

Minutes of the meeting of the Village of Williamsville Zoning Board of Appeals held on Wednesday, June 16, 2021, at 7:00 p.m. This meeting was held in-person and, also virtually due to the NYS Covid-19 regulations in place at the time.

Present in Person: Richard Andrews, Chairman
James Celeste, Member
William Tuyn, Member
Patricia Fulwiler, Member

Also present via Zoom: Deborah A. Habes, P/T Clerk
Charles Grieco, Village Attorney
Matthew Etu, Trustee Liaison to ZBA

Absent: Joseph Frese, Member
Timothy Boyle, Alternate member
Tim Masters, Code Enforcement Officer

Chairman Andrews led the meeting with the Pledge of Allegiance.

Mr. Andrews asked for a motion to approve the minutes of the ZBA meeting of April 21, 2021. (There was no ZBA meeting held in May)

ON MOTION by Ms. Fulwiler, seconded by Mr. Celeste, it was moved to approve the minutes of the April 21, 2021, meeting as submitted.

Motion carried. 4 – 0.

**PUBLIC HEARING
26 Evans St. (R-3)
Area Variance**

Log #2021-ZBA-07

**Request for relief from 112-21 B (5) – Width of proposed new driveway exceeds allowable by 10’
Request for relief from 112-21 B (5) – Proposed front yard coverage exceeds allowable by 185 sf**

Mr. Andrews opened the public hearing for 26 Evans St. at 7:00 p.m.

Legal notice of this public hearing was published in the June 9, 2021, Amherst Bee.
Mr. Andrews read the items in the file.

James Christensen of 31 Randwood, Getzville, NY, father of the applicant, stated he was present to represent the application for his son, Erik Christensen.

The applicant wishes to build a new garage on the south side of the property and introduce a second driveway on the south side of the property to the street.

Mr. James Christensen addressed the area variance criteria as follows:

1. There will be no undesirable effect on the neighborhood. The style and color of the new garage will fit the surrounding neighborhood.
2. The existing driveway on the north side of the property allows only one, maybe 2 cars to be parked in it. He wants to construct a second driveway on the south side to be able to accommodate guest parking and to access the proposed new garage. To the south of this property is a commercial property.
3. Street parking is not allowed on Evans and there is only street parking allowed around the corner on Eagle Street, which is limited since there are rentals on Eagle St. and, it is a long walk from there to the house.
4. There will be no adverse effect on the environment since the new driveway will improve drainage on the property and alleviate run-off.
5. It is not a self-created circumstance. The issue of lack of parking became apparent after moving into the home. A garage would increase the property value since there is only a shed on the property now.

Mr. Andrews asked Mr. Grieco for clarification on the exact variances being requested by the applicant. Mr. Grieco proceeded to clarify them for the members as 1) maximum width of driveway and 2) total percentage of front yard coverage by a driveway.

Comments and questions from the ZBA:

Mr. Tuyn – Concerned about turning Evans St. into a parking lot. He sees the hardship but remains concerned about the impact on the residential character of the street. He suggested they could keep the other driveway and wrap it into the front yard then go out front first. But there is a big tree in the front yard to contend with.

Mr. Christensen stated they are proposing a width of 18' because it is very difficult to back out of the driveway into Evans St. traffic.

Ms. Fulwiler – Concerned about the whole front yard being obliterated if it were turned into a wraparound driveway. The loss of the greenspace and the tree concerned her.

Mr. Grieco – Evans is owned by the county and the county has already granted the applicant permission for the new curb cut.

Mr. Andrews – There would be 3 curb cuts between this property and that of the residential property to the north of it.

Mr. Christensen – If they had to eliminate the north curb cut and restore the property it would put them over budget.

Mr. Andrews – Applicant’s proposal exceeds the allowable coverage of a front yard by pavement by 185 sf. That’s substantial.

Mr. Tuyn – A front yard turn around driveway would destroy the large tree in the front yard.

Mr. Celeste – Concerned about the amount of proposed paved coverage of the front yard.

Mr. Grieco – Asked how long the applicant has lived on the property.

Mr. Christensen replied he bought the property about a year and a half ago. His son enjoys living in the village.

There was discussion about a scenario that if the applicant removed the existing driveway on the north side, he would not require any variance for the front yard coverage. Mr. Christensen replied he would have to get estimates for that work. If the ZBA tabled it, it would give him a chance to recalculate the costs.

Mr. Tuyn – Viewed the aerial photos of the vicinity online and noticed that the properties to the south of this property were commercial and had lots of paved surfaces for parking. He wondered if this house is allowed to get more pavement, does that bring more symmetry to this section of Evans?

Mr. Andrews – Opined it would be better for them to remove the north driveway. The property across the street is zoned MU. This is zoned R3. Could he ask for a re-zoning? Yes, he could seek a rezoning.

There were no further questions.

Mr. Andrews closed the public hearing at 7:32 p.m. Then reopened the public hearing at 7:32 p.m. to allow Mr. Tuyn to speak.

Mr. Tuyn – Asked Mr. Christensen if he would be willing to reduce the width of the new driveway on the south of the property from the proposed 18’ in the front yard to maybe 10’ in width? It would lessen the variance being sought and it would narrow the new driveway from the point of the front door out to the street. It would lower construction costs. It would not have the maximum parking out front. It would result in a lesser variance being sought and would save the big tree.

Mr. Andrews closed the public hearing at 7:37 p.m.

ON MOTION by Mr. Tuyn, seconded by Mr. Celeste, it was moved to approve the application as submitted, with the condition that the configuration of the new proposed driveway on the south side of the property, between the point of the southeast corner of the front of the house at

the front door, would narrow down to 10' in width out to the street, thereby lessening the variance being sought.

On the question:

Mr. Celeste – Is it specific to the front of the house? It was further clarified that it was to be from the front of the house at the front door out to the street that the width of the new driveway would be 10'.

Roll call:	Mr. Tuyn	Yes
	Ms. Fulwiler	Yes
	Mr. Celeste	Yes
	Mr. Andrews	No (He thinks it doesn't fit aesthetically and also has concerns for safety)

Motion carried. 3 - 1. Granted.

Without further business, Mr. Andrews asked for a motion to adjourn.

ON MOTION by Mr. Tuyn, seconded by Mr. Celeste, it was moved to adjourn the meeting at 7:45 p.m.

Motion carried. 4 – 0.

Submitted by: Deborah A. Habes,
Clerk, P/T