



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

October 4, 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 October 23, 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

Felice Moreale
496 Mill Street
Williamsville, NY 14221

496 Mill Street

SPECIAL USE PERMIT
Raising Chickens in the R-3
District

This application is a request for a special use permit for raising chickens in the R3 District.

This application is for a temporary Special Use permit to allow the raising of chickens on property zoned R3 in accordance with Section 6-8-9 B of the Zoning ordinance.

NOTES:

There are 15 requirements in section 6-8-9 B of the Zoning Ordinance for the special use permit. The application indicates that the chickens will be kept in accordance with items 1-12 of the requirements. Items 13-15 are not addressable by the applicant.

The time period for the special use permit indicated in Item 13 is for the Board to determine. Item 14, solicitation of property owners within 100 ft., is carried out by the Town Clerk. Item 15, inspection of the premises, will be conducted by the Building Department.

2

Thomas J. Mallare
265 Rockdale Court
Amherst, NY 14228

174 North Ellicott Creek Road

TEMPORARY USE PERMIT
Non-permitted Use – Trucking
Office in Suburban Agriculture
District
RENEWAL (3)

This application is a Temporary Use Permit for a non-permitted use in the SA district.

Renewal #3

Trucking business offices.

Temporary Use Permit renewal (3).

Per Section 3-3-2 (A) Commercial Use, Trucking Business Offices, is not a permitted use.

Notes:

6/19/2007 – Temporary Use Permit was granted with conditions for two years.

5/20/2014 – Temporary Use Permit renewal granted with conditions for two years

8/4/2016- Temporary Use Permit renewal granted for two years.

The applicant has spoken with the Planning Department about a re-zoning of the property, Ellen Kost told them that it would be very unlikely to be approved.

3

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

2350 Sweet Home Road and
portion of 2360 Sweet Home
Road

AREA VARIANCE

- 1) Building separation (bldgs. 4 & 5)
- 2) Building separation (bldgs. 5 & 6)
- 3) Building separation (bldgs. 2 & 3)
- 4) Sideyard setback (bldgs. 4 & 5)
- 5) VUA set back form building 3 (west side)

This application is for 5 Area Variances in the MFR-5 District

1) Area Variance for building separation, buildings 4 & 5

The separation between Buildings No. 4 and No. 5 is less than required pursuant to Section 3-15-5 of the Zoning Code [27 ft. required vs. 16 ft. proposed].

[Note: This is a modification of the area variance granted by the ZBA on August 21, 2018.]

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.

$$[(Ha + Hb)/2] \times 1.5$$

$$[(18.00' + 18.00') / 2] \times 1.5 = 27.00'$$

Required separation:	27.00'		
Proposed separation:	16.00'		
Short of required:	11.00'	40%	

2) Area Variance for building separation, buildings 5 & 6

The separation between Buildings No. 5 and No. 6 is less than required pursuant to Section 3-15-5 of the Zoning Code [27 ft. required vs. 16 ft. proposed].

[Note: This is a modification of the area variance granted by the ZBA on August 21, 2018.]

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.

$$[(Ha + Hb)/2] \times 1.5$$

$$[(18.00' + 18.00') / 2] \times 1.5 = 27.00'$$

Required separation:	27.00'		
Proposed separation:	16.00'		
Short of required:	11.00'	40%	

3) Area Variance for building separation, buildings 2 & 3

The separation between Buildings No. 2 and No. 3 is less than required pursuant to Section 3-15-5 of the Zoning Code [27 ft. required vs. 15 ft. proposed].

[**Note:** This is a modification of the area variance granted by the ZBA on June 19, 2018.]

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.

$$[(Ha + Hb)/2] \times 1.5$$

$$[(18.00' + 18.00') / 2] \times 1.5 = 27.00'$$

Proposed separation:	15.00'		
Short of required:	12.00'	44%	

4) Area Variance for primary structure setback, buildings 4 & 5

Per Section 3-15-5 Buildings with the wall of greater length parallel to the lot line shall be set back 2 times (2x) the mean height of structure.

$$[(Ha + Hb)/2] \times 2$$

$$[(18.00' + 18.00') / 2] \times 2 = 36.00'$$

Required setback:	36.00'		
Proposed setback:	35.00'		
Short of required:	1.00'	3%	

5) Area Variance for vehicle use area setback from a primary structure.

The setback of the Vehicle Use Area on the west side of Building 3 is less than required per Section 3-15-6 of the Zoning Code [10 ft. required vs. 5.83 ft. proposed].

Per Section 3-15-6 *Accessory Structure Minimum Yard and Building Spacing. Minimum yard and building spacing for accessory structures in multifamily districts are set forth in this section.*

Off street parking and driveway setback from a principal structure shall be a minimum of 10.00'

Minimum setback: 10.00'

Proposed setback: 5.83'
 Short of required: 4.17' 42%

Modifications to existing variances is due to a changes to structures in final design.

4

Northtowns Cardiology, PLLC 190 Maple Road
 c/o Sean Hopkins, Esq.
 5500 Main Street, Suite 343
 Williamsville, NY 14221

AREA VARIANCE

Allowable sign square footage in
 the R-3 District

This application is a request for 2 Area Variances for signage in the R-3 District
 Per Section 7-8-7 Permitted Sign Tables, Wall signs and ground signs are not permitted in any
 residential district.

NOTES:

Allowable sign square footage:	0.00 sf
Proposed sign square footage:	171.45 sf
Exceed allowable:	171.45 sf

A Use Variance was granted by the Zoning Board of Appeals on 4/18/2017 granting permission for the
 commercial use of an R-3 zoned property.

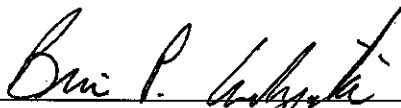
5

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

AREA VARIANCES

1. First Floor Dwelling Units
2. Building Height
3. Setback from Centerline of Campbell Blvd

Adjourned 7/17, 8/21 & 9/25


 Brian P. Andrzejewski, P.E.

DG:

cc: Brian Kulpa, Supervisor
 Councilmembers
 Stanley Sliwa, Town Attorney
 Town Clerk
 Dan Howard, Planning Director
 Ellen Kost, Planning Department
 Patrick Lucey, Highway Superintendent