



**MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
March 18, 2021
6:30 PM**

In accordance with the Governor's Executive Order 202.1 and for public health and safety concerns related to COVID-19, the Planning Board meeting on March 18, 2021 will be held via Zoom. **The public will have an opportunity to view and participate in the meeting live.** The Public may view and participate via video or audio call in - Join the Zoom Meeting at 6:30 pm:

Zoom	Meeting	Computer/Visuals	Link:
https://us02web.zoom.us/j/87179339400?pwd=YnFackFzQms1NTlXUno2TW1ubFNyZz09			

Call-In 1-646-558-8656 Meeting ID: 871 7933 9400 Passcode: 369436	Instructions:
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Residents and other members of the public are encouraged to provide comments or questions in writing, by email, or by telephone to the Planning Department prior to the meeting. Questions and comments must be received by March 17 to be forwarded to Planning Board members in time for the meeting. Comments and questions may be sent to:

Amherst Planning Board 5583 Main Street Williamsville, NY 14221	OR	Email: acarrato@amherst.ny.us Phone:(716) Fax: (716) 631-7153	631-7051
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The Planning Board will hold a public work session at 6:00 PM via Zoom.

This meeting is being video recorded.

The plans and documents that are available below for each Planning Board hearing item were submitted by the project applicant and are intended to provide general information about the proposal.

The official, complete sets of submittal documents and materials that provide more detailed information about the projects are available in the Planning Department, which is located in Amherst Town Hall, 5583 Main Street, Williamsville, NY 14221. Hours are 9 am to 5 pm, Monday through Friday. If you have any questions, please contact the Planning Department at (716) 631-7051.

Revised plans are submitted on an ongoing basis throughout the review process to address comments on the project. Every effort will be made to post the most recent version of the plans and application materials in a timely manner.

ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Robert J. Gilmour	Town of Amherst	Chair	Remote	
Michael Chmiel	Town of Amherst	Board Member	Remote	
Stephanie S. Gelber	Town of Amherst	Board Member	Remote	
Harbinder Gill	Town of Amherst	Board Member	Remote	
Dal Giuliani	Town of Amherst	Board Member	Remote	
Brittany Lee Penberthy	Town of Amherst	Board Member	Remote	
Joseph P. Raffaele Jr.	Town of Amherst	Board Member	Remote	
Dan Howard	Town of Amherst	Planning Director	Remote	
Ellen Kost	Town of Amherst	Assistant Planning Director	Remote	
Scott Marshall	Town of Amherst	Principal Planner	Remote	
Roberta Rappoccio	Town of Amherst	Associate Planner	Remote	
Daniel J. Ulatowski	Town of Amherst	Principal Planner	Remote	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Remote	
James Quinn	Town of Amherst	Assistant Planner	Remote	
Amy Carrato	Town of Amherst	Sr. Clerk Typist	Remote	
Bryan Fadel	Town of Amherst	Sr. Clerk Typist	Remote	
Rachel Boerschig	Town of Amherst	Clerk-Typist	Remote	
Jacqueline Berger	Town of Amherst	Councilmember	Remote	
Deborah Bruch Bucki	Town of Amherst	Councilmember	Remote	
Ann Demopolous	Town of Amherst	Deputy Town Attorney	Remote	

Note: There will be no public hearing or opportunity to speak for the projects listed under the Unfinished Business section of this agenda.

Please note the following time limits for speakers at Planning Board hearings:

- **Presentation by Petitioner:** 15 minutes
- **Rebuttal by neighborhood/resident spokesperson:** 15 minutes
- **Individual speakers:** 3 minutes

PUBLIC HEARINGS

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

1. PROPOSED AUTOMOTIVE DEALERSHIP BUILDING AND VEHICLE STORAGE EXPANSION, SP-2013-08B AND UNIFIED DEVELOPMENT WITH SP-1988-57C

Property located at 2601 and 2619-2635 Millersport Highway
West Herr Automotive, Petitioner

Proposed addition of 9,900± sq. ft. to the existing building located on the 2601 Millersport Highway parcel for a new “Lincoln” automotive dealership. The project includes splitting off the rear portion of the parcel located to the north at 2619-2635 Millersport Highway and annexing it to the parcel located at 2601 Millersport Highway. The annexed area is proposed for a 244± space vehicle inventory storage lot. The reconfigured parcel located at 2601 & 2619-2635 Millersport Highway will share one access to Millersport Highway and parking for which Unified Development approval is also being sought.

Sean Hopkins, Esq., Hopkins, Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Robert Pidanic, Nussbaumer & Clarke, was also present.

In response to the Board’s questions, Mr. Hopkins stated that there would be no outdoor speakers, they are willing to work with neighbors regarding landscaping, a paved internal access drive to be utilized to access the vehicle storage backlot, fire chief’s concerns addressed, vehicle carriers will load/unload entirely on site.

John Crazinski of Collins Lane inquired about what would happen to existing fence along property. Mr. Hopkins responded that they will remain in place.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the Negative Declaration. The motion was seconded by Ms. Gelber and carried Ayes 7, Noes 0.

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Ms. Gelber and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Stephanie S. Gelber, Board Member
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.

2. PROPOSED COMMERCIAL AND 9 UNIT APARTMENT BUILDING, SP-2021-01
Property located at 2021 Sweet Home Road (NCD)
Kevin Wyse, Petitioner

No comments were heard on this proposal. The Petitioner requested an adjournment. Mr. Giuliani moved to adjourn. The motion was seconded by Ms. Gelber and carried. Ayes 7, Noes 0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 4/15/2021 6:30 PM
MOVER:	Dal Giuliani, Board Member	
SECONDER:	Stephanie S. Gelber, Board Member	
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.	

3. PROPOSED COMMERCIAL AND 4 UNIT APARTMENT BUILDING, SP-2021-02
Property located at 2071 Sweet Home Road (NCD)
Kevin Wyse, Petitioner

No comments were heard on this proposal. The Petitioner requested an adjournment. Mr. Chmiel moved to adjourn. The motion was seconded by Ms. Gelber and carried. Ayes 7, Noes 0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 4/15/2021 6:30 PM
MOVER:	Michael Chmiel, Board Member	
SECONDER:	Stephanie S. Gelber, Board Member	
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.	

4. PROPOSED COMMERCIAL AND 3 UNIT APARTMENT BUILDING, SP-2021-03
Property located at 661 Skinnersville Road (NCD)
Kevin Wyse, Petitioner

Proposed 3-unit apartment mixed-use building on a 0.26 ± acre site. The project will consist of a small commercial retail space on the ground level, with 2 dwelling units on the second floor and 1 unit on the third floor. The site will be accessed using Skinnersville Road.

Sean Hopkins, Esq., Hopkins, Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Mike Metzger, Metzger Engineering, was also present.

In response to the Board's questions, Mr. Hopkins stated that they envision tenants to be small-scale and local businesses, rental prices for apartments to be roughly \$1300-1500 per month, Town landscaping requirements apply and that there will be landscape additions to meet the requirements.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the Negative Declaration. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

Following the approval of the Negative Declaration, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.

5. PROPOSED AMHERST MUNICIPAL COMPLEX - LIBRARY EXPANSION, SP-1986-30_C
Property located at 350-500 John James Audubon Parkway (NCD)
Town of Amherst, Petitioner

The proposed project consists of a one story, 6,570± square foot addition to the east side of the existing Audubon Library located in the southwest portion of the Town Municipal Complex. The addition is proposed to house a 5,000 square foot expansion to the children's library and a 1,570 square foot expansion for a meeting room.

Michael Banks, DiDonato Associates, represented the petitioner, explained the proposal and was available to answer questions from the Board. Bill Ratka, Civil Engineer, Marc Bellacose, Amherst Engineering, and Roseanne Butler-Smith, Buffalo & Erie County Public Libraries, were also present.

There were no questions from the Board.

Ray Weil, 74 Amherstdale Road, inquired if the expansion was larger than the existing library. Deborah Bucki, Amherst Councilmember, asked how the proposed black facade will coordinate with the existing brick.

Mr. Banks said the addition would be roughly 1/3 that of the existing building and that there is black brick on the facades of the existing building facing John James Audubon Parkway which will be used to coordinate with the expansion.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Gelber moved to approve the Negative Declaration. The motion was seconded by Ms. Penberthy and carried. Ayes 7, Noes 0.

Following the approval of the Negative Declaration, Ms. Gelber moved to approve the request based on the resolution. The motion was seconded by Ms. Penberthy and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Stephanie S. Gelber, Board Member
SECONDER:	Brittany Lee Penberthy, Board Member
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

6. PRELIMINARY PLAT FOR 26-LOT HEIM ROAD SUBDIVISION, SUB-2020-03PP
Property located at 775 Heim Road
Essex Homes, Petitioner

Proposal to create a 26-lot single-family residential subdivision which will include extending Fair Woods Drive, a public road, westerly to Heim Road. Fair Woods Drive will intersect with Heim Road approximately 215 ft. northeast of Montbleu Road. The sketch plan shows 24 buildable lots, and two lots adjacent to Heim Road for storm management. All buildable lots meet the minimum required size for the R-3 district. A concrete roadway island is proposed roughly half-way along Fair Woods Drive as a traffic calming measure.

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Robert Savarino of Essex Homes of WNY and Pat Sheedy of Carmina Wood Morris were also present.

In response to the Board's questions, Mr. Hopkins stated that all drainage will comply with requirements and that an analysis had satisfied all concerns regarding traffic patterns.

Elaine Cusker, 162 Wedgewood Dr., representing Wedgewood Commons condominiums, and Frank Kapperman, on behalf of Judy Kapperman of 805 Heim Road, inquired about drainage. Mr. Hopkins said a Homeowners Association would be formed to oversee stormwater management system, nothing would impact the Peanut Line, and plans/drawings would be shared.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Raffaele moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 1 (Gill).

RESULT:	APPROVED [6 TO 1]
MOVER:	Joseph P. Raffaele Jr., Board Member
SECONDER:	Dal Giuliani, Board Member
AYES:	Gilmour, Chmiel, Gelber, Giuliani, Penberthy, Raffaele Jr.
NAYS:	Gill

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

7. REQUEST TO REZONE 1.44± ACRES OF LAND FROM R-3 TO CR-3A, Z-2020-13
Property located at 468 Harding Road
Forbes Capretto Homes, Petitioner

No comments were heard on this proposal. Petitioner requested an adjournment. Mr. Giuliani moved to adjourn. The motion was seconded by Ms. Penberthy and carried. Ayes 7, Noes 0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 4/15/2021 6:30 PM
MOVER:	Dal Giuliani, Board Member	
SECONDER:	Brittany Lee Penberthy, Board Member	
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.	

8. REQUEST TO REZONE 6.7± ACRES OF LAND FROM SA TO MFR-4A, Z-2020-15
Property located at 1789 Dodge Road
Joe Rubino, Petitioner

February 18, 2021

No comments were heard on this proposal. The Petitioner requested this proposal be adjourned. Mr. Giuliani moved to adjourn. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

March 18, 2021

No comments were heard on this proposal. The Petitioner requested this proposal be adjourned. Mr. Giuliani moved to adjourn. The motion was seconded by Ms. Gelber and carried. Ayes 7, Noes 0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 4/15/2021 6:30 PM
MOVER:	Dal Giuliani, Board Member	
SECONDER:	Stephanie S. Gelber, Board Member	
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.	

9. REQUEST TO REZONE 18.88± ACRES OF LAND – MIXED-USE ZONING SNYDER – HARLEM ROAD/MAIN STREET AREA, Z-2020-11
Properties listed on attachment "A"
Town of Amherst, Petitioner

Request to rezone 18.88± acres of land from NB, GB, MS & R-3 to TI-2.5 mixed-use zoning. This rezoning is being initiated by the Planning Department. The rezonings are required to implement the Town's new mixed-use zoning regulations adopted by the Town Board on September 3, 2019 and incorporated through amendments to the Town's Comprehensive Plan. The amendment described geographic areas throughout the Town to become

commercial mixed-use areas and centers including Snyder. This request affects 35 parcels and furthers the Town's objective of applying its new mixed-use regulations to those areas identified in figure 6A of the Comprehensive Plan.

Daniel Ulatowski, Principal Planner, represented the petitioner, explained the proposal and was available to answer questions from the Board. Daniel Howard, Planning Director, was also present.

In response to the Board's questions, the maximum height in the TI-2.5 district is limited to 35 feet due to extensive discussions with the community.

Patricia Simpson, 78 Chateau Terrace, Robert and Lisa Drdul, 92 Chateau Terrace, and Mike Merrill, 97 Chateau Terrace, expressed concerns regarding parking and traffic. Ray Weil, 74 Amherstdale, inquired about plans for the empty buildings and how rezoning will affect it. Christina Coyle, 64 East Chateau Terrace, and Mike Kasowski, 60 Fruehauf Avenue, asked why some residential homes were included in the rezoning.

Mr. Ulatowski responded that they cannot anticipate traffic issues until site plans for redevelopment are submitted, but the approval process includes review of traffic impacts. Some residential properties are included in rezoning because they are already being used in a commercial capacity and they believe the geographic lines of some properties make sense. Parking requirements are specific to mixed-use districts and there will be many opportunities for shared parking.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Noes 2 (Gilmour, Raffaele).

RESULT:	APPROVED [5 TO 2]
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Michael Chmiel, Board Member
AYES:	Chmiel, Gelber, Gill, Giuliani, Penberthy
NAYS:	Gilmour, Raffaele Jr.

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

All public hearings are completed and closed at the termination of public discussion for each agenda item unless otherwise specified by the Chair.

UNFINISHED BUSINESS

Note: All public hearings have been completed. There will be no public hearings for items listed under this section.

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

10. PROPOSED STONHAM PLACE TOWNHOMES, SP-2020-18
Property located at 6286-6300 Main Street
Marrano/Marc-Equity Corporation, Petitioner

February 18, 2021

Proposed condominium development on a 4.0 ± acre parcel. The project will consist of 8 proposed buildings, housing 38 condominium units. The project will be accessed via the existing Stonham Way, a private drive serving the Greythorne Subdivision. The site will feature sidewalk access from the private drive to a sidewalk connection on Main Street, along Stonham Way. All proposed lots are located along Stonham Place and Stonham Place North, no lots front on Stonham Way. No curb cuts are proposed onto Main Street.

Jeff Palumbo, Esq., Barclay Damon, represented the petitioner, explained the proposal and was available to answer questions from the Board. David DePaolo, Marrano/Marc-Equity Corporation and Robyn Cierniak, Greenman Pedersen, Inc. were also present.

In response to the Board's questions, Ms. Cierniak stated they are trying to preserve as many mature trees as possible, are adding significant landscaping, and utilities may be a problem to reconfigure lots 9 and 10. Mr. Palumbo stated all the resident concerns were met except for the land not being developed and they will contact EduKids about a parking agreement. Mr. DePaolo stated the time frame for construction is one to one and a half years, heavy equipment will be used for a couple of months, visitor parking isn't something that is typically done, cars can park along the curb, in the driveway and garage, parking is anticipated to be adequate, it is difficult to eliminate units for parking and there is no specific policy that needs to be met.

Stuart Angert, 94 Harbridge Manor; Bonnie Clement, 90 Beckford Ct.; and Susan Grelick, 76 Harbridge Manor questioned landscaping, staging construction on Stonham Way, no parking signs on Stonham Way, and installation of a traffic signal at Main Street.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Chmiel moved to approve the Negative Declaration. The motion was seconded by Mr. Giuliani and carried. Ayes 4, Noes 0, Absent 3 (Gelber, Gill, Raffaele).

Following the approval of the Negative Declaration, Mr. Chmiel moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and failed. Ayes 3, Noes 1 (Penberthy), Absent 3 (Gelber, Gill, Raffaele).

Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 4, Noes 0, Absent 3 (Gelber, Gill, Raffaele).

March 18, 2021

Following discussion, Mr. Giuliani moved to approve the Negative Declaration. The motion was seconded by Mr. Raffaele and carried. Ayes 7, Noes 0.

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Noes 0, Abstain 1 (Gill).

RESULT:	APPROVED [6 TO 0]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Michael Chmiel, Board Member
AYES:	Gilmour, Chmiel, Gelber, Giuliani, Penberthy, Raffaele Jr.
ABSTAIN:	Gill

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

11. **FINAL PLAT FOR 32-LOT DODGE ROAD SUBDIVISION, SUB-2020-02FP**
Property located at 1695, 1701 & 1721 Dodge Road

Essex Homes of WNY, Inc, Petitioner

Proposed 32-lot residential subdivision to be located on 14.8± acres of property located at 1695, 1701 and 1721 Dodge Road. The proposed residential subdivision consists of 29 buildable lots for detached single family homes to be accessed by public roadways, along with one lot consisting of permanent open space, and two lots dedicated as the stormwater management areas. Approximately 6.5 acres in the south portion of the site will be donated to the Town as "conservation area".

Following discussion, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

12. REQUEST TO REZONE 3.88± ACRES OF LAND FROM RD TO MS, Z-2020-12
Property located at 2251 Wehrle Drive and portion of 385 Lawrence Bell Drive
Joanne Schwartz, Petitioner

February 18, 2021

The proposed rezoning of 2251 Wehrle Drive and a portion of 385 Lawrence Bell to the Motor Service (MS) zoning designation would allow the petitioner to finance the purchase of the property as a conforming use. The existing use of the property as a truck servicing facility is not permitted in the current Research Development (RD) zoning district.

Jeff Palumbo, Esq., Barclay Damon, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Palumbo stated the petitioner is currently a tenant at this site, the site would be updated with a paved driveway, landscaping and updating the signage, they will obtain easements and intend to be compliant with Town Code, and the neighboring parcels have no objections regarding truck parking.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion failed due to lack of a second.

Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Chmiel and failed. Ayes 3, Noes 1 (Penberthy), Absent 3 (Gelber, Gill, Raffaele).

Mr. Giuliani moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 4, Noes 0, Absent 3 (Gelber, Gill, Raffaele).

March 18, 2021

Following discussion, Mr. Chmiel moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Chmiel, Board Member
SECONDER:	Dal Giuliani, Board Member
AYES:	Gilmour, Chmiel, Gelber, Gill, Giuliani, Penberthy, Raffaele Jr.

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT**MINUTES APPROVAL**

2/18/21

Ms. Penberthy moved to approve the minutes. The motion was seconded by Mr. Chmiel and carried. Ayes 4, Noes 0, Abstain 3 (Gelber, Gill, Raffaele).

ADJOURNMENT

The Planning Board meeting of date was adjourned at 8:27 pm.