WEST SENECA COMMUNITY CENTER
1300 Union Road
West Seneca, NY 14224

ZONING BOARD OF APPEALS
Minutes #2023-03
March 22, 2023

The regular meeting of the Zoning Board of Appeals of the Town of West Seneca was called to order by Chairperson Evelyn Hicks at 6:00 P.M. followed by the Pledge of Allegiance.

ROLL CALL: Present - Evelyn Hicks, Chairperson
Edmund Bedient
Amelia Greenan
Paul Lang
Joette Tronolone
Douglas Busse, Code Enforcement Officer
Stephen Stachowski, Deputy Town Attorney

Absent - None

OPENING OF PUBLIC HEARING

Motion by Lang, seconded by Greenan, to open the public hearing.

Ayes: All Noes: None Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: All Noes: None Motion Carried

APPROVAL OF MINUTES

Motion by Lang, seconded by Greenan, to approve Minutes #2023-02 of February 22, 2023.

Ayes: All Noes: None Motion Carried

OLD BUSINESS

2015-38

Request of Hassan Mohamed for renewal of a variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles (five vehicles stacking required)

A representative of Mr. Mohamed stated the story is busy and this helps to relieve stacking.

Code Enforcement Officer Doug Busse stated no complaints are on file with his office relative to the stacking of vehicles. This variance has been in effect since 2015 and is for stacking limits for the drive-thru window to be reduced from five to two.

Chairperson Hicks stated this variance has not been a problem and traffic has not been impeded; the exit is onto a side street.

Chairperson Hicks stated this variance is now eight years old and questioned if there was an issue making this a permanent variance. Mr. Busse stated stacking requirements are for drive-thrus, pumps, and gas station pull-

ups for vehicles waiting in line. In this instance, the size of the parking lot is not sufficient for the Town of West Seneca code requirement for stacking. There is not traffic egressing to Seneca Street and there has not been an issue with the variance. Deputy Town Attorney Stephen Stachowski stated he concurred with making this a permanent variance if the board felt this was their wish.

No comments were received from the public.

Chairperson Hicks stated there have been no issues with traffic and she is in favor of granting the variance permanently as this is a unique circumstance for this business.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – the applicant states no, 50% of the business is via the drive-thru; 2) Is this a unique circumstance – yes, the egress is on Columbia Parkway; 3) Does the variance change the character of the neighborhood – the variance has been in place for eight years with no objections from the neighbors; 4) Is this a self-created hardship - yes, but this is not the determining factor.

Motion by Lang, seconded by Greenan, to close the public hearing and grant a variance for property located at 2566 Seneca Street to reduce stacking at drive-thru window to two vehicles noting the applicant will not need to return for renewal.

Ayes: All Noes: None Motion Carried

2022-046

Request of Melissa Fazzio for renewal of a variance for property located at 165 Willowdale Drive to allow raising chickens on property (raising of poultry/farm animals not permitted)

Ms. Fazzio stated she has five chickens, and nothing has changed since last year; the eggs are used to feed the family.

Code Enforcement Officer Doug Busse stated no complaints have been received relative to chickens.

No comments were received from the public.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – the applicant states no, as the chickens provide food; 2) Is this a unique circumstance – yes; 3) Does the variance change the character of the neighborhood – no complaints have been received; 4) Is this a self-created hardship - yes, but the family uses the chickens for food and this is not the determining factor.

Motion by Tronolne, seconded by Lang, to close the public hearing and grant a variance for property located at 165 Willowdale Drive to allow raising of six chickens on the property, noting the variance is valid until the March 2024 meeting.

Ayes: All Noes: None Motion Carried

2023-01

Request of Gerald and Dawn Gammack for a variance for property located at 3402 Clinton Street to erect an accessory structure with a 30′ peak and 22′ midspan (maximum 12′ height permitted)

Received and filed at the request of the applicant.

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2023-02
Request of Kevin Weber for a variance for property located at 461 Seneca Creek Road to erect a garage with 17′ 6″ midspan (maximum 12′ height permitted)

Mr. Weber stated he would like to put a garage for storage in the back portion of his yard that backs up to the Industrial Park; there will be no business or living space in the garage. Additional height is needed to store campers.

Chairperson Hicks stated neighbor signatures with no objection to the variance were obtained from residents at 500, 478, 456, 450, 444, 440, 435, and 465 Seneca Creek Road and 40 Willow Drive. Chairperson Hicks questioned if the current garage would remain and if there would be a driveway to the new garage. Mr. Weber stated the garage would remain and there would be a temporary gravel driveway. Code Enforcement Officer Doug Busse stated the town code states the surface should be a hard surface upon completion of the project.

Chairperson Hicks stated correspondence was received from the Erie County Department of Environment and Planning with no objection to the variance request as this is of local concern; there was no comment from the NYSDOT.

No comments were received from the public.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, the additional height is needed for storage; 3) Is the request substantial – this is not substantial; 4) Does the variance have an impact on the environment – there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Bedient, seconded by Greenan, to close the public hearing and grant a variance for property located at 461 Seneca Creek Road to erect a garage with 17′ 6″ midspan.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2023-004
Request of Thomas and Ashley Knoop for a variance for property located at 306 Fisher Road to install a pool with a 7′ 8″ separation from pool edge to house (10′ separation required)

Mr. Knoop stated he erected a patio covering off of his ranch house and due to the code requirements, the pool must be 10′ from the pier that the post sits on. The pool cannot be moved back due to an easement. The 7′ 8″ is not from the waters edge to the house but from the main support beam from the patio covering.

Chairperson Hicks stated neighbor signatures with no objection to the variance were obtained from residents at 314 and 298 Fisher Road and 3 Mosside Loop.

Chairperson Hicks questioned if there was access to the patio roof from inside the house. Mr. Knoop stated there was not; this is a ranch house with no second-story window.

No comments were received from the public.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, the pool cannot go further back due to an easement; 3) Is the request substantial – this is not substantial; 4) Does the variance have an impact on the environment – there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Lang, to close the public hearing and grant a variance for property located at 306 Fisher Road to install a pool with a 7′ 8″ separation from pool edge to house.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Greenan, seconded by Bedient, to adjourn the meeting at 6:37 P.M.

Ayes: All Noes: None Motion Carried

Respectfully submitted,

Amy M. Kobler
Town Clerk/Zoning Board Secretary