



MEMORANDUM

March 8, 2019

To: The Honorable Zoning Board of Appeals
From: Brian P. Andrzejewski, PE, Zoning Enforcement Officer
Re: Applications for Variances and Special Permits – Meeting of March 19, 2019

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. Benderson Properties Inc. 3122 Sheridan Drive 5 Area Variances

This application is for five (5) area variances in the GB District. The variances are grouped by zoning section. The petitioner is reconfiguring the property to a Shopping Center.

- 1) Per Section 4-4-2B the side yard parking setback is 10 feet for a corner lot (Section 2-5).

NOTES:

Required side yard setback	10.0 ft.
Proposed side yard setback	5.0 ft.
Exceeds allowable	5.0 ft. or 50%

- 2) Per Section 4-4-2B the front yard parking setback required is 10 feet.

NOTES:

Required front yard setback	10.0 ft.
Proposed front yard setback	2.8 ft.
Exceeds allowable	7.2 ft. or 72%

- 3) Per Section 4-4-2B the rear yard parking setback is 5 feet.

NOTES:

Required rear yard setback	5.0 ft.
Proposed rear yard setback	4.4 ft.
Exceeds allowable	0.6 ft. or 12%

- 4) Per Section 7-1 the required Parking Spaces is 134.

NOTES:

Required parking spaces	134
Proposed parking spaces	127
Short of required	7 or 5%

- 5) Per Section 7-2-3A2 of the Zoning Code the minimum landscape width on the East and South Building Face shall be three feet.

NOTES:

Required	3.0 ft.
Proposed	0 ft.
Short of required	3.0 ft. or 100%

2. Benderson Development Company, LLC 1560-1590 Hopkins Road Area Variance

This application is for one area variance in the NB district.

1. The proposed Vehicle Use Area setback is 25 feet when abutting R-3 per Section 4-3 B of the Zoning Code.

NOTES:

Required setback	25.0 ft.
Proposed setback	10.0 ft.
Short of required	15.0 ft. or 60%

3. Todd Robida 51 Schoelles Road Area Variance

This application is for an area variance in the SA District.

1) Per Section 6-8-6 B 1 (a) and 6-8-6 C 1, outside storage is not permitted for home occupations.

NOTES:

Owner is self-employed and proposes to keep a commercial dumpster to dispose of construction debris.

4. Mark Ogiony 445 North Forest Road Area Variance

This application is for an area variance in the R3 District. The petitioner desires to replace an existing fence.

1) Per Section 7-5-3 fences are limited to three feet in the front yard.

NOTES:

Required height:	3.0ft.
Proposed height:	4.0ft.
Increase:	1.0ft. or 33%

5. Dockside Village III, LLC 195-335 Shoreline Parkway Area Variances

This application is for area variances associated with an accessory structure in the MFR-6 District.

1) Per Section 2-5-4B(3)(a) and 3-15-6 the setback to a public right of way is 25 feet and to adjacent property is 15 feet. The applicant has playground equipment and a play surface in an existing development.

NOTES:

Required setback right of way:	25.0ft.
Proposed setback right of way:	2.0ft.

Short of required: 23.0ft. or 92%

NOTES:

Required setback adjacent property: 15.0ft.
Proposed setback adjacent property: 6.3ft.
Short of required: 8.7ft. or 58%

**6. Severyn Development 212 Dellwood Road Area Variances
891 Millersport Highway**

This application is for area variances in the MFR-5 District.

1) Per Section 3-15-5 A(4) the side yard setback of the greater length building wall parallel to the lot line is 2 times height. The petitioner is requesting to construct two apartment buildings on an odd shaped lot.

NOTES:

Required setback Building 1: 44.5 ft
Proposed setback Building 1: 30.0 ft
Short of required: 14.5 ft or 32%

Required setback Building 2: 44.5ft.
Proposed setback Building 2: 20.0ft.
Short of required: 24.5ft. or 55%

7. Cimato Enterprises 40 Fairgreen Drive 2 Area Variances

This application is for 2 area variances in the R-4 District.

1) Per Section 3-9-2 B(2) the minimum lot width is 90 feet for a two family and the minimum lot area is 5850 SF. The petitioner is requesting to construct a two family dwelling unit.

NOTES:

Required lot width: 90.0 ft
Proposed lot width: 57.0 ft
Short of required: 33.0 ft or 36%

Required lot area: 5850 SF
Proposed lot area: 4500 SF
Short of required: 1350 SF or 30%

8. Cimato Enterprises 46 Fairgreen Drive 2 Area Variances

This application is for 2 area variances in the R-4 District.

1) Per Section 3-9-2 B(2) the minimum lot width is 90 feet for a two family and the minimum lot area is 5850 SF. The petitioner is requesting to construct a two family dwelling unit.

NOTES:

Required lot width: 90.0 ft
Proposed lot width: 65.0 ft
Short of required: 25.0 ft or 27%

Required lot area: 5850 SF
Proposed lot area: 4062 SF
Short of required: 1788 SF or 30%

9. Cimato Enterprises 52 Fairgreen Drive 2 Area Variances

This application is for 2 area variances in the R-4 District.

1) Per Section 3-9-2 B(2) the minimum lot width is 90 feet for a two family and the minimum lot area is 5850 SF. The petitioner is requesting to construct a two family dwelling unit.

NOTES:

Required lot width: 90.0 ft
Proposed lot width: 64.0 ft
Short of required: 26.0 ft or 29%

Required lot area: 5850 SF
Proposed lot area: 4000 SF
Short of required: 1850 SF or 31%

10. Cimato Enterprises 64 Fairgreen Drive 2 Area Variances

This application is for 2 area variances in the R-4 District.

1) Per Section 3-9-2 B(2) the minimum lot width is 90 feet for a two family and the minimum lot area is 5850 SF. The petitioner is requesting to construct a two family dwelling unit.

NOTES:

Required lot width: 90.0 ft
Proposed lot width: 64.0 ft
Short of required: 26.0 ft or 29%

Required lot area: 5850 SF
Proposed lot area: 4000 SF
Short of required: 1850 SF or 31%

11. Morgan Homes 4774 & 4780 Sheridan Drive Appeal under Section 280-a(3) of the NYS Town Law

This application is for an appeal under Section 280-a(3) of the NYS Town Law to create a subdivision on a private road in the R-3 District.

12. Bell Atlantic Mobile Systems of Allentown, Inc. 1400 Millersport Highway Special Use Permit

This application is for a Special Use Permit to install Telecommunications Equipment on an existing building and waivers to Section 6-7 Telecommunication Facility Standard for a co-location on an existing building.

Waivers are requested for the following sections:

1. 6-7-3 G (20) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed WTFs on the proposed site. Not applicable due to the equipment being placed on an existing building.
2. 6-7-3 AA The petitioner will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration (FAA) Regulation Part 77. This requirement shall be for any new tower or for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner. Petitioner states project is exempt from notice to the FAA.
3. 6-7-7 E Visual screening, including but not limited to landscaping, walls and fences, shall be approved by the ZBA. The Town's landscape architect and consultant shall provide recommendations to the ZBA regarding visual screening. Petitioner will screen rooftop equipment.
4. 6-7-8 C All towers and accessory structures shall be surrounded by a fence or wall that completely provides visual screening of all accessory structures associated with the WTF. This section shall not apply to signage as required in Sec. 6-7-9. The petitioner proposed equipment on an existing building.
5. 6-7-10 Lot size and setbacks. All proposed towers not mounted on existing buildings... shall be setback a distance equal to the height plus 10 percent or the existing setback distance in the underlying district. The petitioner is proposing equipment on an existing building.

BA/ac

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cc: Brian Kulpa, Supervisor
Councilmembers
Stanley Sliwa, Town Attorney
Kathleen Cooper, Deputy Town Clerk
Daniel Howard, Planning Director
Ellen Kost, Assistant Planning Director
Patrick Lucey, Highway Superintendent
Mark Berke, Building Commissioner