



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

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BRIAN P. ANDRZEJEWSKI,
Commissioner of Building

November 6, 2017

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 November 21, 2017

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 East Coast Ink	1400-1430 Millersport Highway (Suite 1414)	Temporary Use Permit Renewal
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This application is for a first renewal of a Temporary Use Permits for a non-permitted use, tattoo parlor in the SC District.
Per Section 4-7-2 A, a tattoo parlor is not listed as a permitted use.

NOTES:

On August 8, 2015 the Zoning Board of Appeals granted a Temporary Use Permit with conditions.

1. Two years.
2. The applicant/ owner shall seek an alternative through the Town Board either through rezoning the building or changing the type of uses that are authorized in that zoning district.

Adjourned at the September 19, 2017 & October 24, 2017 meeting due to the petitioner unable to attending meetings.

2 Transit Lanes, Inc.

7842-7852 Transit Road

2 Temporary Use Permits

This application is for 2 Temporary Use Permits in the GB District.

- 1) Storage container
- 2) Storage of new vehicles.

1) Temporary Use Permit, Per Section 4-4-3 Accessory Uses and Structures, A temporary construction container is not a permitted accessory use.

NOTES:

A Temporary Use Permit was granted on January 27, 2015 for this storage container that expired on March 31, 2015. Container was never removed.

2) Temporary Use Permit, Per Section 4-4-3, the storage of new vehicles is not a permitted accessory use.

NOTES:

Parking spaces on site:	293
Leased spaces:	85
Remaining spaces:	208
Required spaces:	208

3 People Inc.

180 Le Brun Road

Special Use Permit Renewal

This application is for a Temporary Use Permit for a second dwelling unit in the R-3 District.
12th renewal

Per Section 3-6-2 A, a single dwelling unit per parcel is permitted.

NOTES:

Second dwelling unit is in a detached garage apartment.

Original Temporary Use Permit was granted in 1989 for two years. It has been renewed 11 time for two years each time.

4 David Fiegel

147 Ranch Trail W

Special Use Permit

This application is for a Special Use Permit for raising chickens in the R-3 District

Per Section 6-8-9 B,

Raising of Livestock, Noncommercial.

[Amended 1-22-2013 by L.L. No. 2-2013; 5-12-2014 by L.L. No. 11-2014]

B. In the R-R, R-1, R-2, R-3 and R-4 districts, chickens may be raised upon the approval of a temporary Special Use Permit by the Zoning Board of Appeals (ZBA) in compliance with the following minimum regulations:

1. The raising of chickens shall be conducted as an accessory use on the same premises associated with an occupied single-family detached dwelling as the principal use;
2. The chickens shall be raised for noncommercial purposes;
3. The number of chickens shall be limited to a maximum of six (6);
4. Roosters shall not be allowed. Breeding of chickens on-site shall not be allowed;
5. The Special Use Permit shall be limited to the applicant and shall not be transferable;
6. The raising of the chickens shall be subject to all applicable sanitary, noise and property maintenance regulations, ordinances and laws. Chicken waste shall not be composted or mulched on-site. Chicken waste shall be stored in appropriate containers that do not create any nuisance;
7. Any odor associated with the raising of the chickens shall not be perceptible beyond the property line of the premises where the chickens are being raised;
8. The chickens must be kept in coops or in fenced or walled enclosures (chicken run) at all times so constructed that the chickens can not fly over any fence or wall or otherwise escape from the coop or chicken run. The chickens shall not be allowed to roam freely beyond the property lines of the premises associated with the ZBA application;
9. Feed for the chickens must be stored in secure containers that will not attract rodents, vermin or pests of any type. Unsecured excess feed shall not be allowed;
10. Chickens shall not be allowed in the front yard between the principal structure and a public or private street;
11. Chicken coops or other structures for the housing of the chickens, that are established on or after May 1, 2014, shall be located at least fifteen (15) feet from any property line. Chicken coops or other structures for the housing of the chickens, that exist prior to May 1, 2014, shall be located at least three (3) feet from any property line.
12. The ZBA may require screening of the chicken coop or chicken run as deemed appropriate.
13. The Special Use Permit shall be valid for a maximum of two years. The ZBA may grant approval of the Special Use Permit for a period less than two years. Additional consecutive or non-consecutive Special Use Permits may be granted by the ZBA upon the filing of each new application.
14. The ZBA shall solicit input from property owners within 100 feet of the applicant's property and shall evaluate any complaints that have been received relative to the raising of chickens on the property.
15. Prior to the ZBA hearing for the temporary Special Use Permit, the Building Department shall conduct an inspection of the premises associated with application for the Special Use Permit. The inspection shall note any property maintenance issues and shall include an inspection of the proposed chicken coop (if it exists). The Building Department will provide a report of their findings to the ZBA.

NOTES:

Applicant has stated that they will comply with all regulations.

5 Vincent Marzec

21 Rosemont Drive

Area Variance

This application is for 2 Area Variances in the R-3 District

- 1) Side yard setback of the primary structure, east side.
- 2) Eave setback form property line.

1) Per Section 3-6-2 B, the minimum side yard setback shall be 5.00'

NOTES:

Required setback:	5.00'
Proposed setback:	3.00'
Short of required:	2.00'

2) Per Section 2-5-2 A (1) (a)

Cornices and Eaves. Cornices and eaves may project not to exceed 18 inches over any required yard or court.

NOTES:

Carport eaves will project 12.00" from support posts. 2.00' feet from property line.

Required setback of structure:	5.00'
Allowable eave projection:	1.50'
Required eave setback:	3.50'
Proposed eave setback:	2.00'
Short of required:	1.50' 43%

6 Empire State Signs

60 Maple Road

Area Variance

This application is for an Area Variance for a ground sign set back in the GB District.

Per Section 7-8-4 Ground sign (5), a ground sign must be a minimum of 15.00' from a public right of way.

NOTES:

Required setback:	15.00'
Proposed setback:	13.33'
Short of required:	1.67' 11%

Replace an existing non-conforming sign.

7 APD Engineering & Architecture

9290 & 9300 Transit Road

Area Variance

This application is for an Area Variance in the GB District.

Per Section 4-8-6 (2) D (1)

Storefront display windows shall cover a minimum of 25 percent of facades facing a public right-of-way. This requirement shall not apply to more than three facades of a building. [Amended 8-1-2011 by L.L. No. 19-2011]

NOTES:

The existing building entrance is on the north side of the building.

The future entrance will also be on the north side of the building.

Required Windows:	25%
Proposed windows:	14%
Short of required:	9%

8 MJ Peterson Corp.

348 Sundridge Drive

Area Variances

This application is for 4 Area Variances in the R-4 district.

- 1) Lot width
- 2) Lot area
- 3) Side yard setback
- 4) Combined side yard setback

Variances were granted on June 16, 2015 but have expired.

Per Section **8-13-7. Period of Validity.** Variances are valid for a period of two years from the date of approval. If the variance is not exercised within this time period, the variance shall expire. Notice of expiration shall be conveyed to the petitioner as part of the notification of approval.

- 1) Area Variance, Per Section 3-9-2 B (2), the minimum lot width for an interior lot is 90.00'

NOTES:

Required width:	90.00'	
Proposed width:	65.00'	
Short of Required:	25.00'	28%

- 2) Area Variance, per Section 3-9-2 B (2), the minimum lot area for a two family dwelling is 11,700 square feet.

NOTES:

Required area:	11,700 sf	
Proposed area:	8,450 sf	
Short of required:	3,250 sf	28%

3) Area Variance, per Section 3-9-2 B (2), the minimum side yard setback shall be 8.00'

NOTES:

Required setback:	8.00'	
Proposed setback:	5.00'	
Short of Required:	3.00'	38%

4) Area Variance, per Section 3-9-2 B (2), the minimum combined side yard setback shall be 20.00'

NOTES:

Required setback:	20.00'	
Proposed setback:	13.00'	
Short of required:	7.00'	35%

9 MJ Peterson Corp.

354 Sundridge Drive

2 Area Variances

This application is for 2 Area Variances in the R-4 district.

- 1) Lot width
- 2) Lot area

Variances were granted on June 16, 2015 but have expired.

Per Section **8-13-7. Period of Validity.** Variances are valid for a period of two years from the date of approval. If the variance is not exercised within this time period, the variance shall expire. Notice of expiration shall be conveyed to the petitioner as part of the notification of approval.

1) Area Variance, Per Section 3-9-2 B (2), the minimum lot width for an interior lot is 90.00'

NOTES:

Required width:	90.00'	
Proposed width:	75.40'	
Short of Required:	14.60"	16%

2) Area Variance, per Section 3-9-2 B (2), the minimum lot area for a two family dwelling is 11,700 square feet.

NOTES:

Required area:	11,700 sf
Proposed area:	10,645 sf

Short of required: 355 sf 3%

10 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 Northtown Property Owner, LLC

3045 Sheridan Drive

10 Area Variances

This application is for 10 Area Variances for a six building commercial development in the SC District

- 1. The north front yard setback of the Vehicle Use Area (Sheridan Drive) will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

This represents an existing condition and the setback of the Vehicle Use Area on the Sheridan Drive frontage.

Required Setback:	25.00'	
Proposed setback:	2.50'	
Short of required:	22.50'	90%

- 2. The south front yard setback of the Vehicle Use Area (Eggert Road) will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

This represents an existing condition and the setback of the Vehicle Use Area on the Eggert Road frontage of the Project Site

Required setback:	25.00'	
Proposed setback:	4.50'	
Short of required:	20.50'	82%

3. The front yard setback for Building "F" from the southern edge of the Eggert Road Right-of-Way will be less than required by Section 4-7-2B of the Zoning Code

NOTES:

Required setback:	20.00'	
Proposed setback:	18.00'	
Short of required:	2.00'	10%

4. The minimum building separation between the existing Key Bank building on the parcel at 3051 Sheridan Drive and Building "B" is less than required by Section 4-7-2B of the Zoning Code

NOTES:

Required setback:	30.00'	
Proposed setback:	15.33'	
Short of required:	14.67'	49%

5. The number of off-street parking spaces is less than required by Section 7-1-6A of the Zoning Code

NOTES:

Required spaces:	984	
Proposed spaces:	752	
Short of required:	232	23%

6. Portions of the parking areas will not comply with Section 7-2-3A(3)(b) of the Zoning Ordinance

1 interior landscaped island required for every row of 15 parking spaces

NOTES:

There are 17 instances that the maximum number is exceeded.

Parking rows with 17, 26, 26, 16, 38, 33, 33, 33, 33, 32, 20, 36, 27, 18, 17, 40, 25 parking spaces between interior landscaped islands proposed

7. The percentage of interior landscaped area is less than required pursuant to Section 7-2-3A(3) of the Zoning Code

NOTES:

Required landscaping:	10.00%	
Proposed landscaping:	7.75%	
Short of required:	2.25%	22.5%

8. The minimum percentage of landscaping adjacent to Buildings "A", "B" and "C" is less than required by Section 7-2-3A(2) of the Zoning Code

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 (see subsection (3) below).

Where the side or rear facade of a principal building or accessory structure faces a public or private street/right-of-way, the entire area of the required yard (with the exception of building entrances/exits and loading areas) between the street/right-of-way and the building shall be landscaped with a combination of evergreen and deciduous trees, shrubs and perennial plants sufficient to mitigate the visual impact of the building on the adjacent street/right-of-way as determined by the Planning Board or Planning Director, as applicable.

[Added 11-3-2014 by L.L. No. 39-2014]

NOTES:

Building "A"		
Required landscaping:	1173 sf	
Proposed landscaping:	288 sf	
Short of required:	885 sf	75%
Building "B"		
Required landscaping:	996.00 sf	
Proposed landscaping:	657.12 sf	
Short of required:	339.00 sf	34%
Building "C"		
Required landscaping:	2250 sf	
Proposed landscaping:	1475 sf	
Short of required:	775 sf	34%

9. The length of the covered pedestrian walkway to be provided along the applicable facades of Buildings "A", "B", "C", "D", "E" and "F" is less than required pursuant to Section 4-8-6F(2)(b) of the Zoning Code

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:

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.

NOTES:

Building "A"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	50%	
Short of required:	35%	41%

Building "B"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	65%	
Short of required:	20%	23%

Building "C"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	65%	
Short of required:	20%	23%

Building "D"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	70%	
Short of required:	15%	18%

Building "E"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	70%	
Short of required:	15%	18%

Building "F"

Required covered sidewalks:	85%	
Proposed covered sidewalks:	50%	
Short of required:	35%	41%

10. The percentage of storefront display windows along the on the facades of Buildings "A", "B", "C", "D" and "F" facing public rights-of-way is less than required pursuant to Section 4-8-6D(1) of the Zoning Code

Storefront display windows shall cover a minimum of 25 percent of facades facing a public right-of-way. This requirement shall not apply to more than three facades of a building. [Amended 8-1-2011 by L.L. No. 19-2011]

NOTES:

South Side Building "A":

Required:	25%	
Proposed:	0%	
Short of required:	25%	100%

North Side of Building "B":

Required:	25%	
Proposed:	20%	
Short of required:	5%	20%

North Side of Building "C":

Required:	25%	
Proposed:	20%	
Short of required:	5%	20%


North Side Building "D":

Required:	25%	
Proposed:	20%	
Short of required:	5%	20%

South Side of Building "F":

Required:	25%	
Proposed:	0%	
Short of required:	25%	100%

Adjourned 10 / 24 / 2017



Brian P. Andrzejewski, P.E.

DG:js

- cc: Dr. Barry Weinstein, Supervisor
- Councilmembers
- Stanley Sliwa, Town Attorney
- Marjory Jaeger, Town Clerk
- Eric Gillert, Planning Director
- Ellen Kost, Planning Department
- Patrick Lucey, Highway Superintendent