

Ari M. Goldberg
Counsel

January 24, 2024

BY HAND DELIVERY
VIA ELECTRONIC MAIL

Village of Williamsville
Village Zoning Board of Appeals
c/o Carol Boeck, Planning and Zoning Clerk
5565 Main Street
Williamsville, NY 14221
cboeck@village.williamsville.ny.us

Re: 2 Millrace Road
Area Variance
Initial Submittal

Dear Members of Village Zoning Board of Appeals:

Barclay Damon LLP represents TJ Hirsch and Amanda Hirsch (“Applicants”), record property owners of 2 Millrace Road, SBL 68.20-3-34, in the Village (“Property”). Applicants propose an addition to their home that requires area variances from this Zoning Board of Appeals (“ZBA”) prior to obtaining a building permit.

Enclosed, please find the following:

1. Area Variance Application Form
2. Property Survey
3. Preliminary Site Plan and Architectural Elevations
4. Area Variance Analysis
5. Short Environmental Assessment Form
6. Owner Authorization

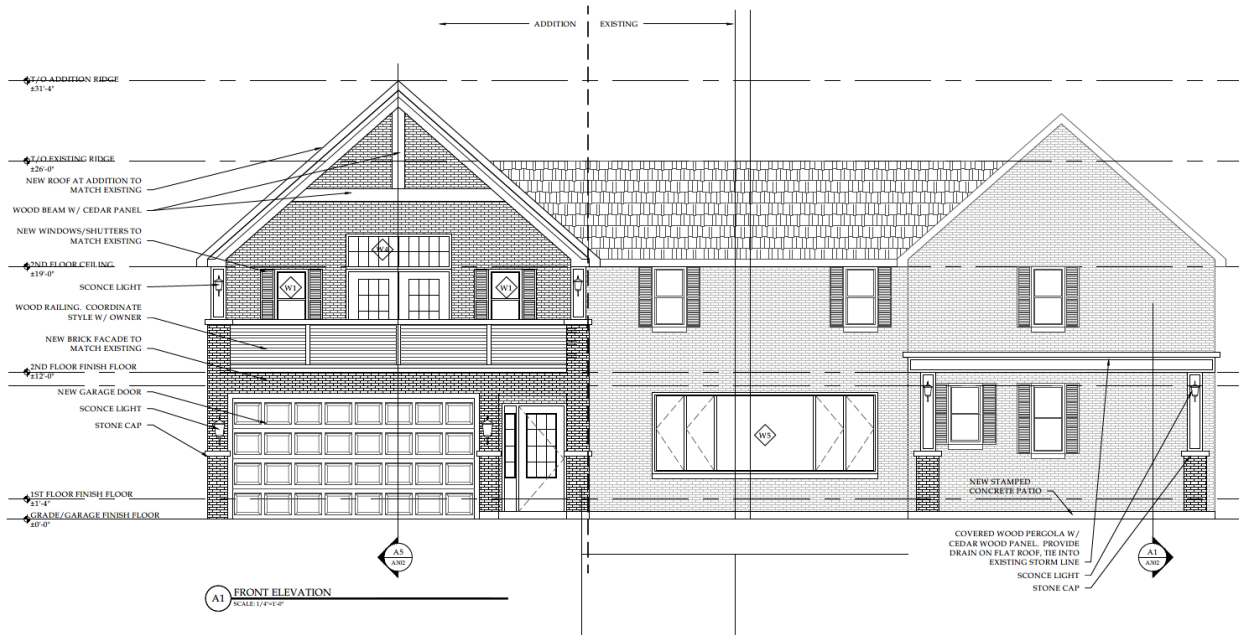
Project Description

The Property is on the corner of Millrace and N. Cayuga, on the north side of Main Street. The Property contains a 2-story, single family home with existing side load garage situated off North Cayuga. Applicants propose expanding the garage footprint and adding a second story to the garage, connecting it with the second story of the existing dwelling.

An image of the existing garage is shown below:



An image of the proposed construction with second story and expanded garage is shown below:



The existing garage is situated in close proximity to the northern property line, which is a hedgerow/vegetative buffer between Applicants' Property line and a private roadway associated with the abutting attached condominium dwellings. Applicants' proposed improvements also include a façade alterations, as well as a new canopy, patio, and retaining wall with planters, all in an effort to enhance the home's street front activation.

Area Variances

The following area variances are necessary to authorize the proposed new construction:

1. Village Zoning Code § 112-14.C(1)(c) permits a maximum lot coverage of 25% or, at this Property, 1,452 SF.
 - a. As proposed, the lot coverage is 2,470.76 SF or 46.7%
2. Village Zoning Code § 112-12.C(2)(c) requires a side yard setback of 5'.
 - a. As proposed, the side yard setback is 3'.
3. Village Zoning Code § 112-12.C(2)(e) requires a rear yard setback of 25% of lot depth and not less than 25'.
 - a. As proposed, the rear yard setback is 1'.

A comprehensive statutory analysis reviewing the New York State Village Law 7-712-b(3)(b) criteria is enclosed as Exhibit 4, demonstrating that the benefit to the Applicants if the variances are granted far outweighs any detriment to the health, safety and welfare of the neighborhood or community.

State Environmental Quality Review Act

Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA") requires state and local government agencies to consider environmental impacts of proposed actions during discretionary decision-making. In this case, the proposed construction is a Type II SEQRA action, as it involves setback area variances for a single family dwelling under 6 NYCRR 617.5(c)(16) and (17). A short environmental assessment form, Exhibit 5, is enclosed as a courtesy.

General Municipal Law

Pursuant to General Municipal Law ("GML") § 239-m, we ask that a full statement of the proposed action be referred to the Erie County Division of Environment and Planning because the Property is within 500' of a parcel owned by New York State.

2 Millrace – Area Variance
January 24, 2024
Page 4

Conclusion

We look forward to discussing this request with the ZBA at the February 21, 2024 meeting. Please reach out to me with any questions. Thank you for your consideration.

Very truly yours,



Ari M. Goldberg

AMG:amg
Exhibits

cc: Gary Palumbo, Town of Amherst Planning (via e-mail)
TJ and Amanda Hirsch (via e-mail)
Natalie Winnert, Silvestri Architects, P.C. (via e-mail)

Exhibit 1

Village of Williamsville Area Variance Application Form

Village Of Williamsville

Area/ Use Variance Application



TYPE OF REQUEST

Area Variance

Use Variance

APPLICANT INFORMATION

Property Owner(s):

Name: TJ and Amanda Hirsch

Signature: *Ari Goldberg* Ari Goldberg as agent/attorney

Email: tjhirsch23@gmail.com

Address: 2 Millrace Road, SBL 68.20-3-34, Amherst (Village of Williamsville), NY 14221

Phone: _____

Applicant(s) (if other than property owner):

Name: TJ and Amanda Hirsch by Barclay Damon LLP Signature: *Ari Goldberg* Ari Goldberg as agent/attorney

Email: agoldberg@barclaydamon.com

Address: 200 Delaware Avenue, Suite 1200, Buffalo, NY 14020

Phone: (716) 858-3878

If the applicant is not the property owner, owner's signature or a letter of permission allowing the applicant to file this application is required.

PROPERTY INFORMATION

Property Address: 2 Millrace Road

SBL: 68.20-3-34

Zoning District: R-3

OFFICIAL USE

239m applicable SEQR Short EAF FEE (\$100-residential \$150-commercial)

Meeting Date: _____ Reviewed By: _____ Appeal #: _____

Village Of Williamsville

Area/ Use Variance Application



AREA VARIANCE REQUEST

In making its determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination, the ZBA will consider these five questions:

1. Describe whether there will be an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of the subject variance;
see attached analysis.

2. Describe whether the benefit sought by the applicant can be achieved by some other feasible method, other than a variance;
see attached analysis.

3. Describe whether the requested variance is substantial; (How substantial are the potential impacts to neighboring properties?)
see attached analysis.

4. Describe whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood/district;

5. Describe whether the alleged difficulty is self-created;
see attached analysis.

Village Of Williamsville

Area/ Use Variance Application



USE VARIANCE REQUEST

- 1) Describe how the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

n/a

- 2) Describe how the alleged hardship is unique to the subject property and does not apply to a substantial portion of the district or neighborhood;

n/a

- 3) Describe how, if granted, the requested use variance will not alter the essential character of the neighborhood;

n/a

- 4) Describe how the alleged difficulty is not self-created;

n/a

Note: Please attach additional sheets if necessary when responding the above questions

Village Of Williamsville

Area/ Use Variance Application



DISCLOSURE AFFIDAVIT

I maintain that the information provided in this application is true and accurate to the best of my knowledge:

Date: *January 23, 2024*

Ari Goldberg, Barclay Damon LLP, as agent/attorney

Property owner or applicant name (print):

Ari M. Goldberg

Property owner or applicant signature:

STATE OF NEW YORK COUNTY OF ERIE

On the day of in the year before me, the above individual personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal:

Kathy Karaszewski

Signature of Notary Public

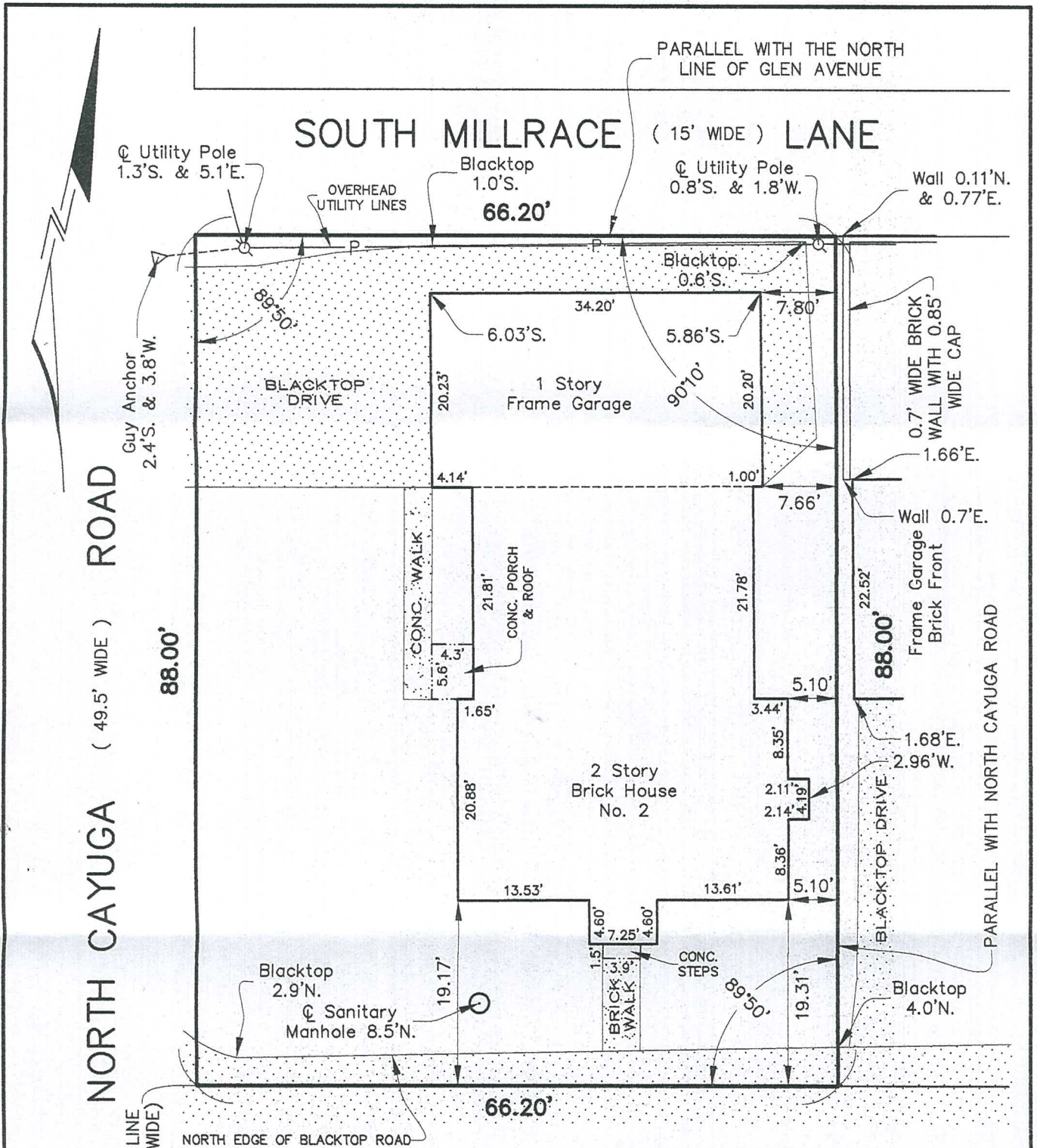
KATHY KARASZEWSKI
Notary Public - State of New York
No. 01KA4981978

Print Name:

Qualified in Erie County
My Commission Expires May 28, *2027*

Exhibit 2


Property Survey



NOTE : PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY

NOTE : THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

Kenneth D. Witschi

RESURVEYED	JOB No.	 KENNETH D. WITSCHI PROFESSIONAL LAND SURVEYOR LICENSE NUMBER 49944 97 JEFFREY DRIVE AMHERST NEW YORK 14228 PHONE (716) 691-2868
PART OF LOT 1; HOLLAND LAND COMPANY'S SURVEY		
SECTION TOWNSHIP 12 RANGE 7		
SUBLOT		
BLOCK	SURVEY MAP OF 2 MILLRACE ROAD	
MAP COVER	CITY OF	VILLAGE OF WILLIAMSVILLE
LIBER	PAGE	TOWN OF AMHERST
BK. OF MAPS	PAGE	COUNTY OF ERIE STATE OF NEW YORK
BK. OF MICROFILMED MAPS	PAGE	DATE SEP. 10, 2020 SCALE : 1" = 15 FEET JOB No. 220-190

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS IN VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW. THIS DOCUMENT VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL No. 49944.

Exhibit 3

Preliminary Site Plan and Architectural Elevations



PROPOSED ADDITION

2 MILLRACE COURT WILLIAMSVILLE, NY 14221

S.A. PROJECT # 99999-01
DATE: 09-27-2022

ARCHITECT:
SILVESTRI ARCHITECTS, P.C.

1321 MILLERSPORT HIGHWAY, SUITE 101
AMHERST, NY 14221

Phone: 716-691-0900

Fax: 716-691-4773

Contact: Marc Velocci

marcv@silvestriarchitects.com

SHEET INDEX

TITLE SHEET

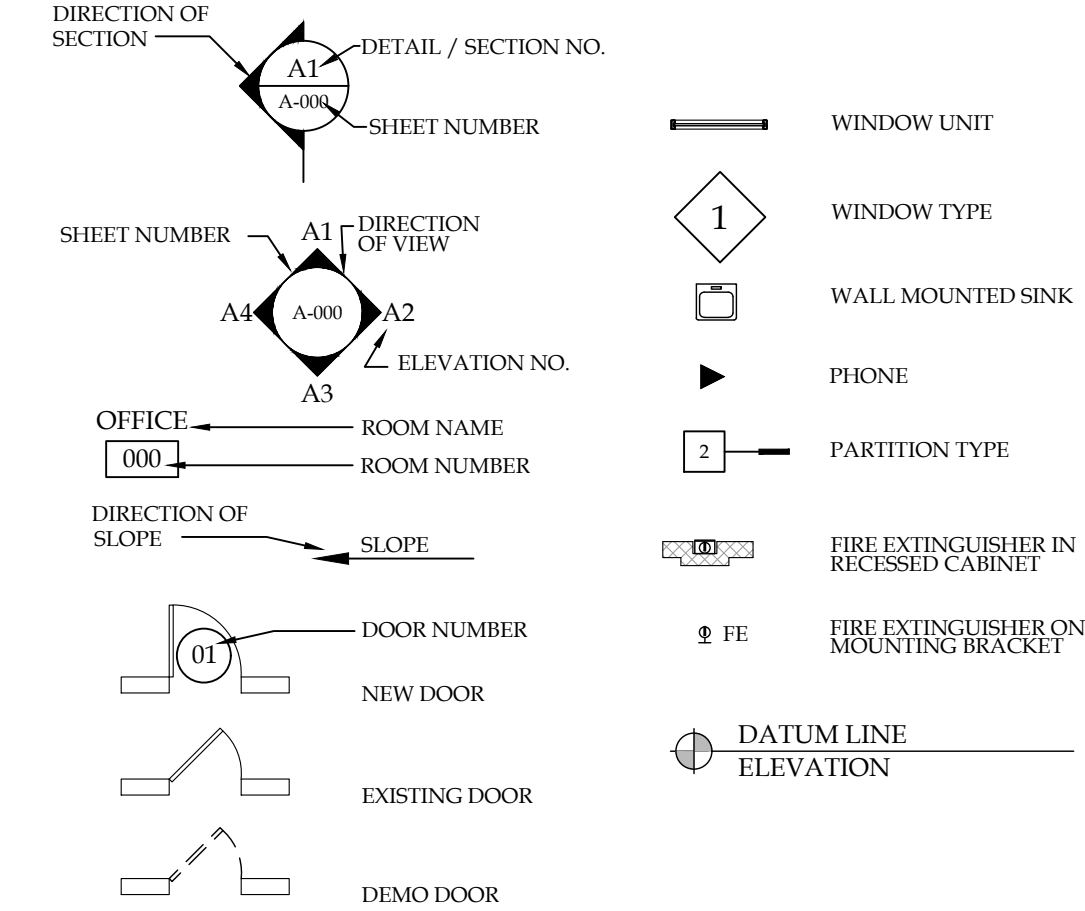
ARCHITECTURAL

AS-101	SITE PLAN
5-101	FOUNDATION & FRAMING PLANS
A-001	GENERAL NOTES, MOUNTING HEIGHTS & PARTITION TYPES
A-101	BASEMENT & 1ST FLOOR PLAN
A-102	2ND FLOOR PLAN & ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-301	BUILDING SECTIONS
A-302	BUILDING SECTIONS
A-601	DOOR & WINDOW SCHEDULE, ELEVATIONS & DETAILS

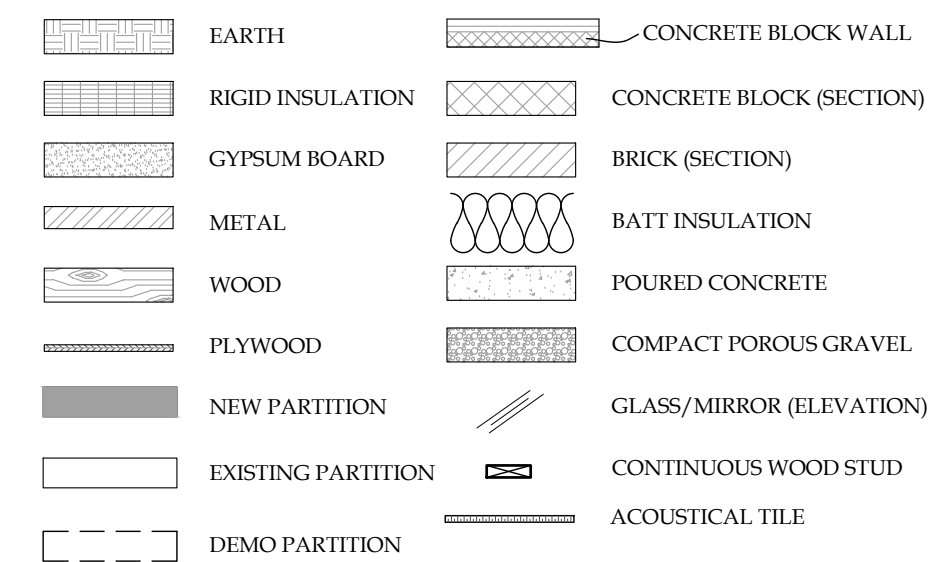
ABBREVIATIONS

A.F.F.	ABOVE FINISH FLOOR	N.I.C.	NOT IN CONTRACT
ACI.	ACOUSTICAL TILE	N.T.S.	NOT TO SCALE
A.C.	AIR CONDITION	NOM.	NOMINAL
ALT.	ALTERNATE	NO.	NUMBER
ALUM.	ALUMINUM		
APPROX.	APPROXIMATE		
ARCH.	ARCHITECTURAL		
AUTO.	AUTOMATIC		
BM.	BEAM		
BRG.	BEARING		
B.M.	BENCH MARK		
BLK.	BLOCK		
BLKG.	BLOCKING		
BRD.	BOARD		
BOT.	BOTTOMS		
BRK.	BRICK		
R.E.J.	BRICK EXPANSION JOINT		
B.C.	BRICK COURSE		
BLDG.	BUILDING		
BUR.	BUILT-UP ROOFING		
CLG.	CEILING		
CAB.	CABINET		
CPT.	CABRET		
C.W.	CASEWORK		
CH.	CATCH BASIN		
CEM.	CEMENT		
CT.	CERAMIC TILE		
CHBD.	CHALK BOARD		
CLR.	CLEAR		
COL.	COLUMN		
CONC.	CONCRETE		
CMU.	CONCRETE MASONRY UNIT		
CONT.	CONTINUOUS		
CONTR.	CONTRACTOR		
CJ.	CONTROL JOINT		
C.G.	CORNER GUARD		
CBS.	COURSE		
DET.	DETAIL		
DIA.	DIAMETER		
DIM.	DIMENSION		
DISP.	DISPENSER		
DN.	DOWN		
DS.	DOWNSPOUT		
DWG.	DRAWING		
D.F.	DRINKING FOUNTAIN		
DFF.	DIFFUSER		
EA.	EACH		
EIS.	EXTERIOR INSULATION & FINISH SYSTEM		
ELEC.	ELECTRICAL		
EPNL.	ELECTRIC PANEL		
ELEV.	ELEVATION		
EX.	EXHAUST		
EX.F.	EXHAUST FAN		
EXSE.	EXISTING		
EX.F.J.	EXPANSION JOINT		
FB.	FACE BRICK		
FIN.	FINISH (ED)		
FA.	FIRE ARM		
FEC.	FIRE EXTINGUISHER CABINET		
FHC.	FIRE HOSE CABINET		
F.P.	FIRE PROTECTING		
FL.	FLOOR		
F.D.	FLOOR DRAIN		
FOOT.	FOOT		
F.W.C.	FACE WALL COVERING		
FTG.	FOOTING		
FDN.	FOUNDATION		
FUR.	FURRING		
GAL.	GALLON		
G.C.	GENERAL CONTRACTOR		
GL.	GLASS		
GRAB.	GRAB BAR		
G.W.B.	GYP-SUM WALL BOARD		
GYP.	GYP-SUM		
HDW.	HARDWARE		
HD.WD.	HARDWOOD		
HVAC.	HEATING, VENTILATING, & AIR CONDITIONING		
HT.	HEIGHT		
HC.	HOLLOW CORE		
HM.	HOLLOW METAL		
HORIZ.	HORIZONTAL		
HB.	HOSE BIB		
H.W.	HOT WATER		
INSUL.	INSULATE (D) (ION)		
INV.	INVERTED GLASS		
INVER.	INVERT		
JAN.	JANITOR		
JT.	JOINT		
KIT.	KITCHEN		
RO.	KNOCK OUT		
LAM.	LAMINATED		
LAV.	LAVATORY		
LH.	LEFT HAND		
LGT.	LIGHT		
LT.	LENGTH		
L.F.	LINEAR FEET		
LTL.	LINTEL		
LL.	LIVE LOAD		
LLH.	LONG LEG HORIZONTAL		
LLV.	LONG LEG VERTICAL		
L.M.F.	LIGHT GAUGE METAL FRAMING		
LVR.	LOUVER		
L.P.	LOW POINT		
MACH.	MACHINE		
M.H.	MANHOLE		
MFR.	MANUFACTURE		
MAS.	MASONRY		
M.S.	MASONRY OPENING		
MATL.	MATERIAL		
MAX.	MAXIMUM		
M.ECH.	MECHANICAL		
MEMB.	MEMBRANE		
MET.	METAL		
M.T.P.	METAL TOILET PARTITION		
MIN.	MINIMUM		
MISC.	MISCELLANEOUS		
MULL.	MULLION		
P.M.C.	PURCHASER METAL BUILDING CONTRACTOR		
PNT.	PAINT (ED)		
PANEL.	PANELL		
P.T.D.	PAPER TOWEL DISPENSER		
P.T.R.	PAPER TOWEL RECEPTOR		
P.V.M.	PAYMENT		
P.G. BD.	PLYWOOD BOARD		
P.LAS.	PLASTER		
P.LAM.	PLASTIC LAMINATE		
PL.	PLATE		
POL.	POLISHED		
P.W.D.	PLYWOOD		
P.	POINT		
PSI.	POUNDS PER SQ. INCH		
PSF.	POUNDS PER SQ. FOOT		
P.P.	POWER PANEL		
P.F.E. FAB.	PREFABRICATED		
P.F.	PREFINISHED		
PROJ.	PROJECTION		
PL.	PROPERTY LINE		
QT.	QUARRY TILE		
RAD.	RADIUS		
R.W.L.	RAIN WATER LEADER		
RECT.	RECTANGLE, ELECTRIC		
REC.	RECESS		
REF.	REFRIGERATOR		
REG.	REGISTER		
REIN.F.	REINFORCE (D) (ING)		
REQD.	REQUIRED		
RES.	RECESS (ED)		
R.C.P.	REFLECTED CEILING PLAN		
RET.	RETURN		
R.A.	RETURN AIR		
RVS.	REVERSE		
REV.	REVISION		
RH.	RIGHT HAND		
R.O.W.	RIGHT OF WAY		
R.	RISER		
R.	RISER		
R.D.	ROOF DRAIN		
ROOF.	ROOFING		
RM.	ROOM		
RND.	ROUND		
SDL.	SADDLE		
STG.	SEATING		
SHIT.	SHEDDING		
SHT.	SHEET		
SHR.	SHOWER		
SIM.	SIMILAR		
SPKR.	SPEAKER		
SP.	SPEAKER		
SQ.	SQUARE		
SS.	STAINLESS STEEL		
SP.	STANDARD		
STD.	STANDARD		
SD.	STORM DRAIN		
S.G.T.	STRUCTURAL GLAZED TILE		
STRUCT.	STRUCTURAL		
SUSP.	SUSPENDED		
SW.	SWITCH		
SWBD.	SWITCH BOARD		
SV.	SHEET VINYL		
T.B.	TACKBOARD		
TEL.	TELEPHONE		
TEMP.	TEMPERATURE		
TEX.	TEXTURE		
THK.	THICK (NESS)		
THR.	THRESHOLD		
TP.	TOILET PAPER HOLDER		
T/O.	TOP OF		
TB.	TOWEL BAR		
TYP.	TYPICAL		
U.C.L.	UNDER CABINET LIGHT		
U.C.	UNDERCUT		
UR.	URNAL		
V.T.R.	VENT THRU ROOF		
VERT.	VERTICAL		
VIBR.	VIBRATION		
V.C.T.	VINYL COMPOSITE TILE		
V.F.	VERIFY IN FIELD		
V.W.C.	VINYL WALL COVERING		
W.C.S.T.	WAINSCOT		
WS.	WEATHER STRIP		
WT.	WEIGHT		
WWF.	WELDED WIRE FABRIC		
W.C.D.F.	WHEELCHAIR DRINKING FOUNTAIN		
W.	WITH		
W/O.	WITHOUT		
WD.	WOOD		

DRAFTING SYMBOLS



MATERIAL SYMBOLS



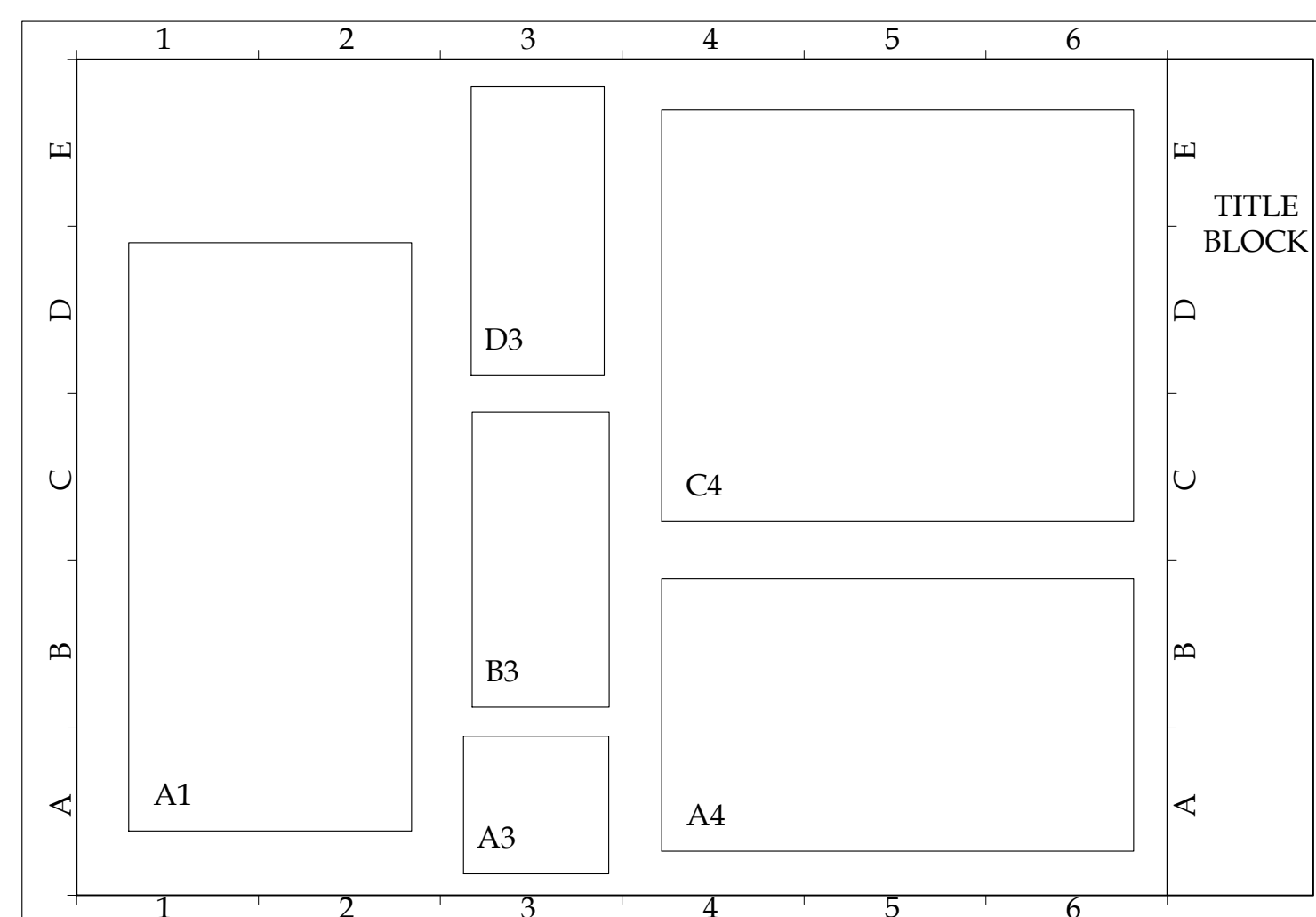
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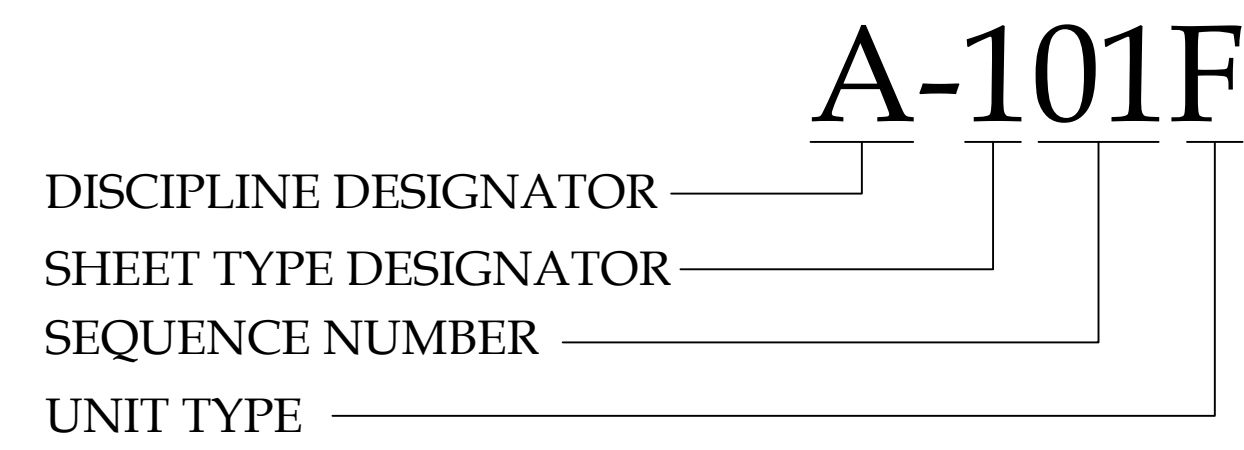
ISSUE

2022-08-06 - ISSUE FOR PERMIT

DRAWING AREA LOGIC



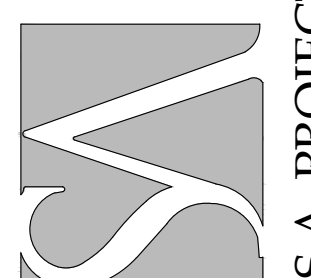
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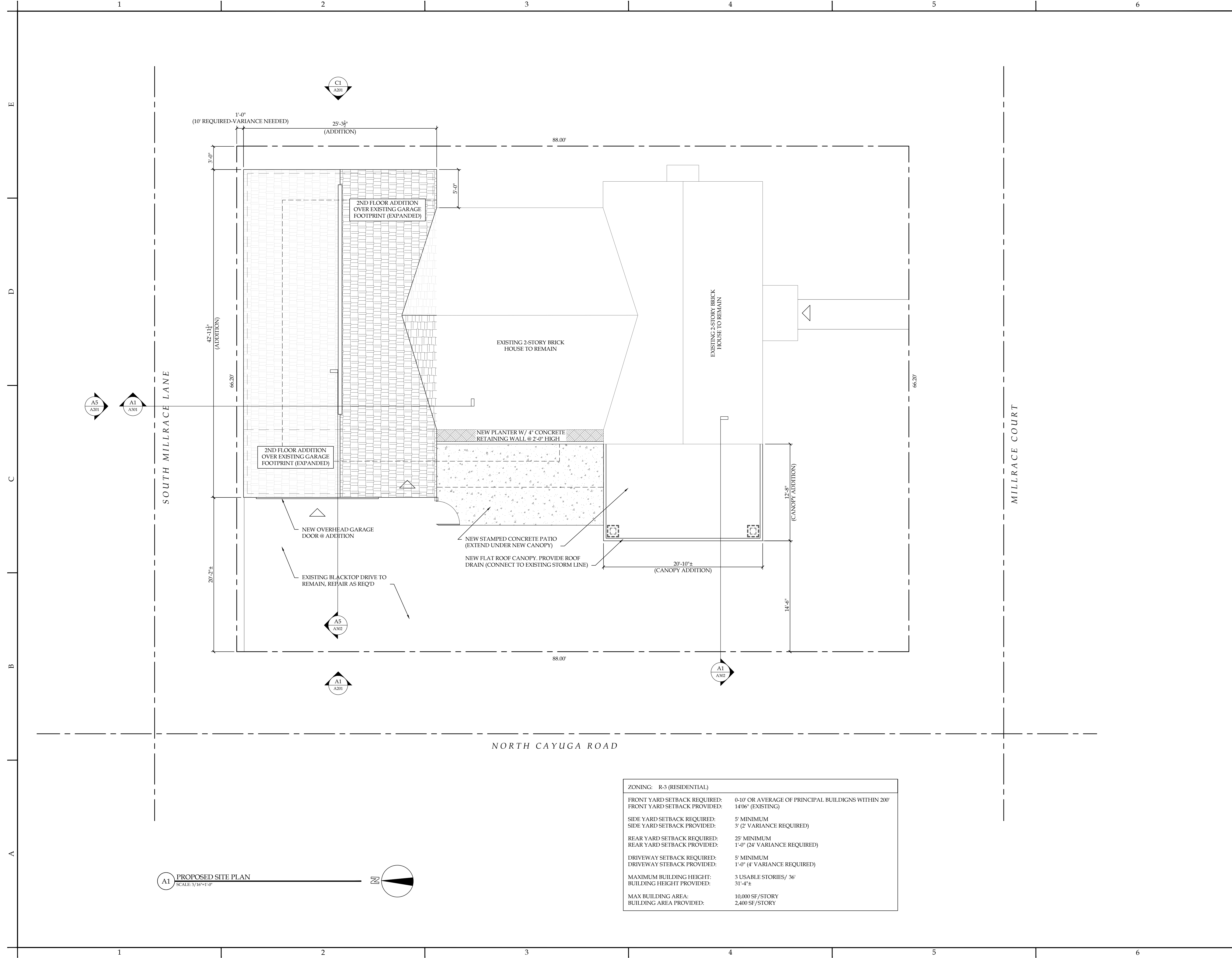
DISCIPLINE DESIGNATOR SHEET TYPE DESIGNATOR

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C	CIVIL	1	PLANS
L	LANDSCAPE	2	ELEVATIONS
S	STRUCTURAL	3	SECTIONS
A	ARCHITECTURAL	4	LARGE SCALE VIEWS
F	FIRE PROTECTION	5	DETAILS
P	PLUMBING	6	SCHEDULES & DIAGRAMS
M	MECHANICAL		
E	ELECTRICAL		

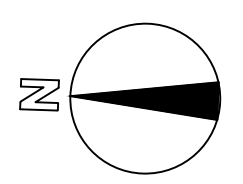
PROPOSED ADDITION
2 MILLRACE COURT
WILLIAMSVILLE, NY 14221
 SA PROJECT TEAM: PRINCIPAL: P.Silvestri ARCHITECT: P.Silvestri JOB CAPTAIN: M.Velocci DRAFTER: M.V INTERIORS: N.Catuzza



S.A. PROJECT # 99999-01
 DATE: 09-27-2022



A1 PROPOSED SITE PLAN
SCALE: 3/16"=1'-0"



ZONING: R-3 (RESIDENTIAL)	
FRONT YARD SETBACK REQUIRED:	0-10' OR AVERAGE OF PRINCIPAL BUILDINGS WITHIN 200'
FRONT YARD SETBACK PROVIDED:	14'0" (EXISTING)
SIDE YARD SETBACK REQUIRED:	5' MINIMUM
SIDE YARD SETBACK PROVIDED:	3' (2' VARIANCE REQUIRED)
REAR YARD SETBACK REQUIRED:	25' MINIMUM
REAR YARD SETBACK PROVIDED:	1'-0" (24' VARIANCE REQUIRED)
DRIVEWAY SETBACK REQUIRED:	5' MINIMUM
DRIVEWAY SETBACK PROVIDED:	1'-0" (4' VARIANCE REQUIRED)
MAXIMUM BUILDING HEIGHT:	3 USABLE STORIES/ 36'
BUILDING HEIGHT PROVIDED:	31'-4"
MAX BUILDING AREA:	10,000 SF/STORY
BUILDING AREA PROVIDED:	2,400 SF/STORY

NOTICE
This document, the property of, prepared and issued by the architect, is submitted for the specific project named _____ and the recipient by accepting this document assumes custody and agrees that this document will not be copied or reproduced in part or in whole, and any special features peculiar to this design shall not be incorporated in any other project, unless prior agreement has been obtained in writing. These documents will be returned immediately upon completion of the project or upon the request of the architect.
This document is the exclusive property of the architect, no rights to ownership are transferable, or shall be lost by the filing of this document with any and all public authorities for the purpose of compliance with Codes and or Ordinances, i.e. Building Permit, etc.

PROPOSED ADDITION
2 MILLRACE COURT
WILLIAMSVILLE, NY

ISSUE:
12/5/23 REVISION 2

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. P.Silvestri DRAFTER M.Velocci
JOB CAPT. M.Velocci INTERIORS N.Catuzza



TITLE:
SITE PLAN



SA JOB #: 99999.01 DATE: 09-27-22

DRAWING #: AS-101

GENERAL NOTES

- DO NOT SCALE DRAWINGS.
- CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE NEW YORK STATE BUILDING CODES, OSHA STANDARDS AND FIRE SAFETY CODE / RELEVANT SECTIONS OF THE N.E.P.A. & ANY LOCAL CODES BEING MORE RESTRICTIVE THAN THE MINIMUMS LISTED.
- CONSTRUCTION MEANS, METHODS, TECHNIQUES AND CRAFTSMANSHIP ARE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. G.C. SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD. CONTACT ARCHITECT IF MAJOR DISCREPANCIES OCCUR BETWEEN DRAWINGS AND EXISTING CONDITIONS.
- THE CONTRACTOR IS REQUIRED TO INSPECT THE PROJECT SITE IN ORDER TO DETERMINE THE EXTENT OF THE REQUIRED WORK. THIS INSPECTION SHALL BE COMPLETED PRIOR TO THE SUBMISSION OF ANY PROPOSAL TO COMPLETE THIS PROJECT. INSPECTION TIMES SHALL BE COORDINATED WITH THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL INFORMATION ON THE DRAWINGS.
- THESE DOCUMENTS HAVE BEEN PREPARED BASED ON FIELD INSPECTIONS AND OTHER INFORMATION AVAILABLE AT THE TIME. ACTUAL FIELD CONDITIONS MAY REQUIRE MODIFICATION TO CONSTRUCTION DETAILS AND WORK QUANTITIES. THE CONTRACTOR SHALL BID & PERFORM THE WORK IN ACCORDANCE WITH THE FIELD CONDITIONS.
- THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS FOR THIS PROJECT WILL BE COMPLETED TO THE SCOPE OF THE PROJECT IN COMPLIANCE WITH THE OWNER AND DESIGN TEAM. ANY CHANGES TO THESE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS WILL ONLY BE DONE BY A CHANGE ORDER THAT IS APPROVED BY THE OWNER'S REPRESENTATIVE.
- CONSIDERATION WILL NOT BE GRANTED FOR ANY ALLEGED MISUNDERSTANDINGS AS TO THE AMOUNT AND / OR SCOPE OF WORK TO BE PERFORMED. TENDER OF PROPOSAL SHALL CONVEY FULL AGREEMENT TO THE ITEMS, AND CONDITIONS INDICATED IN THE CONSTRUCTION DOCUMENTS. SHOULD THE CONTRACTOR FIND DISCREPANCIES OR OMISSIONS IN THE CONSTRUCTION DOCUMENTS OR BE IN DOUBT AS TO THE INTENT THEREOF, THE CONTRACTOR SHALL IMMEDIATELY OBTAIN CLARIFICATION FROM THE ARCHITECT PRIOR TO SUBMITTING A PROPOSAL FOR THE WORK.
- ALL OWNER SUPPLIED ITEMS WILL BE COORDINATED WITHIN THE GENERAL CONTRACTOR'S CONSTRUCTION SCHEDULES PRIOR TO COMMENCEMENT OF ANY WORK.
- THE CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE WITH THE OWNER FOR ALL BUILDING AND CONSTRUCTION SIGNAGE.
- THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF HIS WORK AND SCHEDULE WITH WORK BEING PERFORMED BY OTHERS AND THE USER/OWNER OF THE BUILDING.
- ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS. ALL DIMENSIONS ARE TO FACE OF CONCRETE OR MASONRY, CENTERLINE OF COLUMNS AND BEAMS, AND FINISH TO FINISH, UNLESS OTHERWISE NOTED.
- THE STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING DRAWINGS ARE SUPPLEMENTARY TO THE ARCHITECTURAL DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK WITH THE ARCHITECTURAL DRAWINGS BEFORE THE INSTALLATION OF STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING WORK. ANY DISCREPANCIES BETWEEN THE ARCHITECTS AND ENGINEER'S DRAWINGS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION FOR CLARIFICATION PRIOR TO PROCEEDING WITH SAID WORK.
- DETAILS MARKED "TYPICAL" SHALL APPLY IN ALL CASES UNLESS SPECIFICALLY INDICATED OTHERWISE.
- ALL SYMBOLS AND ABBREVIATIONS USED ON THE DRAWINGS ARE CONSIDERED TO BE CONSTRUCTION STANDARDS. IF THE CONTRACTOR HAS QUESTIONS REGARDING SOME, OR THEIR EXACT MEANING, THE ARCHITECT SHALL BE NOTIFIED FOR CLARIFICATION.

- CONTRACTOR SHALL VERIFY AND ESTABLISH THE LOCATIONS AND ELEVATIONS OF ALL UTILITIES WITHIN THE WORK AREA, AND SHALL COORDINATE WITH THE OWNER AND THE UTILITY COMPANIES PRIOR TO THE START OF THE PROJECT.
- THE CONTRACTOR SHALL PROVIDE ALL SHORING AND BRACING REQUIRED TO ADEQUATELY PROTECT PERSONNEL AND ADJACENT PROPERTY AND TO INSURE SAFETY OF THE STRUCTURE THROUGHOUT THE CONSTRUCTION PERIOD.
- ALL CEILING HEIGHTS AS SHOWN ON DETAILS OR PLANS OR NOTES ARE FROM TOP OF CONCRETE DECK TO FINISH CEILING. USE OF THE TERM ABOVE FINISH FLOOR (A.F.F.) MEANS MEASURED FROM THE TOP OF CONCRETE DECK. CONTRACTOR SHALL ALLOW FOR AND COORDINATE WORK WITH FLOOR FINISH MATERIAL AND INSTALLATION METHOD.
- PROVIDE INDEPENDENT SUSPENSION FOR ALL LIGHT FIXTURES. SUSPENSION FOR CEILING AND LIGHT FIXTURES SHALL BE INDEPENDENT OF SUSPENSION FOR DUCT WORK.
- ALL EQUIPMENT AND MATERIALS INSTALLED IN THIS JOB SHALL BE NEW AND FREE OF ANY DEFECTS UNLESS OTHERWISE NOTED.
- CONTRACTORS SHALL RECORD ALL DEVIATIONS FROM THE DESIGN DOCUMENTS IN THE DRAWINGS, AND PROVIDE A COPY TO THE ARCHITECT UPON THE COMPLETION OF WORK.
- PROVIDE APPROVED SEPARATION BY MEANS OF COATINGS, GASKETS, OR OTHER EFFECTIVE MEANS TO PREVENT GALVANIC CORROSION BETWEEN ALL DISSIMILAR METALS.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED BY THE CONSTRUCTION OPERATIONS OF THIS PROJECT TO ADJACENT PROPERTY, UTILITIES, PAVEMENT, LANDSCAPING, STRUCTURES OR IMPROVEMENTS OF ANY KIND. THE GENERAL CONTRACTOR SHALL REPAIR ALL SUCH DAMAGED ITEMS TO THE CONDITION THEY WERE IN PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES OR BETTER.
- WHERE IT IS NECESSARY TO INSURE STABILITY, CONTRACTOR IS TO PROVIDE ADDITIONAL ANCHORING AND/OR BLOCKING IN STUD PARTITIONS OR BRACE PARTITIONS ABOVE CEILINGS.
- CONTRACTOR TO COORDINATE LOCATIONS OF FLOOR DRAINS WITH PLUMBING CONTRACTOR.
- CONTRACTOR TO COORDINATE SIZE OF LOCATION OF DEPRESSED SLAB AND TRENCH DRAIN REQUIRED FOR WASHING MACHINES PER MANUFACTURER'S AND OWNER'S SPECIFICATIONS AT LAUNDRY ROOM.
- ROOM IDENTIFICATION AND INTERIOR SIGNAGE BY OWNER, SIGNAGE SHALL COMPLY WITH ADA REQUIREMENTS.
- CONTRACTOR SHALL PROVIDE AND INSTALL FIRE EXTINGUISHERS PER CODE, INCLUDING NFPA 10, AND AS DIRECTED BY THE LOCAL FIRE DEPARTMENT THROUGHOUT BUILDING. FIRE EXTINGUISHER CABINETS SHALL NOT PROJECT MORE THAN 4" BEYOND THE FACE OF THE WALL. RECESSED FIRE EXTINGUISHER CABINETS IN FIRE RATED WALLS SHALL HAVE THE SAME FIRE RATING AS THE WALL.
- DIMENSIONS TO EXTERIOR WALLS ARE ASSUMED FACE OF FOUNDATION WALL UNLESS OTHERWISE NOTED. ALL INTERIOR DIMENSIONS ARE TAKEN FROM FACE OF FINISHED WALL. ALL EXTERIOR DIMENSIONS ARE TO FACE OF SHEATHING, UNLESS OTHERWISE NOTED.
- BEFORE SUBMITTING BID, EXAMINE ALL DRAWINGS RELATED TO THE WORK, BECOME FULLY INFORMED AS TO THE EXTENT AND CHARACTER OF THE WORK OF ALL TRADES AND ITS RELATION TO THE WORK UNDER THE CONTRACT. NO CONSIDERATIONS WILL BE GIVEN FOR ALLEGED MISUNDERSTANDING OF THE MATERIALS TO BE FURNISHED OR THE WORK TO BE DONE.
- CONTRACTOR SHALL REVIEW AND SUBMIT SHOP DRAWINGS SUFFICIENTLY IN ADVANCE OF THE WORK TO ALLOW PROPER TIME FOR REVIEW. MATERIALS SHALL NOT BE FABRICATED OR DELIVERED TO THE SITE BEFORE THE SHOP DRAWINGS HAVE BEEN REVIEWED AND APPROVED BY THE OWNER'S REPRESENTATIVE.
- ALL SUBSTITUTE MANUFACTURERS, EQUIPMENT, MATERIALS AND PRODUCTS SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR IS RESPONSIBLE FOR ALL ASSOCIATED COSTS TO ANY AND ALL BUILDING COMPONENTS THAT ARE AFFECTED BY THE SUBSTITUTIONS. ADDITIONAL COSTS INCLUDE ANY REDESIGN THAT IS REQUIRED DUE TO THE SUBSTITUTION.

- SAFE WORKING CONDITIONS ARE ALL SAFETY REQUIREMENTS ESTABLISHED BY JURISDICTIONAL AGENCIES AND/OR THE OWNER SHALL BE OBSERVED. WHERE CONFLICTS EXIST, THE MORE STRINGENT REQUIREMENTS SHALL APPLY. CARE MUST BE EXERCISED TO AVOID ENDANGERING PERSONNEL OR THE STRUCTURE.
- CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF ALL DEBRIS FROM SITE AND LEAVE THE WORK AREA BROOM CLEAN ON A DAILY BASIS AND PROVIDE DUMPSTER SERVICE. PLACE DUMPSTERS AS DIRECTED BY THE 'OWNER'S REPRESENTATIVE'
- CONTRACTOR SHALL FURNISH ALL SCAFFOLDING, HOISTING EQUIPMENT AND ANY OTHER EQUIPMENT THAT MAY BE REQUIRED TO PERFORM THE WORK INDICATED IN A SAFE AND ORDERLY MANNER.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO INSURE AGAINST DAMAGE TO EXISTING WORK TO REMAIN IN PLACE. ANY DAMAGE TO SUCH WORK SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING AND PAYING FOR ALL PERMITS AND APPROVALS NECESSARY FOR THE COMPLETION OF THE PROJECT.
- ALL NEW MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S LATEST WRITTEN INSTRUCTIONS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL COORDINATE ALL FINISHES AND COLOR SELECTIONS WITH THE OWNER.
- ALL FASTENERS INTO PRESSURE TREATED LUMBER ARE TO BE HOT DIPPED GALVANIZED OR STAINLESS STEEL AS RECOMMENDED BY MANUFACTURER.

SOUND INSULATION NOTES

- ASSEMBLIES SHOULD BE AIRTIGHT. HAIRLINE CRACKS AND HOLES ARE NOT ALLOWED.
- RECESSED WALL FIXTURES SUCH AS CABINETS, OUTLETS, AND OTHER ITEMS WHICH PENETRATE THE GYPSUM BOARD SURFACE SHOULD NOT BE LOCATED BACK TO BACK IN THE SAME STUD CAVITY.
- ANY OPENINGS CUT FOR ANY FIXTURES SHALL BE CAREFULLY CUT TO SIZE, PROPERLY FASTENED, INSULATED PER WALL ASSEMBLY AND PROPERLY CAULKED.
- THE ENTIRE PERIMETER OF A SOUND INSULATING ASSEMBLY MUST BE MADE AIRTIGHT TO PREVENT SOUND FROM "FLANKING".
- AN ACOUSTICAL SEALANT SHOULD BE USED TO SEAL BETWEEN THE SOUND INSULATING ASSEMBLY AND ALL DISSIMILAR ASSEMBLIES AND BETWEEN THE ASSEMBLY AND SIMILAR SURFACES WHERE PERIMETER RELIEF IS REQUIRED. TAPING AND CAULKING OF GYPSUM BOARD WALL AND WALL-CEILING INTERSECTIONS PROVIDES AN ADEQUATE AIR SEAL AT THESE LOCATIONS.
- ALL SEALANTS IN RATED WALL LOCATIONS REFERENCED IN THE WALL TYPE DETAILS SHALL BE SELECTED AND INSTALLED IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE UNDERWRITERS LABORATORIES, INC FIRE RESISTANCE DIRECTORY. IN ADDITION TO FIRE RESISTANCE, WALL LOCATIONS CALLED OUT WITH REQUIRED ACOUSTICAL VALUE, AS NOTED IN WALL SCHEDULE, SHALL HAVE SEALANTS THAT MAINTAIN THE MINIMUM SOUNDS VALUE OF THE WALL PARTITION.
- ASTM RECOMMENDED PRACTICES E-497 SHOULD BE FOLLOWED FOR GOOD SOUND CONTROL. ALSO CONSULT THE MANUFACTURER OF THE GYPSUM BOARD FOR ANY SPECIAL RECOMMENDATIONS RELATING TO THEIR SYSTEM.

SPECIAL INSPECTION NOTES:

- SPECIAL INSPECTIONS SHALL OCCUR PER INTERNATIONAL BUILDING CODE 2015 CHAPTER 17. THE OWNER SHALL EMPLOY ONE OR MORE SPECIAL INSPECTORS TO PROVIDE INSPECTIONS DURING CONSTRUCTION. THE SPECIAL INSPECTOR SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE CODE ENFORCEMENT OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR OPERATION REQUIRING SPECIAL INSPECTION.
- THE QUALIFICATIONS OF ALL PERSONNEL PERFORMING SPECIAL INSPECTION ACTIVITIES ARE SUBJECT TO THE APPROVAL OF THE BUILDING OFFICIAL. THE CREDENTIALS OF ALL INSPECTORS AND TESTING TECHNICIANS SHALL BE PROVIDED IF REQUESTED.
- THE INSPECTION AND TESTING AGENT SHALL BE ENGAGED BY THE OWNER OR THE OWNER'S AGENT, AND NOT BY THE CONTRACTOR OR SUBCONTRACTOR WHOSE WORK IS TO BE INSPECTED OR TESTED. ANY CONFLICT OF INTEREST MUST BE DISCLOSED TO THE BUILDING OFFICIAL, PRIOR TO COMMENCING WORK.
- THE PERMIT APPLICANT SHALL SUBMIT A STATEMENT OF SPECIAL INSPECTIONS PREPARED BY THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE IN ACCORDANCE WITH SECTION 106.1 AS A CONDITION FOR PERMIT ISSUANCE. THIS STATEMENT SHALL INCLUDE A COMPLETE LIST OF MATERIALS AND WORK REQUIRING SPECIAL INSPECTIONS BY THIS SECTION. THE INSPECTIONS TO BE PERFORMED AND A LIST OF THE INDIVIDUALS, APPROVED AGENCIES OR FIRMS INTENDED TO BE RETAINED FOR CONDUCTING SUCH INSPECTIONS.
- THE SPECIAL INSPECTOR SHALL KEEP RECORDS OF ALL INSPECTIONS AND SHALL FURNISH INSPECTION REPORTS TO THE BUILDING OFFICIAL, STRUCTURAL ENGINEER AND ARCHITECT OF RECORD. DISCOVERED DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTOR FOR CORRECTION. IF SUCH DISCREPANCIES ARE NOT CORRECTED, THE DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE BUILDING OFFICIAL, STRUCTURAL ENGINEER AND ARCHITECT OF RECORD. THE SPECIAL INSPECTION PROGRAM DOES NOT RELIEVE THE CONTRACTOR OF HIS OR HER RESPONSIBILITIES.

GENERAL WALL NOTES

- SEE SPECIFICATIONS FOR APPLICATIONS OF GYPSUM PRODUCTS, UNLESS NOTED ON DRAWINGS. REFER TO SPECIFICATIONS FOR SPECIAL APPLICATIONS, THICKNESS, AND TYPES. (I.E. MOLD & MOISTURE RESISTANCE, TILE BACKER BOARDS, ETC.)
- REFER TO THE LATEST EDITION OF UNDERWRITERS LABORATORIES, INC. FIRE RESISTANCE DIRECTORY FOR ADDITIONAL REQUIREMENTS ON UL RATED ASSEMBLIES AS NOTED IN THE PARTITION DETAILS
- USE ONLY PARTITIONS IDENTIFIED ON THE PLANS.
- STC = SOUND TRANSMISSION CLASS - REFER TO THE WALL SCHEDULE IN PLAN FOR WALLS THAT ARE SOUND RATED.
- ALL SEALANTS IN RATED WALL LOCATIONS REFERENCED IN THE WALL TYPE DETAILS SHALL BE SELECTED AND INSTALLED IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE UNDERWRITERS LABORATORIES, INC FIRE RESISTANCE DIRECTORY. IN ADDITION TO FIRE RESISTANCE, WALL LOCATIONS CALLED OUT WITH REQUIRED ACOUSTICAL VALUE, AS NOTED IN WALL SCHEDULE, SHALL HAVE SEALANTS THAT MAINTAIN THE MINIMUM SOUNDS VALUE OF THE WALL PARTITION.
- PROVIDE CORNER BEADS AT ALL GYPSUM BOARD CORNERS

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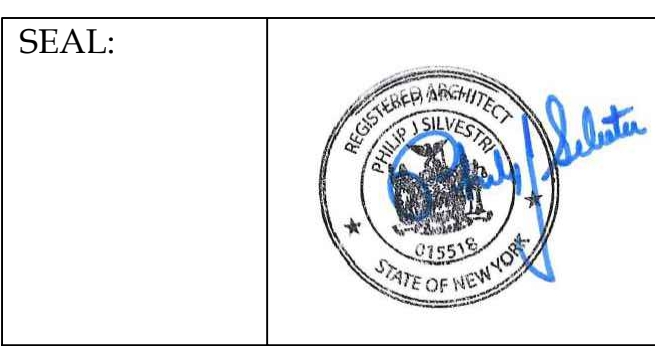
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2 MILLRACE COURT
WILLIAMSVILLE, NY

ISSUE:
5/5/23 REVISION 1 (TOWN COMMENTS)

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. P.Silvestri DRAFTER M.Velocci
JOB CAPT. M.Velocci INTERIORS N.Catuzza



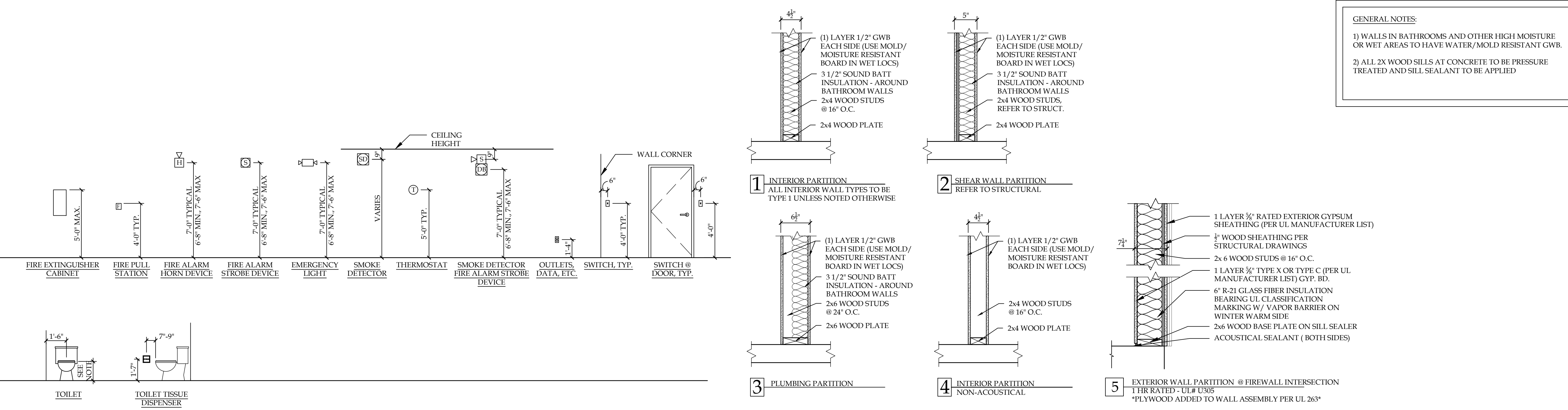
TITLE:
**GENERAL NOTES,
MOUNTING
HEIGHTS, &
PARTITION TYPES**

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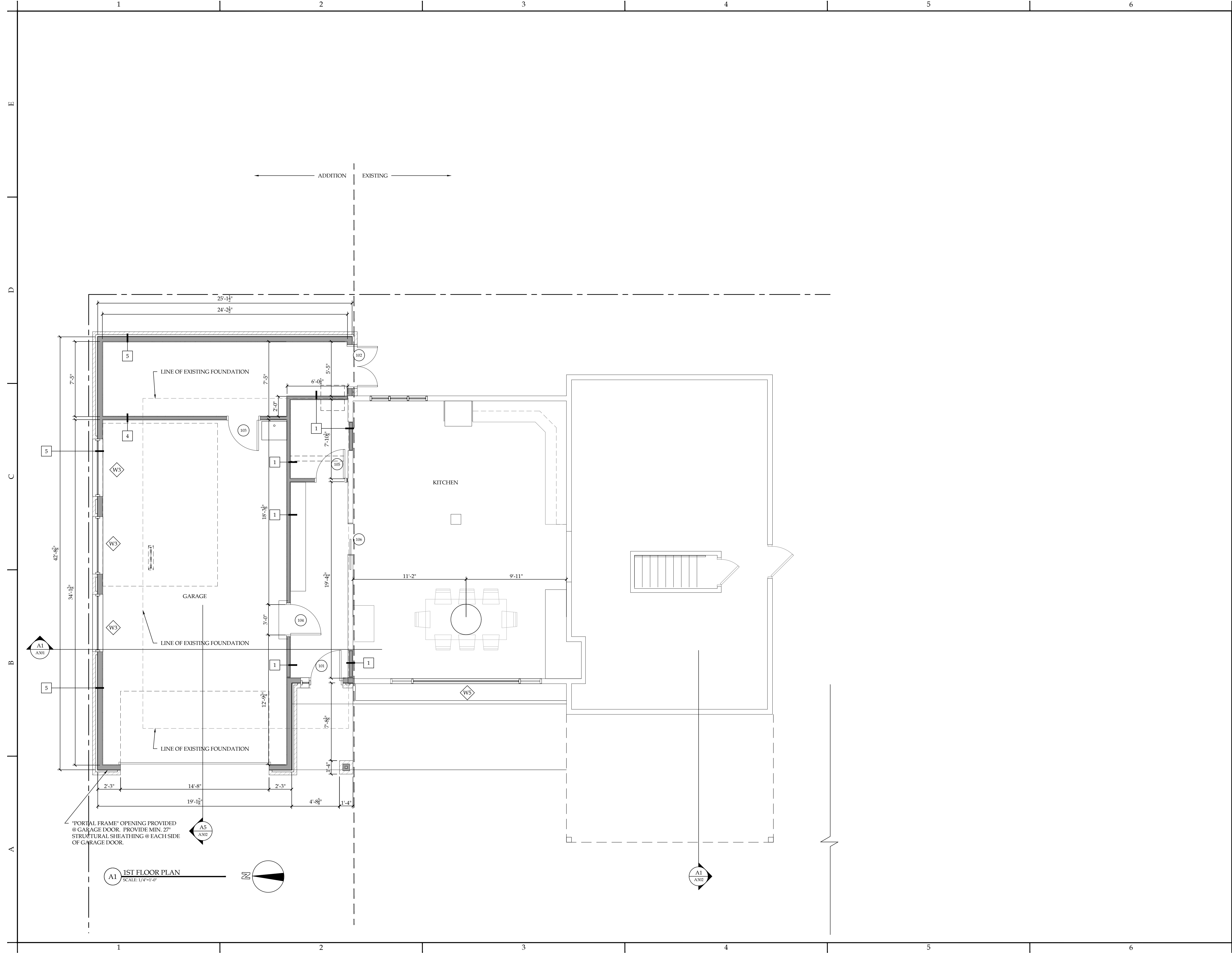
SA JOB #: **99999.01** DATE: **09-27-22**

DRAWING #: **A-001**



A1 STANDARD MOUNTING HEIGHTS
SCALE: 1/4" = 1'-0"

A3 PARTITION TYPES
SCALE: 1/4" = 1'-0"



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**PROPOSED
ADDITION**

2 MILLRACE COURT
WILLIAMSVILLE, NY

ISSUE:
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12/5/23 REVISION 2

SA PROJECT TEAM: PRINCIPAL P.Silvestri
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JOB CAPT. M.Velocci INTERIORS N.Catuzza



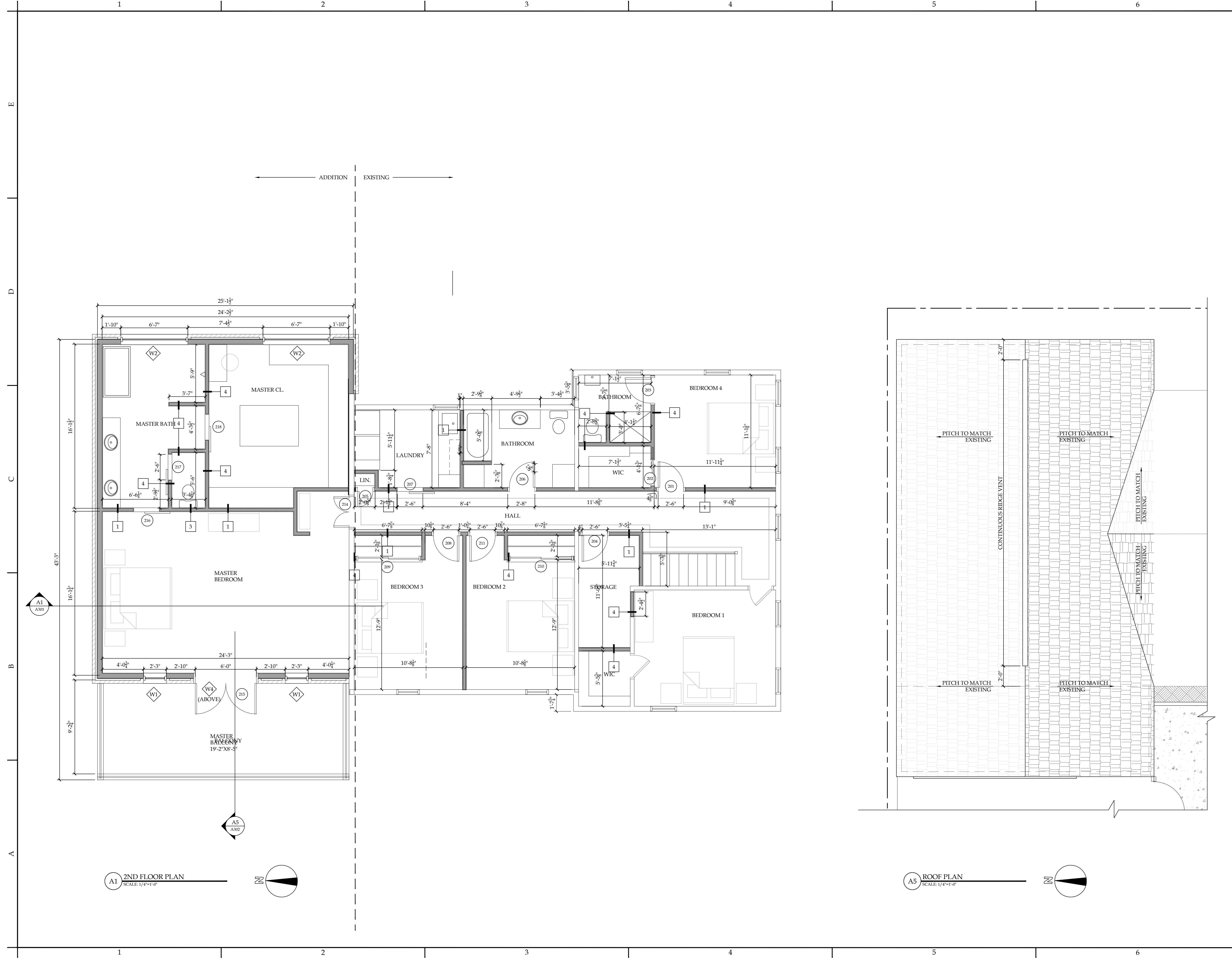
TITLE:

**BASEMENT &
1ST FLOOR
PLAN**



SA JOB #: **99999.01** DATE: **09-27-22**

DRAWING #: **A-101**



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 PROJ. ARCH. P. Silvestri DRAFTER M. Velocci
 JOB CAPT. M. Velocci INTERIORS N. Catuzza

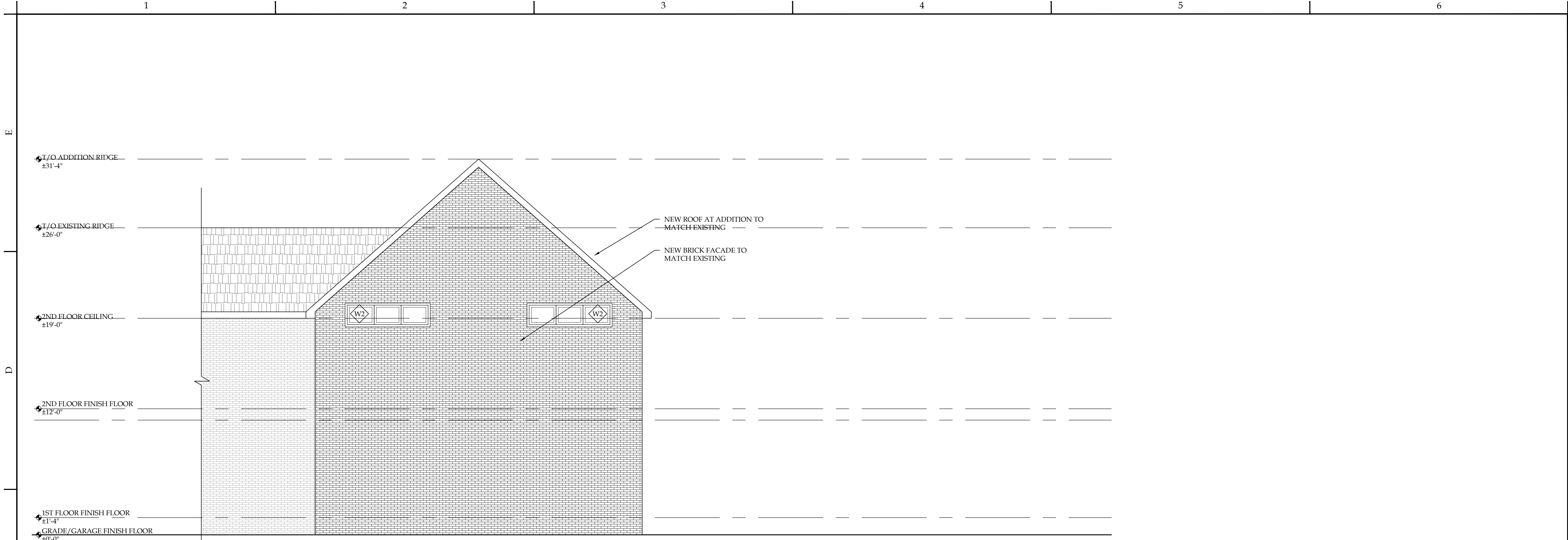


TITLE:
 2ND FLOOR
 PLAN & ROOF
 PLAN

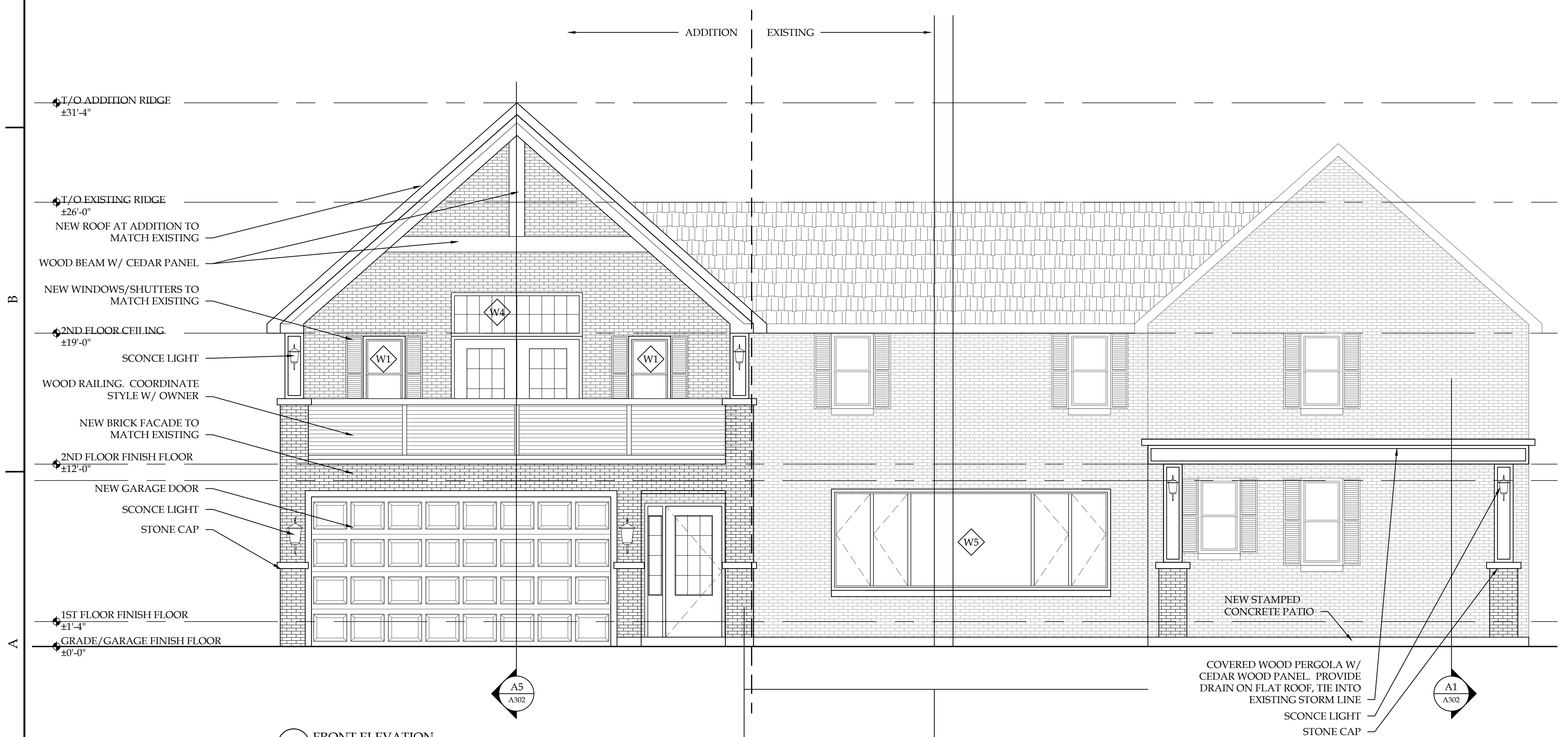
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 AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: 99999.01
DATE: 09-27-22

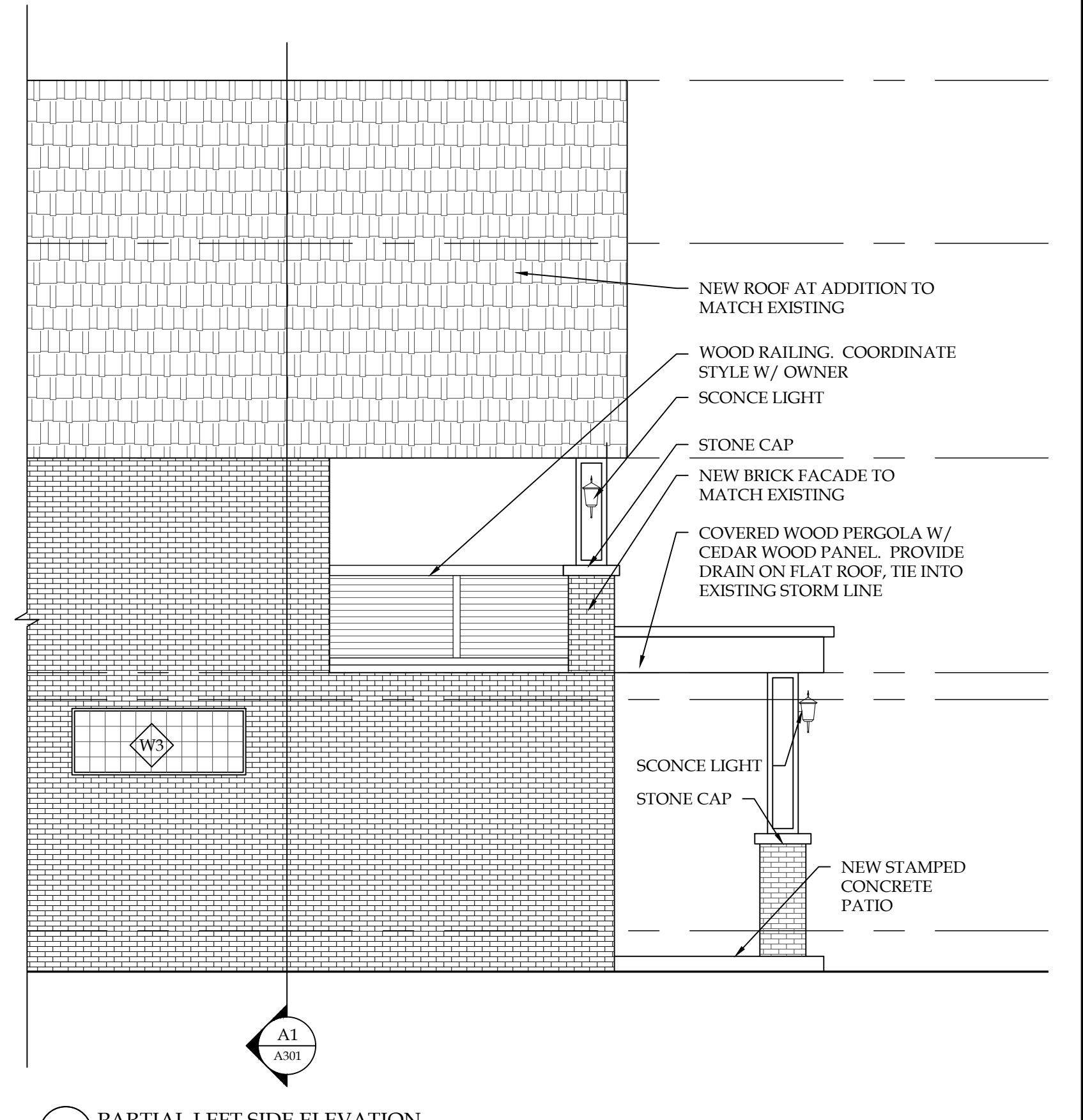
DRAWING #: A-102



C1 PARTIAL REAR ELEVATION
SCALE: 1/4"=1'-0"



A1 FRONT ELEVATION
SCALE: 1/4"=1'-0"



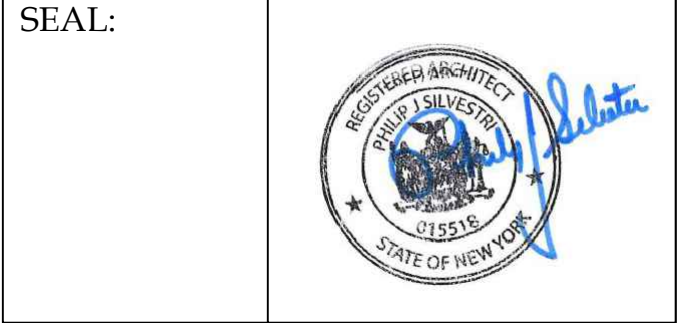
A5 PARTIAL LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"

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2 MILLRACE COURT
WILLIAMSVILLE, NY

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SA PROJECT TEAM: PRINCIPAL P.Silvestri
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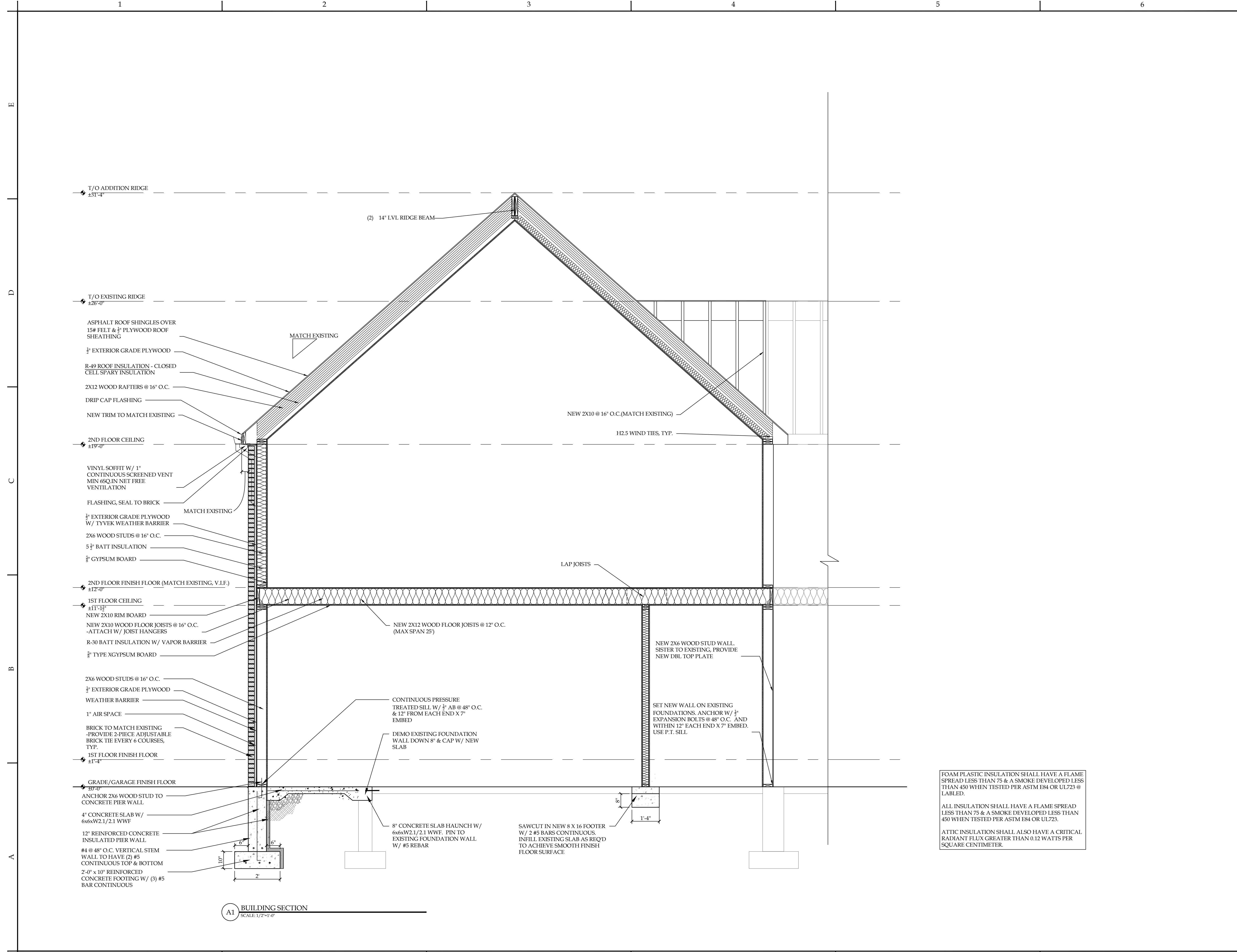


EXTERIOR ELEVATIONS

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DRAWING #: A-201

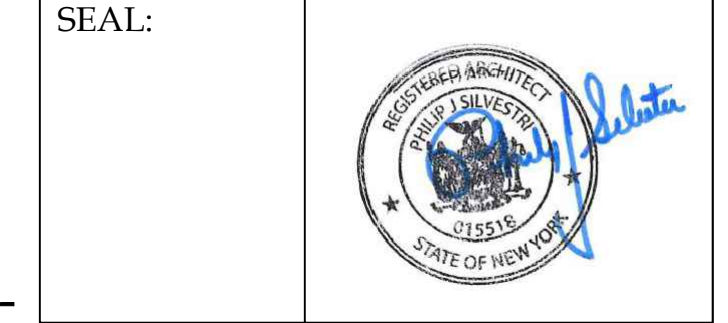


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ISSUE:
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SA PROJECT TEAM: PRINCIPAL P.Silvestri
 PROJ. ARCH. P.Silvestri DRAFTER M.Velocci
 JOB CAPT. M.Velocci INTERIORS N.Catuzza



TITLE:
BUILDING SECTIONS

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 AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: 99999.01 DATE: 09-27-22

DRAWING #: A-301

FOAM PLASTIC INSULATION SHALL HAVE A FLAME SPREAD LESS THAN 75 & A SMOKE DEVELOPED LESS THAN 450 WHEN TESTED PER ASTM E84 OR UL723 @ LABLED.
 ALL INSULATION SHALL HAVE A FLAME SPREAD LESS THAN 75 & A SMOKE DEVELOPED LESS THAN 450 WHEN TESTED PER ASTM E84 OR UL723.
 ATTIC INSULATION SHALL ALSO HAVE A CRITICAL RADIANT FLUX GREATER THAN 0.12 WATTS PER SQUARE CENTIMETER.

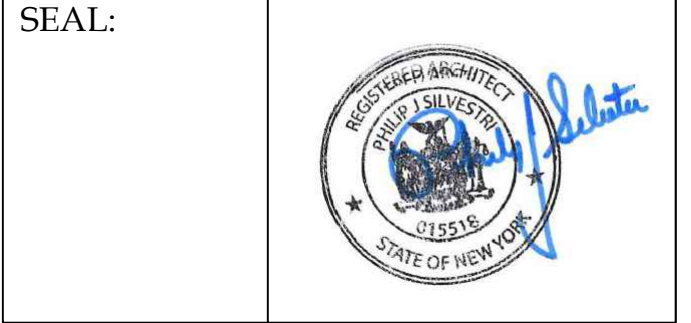
A1 BUILDING SECTION
 SCALE: 1/2"=1'-0"

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PROPOSED ADDITION
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ISSUE:
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SA PROJECT TEAM: PRINCIPAL P.Silvestri
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 JOB CAPT. M.Velocci INTERIORS N.Catuzza

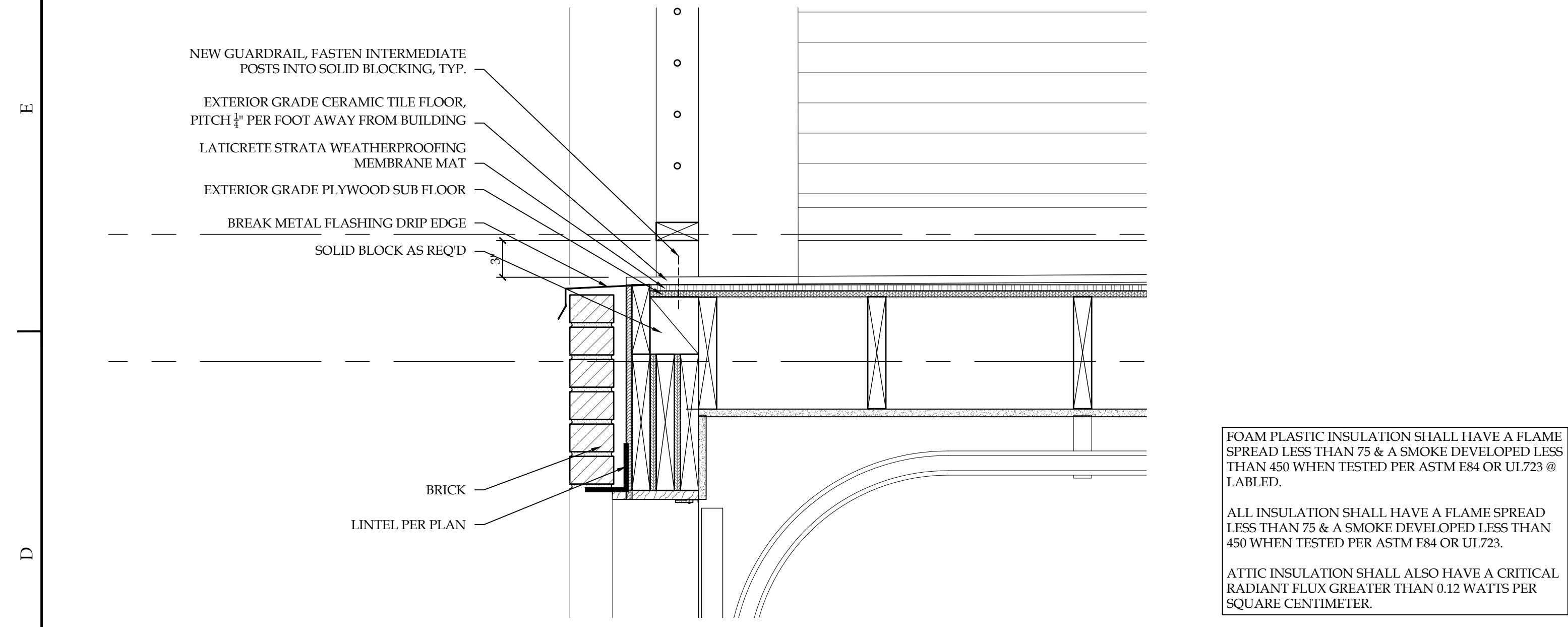


BUILDING SECTIONS

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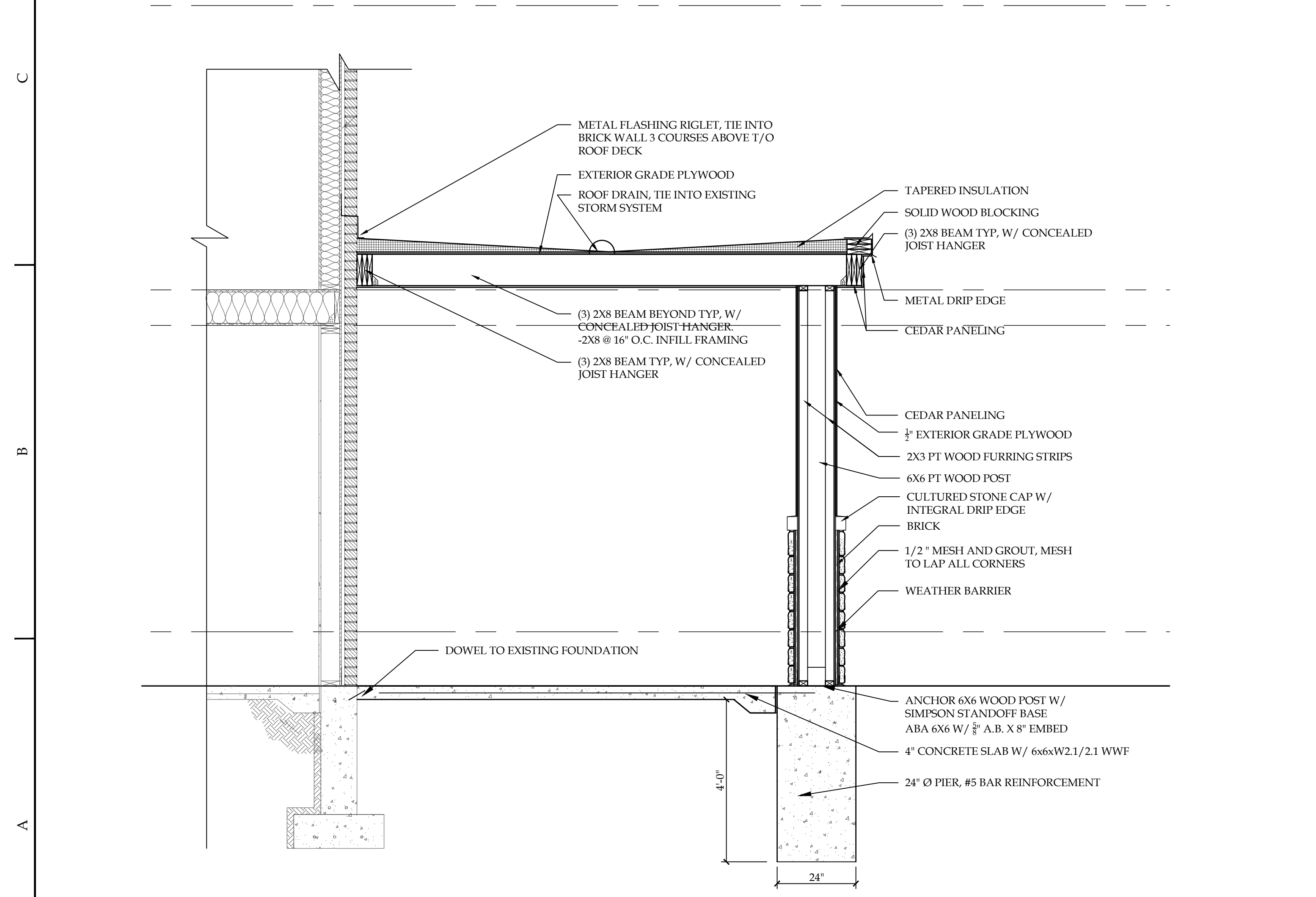
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DRAWING #: A-302

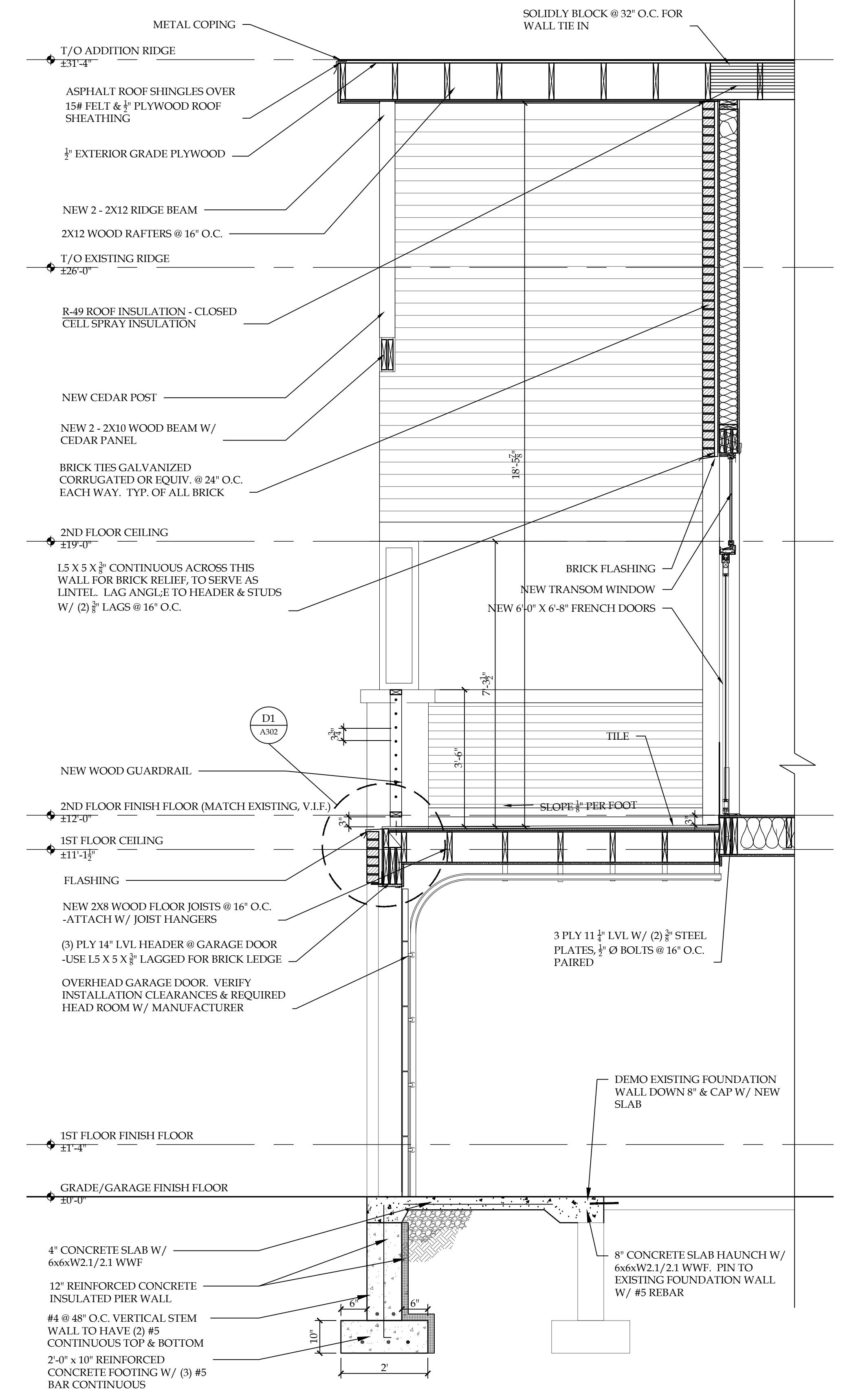


D1 DETAIL @ BALCONY EDGE
 SCALE: 1/2"=1'-0"

FOAM PLASTIC INSULATION SHALL HAVE A FLAME SPREAD LESS THAN 75 & A SMOKE DEVELOPED LESS THAN 450 WHEN TESTED PER ASTM E84 OR UL723 @ LABLED.
 ALL INSULATION SHALL HAVE A FLAME SPREAD LESS THAN 75 & A SMOKE DEVELOPED LESS THAN 450 WHEN TESTED PER ASTM E84 OR UL723.
 ATTIC INSULATION SHALL ALSO HAVE A CRITICAL RADIANT FLUX GREATER THAN 0.12 WATTS PER SQUARE CENTIMETER.



A1 BUILDING SECTION
 SCALE: 1/2"=1'-0"



A5 BUILDING SECTION
 SCALE: 1/2"=1'-0"

Exhibit 4

Area Variance Analysis

Area Variance Analysis 2 Millrace

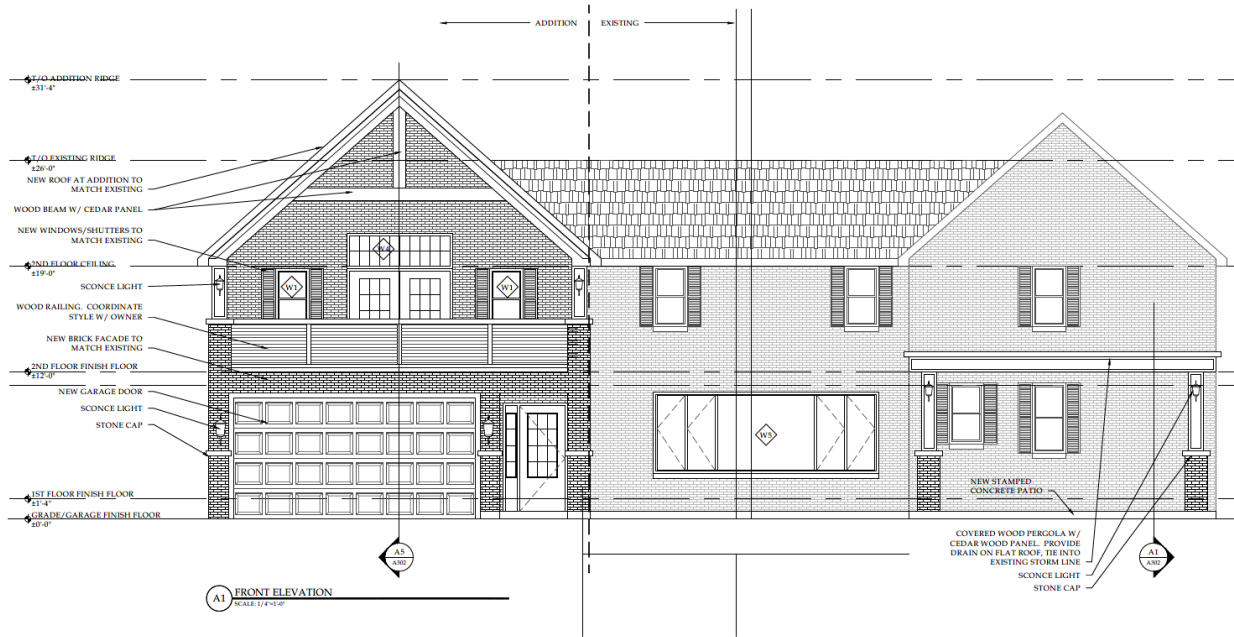
TJ Hirsch and Amanda Hirsch (“Applicants”) are the record property owners of 2 Millrace Road, SBL 68.20-3-34, in the Village (“Property”). Applicants propose an addition to their home that requires area variances from this Zoning Board of Appeals (“ZBA”) prior to obtaining a building permit.

The Property is on the corner of Millrace and N. Cayuga, on the north side of Main Street. The Property contains a 2-story, single family home with existing side load garage situated off North Cayuga. Applicants propose expanding the garage footprint and adding a second story to the garage, connecting it with the second story of the existing dwelling.

An image of the existing garage is shown below. The existing garage is situated in close proximity to the northern property line, which is a hedgerow/vegetative buffer between Applicants’ Property line and a private roadway associated with the abutting attached condominium dwellings (on the left of the image below). Applicants have independently contacted National Grid concerning relocation of the utility pole located in this yard.



An image of the proposed construction with second story and expanded garage is shown below. Applicants' proposed improvements also include face alterations, as well as a new canopy, patio, and retaining wall with planters, all in an effort to enhance the home's street front activation.



The following area variances are necessary to authorize the proposed new construction:

1. Village Zoning Code § 112-14.C(1)(c) permits a maximum lot coverage of 25% or, at this Property, 1,452 SF.
 - a. As proposed, the lot coverage is 2,470.76 SF or 46.7%
2. Village Zoning Code § 112-12.C(2)(c) requires a side yard setback of 5'.
 - a. As proposed, the side yard setback is 3'.
3. Village Zoning Code § 112-12.C(2)(e) requires a rear yard setback of 25% of lot depth and not less than 25'.
 - a. As proposed, the rear yard setback is 1'.

As detailed in the following analysis, the benefits to the Applicants of granting the variances substantially outweigh detriments to health, safety, and welfare of the neighborhood or community.

Variance Standard

As this ZBA is aware, the standard for reviewing an area variance request is set forth in New York State Village Law § 7-712-B(3)(b). In making its determination, the ZBA shall consider the benefit to the Applicants if the variances are granted, as weighed against the detriment to the

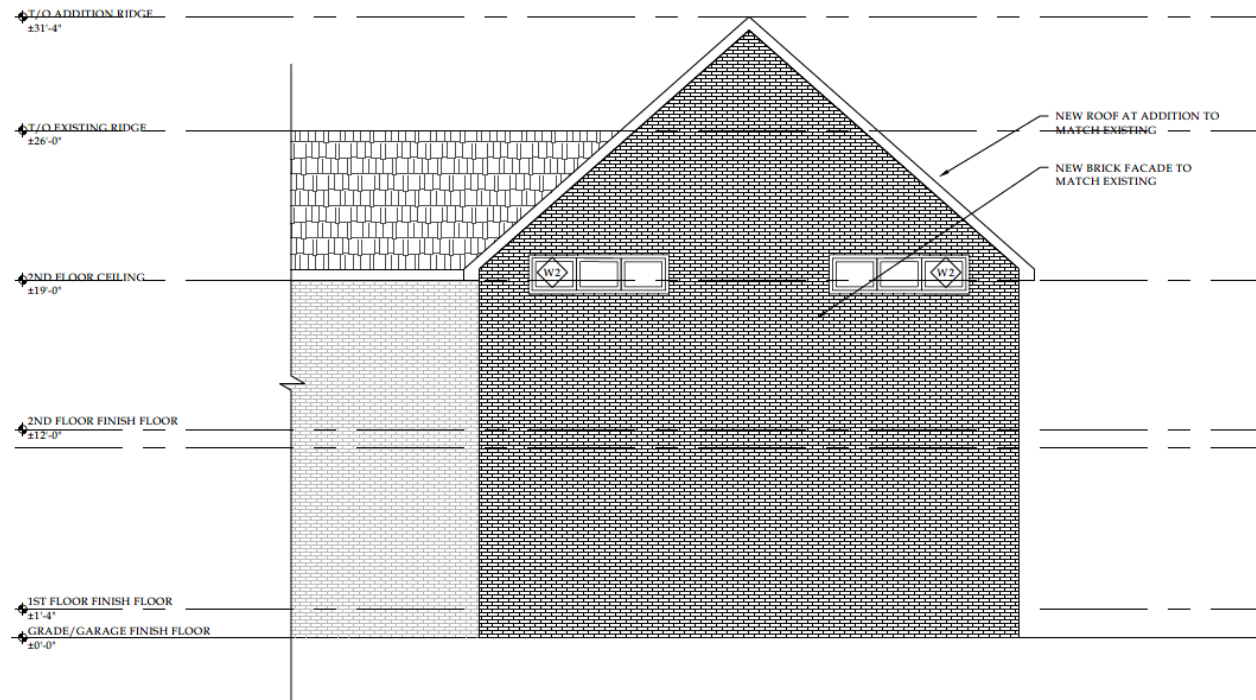
health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the ZBA shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

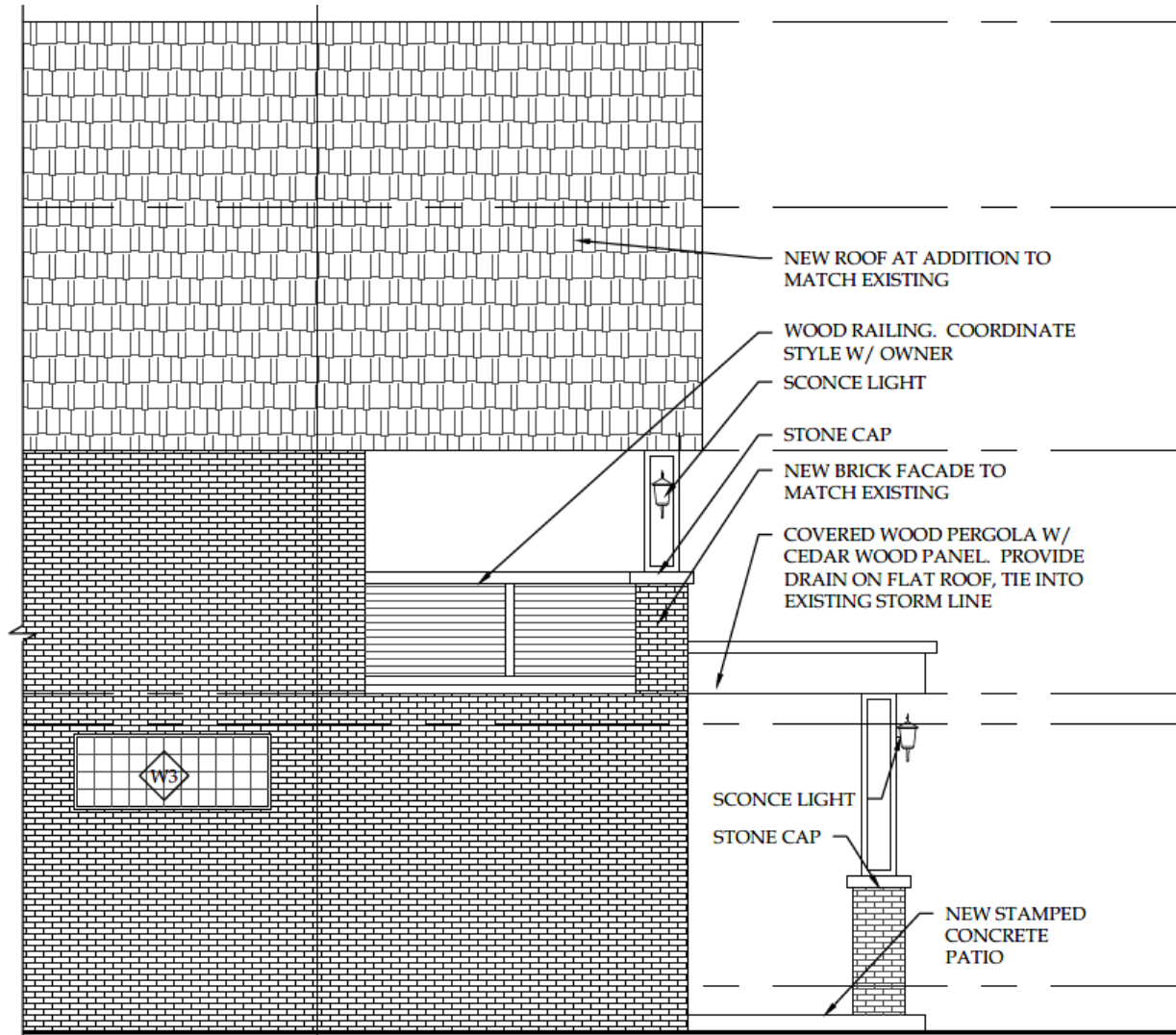
Granting the requested variances will not produce an undesirable change in the character of the neighborhood or detriment nearby properties. As outlined in the Village’s Land Use Plan (2015 update), “the small size of much of the existing housing stock has led many new homeowners to build additions There has not yet been enough market pressure in Williamsville to lead to a wave of tear-downs, but there is mounting concern among residents that demand will eventually increase to the point that more historic homes will be torn down to make way for larger new homes.” See Land Use Plan – Market Analysis pp. 6-7.

Recognizing the unique character of their home and its premier location within the Village, the Applicants have chosen to expand their existing home—avoiding the tear down concern outlined the Land Use Plan. They strategically chose quality materials and limited the expansion to the approximate footprint of the existing garage. The design of the newly constructed elements will match the existing house, creating a seamless and cohesive aesthetic.

Applicants’ design of the addition also preserves privacy. Applicants will maintain all existing vegetation to the extent possible and has independently contacted National Grid to move the utility pole adjacent to its driveway. Second-story windows on the east side (side yard) are limited to clerestory windows. See image below—the clerestory windows are 19’ from the ground, within the ceiling area, and they are 7’ above the finished floor level.



Similarly, the north side (rear yard) has no windows in the second story. The first floor window is glass block and its purpose is to add light to the garage. In any event, this rear yard abuts the private driveway for the adjacent attached condominium units. See image below.



Lastly, regarding lot coverage, the improvements only slightly expand the existing lot coverage. While such home improvements and expansion require an area variance, the neighborhood character is replete with other homes that have maximized the lots upon which they are situated.

(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The benefit sought by the Applicants cannot be achieved by any other method, feasible for the Applicant to pursue. A tear down and rebuild is not ideal for the Applicant nor the Village—see Land Use Plan cited above. Additionally, as Applicants expand their family, they wish to stay

residents of the Village and maintain the charming character of their existing home. The improvements are the most strategic, efficient, and feasible method to obtain this benefit.

(3) whether the requested area variance is substantial.

As the ZBA is aware, the law in New York is clear that a pure mathematical formula cannot be the basis of a determination of whether a variance should be considered substantial. The ZBA must consider the magnitude of the requested variance in light of its impact. Merely because a variance may seem noteworthy on paper does not mean that any “harm” would be generated on the surrounding community, and it is “harm” that is balanced against the interest of the Applicant according to the Village Law § 7-712-B(3)(b) test. Here, the requested variances are not substantial. The variances authorize development that avoids impacts to abutting neighbors and advances planning and zoning goals by avoiding a more substantial construction project. The proposal includes strategic design elements to maintain a cohesive aesthetic and maintain privacy for the Applicants and abutting properties. Accordingly, the variance is not substantial.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance will not adversely affect the environment. The requested variance will not impact drainage, flooding, and runoff or any other topographical changes such as grading, trees, and vegetation. The proposal is a Type II action under the State Environmental Quality Review Act, as it involves setbacks area variances for a one-family dwellings under 6 NYCRR 617.5(c)(16) and (17).

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The Applicant did not create the alleged difficulty giving rise to this application. If, however, the ZBA should determine that the alleged difficulties are self-created, Village Law § 7-712-B(3)(b) provides that such a determination does not preclude the granting of the requested variances but is merely a factor to consider.

Balancing.

As indicated above, the ZBA must take into consideration the benefit to the Applicants if the variances are granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. Here, the benefit to the Applicants (Property Owners) is substantial. Granting the requested variances facilitates appropriate home improvements on the Property, that are aligned with the Village’s planning and zoning goals, that minimize neighborhood impact with strategic design elements that maintain privacy and create a cohesive aesthetic, and that provide an opportunity for Applicants to grow in place and stay in the Village. On the other hand, any detriment to the health, safety, and welfare of the neighborhood or community is *de minimis*. With substantial benefit to the Applicants if the variances are granted and no detriment to the health, safety, and welfare of the community by such a grant, it is respectfully requested the proposed variances be approved.

Exhibit 5

Short Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

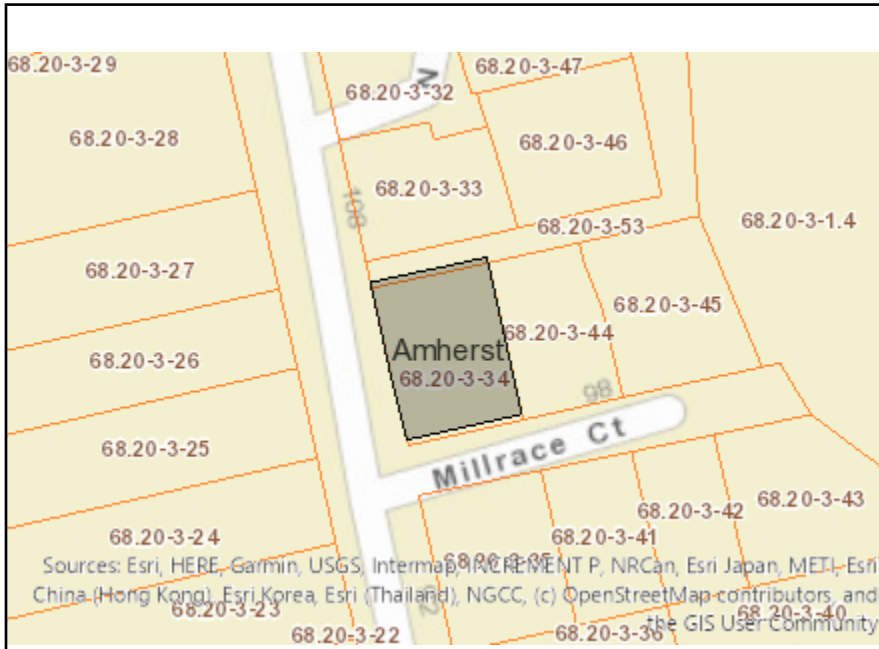
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 2 Millrace Addition			
Project Location (describe, and attach a location map): 2 Millrace, SBL 68.20-3-34			
Brief Description of Proposed Action: Addition to existing 2-story, single-family home. Replacement of garage and additional second-story above same. Proposed action has been defined broadly to include all site work and construction activities. The proposed construction is a Type II SEQRA action, as it involves setback area variances for a single family dwelling under 6 NYCRR 617.5(c)(16) and (17)			
Name of Applicant or Sponsor: Barclay Damon LLP as agent/attorney for TJ and Amanda Hirsch		Telephone: (716) 858-3878	
		E-Mail: agoldberg@barclaydamon.com	
Address: 200 Delaware Avenue, Suite 1200			
City/PO: Buffalo		State: NY	Zip Code: 14202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Village of Williamsville Building Department - Building Permit Village of Williamsville ZBA - area variances		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/- 0.13 acres	
b. Total acreage to be physically disturbed?		+/- 0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.13 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tie in to established conveyance systems _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Barclay Damon LLP, Ari Goldberg, for TJ and Amanda Hirsch</u> Date: <u>1.23.2024</u> Signature: <u><i>Ari M. Goldberg</i></u> Title: <u>agent/attorney</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



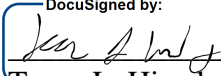
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Exhibit 6

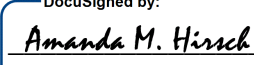
Owner Authorization

AUTHORIZATION

Torey L. Hirsch, Jr. and Amanda M. Hirsch, record property owners of 2 Millrace Court, SBL 68.20-3-34, in the Village of Williamsville, Town of Amherst hereby authorize Barclay Damon LLP and Silvestri Architects, P.C., to file any and all applications and supporting documentation, with the Village and/or Town in connection with approvals sought for the above referenced property.

DocuSigned by:

By: Torey L. Hirsch, Jr.

Dated: January 22, 2024

DocuSigned by:

By: Amanda M. Hirsch

Dated: January 22, 2024