

Minutes of the Village of Williamsville Zoning Board of Appeals held at Village Hall, 5565 Main Street, Williamsville, New York, on Wednesday, October 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
Patricia Fulwiler, ZBA Member
Joseph Frese, ZBA Member
William Tuyn, ZBA Member
Mark Maczka, Alternate ZBA Member

Also present: Charles Grieco, Village Attorney
Deborah A. Habes, Clerk-P/T

Excused: James Celeste, ZBA Member
Timothy Boyle, Alternate ZBA Member
Tim Masters, Code Enforcement Officer
Matthew J. Etu, Trustee Liaison to ZBA

ON MOTION by Ms. Fulwiler, seconded by Mr. Frese, it was moved to approve the minutes of the September 18, 2019 meeting, as submitted.

Unanimously carried.

On the agenda:

(2) PUBLIC HEARINGS

ZBA Log # 19-16
Area variance

68 Monroe (R-2)
Applicant and owner, requests relief from code to allow for his new driveway to exceed the 18' maximum requirement. Owner wishes to extend driveway to 26'.

ZBA Log # 19-14
Area variance

135 Evans Street (NMU)
Owner requests relief from the Village Design Standard parking requirement of 1.5 spaces per unit. Proposed parking for the new project would be 107 Spaces where 147 would be required. Request is to allow for added green space on rear of project.

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Mr. Andrews announced that since there have been significant changes to the site plan for the applicant's property at 135 Evans Street since the August 7, 2019 ZBA public hearing, the Zoning Board members would take a vote tonight on the question of whether to open at this meeting tonight the public hearing regarding 135 Evans Street (Blocher Home).

On the question of whether the ZBA members wish to open the public hearing tonight regarding 135 Evans Street, Blocher Home (Log #2019-14):

Roll call:	Tuyn	No
	Frese	No
	Andrews	No
	Fulwiler	No
	Maczka	No

Unanimously carried.

November 20, 2019 at 7:00 p.m. is the next scheduled Zoning Board of Appeals meeting.

<p>PUBLIC HEARING 68 Monroe Drive (R-2) Area variance</p>
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Mr. Andrews opened this public hearing at 7:04 p.m.

This is a request for relief from Section 112-21B (5) of the Zoning Code, which limits the maximum width of a driveway to 18 feet. Owner wishes to extend his current 17' wide driveway to a width of 26 ft.

This application was TABLED at the September 18, 2019 meeting of the Zoning Board of Appeals.

The applicant, Mr. Dagostino, was present.

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

Legal notice of this public hearing was duly published in the September 11, 2019 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 applicant addressed the criteria for an area variance as follows:

1. There will be no undesirable change to the neighborhood. Widening the driveway will make it more level, stop puddling and tire ruts which are hazardous. There are other similar driveways throughout the Village.
2. Cannot be achieved any other way since he wants to provide room for 2 cars. The existing driveway is extremely shallow due to the location of the house and attached garage. Wants to make safer ingress/egress into the cars parked there.
3. It is not a substantial request, as it is only 8' more.
4. There will be no environmental impact. Will be visually more pleasing.
5. It is not a self-created situation. The house was built in 1930, long before family vehicles were the norm. Times have changed with regard to families having multiple vehicles and children driving.

The applicant submitted photos of the existing house/garage and driveway to the ZBA. The photos showed existing ruts and puddles.

No one in the audience spoke in favor of or in opposition to the request for this variance.

There being no comments from the public, Mr. Andrews then opened up the hearing for discussion between the ZBA members and the applicant. *(Applicant's comments are in italics.)*

Mr. Celeste – No questions.

Ms. Fulwiler – If he has two boys driving, this won't solve the problem. *He could park one car in the garage in winter and the rest of the year on the street.*

Mr. Frese - No questions.

Mr. Tuyn – Asked if applicant is willing to add a parking pad on the west side of his garage and narrow the street cut. With 2 cars parked next to each other, it would cause a blind spot backing out over the sidewalk and onto the street. *He could. That would be his Plan B. It would cause him to have to drive through the lawn. He can't jam 3 cars into the driveway. He has zero depth.*

Mr. Frese – Could he make it 4' wider instead of 8'? He could add stamped concrete to the side. *Prefers to prevent unevenness by pouring concrete to an 8' width.*

Mr. Andrews closed the public hearing at 7:21 p.m.

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Mr. Frese brought forth a motion to deny the request. There was no second on this motion.

Upon further discussion, Mr. Frese then brought forth an amended motion:

ON MOTION by Mr. Frese, seconded by Ms. Fulwiler, it was moved to approve the area variance as follows: *To allow a 9' wide x 29' long concrete slab driveway extension on the east side of the existing concrete driveway with said new concrete extension angling to the existing driveway where it meets the inner edge of the public sidewalk so as not to be wider than the existing curb cut.*

Unanimously carried, as amended.

Before adjourning, a member of the audience, Victoria D'Angelo of Village Pointe Lane, asked the ZBA why they still held the meeting tonight even though they decided not to open the public hearing regarding the project at 135 Evans St. (Blocher Home). There were many members of the public here who thought the public hearing was going to go on tonight.

Mr. Andrews replied that the ZBA still had to meet tonight in order to vote on whether or not the members wished to hear it at tonight's meeting. There have been many changes to the plans since the last ZBA meeting. Village Attorney Grieco concurred. ZBA cannot act on the variance until the Planning and Architectural Review Board (PARB) makes its SEQR determination as the ARPB is the lead agency. The Blocher Home proposal is an allowed use for the zoning of this property. The Village Board amended the zoning map in 2015. The revised plans most recently submitted for review required the applicants to seek a variance for the number of parking spaces being proposed. If granted the variance for parking spaces, and there are no further changes to the plans that would require a variance or variances from the Zoning Board of Appeals, the plan review moves on to the PARB, who has been determined to be the lead agency on this project and will be the final step in the review and approval process. Before reaching the PARB, site plans will be reviewed by the Traffic & Safety Committee and the Environmental Advisory Committee. These are advisory committees to the PARB. Their recommendations will be forwarded to the PARB who makes the final decision after considering all aspects within their purview. The Village Board has no jurisdiction in the matter of the proposed Blocher Home project since it is an allowable use of the property.

ON MOTION by Mr. Tuyn, seconded by Mr. Frese, it was moved to adjourn the meeting at 7:38 p.m.

Unanimously carried.

Deborah A. Habes

Clerk-P/T

Date of the next scheduled Zoning Board of Appeals meeting: November 20, 2019 at 7:00 p.m.