

Minutes of the meeting of the Village of Williamsville Zoning Board of Appeals held virtually via Zoom* at 6:00 p.m. on Wednesday, July 8, 2020.

*This meeting was held virtually due to the NYS Covid-19 lockdown regulations.

Present: Richard Andrews, Chairman
James Celeste, Member
Joseph Frese, Member
Patricia Fulwiler, Member
William Tuyn, Member

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

Excused: 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 June 18, 2020.

ON MOTION by Ms. Fulwiler, seconded by Mr. Tuyn, it was moved to approve the minutes of the 6/18/20 meeting as submitted.

Motion carried. 5 – 0.

Mr. Andrews opened the first public hearing at 6:02 p.m.

PUBLIC HEARING

51 Evans Street (R-3)

Rimme St. George, Owner/Applicant

Request for area variance from Section 112-12c(3)(d)

Which limits the max. height of an accessory structure to 14’.

Applicant wishes to replace an existing accessory building with a new one at a height of 20 ft.

Mr. Andrews read aloud the items in the file. Legal notice of this public hearing was published in the Amherst Bee on July 1, 2020.

Ms. St. George was present via Zoom and addressed the criteria. She stated she needs a new garage to replace the old one which is in need of major repairs and is too small for their current needs for more usable space. Because of this they are proposing to build a taller barn-like structure that would provide a second story which they would use for their children’s music lessons and their own office space. No undesirable change will be made to the neighborhood. They have spoken to their neighbors who have no objections. A new structure would correct

current drainage issues on the property due to differing grade levels. There are many neighboring properties that have barn-like structures of similar height which are used as garages so this one will have no impact on the neighborhood.

No one spoke from the audience either in favor of or in opposition to the variance request.

Board comments:

Mr. Frese – Was concerned about the design of the proposed structure as there were no dimensions on the sketch as submitted with the application. He stated he had visited the property and didn't think a barn-like accessory structure would be out of character with the neighborhood but was concerned about the lack of documented dimensions on the application. How could they make a fair decision based on a line drawing with no dimensions or plot plan?

There was discussion regarding the actual height of the accessory structure. Since there was some discrepancy in the application as to the height of the proposed structure, Mr. Grieco clarified the code as it pertains to max. height allowed for an accessory structure and agreed the lack of dimensions would make it difficult for the ZBA to make a decision.

Mr. Tuyn – Need more specifics. He understands the owner's limitations but the ZBA has an obligation to all the residents of the Village to make sound decisions based on specific information.

Ms. St. George stated she would very much like to get the structure built this year.

Mr. Frese – Without Mr. Masters being in attendance, it would likely be difficult for them to make a decision without his input on the issue. He opined that even with a height of 20 ft. it would be difficult to achieve a full second story height on this structure even if granted.

Mr. Andrews suggested temporarily adjourning this hearing tonight until the end to see if Mr. Masters arrives.

At 6:23 p.m., Mr. Andrews temporarily adjourned this public hearing until later in this meeting.

PUBLIC HEARING
46 N. Long Street (R-3)
Tina Amyes, Owner/Applicant
Request for area variance from Section 112-12c(3)(c)
which limits the side yard setback of an accessory structure to 2 ft.
Applicant wishes to replace an existing structure at a side yard setback of 1 ft.

Mr. Andrews opened this public hearing at 6:24 p.m.

Mr. Andrews read aloud the items in the file. Legal notice of this public hearing was published in the Amherst Bee on July 1, 2020.

Ms. Amyes, the applicant, was present via Zoom.

She addressed the criteria as follows: The current garage is too narrow so they want to replace it with a new structure that will have wider garage doors. The overhang of the new garage will encroach into the required side yard setback by one foot. The new garage will be slightly wider and the new garage doors will line up directly with the driveway making egress much safer and more convenient. The new garage will not affect the neighborhood. Cannot place a new garage anywhere else on the property. It will have a hip roof which is appropriate to the architecture of the house. It will not affect the environment. They will be improving drainage. Have spoken to the neighbors. It is not self-created. These lots are very narrow. Will provide a new site plan once a variance is granted.

No one from the audience spoke either in favor of or in opposition to the variance request.

Board comments (*applicant's comments in italics*):

Mr. Frese – Thanked the applicant for the well-done drawings. Has she considered a narrower garage door width instead of the 9' width she is submitting? *The current garage doors are not wide enough and she hopes to be able to increase the width to wider single doors for safety and ease of ingress and egress with the larger size of today's vehicles. She also favors 2 separate carriage house-style garage doors instead of one 16' wide double door. Her contractor recommended 2 nine-foot wide doors. There will also be a man-door on that side and she really prefers two single 9' garage doors.*

Mr. Celeste – No comments.

Ms. Fulwiler – No comments.

Mr. Tuyn – Could the garage be built back a bit further in the yard? *Her backyard has a steep drop-off at the rear of the yard at the creek. They will be building a retaining wall there to prevent the garage from falling into the creek, so building the new garage further back is not an option.*

With no further comments from the members, Mr. Andrews closed the public hearing at 6:42 p.m.

ON MOTION by Mr. Frese, seconded by Mr. Tuyn, it was moved to approve the application for an area variance, as submitted.

Motion carried. 5 – 0.

PUBLIC HEARING

151 Garrison Road (R-2)

Jessica Parry, Owner/Applicant

Request for area variance from Section 112-21B (5)

which limits the max. width of a driveway to 18 feet and a max. coverage of a front yard of 25%

Applicant wishes to extend driveway by adding a concrete connecting arc between curb cuts

Mr. Andrews opened this public hearing at 6:43 p.m.

Mr. Andrews read aloud the items in the file. Legal notice of this public hearing was published in the Amherst Bee on July 1, 2020.

Ms. Parry, the applicant, was present via Zoom.

Ms. Parry stated she has 2 existing curb cuts already, with a concrete pad on the south of the front yard and a driveway on the north end of the front yard. She is proposing to connect the two with a 28' x 10' concrete arched driveway. The main reason is the safety of her family and that of pedestrians and motorists. Garrison is a busy street and backing out is very dangerous with so much traffic. She wants to avoid accidents. Drivers speed all the time. She would like to have radar set up there to help prevent this speeding. There is also no curb along Garrison and guests must park along the dirt shoulder, oftentimes very close to the end of their driveway making it even more dangerous to back out onto Garrison due to blocked sightlines. There is a nearby neighbor at 247 Garrison who was granted a variance for a circular driveway. If granted, a circular driveway will enhance their property. Any drainage issues would be addressed.

Trustee Etu – Stated the Village will be taking ownership of Garrison Rd. from the County soon if it already hasn't so her issues of no curbing could be addressed. Also, the Village can ask APD to set up radar on Garrison.

No one else spoke in favor of or in opposition to the request for a variance.

Board comments (*applicant's comments in italics*) –

Mr. Tuyn – He finds the sketch unclear on where they plan to add the connector between the concrete pad and the driveway. Where in the front yard is this being proposed? *The applicant stated it would be closer to the street.* Mr. Tuyn suggested that the connector being closer to the street would be problematic. The car would still be turning as it approached the street to exit onto Garrison. Does not like the sketch as submitted. Doesn't like the arc close to the street. *Could move it closer to the house.*

Ms. Fulwiler – She is familiar with the property as she walks the neighborhood often. Has the applicant considered something behind the house? Other alternatives? *They would like to build a garage someday. They also have a walk-out basement in the rear which would be hard to access.*

Mr. Celeste – Agreed with Mr. Tuyn about the ambiguity of the submitted sketch. He understands the applicant’s problem. The new concrete arc should be closer to the house, not near the street.

Mr. Andrews - If it were moved up closer to the house it would give them relief. They already have 2 curb cuts.

Mr. Frese - The neighbor’s house at 247 Garrison has more front yard than the applicant. He is not sold on circular driveways.

With no further comments, Mr. Andrews closed the public hearing at 7:06 p.m.

Mr. Andrews asked for a motion to be brought forward.

ON MOTION by Mr. Tuyn, seconded by Mr. Celeste, it was moved to approve the application as submitted with the condition that the arc of this concrete connector driveway be located as close to the front of the house as practical and if that cannot be done because their contractor says it can’t, then they will have to return to the ZBA to seek another variance. The issue is there are no exact dimensions on the application.

On the question:

To clarify, Mr. Tuyn then revised his motion. The location of the concrete connector arch is subject to the westernmost edge of the connecting portion of the arc being no further away from the front of the house than 7 ft. (Mr. Grieco reminded the members to consider framing the motion to include that the applicant is also limited to a driveway width of no more than 18’ in the front yard since she is also asking for a variance from the max. coverage of a front yard by a driveway.) Mr. Tuyn agreed to further amend the motion to include that the connector portion shall be no wider than 10’. Mr. Celeste agreed to both amended segments of the original motion.

Motion carried, as amended. 5 – 0.

At 7:18 p.m., returning to the application for 51 Evans Rd...At this time, Mr. Frese suggested not keeping the applicant for 51 Evans Rd. waiting any longer tonight since Mr. Masters has not appeared at the meeting and make a motion to table the application. There was discussion about the possibility of going ahead tonight and granting a max. height of 20’ but Mr. Frese opined that he didn’t believe that would be enough to give the applicant a usable second story like she wants. The applicant agreed that a max. height of 22’ would be better suited to her needs and agreed further to meet again with the Building Inspector and return to the ZBA at a later date once the dimensions and plans are straightened out.

ON MOTION by Mr. Frese, seconded by Mr. Tuyn it was moved to table this application until such time that dimensions and proper plans can be submitted.

Motion carried. 5 – 0.

PUBLIC HEARING
33 Brookside Drive (R-2)
Vicky Hayes, Owner/Applicant

Request for area variance from Section 24-4A(3)(c)
which limits the max. height of a front yard fence to 3’.

Applicant seeks to install a 4’ high chain link fence in the front yard to surround her gardens.

Mr. Andrews opened this public hearing at 7:19 p.m.

Mr. Andrews read aloud the items in the file. Legal notice of this public hearing was published in the Amherst Bee on July 1, 2020.

Ms. Hayes, applicant, was present via Zoom.

Ms. Hayes addressed the criteria as follows: She has an issue with deer eating her plants and would like to install a black chain link fence around her garden beds to protect them from the deer population. She has tried everything to deter the deer from eating her plants and nothing has worked. The sections of 4’ high chain link fencing would be up around the front of the house and would not be very visible from the street, as the black chain link blends into the surroundings. She has an abundance of front yard landscaping that will help to screen the view of the chain link. She believes that due to the poor depth perception of deer, they will not be inclined to jump this fencing since it will be up closer to the house and it is chain link. She is a master gardener who has spent a lot of money on various deterrents, yet she still has deer on a daily basis munching on her gardens. She believes she has no other recourse but to install this fencing. It is not a self-created situation since she has no control over the deer population. A white decorative fence would be more visible than the black chain link. Will not be detrimental to the environment or the neighborhood.

There were no comments from the audience either in favor of or in opposition to the application.

Board comments (*applicant’s comments in italics*):

Mr. Celeste - Has she tried motion detection sprinklers as a possible deterrent? *No, she has not. She has found that deer get accustomed to situations and adapt quickly to ignore them.*

Mr. Frese – No comments.

Ms. Fulwiler – No comments.

Mr. Tuyn – Asked how high the windowsills were. *About 4’*. Everybody has a deer problem around here. Wondered if this was an attractive look. There are no renderings in the application to show how this would look in the landscape. *She does not want to have to replant her gardens year after year only to have the deer eat them again. They even eat the plants in her window*

boxes. Deer also carry ticks and are a general nuisance. Mr. Hayes added this area is also shaded so the fencing won't be very visible from the street.

Mr. Andrews closed the public hearing at 7:30 p.m.

ON MOTION by Mr. Frese, seconded by Mr. Tuyn, it was moved to approve the application as submitted.

Motion carried. 5 – 0.

There being no further comments or discussion, Mr. Andrews asked for a motion to adjourn.

ON MOTION by Mr. Frese, seconded by Ms. Fulwiler, it was moved to adjourn the meeting at 7:35 p.m.

Motion carried.

Submitted by:

Deborah A. Habes
Clerk, P/T

**Next regularly scheduled ZBA meeting will be held on August 19, 2020 at 6:00 p.m.
Please check the Village website for the latest information at
www.walkablewilliamsville.com**