

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, April 20, 2022, at 7:00 p.m.

Mr. Andrews opened the meeting at 7:00 pm with the Pledge of Allegiance.

Roll Call: Present: Richard Andrews, Chairman
Patricia Fulwiler, ZBA Member
William Tuyn, ZBA Member
James Celeste, ZBA Member

Also present: Charles Grieco, Village Attorney
Tim Masters, Code Enforcement Officer
Bridget Prichard, Building & Zoning Clerk
Matt Carson, Trustee Liason

Absent: Christine Petrie

Mr Andrews stated they would wait for Tim Masters to print out the March minutes, since they only received the draft copy. He said they would approve at that time.

On the agenda:

(1) PUBLIC HEARING

ZBA LOG #-2022-ZBA-04
Special Use Permit

62 Pfohl P(R-3)

<p>PUBLIC HEARING 62 Pfohl Place. (R-3) <i>Special Use Permit-Short Term Rental</i></p>

Rick Andrews opened this public hearing at 7:00 p.m.

The owners, and applicants, Leah, and Mitchell Morcelle were present.

Rick Andrews read into the record the contents of the file.

Confirmed an inspection was completed.

Legal notice of this public hearing was duly published in the April 6, 2022 Amherst Bee, and printed notices of this public hearing were sent to the applicant and other property owners within 150' of the subject property as per code.

Rick Andrews stated the applicants are looking for a Special Use Permit, not a variance. He asked Charles Grieco to confirm they would not need to meet the Five Points.

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Charles Grieco confirmed based on 112 24 E they do not have to address the five points. They only need to prove they will meet the criteria.

The applicant Leah Morcelle read from a letter she had prepared. She stated they own 62 Pfohl Pl. and their son resides in the upper apartment. She stated he is responsible, and takes care of the property. They will be losing their lower tenant, and would like to turn that apartment into an Airbnb. She lists reasons why the Village is a wonderful place to live, and reasons why people would enjoy staying here with all the features. She claims it will not be a party house. There will be a guest limit, no air mattresses, or additional guests will be permitted. There will be smart locks, ring doorbells, and a two car limit to deter additional guests. They will also be using Minute noise software to assure noise compliance, and will have a zero tolerance policy for parties. They will also have a minimum age requirement of 25. She believes they can provide an upscale experience for their guests, as well as their neighbors.

Rick Andrews asked if there is anything else they would like to add.

Leah Morcelle said they are very serious about it, and this would give them something to do in their retirement.

Rick Andrews asked the applicants to bear with them since this was their first time with one of these permits. He asked if any of the Board Members had any questions.

James Celeste- No

Patricia Fulwiler said based on the regulations the owner must occupy the premises. She stated she assumes because their son lives there that will qualify.

The applicant confirmed her son will live there full time, and that their other son will also be moving in.

Bill Tuyn said he thought they said they planned to move into the lower apartment. He said he appreciates what they are trying to do with the ring doorbell, and noise monitoring by self-policing but said the ring doorbell is for people inside the apartment, and he has a problem with monitoring the noise, and the potential for eavesdropping.

The applicant stated they did plan to move in, later in life. Assured him that the noise monitor does not record, it is only a noise monitor device. Stated they were told when you list these things that it can help deter certain behavior.

Rick Andrews asks if there is anyone in the audience that would like to speak in favor, or opposition.

Tim Masters stated he received two letters from neighbors in opposition.

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Rick Andrews read the letters into the record.

There was discussion about certain activities, and problems that may arise and whether they could revoke the special use permit in the future. There was also discussion about how they will handle these Special use Permits going forward.

Rick Andrews closed the public hearing.

(2) PUBLIC HEARING
ZBA LOG #-2021-ZBA-10
Area Variance

255 Evans St. (NMU)

PUBLIC HEARING
255 Evans St. (NMU)
Area Variance Requested
*Applicant wishes to apply for area variances for front yard parking
Expansion for proposed site alterations and building constructions*

Ari Goldberg from Barclay Damon was present to represent Drexill Hill Apartments.

Rick Andrews stated this was originally tabled, and they were reopening the hearing. They were waiting for Planning Board to make a decision on SEQR, which they did.

Ari Goldberg discussed they were down to final site plans with Planning Board. He also discussed the addition of 44 Units. He stated there is parking in the North West, and South West, but not in the North Central area. With the addition of the 44 Units they will need to expand the parking.

- Passed out updated site plans dated 3/30/22.
 - Re-addressed the five criteria for a variance.
- Asked if there were any questions.

Rick Andrews asked Tim Masters if he had the list of what Zoning Board asked the Planning Board to look at.

Tim Masters read the list of recommendations made by the ZBA.

It was determined they complied with the recommendations listed in that letter.

Rick Andrews asked about the fire fighter access. There was discussion, and determined the conditions for the fire access are to be determined. He then asked for any questions.

James Celeste- Asked if there is a sidewalk on Essjay.

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Ari Goldberg- Advised the sidewalk is in the proposal.

Patricia Fulwiler- No questions

Bill Tuyn- No questions.

Rick Andrews asked if there was anyone in the public in favor, or opposition. There was none.

Rick Andrews closed the Public Hearing.

Rick Andrews saw Mr. Berke and asked him if he was there to speak on 62 Pfohl Place.

Mr Berke said that he was.

Rick Andrews – Advised him that hearing was closed but because we took that hearing out of order that we would reopen the hearing and allow him to speak.

Rick Andrews- Stated the hearing for 62 Pfohl Place was reopened.

Mark Berke- Stated his name and address of 50 Pfohl Pl. He stated some concerns he had, and asked about the Airbnb registry. He said the Town of Amherst has strict guidelines for the registry. He wanted to know if it was owner occupied because that may sway his opinion.

There was discussion about the steps the applicant will be taking, and the criteria that will be met.

Rick Andrews closed the Public Hearing at 8:12 PM.

The ZBA ruled as follows:

62 PFOHL PL.

ON MOTION by Bill Tuyn, seconded by Patricia Fulwiler, it was moved to **Approve** the Special Use Permit for a short term rental for the lower unit after consideration that the owners live in the Village, and the upper unit is occupied by family members..

Roll Call:	Tuyn	Yes
	Andrews	Yes
	Fulwiler	Yes
	Celeste	Yes

Motion carried. 4 – 0. Special Use Permit **Granted**.

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255 Evans St., Drexel Hill Apartments

ON MOTION by Bill Tuyn, seconded by James Celeste to **APPROVE** the variance as submitted, shown on the drawing dated 3/30/22, and as reviewed by Zoning Board of Appeals.

On the question:

Bill Tuyn wanted to compliment the developer, and the applicant for listening to the comments and making an effort to amend the site plans to appropriate the suggested changes they requested.

Roll Call:	Tuyn	Yes
	Andrews	Yes
	Fulwiler	No
	Celeste	Yes

Motion carried. 3– 1. Area variance **Granted**

Tim Masters handed out the Minutes from March 16, 2022.

ON MOTION by James Celeste, seconded by Patricia Fulwiler to **APPROVE** the minutes from March 16, 2022.

Unanimously carried.

ON MOTION by Patricia Fulwiler, seconded by James Celeste, it was moved to adjourn the meeting at 8:19 p.m.

Unanimously carried.

Bridget A. Prichard
Building and Zoning Clerk

Date of the next scheduled Zoning Board of Appeals meeting: May 18, 2022 at 7:00 p.m.