

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

MINUTES
July 7, 2022

MEMBERS PRESENT: Chairman Bob Mesmer, Betty Harris, John Braddell, Tim Phillips and Dan Drexelius

MEMBERS ABSENT: None

OTHERS PRESENT: Ronald Milks, Code Enforcement Officer
Christian Bahleda, 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.grand-island.ny.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) 3965 East River Road – John Stickl

This application is for a variance extension for variances granted previously for a required front yard setback and a garage space area variance for a new single family dwelling.

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

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a **Variance Extension** for the following:

A 45.6 ft. required front yard setback from East River Road for the construction of a single family dwelling.

A 10 ft. closer to the shoreline variance for a covered patio on the rear of a single family dwelling.

A 671 sq. ft. area variance for a detached garage for a single family dwelling.

Roll Call:

Ayes: Harris, Braddell, Phillips, Mesmer, Drexelius

Noes: None

Carried

2) 1547 Broadway – Annie Gillies

This property is zoned R1E. The applicant resides next to applicant number 3 on this agenda who is a relative. This applicant, Annie Gilles, and applicant number 3, Tara Kowalik, would like to locate their driveways to the lot lines to make one continuous driveway between the lots. Currently, there is a 2.5 strip of grass that separates the two driveways. Town Code §407-129.A.6 Driveways shall not be located nor existing driveways expanded to a distance less than three feet from the property line, so as to provide adequate room for drainage and snow removal, making a 3 ft. side yard setback variance necessary to locate the driveway to the lot line.

Appearing before the Board was Annie Gillies and her cousin/neighbor, Tara Kowalik, who reside at 1547 and 1541 Broadway respectively. Annie gave back story on how they came to live next door to each other and why they would like to put their driveways together. They presented the Board with photo boards showing the current conditions of the driveways and the two foot area between the driveways. They stated that the area between the driveways neither grew grass nor drain properly so it was constantly a muddy mess and eyesore to their properties and the neighborhood. Annie stated that she had a contractor give them an estimate to install proper drainage between the two houses and to pour new concrete driveways and sidewalks.

There were no speakers.

The Board commented that this was an unusual circumstance and that the request made sense to solve several issues and a design plan was in place. Although the request was made by both parties together they would like to handle them separately.

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

A **motion** was made by Braddell / Drexelius to GRANT the request for a 3 ft. side yard setback variance for a driveway to be expanded to the east lot line at 1547 Broadway to connect to the driveway at 1541 Broadway.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Phillips, 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 other properties in the neighborhood
3. The proposed driveways will solve the drainage issue between lots and would be a great improvement to the appearance of the lots

3) 1541 Broadway – Tara Kowalik

This property is zoned R-1E. The applicant resides next to applicant number 2 on this agenda. As requested by previous applicant, this applicant, Tara Kowalik, would like to locate their driveway to the lot line adjacent to the driveway at 1547 Broadway. Town Code §407-129.A.6 Driveways shall not be located nor existing driveways expanded to a distance less than three feet from the property line, so as to provide adequate room for drainage and snow removal, making a 3 ft. side yard setback variance necessary to locate the driveway to the lot line.

Appearing before the Board was Tara Kowalik and the previous applicant on the Agenda, Annie Gillies. The Board heard Tara’s request along with Annie’s for connecting the driveways.

There were no speakers.

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

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 3 ft. side yard setback variance for a driveway to be expanded to the west lot line at 1541 Broadway and connected to the driveway at 1547 Broadway.

Roll Call:

Ayes: Mesmer, Braddell, Harris, Drexelius, Phillips

Noes: None

Carried

Rationale:

1. This variance request will not create a detriment to nearby properties.
2. This variance request will not have an adverse effect on the environment.
3. The proposed driveways will solve the drainage issue between lots and would be a great improvement to the appearance of the lots

4) 63 Spicer Creek Run – Donna Wylke

This property is zoned R-1C. The applicant is requesting to construct a 20' x 40' (800sq. ft.) detached garage in the rear yard. The applicant currently has a 588 sq. ft. attached garage making a total of 1388 sq. ft. of garage space. Town Code §407-23A. allows private garage space for not more than four vehicles not to exceed a maximum of 25% of the required year yard, making a 188 sq. ft. area variance for garage space necessary.

Appearing before the Board was Mike Wylke who resides at 63 Spicer Creek Run. He requested to construct a 20ft. x 40ft. storage building in the same location as his current shed that will be removed. Board member Phillips asked the purpose for the shed and Mike replied it was strictly for storage and there would be no driveway to the building.

Speaker, Christian Bahleda, stated he was representing his father who resides at 51 Spicer Creek Run, the immediate adjacent parcel, who had no objections to the variance request.

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

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 188 sq. ft. area variance for the construction of a detached garage making a total of 1388 sq. ft of storage space at 63 Spicer Creek Run.

Roll Call:

Ayes: Phillips, Mesmer, Braddell, Harris, Drexelius

Noes: None

Carried

Rationale:

1. The Board recognizes the need for more storage
2. The variance amount was a reasonable request and compatible use of the residential property
3. This structure will not produce an undesirable change in the character of the neighborhood

5) 35 Briarwood Lane – Christopher Brau

This property is zoned R-1C. The applicant is requesting to construct a 20' x 30' (600 sq. ft.) detached garage in the rear yard 6 ft. off the south lot line. The applicant currently has 754 sq. ft. of attached garage making a total of 1354 sq. ft. of garage space. Town Code §407-23A. allows private garage space for not more than four vehicles not to exceed a maximum of 25% of the required year yard, making a 154 sq. ft. area variance for garage space necessary.

Appearing before the Board was Chris Brau who resides at 35 Briarwood Lane. He was requesting to construct a 20ft. x 30ft. detached garage with a continuation of his current driveway to the building. Mr. Brau presented a sketch plan to the Board.

There were no speakers.

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

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 154 sq. ft. area variance for garage space for the construction of a detached garage making a total of 1354 sq. ft. of storage space at 35 Briarwood Lane.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer, Phillips

Noes: None

Carried

Rationale:

1. The Board recognizes the need for more storage
2. The variance amount was a reasonable request and compatible use of the residential property
3. This structure will not produce an undesirable change in the character of the neighborhood

6) 907 Carter Creek Drive – the Laird Family

This property is zoned R-1D. The applicant has expanded his concrete driveway to 2 ft. from the property line along side the attached garage. Town Code §407-129.A.6 Driveways shall not be located nor existing driveways expanded to a distance less than three feet from the property line, so as to provide adequate room for drainage and snow removal, making a 1 ft. side yard setback variance necessary.

There was no representative for this variance request. The Board called upon Code Enforcement Officer Ron Milks to get more information regarding this request. Officer Milks explained that he was called out to the site by a neighbor who was concerned about the expansion of the driveway at 907 Carter Creek being too close to the lot line of their property. Officer Milks explained that when he arrived at the site the driveway expansion was at that point stone and the concrete forms were being installed. Officer Milks informed the contractor that the driveway should be 3 ft. from the side lot line as per Town Code and not to proceed any further. He then left a door hanger and sent a notice to the property owner to call or come to the building department to discuss the project further. Shortly after, the homeowner came to the building department where he was informed that town code mandates a 3 ft. side yard setback for driveways for drainage and snow removal and that

he needed to move the forms back or apply for a variance from the Zoning Board of Appeals. The homeowner said he would tell the contractors to move the forms into compliance. Several days later the building department was informed by the neighbor that the driveway had been poured approximately 2 ft. from the lot line. Code Enforcement officer Kasey Morgan went to the site and confirmed the driveway appeared to be 2 ft. from the lot line and contacted the homeowner to cut the driveway or apply for a variance. Chairman Mesmer questioned Officer Milks, so a hanger was left, a letter was sent and you spoke directly to the homeowner and the driveway was poured anyway, is that correct? Officer Milks replied yes.

Speaker, John Seebauer, who resides at 899 Carter Creek Dr. He is the adjacent parcel mostly affected by the driveway encroachment. Mr. Seebauer asked the Board to deny the application because the applicant was informed of the code and reasoning several times yet did what he wanted. He stated he had sent letters and photos to the building department and was very concerned about the drainage and water runoff flooding his property. For these reasons Mr. Seebauer is asking the Board to deny the request for a 1 foot variance for the driveway. The Board members discussed the variance request among themselves.

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

A **motion** was made by Harris / Phillips to **DENY** the request for a 1 ft. side yard setback variance for the location of a driveway to the side lot line at 907 Carter Creek Drive.

Roll Call:

Ayes: Mesmer, Phillips, Harris, Phillips, Drexelius

Noes: None

Carried

Rationale:

1. This situation was self-created when the homeowner disregarded the instructions of the Town Code Enforcement office and Town Code.
2. This request was denied because of adverse impact it creates for the nearby properties.
3. There were no hardships shown by the applicant on why the variance was needed.

7) 3369 Warner Drive – Nancy Gralik

This property is zoned R-1E. The applicant has expanded the driveway to the lot line in the town's right-of-way with a portion (approx..8" x 24") of it over the front lot line. Town Code §407-129.A.6 Driveways shall not be located nor existing driveways expanded to a distance less than three feet from the property line, so as to provide adequate room for drainage and snow removal,

making a 3 ft. side yard setback variance necessary for the top portion of the driveway expansion.

Appearing before the Board was Nancy Gralik, the homeowner, Bryan Kowal, Nancy's son and design professional David Nardozzi. Mr. Nardozzi addressed the Board asking for relief from the Zoning Board for a very miniscule portion of the driveway that is located too close to the lot line by the front lot line and the town's right of way. The driveway existed when the homeowner purchased the home, it was not self-created. The area in question is less than 1 square foot and does not cause a detriment to nearby parcels. Mr. Nardozzi presented the Board with photos of the area needing the variance.

There were no speakers.

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

A **motion** was made by Drexelius / Harris to GRANT the request for a 3ft. side yard setback variance from the lot line for a minute portion of the existing driveway with the condition that the driveway is not altered or expanded in the future at 3369 Warner Drive.

Roll Call:

Ayes: Harris, Phillips, Mesmer, Braddell, Drexelius

Noes: None

Carried

Rationale:

1. The situation with the driveway was existing with prior owner and was not self-created. The homeowner was unaware of the driveway encroachment.
2. The granting of this variance will not cause a detriment to nearby properties.
3. The requested variance covers a very minute sliver of the driveway not the entire driveway.

OLD BUSINESS

4696 East River Road – Kent Hawkins

This property is zoned R1B. the applicant is proposing to construct a 55' x 80' x 24' high detached garage. The applicant currently has a 600 sq. ft. detached garage. Town Code §407-23A. allows for private garage with space for not more than four vehicles not to exceed a maximum of 25% of the required rear yard. The total proposed garage space located on this lot will be

5000 sq. ft., making a 3800 sq. ft. area variance for garage space necessary. Also, Town Code §407-142E which allows for a maximum height of 18' making a 6ft. height of 18" making a 6ft. height variance necessary.

Appearing before the Board was Kent Hawkins who resides at 4696 East River Road. Mr. Hawkins stated that Code Enforcement Officer Ron Milks came to his property to determine if there was enough elevation and pitch to accommodate a drainage plan for a 40' x 60' building which was discussed at the last meeting. Chairman Mesmer asked Officer Milks if he thought a drainage plan to the front storm drains or to the wetland area in the rear would suffice. Officer Milks replied yes either one would work. The Board also discussed the height request for the garage and asked Mr. Hawkins why the height was needed. Mr. Hawkins said among other things he would like to store, one of the most important was his boat which would require a 14 ft. door, a substantial header over the door and the proper pitch for snow loads equaling about 24ft. in height.

There were no speakers.

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

A **motion** was made by Braddell / Phillips to **GRANT** the request for a 1800 sq. ft. area variance for garage space and a 6 ft. height variance to construct a 40' x 60' x 24' detached garage at 4696 East River Road. NO COMMERCIAL USE.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Phillips, 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 other structures in the area.
3. The Board recognizes the need for additional storage.

APPROVE MINUTES:

A **motion** was made by Harris / Drexelius to Approve the June 2, 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, Phillips

Noes: None

Carried

OTHER MINUTES AVAILABLE FOR REVIEW

Board of Architectural Review Minutes –May 17, 2021

Planning Board Agenda –June 13, 2021

Planning Board Minutes-May 9, 2022

Town Board Agenda – Regular Meeting #9, May 16, 2022, Regular Meeting #10, June 6, 2022

Town Board Minutes –Regular Meeting #8, May 2, 2022, Regular Meeting #9, May 16, 2022

A **motion** was made by Braddell / Drexelius to adjourn the meeting at 7:56 p.m. All in favor.

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