it will not affect the size of any other lots.

Motion by Hughes, seconded by Marzullo, to table this item until the next meeting.

Ayes: All

Noes: None

Motion Carried

**2016-06**

Request of Gerald & Dawn Gammack for a variance for property located at 3402 Clinton Street to construct an addition on side of house, reducing front setback to 23' and side setback to 4' (40' front setback and 5' side setback required)

Dawn Gammack stated her request to construct an addition for a 10' x 20' bedroom on the side of her house. This will be to accommodate her mother who is now living with her and she would like to start construction in March. Mrs. Gammack had received a signature of support from the property owner on the left, but she was unable to reach the property owner on the right side who does not live there and rents the property.

Chairman Elling questioned where the gutters will drain to. Mrs. Gammack responded the work will be done by Kaz Construction and they will install new drain tile.

Mrs. Hicks questioned if the chimney and bay window will remain and Mrs. Gammack responded the chimney will be relocated and the bay window will be eliminated.

Mr. Harmon commented the side setback is only being reduced by one foot.

No comments were received from the public.

**2016-05** (continued)

Motion by Harmon, seconded by Hicks, to close the public hearing and grant a variance for property located at 3402 Clinton Street to construct an addition on the side of the house, reducing the front setback to 23' and the side setback to 4'.

On the question, Mr. Hughes stated Mrs. Gammack is a co-worker of his, so he will be abstaining from voting on this issue.

Ayes: (4) Mr. Harmon, Mrs. Hicks, Mr. Marzullo, Chairman Elling

Abstentions: (1) Mr. Hughes

Noes: None

Motion Carried

**TABLED ITEM**

**2015-072**

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)

Motion by Hughes, seconded by Hicks, to table this item one final time until the February meeting.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Harmon, 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