



Zoning Board of Appeals

Regular Meeting

Minutes

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Tuesday, June 16, 2026

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Brian Bray	Town of Amherst	Member	Excused	
Ronald Shubert	Town of Amherst	Member	Excused	
Kelly J. Philips	Town of Amherst	Member	Present	
Ellen Parker	Town of Amherst	Member	Present	
Erik A. Goergen	Town of Amherst	Member	Present	
Ashley Brownson	Town of Amherst	Deputy Town Clerk	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Greg Dionne	Town of Amherst	Clerk	Present	
Steven B. Bengart	Town of Amherst	Town Attorney	Present	

II. APPROVAL OF MINUTES

1. Tuesday, May 19, 2026

RESULT: TABLED [UNANIMOUS]
MOVER: Erik A. Goergen, Member
SECONDER: Ellen Parker, Member
AYES: Kelly J. Philips, Ellen Parker, Erik A. Goergen

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 31856)

284 Ayer Road - Area Variance

The petitioner's proposed garage will create a total building area for all accessory structures including the attached garage equal to 1,842-2590 s.f., whereas, the zoning ordinance limits the total building area to 1,279 s.f., and whereas, the petitioner's garage will be 21-0 22.0 feet in height, whereas, the zoning ordinance permits a maximum height of 20 feet.

6/16/2026

Petitioner spoke and answered questions from the Board.

HISTORY:**05/19/26****Zoning Board of Appeals****ADJOURNED****Next: 06/16/26****ATTACHMENTS:**

- amended 284 Ayer Road area variance_Redacted (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Kelly J. Philips, Ellen Parker, Erik A. Goergen

2. ZBA Item (ID # 31924)

254 Getzville Road - Special Use Permit - ADU

The petitioner desires to establish an accessory dwelling as a participant in the Town's ADU pilot program, whereas, the zoning ordinance requires the issuance of a special use permit by the Zoning Board of Appeals for such accessory use.

6/16/2026

Petitioner spoke and answered questions from the Board.

ATTACHMENTS:

- 254 Getzville Road_SUP dju reviewed_Redacted (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ellen Parker, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Kelly J. Philips, Ellen Parker, Erik A. Goergen

3. ZBA Item (ID # 31923)

24 Wayside Court - Special Use Permit - ADU

The petitioner desires to establish an accessory dwelling as a participant in the Town's ADU pilot program, whereas, the zoning ordinance requires the issuance of a special use permit by the Zoning Board of Appeals for such accessory use.

6/16/2026

Petitioner spoke and answered questions from the Board.

ATTACHMENTS:

- 24 Wayside Ct_ SUP _Redacted (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Kelly J. Philips, Ellen Parker, Erik A. Goergen

4. ZBA Item (ID # 31928)

44 Glen Meadow Drive - Administrative Appeal

The petitioner is appealing the Building Commissioner's revocation of a Building permit issued by his Office on April 17, 2026.

ATTACHMENTS:

- Request for Admin. Appeal (PDF)

RESULT:	WITHDRAWN
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IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Member Parker moved to adjourn, seconded by Member Goergen and unanimously approved 3-0. The Zoning Board of Appeals meeting of June 16, 2026 was adjourned at 6:45 PM



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/16/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.1

DOC ID: 31856 A

ZBA ITEM (ID # 31856)

APPROVED

284 Ayer Road - Area Variance

WHEREAS, **Zachery Day** has made application for an Area Variance(s), under

1. **SECTION: 3-6-3B (height)**
2. **SECTION: 6-8-1B (size)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

284 Ayer Road within a R-3 Zoning District

The petitioner's proposed **garage** will create a total building area for all accessory structures including the attached garage to equal **~~1,842~~ 2590 s.f.**, whereas, section 6-8-1B limits the total building area to **1,279 s.f.**, and whereas, the petitioner's garage will be **~~21-0~~ 22 feet** in height, whereas, 3-6-3B permits a maximum height of **20 feet**, AND

WHEREAS, a public hearing was held on **June 16, 2026** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **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,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Philips, Parker, Goergen



Area Variance Application

Town of Amherst -- Planning Department

Applicant Information

Property Owner Name(s): Zachary Day

Phone Number: [REDACTED]

Email: [REDACTED]

Address: 284 Ayer Rd.

City: Williamsville

State: NY

Zip: 14221

Applicant Name(s): Zachary Day

Phone Number: [REDACTED]

Email: [REDACTED]

Address: 284 Ayer Rd.

City: Williamsville

State: NY

Zip: 14221

Property Information

Address: 284 Ayer Rd. Williamsville, NY. 14221

SBL No.: 69.07-1-47.1

Zoning District: R-3

Project Description

Current Use: N/A

Proposed Use: Hobbies and storage

Briefly Describe the Proposed Project (attach additional information if necessary):

I am wanting to build a pole barn in the size of 30x40x16 (WxLxH) with a 4/12 pitch roof making height to peak 22' feet from floor

I am asking for a variance on size and height, and to keep current structures given the size of the lot

☐ I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)

Office Use Only

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a detached garage. The petitioner's proposed garage will create a total building area for all accessory structures including the attached garage to equal 1,842 s.f., whereas, section 6-8-1B limits the total building area to 1,279 s.f., and whereas, the petitioner's garage will be 21.0 feet in height, whereas, 3-6-3B permits a maximum height of 20 feet.

TOWN CLERK USE

DATE: _____

TIME: _____

REC'D BY: _____

Appl. No. 2026-27

Date Filed: 4/21/2026

Mtg. Date 5/19/2026

Accepted By: dju

7/23/2021 1:ZBAForms\TOA area variance application_07_27_2021.docx

1 of 3

AMENDED 5/28/26



Area Variance Application

Town of Amherst – Planning Department

Area Variance Request

No area variance will be granted without a showing by you (the applicant) that the following have been addressed. Attach any supporting materials to support your case.

1. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or if a detriment to nearby properties will be created if a variance is granted.
This will not bring down the quality of the area. no one lives behind me and it will be designed to look nice and clean.
it will be back behind the house to not obstruct views in the front yards.

2. **Other Alternatives.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance being granted:
No, there are not other ways. I have one chance to easily build it.

3. **Substantial.** Describe whether or not the requested variance is substantial in nature:
I do not believe this is a substantial request based on size of property.

4. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.
The variance I am asking for will not interfere with noise, environment, the neighborhood, or traffic.

5. **Not self-created.** Describe if the alleged difficulty was self-created (did you cause the need for the variance). This response shall be considered by the Board of Appeals but shall not necessarily preclude the granting of the variance:
Nothing was caused, but I would like this variance so I can build the barn I'd like one time and be done

Attachment: amended 284 Ayer Road area variance_Redacted (31856 : 284 Ayer Road - Area Variance)



Area Variance Application

Town of Amherst – Planning Department

6. **Benefit to Applicant.** Describe how the requested variance would benefit you and your project.
 the benefit of the extra size is to be able to have the storage I need and ability to add upstairs
 storage down the road.

Disclosure Affidavit

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

Property owner or applicant name (print): Zachary Day

Property owner or applicant signature: _____

Date: 4-21-2026

☐ If the applicant is not the property owner, has a letter of permission allowing the applicant to file this application been provided.

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:

Signature of Notary Public

Print Name

Office Use Only

☒ SEQR is not required.

☐ 239M is applicable

☐ The applicant is also seeking a _____ which is attached.

Attachment: amended 284 Ayer Road area variance_Redacted (31856 : 284 Ayer Road - Area Variance)





Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/16/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.2

DOC ID: 31924

ZBA ITEM (ID # 31924)

APPROVED

254 Getzville Road - Special Use Permit - ADU

WHEREAS, **William and Karen Roesser** have made application for a Special Use Permit, under

SECTION: 6-8-2

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

254 Getzville Road within a R-3 Zoning District

The petitioner desires to establish an accessory dwelling as a participant of the Town's ADU pilot program, whereas, the zoning ordinance requires the issuance of a special use permit by the Zoning Board of Appeals for such accessory use, AND

WHEREAS, a public hearing was held on **June 16, 2026** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following criteria detailed in section 8-6-7 of the Town of Amherst Zoning Ordinance, AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the proposed use:

-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **meets the criteria as specified in section 6-8-2;**
-) **will be compatible with the existing uses adjacent to and near the property;**
-) **will be in harmony with the general purpose of the Zoning Ordinance;**
-) **will not tend to depreciate the value of adjacent property;**
-) **will not create a hazard to health, safety or the general welfare;**
-) **will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and**
-) **will not otherwise be detrimental to the public convenience and welfare, AND**

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT a Special

Use Permit for the subject address.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ellen Parker, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Philips, Parker, Goergen

**Special Use / Temporary Use / Administrative Appeal**

Town of Amherst – Planning Department

Type of Request

- | | |
|--|---|
| ☐ Special Use Permit (SUP) | ☒ Auxiliary Housing Unit (SUP) |
| ☐ Temporary Use Permit | ☐ Raising Chickens (SUP) Section 6-8-9 |
| ☐ Appeal under Section 280-a(3) of NYS Town Law | ☐ Restricted Parking Lots (SUP) Section 7-1-9B(2)(b) |
| ☐ Telecommunications Facility (SUP) | ☐ Bed & Breakfast (SUP) |
| ☐ Type 2 Home Occupation (SUP) | ☐ Public Utility Service Structure or Facility (SUP) |
| ☐ Dormitory, fraternity or sorority house (SUP) | ☐ Administrative Appeal |

Applicant Information

Property Owner Name(s): William Roesser and Karen Roesser

Phone Number: [REDACTED] Email: [REDACTED]

Address: 254 Getzville Rd City: Amherst State: NY Zip: 14226

Applicant Name(s): William Roesser and Karen Roesser

Phone Number: [REDACTED] Email: [REDACTED]

Address: 254 Getzville Rd City: Amherst State: NY Zip: 14226

Property Information

Assessed Address: 254 Getzville Rd, Amherst, NY 14226

SBL No.: 101.25-7-37 Zoning District: R3

☐ I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)**Office Use Only**

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a

an accessory dwelling unit. The petitioner desires to establish an accessory dwelling unit as a participant in the Town's ADU pilot program, whereas, section 6-8-2 requires the issuance of a special use permit by the zoning board of appeals.

Appl. No. 2026-33

TOWN CLERK USE
DATE: _____
TIME: _____
REC'D BY: _____

Date Filed: 06/2/2026

Mtg. Date 06/16/2026

Accepted By: dju

8/31/2021 X:\2BA\FORMS\CURRENT FORMS\TOA SPECIAL USE Application_07_23_2021.docx



Special Use / Temporary Use / Administrative Appeal

Town of Amherst – Planning Department

Special Use /Appeal Request

- A. Justification for Special Use/Temporary Use.** Provide justification for why the special or temporary use is appropriate at the subject property (will be compatible with the existing uses adjacent and near the property; will not tend to depreciate the value of adjacent property; will not create a hazard to health, safety or the general welfare and why the use will not alter the essential character of the neighborhood) (attach additional sheets as necessary):
- Seeking approval to add onto our single-family ranch with an Accessory Dwelling Unit of 722 sq ft

- B. Justification for Appeal.** Describe in detail why you believe that any order, requirement, decision, interpretation or determination made by the Town's administrative official should be overturned (attach additional sheets as necessary):

Disclosure Affidavit

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

Property owner or applicant name (print): William Roesser

Property owner or applicants signature: _____

Date: June 1, 2026

☐ If the applicant is not the property owner, has a letter of permission allowing the applicant to file this application been provided.

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:

Signature of Notary Public

Print Name

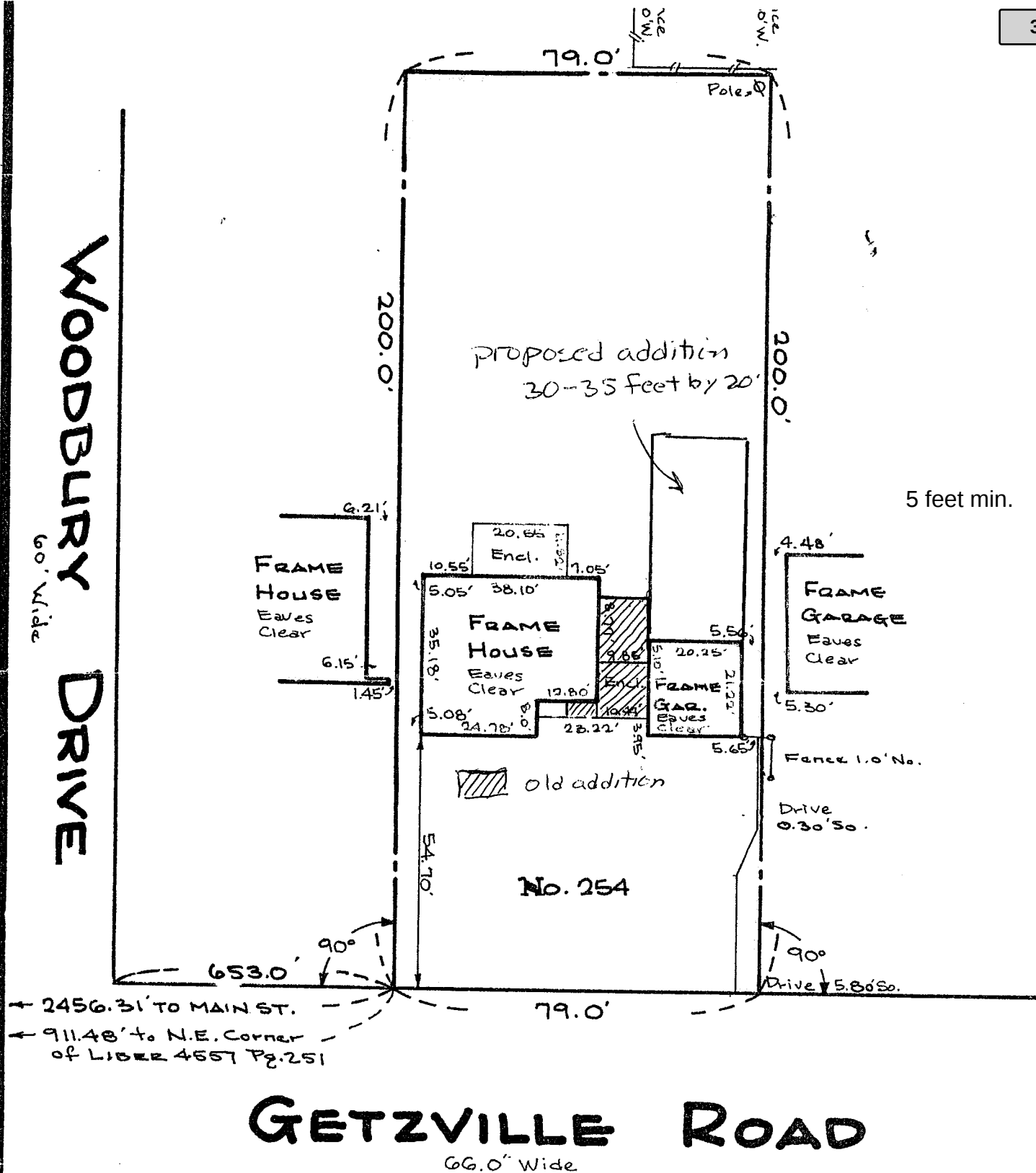
Office Use Only

☒ SEQR is not required.

☐ 239M is applicable

☐ The applicant is also seeking a _____ which is attached.

60' Wide



Sub Lot 12

LOCATION PART OF LOT 15, T12, R1, TOWN OF AMHERST, ERIE CO., N.Y.

SCALE: 1" = 20 FT.

RICHARD W. SIEPEL
Licensed Land Surveyor

KIND

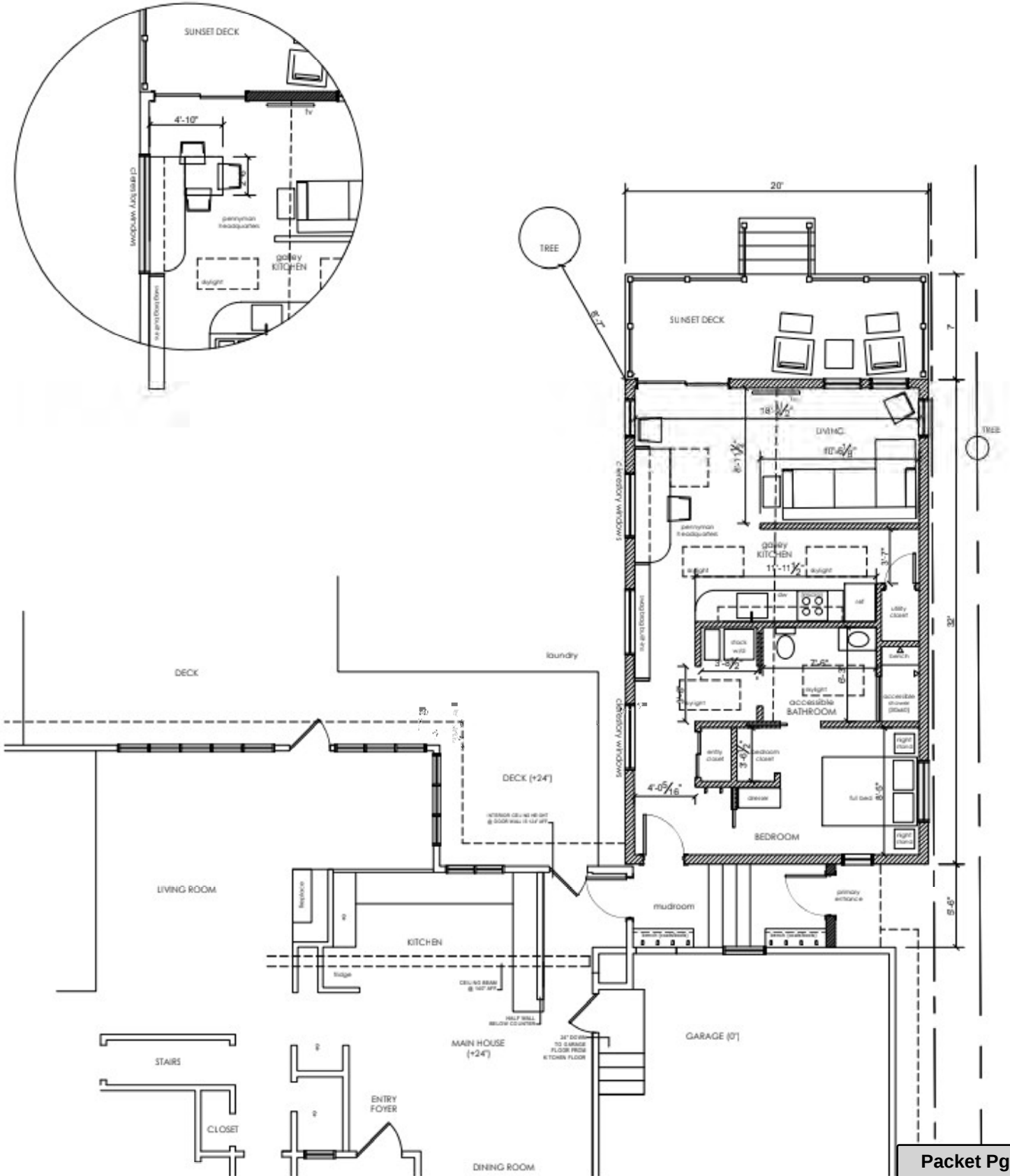
DATE _____

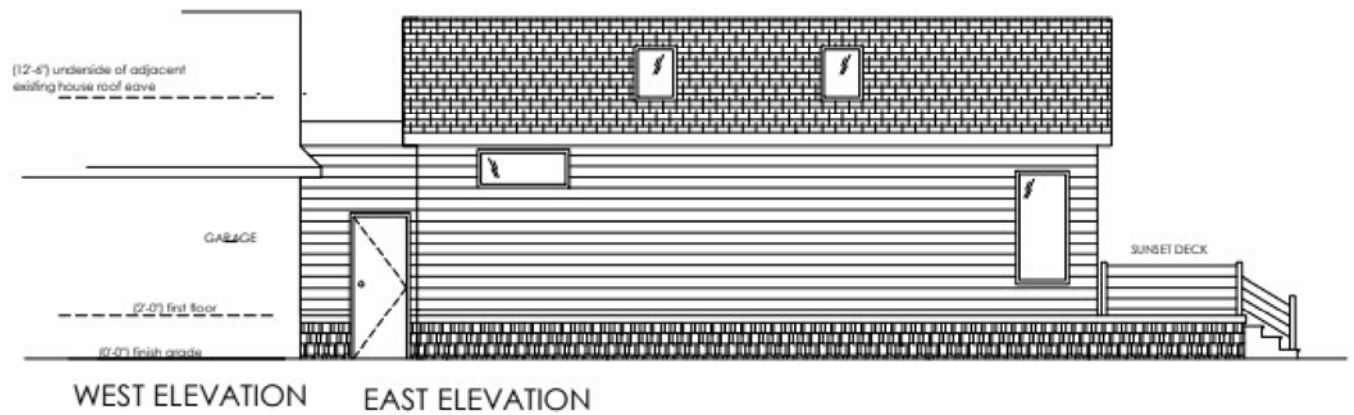
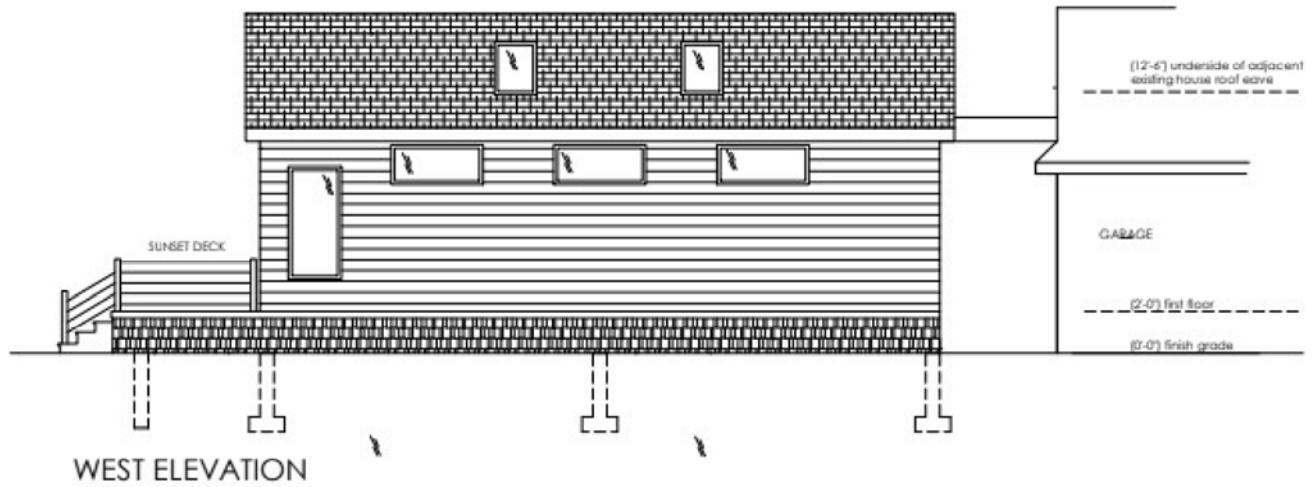
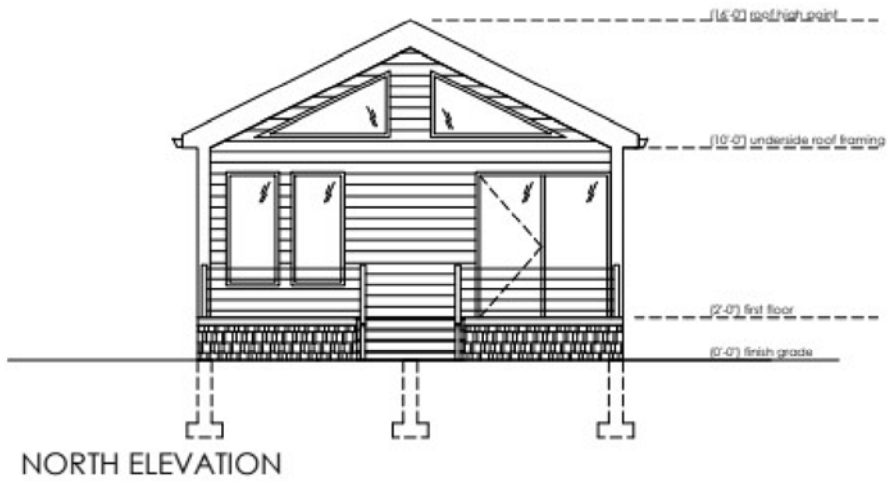
SURVEY

9-27-'85

Without Benefit of
ABSTRACT OF TITLE

Packet Pg. 14







Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/16/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 31923

ZBA ITEM (ID # 31923)

APPROVED

24 Wayside Court - Special Use Permit - ADU

WHEREAS, **Louis and Cheryl LaDuca** have made application for a Special Use Permit, under

SECTION: 6-8-2

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

24 Wayside Court within a R-3 Zoning District

The petitioner desires to establish an accessory dwelling as a participant of the Town's ADU pilot program, whereas, the zoning ordinance requires the issuance of a special use permit by the Zoning Board of Appeals for such accessory use, AND

WHEREAS, a public hearing was held on **June 16, 2026** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following criteria detailed in section 8-6-7 of the Town of Amherst Zoning Ordinance, AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the proposed use:

-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **meets the criteria as specified in section 6-8-2;**
-) **will be compatible with the existing uses adjacent to and near the property;**
-) **will be in harmony with the general purpose of the Zoning Ordinance;**
-) **will not tend to depreciate the value of adjacent property;**
-) **will not create a hazard to health, safety or the general welfare;**
-) **will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and**
-) **will not otherwise be detrimental to the public convenience and welfare, AND**

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT a Special

Use Permit for the subject address.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Philips, Parker, Goergen



Special Use / Temporary Use / Administrative Appeal

Town of Amherst – Planning Department

Type of Request

- | | |
|--|---|
| ☐ Special Use Permit (SUP) | ☒ Auxiliary Housing Unit (SUP) |
| ☐ Temporary Use Permit | ☐ Raising Chickens (SUP) Section 6-8-9 |
| ☐ Appeal under Section 280-a(3) of NYS Town Law | ☐ Restricted Parking Lots (SUP) Section 7-1-9B(2)(b) |
| ☐ Telecommunications Facility (SUP) | ☐ Bed & Breakfast (SUP) |
| ☐ Type 2 Home Occupation (SUP) | ☐ Public Utility Service Structure or Facility (SUP) |
| ☐ Dormitory, fraternity or sorority house (SUP) | ☐ Administrative Appeal |

Applicant Information

Property Owner Name(s): Louis C. LaDuca and Cheryl L. LaDuca

Phone Number: [REDACTED] Email: [REDACTED]

Address: 24 Wayside Ct City: Amherst State: ny Zip: 14226

Applicant Name(s): Louis C. LaDuca and Cheryl L. LaDuca

Phone Number: [REDACTED] Email: [REDACTED]

Address: 24 Wayside Ct. City: Amherst State: ny Zip: 14226

Property Information

Assessed Address: 24 Wayside Ct. Amherst ny 14226

SBL No.: 142289-067-160-0007-043-000 Zoning District: R-3

☐ I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)

Office Use Only

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a

an accessory dwelling unit. The petitioner desires to establish an accessory dwelling as a participant in the Town's ADU pilot grant program, whereas, section 6-8-2 requires the issuance of a special use permit by the zoning board of appeals.

Appl. No. 2026-32

TOWN CLERK USE
DATE: _____

TIME: _____

REC'D BY: _____

Date Filed: 06/01/2026

Mtg. Date 06/19/2026

Accepted By: dju

Packet Pg. 19

Attachment: 24 Wayside Ct - SUP - Redacted (31923 : 24 Wayside Court - Special Use Permit)



Special Use / Temporary Use / Administrative Appeal

Town of Amherst – Planning Department

Special Use /Appeal Request

- A. Justification for Special Use/Temporary Use.** Provide justification for why the special or temporary use is appropriate at the subject property (will be compatible with the existing uses adjacent and near the property; will not tend to depreciate the value of adjacent property; will not create a hazard to health, safety or the general welfare and why the use will not alter the essential character of the neighborhood) (attach additional sheets as necessary):

We are Seeking approval to add onto our single family ranch style home with a one story Accessory Dwelling Unit of approximately 900 square feet for our elderly parent.

- B. Justification for Appeal.** Describe in detail why you believe that any order, requirement, decision, interpretation or determination made by the Town's administrative official should be overturned (attach additional sheets is necessary):

Disclosure Affidavit

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

Property owner or applicant name (print): Louis C. LaDura and Cheryl L. LaDura

Property owner or applicants signature: [Signature] Cheryl L. LaDura

Date: 5/29/2026

☐ If the applicant is not the property owner, has a letter of permission allowing the applicant to file this application been provided.

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:

Signature of Notary Public

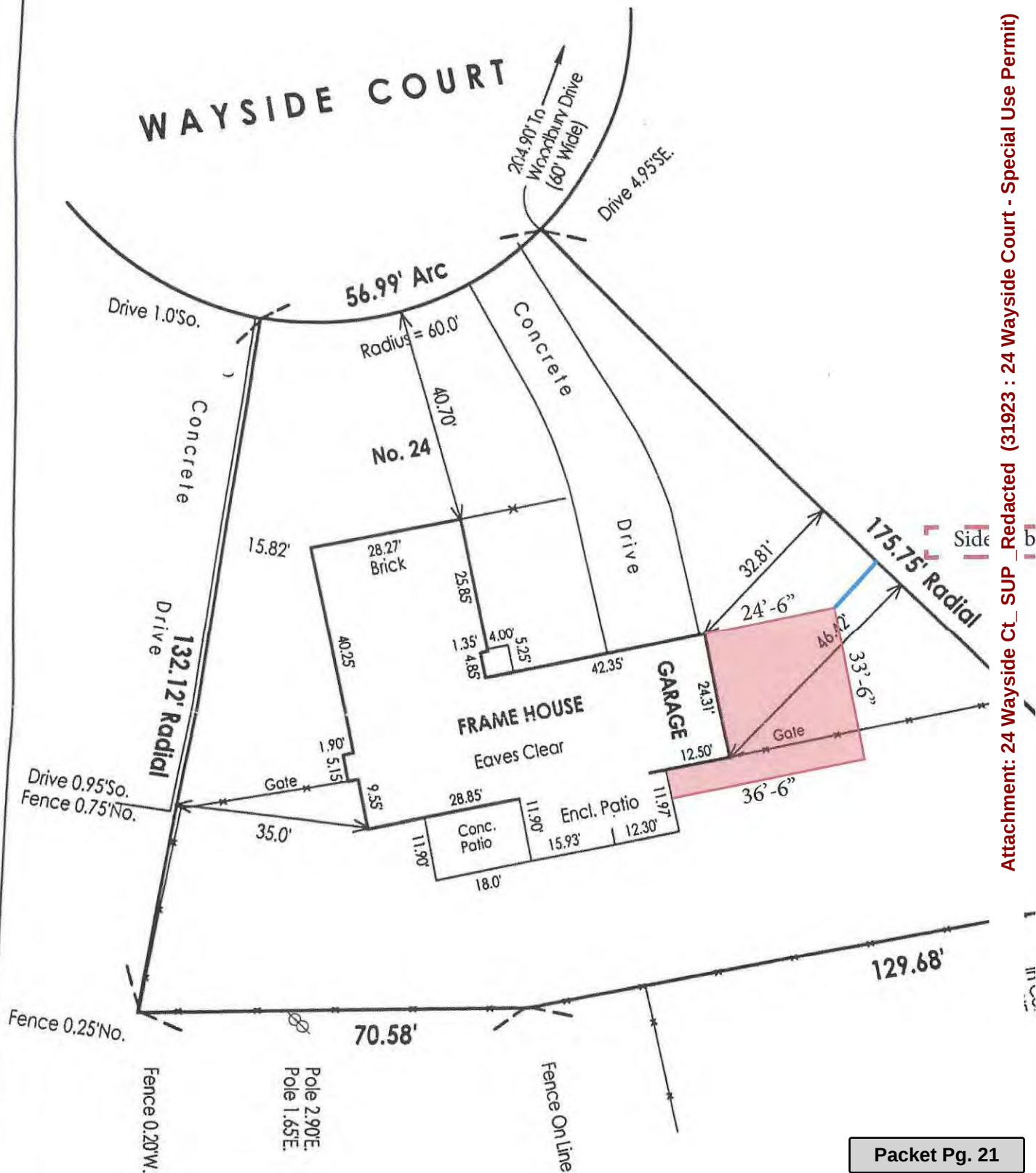
Print Name

Office Use Only

☒ SEQR is not required.

☐ 239M is applicable

☐ The applicant is also seeking a _____ which is attached.



Attachment: 24 Wayside Ct_SUP_Redacted (31923 : 24 Wayside Court - Special Use Permit)



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/16/26 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.4

DOC ID: 31928

ZBA ITEM (ID # 31928)

WITHDRAWN

44 Glen Meadow Drive - Administrative Appeal

WHEREAS, **Ralph Lorigo, Esquire for Dodge Road Development, LLC** has made application for an Administrative Appeal, under

SECTION: 8-1-5 B(2) (applications for building permits)

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

44 Glen Meadow Drive within a MFR-4A Zoning District

The petitioner is appealing the Building Commissioner's revocation of a Building permit issued by his Office on April 17, 2026, AND

WHEREAS, pursuant to section 8-14-1 of the Town of Amherst Zoning Ordinance, the Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision or determination made by the Zoning Enforcement Officer or Planning Director [Building Commissioner] in regard to the enforcement of the provisions of the Zoning Ordinance or other regulations adopted pursuant to Article 16 of NYS Town Law, AND

WHEREAS, a public hearing was held on **June 16, 2026** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and others including the Zoning Enforcement Officer or other administrative official as may be applicable, AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the Building Commissioner's application of the subject section(s) of the Zoning Ordinance, was/was not consistent with the intent of the Zoning Ordinance, NOW

THEREFORE, BE IT RESOLVED that this Board does hereby affirm /reverse the decision of the Building Commissioner made in connection with his/her application of the subject section(s) of the Zoning Ordinance of the Town of Amherst, AND

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office.

RESULT: WITHDRAWN

Law Office of
Ralph C. Lorigo

101 SLADE AVENUE
 WEST SENECA, NEW YORK 14224
 (716) 824-7200

RALPH C. LORIGO
 ROBERT R. VARIO
 ROBERT BATTISTA
 MARY BETH AQUILINE
 FRANK J. JACOBSON

JON F. MINEAR
 KELLY L. KULAKOWSKI
 CHELSEA A. MacDONALD
 JAMES R. GARDNER

PATRICK H. NeMOYER JSC (Ret'd)
 (1952-2025)

Facsimile No.: (716) 824-8728
 (not for service of process)

May 21, 2026

Sent by Same Day Courier

Town of Amherst Planning Department
 Attn: Dan Ulatowski
 5583 Main Street
 Williamsville NY 14221



**RE: Dodge Road Development LLC
 44 Glen Meadow Drive, Amherst, New York
 Application for Administrative Appeal**

Dear Dan:

As you are aware, our office is representing the property owner in regard to the above referenced matter. For your records and reference, I am enclosing herewith another copy of the Application for Administrative Appeal. I am also enclosing herewith my attorney's check in the amount of \$115.00 for the filing fee.

I appreciate you placing this matter on the June 16, 2026 ZBA agenda.

I thank you for your courtesies and assistance in this matter. If you have any questions, please feel free to contact me at any time.

Very truly yours,

RALPH C. LORIGO

FJJ:maw
 Encs.

Attachment: Request for Admin. Appeal (31928 : 44 Glen Meadow Drive - Administrative Appeal)



Special Use / Temporary Use / Administrative Appeal

Town of Amherst - Planning Department

Type of Request

- | | |
|--|---|
| ☐ Special Use Permit (SUP) | ☐ Auxiliary Housing Unit (SUP) |
| ☐ Temporary Use Permit | ☐ Raising Chickens (SUP) Section 6-8-9 |
| ☐ Appeal under Section 280-a(3) of NYS Town Law | ☐ Restricted Parking Lots (SUP) Section 7-1-9B(2)(b) |
| ☐ Telecommunications Facility (SUP) | ☐ Bed & Breakfast (SUP) |
| ☐ Type 2 Home Occupation (SUP) | ☐ Public Utility Service Structure or Facility (SUP) |
| ☐ Dormitory, fraternity or sorority house (SUP) | ☒ Administrative Appeal |

Applicant Information

Property Owner Name(s): Dodge Road Development LLC

Phone Number: 716-635-0550 Email: philn@essexhomeswny.com
 Address: 8940 Main Street City: Clarence State: NY Zip: 14031

Applicant Name(s): Ralph C. Lorigo, Esq.

Phone Number: 716-824-7200 Email: rlorigo@lorigo.com
 Address: 101 Slade Avenue City: West Seneca State: NY Zip: 14224

Property Information

Assessed Address: 44 Glen Meadow Drive
 SBL No.: 42.06-2-4 Zoning District: MFR-4A

☐ I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)

Office Use Only

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a
 On May 5, 2026, the Code Enforcement Officer revoked a Building Permit issued on April 17, 2026

TOWN CLERK USE
 DATE: _____
 TIME: _____
 REC'D BY: _____

Appl. No. 2026-31

Date Filed: 5/21/2026 Mtg. Date 6/16/2026

Accepted By: DJH

9/31/2021 X:\ZBA\Forms\CURRENT FORMS\TOA SPECIAL USE application_07_23_2021.docx



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Town of Amherst - Planning Department

Special Use /Appeal Request

- A. Justification for Special Use/Temporary Use.** Provide justification for why the special or temporary use is appropriate at the subject property (will be compatible with the existing uses adjacent and near the property; will not tend to depreciate the value of adjacent property; will not create a hazard to health, safety or the general welfare and why the use will not alter the essential character of the neighborhood) (attach additional sheets as necessary):

- B. Justification for Appeal.** Describe in detail why you believe that any order, requirement, decision, interpretation or determination made by the Town's administrative official should be overturned (attach additional sheets is necessary):
- This subdivision was approved in 2021. On April 17, 2026 a Building Permit was issued for this parcel. On May 5, 2026, the Building Permit was revoked by email. The Building Permit could not be denied or revoked since the building plans met all zoning, fire and building code requirements. The Building Permit could not be denied or revoked due to macro-disputes concerning the subdivision in general. The Building Permit could not be revoked since the Owner had a vested interest in the Building Permit once once it was issued and construction commenced.

Disclosure Affidavit

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

Property owner or applicant name (print): Ralph C. Lorigo, Esq.

Property owner or applicants signature: *Ralph C. Lorigo*

Date: May 21, 2026

- ☒ If the applicant is not the property owner, has a letter of permission allowing the applicant to file this application been provided.

STATE OF NEW YORK COUNTY OF ERIE

On the 21st day of May in the year 2026 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:

Signature of Notary Public

Print Name

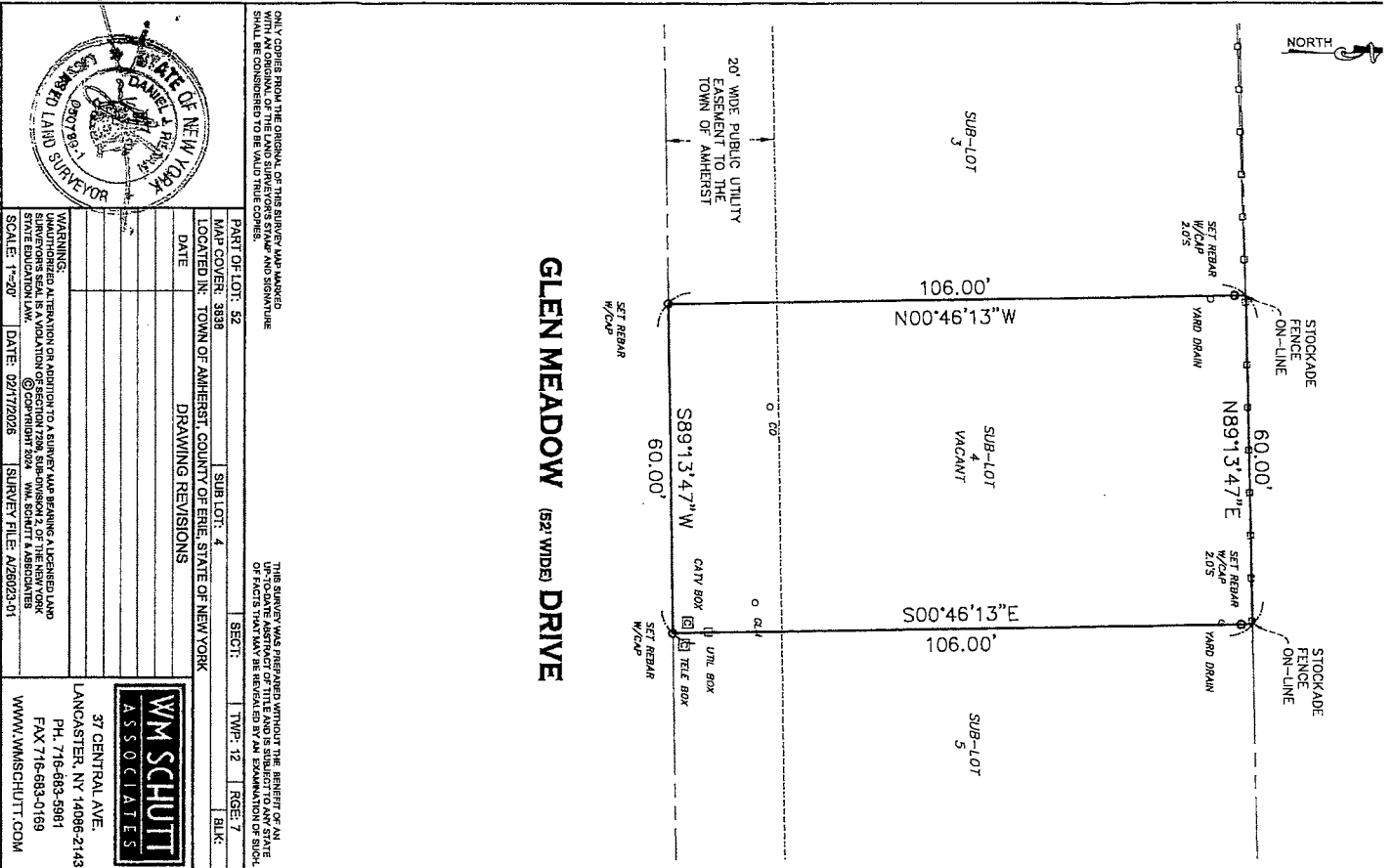
FRANK J. JACOBSON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01JA6013224
Qualified in Erie County
Commission Expires September 21, 2024

Office Use Only

☒ SEQR is not required.

☒ 239M is applicable Within 500' of Dodge Rd

☐ The applicant is also seeking a _____ which is attached.



TOWN OF AMHERST, N.Y.

BUILDING PERMIT

Date Issued: 04/17/2026

Permit #: BP-2026-1117

Address:

44 Glen Meadow Dr, Amherst, NY 14051

Permit Type: Res New 1 Family

Description:

Single Family home less than 3 stories in height w/ attached garage and unhabitable basement. VB Construction.

Tenant:

Owner: Dodge Road Development LLC /
8940 Main St Clarence

Separate Plumbing Permit Required



Building Commissioner

Permit expires 6 mos. from issuance if no construction has begun.

PERMIT EXPIRATION DATE

04/17/2028

> POST CONSPICUOUSLY <



Ralph Lorigo <rlorigo@lorigo.co

FW: 44 Glen Meadow Dr----PERMIT HAS BEEN REVOKED--BP-2026-1117

1 message

Vincent Nanula <vnanula@essexhomeswny.com>

Tue, May 5, 2026 at 11:06

To: "rlorigo@lorigo.com" <rlorigo@lorigo.com>

Cc: Philip Nanula <philn@essexhomeswny.com>

Hi Ralph,

Please see below and attached. If there's any additional information that you need, please let me know.

Thank you,

~Vinnie

Vinnie Nanula

Essex Homes of WNY, Inc.

Vice President of Operations

8940 Main Street

Clarence, NY 14031

(716) 635 – 0550 x235

(716) 635 – 0155 (Fax)

From: Zierk, Emily <ezierk@amherst.ny.us>**Sent:** Tuesday, May 5, 2026 11:01 AM**To:** Nicole Westcott <Nicolew@essexhomeswny.com>; Vincent Nanula <vnanula@essexhomeswny.com>**Cc:** Berke, Mark S. <mberke@amherst.ny.us>; Erzkus, Jonathan <JErzkus@amherst.ny.us>**Subject:** 44 Glen Meadow Dr----PERMIT HAS BEEN REVOKED--BP-2026-1117

Nicole/Vinnie,

Just an email to follow up on our phone conversation this morning. The above permit has been revoked due to some lighting issues on the site.

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.Thank you,

Emily Zierk

Code Enforcement Officer

5583 Main St

Williamsville, NY 14221

(716)631-7096



Permit.pdf
86K

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DODGE ROAD DEVELOPMENT LLC
8940 Main Street, Suite 1
Clarence, NY 14031

May 21, 2026

LAW OFFICE OF RALPH C. LORIGO
Frank J. Jacobson, Esq.
101 Slade Avenue
West Seneca, NY 14224

Dear Mr. Jacobson:

As the duly authorized representative of Dodge Road Development LLC, I am writing to grant the Law Offices of Ralph C. Lorigo permission to make application and represent Dodge Road Development LLC in all matters related to the Town of Amherst including, but not limited to, appealing the revocation of a building permit.

Sincerely,

Philip Nanula

Philip Nanula
Dodge Road Development LLC