

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, June 15, 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
Christine Petrie, ZBA Member

Also present: Charles Grieco, Village Attorney
Bridget Prichard, Building & Zoning Clerk
Matt Carson, Trustee Liaison

Absent: Tim Masters
James Celeste

ON MOTION by Pat Fulwiler and seconded by Christine Petrie it was moved to **APPROVE** the April 20, 2022 Minutes.

All in favor.

Rick Andrews read into record a letter of appreciation From Leah, and Mitchell Morcelle, the owners of 38 Hirschfield.

On the agenda:

(1) PUBLIC HEARING

ZBA LOG #-2022-ZBA-06
Area Variance

1453 Wehrle Dr. (R-2)

<p>PUBLIC HEARING 1453 Wehrle Dr. (R-2) <i>Area Variance</i> <i>Applicant wishes to apply for a variance regarding fence height, and Transparency in a front yard</i></p>

Rick Andrews opened public hearing for 1453 Wehrle Dr.

Alexandra Zirkle the owner of 1453 Wehrle Dr. was present to represent the application for an area Variance. She is requesting a variance to allow for a six foot wooden stockade fence that fully encloses her front yard.

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She did not have a copy of her five criteria so she was provided a copy, and went through them. She stated she has a 15 year old son with Down syndrome, and elopement. She is requesting a variance for a fence in her front yard to deter he son from being able to get out of the yard. She stated the fence will be set back, and she understands it is an esthetic variance and plans to make it as beautiful as possible. She said there is no other way to attend to her son's safety without a fence, and since her son is tall they will require a 6 foot fence. She asked if the Board had any questions for her.

Rick Andrews stated she did not provide them anything, in regards to a layout of fence.

Alexandra Zirkle stated she was advised to wait until after the Meeting.

Rick Andrews asked if any of the board members had any questions.

Bill Tuyn asked if anyone in the public wanted to speak.

Margaret Bondonzi from 1445 Wehrle Dr. stated she had no issue with the fence. She only has one issue and that is that they have not cut their grass. She is concerned she will get rodents.

Bill Tuyn explained why they do not usually grant variances for front yard fencing, and the safety issues that come up with pedestrians, and traffic when the full view is obscured by a fence in the front yard. He asked why she can't enclose, and contain the backyard, and lock the front door.

Alexandra Zirkle stated they do use the backyard, but he still has the ability to get out. She stated, and Margaret Bondonzi agreed that no one else will be affected by the fence. She asked if it would be possible to hire a specialist to do a study and come up with a layout that will meet safety requirements.

There was discussion about the fencing codes, the layout based on the survey provided, and possible solutions.

Rick Andrews stated she could do a three foot fence in the front yard but per code you're not allow to fully enclose the front yard. Advised the applicant that she can replace the gate currently crossing her driveway with a six foot stockade fence, and that would not require a variance. He asked if any of the board members had any questions.

Christine Petrie stated her main concern is for the pedestrian safety.

Alexandra Zirkle stated that setting her fence back 15 feet mitigates that concern.

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There was additional discussion about safety concerns, and the applicant hiring a specialist to do a safety survey. There was also discussion about whether they could table the application, and what options the applicant has.

Rick Andrews advised the applicant that her options were to put in a 6 foot fence that meets code in her side yard, or she could withdraw her application and come back with more information, and an updated application showing a third variance for the front yard being fully enclosed.

The applicant chose to withdraw the application, and will reapply with more information.

The application for 1453 Wehrle Drive was officially withdrawn for more information.

Rick Andrews closed this public hearing.

(2) PUBLIC HEARING

ZBA LOG #-2022-ZBA-11
Special use Permit

47 Reist St. (R-3)

PUBLIC HEARING
47 Reist St. (R3)
Special use Permit
Applicant wishes to apply for a special use permit to operate a short term rental unit
Within the Village.

Rick Andrews opened the Public Hearing for 47 Reist St.

He advised they had the ZBA application, an inspection report from the code enforcement officer, the legal notice published in the Amherst Bee, a list of the letter notifying the neighbors, and the agenda. He advised the Board members that this application was for a special use permit, not an area variance. He advised it is owner occupied, and the applicant will just be renting out a room.

Brian O'Brien, the owner of 47 Reist St. was present to present the application for a special use permit.

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He started out by saying he has owned his home for 34 years. He is looking to rent out a room as an Air bnb. He has a cemetery near him, and a pond on the Glen side, and the neighbors on Reist are ok with it. He stated his fiancé has been doing it for five years so he is familiar with how it works. He stated there will be a three day limit, no locals, and an age limit. It will be one bedroom, one bathroom, and a small fridge. He believes that will make it difficult to have any parties.

Rick Andrews stated the code enforcement officer, and fire inspector conducted an inspection and provided the results. He read that it is one bedroom on the north east of the home as designated, the owners will continue to occupy the property, there is adequate off-street parking, and there are no other short term rentals on that block. He said the property has complied with chapter 75. Smoke, and co detectors are present, and fire extinguishers are present as required. He asked the Board if they had any questions.

Pat Fulwiler asked if part of the law is that they continue to occupy.

Chip Grieco advised they must continuously occupy the property unless the Board determines that it will not adversely affect the neighborhood.

There was discussion about the rules for the short term rental being owner occupied.

Rick Andrews asked if anyone had any other questions.

No other questions.

Rick Andrews closed the public hearing for 47 Reist St.

ON MOTION by Bill Tuyn, seconded by Pat Fulwiler to **APPROVE** the Special Use Permit with the condition that it will continue to be owner occupied.

On the question:

Roll Call:	Bill Tuyn	Yes
	Rick Andrews	Yes
	Pat Fulwiler	Yes
	Christine Petrie	Yes

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Motion carried. 4– 0.

Special use permit **Granted**

ON MOTION by Pat Fulwiler and seconded by Christine Petrie it was moved to adjourn the meeting.

Motion Carried.

Bridget A. Prichard

Building and Zoning Clerk

Date of the next scheduled Zoning Board of Appeals meeting: August 17, 2022 at 7:00 p.m.