



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, September 21, 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 Cherian	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	

II. APPROVAL OF MINUTES

Tuesday, July 20, 2021

Tuesday, August 17, 2021

III. HEARINGS ON APPEALS

1. 35 Britannia Drive - Special Use Permit Type 2 Home Occupation

The petitioners desire to establish a photography studio within their residence, whereas, the Zoning Ordinance requires the issuance of a special use permit for a type 2 home occupation.

2. 210 Rollingwood Street - Area Variance Building Setbacks/Fence Location

The petitioners proposed garage and fence extension will be 11.42 feet from the north property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas, the proposed enclosed porch will be 25.35 feet from the north property line, whereas, the zoning ordinance requires 35 feet.

3. 76 Avalon Meadows Lane - Area Variance Building Setback

The petitioner's rear building addition will be 14.5 feet from the north property line, whereas, the Zoning Ordinance requires a minimum of 20 feet.

4. 1087 Smith Road - Area Variances Building Setback/ Building Height

The petitioner's building addition will be a minimum of 9.2 feet from the north property line, whereas, the Zoning Ordinance requires 30 feet, and whereas, the addition will be a maximum height of 35'-6 inches, whereas, the Zoning Ordinance permits a maximum height of 35 feet.

5. 56 Mayfair Lane - Area Variance Building Setback

The petitioner's proposed rear building addition will be 16 feet from the east property line, whereas, the Zoning Ordinance requires a minimum of 30 feet.

6. 6 Southwind Trail - Area Variance Fence in Exterior Side Yard

The petitioner desires to erect a 6 foot high fence within the required exterior side yard along the west property line, whereas, the Zoning Ordinance limits fencing to 3 feet in height within such required yard.

7. 30 Indian Trail Road- Area Variance Accessory Structure

The petitioner's proposed garage and carport will cause all accessory structures to equal 3,776 sf in area, whereas, the zoning ordinance permits all accessory structures including any attached garage not exceed 75 percent of the principal dwelling or in this case, 3,489.75 sf in area.

8. 42 Oxford Avenue- Area Variances Setbacks for Accessory Structure and Fence Height

The petitioner's playground is 28.70 feet from the main wall of a building, and less than 25 feet to the public right of way, whereas the Zoning Ordinance requires an accessory structure to be 30 feet from the main wall of a building and 25 feet from the public right of way, and whereas, the petitioner's fence is 4 feet in height in the required setback, whereas the Zoning Ordinance limits fencing to 3 feet in height within the required front yard.

9. 9 Avalon Meadows Lane - Area Variance Fence Height in an Exterior Side Yard

The petitioner's proposed fence will be 20 feet from the south property line, whereas, the zoning ordinance requires a 25 foot setback.

10. 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.

HISTORY:**08/17/21****Zoning Board of Appeals****ADJOURNED****Next: 09/21/21****11. 4641 Maple Road - Area Variances Signage**

The petitioner's pole sign has supports that are 10.5 inches in width, whereas, §7-8-4B(3)(e) states that each support must be a minimum of 15% of the width of the total sign

or 13.53 inches in width. The petitioner's pole sign is 71.94 square feet of sign face area, whereas §7-8-8(B) permits a maximum of 64 square feet. The petitioner is proposing a total sign face area of 265.64 square feet, whereas §7-8-8(A) permits a maximum of 75 square feet of total sign face area.

12. 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.

8/17/2021

Attorney Jeff Palumbo appeared and answered questions from the Board.

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

HISTORY:

08/17/21

Zoning Board of Appeals

ADJOURNED

Next: 09/21/21

13. 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.

8/17/2021

Attorney Jeff Palumbo spoke and answered questions from the Board.

Maryann Thomann, 195 Maple Road and Kathy Aquillina, 215 Maple Road spoke against the Petitioners request.

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

HISTORY:

08/17/21

Zoning Board of Appeals

ADJOURNED

Next: 09/21/21

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING