



Zoning Board of Appeals

Regular Meeting

Agenda

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

Francina J. Spoth
Town Clerk

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Amherstny.igm2.com

Tuesday, July 20, 2021

6:30 PM

Amherst Municipal Building

I. 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	☐	☐	☐	

II. APPROVAL OF MINUTES

1. Tuesday, June 15, 2021

III. HEARINGS ON APPEALS

1. 191 Chasewood Lane - Area Variance - Shed Setback

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a shed installation. The petitioner's shed will be 7 feet from the east property line, whereas the zoning ordinance requires a minimum of 30 feet.

2. 64 Amsterdam Avenue - Area Variance - Electric Transformer Setback

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a transformer location. The petitioner's transformer is 12.5 feet from the road right-of-way, whereas, section 3-15-6 of the Zoning Ordinance requires a setback of 25 feet.

3. 83 Seabrook Drive - Area Variance - Fence Height in Exterior Side Yard

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a fence installation. The petitioner's proposed 6 foot high fence will be 0 feet from the south property line, whereas, section 2-5-2A(5)(b) requires a 30 foot setback.

4. 1591 Tonawanda Creek Road - Area Variance - Accessory Garage Greater Than 75% of Principal Dwelling

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve an accessory garage. The petitioner desires to construct a 1,400 s.f. accessory garage which will create a total of 4,433 s.f. of building area for all accessory structures (including an existing 2,749 s.f. barn and a 384 s.f. accessory shed) whereas, section 6-8-1B of the zoning ordinance limits all accessory structures to a maximum of 75% of the principal dwelling or in this case 1,266 s.f. maximum.

5. 439 North Forest Road - Area Variance - Height of Dwelling

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve the height of a single family dwelling. The petitioner's single family dwelling will be 48' at it's highest point, whereas, section 3-6-2B limits the height to 35'.

6. 621 Getzville Road - Area Variance - Signage

The petitioner's pole sign is 30 feet in height, whereas, the zoning ordinance permits a maximum height of 25 feet, and whereas, the pole sign will be 246.06 s.f. in area, whereas a maximum of 64 s.f. is permitted, and whereas, the petitioner desires to erect (4) ground signs, whereas, a maximum of one ground sign is permitted, and whereas, the petitioner's directory sign is 23.79 s.f. in area, whereas, a maximum of 16 s.f. is permitted, and whereas, two incidental signs will be 3.95 s.f. in area, whereas, a maximum of 2 s.f. is permitted, and whereas, the total sign area proposed for the site is 544.36 s.f. in area whereas, a maximum of 476 s.f. is permitted.

7. 3139 Sheridan Drive - Area Variance - Signage

The petitioner desires to erect a pole sign, whereas, the zoning ordinance does not permit pole signs in the mixed-use center zoning districts, and whereas, the sign post skirting will be 14 inches wide, whereas, a minimum of 15.75 inches is required.

8. 216 North Union Road - Special Use Permit - Raising Chickens

The petitioner desires to raise chickens as an accessory use to his dwelling, whereas, the Zoning Ordinance requires the Zoning Board to issue a special use permit.

9. 292 Ivyhurst Road North - Special Use Permit - Raising Chickens

The petitioner desires to continue raising chickens as an accessory use to her dwelling, whereas, the Zoning Ordinance requires the Zoning Board to issue a special use permit.

10. 655 New Road & 550 Smith Road

Four of the petitioner's field lights will be 70 feet in height, whereas, the zoning ordinance limits such structures to 65 feet in height, and whereas, the proposed field lighting will exceed 0.5 foot candles along a shared interior property line, whereas the zoning ordinance limits lumen levels along non residential property lines to 0.5 foot candles, and whereas the southerly athletic field and one field light will be 0 feet from an interior property line, whereas, the zoning ordinance requires 15 feet minimum.

11. 4 Fawn Meadows Court - Area Variance Fence Height

The petitioner desires to erect a fence higher than 3 feet in height within the exterior side yard along Hopkins Road, and a portion of the fence will be in the clear vision triangle which does not permit obstructions higher than 2 feet in such area.

6/15/2021

Sheldon Park appeared and answered questions from the Board.

There were no speakers from the public, therefore Ms. Potycz moved to adjourn the hearing, seconded by Mr. Shubert and unanimously approved 5-0.

HISTORY:**06/15/21****Zoning Board of Appeals****ADJOURNED****Next: 07/20/21****12. 4059 Main Street - Area Variance Fence Height**

The petitioner's 6 foot high fence is zero feet from the north and west property lines, whereas, the zoning ordinance requires a 30 foot setback and 20 foot setback respectively, for fences higher than 3 feet in height.

Required Setback (front): 30 ft

Proposed Setback: 0 ft

Short of Required: 30 ft or 100 %

Required Setback (exterior side): 20 ft

Proposed Setback: 0 ft

Short of Required Setback: 20 ft or 100%

HISTORY:**06/15/21****Zoning Board of Appeals****ADJOURNED****Next: 07/20/21****IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING**