



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

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

June 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 June 19, 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	RRG Buffalo Apartments c/o Cindy Kadish-Rice 1400 Millersport Highway, Suite 100 Williamsville, NY 14221	1400 – 1430 Millersport Highway	TEMPORARY USE PERMIT Tattoo Parlor in the SC District
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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.

1/18/2018 Request withdrawn by applicant, tenant was moving to new location.

The new location did not work out and the renewal was resubmitted.

The property owner has expressed interest in rezoning the property to GB which would allow for the tattoo parlor.

Per Section 2-5-2 (h)(iii) For parcels containing one to four residential dwelling units, the cumulative area of any driveway, plus any impermeable surface area located in the required front yard, shall not exceed 50 percent of the area between the front face of the house and the right-of-way line. Driveways and parking areas shall be constructed of concrete, asphalt or other materials approved by the Commissioner of Building.

[Amended 8-1-2011 by L.L. No. 19-2011]

NOTES:

Front yard is	40.00' x 32.00'	= 1280 sf	
Allowable paving:	640 sf		(1280 x 50%)
Proposed paving:	1280 sf		
Exceeds allowable:	640 sf		100%

5

Brian Barrey
321 Grover Cleveland
Highway
Amherst, NY 14226

321 Grover Cleveland
Highway

AREA VARIANCE
Paving - Hard Surface in
Required Front Yard

This application is for an Area Variance for existing hard surface paving of front yard in the R-3 District.

Per Section 2-5-2 (h)(iii) For parcels containing one to four residential dwelling units, the cumulative area of any driveway, plus any impermeable surface area located in the required front yard, shall not exceed 50 percent of the area between the front face of the house and the right-of-way line. Driveways and parking areas shall be constructed of concrete, asphalt or other materials approved by the Commissioner of Building.

[Amended 8-1-2011 by L.L. No. 19-2011]

NOTES:

Front yard is	40.00' x 29.00'	= 1160 sf	
Allowable paving:	580 sf		(1160 x 50%)
Proposed paving:	640 sf		
Exceeds allowable:	60 sf		9%

6

Cholena & Michael Pacillo
4040 Main Street
Amherst, NY 14226

4040 Main Street

AREA VARIANCE
Fence Height in Front Yard

This application is for an Area Variance for the height of a fence in a front yard in the R-3 District for privacy.

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 height:	3.00'	
Proposed height:	6.00'	
Exceeds allowed:	3.00'	100%

7 Jonathan Yioulos 147 Washington Highway **AREA VARIANCE**
 147 Washington Highway Fence Height in Front Yard,
 Snyder, NY 14226 Snyder, NY 14226 Corner Lot

This application is for an Area Variance for the height of a fence in a front yard in the R-3 District for privacy.

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 height:	3.00'	
Proposed height:	6.00'	
Exceeds allowed:	3.00'	100%

8 Dockside Village Commercial 10800 Transit Road **AREA VARIANCE**
 One, LLC Pole Sign - Sign Face Area
 c/o Barclay Damon LLP
 9276 Main Street, Suite 3
 Clarence, NY 14031

This application is for an Area Variance for the total sign face area of a pole sign in the SA District.

Per Section 7-8-8 B, A lot with street frontage of 200 to 349 feet is permitted a pole sign with total of 96.00 sf.

NOTES:

Street frontage:	250'	
Allowable sign face:	96 sf	
Proposed sign face:	112 sf	
Exceeds allowable:	16 sf	17%

11

George's Produce Market Inc. 1187 Wehrle Drive
c/o Michael Pope
1195 Wehrle Drive
Williamsville, NY 14221

USE VARIANCE
Retail Sales in the RD District

This application is for a Use Variance 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.

12

CRDI Development, LLC 315 Campbell Boulevard
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221

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

13

Stampede Presentation
Products, Inc.
c/o Craig Werynski
55 Woodridge Drive
Amherst, NY 14228

35 & 55 Woodridge Drive

USE VARIANCE

Parking Lot without a Principle
Structure (35)

2 AREA VARIANCES

Parking Lot Setback for Both
Properties (35 & 55)

This application is for a Use Variance and 2 Area Variances in the RD District.

- 1) Use Variance for a parking lot as a primary use (35 Woodridge)
- 2) Area Variance for setback of a vehicle use area from a property line (35 Woodridge)
- 3) Area Variance for setback of a vehicle use area from a property line. (55 Woodridge)

NOTES:

These are existing conditions that was brought to the Town's attention when there was a request to merge 45 & 55 Woodridge Dr.

1) Per Section 4-9-2 A, a parking lot without a principle structure is not a permitted use. The parking is for 55 Woodridge Dr.

2) Per Section 4-9-2 B, vehicle use area setback from a property line is 10.00'

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

3) Per Section 4-9-2 B, vehicle use area setback from a property line is 10.00'

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

4/17/2018 Adjourned by applicant.

14

Bell Atlantic Mobile Systems of 6777 Main Street
Allentown, Inc. d/b/a Verizon
Wireless
c/o Jared C. Lusk, Esq.
1300 Clinton Square
Rochester, NY 14604

SPECIAL USE PERMIT

Telecommunication Facility
(Co-location) – Equipment
Upgrade on Existing Tower

This application is for waivers to Section 6-7 Telecommunication Facility Standard for a co-location on an existing macro tower.

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.
2. 6-7-3 M (1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the WTF may be seen
3. 6-7-3 (Y) Pre application meeting with town.
4. 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.
5. 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.
6. 6-7-8 B All antennae, towers and auxiliary structures shall be properly bonded and grounded to protect the facility and surrounding properties from lightning discharges.

This antenna location was never issued a special Use Permit when first installed.

This is an Eligible Facility Request.

15

Bell Atlantic Mobile Systems of 8270 Transit Road
 Allentown, Inc. d/b/a Verizon
 Wireless
 c/o Jared C. Lusk, Esq.
 1300 Clinton Square
 Rochester, NY 14604

SPECIAL USE PERMIT
 Telecommunication Facility
 (Small Cell)

This application is for waivers to Section 6-7 Telecommunication Facility Standard for a "Micro Cell" installed on an existing building roof top.

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.
2. 6-7-3 M (1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the WTF may be seen

3. 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.
4. 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.

16

Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless c/o Jared C. Lusk, Esq. 1300 Clinton Square Rochester, NY 14604	National Grid Pole #1870 In front of 1901 Sweet Home Road	SPECIAL USE PERMIT Telecommunication Facility (Small Cell)
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This application is for waivers to Section 6-7 Telecommunication Facility Standard for a "Micro Cell" installed on an existing utility pole.

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.
2. 6-7-3 M (1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the WTF may be seen
3. 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.
4. 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.
5. 6-7-8 B All antennae, towers and auxiliary structures shall be properly bonded and grounded to protect the facility and surrounding properties from lightning discharges.

17 Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless
c/o Jared C. Lusk, Esq.
1300 Clinton Square
Rochester, NY 14604

National Grid Pole #1870
In front of 1901 Sweet Home Road

SPECIAL USE PERMIT
Telecommunication Facility
(Small Cell)

This application is for waivers to Section 6-7 Telecommunication Facility Standard for a "Micro Cell" installed on an existing utility pole.

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.
2. 6-7-3 M (1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the WTF may be seen
3. 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.
4. 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.
5. 6-7-8 B All antennae, towers and auxiliary structures shall be properly bonded and grounded to protect the facility and surrounding properties from lightning discharges.

18

Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless
c/o Jared C. Lusk, Esq.
1300 Clinton Square
Rochester, NY 14604

National Grid Pole #1790
Corner of Sweet Home Road & 53 American Campus Drive

SPECIAL USE PERMIT
Telecommunication Facility
(Small Cell)

This application is for waivers to Section 6-7 Telecommunication Facility Standard for a "Micro Cell" installed on an existing utility pole.

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.

2. 6-7-3 M (1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the WTF may be seen
3. 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.
4. 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.
5. 6-7-8 B All antennae, towers and auxiliary structures shall be properly bonded and grounded to protect the facility and surrounding properties from lightning discharges.

Other Matters

1

American Town Asset Sub II, 200 Irwin Place
LLC
10 Presidential Way
Woburn, MA 01801

SPECIAL USE PERMIT
Telecommunication Facility,
Co-location

This application is for a Special Use Permit for a telecommunication facility, new emergency generator and co-location antenna upgrade on an existing macro tower in the GI District.

This is an existing co-location that requires a renewal of its Special Use Permit.

This is an Eligible Facility Request

The applicant is requesting the following waivers:

- 1) 6-7-3 G (10), Existing landscaping and fencing
- 2) 6-7-3 H, report on securing a co-location
- 3) 6-7-3 N, Provide screening plan
- 4) 6-7-3 W (1), Number of FCC licenses available for the area
- 5) 6-7-3 W (2), the kind of WTF site and structure proposed
- 6) 6-7-3 W (3), The number of existing and potential licenses without WTFs spaces/sites
- 7) 6-7-3 W, (4), Available space on existing and approved towers.
- 8) 6-7-3 Y, Pre application meetings
- 9) 6-7-4 E, Review of location given priority
- 10) 6-7-5 D, Legally non-conforming structures

2

American Town Asset Sub II, 2700 Millersport Highway
LLC
10 Presidential Way
Woburn, MA 01801

SPECIAL USE PERMIT
Telecommunication facility,
New Co-location

This application is for a Special Use Permit for a telecommunication facility, new emergency generator and co-location antenna upgrade on an existing macro tower in the MS District.

This is an eligible Facility Request.

The applicant is requesting the following waivers:

- 1) 6-7-3 G (10), Existing landscaping and fencing
- 2) 6-7-3 H, Report on securing co-location
- 3) 6-7-3 K, Conductors within 50'
- 4) 6-7-3 L, Environmental assessment analysis and a visual addendum
- 5) 6-7-3 M (3) Assessment of visual impact
- 6) 6-7-3 N, Provide screening plan
- 7) 6-7-3 R, Stealth or concealment of structures
- 8) 6-7-3 W (1) Number of FCC licenses available for the area
- 9) 6-7-3 W (2) The kind of WTF site and structure proposed
- 10) 6-7-3 W (3), The number of existing and potential licenses without WTFs spaces/sites
- 11) 6-7-3 W (4), Available space on existing and approved towers.
- 12) 6-7-3 Y, Pre application meetings
- 13) 6-7-4, Location of WTF
- 14) 6-7-5, Shared use of WTF & Other Structures
- 15) 6-7-7 E, Visual screening
- 16) 6-7-3 J, Grounding & bonding



Brian P. Andrzejewski, P.E.

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