ZONING BOARD OF APPEALS Minutes #2019-03 March 20, 2019

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

**Evelyn Hicks** 

Michael P. Hughes Richard P. Marzullo Raymond Kapuscinski

Douglas Busse, Code Enforcement Officer Kimberly Conidi, Deputy 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.

### **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 Hughes, 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 Marzullo, to approve Minutes #2019-02 of February 27, 2019.

Ayes: All

Noes: None

**Motion Carried** 

# **OLD BUSINESS**

### 2016-18

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

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### **2016-18** (continued)

Deborah Arzaga stated her request to renew the variance to raise seven chickens at her home, noting she has no roosters.

Chairman Elling stated no complaints were registered with the Police Department over the past year.

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 227/229 Pellman Place to raise seven chickens, no roosters.

Ayes: All Noes: None Motion Carried

### 2017-06

Request of Charles Zglinicki for renewal of a variance for property located at 5414 Seneca Street to raise chickens

Charles Zglinicki stated his request to renew the variance to raise four chickens at his home.

Chairman Elling stated no complaints were registered with the Police Department over the past year.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

#### 2019-04

Request of Eugene Staychock for a variance for property located at 789 Center Road to construct an LED sign within 500' of residential zoning

Judy Rouse represented Eugene Staychock and stated Mike Yost of Yost Sign Company contacted her today and asked her to appear on Mr. Staychock's behalf. Ms. Rouse had walked the neighborhood and along with Mr. Yost obtained approximately 50 percent of the signatures.

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### 2019-04 (continued)

Deputy Town Attorney Kimberly Conidi suggested the Zoning Board table this item due to lack of written authorization from Mr. Staychock.

Chairman Elling questioned if Mr. Staychock would be available to appear before the Zoning Board in April and Ms. Rouse confirmed that he would be.

Mr. Hughes commented that the process of this application was backwards with the sign being constructed prior to the variance being approved. He also stated that 50 percent of the signatures may not be sufficient and suggested Ms. Rouse relay this information to Mr. Staychock.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and table this item until the April meeting.

Ayes: All

Noes: None

Motion Carried

## **NEW BUSINESS**

### 2019-08

Request of Thomas Seifert for a variance for property located at 85 Idlewood Drive to construct a deck with 25' setback on corner lot (30' setback required)

Thomas Seifert stated his proposal to construct a deck with 25' setback on his corner lot, noting this is the only place he can put the deck with access from the house.

Chairman Elling stated he was in receipt of letters of approval from property owners at 77 Idlewood Drive & 66 Brantwood Drive. He questioned the lack of signatures from neighbors across the street on Brantwood Drive. Mr. Seifert responded that one neighbor is a snowbird and there was no answer at the other house.

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 85 Idlewood Drive to construct a deck with 25' setback on corner lot.

Ayes: All Noes: None Motion Carried

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#### 2019-09

Request of Gregg Schaper for a variance for property located at 247 St Jude Terrace to install an above ground pool with no separation between house/deck and pool (10' separation required)

Gregg Schaper stated his request for a variance to allow an above ground pool with no separation between the pool and the deck that connects to his house. This placement is necessary due to the location of overhead wires. The pool deck will be the same grade as the house deck and there will be a self closing gate. The yard is not fenced, but the pool has fencing around the top.

Chairman Elling stated he was in receipt of letters of approval from property owners at 225, 233, 239 & 254 St. Jude Terrace.

No comments were received from the public.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 247 St. Jude Terrace to install an above ground pool with no separation between the house/deck and pool.

Ayes: All Noes: None Motion Carried

### 2019-10

Request of Tim & Robin Stolinski for a variance for property located at 227 Seneca Creek Road to allow raising of chickens (raising of poultry/farm animals not permitted)

Robin Stolinski stated her request for a variance to raise a maximum of six chickens in a raised coop at the rear of her property, noting there is a warehouse business behind her property.

Chairman Elling stated he was in receipt of letters of approval from property owners at 221A & 233 Seneca Creek Road.

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 Seneca Creek Road to raise six chickens, no roosters.

Ayes: All Noes: None Motion Carried

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## **ADJOURNMENT**

Motion by Marzullo, seconded by Hicks, to adjourn the meeting at 7:20 P.M.

Ayes: All

Noes: None

**Motion Carried** 

Respectfully submitted,

Jacqueline A Felser

Town Clerk/Zoning Board Secretary

Jacqueline a Felser