



# TOWN OF AMHERST

BUILDING DEPARTMENT

**ERIE COUNTY, NEW YORK**

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080  
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BRIAN P. ANDRZEJEWSKI, P.E.  
Commissioner of Building

July 2, 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 July 17, 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:

<b>1 George's Produce Market Inc. c/o Sean Hopkins, Esq. 5500 Main Street, Suite 343 Williamsville, NY 14221</b>	<b>1187 Wehrle Drive</b>	<b>TEMPORARY USE PERMIT Retail sales in the RD District</b>
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This application is for a Temporary Use Permit for retail sales in the RD District.

**NOTES:**

Per Section 4-9-2 A, retail sales are not a permitted use.  
The parcel is a split parcel with the Village of Williamsville.  
There is 0.2 acres (20%) in the Town and 0.8 acres (80%) in the Village.  
The zoning of the portion in the village is M-1 Light Manufacturing District.  
Retail sales is a permitted use in the Village M1 District.

The applicant was denied a Use Variance during the June 17, 2018 meeting  
The applicant is requesting the Temporary Use Permit to allow the business to stay open while he applies for a rezoning that would allow the commercial use.

**2 Frederick Hazzan  
831 Dodge Road  
Getzville, NY 14068**

**831 Dodge Road**

**AREA VARIANCE  
Front yard setback, open  
porch**

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

The petitioner is replacing / enlarging an existing front porch.

Per Section 3-3-2 B, required front yard setback in the SA District is 50.00'

Per Section 2-5-2 A (1)(c)(iv) An open porch or entranceway may project not to exceed eight feet into a required front yard.

Proposed front porch will project 12.00' into front yard.

**NOTES:**

Required front setback:	50.00'	
Permitted setback:	42.00'	
Proposed setback:	38.00'	
Short of permitted:	4.00'	9%

**3 Skylin Realty LLC  
c/o Alan B. Linksy  
7 Homer Lane, Unit D  
Williamsville, NY 14221**

**2335 Niagara Falls  
Boulevard**

**AREA VARIANCE  
Side yard setback,  
accessory structure**

This application is a request for an Area Variance for side yard setback for an accessory structure in the GB District

Per Section 4-4-2 B, The required setback for an accessory structure in the GB District when adjacent to a non-residential district is 10.00'

Required setback:	10.00'	
Purposed setback:	5.00'	
Short of required:	5.00'	50%

**4 X-Press Signs Inc.  
c/o Rich Pierpaoli  
1780 Union Road  
West Seneca, NY 14224**

**6812 Transit Road**

**2 AREA VARIANCES  
1) Setback of message  
center sign from residential  
district  
2) Pole sign square footage**

This application is a request for 2 Area Variances for signs in the GB District

- 1) Message center sign setback from a residential district.
- 2) Pole sign square footage.

1) Per Section 7-8-4 B 2 (b), a message center sign is not permitted within 500.00' of a residential district.

NOTES:

Required setback:	500.00'	
Proposed setback:	102.00'	
Short of required:	398.00'	80%

The residential district is to the rear of this property.

2) Per Section 7-8-8 B, The maximum allowed pole sign square footage for a property with less than 200.00' of street frontage is 64.00 sf.

NOTES:

Maximum allowed:	64.00 sf	
Proposed size:	100.00 sf	
Exceed allowed:	36.00 sf	56%

The existing pole sign is 64.00 sf

**5 MJ Peterson Real Estate**

**c/o Ronald Fix  
200 John James Audubon  
Parkway  
Amherst, NY 14228**

**2675 Millersport Highway  
(22 – 84 Stonington)**

**2 AREA VARIANCES  
1) Ground sign square  
footage  
2) Ground sign height**

This application is a request for 2 Area Variances for signs in the MFR-4 District

- 1) Subdivision Identification sign square footage.
- 2) Subdivision Identification sign height

1) Per Section 7-8-4 B (4) (f) Such sign shall not exceed 20 square feet in area and six feet in height.

NOTES:

Maximum sign square footage:	20.00 sf	
Proposed sign square footage:	60.00 sf	
Exceeds allowable:	40.00 sf	200%

2) Per Section 7-8-4 B (4) (f) Such sign shall not exceed 20 square feet in area and six feet in height.

NOTES:

Maximum height:	6.00'	
Proposed height:	8.00'	
Exceed allowed:	2.00'	33%

**6 Iskalo Development Corp.**  
**c/o Nicholas Dolpp**  
**5166 Main Street**  
**Williamsville, NY 14221**

**215 John Glenn Drive**

**2 AREA VARIANCES**  
**1) Front yard vehicle use area setback**  
**2) Side yard setback vehicle use area**

This application is a request for 2 Area Variances for setbacks for a vehicle use area in the RD District.

1) Per Section 4-9-2 B, Minimum front yard vehicle use area setback from a public right of way is 25.00'

NOTES:

Minimum setback:	25.00'	
Proposed setback:	6.50'	
Short of required:	18.50'	75%

2) Per Section 4-9-2 B, the minimum side yard setback for a vehicle use area when adjacent to non-residential is 10.00'

NOTES:

Minimum setback:	10.00'	
Proposed setback:	00.00'	
Short of required:	10.00'	100%

**7 Victor Stachura**  
**370 Berryman Drive**  
**Amherst, NY 14226**

**370 Berryman Drive**

**AREA VARIANCE**  
**Side yard setback for air conditioning unit**

This application is a request for an Area Variance for a side yard setback for an air conditioning unit in the R-3 District

Per Section 2-5-2 A, **Exterior Heating or Air-Conditioning Structures in Residential Districts.** Except for window-mounted units, no exterior heating or air-conditioning structure or equipment shall be located within three feet of any lot line. [Amended 8-1-2011 by L.L. No. 19-2011]

NOTES:

Minimum setback:	3.00'	
Proposed setback:	1.50'	
Short of required:	1.50'	50%

**8 BDR Design Engineering  
D.P.C  
c/o Stephanie Davidson  
557 Niagara Street  
Buffalo, NY 14201**

**47 Kenmore Avenue**

**AREA VARIANCE  
Wall / fence height in front  
yard**

This application is a request for an Area Variance for a wall height in the front yard in the GB-TNB-3 District

Per Section 7-5-3

No fence or wall, other than a necessary retaining wall, over three feet in height shall extend into the front yard of any lot, except in an industrial district. For the purposes of administration of this Section, the front yard of a principal structure shall be the yard abutting the street that is directly associated with the primary entrance to the structure.

NOTES:

Maximum allowed:	3.00'	
Proposed height:	7.00'	
Exceeds allowed:	4.00'	133%

**9 Box Drop Mattress LLC  
c/o Diane Phillips  
683 Main Street  
West Seneca, NY 14224**

**415 Lawrence Bell Drive**

**AREA VARIANCE  
Retail sales in the RD  
District  
Accessory use**

This application is a request for an Area Variance the percentage of floor area that can be used for retail sales in the RD District

Per Section 4-9-2 A, warehousing is a permitted use.

Per Section 4-9-3 A, retail sales of produce assembled or stored on-site is permitted in accordance with Section 6-8-11

Per Section 6-8-11 where permitted as an accessory use in Part 3 or Part 4, retail sales and service shall occupy no more than 15 percent of the gross floor area of the principal structure.

NOTES:

Gross floor area of space:	2,546 sf	
Permitted sales area:	381 sf	15%
Proposed sales area:	1,262 sf	49%
Exceeds allowed:	881 sf	231%

**10 CRDI Development, LLC  
c/o Sean Hopkins, Esq.  
5500 Main Street, Suite 343  
Williamsville, NY 14221**

**315 Campbell Boulevard**

**AREA VARIANCE  
First Floor Accessible Units**

This application is for an Area Variance for first floor dwelling units in the NB District. Proposed project is to build 2, two story mixed use buildings. Ground floor commercial / residential dwelling units and eight second floor dwelling units. No elevator provided.

**NOTES:**

Per Section 4-3-2 A Upper floor dwelling unit is permitted.

Per Chapter 11 of the International Building Code (IBC) Group R-2 Occupancy, The number of required accessible units for a structure with 1-25 units is 1 unit.

**North building:**

Permitted ground floor units:	0
Required accessible units:	1
Proposed ground floor accessible units:	1

**East building:**

Permitted ground floor units:	0
Required accessible units:	1
Proposed ground floor accessible units:	4

**Adjourned 6/19**

**11 Northtown Property Owner  
LLC  
c/o Sean Hopkins, Esq.  
5500 Main Street, Suite 343  
Williamsville, NY 14221**

**3045 Sheridan Drive**

**AREA VARIANCE  
Required number of parking  
spaces**

This application is a request for an Area Variance for the minimum number of parking spaces in the SC District.

On December 19, 2017 the Zoning Board of Appeals granted an Area Variance for the number of required parking spaces on this site of 752 space. Total number of spaces required would be 984 spaces.



**2 Pauly Construction Inc.  
c/o James P. Pauly  
8110 Leah Court  
Williamsville, NY 14221**

**2 Sable Court West**

**AREA VARIANCE  
Side Yard Setback -  
Accessory Structure**

This application is for an Area Variance for an accessory structure side yard setback on a corner lot in the R-3 District

Per Section 2-5-2 (5)(b) The exterior side yard for any building or structure on a corner lot shall meet the front yard requirement for the district within which it is located; provided, however, that for buildings on lots within subdivisions given preliminary plat approval prior to October 24, 1960, the minimum width of the exterior side yard shall be 20 feet. For other uses and structures, the exterior side yard shall comply with the minimum regulations for the district. Subdivision was approved after 1960, setback minimum of 30.00' is required.

NOTES:

Required setback:	30.00'	
Proposed setback:	24.00'	
Short of required:	6.00'	20%

**Adjourned 6/19 for more information**

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Brian P. Andrzejewski, P.E.

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