

716 937-6969 Ext.4
Fax: 716-937-9587
Email: building@erie.gov

CODE ENFORCEMENT OFFICE

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

Telco Construction, Inc.
500 Buffalo Road
East Aurora, NY 14052

Notice of Disapproval

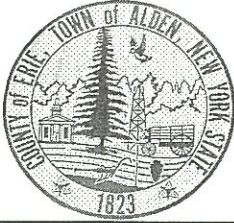
Date: December 16, 2021

PLEASE TAKE NOTICE that your request for a variance to construct a building with a side yard setback less than 75 feet and a landscaped buffer less than 20 feet on the property located at 11870 Walden Avenue (SBL 96.00-3-44.111), Town of Alden, New York is *disapproved* for the following reason:

The Town of Alden Code 365-18(E)(2) requires a 75' minimum side yard setback to a residential district; and the Town of Alden Code 365-18(G)(1) requires a 20 foot landscaped buffer where a manufacturing district abuts a residential district.

You will be advised by mail regarding the date and time for the Zoning Board of Appeals Hearing.

CHRIS SNYDER
Building Inspector
Code Enforcement Officer



Date: 12-13-21

Paid Amount: 250.-

Receipt Number 165009

FEE# 250.-

716 937-6969 Ext.4
Fax: 716-937-9817
Email: building@erie.gov

ZONING BOARD OF APPEALS
ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

APPLICATION FOR ZONING VARIANCE

Date: 12-13-21

Applicant Name INTEGER
Address 11900 WALDEN AVE

21-10

Telephone JIM - TELCO CONST. - 818-4504

Supporting Information needed: (The following information must be attached to the application.)

1. Copy of legal description from property deed.
2. Copy of property survey
3. Letter of Denial from Building Inspector
4. Site plan at appropriate scale showing existing and proposed location of:
 - a. Buildings
 - b. Roads, Parking and Sidewalks
 - c. Landscaping, Fences and Screening
 - d. Easements

Where variance allowing two family dwelling is requested, the following must be attached:

1. Copy of building plans
2. Approval of sanitary system by Erie County Health Department

Property Identification

1. Tax Map Number: 96.00-3-44.111
2. Street Address 11870 WALDEN AVE
3. Name of Property Owner(s) INTEGER
4. Date Property Acquired _____
5. Adjacent Zoning _____

<u>R-A</u>	on the north
<u>M-1</u>	on the east
<u>R-C</u>	on the south
<u>R-3 M1</u>	on the west

6. Proposed Zoning Change _____ is; _____ is not consistent with the Town Master Plan
7. Alden Town Code Section to be Varied: 365-18 E 2 AND 365-18 G 1

Variance or Permit Requested:

1. State the purpose of this application (i.e., type of variance from Zoning Ordinance or permit requested)
SIDE YARD SETBACKS FOR NEW BUILDINGS REQUESTED ARE NOT IN COMPLIANCE WITH TOWN CODE
2. Where variance is requested, state the practical difficulties or unnecessary hardships involved in carrying out the strict letter of the Zoning Ordinance:

3. Where permit is requested, state the reasons for requesting this permit:

Jim Miller

Signature of Applicant

12-13-21

Date

ZONING BOARD OF APPEALS REVIEW

(Zoning Board of Appeals use only)

_____ **Use Variance** - to allow a use not otherwise allowed in zoning, applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all of the following, for each and every permitted use:

- _____ 1. Cannot realize reasonable return {include financial evidence}.
- _____ 2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
- _____ 3. Requested variance will not alter essential character of the neighborhood.
- _____ 4. Alleged hardship has not been self-created.

_____ **Area Variance** – Board shall balance benefit to applicant with the detriment to health, safety and welfare of the community.

- _____ 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created?
- _____ 2. Can benefit be achieved by other means feasible to applicant?
- _____ 3. Is the request substantial?
- _____ 4. Will request have adverse physical or environmental effects?
- _____ 5. Is the alleged difficulty self-created?
- _____ 6. Will request create a hazard to health, safety or general welfare?

APPROVED: _____ **DENIED:** _____ **DATE:** _____

CONDITIONS FOR APPROVAL:

ZBA Chairperson: _____ **DATE:** _____

METZGER CIVIL ENGINEERING, PLLC

August 2, 2021

Mr. Chris Snyder
Code Enforcement Officer
Town of Alden
3311 Wende Road
Alden, NY 14001

Re: Integer Office & Manufacturing Facility – Site Plan Review
11870 Walden Avenue
Submittal Review #1

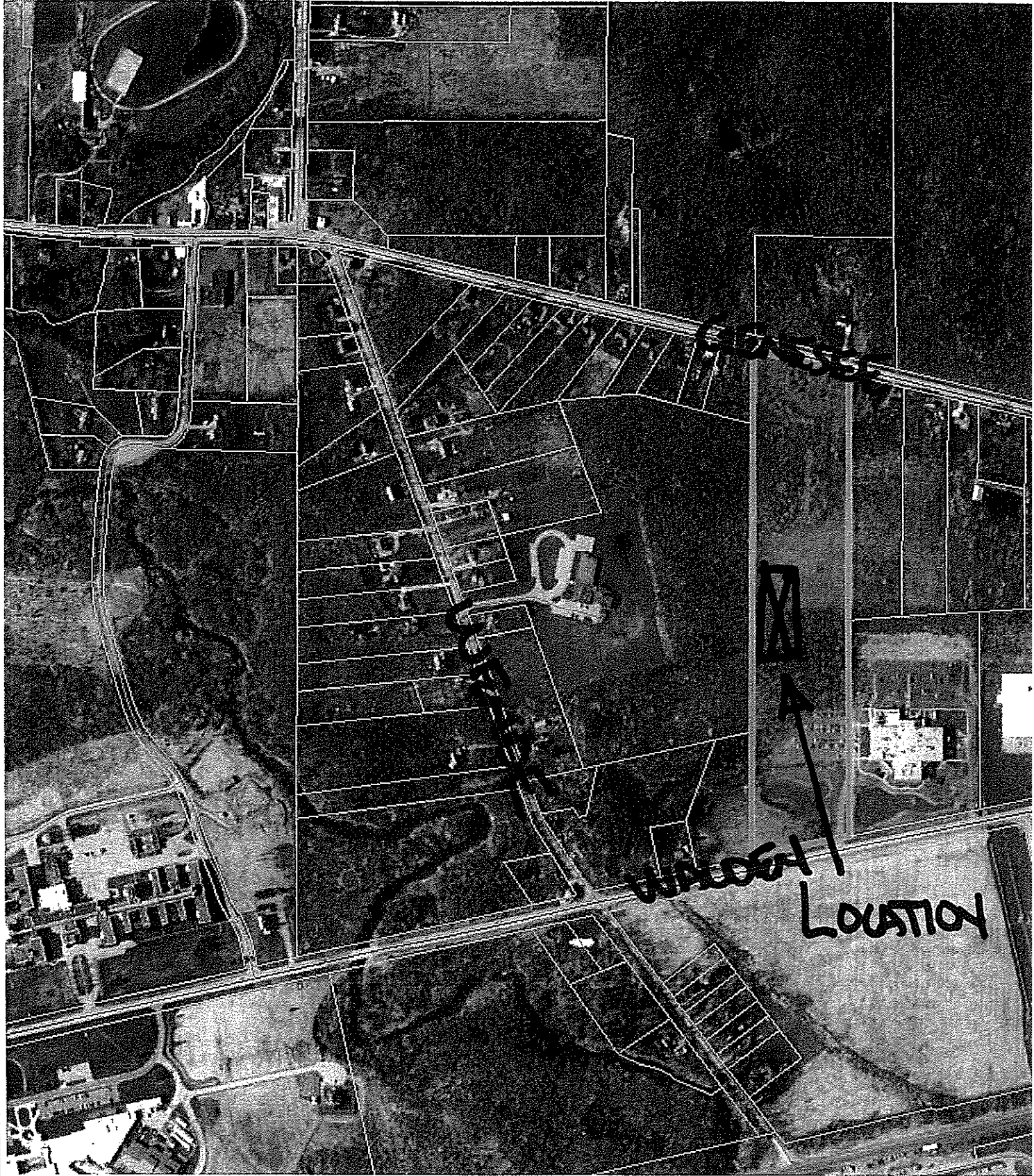
Dear Mr. Snyder:

We have reviewed the submittal materials for the above referenced project, which included:

- A. Civil Engineering Site Plan set dated February 27, 2020
- B. Engineering Report dated June 23, 2021
- C. Stormwater Pollution Prevention Plan (SWPPP) dated June 17, 2021

We offer the following comments:

1. In accordance with Town Zoning Ordinance §365-18(E)(2) the side yard setback to a residential district shall be 75 feet. A variance is needed for the side yard setback as it is currently proposed at 51.14 feet. No site plan approval can be granted without a variance.
2. In accordance with Town Zoning Ordinance §365-18(G)(1), a 20 foot landscaped buffer is needed where a manufacturing district abuts a residential district. The buffer shall be landscaped and maintained by the owner. The proposed setback to the pavement is 10.0 feet. As such, the 20 foot buffer cannot be placed in this area. A variance from the Zoning Board of Appeals would also be required for this.
3. In accordance with Town Zoning Ordinance §365-56(B), a manufacturing facility between 20,000 and 40,000 square feet requires a minimum number of loading spaces of four. It appears the proposed development only proposes two loading spaces. A variance would be needed for this as well.
4. The bio-retention basin will require pretreatment of the stormwater in accordance with §6.4.3 of the NYSDEC SMDM. This pretreatment should include at a minimum a gravel diaphragm and grass filter strip.
5. Should Phase 2 (future 25 foot wide access road) occur, an individual permit will be necessary from the Army Corp of Engineers prior to construction..
6. Should Phase 2 (future 25 foot wide access road) occur, site plan approval will be needed from the Town as the construction of the proposed future access road is not designed and made a part of this plan set.
7. In accordance with Appendix D §DI03.1 of the New York State Fire Code, a 26 foot lane is required on a fire apparatus access road where a fire hydrant is located.
8. The estimated sanitary sewer flow for the proposed development is 4,425 GPD. In accordance with the NYSDEC, any development that exceeds 2,500 GPD requires a Downstream Sanitary Sewer Capacity Analysis (DCSA). In addition, the applicant will need to satisfy the Inflow/Infiltration (I/I) remediation requirements of the Erie County sewer district.



0.3 0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT AND PLANNING
OFFICE OF ENVIRONMENTAL SERVICES

Chapter 365. Zoning

Article III. District Use Regulations

§ 365-18. M-1 Manufacturing District.

This district is intended to provide areas within the Town for a planned industrial district, designed to ensure compatibility between industrial operations and the existing character and quality of the community. More specifically, the planning of such elements as streets, parking, architectural features and landscaping shall take into consideration aesthetic appeal and the promotion of an openness and parklike character. Activities shall conform to M-1 industrial performance standards.

A. Permitted principal uses are as follows:

- (1) As permitted and regulated in the C-3 District.
[Amended 6-5-2000 by L.L. No. 4-2000]
- (2) Truck terminals.
- (3) Airports.
- (4) Other business, servicing, manufacturing or processing of materials, goods or products, not otherwise prohibited by law, when conducted in a completely enclosed building and when in conformance with M-1 performance standards as set forth in Article XIII. Limited storage in connection with the principal use may be permitted outdoors when effectively screened as outlined in Subsection G(5) below. This shall not include junkyards or automobile wrecking yards.

B. Permitted accessory uses are as follows:

- (1) As permitted and regulated in the C-3 District.
- (2) Quarters for caretaker or watchman.
- (3) Other customary uses normally associated with the principal uses.

C. Uses permitted upon issuance of a special permit are as follows:^[1]

- (1) Adult uses.

[1] *Editor's Note: Former Subsection C(1), Dwellings, was repealed 6-5-2000 by L.L. No. 4-2000.*

D. Minimum lot sizes are as required to provide a site adequate for the principal and accessory buildings, all required off-street parking, loading and stacking, landscaping, yards and open spaces.

E. Minimum yard requirements are as follows:

- (1) Front yard: 50 feet, except as provided under § 365-21.
- (2) Side yards and rear yard: 10 feet each, except where abutting an R District, where 75 feet shall be required for each.

F. Building and structure requirements are as follows:

- (1) Principal buildings.
 - (a) Maximum height: 40 feet.
- (2) Accessory buildings.
 - (a) Maximum height: 30 feet.
 - (b) Yards and setbacks: as regulated under § **365-20**.
- (3) Lot coverage: as use, yard, parking and landscaping requirements permit.

G. Buffer and landscaping requirements are as follows:

- (1) A buffer of not less than 20 feet in width shall be reserved where an M District abuts an R District. Such a buffer zone shall be landscaped and maintained by the owner.
- (2) All required front and side yards shall be landscaped with a combination of trees, ground cover and shrubbery to provide effective screening of the premises from adjoining premises and/or to present an attractive appearance from the street.
- (3) All wiring, feed lines and energy sources shall be placed underground. The Town Board may waive this requirement at the request of the applicant in cases where the Board shall determine that installation or installation services will result in difficulty or hardship. In making such decision, the Board will consider unusual topography and/or other conditions which prevent this requirement from being practical.
- (4) The location, size and construction of signs, as regulated in Chapter **279**, Signs, of this Code, shall be in keeping with the character of the area.
- (5) All open storage of equipment and materials, including machinery, unlicensed vehicles, building materials, scrap, etc., shall be effectively screened by a wall, fence, planting or combinations of each, so that such storage will not be visible from a public way. (§ **365-30**.)
- (6) All landscaping shall be maintained, and all required landscaping as shown on the approved landscape plan shall be preserved.

H. Site plan review. All applications for building permits shall be accompanied by an approved site plan except for the following: a single- or two-family dwelling on an individual lot, including its permitted accessory uses, general farming use and additions not exceeding 25% of the square footage of the existing structure. There shall be no limit on additions to single- or two-family dwellings.