

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

DRAFT

**MINUTES
December 1, 2016**

MEMBERS PRESENT: Chairman Marion Fabiano, Betty Harris, Bob Mesmer, John Braddell and Alternate Daniel Drexelius

MEMBERS ABSENT: Tim Phillips

OTHERS PRESENT: Attorney Daniel Spitzer
Rhonda Tollner, Zoning Clerk

Chairperson, Marion Fabiano 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) 350 Park Place – Scott Burke

The property is zoned R1D. The applicant is proposing to construct a 24' x 24' x 16' accessory structure to be used as a pool house/ garage. Mr. Burke already has a 984 sq. ft. garage making a total of 1560 square feet. Section 407-23 A. sets the garage space for not more than four vehicles or 1,200 sq. feet making a 332 square foot garage space variance necessary.

Appearing before the Board was Scott Burke. He explained his variance request.

A **motion** was made by Mesmer / Braddell to **GRANT** the request for a 24' x 24' accessory structure for a pool house/ garage at 350 Park Place, No Commercial Use.

Roll Call:

Ayes: Mesmer, Harris, Drexilius, Fabiano, Braddell

Noes: None

Carried

Rationale

1. The board recognizes the need for storage
2. The variance amount was minimal

2) 3651 East River Road – Mark Diletti

The property is zoned R1B. The applicant is proposing to demolish the old cottage and construct a new single family dwelling on the water side of the property. The garage on the East side of the property will extend 2 ft. into the required 12 ft. side yard setback and the covered porch off of the rear of the house will extend 16 ft. towards the shoreline. Schedule I of the Town Code sets the minimum side yard setback in a R1B zone at 12 ft., making a 2 ft. side yard setback variance necessary. Also, Section 407-18 C. Special setback requirements, states on shoreline lots, structures other than riverside accessory uses, shall be no closer to the river shoreline than the average distance of the two adjoining principal structures to the river shoreline, making a 16 ft. closer to the shoreline variance necessary.

Appearing before the Board was Mark and Jeri Diletti. They showed the Board drawings and pictures they took of the lot from the neighbor's property. They explained the variance was for a covered open porch on the Northern rear side of the new house. The new dwelling will be no closer to the water than the old existing cottage. Mrs. Diletti stated the view would not be obstructed, if anything it would be better because of the tree removal necessary to build.

A **motion** was made by Mesmer / Drexelius to **GRANT** the request for a 2 ft. side yard setback variance for the construction of a new family dwelling

Roll Call:

Ayes: Mesmer, Fabiano, Harris, Braddell, Drexelius

Noes: None

Carried

A **motion** was made by Mesmer / Drexelius to **GRANT** the request for an open covered porch no closer to the shoreline than the old existing cottage at 3651 East River Road.

Roll Call:

Ayes: Fabiano, Mesmer, Harris, Drexelius, Braddell

Noes: None

Carried

Rationale: This action was taken because:

1. The new construction will be an improvement to the neighborhood
2. The granted variance will not change sight line of neighbors

CORRESPONDANCE:

1. A letter was received from Hunt Engineers, Architects, & Land Surveyors, requesting a **variance extension** for the Elderwood Project located at 2780 and 2826 Grand Island Blvd. which was Granted on June 2, 2016.

A **motion** was made by Braddell / Mesmer to **GRANT** a variance **extension** for the Elderwood Senior Independent Living Project located at 2780 and 2826 Grand Island Blvd. as follows;

The Board moved to **GRANT** your request for a 22 ft. height variance for a building on a vacant lot that will be known as **2780 Grand Island Blvd**, and a 22 ft. height variance for two other buildings on a lot that will be known as **2826 Grand Island Blvd**.

Roll Call:

Ayes: Fabiano, Harris, Mesmer, Braddell, Drexelius

Noes: None

Carried

2. A letter was received from Thomas Burke and Nancy Savoy requesting to withdraw their application for a variance to continue to operate a tourist home at 3348 Greenway and 2989 Staley Road.
3. The Zoning Board of Appeals received the 2017 Calendar of Meetings and Deadlines.

A **motion** was made by Harris / Drexelius to **ACCEPT** the ZONING BOARD of APPEALS 2017 Calendar.

Roll Call:

Ayes: Harris, Drexelius, Fabiano, Mesmer, Braddell

Noes: None

Carried

OLD BUSINESS:

The following properties have requested a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

1) 2012 East River Road- Anne Fahning

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

Appearing before the Board was Anne and Robert Fahning. Mrs. Fahning sent a file electronically but was not received by the Board. She presented the Board with another copy and requested her personal information be kept private.

A **motion** was made by Mesmer / Drexelius to close the Public Hearing for 2012 East River Road.

Roll Call:

Ayes: Mesmer, Fabiano, Drexelius, Harris, Braddell

Noes: None

Carried

A **motion** was made by Braddell / Drexelius to **TABLE** the variance request for 2012 East River Road for further review.

Roll Call:

Ayes: Drexelius, Braddell, Fabiano, Harris, Mesmer

Noes: None

Carried

2) 794 Colony Road – Deborah Lewis

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

No representatives, No Speakers.

A **motion** was made by Drexelius / Mesmer to close the Public Hearing for 794 Colony Road.

Roll Call:

Ayes: Fabiano, Harris, Drexelius, Braddell, Mesmer

Noes: None

Carried

A **motion** was made by Braddell / Drexelius to **DENY** the request for a continuance variance for a tourist home at 794 Colony Rd based on the lack of proof of a hardship, and to issue the decision attached hereto.

Roll Call:

Ayes: Mesmer, Fabiano, Braddell, Drexelius, Harris

Noes: None

Carried

3) 3488 Greenway – Thomas Burke

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

No representative was present. A letter was sent requesting the removal of the variance application for 3488 Greenway.

A **motion** was made by Drexelius / Harris to close the Public Hearing for 3488 Greenway.

A **motion** was made by Braddell / Drexelius to **DENY** the request for a continuance variance for a tourist home at 3488 Greenway, based on the request for removal and to issue the decision attached hereto.

Roll Call:

Ayes: Fabiano, Braddell, Drexelius, Mesmer, Harris

Noes: None

Carried

4) 2989 Staley Road – Thomas Burke

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

No representative was present. A letter was sent requesting the removal of the variance application for 2989 Staley Road.

A **motion** was made by Drexelius / Harris to close the Public Hearing for 2989 Staley Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Fabiano, Drexelius

Noes: None

Carried

A **motion** was made by Braddell / Mesmer to **DENY** the request for a continuance variance for a tourist home at 2989 Staley Rd based on the request for removal, and to issue the decision attached hereto.

Roll Call:

Ayes: Harris, Mesmer, Braddell, Drexelius, Fabiano

Noes: None

Carried

5) 3541 West River Pkwy – Josephine Ciffa

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

Appearing before the Board was Josephine Ciffa. She stated she was unclear as to what information to include with the application but did submit a large packet to the Board. The attorney asked Ms. Ciffa who J.J. Manor L.L.C. was and Ms. Ciffa responded it was her business. She also requested their personal information be kept private. Ms. Ciffa would appreciate the requested variance to unwind their business.

Speaker Randal White 3059 Bedell Road on behalf of himself and his wife Margaret, oppose the tourist homes and would like to reserve their right to a meaningful review of submitted paperwork.

Speaker Ms. Martin of 3661 West River Rd. opposes tourist homes in their area.

Speaker Rose Bugman of 3545 West River Rd. opposes the tourist homes.

Speaker Wallace Whetham of 3531 West River Rd. stated the tourist lowered the property value of the surrounding homes and opposes tourist homes.

Speaker Nancy Killian of 10 Ward Park requests Public Hearing be left open so they can respond to the submitted material.

Speaker John Graph of 86 Carl Rd., speaks on behalf of his mother who is opposed to tourist homes.

A **motion** was made by Mesmer / Harris to close the Public Hearing for 3541 West River, 3595 West River, 80 Ward Pk., 70 Carl, and 76 Ward Pk.

Roll Call:

Ayes: Mesmer, Fabiano, Harris, Braddell, Drexelius

Noes: None

Carried

A **motion** was made by Mesmer / Braddell to **TABLE** the request for a continuance variance to operate a tourist home until further review at 3541 West River, 3595 West River, 80 Ward Pk., 70 Carl Rd., and 76 Ward Pk..

.Roll Call:

Ayes: Fabiano, Harris, Braddell, Drexelius, Mesmer

Noes: None

Carried

6) 90 Carl Road – Vince Ciffa

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

A **motion** was made by Mesmer / Drexelius to close the Public Hearing.

Roll Call:

Ayes: Fabiano, Mesmer, Harris, Drexelius, Braddell

Noes: None

Carried

A **motion** was made by Mesmer / Harris to **DENY** the request for a continuance variance for 90 Carl Road because, according to the owners, the property was acquired after Local Law 9 was effective, and therefore it could not qualify as a prior legal nonconforming use.

Roll Call:

Ayes: Fabiano, Mesmer, Drexelius, Harris, Braddell

Noes: None

Carried

11) 2881 Fix Road – John O’Connell

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

Appearing before the Board was Mr. O’Connell. He submitted a file to the Board and asked it be kept confidential.

A **motion** was made by Mesmer / Drexelius to close the Public Hearing for 2881 Fix Road.

Roll Call:

Ayes: Harris, Mesmer, Drexelius, Braddell, Fabiano

Noes: None

Carried

A **motion** was made by Mesmer / Braddell to **TABLE** the request for a continuance variance for a tourist home for further review at 2881 Fix Road.

Roll Call:

Ayes: Fabiano, Mesmer, Harris, Braddell, Phillips

Noes: None

Carried

Let the record show there was a short recess while the recording disk was changed at 8:22.

14) 1900 East River Road – Glenn Wallace

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

Appearing was Glenn Wallace of 917 Colony Road. Mr. Wallace submitted a file to the Board for consideration of a continuance variance.

Speaker Kevin Kline opposes this tourist home. He has several neighbors all of whom are long term renters with no problems

A **motion** was made by Drexelius / Mesmer to close the Public Hearing for 1900 East River Road.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Mesmer, Phillips

Noes: None

Carried

A **motion** was made by Mesmer / Harris to **TABLE** the request for a continuance variance for 1900 East River Road.

15) 2124 East River Road – Glenn Wallace

Request a variance to allow the continuance of a non-conforming tourist home as per section 407-105D (2) of the Town of Grand Island Code.

Appearing was Mr. Wallace who submitted a file and requested to Table his variance request.

Speaker Joyce Jones, 2156 East River Rd. lives between three of these tourist homes and opposes all of them in residential areas.

A **motion** was made by Drexelius / Braddell to close the Public Hearing for 2124 East River Road.

Roll Call:

Ayes: Fabiano, Mesmer, Drexelius, Braddell, Harris

Noes: None

Carried

A **motion** was made by Mesmer / Harris to **TABLE** the request for a continuance variance for a tourist home at 2124 East River Rd.

Roll Call:

Ayes: Harris, Fabiano, Mesmer, Drexelius, Braddell

None: None

Carried

A **motion** was made by Mesmer / Drexelius to **APPROVE** the November 3, 2016 ZBA Minutes as written.

Roll Call:

Ayes: Fabiano, Harris, Phillips, Mesmer, Braddell

Noes: None

Carried

OTHER MINUTES RECEIVED AND FILED:

Board of Architectural Review Minutes – October 18, 2016
Planning Board Agenda –November 14, 2016
Planning Board Minutes –October 11, 2016
Town Board Agenda –Regular Meeting # 20, Nov.7, 2016, Regular Meeting # 21, November 21, 2016
Town Board Minutes –Regular Meeting # 19, October 17, 2016,
LONG RANGE PLANNING COMMITTEE MEETING – September 14, 2014

A **motion** was made by Mesmer / Drexelius to **ADJOURN** the meeting at 8:40 p.m.

Roll Call:

Ayes: Fabiano, Harris, Drexelius, Braddell and Mesmer

Noes: None

Carried

Rhonda Tollner, Zoning Clerk prepared the minutes.