

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, August 17, 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
Dan DeLano, Trustee Liason

Absent: James Celeste, ZBA Member
Tim Masters, Code Enforcement Officer

ON MOTION by Bill Tuyn and seconded by Patricia Fulwiler it was moved to **APPROVE** the June 15, 2022 Minutes.

All in favor.

On the agenda:

(1) PUBLIC HEARING

ZBA LOG #-2022-ZBA-12
Special Use Permit

129 S. Union Rd. (R-3)

<p>PUBLIC HEARING 129 S Union Rd. (R-3) <i>Special Use Permit-Short Term Rental</i></p>

Rick Andrews opened this public hearing.

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

He confirmed an inspection was completed, and the Inspection report was included.

Legal notice of this public hearing was duly published in the 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.

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The owner, and applicant of 129 S Union, Matt Cieslak was present.

Matt Cieslak began by saying he bought the property in late 2018/early 2019. He said it is a double lot, with a large driveway. He said the property also has some interesting commercial features not seen in a traditional home. He said he met with Tim Masters because he wanted to do something with the property, and wanted to know what his options were, and what could be done by code. He discussed some of the features of the property. He said a duplex was an option due to the zoning, but that he did not want to do a long term rental. He said he would like to have more flexibility with what he is able to do with the property, and he travels a lot and when he comes home he was a place that is quiet, where he can have is space. He said he stated looking into Airbnb as option. What he likes about the Airbnb platform is having the flexibility to hand pick the people that will stay at the property, like business travelers, and traveling nurses.

Rick Andrews asked if he was actually living in the house.

Matt Cieslak confirmed he lives in the house part time.

Rick Andrews asked Chip Grieco if he had a copy of the law.

Chip Grieco confirmed he did. He clarified that what is allowed in an R-1 Zone is also allowed in an R-3. He read from section 112-12, in regards to short term rentals.

Rick Andrews asked for verification from Chip Grieco that there is no term for the short term rental, and once it is approved it's approved, and cannot be revoked.

Chip Grieco clarified it can be revoked for non-compliance if they do not meet any of the requirements. He confirmed there is no renewal process, only a Bi-Annual inspection unless the Building Inspector determines more frequent inspections.

There was discussion about what the definition of a block would be in regards to how many Airbnbs could be allowed in an area.

Chip Grieco confirmed there is no definition of a block. He read out loud that no two short term rental units shall be located on the same residential block without a finding by the Zoning Board of Appeals that short term rentals in excess of such limitations will not adversely affect the overall character.

There was continued discussion about what could be considered a block.

There was discussion about the difference between applying for a variance, and applying for a special use permit.

Bill Tyne advised the applicant he has concerns that he is unable to be compliant being that he is a part time resident, and out of town a lot.

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Matt Cieslak stated his goal is to have someone who will be there to come in and do the cleaning, and the turnovers. He said he also has the discretion to decline renters based on their rating on the Airbnb platform. He said he could have a renter do more damage in a year than a short term renter with a good review.

There was discussion about possible conditions that could be applicant.

There was continued discussion about the requirement of the short term rental being owner occupied.

Rick Andrews asked if the applicant would be ok with appointing a 3rd party to be responsible when he was out of town.

Matt Cieslak confirmed he would be ok with that.

There was discussion between Chip Grieco and Bill Tyne about the differences between rentals, and short term rentals.

Rick Andrews read the inspection report from the Building Inspector, dated June 6, 2022.

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

No one requested to speak.

Rick Andrews asked if the Board had any questions.

There was no questions.

Rick Andrews closed the public hearing for 129 S Union Rd.

Patricia Fulwiler was concerned about the owner/occupied requirement. She does not believe that means they can delegate a 3rd party to be responsible.

There was discussion about the owner/occupied requirement.

Rick Andrews stated he does not have a problem with the application before them.

Chip Grieco stated “continuously occupied” is not defined in the code, it is up to the Board to define.

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ON MOTION by Bill Tuyn and seconded by Christine Petrie it was moved to **APPROVE the Special Use Permit.**

On the question:

Rick Andrews asked if they wanted to put a condition that the applicant provide a contact to the Building Department if he's not available.

There was discussion about what the condition would be.

ON MOTION by Bill Tuyn and seconded by Christine Petrie it was moved to **APPROVE** the Special Use Permit for 129 S Union Rd. *Subject to the applicant providing the Building Department the name of a local contact that is authorized to take action in his absence.*

Roll Call:	Bill Tuyn	Yes
	Rick Andrews	Yes
	Patricia Fulwiler	No
	Christine Petrie	Yes

Motion Carried 3-1

There was discussion in regards to a drawing Tim Masters submitted for an 18 Ft. Driveway with 2, 3 Ft. walkways on both sides. His question to the Board was if that was something that would need a variance.

It was decided that they would be adding six feet to the driveway, and that is not something that would be allowed.

Chip Grieco said Tim Masters would need to make a determination, and if they want to make an appeal they can.

The Board agreed.

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ON MOTION by Patricia Fulwiler, seconded by Christine Petrie, it was moved to adjourn the meeting.

Unanimously carried.

Bridget A. Prichard
Building and Zoning Clerk

Date of the next scheduled Zoning Board of Appeals meeting: September 21, 2022 at 7:00 p.m.