



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, August 18, 2026

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Brian Bray	Town of Amherst	Member	Present	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Absent	
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	Assistant Planner	Present	
Sean Hopkins	Town of Amherst	Senior Deputy Attorney	Present	

II. APPROVAL OF MINUTES

1. Tuesday, June 16, 2026

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

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 32136)

25 Chateau Terrace - Area Variance

A portion of the petitioner's building addition will have a top plate height of 26 feet 5 inches whereas the zoning ordinance limits the maximum height to 24 feet, and whereas the addition will have a ground level elevation of 3.2 feet above grade, whereas, a maximum of 2 feet is permitted, and whereas, the parking area expansion will be a minimum of 0.9 feet from the north property line whereas, a minimum of 20 feet minimum is required, and whereas the building entrance spacing will be 83 feet whereas, a maximum of 50 feet is

permitted, and whereas, the building addition will be 30.1 feet from the west property line, whereas, a maximum setback of 30 feet is permitted, and whereas the petitioner is providing 35 parking spaces, whereas, 65 parking spaces are required.

8/17/2026

Nicholas Tuttle, Esq., Hillary George, Architect, Shannon Karcher, Bornhava Director spoke and answered questions from the Board.

The following residents spoke:

Gerard O'Connor, 27 Chateau Ter S

Lisa Drdul, 92 Chateau Ter

RESULT:	ADJOURNED [UNANIMOUS]	Next: 9/15/2026 6:30 PM
MOVER:	Ronald Shubert, Member	
SECONDER:	Ellen Parker, Member	
AYES:	Brian Bray, Ronald Shubert, Ellen Parker, Erik A. Goergen	
ABSENT:	Kelly J. Philips	

2. ZBA Item (ID # 32119)

1160 Tonawanda Creek Road - Area Variance

The petitioner's proposed 24'x36' detached garage will create a total of 1,462 s.f. of building area for all accessory structures, including the attached garage, whereas, the zoning ordinance limits the building area to 1,151 s.f., and whereas, the proposed garage will be 24 feet tall, whereas, the zoning ordinance limits the height to 20 feet.

8/18/2026

Thomas Trabert spoke and answered questions from the Board.

The building height variance was withdrawn.

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

3. ZBA Item (ID # 32120)

60 Presidio Place - Area Variance

The petitioner's proposed above ground pool will be 4 feet from the south property line, whereas, the zoning ordinance requires 20 feet minimum.

8/18/2026

Justin Healslip spoke and answered questions from the Board.

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

4. ZBA Item (ID # 32115)

505 N. Ellicott Creek Road - Area Varinace

The petitioner's proposed dwelling will be 22 feet from the west property line and 23 feet from the east property line, whereas, the zoning ordinance requires 30 feet minimum.

08/18/2026

Steven Warfe spoke and answered questions from the Board.

The following residents spoke:

Edward Homes, 500 N. Ellicott Creek Rd.

Paul Bauer, 501 N. Ellicott Creek Rd.

William Hein, 506 N. Ellicott Creek Rd.

RESULT:	ROLL CALL VOTE (ADOPTED) [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Ronald Shubert, Ellen Parker, Erik A. Goergen
ABSENT:	Kelly J. Philips

5. ZBA Item (ID # 32116)

3341 Hopkins Road - Area Variance

The petitioner's 24'x80' accessory garage will create a total building area of 2,541 s.f. for all accessory structures including the existing attached garage, whereas, the zoning ordinance limits the building area to 1,584 s.f.

08/18/2026

William Davis spoke and answered questions from the Board.

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

6. ZBA Item (ID # 32117)

215 Smith Road - Area Variance

The petitioner's proposed attached garage will be 23'-10 " from the east property line, whereas, the zoning ordinance requires 30 feet minimum.

08/18/2026

Steve Neureuther spoke and answered questions from the Board.

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

7. ZBA Item (ID # 32118)

54 Ashworth Court-Area Variance

The petitioner's proposed attached garage will be 5'-6" from the east property line, whereas, the zoning ordinance requires 8 feet minimum.

08/18/2026

Matthew Rosen spoke and answered questions from the Board.

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

8. ZBA Item (ID # 32130)

4010 Maple Road - Area Variance

The petitioner's proposed restaurant will be 21 feet in height and 1 story whereas the zoning ordinance requires a minimum height of 30 feet and 2 stories.

08/18/2026

Caryn Mlodzianowski of Bohler Engineering spoke and answered questions from the Board.

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

9. ZBA Item (ID # 32132)

350 Washington Hwy - Area Variance

The petitioner's addition to his/her dwelling will be 21.24 feet from the west property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas the proposed covered porch for such addition will be 15± feet from the west property line, whereas, a minimum setback of 22 feet is required.

08/18/2026

Brian Effinger of JEB Architects, spoke and answered questions from the Board.

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

10. ZBA Item (ID # 32133)

4 Mac Arthur Drive - Special Use Permit (Type 2 Home Occupation)

The petitioner's proposed home-based salon is considered a Type 2 Home Occupation requiring the issuance of a Special Use Permit by the Zoning Board of Appeals.

08/18/2026

Tulsi Dhimal spoke and answered questions from the Board.

The following residents spoke:

Michael Calandra, 1575 Maple Rd.

Michele Elardo, 172 Mac Arthur Dr.

Charles Elardo, 172 Mac Arthur Dr.

Amy Capozzi, 1575 Maple Rd.

RESULT:	TABLED [2 TO 2]	Next: 9/15/2026 6:30 PM
MOVER:	Brian Bray, Member	
SECONDER:	Ellen Parker, Member	
AYES:	Brian Bray, Ellen Parker	
NAYS:	Ronald Shubert, Erik A. Goergen	
ABSENT:	Kelly J. Philips	

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Member Shubert moved to adjourn, seconded by Member Parker and unanimously approved 4-0. The Zoning Board of Appeals meeting of August 18, 2026 was adjourned at 8:05 PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.1

DOC ID: 32136

ZBA ITEM (ID # 32136)

ADJOURNED

25 Chateau Terrace - Area Variance

DRAFT RESOLUTION

WHEREAS, **Specialized Early Childhood Center of Western New York, Inc.** has made application for Area Variances, under

- 1. SECTION: 5A-1-3 (top plate height)**
- 2. SECTION: 5A-2-5 (ground level elevation)**
- 3 SECTION: 5A-5-4G (buffer parking setback)**
- 4. SECTION: 5A-2-5 (building Entrance)**
- 5. SECTION: 5A-2-5 (build to zone)**
- 6. SECTION: 5A-9-1A (parking quantity)**

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

25 Chateau Terrace within a TI-2.5g Zoning District

A portion of the petitioner's building addition will have a **top plate height** of **26 feet 5 inches** whereas the zoning ordinance limits the maximum height to **24 feet**, and whereas the addition will have a **ground level elevation** of **3.2 feet** above grade, whereas, a maximum of **2 feet** is permitted, and whereas, the parking area expansion will be a minimum of **0.9 feet** from the **north property line** whereas, a minimum of **20 feet** minimum is required, and whereas the **building entrance** spacing will be **83 feet** whereas, a maximum of **50 feet** is permitted, and whereas, the **building addition** will be **30.1 feet** from the **west** property line, whereas, a maximum setback of **30 feet** is permitted, and whereas the petitioner is providing **35 parking spaces**, whereas, **65 parking spaces** are , AND

WHEREAS, a public hearing was held on **August 18, 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 variances are not substantial, that they will not have an adverse impact on the physical or environmental conditions of the neighborhood and that they 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 variances are 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 variances requested are the minimum variances 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 area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT: **ADJOURNED [UNANIMOUS]**
MOVER: Ronald Shubert, Member
SECONDER: Ellen Parker, Member
AYES: Bray, Shubert, Parker, Goergen
ABSENT: Philips

Next: 9/15/2026 6:30 PM



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.2

DOC ID: 32119

ZBA ITEM (ID # 32119)

APPROVED

1160 Tonawanda Creek Road - Area Variance

WHEREAS, **Thomas Lee Trabert, Jr.** has made application for an Area Variance, under

1. SECTION: 6-8-1B (bldg. area)

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

1160 Tonawanda Creek Road within a R-3 Zoning District

The petitioner's proposed **24'x36' detached garage** will create a total of **1,462 s.f.** of building area for all accessory structures including the attached garage, whereas, the zoning ordinance limits the building area to **1,151 s.f.**, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 32120

ZBA ITEM (ID # 32120)

APPROVED

60 Presidio Place - Area Variance

WHEREAS, **Justin and Tracy Heaslip** has made application for an Area Variance(s), under

SECTION: 2-5-2A5(b)

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

60 Presidio Place within a R-3 Zoning District

The petitioner's proposed above ground pool will be **4 feet** from the **south** property line, whereas, the zoning ordinance requires **20 feet** minimum, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	Ellen Parker, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 32115

ZBA ITEM (ID # 32115)

ROLL CALL VOTE (ADOPTED)

505 N. Ellicott Creek Road - Area Varinace

WHEREAS, **Steven D. Warfe** has made application for an Area Variance(s), under

SECTION: 2-5-4B(3)

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

505 N. Ellicott Creek Road within a SA Zoning District

The petitioner's proposed **dwelling** will be **22 feet** from the west property line and **23 feet** from the east property line, whereas, the zoning ordinance requires **30 feet** minimum, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	ROLL CALL VOTE (ADOPTED) [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.5

DOC ID: 32116

ZBA ITEM (ID # 32116)

APPROVED

3341 Hopkins Road - Area Variance

WHEREAS, **William R. Davis** has made application for an Area Variance(s), under

SECTION: 6-8-1B

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

3341 Hopkins Road within a SA Zoning District

The petitioner's 24'x80' accessory **garage** will create a total building area of **2,541 s.f.** for all accessory structures including the existing attached garage, whereas, the zoning ordinance limits the building area to **1,584 s.f.**, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

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Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.6

DOC ID: 32117

ZBA ITEM (ID # 32117)

APPROVED

215 Smith Road - Area Variance

WHEREAS, **Steve Neureuther** has made application for an Area Variance(s), under

SECTION: 2-5-4B(3)(a)

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

215 Smith Road within a SA Zoning District

The petitioner's proposed attached garage will be **23'-10 "** from the **east** property line, whereas, the zoning ordinance requires **30 feet** minimum, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	Ellen Parker, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.7

DOC ID: 32118

ZBA ITEM (ID # 32118)

APPROVED

54 Ashworth Court-Area Variance

WHEREAS, **Matthew Rossen** has made application for an Area Variance(s), under

SECTION: 3-5-2B

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

54 Ashworth Court within a R-2 Zoning District

The petitioner's proposed attached garage will be **5'-6 "** from the **east** property line, whereas, the zoning ordinance requires **8 feet** minimum, AND

WHEREAS, a public hearing was held on **August 18, 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) is 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:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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Amherst, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.8

DOC ID: 32130

ZBA ITEM (ID # 32130)

APPROVED

4010 Maple Road - Area Variance

WHEREAS, **Kasada, LLC** has made application for an Area Variance, under

SECTION: 5A-3-7.C

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

4010 Maple Road within a CTR-5 Zoning District

The petitioner's proposed restaurant will be **21 feet in height** and **1 story** whereas the zoning ordinance requires a **minimum** height of **30 feet** and **2 stories**, AND

WHEREAS, a public hearing was held on **August 18, 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 is 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:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.9

DOC ID: 32132

ZBA ITEM (ID # 32132)

APPROVED

350 Washington Hwy - Area Variance

WHEREAS, **Rich & Sheryl Neal** have made application for Area Variances, under

1. SECTION: 3-6-2B (addition)

2. SECTION: 2-5-2A(1)(c)(iv) (cov.porch)

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

350 Washington Hwy within an R-3 Zoning District

The petitioner's **addition** to his/her dwelling will be **21.24 feet** from the west property line, whereas, the zoning ordinance requires **30 feet** minimum, and whereas the proposed **covered porch** for such addition will be **15± feet** from the west property line, whereas, a minimum setback of **22 feet** is required, AND

WHEREAS, a public hearing was held on **August 18, 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 variances are not substantial, that they will not have an adverse impact on the physical or environmental conditions of the neighborhood and that they 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 variances are 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 variances requested are the minimum variances 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 area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 08/18/26 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.10

DOC ID: 32133

ZBA ITEM (ID # 32133)

TABLED

4 Mac Arthur Drive - Special Use Permit (Type 2 Home Occupation)

DRAFT RESOLUTION

WHEREAS, **Tulsi Dhimal & Pushpa Gautam** have made application for a Special Use Permit, under

SECTION: 6-8-6.B(2)

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

4 Mac Arthur Drive within an R-3 Zoning District

The petitioner's proposed **home-based salon** is considered a **Type 2 Home Occupation** which requires the issuance of a **Special Use Permit** by the Amherst Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on **August 18, 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 6-8-6;**
-) **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, this Board believes it is necessary to impose the following conditions on its approval of the special use permit as permitted by section 8-6-7 of the Zoning Ordinance to minimize adverse impacts upon other property in the neighborhood; AND

- 1.
- 2.

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:	TABLED [2 TO 2]
MOVER:	Brian Bray, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Parker
NAYS:	Shubert, Goergen
ABSENT:	Philips

Next: 9/15/2026 6:30 PM