



# Zoning Board of Appeals

## Regular Meeting

### Agenda

5583 Main Street  
Amherst, NY 14221  
[www.amherst.ny.us](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall. Upon exiting this room, the main exits are located to the front and the rear of this building. **Do not use the elevator during an emergency event.**

Live streaming and recorded meeting service is provided through the Town of Amherst's YouTube Channel  
<https://www.youtube.com/@townofamherstnewyork>

Tuesday, August 18, 2026

6:30 PM

Amherst Municipal Building

## I. CALL TO ORDER

| Attendee Name           | Present                  | Absent                   | Late                     | Arrived |
|-------------------------|--------------------------|--------------------------|--------------------------|---------|
| Member Brian Bray       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Ronald Shubert   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Kelly J. Philips | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Ellen Parker     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Erik A. Goergen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |

## II. APPROVAL OF MINUTES

1. Tuesday, June 16, 2026

## III. HEARINGS ON APPEALS

### 1. 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

### 2. 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.

### 3. 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.

**4. 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.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. 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.

**IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING**



## Zoning Board of Appeals

5583 Main Street  
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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)

## 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.



## Zoning Board of Appeals

5583 Main Street  
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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)

## 1160 Tonawanda Creek Road - Area Variance

### *DRAFT RESOLUTION*

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

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

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

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, the proposed garage will be **24 feet tall**, whereas the zoning ordinance limits the height to **20 feet**, 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.



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Meeting: 08/18/26 06:30 PM  
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Initiated by: **Daniel J. Ulatowski**  
Co-Sponsored by:

3.3

DOC ID: 32120

### ZBA ITEM (ID # 32120)

## 60 Presidio Place - Area Variance

### *DRAFT RESOLUTION*

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.



## Zoning Board of Appeals

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

3.4

DOC ID: 32115

### ZBA ITEM (ID # 32115)

## 505 N. Ellicott Creek Road - Area Varinace

### *DRAFT RESOLUTION*

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.



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Francina J. Spoth  
Town Clerk

Meeting: 08/18/26 06:30 PM  
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Initiated by: **Daniel J. Ulatowski**  
Co-Sponsored by:

3.5

DOC ID: 32116

### ZBA ITEM (ID # 32116)

## 3341 Hopkins Road - Area Variance

### *DRAFT RESOLUTION*

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.



## Zoning Board of Appeals

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Town Clerk

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

3.6

DOC ID: 32117

### ZBA ITEM (ID # 32117)

## 215 Smith Road - Area Variance

### *DRAFT RESOLUTION*

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.



## 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)

## 54 Ashworth Court-Area Variance

### *DRAFT RESOLUTION*

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.



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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)

## 4010 Maple Road - Area Variance

### *DRAFT RESOLUTION*

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.



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Initiated by: **Greg Dionne**  
Co-Sponsored by:

3.9

DOC ID: 32132

### ZBA ITEM (ID # 32132)

## 350 Washington Hwy - Area Variance

### *DRAFT RESOLUTION*

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.



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Initiated by: **Greg Dionne**  
Co-Sponsored by:

3.10

DOC ID: 32133

**ZBA ITEM (ID # 32133)**

## **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.