

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, June 19, 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
Patricia Fulwiler, ZBA Member
James Celeste, ZBA Member
Joseph Frese, ZBA Member
William Tuyn, ZBA Member
- Also present: Charles Grieco, Village Attorney
Deborah A. Habes, Clerk-P/T
Tim Masters, Code Enforcement Officer
Basil J. Piazza, Trustee Liaison
- Excused: Mark Maczka, Alternate ZBA Member
Timothy Boyle, Alternate ZBA Member

Mr. Andrews announced that the minutes from the May 21, 2019 Zoning Board meeting would be approved at the next meeting.

On the agenda:

(2) PUBLIC HEARINGS

ZBA Log # 19-12
Area variance

104 Orchard Street (R-3)
Applicant and owner, Robert Attea, requests relief from Code 112-21B(5), which states that a driveway may extend from the front edge of a property through the front yard to the side or rear yard, and that the maximum width of a driveway at the street line and within the front yard shall be 18 feet. Owner wishes to construct a horseshoe driveway with two exits on Orchard St.

ZBA Log # 19-13
Area variance

178 Arend Avenue (R-3)
Applicant and owner, Jesse Mankowski, requests relief from Code 112-12C(3)(d), which limits the maximum height of an accessory structure to 14 feet. Owner wishes to construct a detached garage with a 20' ridge height.

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**PUBLIC HEARING
104 Orchard Street (R-3)
Area variance**

Applicant and owner, Robert Attea, requests relief from Code 112-21B(5), which states that a driveway may extend from the front edge of a property through the front yard to the side or rear yard, and that the maximum width of a driveway at the street line and within the front yard shall be 18 feet. Owner wishes to construct a horseshoe driveway with two curb cuts on Orchard St.

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 June 5, 2019 Amherst Bee.

Mr. Andraccio (sic), the homeowner's builder, addressed the area variance criteria as follows:

There will be no undesirable change to the neighborhood. The only other solution to the tight parking situation on Orchard St. is to provide extra off-street driveway space with a circular driveway. Orchard Street is very narrow and this will greatly enhance traffic flow. There are several neighboring houses that also have circular driveways, for the same reason. It is a wide lot (104'). It is not a substantial request. It will only enhance the property and the neighborhood. They need the extra driveway curb cut of 18' for proper ingress and egress to the street.

No one in the audience spoke in opposition to the variance request.

Member(s) of the audience who spoke *in favor* of the variance:

Ron Rubino of 110 Orchard – He also has a circular driveway because Orchard St. is so narrow; it would relieve parking on the street; firetrucks and delivery trucks have a hard enough time as it is. The only request Mr. Rubino made was at the request of his neighbor Melissa Sams who lives directly across the street in the red house from the new house. She asks that the new driveway curb cut not be directly opposite her curb cut for safety and ease of backing out. Mr. Andraccio stated the new curb cut would be off-set from Ms. Sams' curb cut.

Board comments [*Applicant's responses in italics*]:

Mr. Tyson – Initially raised concern about the distance the house was set back from the street, but eventually thought it would not pose a problem.

Mr. Frese – There is plenty of front yard space. The curb cuts will be 18' each and are set wide enough apart.

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Mr. Andrews – Asked CEO Masters if there was any problem with exceeding 25% front yard coverage by a driveway. Mr. Masters responded that there was no problem.

Ms. Fulwiler – Is there a garage at the front of the house? *[It is a side load garage.]* Will they be removing a lot of the trees? *[Just the scrub brush.]*

Mr. Celeste – Will the driveways be concrete? *[Yes.]*

There being no further comments, Mr. Andrews closed this public hearing at 7:27 p.m.

PUBLIC HEARING
178 Arend Ave. (R-3)
Area variance

Applicant and owner, Jesse Mankowski, requests relief from Code 112-12 C (3) (d), which limits the maximum height of an accessory structure to 14 feet. Owner wishes to construct a detached garage with a 20' ridge height.

Mr. Andrews opened this public hearing at 7:28 p.m.

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

Legal notice of this public hearing was duly published in the June 5, 2019 Amherst Bee.

Property owner Jesse Mankowski was present.

He addressed the area variance criteria as follows: His family needs more storage space for cars and equipment. The current garage is too small to fit his wife's car and all their children's bikes, etc. the proposed new garage would be 24' x 24' and he would like the extra height to allow him maximum storage space. It won't affect the environment. There would be no undesirable change to the neighborhood. There are many garages in the neighborhood and village that are of the same height as he is proposing. It is not a substantial request. It is not self-created.

There was no one in the audience who spoke in opposition to the request.

Member(s) of the audience who spoke *in favor of* the request:

Jason Stiffler, 48 Stanton St. – No issues with it.

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Board comments *[Applicant's responses in italics]:*

Mr. Celeste – Will he move the new garage closer to his house? *[Yes.]*

Mr. Tuyn – Asked the existing of height of current garage. *[11'.]* Questioned need for additional height. *[Wouldn't give him much extra storage if he can't get the extra height above the cars. 20' is good for him.]* Will new garage roof pitch match the house pitch? *[Yes. Will match the pitch of the house's side gable.]*

Mr. Frese – Sees it as a solution to the dilemma of needing extra storage space.

There being no further comments, Mr. Andrews closed this public hearing at 7:39 p.m.

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Following the public hearings, the members of the Zoning Board made their decisions as follows:

104 Orchard Street (R-3)

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

On the question:

Ms. Fulwiler – Doesn't see on the plans what it will look like.

Mr. Celeste – They will have to comply with lot coverage anyway.

There was discussion re the proposed width of the driveway. Mr. Tuyn thinks it is more important that the site is functioning. The owners are making a great effort to build a beautiful home. They are limited by the code as to how much of the property they can cover. And it won't exceed the max of 25 %. Mr. Frese is confident that it will be fine. He visited the site and sees no problem with the proposal.

Mr. Andrews is concerned that someone could ask for several curb cuts that would be too close together. Should ZBA recommend to the Village Board better definitions?

Mr. Tuyn agreed to amend his motion to restrict the width of the driveways to 18' maximum on the horseshoe section. It is cumulative.

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Roll call:

Tuyn	Yes
Frese	Yes
Andrews	Yes
Fulwiler	Yes
Celeste	Yes

Unanimously carried. **Area variance granted.**

178 Arend Ave. (R-3)

ON MOTION by Mr. Frese, seconded by Ms. Fulwiler, it was moved to grant the area variance as submitted, as he (Mr. Frese) was in the same situation 30 years ago, with the following condition: that the height of the new garage shall be no more than 20’.

Roll Call:

Tuyn	Yes
Frese	Yes
Andrews	Yes
Fulwiler	Yes
Celeste	Yes

Unanimously carried. **Area variance granted.**

In other business:

SEQR Training and FCC Regulations – Village Board still has to approve this for training. Mr. Grieco could do a training class for the ZBA in both the cell tower and SEQR at the next scheduled meeting in August.

ON MOTION by Mr. Celeste, seconded by Mr. Frese, it was moved to adjourn the meeting at 8:00 p.m.

Unanimously carried.

Deborah A. Habes
Clerk-P/T

Date of the next scheduled Zoning Board of Appeals meeting: August 7, 2019 at 7:00 p.m.