



Zoning Board of Appeals

Regular Meeting

Agenda

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall. Upon exiting this room, the main exits are located to the front and the rear of this building. **Do not use the elevator during an emergency event.**

This meeting is being recorded and will stream live online
Amherstny.igm2.com

Tuesday, May 18, 2021

6:00 PM

Amherst Municipal Building

I. PUBLIC PARTICIPATION

In accordance with the Governor's Executive Order 202.1 and for public health and safety concerns related to COVID-19, the Zoning Board of Appeals meeting on May 18, 2021, will not be meeting in-person and will be held via the Zoom videoconference application. The public will have an opportunity to view and participate in the meeting live. At a later date, a meeting transcript will be available. The Public may view and participate via video or audio call shown below.

A. Zoom Meeting Login: Visual/Display Online

<https://us02web.zoom.us/j/84502470429?pwd=SzAwOTdlWXlJNGEwR2J2ZHNjNmxiUT09>

Audio/Call-In Instructions: Note to callers your phone number will display to the public, to conceal your number enter *67 before you enter the phone number below.

1-646-558-8656
Meeting ID: 845 0247 0429
Passcode: 089365

II. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Chairman John Radens	☐	☐	☐	
Member Ann M. Nichols	☐	☐	☐	
Member Nina Potycz	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	

III. APPROVAL OF MINUTES

1. Tuesday, April 20, 2021

IV. HEARINGS ON APPEALS

1. 6565 Main Street- Area Variances - Building & VUA Setbacks/ Parking Quantity/ Landscaping/ Decorative Wall Height

The petitioner's proposed office building will be 80' from the centerline of Main St., whereas, section 2-5-3 requires 115' and, whereas the building will be 9.73 feet from the west property line, whereas, section 4-4-2B requires 15', and whereas, the vehicle use area will be 8.92' from the south property line, whereas, section 4-2-2B requires 25', and whereas the subject use is providing 19 off-street parking spaces, whereas, section 7-1-6A requires 20 spaces, and whereas, a portion of the east wall of the building will not provide an adjacent 3' wide landscaped area as required by section 7-2-3A(2), and, whereas, a decorative wall segment will be 4 feet in height, whereas, section 2-5-1 limits the height to 2 feet.

Proposed Setback: 80' (Main St.)
Required Setback: 115'
Short of Required: 35' or 30%

Proposed Setback: 9.73' (west)
Required Setback: 15'
Short of Required: 5.27' or 35%

Proposed VUA Setback: 8.92'
Required Setback: 25'
Short of Required: 16.1' or 64%

Proposed Parking Spaces: 19
Required Parking Spaces: 20
Short of Required: 1 or 5%

Proposed Height: 4' (decorative wall)
Allowed Height: 2'
Over Allowed: 2' or 50%

ATTACHMENTS:

- 6565Main_SSD (JPG)

2. 4205 Tonawanda Creek Road - Area Variance - Detached Garage

The petitioner's garage will be 900 S.F. in area, whereas, the zoning law limits accessory structures to 75% of the principal building, in this case 668 S.F.

Proposed Area: 900 S.F.
Allowed Area: 668 S.F.
Over Allowed: 232 S.F. or 25.7%

3. 4281 Sheridan Drive - Area Variance - Parcel Division/Lot Width

The petitioner's proposed building Lot (A) will have a minimum lot width of 20 feet at the building setback line, whereas section 3-6-2B requires 65 feet minimum.

Required Lot Width: 65 feet
Proposed Lot Width: 20 feet

Short of Required: 45 feet or 69.2%

4. 37 Wood Lee Road - Area Variance - Fence

The petitioner's 6 foot high replacement fence will be in the required side yard along Wood Lee, whereas, section 2-5-2A(5)(b) limits the height of the fence to 3 feet within such exterior side yard.

Required Setback: 20 feet
Proposed Setback: 0 feet
Over Allowed: 20 feet or 100%

5. 72 Presidio Place - Area Variances - Fence & Shed

The petitioner's shed and fence will be within the exterior side yard setback, whereas section 2-5-2A(5)(b) prohibits any fence over 3 feet in height or any structure within the required exterior side yard.

Proposed Setback (fence): 0 feet
Required Setback: 30 feet
Over Allowed: 30 feet or 100%

Proposed Setback (shed): 0 feet
Required Setback: 30 feet
Short of Required: 30 feet or 100%

6. 59 Kaymar Drive - Special Use Permit - Type 2 Home Occupation

The petitioner desires to utilize a portion of her dwelling for a cosmetic medical practice which requires a special use permit for a Type Two Home Occupation.

7. 89 Carriage Circle - Special Use Permit - Raising Chickens

The petitioner desires to raise chickens as an accessory use to her/his dwelling, which requires the issuance of a special use permit.

8. 3985 Main Street - Area Variance - Signage

The Petitioner's desires to re-utilize an existing internally lit cabinet sign which does not meet the sign lighting standards as per section 5-7-7D of the Traditional Neighborhood Business overlay zoning district.

9. 6599 Main Street - Area Variance - VUA Setback

The petitioner's vehicle use area was constructed 5 feet from the west property line, whereas, the Zoning Board of Appeals previously issued an area variance to permit such vehicle use area to be 8 feet from the property line, whereas, the zoning ordinance requires 10 feet minimum.

Required Setback: 10 feet
Proposed Setback: 5 feet
Short of Required: 5 feet or 50%

10. 3310-3320 & 3340 Millersport Highway - Area Variances - Landscaping/VUA & Bldg. Setbacks/Illumination Levels

The petitioner desires to renew variances that have expired due to inaction. The petitioner's proposed multifamily development will not provide high impact screening along a shared interior property line with his existing apartment complex to the south, and such project will have a proposed parking area 0 feet from the shared interior property line whereas, 5 feet is required and, the parking lot lighting will exceed allowable lumen levels along such shared property line, and the petitioner's proposed apartment buildings will be a minimum of 16.57 feet from the interior property line, whereas, a 40 foot setback is required, and the proposed easterly apartment building will be 80 feet from the centerline of Millersport Hwy., whereas, the zoning ordinance requires 115 feet.

V. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING