



TOWN OF AMHERST
BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

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BRIAN P. ANDRZEJEWSKI, P.E.
Commissioner of Building

February 6, 2018

TO: The Honorable Zoning Board of Appeals
FROM: Brian P. Andrzejewski, P.E., Commissioner of Building
RE: Applications for Variances and Special Permits -
Meeting of February 20, 2018

The following is a summary of specific information for each application, showing minimum requirements appealed from and requested variances to be considered by your Honorable Body:

**1 Hammerl Amusements 4224 Maple Road Temporary use Permit
Renewal (3)**

This application is a request for a second renewal of a Temporary Use Permit to allow temporary outdoor amusement activities.

Per Section 4-7, Shopping Center (SC), Outdoor Amusement Activities are not stated as a permitted use.

The applicant is proposing to utilize the south east corner parking lot near the corner of Maple Road and Sweet Home Road for outdoor amusement purposes. The request is to use an area of approximately 150 ft. x 300ft currently used for 92 parking spaces and 2 driving lanes.

The dates that are requested are:

May 18 5:00 pm- 10pm
May 19 12:00pm- 10:00pm
May 20 12:00pm- 7:00pm

Notes:

The ZBA granted a similar Temporary Use Permits at the March 17, 2015- February 23, 2016 and February 21, 2017 meetings for one year each time.

The Petitioner was granted one day for setup and one day for cleanup.
Maple Road is a County Highway. Sweet Home Road is a New York State Highway

2 Ravelle Culinary Creations, LLC 39 Audubon Drive Special Use Permit

This application is a request for a Special Use Permit for a Type 2 Home Occupation, that being a catering service, within a single family dwelling on premises zoned R-3. Home Occupations are permitted in the R-3 district as per Section 6-8-6.

Due to health reasons the petitioner did not renew this Special Use Permit and it has since expired.

Section 6-8-6A, General Standards, has 10 criteria for all home occupations. This application appears to conform to all of the applicable items except (4) and (8) which do not apply to this request.

A catering service, using only standard home kitchen equipment, is not prohibited as per Section 6-8-6D(3) and appears to be in compliance with Section 6-8-6 C, exclusions to Home Occupations.

A Type 2 Home Occupation was granted on 6/16/2015 for two years with the following conditions:

- 1) There shall be no employees other than the owner/ occupant
- 2) There shall be no signage.
- 3) There shall be no exterior modifications.

3 Nyaya Kelkar 34 Radcliffe Drive Special Use Permit

This application is a request for a Special Use Permit for a Type 2 Home Occupation, that being a massage therapist, within a single family dwelling on premises zoned MFR-5.

Home Occupations are permitted in the MFR-5 district as per Section 6-8-6.

Section 6-8-6A, General Standards, has 10 criteria for all home occupations. This application appears to conform to all of the applicable items except (4) and (8) which do not apply to this request.

The location being use for the home occupation is the first floor den area.

The room is 120 sf and 8% of first floor area.

4 Santoro Signs, Inc. 275 Essjay Road Two Area Variances

This application is a request for 2 area variances for a ground sign in the MFR-7 District.

- 1) Front setback from the property line.
- 2) Total square footage of ground sign.

1) Per Section 7-8-4 B 4 (b), required setback from front property line is 15.00'

Required setback: 15.00'

Proposed setback: 8.00'

Short of required: 7.00' 46%

2) Per Section 7-8-4 B 4 (f) the maximum square footage for a Subdivision Identification sign shall be 20.00 square feet.

Maximum allowed:	20.00 sf	
Proposed:	64.00 sf	
Exceeds allowed:	44.00 sf	220%

5 Ryan Wiesner**1090 New Road****Area Variance**

This application is a request for an Area Variance for front yard setback in the SA District.

Per Section 3-3-2 B The minimum front yard setback in the SA District shall be 50.00'

Required setback:	50.00'	
Proposed setback:	38.80'	
Short of required:	11.20'	22%

The existing house is non-conforming with a setback of 47.29'

The addition to the house is an attached garage.

Existing garage will be converted to habitable space.

Floodplain Development Permit will be required for construction.

6 Signtech of WNY, Inc.**2235 Millersport Highway****Area Variance**

This application is a request for an Area Variance for the total square footage of a ground sign in the NCD-SA District.

Per Chapter 56-34 Page 5634 of the 1973 Zoning Ordinance, the maximum allowable square footage for a ground sign is 8 square feet.

An Area Variance was granted for a maximum square footage of 12 square feet on July 17, 2013.

Allowable square footage:	8.00 sf	
Allowed by variance:	12.00 sf	
Proposed square footage:	48.00 sf	
Exceeds Allowable:	40.00 sf	600%

Existing sign to be removed.

7 Mussachio Architects, PC

420 Sherbrooke Avenue

Area Variance

This application is a request for an Area Variance for front yard setback, from center line of Maple Road in the R-3 District

Per Section 2-5-3 Minimum Distances to Principal and Accessory Structures for Specific Streets. Except as provided in subsections 2-5-2A(2) through 2-5-2A(5), the minimum setback for structures, as measured from the center of the right-of-way, shall supersede minimum setback requirements for any yards abutting the following streets for those districts where such setbacks are lower than those established by this section.

The minimum setback from the center line of Maple Road shall be 90.00'

Required setback:	90.00'	
Proposed setback:	81.00'	
Short of required:	9.00'	10%

8 Michael Santa Maria

20 Knollwood Lane

Two 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 & 1/23/2018 Adjourned by applicant

9 Northtown Automotive Companies 1135 Millersport Highway Area Variance

This application is a request for an Area Variance for a front setback in the GB District, from the center line of Millersport Highway.

Per Section 2-5-3 Minimum Distances to Principal and Accessory Structures for Specific Streets. Except as provided in subsections 2-5-2A(2) through 2-5-2A(5), the minimum setback for structures, as measured from the center of the right-of-way, shall supersede minimum setback requirements for any yards abutting the following streets for those districts where such setbacks are lower than those established by this section.

The minimum required setback from the center line of Millersport Highway shall be 115.00'.

Required setback:	115.00'	
Proposed setback:	92.00'	
Short of required:	23.00'	20%

10 Fox Creek Estates II, LLC 9540 Transit Road 8 Area Variances

This application is a request for eight (8) Area Variances in the GB & MFR-7 Districts

1) Front yard setback for Buildings 1&2

Per Section 2-5-3 Minimum Distances to Principal and Accessory Structures for Specific Streets. Except as provided in subsections 2-5-2A(2) through 2-5-2A(5), the minimum setback for structures, as measured from the center of the right-of-way, shall supersede minimum setback requirements for any yards abutting the following streets for those districts where such setbacks are lower than those established by this section.

The minimum required setback from the center line of Transit road shall be 135.00'.

Required setback:	135.00'	
Proposed setback:	129.50'	
Short of required:	5.50'	4%

2) Vehicle Use Area rear yard setback (west).

Per Section 4-4-2B this minimum setback shall be 15.00'

Required setback:	15.00'	
Proposed setback:	5.49'	
Short of required:	9.51'	63%

3) Required number of parking spaces.

Per Section 7-1-6A the required number of parking spaces for this mixed use project is 169 spaces.

Required spaces:	169	
Proposed spaces:	162	
Short of required:	7	4%

4) Side yard setback (south) of Building 1.

Per Section 2-5-4 B (3), When adjacent to the following districts: R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3, R-4, MFR-4A, MFR-5, MFR-6, MFR-7 PRD, PDD, PRD, or NCD, the following shall apply to any building or structure in the MFR-6, MFR-7, OB, GB, NB, CS, MS, SC, RD, ST, GI, AG, CF, R-R, S-A or RC districts:

[Amended 1-16-2007 by L.L. No. 2-2007; 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2011; 2-24-2014 by L.L. No. 5-2014; 11-3-2014 by L.L. No. 39-2014]

(a) In no case shall the side or rear setback be less than the greater of 30 feet or that required for a parcel abutting a nonresidential district. Buildings greater than 35 feet in height shall have minimum side and rear setbacks of three feet for each foot of building height. The maximum permitted height at the side and rear setback lines as measured from the nearest residential district boundary shall be 35 feet or two stories for a structure with a pitched roof of 6:12 or greater, and 30 feet or two stories for a building with a flat roof or pitched roof of less than 6:12. Any structure that faces a public right-of-way shall have its facade set back 20 feet for the first 30 feet of building height and 30 feet for building height above 30 feet. No building shall encroach into the vehicle use setback.

(Building height is 46' 1" or 46.083')

Required setback:	138.25'	(46.083 x 3 = 138.25)
Proposed setback:	107.67'	
Short of required:	30.58'	23%

5) Minimum percentage of landscaping adjacent to Building 1.

Per Section 7-2-3 a (2)

Required Landscaped Area Adjacent to Buildings. A landscaped area with a minimum average width of three feet shall be provided between each and every side of the proposed principal use building and any off-street parking or internal access road with the exception of building entrances/exits, drive-throughs and covered pedestrian walkways. A minimum of 50 percent of this

landscaped area shall be planted with small trees, shrubs, perennials or combinations thereof. The balance of the landscaped area not planted with trees, shrubs or perennials shall be lawn or groundcover.

[Amended 4-12-2010 by L.L. No. 2-2010; 8-1-2011 by L.L. No. 19-2011; 11-3-2014 by L.L. No. 39-2014]

Required landscaping:	1196.97 sf	
Proposed landscaping:	998.99 sf	
Short of required:	197.98 sf	17%

6) Minimum percentage of landscaping adjacent to Building 2.

Per Section 7-2-3 a (2)

Required Landscaped Area Adjacent to Buildings. A landscaped area with a minimum average width of three feet shall be provided between each and every side of the proposed principal use building and any off-street parking or internal access road with the exception of building entrances/exits, drive-throughs and covered pedestrian walkways. A minimum of 50 percent of this landscaped area shall be planted with small trees, shrubs, perennials or combinations thereof. The balance of the landscaped area not planted with trees, shrubs or perennials shall be lawn or groundcover.

[Amended 4-12-2010 by L.L. No. 2-2010; 8-1-2011 by L.L. No. 19-2011; 11-3-2014 by L.L. No. 39-2014]

Required landscaping:	1074.48 sf	
Proposed landscaping:	876.50 sf	
Short of required:	197.98 sf	18%

7) Required covered pedestrian walkways Building 1

Per Section 4-8-6 F Covered Pedestrian Walkway on Retail Facades. A covered pedestrian walkway a minimum of six feet in width shall be required along any facade featuring a customer entrance or along any building facade abutting a parking area in accordance with the following.

Per Section 4-8-6 F (2) (b) Multiple Development. A building within a multiple development shall provide a covered pedestrian walkway consisting of either:

- (a) An arcade covering 100 percent of the length of the facade; or
- (b) An awning covering a minimum of 85 percent of the length of the facade.

Awnings are being proposed for use.

Required awnings:	279.36 lf	(164.33 lf x 2 x 85% = 279.36 lf)
Proposed awnings:	60.50 lf	
Short of required:	218.86 lf	78%

8) Required covered pedestrian walkways Building 2

Per Section 4-8-6 F Covered Pedestrian Walkway on Retail Facades. A covered pedestrian walkway a minimum of six feet in width shall be required along any facade featuring a customer entrance or along any building facade abutting a parking area in accordance with the following.

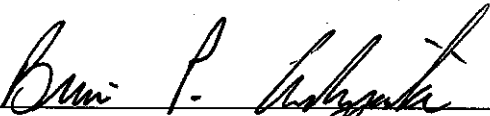
Per Section 4-8-6 F (2) (b) Multiple Development. A building within a multiple development shall provide a covered pedestrian walkway consisting of either:

- (a) An arcade covering 100 percent of the length of the facade; or
- (b) An awning covering a minimum of 85 percent of the length of the facade.

Awnings are being proposed for use.

Required awnings:	248.83 lf	(124.41 lf x 2 x 85% = 248.83 lf)
Proposed awnings:	60.50 lf	
Short of required:	188.33 lf	75%

Other Matters



 Brian P. Andrzejewski, P.C.

DG

- cc: Brian Kulpa, Supervisor
 Councilmembers
 Stanley Sliwa, Town Attorney
 Marjory Jaeger, Town Clerk
 Dan Howard, Planning Director
 Ellen Kost, Planning Department
 Patrick Lucey, Highway Superintendent