



**2 Coldwell Banker Integrity  
Real Estate**

**2915 Niagara Falls Blvd.**

**Temporary Use Permit  
Renewal**

This application is a request for a first renewal of a temporary use permit for a real estate office to occupy a portion of an existing building that is in the MS district. Office occupancy is not a permitted use in the MS district. The current occupant is Carstar Collision of Amherst.

Ground area of exiting building	22,100 sf
Proposed office area	480 sf
Percentage of building	<u>2.2%</u>

Notes: The property was rezoned from GB to MS effective 10/24/2009

A Temporary use Permit was granted for 2 years on 1/26/2015

**3 Heather Prestenberg**

**50 Muegel Road**

**Use Variance**

This application is for a Use Variance for a second dwelling unit in the R-2 District. Per Section 3-5-2 A, single family detached is the only allowable dwelling units.

This structure was non-conforming as it was occupied as a duplex in the past.

Per **9-2-4.**

**Discontinue or Abandoning a Nonconforming Use.**

**A.** A nonconforming use discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period shall not thereafter be used or occupied except in conformity with the regulations of the district in which it is located.

**B.** Discontinuance of the active and continuous operation of a nonconforming use, or a part or portion thereof, for a period of 12 consecutive months or 18 months during any three-year period, as the case may be, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidence of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of less than 12 consecutive months and all rights to reestablish or continue such nonconforming use shall thereupon terminate.

Second dwelling unit has been vacant for the last 12 months.

**4 Alexandra Saia-Leo                      4516 Sheridan Drive                      Area Variance**

This application is for an Area Variance for front yard setback in the R-3 District.  
Per Section 2-5-3 Minimum distance to principal structure on Sheridan Drive shall be 115' from center line of ROW.

NOTES:

Required setback:	115.00'	
Proposed setback:	101.00'	
Short of required:	14.00'	12%

The neighbor to the east is setback approx. 85.00' from center line.

**5 Empire State Signs Inc.                      310 Dockside Parkway                      Area Variance**

This application is for an Area Variance for total square footage for a subdivision identification sign for a single family district.

Per Section 7-8-4 b 4 (d) Such sign shall not exceed 32 square feet in area and eight feet in height.

NOTES:

Maximum square footage:	32.00 sf	
Proposed square footage:	64.00 sf	
Exceed maximum:	32.00 sf	100%

**6 Buffalo Niagara Marriott                      1340 Millersport Highway                      Area Variance**

This application is for an Area Variance for building separation in the SC District.  
Per Section 4-7-2 B Minimum building separation is 30.00'

NOTES:

Required separation:	30.00'	
Proposed separation:	7.00'	
Short of required:	23.00'	76%

Proposed accessory structure would be a storage shed.

**7 Michael Santa Maria                      20 Knollwood Lane                      2 Area Variances**

This application is for 2 area variances in the R-2 District.

- 1) Accessory structure maximum square footage.
- 2) Accessory structure height.

1) Area Variance, Per Section 6-8-1 B, The total floor area of all accessory structures and the floor area of attached or built-in garages shall not exceed 75 percent of the floor area of the principal

structure, except as permitted by the ZBA in accordance with the provisions of § 8-13 of this Ordinance.

NOTES:

Primary structure square footage:	3,440 sf	
Allowable accessory square footage:	2,580 sf	(3,440 x 75%)
Existing accessory square footage:	2,506 sf	(barn)
Proposed accessory square footage:	1,400 sf	(barn addition)
Total accessory square footage:	3,906 sf	
Exceed allowable:	1,326 sf	51%

2) Area Variance, Accessory structure height.

Per Section 3-5-2 B, the maximum height of an accessory structure in the R-4 District is 20.00'

Maximum allowed:	20.00'	
Proposed height:	30.00'	
Exceed allowable:	10.00'	50%

11/21/2017 & 12/19/2017 Adjourned by applicant

**Other Matters**

**1 Santoro Signs Inc.**

**962 Wehrle Drive**

**2 Area Variances**

This application is for 2 Area Variances pole sign message board in the CF District.

- 1) Message center sign setback from a residential district.
- 2) Promoting, advertising off premise activates.

1) Per Section 7-8-4 B 2 (b) Message center signs are not permitted in the - TNB, PRD, PDD or TND overlay districts or on any parcel within 500 feet of a residential district.

NOTES:

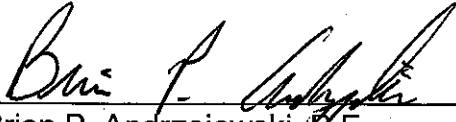
Required setback:	500.00'	
Proposed setback:	88.00'	
Short of required setback:	412.00'	82%

2) Per Section 7-8-2 E Signs, as regulated by this Ordinance, used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located, unless part of a unified development and a coordinated sign plan is approved.

NOTES:

The petitioner is requesting permission to promote activities and businesses not on the property. The petitioner states that they will comply with standards of Section 7-8-4 B for Message Center Signs

Tabled 12/19/2017



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Brian P. Andrzejewski, P.E.

DG:js

- cc: Brian Kulpa R.A., Supervisor  
Councilmembers  
Stanley Sliwa, Town Attorney  
Marjory Jaeger, Town Clerk  
Eric Gillert, Planning Director  
Ellen Kost, Planning Department  
Patrick Lucey, Highway Superintendent

**TOWN OF AMHERST  
ZONING BOARD OF APPEALS AGENDA  
Tuesday, January 23, 2018**

Please sign the sheet on the podium if you plan to speak  
*Petitioner or Spokesperson – 15 Minutes*  
*Individual Speakers – 3 Minutes*

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall.  
Upon exiting this room, the main exits are located to the front and the rear of this building.  
**Do not use the elevator during an emergency event.**

**I. APPROVE MINUTES FROM PREVIOUS ZONING BOARD MEETING**

PETITIONER	LOCATION	DESCRIPTION	APPL. No.	DECISION
1. Marie C. B. Evans 1220 New Road Amherst, NY 14228	1220 New Road	<b>SPECIAL USE PERMIT</b> Auxiliary Housing Unit <b>12<sup>th</sup> RENEWAL</b>	<b>159-2017</b>	
2. Coldwell Banker Integrity Real Estate c/o Barclay Damon LLP 9276 Main Street, Suite 3 Clarence, NY 14031	2915 Niagara Falls Boulevard	<b>TEMPORARY USE PERMIT</b> <b>1st RENEWAL</b> Real-estate office	<b>164-2017</b>	
3. Heather Prestenberg 50 Muegel Road East Amherst, NY 14051	50 Muegel Road	<b>AREA VARIANCE</b> Second dwelling unit	<b>158-2017</b>	
4. Alexandra Sala-Leo 297 Walton Drive Amherst, NY 14226	4516 Sheridan Drive	<b>AREA VARIANCE</b> Front yard setback	<b>160-2017</b>	
5. Empire State Signs Inc. c/o John Wilcox 317 Wheeler Street Tonawanda, NY 14150	310 Dockside Parkway	<b>AREA VARIANCE</b> Subdivision sign square footage	<b>161-2017</b>	
6. Buffalo Niagara Marriott c/o Joe Maeder 1340 Millersport Highway Amherst, NY 14221	1340 Millersport Highway	<b>AREA VARIANCE</b> Building separation	<b>162-2017</b>	
7. Michael Santa Maria c/o Sean Hopkins, Esq. 5500 Main Street, Suite 343 Williamsville, NY 14221	20 Knollwood Lane	<b>AREA VARIANCES</b> 1. Accessory Structure Square Footage 2. Accessory Structure Height <b>Adjourned 11/21 &amp; 12/19</b>	<b>148-2017</b>	

**OTHER MATTERS**

1.	Santoro Signs, Inc. c/o Rocco Santoro 3180 Genesee Street Buffalo, NY 14225	962 Wehrle Drive	<b>AREA VARIANCES</b> 1. Setback of Message Center Sign from Residential District 2. Off Premise Advertising & Promotion  Tabled 12/19	154-2017	
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