

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, January 16, 2019, 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
William Tuyn, ZBA Member
Patricia Fulwiler, ZBA Member
Joseph Frese, ZBA Member
James Celeste, ZBA Member

Also present: Deborah A. Habes, Deputy Clerk
Basil J. Piazza, Trustee Liaison
Tim Masters, Code Enforcement Officer
Timothy Boyle, Alternate ZBA Member
Mark Maczka, Alternate ZBA Member

Excused: Charles Grieco, Village Attorney

ON MOTION by Mr. Tuyn, seconded by Mr. Frese, it was moved to approve the minutes of the ZBA meeting held on November 28, 2018, as submitted.

On the agenda:

ZBA Log #19-01
Area variance

65 North Long St. (R-2)
Applicant and owner Michael Kreppel requests relief from section 112-12(2)C., minimum of 5' setback. A 1.5' variance is required.

ZBA Log #19-02
Special Use Permit

5609-5611 Main Street (MU)
Applicant and business owner, David Schutte, requests Special Use Permit per requirement of section 112-16A(6).

ON MOTION by Mr. Frese, seconded by Ms. Fulwiler, it was moved to adjourn the meeting at 7:40 p.m.

Unanimously carried.

Deborah A. Habes,
Deputy Clerk

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**ZBA-Log #19-01
Area Variance
165 N. Long St.
Applicant and owner Michael Kreppel
requests relief from section 112-12(2)C.,
minimum of 5' side yard setback. A 1.5' variance is required.**

Mr. Andrews opened this public hearing at 7:02 p.m.

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

Legal notice of this public hearing was duly published in the January 2, 2019 Amherst Bee, the newspaper of record.

The applicant waived the reading of the notice.

Property owner and applicant Michael Kreppel was present.

The applicant addressed the five criteria for an area variance as follows:

1. There will be no undesirable change to the neighborhood. There is an existing bay window on the north elevation of the home's first floor. The plan is to simply bump out the wall to extend this bay fully along the north-facing wall to straighten out the wall of the interior room. The length of the bay will increase from the existing 10' to approximately 22' back towards the rear of the existing house. The existing side yard setback will be maintained and not increased. It will remain at the current 3.5'.
2. No other method could achieve their intention to simplify and straighten out the north wall.
3. It is not a substantial request. They will be increasing their usable square footage in the house from 15 sf. to 33 sf.
4. There will be no impact on the environment.
5. It is self-created but the new construction will meet all current building codes.

There was no one in the audience who spoke in favor of the variance request.

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Those in the audience who spoke in opposition to the request:

Jean Seweryn, 75 N. Long St. – Lives in the house immediately to the north of the subject property. Does not want any further extension of the applicant's house to encroach closer to her property. Her driveway is on the side of her house that is adjacent to the applicant's house. Ms. Seweryn stated her driveway is already close to her neighbor's house as it is and experiences drainage problems on that side.

Mr. Tuyn explained to Ms. Seweryn that according to the plans submitted, the proposed action will not encroach any further toward her property than what is there now. The same existing non-conforming setback will remain.

Board members' comments:

Mr. Tuyn – Noticing on the survey there is also a proposed detached garage being proposed for construction on the south side of the property, Mr. Tuyn asked about the plans for the new garage and if there was also a need for an area variance for side yard setback for that. The applicant responded that all setbacks for the new garage have been modified to conform to the zoning code. Building Inspector Masters agreed. He reported that the property owner revised his plans for the new detached garage on the south side of his property so as to conform to all setback requirements. He therefore does not need to pursue an area variance for any setback issues regarding the new detached garage. The only issue before the ZBA tonight is for the side yard setback on the north side of the house and the straightening out of the north side bay bump out. The side yard setback will remain at the current 3.5', as per plans submitted.

Ms. Fulwiler – Asked about the banked soil under the current bay and if the grade level would be increased with the new construction. The applicant responded that the grade will remain about the same. Ms. Seweryn was concerned there could be increased drainage onto her property due to the new construction.

Building Inspector Masters - Stated that drainage issues will be addressed during the building permit process and must conform to the code.

Mr. Celeste – Asked if there were plans for any windows in the new wall. The applicant stated they may decide to install a few clerestory style windows but are not sure at this point.

Mr. Andrews closed the public hearing at 7:20 p.m.

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Based on the findings of this public hearing, the following resolution was brought forward:

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

Roll call:	Tuyn	Yes
	Andrews	Yes
	Frese	Yes
	Fulwiler	Yes
	Celeste	Yes

Unanimously carried.

Area variance granted from Section 112-12 (2) C.

ZBA Log #19-02
Special Use Permit
5609-5611 Main St.
Applicant and business owner, David Schutte,
requests a Special Use Permit per requirement of Section 112-16A(6)

Mr. Andrews opened this public hearing at 7:20 p.m.

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

Legal notice of this public hearing was duly published in the January 2, 2019 Amherst Bee, the newspaper of record. The reading aloud of the legal notice was waved by the applicant's representative.

David Sutton of Sutton Architecture was present to represent the application for a Special Use Permit. He explained the proposed use of the property is for a new craft-brewery and restaurant. The west building will house the brewery operations. The east building will house the restaurant operations.

Mr. Celeste asked what will occupy the rear of the property. Mr. Sutton responded that there will be an open-air patio/beer garden at the rear of the property.

Mr. Sutton explained that the proposed use of this property as a brewery is allowable under the Village Zoning Code but requires a Special Use Permit to proceed. The Village code actually

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encourages this type of manufacturing in the MU District. The primary purpose of the brewing operation is to provide for on-premises consumption. It is a craft-brewing operation. Mr. Sutton explained that there may be a small percentage of product that will be sold to nearby restaurants, but it will be mainly consumed on premises by patrons of the restaurant which will occupy the eastern building on the lot.

Mr. Tuyn concurred with Mr. Sutton's assessment. He sees nothing in the Village Code that says this Special Use Permit should not be granted for the use as requested.

There was no one in the audience who made any comments either in favor of or in opposition to the request.

Mr. Frese asked if there would be preventive measures incorporated in the case of run-off of any spills, etc. into the adjacent Ellicott Creek. Mr. Sutton replied that the kettles will be set into a trench drain in the basement of the west building. The Agriculture Dept. oversees these types of operations very carefully. All waste will go directly into the sanitary sewer system. The only by-products from the operations are water, steam and mash. There is no hazardous waste created and no noise pollution.

Mr. Andrews closed the public hearing at 7:35 p.m.

After discussion based on the findings of this public hearing, the following resolution was adopted:

ON MOTION by Mr. Tuyn, seconded by Mr. Frese, it was moved to grant the Special Use Permit as submitted and reviewed this evening for the property at 5609-5611 Main St.

On the question, Mr. Andrews suggested something to be added to clarify that this Special Use Permit was for the property's specific use as a craft brewing operation, so the use couldn't be changed in the future without first coming before the ZBA for review and approval.

Mr. Tuyn agreed to amend his resolution, and Mr. Frese concurred, *to add the following condition:*

To restrict this Special Use Permit to a craft-brewing operation in support of an on-site restaurant operation., at the property known as 5609 – 5611 Main St., as presented tonight.

Roll call:	Tuyn	Yes
	Frese	Yes
	Andrews	Yes
	Fulwiler	Yes
	Celeste	Yes

Unanimously carried. **Special Use Permit granted per Section 112-16 A (6).**

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In other business:

- ZBA Calendar of Meeting Dates for 2019: Mr. Andrews would like to re-schedule the November meeting date to November 20th due to a conflict he and his fellow fire department members have with an annual November fire dept. training meeting. All members agreed to the change in date. This change will be relayed to the Building Dept.
- The ZBA requests Village Attorney Grieco arrange a date for a training session for ZBA members in fulfillment of their annual training requirement.
- The next meeting of the ZBA will occur on February 20, 2019 at 7:00 p.m. Mr. Masters informed the board that there will be one item on the agenda at that time.

Mr. Tuyn informed the members that he will not be able to attend the February 20th meeting.