ZONING BOARD OF APPEALS Minutes #2021-01 January 27, 2021

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

ROLL CALL:

Present -

Timothy J. Elling, Chairman

Amelia Greenan Evelyn Hicks Michael P. Hughes Raymond Kapuscinski

Douglas Busse, Code Enforcement Officer Kimberly Conidi, Deputy Town Attorney

OPENING OF PUBLIC HEARING

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

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Elling, 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 Elling, seconded by Kapuscinski, to approve Minutes #2020-10 of December 2, 2020.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2011-047

Request of Lynda Otto for renewal of a variance for property located at 183 Westcliff Drive to allow raising chickens on property (raising of poultry/farm animals not permitted)

Chairman Elling stated the petitioner has been coming before the board on a yearly basis since 2011; no complaints were registered with the Police Department over the past year relative to the chickens.

Mrs. Otto stated she currently does not have chickens but plans to get new chickens in the spring.

Mr. Hughes noted there is a maximum of six chickens and no roosters are allowed.

No comments were received from the public.

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2011-047 (continued)

Motion by Hughes, seconded by Elling, to close the public hearing and grant a one year variance for property located at 183 Westcliff Drive to allow raising chickens on property.

Ayes: All

Noes: None

Motion Carried

2011-060

Request of Dennis Sullivan for renewal of a variance for property located at 1481 Orchard Park Road to allow raising of chickens on property (raising of poultry/farm animals not permitted)

Motion by Elling, seconded by Hicks, to table the item until the February 24, 2021 due to the petitioner not being present.

Ayes: All

Noes: None

Motion Carried

2012-036

Request of Melinda & Edward Bauerlein for renewal of a variance for property located at 72 Sunset Creek Drive for permission to raise five chickens (raising of poultry/farm animals not permitted)

Motion by Elling, seconded by Greenan, to table the item until the end of the meeting to allow the petitioner to be on the call.

Ayes: All

Noes: None

Motion Carried

2016-099

Request of Josephine Morcelle for renewal of a variance for property located at 45 Parkside Drive to allow keeping of a pig on residential property (raising of poultry/farm animals not permitted)

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

No comments were received from the public.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a two-year variance for property located at 45 Parkside Drive to allow keeping of a pig on residential property.

Ayes: All

Noes: None

Motion Carried

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2020-085

Request of Amanda Lanyzs for a variance for property located at 88 Lyndale Court to allow the raising of chickens (raising of poultry/farm animals not permitted)

Ms. Lanyzs stated she has seven chickens on the property with a small coop and an enclosed run; the chickens have supervised free range.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 93, 94 and 87 Briarhill Drive and 84, 91, 103 and 83 Lyndale Court.

Mr. Hughes questioned if any neighbors had not signed. Ms. Lanyzs replied the neighbor at 92 Lyndale Court did not wish to sign.

Deputy Town Attorney Kim Conidi stated it should be noted that seven chickens are allowed in this instance. Chairman Elling replied the ruling will be for seven chickens and as natures takes its course, there should only be six chickens.

Motion by Hughes, seconded by Elling, to close the public hearing and grant a one year variance for property located at 88 Lyndale Court to allow raising chickens on property with the condition seven chickens are allowed for the time being as town code states no more than six chickens.

Ayes: All

Noes: None

Motion Carried

2020-086

Request of Nicole and Raymond Doner for a variance for property located at 477 Reserve Road to erect an 8' privacy fence on corner lot (4' maximum height allowed)

Chairman Elling stated he was in receipt of correspondence from Erie County with no objection as well as neighbor letters with no objection from 36, 15, 25 30 35 Dauer Drive and 495 Reserve Road. The 8' fence can not be seen from Reserve Road as it is on an incline.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 477 Reserve Road to erect an 8' privacy fence on corner lot.

Aves: All

Noes: None

Motion Carried

NEW BUSINESS

2020-087

Request of Raymond and Anna Cedri for a variance for property located at 57 Elmsford Drive to erect a 4' fence with 30' projection (10' projection permitted) and 6' fence downside of house (4' maximum height allowed)

Mrs. Cedri stated they would like the yard enclosed for their dog and privacy around a patio.

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2020-087 (continued)

Chairman Elling stated he was in receipt of neighbor letters with no objection from 10 Elmsford Court and 73, 36 and 60 Elmsford Drive. The property is a corner lot, the house faces Elmsford Court but is an Elmsford Drive address. The fence must be 3' in from the sidewalk area. Mr. Cedri stated the fence will be 3' from the sidewalk.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 57 Elmsford Drive to erect a 4' fence with 30' projection and 6' fence downside of house, noting the fence must be 3' from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2020-088

Request of Juliet Malloy and Andrew Pace for a variance for property located at 635 Center Road to erect a 5' chain link fence (4' maximum height) in front and side yard with 10' - 12' projection in front yard (no projection permitted)

Mr. Pace stated the application is for a fence to surround the yard and would be 12' off the garage and house.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 631, 640, and 647 Center Road and 222 and 225 Westcliff Drive and correspondence from Erie County with no objection.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 635 Center Road to erect a 5' chain link fence in front and side yard with 10' - 12' projection in front yard.

Ayes: All

Noes

Noes: None

Motion Carried

2020-089

Request of Jesse C. Jesonowski for a variance for property located at 1450 Ridge Road to construct a commercial building with a 32.97' front yard setback (40' front yard setback required) and a parking area with 4' setback (10' setback required)

Mr. Jesonowski was present with Sean Hopkins of Hopkins, Sorgi PLLC. Mr. Jesonowski stated the proposal is for a laundry mat with access from Hilbert Avenue. The property to the north is town owned and is zoned commercial; properties to the west and east are also zoned commercial.

Ridge Road has a mix of residential homes and commercial properties and Hilbert Avenue is strictly commercial business. The project was before the Planning Board on January 14, 2021.

There is an approximate 30' buffer from the parking lot to the north property line with an existing fence. The east side property line will have a privacy fence and the west side will have an extensive landscaping plan.

The building will be approximately 1,000-sf with five parking spots proposed. The hours of business will be 6:00 AM - 9:00 PM.

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2020-089 (continued)

Mr. Hopkins stated the two variances being requested are for the small parking lot behind the building will have a setback less than 10' and a front yard setback of 32.97' vs the 40' required by code.

Mr. Hopkins referred to a concern of a resident regarding traffic and noted laundry mats in general do not generate a lot of traffic. They are busiest on weekends during the day.

Ms. Hicks commented on the current condition of the lot; the benefits of the project outweigh any detriments.

Chairman Elling stated he was in receipt of correspondence from Erie County with no objection to the project and referred to notes from Mr. Jesonowski regarding his various communications with property owners. Correspondence was received from three residents who object to the laundry mat due to traffic concerns, possible patron problems and privacy concerns.

Code Enforcement Officer Doug Busse stated the Zoning Board is only here tonight for the front yard setback and the parking area setback. The property is zoned C-1 and allows a laundry mat. Mr. Busse stated the Code Enforcement Office receives numerous complaints on the current condition of the property with illegal dumping, high grass, and storing of construction equipment. This project will be returning to the Planning Board for site plan review.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 1450 Ridge Road to construct a commercial building with a 32.97' front yard setback and a parking area with 4' setback.

Ayes: All

Noes: None

Motion Carried

2021-001

Request of John and Lori Jansen for a variance for property located at 104 Roycroft Drive to erect a 6' privacy fence in front and side yard (4' maximum height) with 20' projection off front of house (10' projection permitted)

Mr. Jansen stated previously there was a 4' fence that was removed due to its deteriorating condition and would like to replace the fence with a privacy fence.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 110, 98, 133, 139 and 116 Roycroft Drive and 79 and 74 Naples Drive.

Motion by Elling, seconded by Hicks, to close the public hearing and grant a variance for property located at 104 Roycroft Drive to erect a 6' privacy fence in front and side yard with 20' projection off front of house, noting the fence must be 3' from the sidewalk.

Ayes: All

Noes: None

Motion Carried

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2021-002

Request of The Broadway Group c/o Tara Mathias for a variance for property located at 5203 Seneca Street to reduce the number of parking stalls from 55 to 30

Ms. Mathias stated the project is for an approximately 9,100-sf retail space. The store will create approximately 8-10 jobs. The building facade would be enhanced to fit in with the neighborhood and the applicant will be working with the Planning Board.

The Planning Board did make recommendations regarding the fire lane and suggested meeting with the Zoning Board of Appeals on the amount of parking spots. The parcel is a former nursery and will be demolished with a new building, parking, and landscaping. The parcel is zoned for commercial use.

From previous operational data and projects, thirty parking stalls is believed to be sufficient. Reduced parking will also provide greener space, soften the appearance of the intersection, and allow a buffer between any residential properties.

Chairman Elling stated he went to another Dollar General and noticed the average amount of cars was only fourteen. Erie County has given verbal approval of the project with no objection to the project. Registered letters were mailed by the petitioner to residents explaining the proposed project-

Code Enforcement Officer Doug Busse stated this will return to the Planning Board and tonight is just for the parking variance.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a variance for property located at 5203 Seneca Street to reduce the number of parking stalls from 55 to 30.

Ayes: All

Noes: None

Motion Carried

2020-003

Request of Linda Pawlewski for a variance for property located at 96 Evelyn Drive to erect a 6' privacy fence in side yard (4' maximum height)

Ms. Pawlewski stated she recently installed a patio and would like a fence for privacy.

Chairman Elling stated he was in receipt of neighbor letters with no objection from 97, 100, 88, and 101 Evelyn Avenue.

Motion by Elling, seconded by Kapuscinski, to close the public hearing and grant a variance for property located at 96 Evelyn Drive to erect a 6' privacy fence in side yard.

Aves: All

Noes: None

Motion Carried

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2012-036

Request of Melinda & Edward Bauerlein for renewal of a variance for property located at 72 Sunset Creek Drive for permission to raise five chickens (raising of poultry/farm animals not permitted)

Chairman Elling stated there are no complaints were registered with the Police Department over the past year relative to the chickens.

No comments were received from the public.

Motion by Elling, seconded by Greenan, to close the public hearing and grant a one year variance for property located at 72 Sunset Creek Drive Drive to allow raising chickens on property.

Ayes:	All	Noes:	None	Motion Carrie	b

<u>ADJOURNMENT</u>
Motion by Hughes, seconded by Elling, to adjourn the meeting at 7:16 P.M.
Ayes: All———————————————————————————————————
Respectfully submitted,

Amy M. Kobler Town Clerk/Zoning Board Secretary