



MEMORANDUM

February 8, 2019

To: The Honorable Zoning Board of Appeals
From: Brian P. Andrzejewski, PE, Zoning Enforcement Officer
Re: Applications for Variances and Special Permits – Meeting of February 19, 2019

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. Transitowne Hyundai & Mitsubishi 7420-7428 Transit Road Temporary Use Permit

This application is for a Temporary Use Permit for general outdoor storage in the GB District.

1) Per Section 7-4-2(A) General Outdoor Storage is not allowed in the GB District

A Temporary Use Permit was granted on September 19, 2017 for one year with a condition that a site plan to permanently replace the storage containers be produced within 6-9 months.

2. Benderson Properties Inc. 3122 Sheridan Drive 5 Area Variances

This application is for five (5) area variances in the GB District. The variances are grouped by zoning section. The petitioner is reconfiguring the property to a Shopping Center.

1) Per Section 4-4-2B the side yard parking setback is 10 feet for a corner lot (Section 2-5).

NOTES:

Required side yard setback	10.0 ft.
Proposed side yard setback	5.0 ft.
Exceeds allowable	5.0 ft. or 50%

2) Per Section 4-4-2B the front yard parking setback required is 10 feet.

NOTES:

Required front yard setback	10.0 ft.
Proposed front yard setback	2.8 ft.
Exceeds allowable	7.2 ft. 72%

3) Per Section 4-4-2B the rear yard parking setback is 5 feet.

NOTES:

Required rear yard setback	5.0 ft.
Proposed rear yard setback	4.4 ft.
Exceeds allowable	0.6 ft. or 12%

4) Per Section 7-1 the required Parking Spaces is 134.

NOTES:

Required parking spaces	134
Proposed parking spaces	127
Short of required	7 or 5%

5) Per Section 7-2-3A2 of the Zoning Code the minimum landscape width on the East and South Building Face shall be three feet.

NOTES:

Required	3.0 ft.
Proposed	0 ft.
Short of required	3.0 ft. or 100%

3. Benderson Development 1560-1590 Hopkins Road Area Variance
Company, LLC

This application is for one area variance in the NB district.

1. The proposed Vehicle Use Area setback is 25 feet when abutting R-3 per Section 4-3 B of the Zoning Code.

NOTES:

Required setback	25.0 ft.
Proposed setback	10.0 ft.
Short of required	15.0 ft. or 60%

4. X-Press Signs Inc. 6812 Transit Road 2 Area Variances

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

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

NOTES:

Required setback:	500.00ft.
Proposed setback:	100.00ft.
Short of required:	400.00ft. 80%

The residential district is to the west of this property.

2) Per Section 7-8-8B the maximum square footage for a pole sign with under 200 feet street frontage is 64 SF.

NOTES:

Allowed Square Footage	64.0 ft.
Proposed Square Footage	80.0 ft.
Exceeds allowable	16.0 ft. or 25%

5. NOCO Energy Corp. 6164 & 6172 Main Street Area Variance

This application is for an area variance in the MS District.

1) Per Section 2-5-3 the minimum setback to a principal building from the centerline of Main Street is 115 feet.

NOTES:

Required setback:	115.0ft.
Proposed setback:	69.5ft.
Short of required:	45.5ft. or 39%

6. Bell Atlantic Mobile Systems of Allentown, Inc. 1400 Millersport Highway Special Use Permit

This application is for a Special Use Permit to install Telecommunications Equipment on an existing building and waivers to Section 6-7 Telecommunication Facility Standard for a co-location on an existing building.

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. Not applicable due to the equipment being placed on an existing building.
2. 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. Petitioner states project is exempt from notice to the FAA.
3. 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. Petitioner will screen rooftop equipment.
4. 6-7-8 C All towers and accessory structures shall be surrounded by a fence or wall that completely provides visual screening of all accessory structures associated with the WTF. This section

shall not apply to signage as required in Sec. 6-7-9. The petitioner proposed equipment on an existing building.

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. The petitioner is proposing equipment on an existing building.

7. Schenne Associates 809 Millersport Highway Area Variance

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

1) Per Section 4-4-2B the minimum rear yard setback to a non-residential district is 15 feet. The applicant proposes a new in-ground grease trap behind the restaurant.

NOTES:

Required setback:	15.0ft.
Proposed setback:	3.5ft.
Short of required:	11.5ft. or 76%

8. Carl Kress 1365 New Road Area Variance

This application is for an area variance in the SA District.

1) Per Section 6-8-1B the total floor area of all accessory structures and the floor area of attached or built-in garages shall not exceed 75% of the floor area of the principal structure. The petitioner is requesting to build a 1200SF barn.

NOTES:

Required maximum area:	1321 SF
Proposed area:	1788 SF (existing 588SF detached garage)
Overage:	467 SF or 35%

9. Bell Atlantic Mobile Systems of Allentown, Inc. 1105 Wehrle Drive Special Use Permit

This application is for a Special Use Permit to install Telecommunications Equipment on an existing utility pole NG221 and waivers to Section 6-7 Telecommunication Facility Standard.

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. Not applicable due to the equipment being placed on an existing pole.

2. 6-7-3 M (1) The petitioner shall include a 'Zone of Visibility' map in order to determine locations from which the WTF may be seen. The equipment will be placed on an existing pole.

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. Petitioner states project is exempt from notice to the FAA.
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 C All towers and accessory structures shall be surrounded by a fence or wall that completely provides visual screening of all accessory structures associated with the WTF. This section shall not apply to signage as required in Sec. 6-7-9. The petitioner proposed equipment on an existing pole.
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. The petitioner is proposing equipment on an existing pole.

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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