



TOWN OF AMHERST
BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

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

August 7, 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 August 21, 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

Reinhart Enterprises c/o Jill L. Yonkers, Esq. 1600 Liberty Building Buffalo, NY 14202	4531 Harlem Road	REVERSAL OF THE DETERMINATION OF THE COMMISSIONER OF BUILDING
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This application is a request for a hearing for the reversal of the determination of the Commissioner of Building

The Commissioner of Building revoked the Special Use Permit for a Type 2 Home Occupation on 5/3/2018 for cause in accordance with *Section 8-6-10 (B)*: *A special use permit shall become null and void upon a finding by the Commissioner of Building that any of the conditions in the permit have been violated.*

NOTES:

5/17/2016 ZBA:

- 1) Granted a Type 2 Home Occupation for one year.
- 2) Denied Temporary Use permit for parking commercial vehicles

6/14/2017 Commissioner of Building:

- 1) Granted a two year renewal of Special Use Permit for a Type 2 Home Occupation.

5/3/2018 Commissioner of Building:

- 1) Revoked Special Use Permit for Type 2 Home Occupation

2

**Prateek Poras
23 Leonore Road
Amherst, NY 14226**

23 Leonore Road

**AREA VARIANCE
Front yard paving, hard
surfaces**

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 30.00 x 30.57=	1528 sf	
Allowable paving:	764 sf	(1528 x 50%)
Proposed paving:	959 sf	
Exceeds allowable:	194 sf	25%

3

**Jeff Stressinger
945 Tonawanda Creek Road
Amherst, NY 14228**

945 Tonawanda Creek Road

**AREA VARIANCE
Side yard setback**

This application is a request for an Area Variance for a side yard setback of the primary structure in the SA District.

Per Section 3-3-2 B The minimum side yard setback is set by Section 2-5-4 B (3):

When adjacent to the following districts: R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3, R-4, MFR-4A, MFR-5, MFR-6, MFR-7 PRD, PDD, PRD, or NCD, the following shall apply to any building or structure in the MFR-6, MFR-7, OB, GB, NB, CS, MS, SC, RD, ST, GI, AG, CF, R-R, S-A or RC districts:

[Amended 1-16-2007 by L.L. No. 2-2007; 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2011; 2-24-2014 by L.L. No. 5-2014; 11-3-2014 by L.L. No. 39-2014]

(a) In no case shall the side or rear setback be less than the greater of 30 feet or that required for a parcel abutting a nonresidential district. Buildings greater than 35 feet in height shall have minimum side and rear setbacks of three feet for each foot of building height. The maximum permitted height at the side and rear setback lines as measured from the nearest residential district boundary shall be 35 feet or two stories for a structure with a pitched roof of 6:12 or greater, and 30 feet or two stories for a building with a flat roof or pitched roof of less than 6:12. Any structure that faces a public right-of-way shall have its facade set back 20 feet for the first 30 feet of building height and 30 feet for building height above 30 feet. No building shall encroach into the vehicle use setback.

The neighboring parcel is zoned SA so the minimum setback is 30.00' as the proposed building addition will be less than 35.00' in height.

NOTES:

Minimum setback:	30.00'	
Proposed setback:	20.00'	
Short of required:	10.00'	33%

4

**Kathy Russo
43 Forestlake Drive
Getzville, NY 14068**

43 Forestlake Drive

**AREA VARIANCE
Side yard setback,
emergency generator**

This application is a request for an Area Variance for a side yard setback of an emergency generator in the MFR-5 District.

Per Section 3-11-2 B (1)

Detached Dwelling Units. As permitted and regulated in the MFR-4A district.

[Amended 9-9-2013 by L.L. No. 17-2013]

Per Section 3-10-2 B (1) Minimum side yard setback shall be 5.00'

NOTES:

Required setback:	5.00'	
Proposed setback:	4.62'	
Short of required:	0.38'	(4 1/2") 7%

5

**First Buffalo Total Basement Finishing
c/o Adam Harris
1286 Broadway
Buffalo, NY 14212**

83 Danebrock Drive

**AREA VARIANCE
Side yard setback, egress
window**

This application is a request for an Area Variance for a side yard setback for an egress window well in the R-3 District.

Per Section 2-5-2 A (1) (c) (ii)

An open porch not over one story high, window wells, and other similar structures as determined by the Commissioner of Building, may project into any required side yard, provided that it does not come nearer the side lot line than a distance equivalent to one-half the width of the side yard required as a minimum for that lot. [Amended 2-4-2008 by L.L. No. 1-2008]

Per Section 3-6-2 B Minimum side yard setback is 5.00'

NOTES:

Required setback:	5.00'
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Permitted encroachment:	2.50'
Actual setback:	5.12'
Window well size:	3.00'
Proposed setback:	2.12'
Short of required:	0.38' (4 1/2") 7%

6

**Annmarie Puglia
90 Fernleaf Terrace
Amherst, NY 14228**

90 Fernleaf Terrace

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

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

Per Section 2-5-2 A (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.

This subdivision was approved after 1960

Per Section 3-6-2 B:

Minimum front yard setback: 30.00'

NOTES:

Required setback:	30.00'	
Proposed setback:	16.00'	
Short of required:	14.00'	46%

7

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

**2350 Sweet Home Road &
Portion of 2360 Sweet Home
Road**

**AREA VARIANCE
Building separation,
Buildings 4, 5 & 6**

This application is a request for an Area Variance for building separation in the MFR-5 District. The request is for the separation between buildings 4-5 and 5-6.

Per Section 3-15-5 A (4) Building Separation- Parallel Arrangements:

Buildings are parallel or within 30 degrees of being parallel and the lesser sides of each building face each other across an open yard or court, or the lesser side of one building faces the greater side of the other building.

$[(H_a + H_b)/2] \times 1.5$

NOTES:

All three buildings are 18.00' high.

$[(18.00' + 18.00') / 2] \times 1.5 = 24.00'$

Required separation: 24.00'

Proposed separation: 16.00'

Short of required: 8.00' 33%

This request is to comply with the International Fire Code for emergency fire apparatus access road requirements.

The project requires two apparatus access roads.

This access road will have a locked gate to limit use to emergency vehicles only.

Other Matters

1

MJ Peterson Real Estate
c/o Ronald Fix
200 John James Audubon
Parkway
Amherst, NY 14228

2675 Millersport Highway
(22 - 84 Stonington)

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%

Adjourned 7/17

Brian P. Andrzejewski, P.E. (with signature)

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