



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

ZONING BOARD OF APPEALS

**Thursday – December 8, 2016
7:00 P.M. – Town Hall**

- A. **Previously Adjourned – Variance Request – Tamburrino – Curtis Court – SBL# 87.20-2-12**
- B. **Variance Request – Woods at Blairville LLC – Oriole Drive – SBL# 88.00-1-47.12**
- C. **Miscellaneous**

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND

Original

Prepared By:
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Williamsville, NY 14221
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TOWN OF LEWISTON
ZONING BOARD OF APPEALS

X AREA VARIANCE

____ USE VARIANCE

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, and as precisely as possible. Failure to submit a complete application may result in a delay in being placed on a Zoning Board of Appeals agenda or a delayed decision from the Zoning Board.

PROPERTY ADDRESS: 830 Oriole Drive and 0.29 Acre Parcel of Vacant Land on Washington Drive

APPLICANT INFORMATION [Owner of 830 Oriole Drive - SBL No. 88.00-1-47.12]

Woods at Blairville LLC

NAME: c/o Sean W. Hopkins, Esq. ADDRESS: 5500 Main Street, Suite 343

PHONE: 510-4338 Williamsville, NY 14221

CITY STATE ZIP

FAX: 242-0606 E-MAIL: shopkins@hsr-legal.com

[Note: Authorization of owner of 830 Oriole Drive attached as Exhibit "A".]

OWNER INFORMATION - Same as Above for 830 Oriole Drive and below information pertains to the 0.29 acre parcel of vacant land zoned R-2 on Washington Drive [SBL No. 88.13-1-23]

NAME: 5/4 Development Corp. ADDRESS: 920 Center Street, Po Box 1238
c/o Michael J. Dowd, Esq.

PHONE: 754-7865 Lewiston, NY 14092

CITY STATE ZIP

FAX: 866.241-4773 E-MAIL: _____

RELATIONSHIP OF APPLICANT TO PROPERTY:

X CONTRACT PURCHASER _____ CONTRACTOR X OTHER [Owner of the existing Woods at Blairville Project located at 830 Oriole Drive]
____ ARCHITECT/ENGINEER _____ LEASEE

Applicant is the contract vendee with respect to the vacant 0.29 acre parcel zoned R-2 [SBL No. 88.13-1-23]

OFFICE USE ONLY

RECEIVED BY: _____ DATE/TIME RECEIVED _____

FEE AMOUNT: _____ CHECK/MONEY ORDER#: _____

ZONING: _____ FEE TRANSMITTAL DATE: _____

AGENDA DATE: _____ DEADLINE DATE: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: _____

[NOTE: Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at Exhibit "B". The project is an Unlisted Action pursuant to SEQRA since it does not cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4.]

BRIEF HISTORY OF PROPERTY (historic use of property, ownership history, etc.)

The owner acquired the existing Woods at Blairville Project and is proposing an expansion consisting of ~~consisting of two 2-story buildings with 16 units on Washington Dr. and two 2-story buildings with 15 units are depicted on Summer Street. Full size copies of the project plans are attached to this Variance Application.~~

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, hours, # of employees, etc.)

See Exhibit "C" for Project Description. The Applicant is seeking an area variance to allow an expansion ~~of the existing residential project with an overall density of 10.2 residential units per acre. The maximum allowed density is 8 units per acre per Section 360-125B(10) of the Zoning Code which states that the density is based on the allowable density of the underlying district. The existing Woods at Blairville Project Site was previously zoned R-2 and the maximum allowable density is 2 units per acre per Section 360-59A of the Zoning Code.~~

VARIANCE STANDARDS (USE VARIANCE)

Applications for use variances must be based on alleviating a clearly demonstrable hardship, as opposed to a special privilege of convenience sought by the owner. Furthermore, the hardship must be peculiar to the land or building and must not generally apply to land throughout the neighborhood. An example of a property that may potentially have a case for a use variance is a corner store in a predominantly residential neighborhood. If the building has large plate glass windows, a parking lot and loading docks in the rear, it would be extremely costly to convert the building to residential uses to comply with existing zoning regulations.

VARIANCE STANDARDS (AREA VARIANCE)

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building. One example of special condition: A utility right-of-way cutting through the rear half of several properties within a larger neighborhood limiting the buildable area of those properties, thereby requiring variances for rear and side yard setbacks for those particular property owners to construct new garages or sheds.

DESCRIPTION OF HARDSHIP (describe the features or conditions of the property that restrict reasonable use of the property under current zoning regulations)

See Exhibit C for Project Description and Exhibit D for description of justification for the requested area ~~variance based on the statutorily mandated balancing test and five criteria per NYS Town Law Section 267-b(3)(b).~~

Describe how the requested variance will not alter the character of the larger neighborhood or impact adjacent properties:

See attached Exhibit "D".

APPLICATION ATTACHMENTS

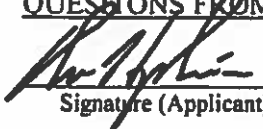
To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review by the Zoning Board of Appeals.

- x \$135 application fee (cash or checks payable to the Town of Lewiston)
- x Detailed site plan (7 copies) [Full size copies of the project plans prepared by Carmina Wood Morris DPC are attached to this Variance Application - See Drawings C-1, C-100 & C-101. Reduced size copies are also provided at Exhibits "E", "F" and "G".]
- x Photographs of existing conditions [The existing site conditions are depicted on the attached full size Survey prepared by Niagara Boundary.]
- s Property survey (7 copies) [See attached surveys prepared by Niagara Boundary of the Woods at Blairville Project Site and the contiguous R-2 zoned parcel. Reduced size copies are provided at Exhibits "H" and "I".]

APPLICANT/OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

 on behalf of Woods at Blairville LLC November 9, 2016
 Signature (Applicant) Sean W. Hopkins, Esq., Counsel for Applicant Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.

Copy of Purchase Contract provided to Building Department November 9, 2016
 Signature (Owner) Date

Regular meetings of the Zoning Board of Appeals are generally held on the 2nd Thursday of every month. The meetings are held at 7:00 P.M. in the main meeting room. Applicants will receive a reminder notice in the mail prior to the meeting. Property owners will be notified of the intent of the applicant and given an opportunity to speak for or against the application.

NOTE: PROPERTY OWNER MUST BE PRESENT AT SCHEDULED PUBLIC HEARING

Please contact the following with any questions pertaining to this Variance Application
 Sean W. Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC
 5500 Main Street, Suite 343
 Williamsville, New York 14221
 Tel: 510-4338
 E-mail: shopkins@hsr-legal.com