

****TOWN OF GRAND ISLAND**
ZONING BOARD OF APPEALS**

**MINUTES
February 3, 2022**

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TOWN CLERK
GRAND ISLAND, N.Y.

MEMBERS PRESENT: Chairman Bob Mesmer, Betty Harris, John Braddell, Dan Drexelius and Alternate Vienna Haak

MEMBERS ABSENT: Tim Phillips

OTHERS PRESENT: Ronald Milks, Code Enforcement Officer
Tony Fischione, Code Enforcement Officer
Rhonda Tollner, Zoning Clerk
Mike Madigan, tech support

*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Zoning Board of Appeals of Grand Island will be held electronically via the Town’s website link/You Tube Channel as well as a public meeting open for the public to attend in person. Members of the public may view the Zoning Board’s meetings by connecting to the You Tube Channel via the Town’s website: www.grandislandny.us. or be heard by connecting via the zoom link provided on the Town’s website.

Chairperson, Robert Mesmer opened the meeting at 7:00 p.m. and introduced the members of the Zoning Board of Appeals and explained the process.

NEW BUSINESS:

- 1) **2975 Stony Point Road – Christopher Lengyel**
This property is zoned R-1D. The applicant is requesting to construct a 30’ x 40’ x 18’ detached garage. Currently, there is a 528 sq. ft. attached garage. This is a deep lot. There is a shed on the survey that has been removed. Town Code § 407-23.A. private garage space for not more than four vehicles not to exceed a maximum of 25% of the required rear yard. Total garage space with the proposed detached garage will be 1728 sq. ft. making an area variance of 528 sq. ft. necessary.

Appearing before the board was Christopher Lengyel who resides at 2975 Baseline Road. He stated that he would like to build a detached garage at his

residents for storage of a camper, truck and yard tools. He stated that he had a deep lot that reached back to Pleasant Trail. The garage would be located about halfway into the lot closer to the north lot line with the driveway on the south side of the lot. The applicant provided to the Board letters from neighbors at 2969 Baseline and 2985 Baseline who had no objection to the proposed garage. Chairman Mesmer stated for the record, he received two letters from residents on Pleasant Trail who objected to the garage.

Speaker, Mike McDermott, who resides at 48 Pleasant Trail, objects to the detached garage. He stated that Mr. Lengyel owns a business and continually parks commercial vehicles in driveway. Also, there is no privacy barrier between the lots making everything visible to Mr. McDermott's backyard. He stated that once these variances are granted no one enforces the rule.

Chairman Mesmer asked Mr. Lengyel if he owned a business. Mr. Lengyel replied that he does have an office on Amherst Street for his landscaping business and will occasionally bring a vehicle home. Member Haak asked if there was enough room for a driveway to the proposed structure. After discussion it was determined that there was enough room for the driveway.

A **motion** was made by Braddell / Drexelius to close the public hearing. All in favor.

A **motion** was made by Braddell / Harris to **GRANT** the request for a 528 sq. ft. area variance for garage space to construct a 30' x 40' detached garage at 2975 Stony Point Road. **NO COMMERCIAL USE.**

Roll Call:

Ayes: Mesmer, Braddell, Haag, Drexelius, Harris

Noes: None

Carried

Rationale:

1. This variance request provides the solution for additional storage
2. The storage building will not change the character of the neighborhood
3. The variance amount was not substantial
4. There will not be any environmental impact from this building

2) 3651 East River Road – Mark and Gerry Diletti

This property is zoned R-1B. The applicant is proposing to construct a 1360 sq. ft. detached garage on the opposite side of East River Road from where the single- family dwelling is located. Currently, the homeowner has a 624 sq. ft. attached garage. Town Code § 407-23.A. private garage space for not more than four vehicles not to exceed a maximum of 25% of the required rear yard. The proposed total garage space for this lot is 1984 sq. ft. making a garage space variance of 784 sq. ft. necessary.

Appearing before the Board was Mark and Gerry Diletti who reside at 3651 East River Road. They are requesting to construct a detached garage on the other side of East River Road from their house. Chairman Mesmer asked how far it would sit back from the road. Mr. Diletti replied that the garage would be approximately 110 ft. from East River Road and would be behind the diagonal line between adjacent properties. Mrs. Diletti wanted to mention that they had requested the location of the garage be moved more to the south lot line leaving about a 7 ft. side yard setback from the south line and 20 ft. to the north lot line. Code Enforcement Officer stated that would be acceptable with an approved drainage plan.

A **motion** was made by Harris / Braddell to close the public hearing. All in favor.

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 784 sq. ft. area variance for the construction of a 1360 sq. ft. detached garage on the inland portion of 3651 East River Road. **NO COMMERCIAL USE.**

Roll Call:

Ayes: Braddell, Harris, Drexelius, Haak, Mesmer

Noes: None

Carried

Rationale:

1. This variance request provides the solution for additional storage
2. The storage building will not change the character of the neighborhood
3. There will not be any environmental impact from this building

3) 3143 West River Road – Kera Sauer

This property is zoned R-1A. The applicant is renovating a single-family dwelling. They are proposing to convert attic space to add a third floor mezzanine. Town Code § 407 Attachment 1 Schedule I, sets the maximum height in stories of a residential building to 2.5 stories. The proposed mezzanine addition to the single-family dwelling will create a partial third floor according to zoning regulations, making an area variance of .5 of a story necessary.

Appearing before the Board was Kera Sauer who resides at 2095 Long Road with her father. Ms. Sauer explained that she had purchased the home at 3143 West River and would like to add a second story. The second story would be open and overlook the living area. Code Enforcement Officer Ron Milks explained to the Board that the Building Code and Zoning Code differs when it comes to mezzanine levels. The zoning code refers to this level as a half or third level. The actual building height will be under the max height of 35 ft.

A **motion** was made by Harris / Drexelius to close the public hearing. All in favor.

A **motion** was made by Harris / Haak to **GRANT** the request for a .5 of a story to add a mezzanine level to a single family dwelling at 3143 West River Road.

Roll Call:

Ayes: Mesmer, Braddell, Harris, Haak, Drexelius

Noes: None

Carried

Rationale:

1. This variance request will not create a detriment to nearby properties.
2. This variance request is reasonable and compatible with the residential use.

4) 3965 East River Road – John Stickl

There are two separate properties zoned R-1B. The applicant is proposing to demolish two single-family homes, combine the lots and construct a new single-family dwelling on the shoreline. I have attached a separate drawing for each variance request for this project. This is a shallow lot where the county right of way makes a significant jog from 66 ft. wide to 99 ft. wide creating an extreme encroachment into the required front yard setback. The newly constructed dwelling is farther from the road than the original cottages never less, the town calculates the required front yard measurement using Town Code §407 Schedule I Yard Requirements or Code § 407-18. Special Setbacks, whichever is the greater of the two. In this case, the greater of the two would be Schedule I required front yard setback of 50 ft. from the lot line in R-1B. At the farthest point of encroachment, the proposed dwelling would be 4.5 ft. from the front lot line, making a 45.5 ft front yard setback variance necessary. (Exhibit 1). Although this seems like a significant request, it is not self-created. It's important to point out that this is a unique situation that was created when the county took this land and created a larger right of way along this section of East River Road. Also, the view of the river is held with great significance. The proposed dwelling could not be moved back from the road due to the view of the river being blocked for the adjacent properties. Finally, there is a required rear yard setback of 50 ft. from the shoreline that if this dwelling were moved back from the road anymore, another variance would be required for the rear yard setback.

Because this proposed dwelling is on a shoreline lot, Town Code § 407-18.C.(1) on shoreline lots, structures other than riverside accessory uses, shall be no closer to the river shoreline than where there are already two principal structures on adjoining lots, no closer than the average distance of the two adjoining principal structures to the river shoreline, but no less than

the rear yard for the district. As seen on Exhibit 2, the line to adjoining primary structures has been drawn. The proposed dwelling has an **open** covered porch that extends over the line between adjacent properties towards the shoreline by about 10 ft. making a 10 ft. closer to the shoreline variance necessary. (Exhibit 2).

This proposed single family dwelling will also have two attached garages. The total proposed garage space is 1871 sq. ft. Town Code §407-23.A. allows private garage space for not more than four vehicles, not to exceed a maximum of 25% of the required rear yard, making a 671 sq. ft. area variance for garage space necessary. (Exhibit 3).

Appearing before the Board was John Stickl who resides at 3952 East River Road. Mr. Stickl explained that he owned the two parcels across the street from him on East River. He was proposing to demolish the existing two cottages and combined the lots to build a new single family dwelling. The new house would have larger side yards than the current houses and the house will also be farther back from the road than the current houses. A variance for the front yard setback is needed because the county reconfigured a larger right of way for East River Road in that location. Mr. Stickl then went on to explain the variance request for the closer to the shoreline than adjacent properties saying the variance is for an open covered porch and it is only on the south side of the deck. The north side of the deck would have no roof. Board member Braddell questioned if the porch would ever be enclosed and Mr. Stickl replied no. When the Board asked about the garage space variance, Mr. Stickl explained that it was strictly for storage, especially with the closeness to the road, he believed everything should be stored inside.

A **motion** was made by Harris / Drexelius to close the public hearing. All in favor.

A **motion** was made by Braddell / Drexelius to **GRANT** the request for 45.5 ft. front yard setback from the lot line for the construction of a single family dwelling at 3965 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Haak, Drexelius
Noes: None
Carried

A **motion** was made by Braddell / Harris to **GRANT** the request for a 10 ft. closer to the shoreline than the average distance between adjacent lots for an open covered porch on the rear of a single-family dwelling at 3965 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Haak, Drexelius
Noes: None

Carried

A **motion** was made by Harris / Drexelius to **GRANT** the request for a 671 sq. ft. area variance for garage space for the construction of an additional attached garage at 3965 East River Road.

Roll Call:

Ayes: Braddell, Harris, Haak, Mesmer, Drexelius

Noes: None

Carried

Rationale:

1. This variance will not have an adverse effect on the neighborhood
2. These variances were granted to relieve the extreme encroachment that was created by the county r.o.w.
3. The location of the new dwelling will create larger side yard setbacks for adjacent properties
4. this dwelling is in general conformity with adjacent properties and is in keeping with the general nature of the neighbourhood

OLD BUSINESS

None

APPROVE MINUTES:

A **motion** was made by Harris / Mesmer to Approve the January 6, 2022 ZBA Minutes as written. The meeting was held live via zoom and may be viewed on the town You Tube site.

Roll Call:

Ayes: Mesmer, Drexelius, Harris, Braddell, Haak

Noes: None

Carried

OTHER MINUTES AVAILABLE FOR REVIEW

Board of Architectural Review Minutes –December 21, 2021

Planning Board Agenda –January 10, 2021

Planning Board Minutes–Dec. 13, 2021

Town Board Agenda –Regular Meeting #1, Jan. 3, 2022; Regular Meeting #2, January 18, 2022

Town Board Minutes –Regular Meeting #23, Dec. 20, 2021;

A motion was made by Drexelius / Harris to adjourn the meeting at 7:48 p.m.

Minutes prepared by Rhonda Tollner, Zoning Clerk. The meeting was conducted via Zoom and may be viewed on the town You tube link.