

4. Upstate Tower Co., Inc. 445 Tonawanda Creek Road Special Use Permit

This application is for a Special Use Permit to install a 165ft tall lattice tower and waivers to Section 6-7 Telecommunication Facility Standard. This application is deemed incomplete but Federal shot clock requirements necessitate it being heard.

Waivers are requested for the following sections:

1. 6-7-3 G (8) Size and Height of all structures to be listed on the plans
2. 6-7-3 N and 6-7-8 C Screening of the tower base and facilities and structures, as well as the fenced compound
3. 6-7-6 A Maximum tower height
4. 6-7-7 D Self supported structure
5. 6-7-8 E Fenced zone less than ¼ of height
6. 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.

5. Upstate Tower Co., Inc. 1042 North Forest Road Special Use Permit

This application is for a Special Use Permit to install a 200ft tall tower and waivers to Section 6-7 Telecommunication Facility Standard. This application is deemed incomplete but Federal shot clock requirements necessitate it being heard.

Waivers are requested for the following sections:

1. 6-7-3 G (8) Size and Height of all structures to be listed on the plans
2. 6-7-3 N and 6-7-8 C Screening of the tower base and facilities and structures, as well as the fenced compound
3. 6-7-6 A Maximum tower height
4. 6-7-8 E Fenced zone less than ¼ of height
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.

6. Upstate Tower Co., Inc. 9860 Transit Road Special Use Permit

This application is for a Special Use Permit to install a 100ft tall tower and waivers to Section 6-7 Telecommunication Facility Standard. This application is deemed incomplete but Federal shot clock requirements necessitate it being heard.

Waivers are requested for the following sections:

1. 6-7-3 G (8) Size and Height of all structures to be listed on the plans
2. 6-7-3 N and 6-7-8 C Screening of the tower base and facilities and structures, as well as the fenced compound
3. 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.

7. Upstate Tower Co., Inc. 9250 Transit Road Special Use Permit

This application is for a Special Use Permit to install a 100ft tall tower and waivers to Section 6-7 Telecommunication Facility Standard. This application is deemed incomplete but Federal shot clock requirements necessitate it being heard.

Waivers are requested for the following sections:

1. 6-7-3 G (8) Size and Height of all structures to be listed on the plans
2. 6-7-3 N and 6-7-8 C Screening of the tower base and facilities and structures, as well as the fenced compound
3. 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.

8. Family Tree Restaurant 4346 Bailey Avenue Area Variance

This application is for one area variance in the GB District.

- 1) Per Section 7-8-3B (e) the minimum pole support width shall be 30 percent of the width of the sign. The applicant has conflicts with existing building geometry and proposes a 24in skirt for the single pole support.

NOTES:

Required skirt width:	40.0in.
Proposed skirt width:	24.0in.
Short of required:	16.0in. or 40%

9. Catherine Schueckler 42 Sunrise Boulevard Area Variance

This application is for one area variance in the R-3 District.

- 1) Per Section 2-5 A (1)(e) Except for window units, no air conditioning unit shall be located within three feet of any lot line. The petitioner is replacing an existing a/c unit in the same location.

NOTES:

Required setback:	36 in
Proposed setback:	23 in
Short of required:	13 in or 36%

10. Sarah Griebner 290 Campbell Boulevard Special Use Permit

This application is for a special use permit in the NCD-B-2 District.

- 1) Per Section 56-83 of the previous Zoning Code in effect on December 23, 1972 per the contract with NYS-UDC chickens are not a permitted use. The petitioner is requesting to construct a chicken coop and run.

11. Leon Studio One 4224 Maple Road Temporary Use Permit

This application is for a temporary use permit in the SC District. The petitioner is requesting an outdoor storage container.

1) Per Section 7-4-3 outdoor storage containers, general outdoor storage, is not allowed in the SC District.

12. Atlantic Garages 675 Longmeadow Road Area Variance

This application is for one area variance in the R-3 District.

1) Per Section 3-6-3 B accessory uses shall be placed a minimum of three feet from any lot line. The petitioner is replacing a garage.

NOTES:

Required setback:	3 ft
Proposed setback:	2 ft
Short of required:	1 ft or 33%

13. 12 Gates Brewing Company 80 Earhart Drive, Suite 20 Temporary Use Permit

This application is for a temporary use permit in the RD District. The existing temporary use permit expires April 19, 2019.

1) Per Section 4-9-2 A outdoor dining is not allowed in the RD District. The petitioner is requesting to place a tent and 8 picnic tables adjacent to the building in vehicle use area.

14. Natale Building Corp. 284 New Road 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 portion of a subdivision on a private road in the R-3 District.

15. CRDI Development, LLC 315 Campbell Boulevard 3 Area Variances

This application is for three area variances in the NB District.

1) Per Section 2-5-3 the required setback to the center of Campbell is 90 feet. The petitioner is requesting 52.26ft to the building and 44.93ft to the patio.

NOTES:

Required setback:	90.0 ft
Proposed setback:	44.93 ft
Short of required:	45.07 ft or 50%

2) Per Section 4-2-2B the front yard setback is 30 feet. The petitioner is requesting 19.26ft to the building and 11.93ft to the patio.

NOTES:

Required setback:	30.0 ft
Proposed setback:	11.93 ft
Short of required:	18.07 ft or 60%

3) Per Section 4-3-2A first floor dwelling units are not allowed. The petitioner is requesting twelve (12) first floor units. A variance for six floor units was granted on November 20, 2018.

**16. Spindrift Property Associates II LLC 289 & 297 Spindrift Drive Appeal under
Spindrift Property Associates III LLC 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 access to a parcel without frontage to a public highway in the OB District.

17. YMCA Buffalo Niagara 150 Tech Drive 2 Area Variances

This application is for two area variances in the RC District.

1) Per Section 5-9-2B the maximum building area coverage is 10%. The petitioner is requesting additions and new accessory usages that will result in a building coverage of 14.4%.

NOTES:

Maximum coverage:	10.0 %
Proposed coverage:	14.4 %
Overage:	4.4 % or 44%

2) Per Section 5-9-2B the front yard setback is 20 feet for a 35ft high building. The petitioner is requesting 15.5ft to the building.

NOTES:

Required setback:	20.0 ft
Proposed setback:	15.5 ft
Short of required:	4.5 ft or 23%

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