



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

Tuesday, August 17, 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, July 20, 2021

III. HEARINGS ON APPEALS

1. Part of 330 Maple Road - Temporary Use Permit

The petitioner desires to construct four temporary public softball fields on a portion of lands it is leasing which is zoned MFR-6 and GB which is not permitted.

ATTACHMENTS:

- Project description and site layout (PDF)

2. 550 Smith Road - Area Variances - Lou Gehrig Sports Field Lighting/Field Improvements

The petitioner desires to re-construct an existing baseball diamond to include exterior sports field lighting. Two of the proposed light poles will be 70 feet in height and the remaining four light poles will be 80 feet in height, whereas, the zoning ordinance limits such structures to 65 feet in height, and whereas one of the light poles will be 32 feet from the east property line, whereas a 50 foot minimum setback is required and, whereas, the lights will exceed 0.5 foot candles of lumen along a portion of the easterly property line, and whereas, the re-constructed baseball field will be 38 feet from the easterly property line, whereas the zoning ordinance requires a 50 foot setback.

ATTACHMENTS:

- Site layout and lighting design (PDF)

3. 480 New Road - Area Variance - Accessory Structure

The petitioner's garage will be 2,567 s.f. in area, whereas, the zoning ordinance limits all accessory structures to 75% of the principal dwelling (including any attached garage), or in this case 1,575 s.f. maximum.

4. 190 Maple Road - Area Variance - Sign Modification

The petitioner desires to add lighting to his/her existing wall signs, whereas, the Zoning Board of Appeals restricted such sign lighting in their decision of October 23, 2018.

5. 69 Aspenwood Drive - 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.

6. 10170 Transit Road - Use Variance - Additional Dwelling Unit

The petitioner desires to establish an additional dwelling unit to his/her nonconforming two family dwelling, whereas, the Zoning Ordinance limits dwellings to single family homes in the SA zoning district.

7. 65 Daisy Lane - Area Variance - Fence in an Exterior Side Yard

The petitioner is seeking to install a six foot high fence that is 0 feet from the south property line, whereas, section 2-5-2(5)(b) requires a setback of 25 feet.

8. 10820 Transit Road - Area Variance - Building Setback and Expansion of a Non-Conforming Use

The petitioner's proposed greenhouse will be a minimum of 14.57 feet from the south property line, and his relocated greenhouse will be a minimum of 9.16 feet from the south property line, whereas, the Zoning Ordinance requires 30 feet minimum. The existing nursery/greenhouse business is a lawful non-conforming use, the expansion of the greenhouse business is not permitted as per section 9-2 of the Zoning Ordinance.

9. 1230 Eggert Road - Area Variance - Generator Setback

The petitioners' proposed generator will be 5 feet from the north property line, whereas, a minimum of a 15 foot setback is required.

10. 350 Schoelles Road - Area Variance - Building Setback

The petitioner's addition to his/her dwelling will be 11'-8" from his/her west property line, whereas, the zoning ordinance requires 30 feet minimum.

11. 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.

7/20/2021

Mitchell Donnelly appeared and answered questions from the Board.

There were no speakers from the public, therefore Mr. Radens moved to adjourn the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

HISTORY:**07/20/21****Zoning Board of Appeals****ADJOURNED****Next: 08/17/21****12. 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.

HISTORY:**07/20/21****Zoning Board of Appeals****ADJOURNED****Next: 08/17/21****13. 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.

HISTORY:**07/20/21****Zoning Board of Appeals****ADJOURNED****Next: 08/17/21****14. 7590 Transit Road - Area Variance - Outdoor Storage/Display & Landscaping Relief**

The petitioner is seeking relief from the medium impact screening requirements along his easterly yard and, the petitioner desires to maintain outdoor display and limited outdoor storage in excess of the limits established by the zoning ordinance.

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING