

**Town of Hamburg
Board of Zoning Appeals
Meeting - June 7, 2005**

The Town of Hamburg Board of Zoning Appeals met for a regular session in Room 7B of Hamburg Town Hall at 7:30 p.m. Those attending included:

**Chairman Peter Blauboer
Vice-Chairman Michael Chiacchia
Secretary Jack Rahill
Commissioner Vincent Gugluizza
Commissioner Joseph Strnad
Commissioner Shawn Connolly
Attorney Joseph Shaw
Building Inspector Roger Gibson
Recording Secretary Terry Dubey**

Excused: Brad Rybczynski

Secretary Rahill read the following Legal Notice of Public Hearing:

**LEGAL NOTICE
TOWN OF HAMBURG
BOARD OF ZONING APPEALS
MEETING - 6-7-05**

The Town of Hamburg Board of Zoning Appeals will meet on Tuesday, June 7, 2005 at 7:30 p.m. in room 7B of Hamburg Town Hall to discuss the following applications:

Tabled Application #4978 - Edwin Heary for a use variance for a sales and insurance office located at S5005 Bayview Road.

Tabled Application #4983 - Meyers RV for oversized attached signs located at 5533 Camp Road.

Tabled Application #4984 - Meyers RV for oversized detached sign located at 5533 Camp Road.

Application #4986 - Michael & Tina Wyant to construct a detached garage located at 5731 Dover Road.

Application #4987 - Thomas & Mary Foley to construct an attached garage addition located at 3907 Sharondale Dr.

Application #4988 - Nina Colella to erect a 6 foot fence located at 4534 Marie Drive.

Application #4989 - Hickey Farms for a variance on parking located at 4225 Big Tree Rd. For multi-family housing.

Application #4990 - Hickey Farms for a setback variance from the railroad buffer located at 4225 Big Tree Rd.

Application #4991 - Hickey Farms for a setback from Southwestern Blvd. Located at 4225 Big Tree Road.

Application #4992 - Michael & Zulah LaMastras for a single family dwelling located at 2312 Beachwood Drive.

Application #4993 - Kenneth Schottke to construct a deck located at 2269 Penhurst Place.

Application #4994 - Michael's for relocation of a detached sign located at 4885 Southwestern Blvd.

Application #4995 - Town of Hamburg for a code interpretation on the proper setback for a proposed garage next to a residential unit in a commercial district (located on South Park Avenue at the Thruway).

**PETER BLAAUBOER, Chairman
JACK RAHILL, Secretary
Zoning Board of Appeals
Dated: May 26, 2005**

Tabled Application #4978 - Edwin Heary for a use variance for a sales and insurance office located at S5005 Bayview Road. Applicant not ready. To remain tabled.

Tabled Application #4983 & 4984 - Meyers RV for oversized attached signs and an oversized detached sign located at 5533 Camp Road.

Motion was made by Mr. Rahill, seconded by Mr. Connolly to remove the application from the table. Carried.

Building Inspector Gibson informed the board that Meyers RV is present for signage on their new facility located on Camp Road. On the west elevation (front) the proposal violates 280-153.14A—the code allows 1 sign, the request is for 2, therefore requiring a variance for an additional sign.

On area, the code allows 120 s.f., the request is for 247 s.f., therefore requiring a variance of 127 s.f. On height, the code allows 18', the actual is 28', therefore requiring a variance of 10'. On the attached sign on the north elevation, the code allows 18', the actual is 26'1", therefore requiring a variance of 8'1".

On Application #4984, the Meyers RV oversized sign, the code allows 40 s.f., the actual is 49 s.f., therefore requiring a variance of 9 s.f.

Mr. Neil Godfrey, representing Sign-A-Rama, noted that Meyers RV has merged with Freedom Roads, which is based in Florida. He explained that the newly renovated building is very large. Therefore, the signage should correspond to the facility as awareness of the name is most important. There are two separate businesses involved, namely Camping World, and Meyer's R.V. The signage is necessary to identify both companies. On the north elevation, there is a Freedom Roads logo that identifies signage from the Thruway entrance. The height of the sign is 25' from the centerline of the roof and cannot be lower because of the windows. The Camping World sign is 23'8".

The Freedom Road logo is 30" x 108" in width. Camping World sells accessories, and that signage also violates the height requirement. The height of the sign is 25', which requires a variance of 8'1". The other sign faces Camp Road. The third sign is 28' to the top. The attached sign on the north elevation is 26'1" to the top. The sign locations are consistent with the space available. The detached sign is a brick monument sign, which is 8' in height rather than 4'.

Some of the signage was put in place without a permit as the grand opening was held last week.

No one spoke in opposition to the application.

Findings: The proposal is for signage for two different companies; namely Meyer's RV and Camping World who have consolidated into one property on Camp Road. The Meyer's RV signage was installed without a permit for their grand opening. The other applications are for signage on the entire property. A variance of 9 s.f. is needed for the logo. The second sign is for both businesses.

Motion was made by Mr. Gugluizza, seconded by Mr. Chiacchia to grant a variance for the attached sign on the west elevation. On area, the 3 attached signs exceed the 120 s.f. requirement. A variance of 127 s.f. is needed for the logo of Meyer's RV and Camping World. Carried. All voted in favor. **Granted.**

As for the height variance on the attached sign (west elevation, Meyer's sign) a 10' variance is required. The layout and the signage indicates that it does not impinge on the neighborhood.

Motion was made by Mr. Gugluizza, seconded by Mr. Rahill to grant the 10' variance on height. Carried. All voted in favor. **Granted.**

Motion was made by Mr. Gugluizza, seconded by Mr. Rahill to grant a variance of 8'1" on height for the north side. Carried. All voted in favor. **Granted.**

On Application #4984, the monument sign, motion was made by Mr. Rahill, seconded by Mr. Gugluizza to grant a variance of 9 s.f. on area. Carried. All voted in favor. **Granted.**

Application #4986 - Michael & Tina Wyant to construct a detached garage located at 5731 Dover Road.

Building Inspector Gibson informed the board that Michael Wyant would like to construct a detached garage located on Dover Road. The proposal violates 280-168B(2), on the side yard requirement. The code requires 5', the actual is 2.5', therefore requiring a variance of 2.5'. The old structure will be torn down and replaced with a new one, to be located in the same spot but moved further back, to a size of 16' x 24', which will be 4' wider. This will make for easier access entrance to the driveway.

Letters were received in agreement from: Megan Freedenberg of 5719 Dover Road, Annalaura Roth, 5739 Dover Rd. Timothy Colling of 5720 Dover, Donald Parks of 5743 Dover Road.

Findings: The proposal is to remove an existing frame garage and shed at the rear of the property; to rebuild a new garage in the same location but larger. Motion was made by Mr. Chiacchia, seconded by Mr. Gugluizza to grant a variance of 2.5' on the side yard requirement. Carried. All voted in favor. **Granted.**

Application #4987 - Thomas & Mary Foley to construct an attached garage addition located at 3907 Sharondale Drive.

Building Inspector Gibson informed the board that Mr. Foley would like to construct an attached garage addition on his property located at 3907 Sharondale Drive. The proposal violates 280-4IB(l) required yards, minimal and total side yard. The code requires 5', the actual is 0', therefore requiring a variance 5'. On total side yard, the code requires 15', the actual is 10.75', therefore requiring a variance of 4.25'.

Mr. Foley explained that they need the addition for storage space. This is the only logical way to expand due to the fact that there are power lines and trees in the way. The structure would be one story in height. He is 10' away from the neighbor. He would also like to have a garage door on the addition to match with the dwelling unit.

Mr. Charles Rizzo, adjacent neighbor, spoke in opposition to the proposal stating that he would like to see the 5' distance and structure maintained, as his living room and bedrooms are on that side of the house.

Chairman Blaabuwer stated that the request is for an attached garage addition and there is a situation whereby the adjacent neighbor is opposed as it will impact his property. In fairness to both, I am requesting that the matter be tabled for an on site inspection.

Motion was made by Mr. Rahill, seconded by Mr. Chiacchia to Table to next month. Carried. All voted in favor. **Granted**.

Application #4988 - Nina Colella to construct a 6' fence located at 4534 Marie Drive.

Building Inspector Gibson informed the board that Mrs. Colella has erected a decorative fence (3 sections) which is 6' in height without obtaining a building permit. The code allows a 4' fence in the front yard, the actual is 6', therefore requiring a variance of 2'.

Mrs. Colella's nephew appeared on behalf of his aunt and noted that the fence was erected for privacy purposes.

Mrs. Ethel Cooper, adjacent neighbor, spoke in opposition to the fencing noting that the fence is 76" in height, and shades her roses. Also, in the fall it blows all the leaves on her side, and in the winter, the snow piles up and blocks her entranceway. This is a hazard to her safety.

The suggestion was made to compromise with the removal of one section of the fence.

(Application #4988)

Chairman Blaauboer noted that the application has posed a problem as the adjacent neighbor disagrees with the structure. The fence was built without obtaining a permit. Board members were advised to do an on site inspection and to Table for one month. Motion was made by Mr. Chiacchia, seconded by Mr. Rahill to table. Carried. All voted in favor. **Tabled.**

Application #4989, 4990, 4991, Hickey Farms for a variance on parking located at 4225 Big Tree Rd.

Application 4990 - setback variance from the railroad buffer

Application #4991 - setback from Southwestern Blvd.

Mr. Mark Trammel, developer for the Hickey Farms project, appeared before the board for variances on parking, the setback from the railroad buffer, and setback from Southwestern Blvd. This is a 40 acre parcel for multi-housing development. The wetlands and flood plain areas have been avoided on the 20 acre portion. Sixty per cent of housing will be for seniors, and 40% will be for families.

The developer has tried to meet the code on parking for the family units, but fell short on the senior side. There will be garages built next to the buffer from the railroad. Code requires 50', the actual is 10', therefore requiring a variance of 40'. Based on the Southwestern Overlay setback, the code requires 50', the actual is 10', therefore requiring a variance of 40'. On parking, the code requires 580 spaces, 488 have been provided, therefore requiring a variance of 92 spaces.

There will be 1-2-3 bedroom units available ranging from 850 s.f. to 1250 s.f. Buildings will be 2 and 3 stories.

Findings: This is a most ambitious project for multi family housing. There are issues on setbacks to a main highway in an overlay district. The applicant is requesting a variance on the front yard setback on Southwestern Blvd., and a variance on the rear yard setback from the railroad tracks. On the parking spaces, 580 are required by code, 488 have been provided, therefore requiring a variance of 92 spaces.

On Application #4989, Motion was made by Mr. Guglizzi, seconded by Mr. Chiacchia to grant a variance of 92 spaces on parking. Carried. All voted in favor. **Granted.**

On Application #4990, for garage structures, the code requires a setback of 50', with an actual of 10', therefore requiring a variance of 40'. Motion was made by Mr. Connolly, seconded by Mr. Rahill to grant a variance of 40' on the setback. Carried. All voted in favor. **Granted.**

On Application 4991, on the Southwestern Overlay setback, the code requires 50', the actual is 10', therefore requiring a variance of 40'. Motion was made by Mr. Strnad, seconded by Mr. Guglizzi to grant. Carried. All voted in favor. **Granted.**

Application #4992 - Michael & Zulah LaMastra for a single family dwelling located at 2312 Beachwood Drive.

Building Inspector Gibson informed the board that on this new single family dwelling, the proposal violates 280-34A on the front yard requirement. The code requires 35', the actual is 6.1', therefore requiring a variance of 28.9'. The proposal also violates 280-34B(l) on the side yard. The code requires 10', the actual is 5', therefore requiring a variance of 5'. On total side yard, the code requires 25', the actual is 19.92', therefore requiring a variance of 5.08'.

Mr. Steve Carmina, Architect, appeared on behalf of the LaMastra's who are present for 3 variances. The existing cape cod unit will be demolished and replaced with a new dwelling. The break wall and retaining wall foundations will be maintained.

Mr. Gallagher, adjacent neighbor, appeared in opposition to the project and noted that the garage will be 20' from the road, will affect his property, and devalue his home..

Chairman Blaabuober responded that there are several units on that road that are built that close. There are other homes with garages in the front. This is the most feasible way to place the unit considering the size of the lot. A suggestion was given to discuss the footprint with the architect.

After a short discussion with the Architect, Mr. Gallagher repeated that he is opposed to the application and does not wish to look at a garage so close to the street. He hopes the board will not grant the variance. It will change the whole complex and infringe on my home where the patio is located.

Mr. Carmina noted that Mr. Gallagher's garage unit is located near the street line. The new residence will have less of an impact on him. There will be no impact on traffic safety. There is also an 8' hedgerow that will not be any different along the property line. There has been animosity in the neighborhood. This couple would like to retire at this location, and would like the home completed by Christmas.

Findings: The proposal is to remove the current dwelling and replace it with a new house, and an attached 3 car garage that will be 6.1' from the road. The code requires 35', the actual is 6.1', therefore requiring a variance of 28.9'. On the side yard the requirement is 10', the actual is 5', therefore requiring a variance of 5'. On total side yard, the code requires 25, the actual is 19.92', therefore requiring a variance of 5.08'. The adjacent neighbor is objecting to the structure due to the closeness to the road. That is his primary objection. There was no objection stated as to the side yard requirement. There has been a similar application 2 doors away in which we granted a variance on the side yard for a new unit on a very narrow lot. The lot itself is limited in size. Many of us are familiar with the neighborhood.

(Application #4992)

Motion was made by Mr. Gugluizza, seconded by Mr. Chiacchia to grant a variance of 28.9' on the front yard setback, 5' on the side yard, and 5.08' on the total side yard requirement. Carried. All voted in favor. **Granted.**

Application #4993 - Kenneth Schottke to construct a deck located at 2269 Penhurst Place.

Building Inspector Gibson informed the board that Mr. Schottke would like to construct a deck on his property on Penhurst Place. The proposal infringes on the front yard setback. The code requires 35', the actual is 8', therefore requiring a variance of 27'. The existing setback is 20' and is a legal non-conforming use. The dimensions of the proposed deck are 10' x 16'.

No one spoke in opposition to the application.

Motion was made by Mr. Blaabuober, seconded by Mr. Connolly to grant the variance of 27' on the front yard requirement. Carried. All voted in favor. **Granted.**

Application #4994 - Michael's Banquet Facility for an electronic reader board located at 4885 Southwestern Blvd.

Messrs. Joe Gargano, Joe Jarnot with the sign company, and Bill Smiley, representative of electronic signs, appeared before the Zoning Board with a request for an electronic message center to be located in front of the restaurant. The code only allows 40 s.f., the request is for 70 s.f., therefore requiring a variance of 30'. The setback requirement for a detached sign requires 5', they would like to be right on the property line. Therefore, a variance of 5' is required.

The property consists of 270' of frontage, with a depth of 500' and parking for 200 cars. The reason for the relocation of signage is due to the fact that the State Dept. Of Transportation is taking property for the widening of the road. The proposed sign is 7' x 10' with electronic advertising. This sign will have a larger border, will not be an eyesore, and will show subdued lighting.

Reference was made to the electronic sign on South Park on the Pegasus Restaurant. The sign shows too much geometric activity, flashing on and off, and has caused the board to hesitate in granting these types of variances. This sign has raised a lot of traffic concerns due to the brightness and changing modes on the sign which is a distraction.

Mr. William Smiley, representing the sign company, noted that this signage is not a traffic safety problem. The signs can be adjusted down to a five second delay. The thought stays for 5 seconds on one screen. A study has been done on this type of signage and the result is that they do not cause accidents.

(Application #4994)

Mr. James Allen of the Allen Group, noted that he is the one that put up the sign for Pegasus. He stated that he has met with the Building Inspector, moved the sign because it was in the right of way, and have lowered the brightness. The sign is lit at 70% as opposed to 100%.

Mr. Jarnot noted that this sign for Michael's will be much more tasteful. They are setting the frame to hold the message at the correct candle power. Time can be standardized and lighting will not reflect more than 500'. There will be a 5 second hold as the change mode moves on the screen. We can come back in 6 months if the lighting is too extreme.

Findings: The proposed signage for Michaels is a legitimate request for improvement of the community. It is good advertising, with state of the art technology. The code allows 40 s.f. and the request is for 70', for a total variance of 30'.

On illumination, the code does not permit granting of a variance. It appears that the Zoning Board must deal with this on a case by case basis.

Chairman Blaabuober noted that he is on the ad hoc code review committee, and will bring up the issue of electronic message centers and ask for some guidelines on amending the code. The issue should warrant input from the Town Board as to what they want to see. There is also the possibility that what the Zoning Board grants may exceed the wishes of the Town Board. They may wish to modify the ordinance. The Zoning Board may grant conditional approval subject to the Town Board's final decision. We realize that the applicant is making a considerable investment on this type of sign. There may be some parameters set on the length of the message, light intensity etc. The Zoning Board does not have the expertise to decide on what is being imposed. The Town Board may come up with new code requirements. Mr. Gargano was asked if he would comply with such code changes rather than grandfather whatever variances we may grant. He agreed to abide to the new code requirements if enacted.

Chairman Blaabuober will also discuss this matter with the Planning Consultant, Drew Reilly, before the Town becomes inundated with multiple requests of this nature. We have had to deal with complaints from taxpayers who have expressed dissatisfaction with this type of signage.

Motion was made by Mr. Gugluizza, seconded by Mr. Chiacchia to approve the electronic message center for Michael's limiting the duration of the message to 5 seconds; that there will be no frequency in the change mode, that intensity of lighting will be at 100%, and that there will be a review of the request in 6 months to determine the affects of such signage. The variance to expire after a 3 year period and will require a renewal hearing. Carried. All voted in favor. **Granted.**

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Application #4995 - Town of Hamburg for a code interpretation on the proper setback for a proposed garage next to a resident unit in a commercial district located on South Park Avenue at the Thruway.

Chairman Blaabuober stated that the Zoning Board has been asked by the Planning Board for an interpretation of the code on a matter of a proposed auto repair garage that is located in a C-2 zone adjacent to a residential unit in a commercial zone.

The property is located on South Park Avenue just as you are about to cross the bridge overlooking the Thruway. There is the vacant lot, and 3 residences along South Park Avenue that were built as residences and which were originally zoned residential. The property was rezoned back in 1987 to C-2, General Commercial. The lot is a commercial piece of property. The issue is that this is a small lot with a proposed building of 80' x 100'.

The house in question is in a commercial district and we are not dealing with a district boundary. The other issue is that the Planning Board is dealing with a Special Use Permit for Auto Repair, which is based upon the nature of the business itself. It is permitted by a special permit in the district as long as it meets certain requirements. It is not a permitted use. General provisions are: no special permit shall be authorized by the Town unless in addition to other requirements it finds that such special permit will be in harmony with the general purpose and intended use, will not create a hazard to the general welfare of the neighborhood nor be detrimental to the residents thereof or detrimental to the public's welfare. In authorizing a special permit, the Planning Board may decide what these conditions are to minimize a detrimental affect on the character of the surrounding area as to public welfare.

The other issue is 208.3b—no part of any building used as a public garage, shall be erected within 200 feet of any R district boundary or within 300 feet of any school, church, playground or park located in an R district. Those are the issues involved. Are we talking about an R district boundary or a residence?

Section 280-76 refers to required yards, such as front yards and side yards—all of those issues relate to a district boundary which shall not be less than 20'. The side yard requirement in a commercial district is 5'. The difference is that if it is an R district boundary, you have a 20' side yard requirement and if it's in the commercial district, it becomes 5'. We are to interpret it relative to the possibility of increasing the side property line to 20'. There is no ambiguity in the code. We are talking about a non-conforming legal residence in a C-2 district. This is not an R district boundary. It is within the commercial zone.

Chairman Blaabuober noted that he has done an on site inspection on the property. It is a beautiful area with nothing behind them except the Thruway. The lot next door is a wooded lot and a wildlife sanctuary. It surrounds the back yards of the homes there. It is a lovely residential lot. If a commercial garage goes there, it will severely impact the residence & adjacent homes. It is up to the Planning Board to determine whether the granting of the special use permit is appropriate or not. With a commercial garage all sorts of things can happen. A successful

businessman can have all kinds of cars around. If you have a successful business, you are going to attract customers.

Elaine Granica of 4962 South Park Avenue, spoke in opposition to the application. She is the neighbor that will be next to the commercial garage. My mother and I live in the commercial district that was changed without our knowledge. Apparently, this was a town wide rezoning that happened in 1987. It was approved by the Town Board. I was looking as to where the amendments were kept on individual properties. There are six residences on that strip. Most of the homes have been there for 50 years, and none of us realized that there was a change. The auto repair facility next door to us is to be built on a very small piece of land, which is 6' from our property line. There is a 4' strip of grass and a 10' driveway. We will be less than 20' from this huge building. I could find nothing in the code to define this.

Chairman Blauboer responded that the map defines a residential zoning district. You are considered to be in a legal residence in a commercial district.

Ms. Granica continued. What rights do we have as residents? (Response: You have the right to retain your residential status in the commercial district.) Ms. Granica feels they have been given no consideration or protection based on the code.

Chairman Blauboer noted that a Special Use Permit is unique to the nature of the business. The special conditions have to be reviewed before permission is granted. The Planning Board must take into account the residential flavor of the neighborhood. The permit can be modified. What that means is that they have to deal with the application and the impact it may have on the existing surrounding neighborhood..

Ms. Granica continued that as neighbors, they never got a notice. Response: This was a zoning notice which was advertised in the Hamburg Sun and Front Page. Even if residents get a notice, it merely describes the legal description of the property, and many people ignore it as they do not know what it is.

Ms. Granica noted that when you are changing from residential to commercial, that is a major change. When there is a rezoning from residential to commercial, the residences should know about it.

Chairman Blauboer noted that though many people do not pay attention to legal notices, there are taxpayers groups in the Town of Hamburg who keep up with the changes. They are the watchdogs for the neighborhood. They review the legal notices and send in their watchdogs to protect their interests.

Mr. Jim Allen, of the Allen Group stated that he is the developer for the project, and the site has been changed 6 times. The building has been downsized.

South Park Garage (cont.)

Findings: It is the belief of this Board, that pursuant to the language of district boundaries as set forth in Section 280-208-3B&F, and various other sections of the code as it pertains to an application of the Town Planning Board, an interpretation is requested that the minimum setbacks or restrictions stipulated are applicable to residential located in C-2, the answer to the question is, they are. Minimal setbacks as it applies to any residential boundary to a C-2 property applies universally. It has nothing to do with how neighboring lots are developed. The district code requirements are what apply. The fact that the immediate boundary of the lot in question has been developed as a residence, does not have any bearing on the restrictions of a commercial development.

Public Hearing closed at 10:15 p.m.

Application for Peter Petkov for a duplex on Highland Pkwy.

A memo was received on this from Kurt Allen of Building Inspection who states that an error was made on granting a variance for a duplex for Mr. Petkov. He was granted a variance of 15' on the lot width at the building line. A mistake was made. It appears that instead of a 15' variance, it should be a 30' variance. Therefore, the Zoning Board will have to vote to rehear the case and call it again.

Motion was made by Mr. Chiacchia, seconded by Mr. Connelly, to rehear the application for next month. No fee will be charged. Carried all voted in favor.

Motion was made by Mr. Gugluizza, seconded by Mr. Chiacchia to approve the minutes of the May meeting. Carried. Motion was made to adjourn. Carried. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Jack Rahill
Jack Rahill, Secretary
Board of Zoning Appeals

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Meeting - 6-7-05

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Tabled Application #4983 - Meyers RV for oversized attached signs located at 5533 Camp Road

Tabled Application #4984 - Meyers RV for oversized detached sign located at 5533 Camp Road.

Application #4986 - Michael & Tina Wyant to construct a detached garage located at 5731 Dover Road.

Application 4987 - Thomas & Mary Foley to construct an attached garage addition located at 3907 Sharondale Dr.

Application #4988 - Nina Colella to erect a 6 foot fence located at 4534 Marie Drive.

Application #4989 - Hickey Farms for a variance on parking located at 4225 Big Tree Rd. For multi-family housing.

Application #4990 - Hickey Farms for a setback variance from the railroad buffer located at 4225 Big Tree Rd.

Application #4991 - Hickey Farms for a setback from Southwestern Blvd. Located at 4225 Big Tree Road.

Application #4992 - Michael & Zulah LaMastra for a single family dwelling located at 2312 Beachwood Drive.

Application #4993 - Kenneth Schottke to construct a deck located at 2269 Penhurst Place.

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5-26-05

Peter Blaauboer, Chairman
Jack Rahill, Secretary
Zoning Board of Appeals

Dated: May 26, 2005

Zoning Board Meeting
6-7-05

Tabled Application #4978 - Edwin Heary for a use variance for a sales and insurance office located at S5005 Bayview Road

Tabled Application #4983 - Meyers RV for oversize attached signs located at 5533 Camp Rd. West elevation (front) Violates 280-153.14A Code allows 1 sign, actual 2, variance 1. Violates 280-153.14(B)1-2, Code allows 120 s.f., actual 247 sf., var. 127 s.f. Violates 280-153.14(2)(2) Code allows 18', actual 28', var. 10'. Attached sign north elevation. Code 18', actual 26'1", var. 8'1"

Tabled Application #4984 - Meyers RV for oversized detached sign located at 5533 Camp Road Violates 280-153.14(f)(2) area - Code 40 s.f., actual 49 s.f., var. 9 s.f.

Application #4986 - Michael & Tina Wyant to construct a detached garage located at 5731 Dover Road. Violates 280-168B(2) - Code 5', actual 2.5', var. 2.5'.

Application #4987 - Thomas & Mary Foley to construct an attached garage addition located at 3907 Sharondale Drive.

Violates 280-41B(1) required yards min. & total side yard. Code 5', actual 0, var. 5'. Code 15', actual 10.75', var. 4.25'.

Application #4988 - Nina Colella to construct an 6' fence located at 4534 Marie Drive. Code 4', actual 6', var. 2'. - Permitted obstructions in required open space. Violates 280-167A(2)

Application #4989 - Hickey Farms for apartments located on Big Tree & South Park. Violates 280-122B. 2 spaces per unit. Code 580 spaces, actual 488, var. 92 spaces.

Application #4990 - Hickey Farms for garage structures located on Big Tree & South Park. Violates setback. Code 50', actual 10', var. 40'.

Application #4991 - Hickey Farms for garage structures on Southwestern Overlay setback. Code 50', actual 10', var. 40'.

Application #4992 - Michael & Zulah LaMastra for a single family dwelling located at 2312 Beachwood Dr. Violates 280-34A ft yard code 35', actual 6.1, var. 28.9; violates 280-34B(1) side yard setback - code 10', actual 5', var. 5',. Violates 280-34B(1) total side yards - Code 25', actual 19.92', var. 5.08'

Application #4993 - Kenneth & Ann Schottke to construct a deck located at 2269 Penhurst Place. Violates ft yard. Code 35', actual 08 ft, var. 27 ft.

Application #4994 - Michael's Restaurant for sign relocation. Violates 280-142 (oversized) Var. Moving reader; 280-151 detached sign code 40 s.f., actual 70 s.f., var. 30 s.f.

Application #4995 - Town of Hamburg for a code interpretation on the proper buffer for a residential unit next to a proposed garage located on South Park Ave. At the Thruway. Refer to Section 280-76 and 280-208.3B. Does this just mean a residential zoning district or does it apply to residential hsg.

May 25, 2005

To: The Zoning Board
From: Planning Board
Subject: South Park Garage

Attached are minutes on an application that we have in front of us for a proposed 80' x 100' auto repair garage that is proposed next to a residential unit. The Planning Board is requesting an interpretation from the Zoning Board based on Section 280-76 and 280-208.3B.

Please advise.

G. Koenig, Chairman
Planning Board