ZONING BOARD OF APPEALS Minutes #2021-02 February 24, 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 Hicks, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Hicks, seconded by Kapuscinski, 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 Hughes, to approve Minutes #2021-01 of January 27, 2021.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

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)

Ms. Sullivan was present and stated they curently have only one chicken.

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.

Mr. Hughes questioned if the plan is to get more chickens. Ms. Sullivan stated this will be the only chicken.

No comments were received from the public.

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2011-060 (continued)

Motion by Elling, seconded by Hughes, to close the public hearing and grant a one year variance for property located at 1481 Orchard Park Road to allow raising chickens on property.

Ayes: All

Noes: None

Motion Carried

2015-38

Request of Hassan Mohamed 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)

The peitioner was not present.

Motion by Elling, seconded by Hicks, to table the item until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

2017-59

Request of Robert Jemiolo for renewal of variances for property located at 3369 – 3385 Clinton Street to: 1) allow outdoor patio seating until 9 P.M. Sunday – Thursday and until 11 P.M. Friday and Saturday; 2) allow an unpaved parking lot

The petitioner was not present at the meeting.

Town Clerk Amy Kobler stated the petitioner's letter to appear was returned from the post office. A message was left on the petitioner's phone and he has not returned the call. Code Enforcement Officer Doug Busse stated he will follow up this week with Mr. Jemiolo.

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

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2021-004

Request of Joseph Jerge for a variance for property located at 4141 Clinton Street to construct a detached garage with a height of 14 ½' to midspan of roof (12' permitted)

Chairman Elling stated the NYSDOT stated they had concerns with the gravel and number of driveways on the property.

Motion by Elling, seconded by Greenan, to close the public hearing and table the item until the March meeting.

Ayes: All

Noes: None

Motion Carried

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2021-005

Request of Beata Lafferty for a variance for property located at 11 Marlin Drive to erect a 6' fence (4' maximum height) in front and side yard on corner lot

Ms. Laffterty stated she is on a corner lot and is considered to have two front yards. Ms. Lafferty would like the fence for safety and privacy.

Chairman Elling stated he was in receipt of letters of approval from property owners at 98 Cranwood Drive and 31, 8, 12 and 25 Marlin Drive.

Ms. Hicks noted the fence along Marlin Drive is to be 3' off the sidewalk. Chairman Elling explained this was to protect pedestrians on the sidewalk.

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 11 Marlin Drive to erect a 6' fence in front and side yard on corner lot, noting the fence along Marlin Drive is to be 3' off the sidewalk.

Ayes: All

Noes: None

Motion Carried

2021-006

Request of Craig Florkowski for a variance for property located at 47 Race Street to construct a $36' \times 48'$ pole barn with a height of 17' to midspan of roof (12' permitted)

Mr. Florkowski stated he owns a 33' RV that has been parked in the driveway. The pole barn would store the RV and be in the back of the property with a driveway off Frontera Court. Mr. and Mrs. Florkowski spoke with neighbors and placing the barn along the tree line was agreeable.

Chairman Elling stated he was in receipt of letters of approval from property owners at 27 and 28 Race Street and 20 and 25 Frontera Court.

Mr. Hughes questioned if the Zoning Board has approved a 17' midspan in the past. Code Enforcement Officer Doug Busse stated a 17' midspan has been approved in the past. The Code Enforcement Office has no issue with the height or location. Typically two driveways are not allowed on a property, however this parcel is on a corner lot with separate frontage from different side streets and is allowed.

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 47 Race Street to construct a 36' x 48' pole barn with a height of 17' to midspan of roof.

Ayes: All

Noes: None

Motion Carried

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2015-38

Request of Hassan Mohamed 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)

Chairman Elling stated there were no incidents on file with the Police Department and this has been a approved since 2015.

No comments were received from the public.

Motion by Elling, seconded by Hughes, to close the public hearing and grant a two year variance for property located at 2566 Seneca Street to reduce stacking at the drive-thru window to two vehicles.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Kapuscinski, seconded by Elling, to adjourn the meeting at 6:21 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Amy M. Kobler Town Clerk/Zoning Board Secretary