

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, August 7, 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
Mark Maczka, Alternate ZBA Member

Also present: Charles Grieco, Village Attorney
Deborah A. Habes, Clerk-P/T
Tim Masters, Code Enforcement Officer
Matthew J. Etu, Trustee Liaison to ZBA
Basil J. Piazza, Trustee

Excused: William Tuyn, ZBA Member
Joseph Frese, ZBA Member
Timothy Boyle, Alternate ZBA Member

ON MOTION by Ms. Fulwiler, seconded by Mr. Maczka, it was moved to approve the minutes of the May, 2019 meeting, as submitted.

Motion carried. 5 – 0.

ON MOTION by Mr. Celeste, seconded by Ms. Fulwiler, it was moved to approve the minutes of the June 2019 meeting as submitted.

Motion carried. 5 – 0.

Mr. Andrews announced that no decisions would be made tonight regarding the Blocher Home request for three (3) variances. These will not be heard until the September or October Zoning Board meeting due to SEQR requirements.

Due to the large public attendance at this evening's meeting regarding the variance request for the property at 135 Evans St., Mr. Andrews stated that the board would reverse the order of public hearings tonight and hear first from the applicant from 178 Arend Ave.

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On the agenda:

(2) PUBLIC HEARINGS

ZBA Log # 19-14
(3) Area variances

135 Evans Street (NMU)
Owner requests relief for three variances related to the design standards for an addition to their building at the above address. Two area variances for side yard setback as well as an area variance for building square footage are required to proceed with the project.

ZBA Log # 19-15
Area variance

178 Arend Avenue (R-3)
Applicant and owner, Jesse Mankowski, requests relief from code to allow for his new driveway to exceed the 18' maximum requirement. Owner wishes to install driveway at 24'.

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

Applicant and owner, Jesse Mankowski, requests relief from Section 112-21B (5) of the Zoning Code, which limits the maximum width of a driveway to 18 feet. Owner wishes to install a new driveway with a width of 24' to match the proposed new garage width of 24'.

Mr. Andrews opened this public hearing at 7:06 p.m.

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

Legal notice of this public hearing was duly published in the July 31, 2019 Amherst Bee, and printed notices of this public hearing were sent to property owners within 150' of the subject property as per code.

Property owner Jesse Mankowski was present.

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He addressed the area variance criteria as follows:

He would like to keep the width of the new driveway the same width of his new garage which is also 24' wide. He cannot stack his cars in the driveway because the length of the driveway to the street is too short. The absolute minimum width he could ask for would be 20'. It won't affect the environment. There would be no undesirable change to the neighborhood. There are no other driveways near this one. It is not a substantial request. It is not self-created.

There was no one in the audience who spoke in opposition or in support of the request.

No comments or questions from the board.

There being no further comments, Mr. Andrews closed this public hearing at 7:12 p.m.

<p style="text-align: center;">PUBLIC HEARING ZBA Log # 19-14 135 Evans Street (NMU) – Blocher Home</p>
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This public hearing is being held for the purpose of considering the request of applicant Blocher Home, owner of 135 Evans, for relief from Section 112-17 (B) (2) (h) of the Zoning Code to allow a side setback of 223' from the south property line, as well as a setback of 101' on the north property line where 40' max is required. Applicant also seeks relief from Section 112-17 F (2) (c) of the zoning code to allow a total footprint of 49,989 sq. ft. for one single building where a maximum of 10,000 sq. ft. per building is allowed.

Mr. Andrews opened this public hearing at 7:13 p.m.

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

Legal notice of this public hearing was duly published in the July 31, 2019 Amherst Bee, and printed notices of this public hearing were mailed to property owners within 150' of the subject property as per code.

Project attorney Sean Hopkins and project architect Matthew Long were present.

Mr. Hopkins stated they were not asking for any decisions this evening. They realize that the SEQR must be completed. The Planning Board at their meeting on August 5, 2019 declared themselves as lead agency for the SEQR on this project. As a result of this, the Planning Board tabled further project review until their October 7, 2019 meeting. Also, On August 1, 2019, the

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applicant held an informational meeting with concerned neighbors. They will most likely be making some modifications to the plans as a result of the neighbors' input.

Mr. Hopkins gave a brief overview of the proposed multi-family project. The site will be repurposed from an existing assisted-living facility to a mix of 87 mixed-income, one and two bedroom apartments. The work consists of renovation of the existing structure and the construction of a new 2 and 3 story addition fronting Evans Street. The project site consists of 5.62 acres. The village code requires that in an NMU District, new construction come up to the street. They are proposing a setback of 20' to provide more open space. They will add more parking for a total of 131 parking spaces.

They are requesting three variances from the code. The first and second variances refer to the side yard setbacks. The proposed south side yard setback measures 223' and a maximum 40 ft. setback is required and the northern setback is proposed for 101' and a 40' maximum is required. The third refers to the maximum allowable footprint of 10,000 sf. The existing Blocher Home building was built fifty years ago, predating the new code, with a 24,780 sf footprint, so it already exceeds the new code. With the new proposed addition of 25,209 sf, the total building footprint totals 49,989 sq. ft., thus exceeding the total allowed by code.

Mr. Hopkins stated there will be adequate greenspace and plenty of on-site parking. There are alternatives but they wouldn't allow the owners to realize full financial return. They are asking for much deeper setbacks than what is required by today's code. They have submitted for the SEQ. It is not self-created. The existing building goes back 50 years and although conforming at that time, it is non-conforming according to today's code.

Updates will be submitted before the next Zoning Board meeting of September 18, 2019.

Public Comments:

1. Douglas Coppola, 215 Village Pointe Lane – Submitted and read aloud a statement from Paul Comeau and Victoria D'Angelo, owners of 216 Village Pointe Lane, who could not be in attendance at tonight's meeting. They are in opposition to the proposal.

Mr. Hopkins stated that the driveway onto Village Pointe Lane from the Blocher property is still on the plan.

2. Jeffrey Mucciarelli, 240 Village Pointe Lane – Asked who Mr. Hopkins represented and that they have to consider the traffic impact and the value of their homes. It's a nice, quiet neighborhood now. It will also impact taxes. Village should do a traffic study. Believes it to be profit-driven.

Mr. Hopkins responded that he represents the current owner of the property, Blocher Home.

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Jocelyn Bos, Vice-president of People Inc. Housing Development – Responded that it is the intent of People Inc. to purchase the property from Blocher Homes. The median income of the intended tenants is \$68,000, and minimum age to rent apartments will be 18.

Mr. Mucciarelli was concerned with why they want to build one huge building and not have smaller buildings. Mr. Hopkins acknowledged that they could propose multiple buildings on this property and not have to seek variances, however, they want to proceed with this plan so they don't have to go for other possible variances in the future.

3. Beverly LoTempio, 247 Village Pointe Lane – Questioned the credentials of People, Inc. What experience do they have with high-end projects? Submitted for the record a report regarding tax-credits housing and the current People Inc. properties in Buffalo, Tonawanda and North Tonawanda. She also submitted for the record an article regarding affordable housing.
4. Kyle Reynolds, no address given – Questioned the impact on the neighborhood. In favor of People Inc. as he is a special education teacher, but is not in agreement with the proposed setbacks of the project.
5. Nancy Boulden, 1 and 9 Clarion Ct. – Happy no decision is being made tonight. Wants only the minimum if variances are granted. Questioned the setbacks code and the lack of elevation drawings of the proposed east side of the building and the rear of the site. Was left out of the notification process.

Village Attorney Grieco stated that the Village code requires property owners within 150' of the subject property to be notified of any requests for variances.

Ms. Boulden is not in favor of that.

6. Craig Speers, 148 Winston Rd., Buffalo – His mother is a resident of Blocher Home. Asked Zoning Board to reject the requests for variances. Believes the project impacts the neighborhood negatively. Will radically change the quality of life in the neighborhood. Will destroy wildlife. Residents love the environment just as it is now. Will leave 57 Blocher residents looking for a place to live. Believes that People Inc. will get tax credits as the buyer of the property.

Zoning Board Chairman Andrews responded that the ZBA cannot speak to the intentions of People Inc.

7. Darlene Tiftickjian, 304 Village Pointe Lane - Opposed. Traffic is a huge problem. Against exit onto Village Pointe Lane. These residents bought their homes knowing that Blocher Home was there. There is a lot of beautiful greenspace on the property. Will be less green space on the east.

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8. Diane Hein, 207 Village Pointe Lane – Opposed. Has the longest property line against the Blocher Home property. There will be more activity here if project is allowed. There will be additional lighting, traffic, snow storage, etc.
9. William Hein, 207 Village Pointe Lane – Opposed. Questioned the size and use of the terrace facing Evans Street. Questioned the veracity of what was being shown about a fence at the rear of the property. Would like to see what the project would look like without receiving any variances.

Mr. Hopkins responded that this was conceptual rendering and not a site plan.

Ms. Fulwiler clarified the code regarding setbacks – the applicants are seeking variances for *more* than what the code requires. Code requires all new parking to be located at the rear of buildings.

10. Isabelle and Michael Robitaille, 311 Village Pointe Lane – Opposed. Submitted a statement for the record.
11. Mr. and Mrs. Sam Spritzer, 210 Evans St. – Opposed. Live across the street from Blocher Home. Questioned front yard setback, height, traffic, Master Plan compliance. Buildings to be built on this property.

Mr. Grieco responded that the Village’s Comprehensive Plan’s setback requirements for Main Street’s NMU District are the same for this NMU zoned property.

12. Tom and Stacey Hildreth, 255 Village Pointe Lane – Opposed.
13. Sheila Roehmholdt, 239 Village Pointe Lane and John Roehmholdt, 231 Village Pointe Lane – Object to variance #3 especially. Just because a building was built many years ago, does not mean a large building can built there again.

Mr. Andrews responded that today’s code would allow several buildings with a maximum 10,000 sf each could be built on this property without having to seek a variance.

14. Cathy Bloom, 9 N. Ellicott St. – Used to live across the street from Blocher and now works there. Opposed to project. Traffic is already bad. Concerned for residents’ well-being. They are disturbed and upset with the news of being displaced.
15. Meredith Klein, 102 N. Ellicott St. – Opposed. Traffic will get worse. Worked with geriatric population for many years and this project will affect the mortality of the residents.
16. Joe Lenahan, 147 N. Ellicott St. – Opposed. Believes the look of the proposed building is out of character with the Village. Hopes project will adhere to all setbacks and codes.

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17. Bill Taylor, 136 Evans St. – Opposed to excessive size and scale. NMU District should have started north of Essjay Rd. This project better fits Main Street than Evans St. This new building will block the sun and his view from his porch will be adversely affected. Noise and air quality will also be affected. Questioned the large size of the building. Would rather see several smaller buildings. Sits on bedrock of the escarpment and will cause problems.
18. John Ciminelli, 600 Essjay Rd. – This is a big project and site. It is a large variance, not a gradual enlargement of the current building. Even if the site could take more buildings, the foot print variance is major. It is not in character with the neighborhood. What will they ask for in the future?
19. Douglas Coppola, 215 Village Pointe Lane – He is one of the newest residents on Village Pointe Lane. This proposed development will devalue his own property. Will eliminate greenspace. More people will be walking their dogs. . Noise will increase. Not enhancing the neighborhood. Feels badly for the Blocher residents. Hopes there is no rush to judgement on this matter.

Village Attorney Grieco explained for the audience the SEQR process and the role of the Planning Board as ultimately responsible for review and approvals. This is a coordinated review.

20. Coppola Drozda Family, 295 Village Pointe Lane – Opposed.
21. Riatz Hassanali, 115 Village Pointe Lane – Opposed. Parking lot will come 5’ closer to his house. He also gets a lot of trash on his property from the Blocher property.

Trustee Etu – Water quality planter basins will be installed in the ground. These reduce the amount of rainwater from what he now gets. Town of Amherst will have to review it and also Traffic & Safety. Village Traffic & Safety Committee reviewed this in July but it was the same meeting date as the date that the Traffic Study was submitted so they did not have time to review the study. It will be discussed at their September meeting. Traffic & Safety Committee is only advisory to the Planning Board. It does not have a public hearing component, and neither does the Planning Board. Planning Board does not have to accept the recommendations of Traffic & Safety Committee. The Planning Board and Zoning Board are independent decision-making bodies. The Village Board has no authority on this matter at all.

Mr. Masters asked anyone who wished to submit in writing their comments, could do so to the Building Dept. who will forward them on to the proper committees/board.

Mr. Grieco reiterated that there is no requirement for the Planning Board to hold public hearings.

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Mr. Hopkins stated that he used the same 150’ written notice procedure as the Village’s ZBA requirement when notifying neighbors. He will mail or email future notices to anyone who shares their email or home address with him.

Mr. Grieco stated the earliest anything could happen would be in October. He explained the meeting schedule.

Mr. Hopkins stated the Zoning Board of Appeals will not vote on this at their September 18th meeting.

Mr. Ciminelli stated he would send Mr. Hopkins his email list of neighbors.

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

135 Evans Street (Blocher Home)

ON MOTION by Ms. Fulwiler, seconded by Mr. Celeste, it was moved to **TABLE** this public hearing and continue it at the September 18, 2019 Zoning Board of Appeals meeting.

Roll Call:

Maczka	Yes
Andrews	Yes
Fulwiler	Yes
Celeste	Yes

Motion carried. 4 – 0.

ON MOTION by Ms. Fulwiler, seconded by Mr. Celeste, it was moved that the Zoning Board of Appeals hereby concurs that the Planning and Architectural Review Board shall act as the Lead Agency in the matter of the proposal for Blocher Home, 135 Evans Street.

Roll Call:

Maczka	Yes
Andrews	Yes
Fulwiler	Yes
Celeste	Yes

Motion carried. 4 – 0.

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178 Arend Ave. (R-3)

ON MOTION by Ms. Fulwiler, seconded by Mr. Celeste, it was moved to grant the variance for a 24' wide driveway, as submitted.

Roll Call:

Maczka	Yes
Andrews	Yes
Fulwiler	Yes
Celeste	Yes

Motion carried. 4 – 0.

ON MOTION by Ms. Fulwiler, seconded by Mr. Celeste, it was moved to adjourn the meeting at 9:20 p.m.

Motion carried. 4 – 0.

Deborah A. Habes

Clerk-P/T

Date of the next scheduled Zoning Board of Appeals meeting: September 18, 2019 at 7:00 p.m.