

Minutes of the regular meeting of the Village of Williamsville Zoning Board of Appeals, held on March 16, 2022, in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, at 7:00 p.m.

Present: Richard Andrews, Chairman
James Celeste, Member
William Tuyn, Member
Patricia Fulwiler, Member
Christine Petrie, Member

Also present: Deborah A. Habes, P/T Clerk
Bridget Pritchard, Building Clerk
Kathleen McGraw, Acting Village Attorney
Matthew Carson, Trustee Liaison to ZBA
Tim Masters, Code Enforcement Officer

Chairman Andrews opened the regular meeting at 7:00 p.m. with the Pledge of Allegiance.

Mr. Andrews respectfully recognized the passing of Joseph Frese, longtime member of the Zoning Board of Appeals, former Village trustee, deputy mayor, 38-year member of the Williamsville Fire Department and devoted family man and offered his condolences and those of his fellow members of the Zoning Board of Appeals to Mr. Frese's family. Mr. Tuyn also spoke to the memory of Mr. Frese. A moment of silence was observed in Mr. Frese's honor.

PUBLIC HEARING

Log #2021-ZBA-10

255 Evans St., NMU (Drexel Hill Apartments)

Area Variance Requested:

Front yard parking expansion for proposed site alterations and building construction

ON MOTION by Mr. Tuyn, seconded by Ms. Fulwiler, it was moved to **TABLE** this application until the Planning Board has had a chance to complete the SEQR.

Motion carried. 5 – 0.

PUBLIC HEARING

Log #2022-ZBA-01

135 Evans St., NMU (former Blocher Home)

Area Variance Requested:

Owner requests relief from the Village Design Standards parking requirement of 1.5 spaces per unit. Request is to allow for added green space on rear of project (Requesting renewal of previous approval.)

Sean Hopkins of Hopkins, Sorgi & McCarthy PLLC, was present.

Mr. Andrews read aloud the contents of the file. Mr. Hopkins waived the reading of the legal notice.

Mr. Hopkins acknowledged the loss of Joseph Frese.

Mr. Hopkins stated he was here before the ZBA to request the renewal of the previously granted variances. The application is identical for the same parking proposal. His clients are 100% sure that there will be ample parking for residents of the proposed complex, as most of the units are one-bedroom apartments.

Mr. Andrews asked if the driveway going around the property will remain. Mr. Hopkins confirmed it will remain as it is for fire equipment access.

There were no further questions.

Comments from the audience –

Resident of 9 Clarion Ct – Would like to see People Inc. require that there be a 1 car per apartment rule to cut down on the traffic impact to Evans St. She did some research on some of their other properties and thought that it could help. She asked that to be a condition of the approval.

There were no other comments from the public.

Mr. Andrews closed this public hearing at 7:12 p.m.

PUBLIC HEARING

Log #2022-ZBA-03

152 S. Cayuga Rd. (R-2)

Lot width

Applicants wish to apply for an area variance for lot width. Plans are to demolish the existing house and construct a new house on the lot. The lot is 40' in width where 60' is required.

Mr. Andrews read aloud a letter dated 3/16/22 from Mr. Tim Masters, CEO, to the Johnsons, applicants/property owners, indicating that subsequent to his issuance of a denial of a building permit based on lot width, and upon further research and investigation, he has since revised his determination of the code compliance for lot width of the subject property. The applicants/owners can proceed with the demolition of the existing house and building permit applications for a new house to be constructed on the site. All aspects of the project have been determined to be conforming to the code. Therefore, no variances are needed.

PUBLIC HEARING

Log #2022-ZBA-02

61 S. Ellicott St. (R-2)

Applicant requests an area variance for fence height and fence transparency in a front yard.

Mr. Andrews opened this public hearing at 7:15 p.m. in Amherst, New York.

The applicant, Mark Sullivan, was present and waived the reading of the public hearing notice as it appeared in the Amherst Bee.

Mr. Sullivan stated he is asking for two variances. One for a solid wood 6' high fence to continue from his backyard out into his front yard and up to the large oak tree along his north property line, then the solid wood privacy fence would dip down to a height of 4' out to the edge of his property in the front yard. He stated he is seeking relief from the code due to continued harassment from his immediately adjacent neighbor to the north of his property. He hopes that this solid fence will help to protect his family from the neighbor's continual verbal harassment of his family and damage to his property. He stated he is seeking the variances for the safety of his family. The fence height will have no adverse effect on the neighborhood. He sees this fence as the last feasible option for him to protect his family from the neighbor's harassment. He has had to make numerous calls to the police department concerning the neighbor's behavior, and even an order of protection placed against her.

ZBA comments:

Mr. Andrews – Could he plant more vegetation along the property line in his front yard instead of building a high fence along that property line? Mr. Sullivan – He already has bushes planted there and they do not prevent her from harassing him and his family. Mr. Andrews does not believe a fence is going to stop the neighbor from yelling and harassing him.

Mr. Celeste – Understands Mr. Sullivan’s frustration.

Mr. Tuyn – Sympathetic to Mr. Sullivan’s issues with his neighbor, but he has only heard Mr. Sullivan’s side of the story, because his neighbor is not present at this meeting tonight. The ZBA has had many applications regarding the very same issue as Mr. Sullivan is having. He does not think the problem is one for the Village to solve. It is a police matter. ZBA cannot create little walled “cell blocks” throughout the Village. There are safety reasons for the code requiring transparency and height of front yard fences. This is for the safety of pedestrians and motorists. He understands Mr. Sullivan’s dilemma but believes the code is there for a purpose.

Ms. Fulwiler – No questions.

Ms. Petrie – No questions.

Anyone else in favor or in opposition of the variance requests?

Paul Krieter, 29 S. Ellicott St. – Opposed. Understands Mr. Sullivan’s problems but believes the issues are self-inflicted between the two neighbors. Believes that if Mr. Sullivan is allowed to build the higher solid fence in the front yard, it would cause bigger problems in the whole neighborhood. Would change the character of the neighborhood. It would become a “grudge fence”. Would set a precedent. Maybe it could go just halfway down the front yard.

Resident, 71 S. Ellicott St. – In favor. He has no problem with the front yard fence as proposed. Would not be the end of the world if allowed. Understands Mr. Sullivan’s dilemma. Agrees with about 90% of Mr. Sullivan’s remarks.

Mr. Sullivan took umbrage with Mr. Krieter’s comments. He acknowledged that he does raise his voice occasionally. He hopes this higher, solid fence would help the situation with his neighbor.

No other comments from the audience.

Mr. Andrews closed this public hearing at 7:46 p.m.

After deliberation, the ZBA ruled on (2) applications as follows:

135 Evans St., (Former Blocher Home)

ON MOTION by Mr. Tuyn, seconded by Ms. Fulwiler, it was moved to grant an extension of both previously granted variances, as submitted.

Roll Call:	Mr. Tuyn	Yes
	Ms. Petrie	Yes
	Mr. Andrews	Yes
	Ms. Fulwiler	Yes
	Mr. Celeste	Yes

Motion carried. 5 – 0.

61 S. Ellicott St.

ON MOTION by Mr. Tuyn, seconded by Ms. Fulwiler, it was moved to approve the area variances for height and zero transparency of the fence in the front yard, as submitted.

Roll Call:	Mr. Tuyn	No
	Ms. Petrie	Yes
	Mr. Andrews	No
	Ms. Fulwiler	No
	Mr. Celeste	No

Motion carried. 4 – 1. (2) Area variances DENIED.

In other business:

Mr. Masters informed the ZBA that the Planning Board is planning on completing the SEQR for 255 Evans St. (Drexel Hill Apartments) at their April 4, 2022, meeting.

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

ON MOTION by Mr. Tuyn, seconded by Mr. Celeste, it was moved to adjourn the meeting at 7:57 p.m.

Motion carried. 5 -0.

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

The next regularly scheduled ZBA meeting will be held on April 20, 2022, at 7:00 p.m. Refer to the official Village website for further info. at www.walkablewilliamsville.com