ZONING BOARD OF APPEALS Minutes #2018-09 September 26, 2018

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 Raymond Kapuscinski and 30 seconds of silent prayer.

ROLL CALL:

Present - Timothy J. Elling, Chairman

Evelyn Hicks

Richard P. Marzullo Raymond Kapuscinski

Jeffrey Baksa, Code Enforcement Officer Tina Hawthorne, Deputy Town Attorney

Absent - Michael P. Hughes

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 Hicks, seconded by Marzullo, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Marzullo, 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 Hicks, seconded by Kapuscinski, to approve Minutes #2018-08 of August 22, 2018.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2017-45

Request of Rusty Nickel Brewing Company for renewal of a variance for property located at 4350 Seneca Street to allow live music

David Johnson of Rusty Nickel Brewing Company stated their request to renew the variance for live music.

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2017-45 (continued)

Chairman Elling stated no complaints were registered with the Police Department concerning the live music.

No comments were received from the public.

Motion by Elling, seconded by Marzullo, to close the public hearing and grant a one year variance for property located at 4350 Seneca Street to allow live music Monday — Thursday (indoor) 6 P.M. — 10 P.M.; Friday (indoor) 6 P.M. to 11 P.M.; Saturday (indoor) 2 P.M. to 11 P.M.; Sunday (indoor or outdoor) 4 P.M. to 8 P.M.

Ayes: All Noes: None Motion Carried

2018-27

Request of Jonathan Powers for a variance for property located at 1500 Ridge Road to construct a building addition reducing rear yard setback to 5' (30' rear setback required)

Chairman Elling stated the applicant had requested this item be tabled.

No comments were received from the public.

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

Ayes: All Noes: None Motion Carried

2018-39

Request of Andrew Glauser for a variance for property located at 19 Camelot Drive to construct a deck to connect pool to house (10' separation required)

Andrew Glauser stated his request to construct a deck connecting his pool to his house.

Chairman Elling stated he was in receipt of letters of approval from property owners at 15, 21, 25, 26 & 30 Camelot Drive.

Motion by Elling, seconded by Kapuscinski, to grant a variance for property located at 19 Camelot Drive to construct a deck connecting the pool to the house.

Ayes: All Noes: None Motion Carried

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2018-48

Request of Molly Switzer for a variance for property located at 1739 Center Road to construct an attached garage with 5' separation from pool (10' separation required)

Ms. Switzer stated her request to replace an old garage that is failing with a new garage attached to her house with 5' separation from her pool.

Code Enforcement Officer Jeffrey Baksa noted there is an issue with grading and the garage cannot be rebuilt in the same location as the old garage.

Mrs. Hicks noted the gate for ingress/egress to the pool will be moved forward and will comply with safety and zoning requirements.

Chairman Elling stated he was in receipt of letters of approval from property owners at 1725, 1726 & 1738 Center Road. Erie County has no objection to the project.

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 1739 Center Road to construct an attached garage with 5' separation from the pool.

Ayes: All Noes: None Motion Carried

NEW BUSINESS

2018-53

Request of Sheila Starkey for a variance for property located at 12 Rene Drive to attach deck to swimming pool (pools not permitted to be connected to principal structure with deck)

Christine Starkey stated her proposal to replace the existing deck that attaches to her pool.

Chairman Elling stated he was in receipt of letters of approval from property owners at 20, 24, 28, 36, 47 & 52 Ashley Drive.

No comments were received from the public.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 12 Rene Drive to attach a deck from house to pool with no separation.

Ayes: All Noes: None Motion Carried

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2018-54

Request of Daniel Price for a variance for property located at 196 Thorndale Avenue to construct a deck with 3' separation from garage (minimum 10' separation required)

Daniel Price stated the property owner at 196 Thorndale Avenue would like to replace the existing deck with a new deck in the same location, but slightly longer.

Chairman Elling stated he was in receipt of letters of approval from property owners at 169, 178, 185, 189 & 200 Thorndale Avenue.

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 196 Thorndale Avenue to construct a deck with 3' separation from garage.

Aves: All

Noes: None

Motion Carried

2018-55

Request of Brent Josker of All American Sign WNY for a variance for property located at 2181 & 2185 Clinton Street to construct an electronic sign within 500' of residential zoning

The petitioner was not present at the meeting.

No comments were received from the public.

Motion by Marzullo, seconded by Elling, to table this item until the October meeting.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Kapuscinski, seconded by Elling, to adjourn the meeting at 7:20 P.M.

Aves: All

Noes: None

Motion Carried

Respectfully submitted,

Jacqueline A Felser

Town Clerk/Zoning Board Secretary

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