



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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Tuesday, June 21, 2022

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Member Ann M. Nichols	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	
Member Brian Bray	☐	☐	☐	
Member Ellen Parker	☐	☐	☐	

II. APPROVAL OF MINUTES

1. Tuesday, May 17, 2022

III. HEARINGS ON APPEALS

1. 966 Dodge Road - Special Use Permit - Raising Chickens

The petitioner desires to raise chickens as an accessory use to his/her dwelling, whereas, the zoning ordinance requires a special use permit to be issued by the Zoning Board of Appeals.

2. 400 Hendricks Blvd. - Temporary Use Permit (Renewal) - Work Shop & Storage

The petitioner desires to renew a temporary use permit to utilize a detached garage for a workshop and storage on a temporary basis whereas, the Zoning Ordinance does not permit such use within the GB-General Business zoning district.

3. 174 North Ellicott Creek Road - Temporary Use Permit (Renewal)

The petitioner desires to continue to utilize a dwelling for an administrative office, whereas, the zoning ordinance does not permit such uses within the SA-Suburban Agriculture zoning district.

4. 171 Darwin Drive - Area Variance - A/C Setback

The petitioner's air conditioning condenser will be 1.2 feet from the north property line, whereas, the zoning ordinance requires a minimum setback of 3 feet.

5. 264 Sundridge Drive - Fence Height

The petitioner's fence is 4 feet in height within the required front yard, whereas, the zoning ordinance limits the height to 3 feet maximum.

6. 315 Troy Del Way - Area Variance - Fence Height

The petitioner's fence is a minimum of 4.5 feet from the south property line, whereas, the zoning ordinance requires 30 feet minimum.

7. 181 Presidio Place - Area Variance - Shed Setback

The petitioner's shed will be 20 feet from the north property line whereas, the zoning ordinance requires thirty feet.

8. 1317 Eggert Road - Area Variance - Signage

The petitioner is proposing an LED message center sign that is 66 square feet in area and which is located 290 feet from a residential zoning district, whereas, the zoning ordinance prohibits an LED message center sign in the TNB overlay district, and when such signage is permitted elsewhere in the Town, LED message center signs are limited to 50 square feet in area and must be a minimum of 500 feet from a residential zoning district, and whereas the petitioner's sign is 6.5 feet in height, whereas, the zoning ordinance limits the height to 5 feet, and whereas, the sign will be 3 feet from the road right of way, whereas, the zoning ordinance requires 15 feet minimum.

9. 4007 Main Street - Area Variance - Signage

The petitioner is proposing an LED message center sign that is 96 square feet in area and which is located 68 feet from a residential zoning district, whereas, the zoning ordinance prohibits an LED message center sign in the TNB overlay district, and when such signage is permitted elsewhere in the Town, LED message center signs are limited to 50 square feet in area and must be a minimum of 500 feet from a residential zoning district.

05/17/2022

Scott Fierle, 124 Mont Blue, Pastor Steve Biegner, 4007 Main St, Paddy Rowell and Ryan Mis of Flexlume, spoke and answered questions from the Board.

Ginna Kelly, 40 Westfield, David & Julie Ponkow, 10 Ivyhurst, Jennifer Rivier, 4000 Main St., spoke in opposition.

There were no further speakers from the public, therefore Chairwoman Nichols closed the hearing.

HISTORY:**05/17/22****Zoning Board of Appeals****ADJOURNED****Next: 06/21/22****10. 4911 Harlem Road - Area Variance - Fence Height**

The petitioner's proposed 6 foot high fence will be zero feet from the south property line and 20 feet from the west property line, whereas, the zoning ordinance requires a minimum setback of 30 feet from the west property line and 20 feet from the south property line.

11. 695 North Forest Road - Area Variances - Building Setbacks

The petitioner's proposed dwelling will be 19.01 feet from the west property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas, the proposed dwelling will be 68.90 feet from the center line of Sheridan Drive, whereas, the zoning ordinance requires 115 feet minimum.

12/21/2021

Jeremy Bates spoke and answered questions from the Board.

Jerry Petrotto of 687 North Forest Road spoke in opposition to proposed setback distance along North Forest Road.

Chairman Radens moved to adjourn to let the Traffic Safety Board review the application, seconded by Ms. Nichols and unanimously approved 5-0.

HISTORY:**12/21/21****Zoning Board of Appeals****ADJOURNED****Next: 06/21/22****12. 1964 Kensington Avenue - Area Variance - Lot Width**

The petitioners proposed place of worship will provide 29 off-street parking spaces, whereas, the zoning ordinance requires 41 parking spaces, and whereas, the petitioner's existing parcel is 0.32 acres in area and 103.8 feet in lot width, whereas, the zoning ordinance requires a minimum lot area of 1 acre and 200 feet of lot width.

13. 281 Meyer Road - Area Variance - VUA Setback

The petitioner's parking area expansion will be a minimum of 6.23 feet from the east property line, whereas, the zoning ordinance requires 10 feet minimum.

14. 1395 Niagara Fall Boulevard - Area Variance - Structure Setback

The petitioner's grease interceptor structure is 99.3 feet from the centerline of Niagara Falls Boulevard, whereas, the zoning ordinance requires a minimum of 115 feet.

15. 1501-1551 Niagara Falls Boulevard - Area Variance - Signage

The petitioner's freestanding sign will be 10.3 feet from the west property line, whereas, the zoning ordinance requires a minimum setback of 15 feet and, whereas such sign will be 640 s.f. in area, whereas, the ZBA previously issued an area variance to permit the sign to be 473 s.f maximum.

16. 4300 Millersport Highway - Area Variance - Setbacks

The petitioner's proposed town home buildings will be 15 feet from the road right of ways and his patio home buildings will be 25 feet from the edge of private roadways, whereas, the zoning ordinance permits a maximum setback of 6 feet, and whereas, town home building "A" will be 92.1 feet from the Smith Road right of way and town home building "B" will be 85.4 feet from said right of way, whereas, the zoning ordinance permits a maximum setback of 6 feet, and whereas, two utility structures will be 14 feet from a local road right of way, 15 feet from a private alley and 8.3 feet from a local road right of way, whereas, the zoning ordinance permits a maximum setback of 6 feet.

17. 3210 Millersport Highway - Use Variance

The petitioner desires to expand a non-conforming use (veterinary hospital), whereas, the zoning ordinance does not permit the expansion of non-conforming uses.

18. 3210 Millersport Highway - Area Variance - Building Setback

The petitioner's building addition will be 104 feet from the centerline of Millersport Highway, whereas, the zoning ordinance requires a minimum setback of 115 feet.

19. 1135 & 1145 Millersport Highway - Area Variance - VUA Setback

The petitioner's vehicle use area will be 15.4 feet from the east property line, whereas, the zoning ordinance requires 25 feet minimum.

20. 3275 & 3325 Millersport Highway - Area Variances

The petitioner's proposed buildings number 1, 2 and 3 will be 10 feet from the north property line and 65 feet from the centerline of North French Road, whereas, the zoning ordinance requires 70 feet and 90 feet respectively from each line, and whereas, buildings number 1, 2, 3, 4 and 5 will have building wall offsets of 4.67 feet, whereas, the zoning ordinance requires building wall offsets of 10 feet minimum when such building walls exceed 132 feet in length, and the length of buildings number 1, 2, 3 and 5 will be 180 feet long, and building number 4 will be 240 long, whereas, the zoning ordinance limits such buildings to a length of 176 feet, and whereas, building number 3 will be 4.83 feet from a western property line, whereas, the zoning ordinance requires 49.8 feet, and whereas, a high impact vegetative landscape buffer will not be provided along the North French Road or Millersport Highway Road frontages as required by the zoning ordinance, and whereas, the petitioner is not providing a 36 inch tall wall, earthen berm, or fence along the vehicle use area along the North French Road frontage as required by the zoning ordinance, and whereas, the petitioner's proposed identification sign will be 48 s.f. in area, whereas, the zoning ordinance permits a maximum of 20 s.f.

21. 6868, 6886, 6888 & 6900 Transit Road - Area Variances

The petitioners' vehicle use area will be 1.15 feet along the north property line whereas the zoning ordinance requires 5 feet minimum, and whereas, the refuse enclosure will be 1.15 feet from the north property line, whereas, the zoning ordinance requires 5 feet, and whereas, a low impact landscape screen is not provided along the north property as required by the zoning ordinance, and whereas, the parallel parking spaces along the east

and west sides of the building do not terminate with curbed landscaped islands as required by the zoning ordinance.

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING