



AGENDA
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
June 24, 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 June 24th, 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/86565059639?pwd=TDJxYjd4WTZ3d3hZWUpXb3lEdzN1Zz09			

Call-In	Instructions:		
1-646-558-8656			
Meeting	ID:	865	6505
Password:			9639

Note to Callers: Your phone number will display to the public, to conceal your number enter *67 before you enter the phone number above.

Participation Instructions: To comment during a public meeting, participants must "raise their hand" to be recognized for speaking. Call-in participants must dial *9 and participants using the Zoom application must click the "raise hand" button.

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 June 23rd 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
--	-----------	---	-----------------

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

	Chmiel	Gelber	Gill	Gilmour	Giuliani	Penberthy	Raffaele
Present							
Absent							

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. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA: PROPOSED SAWYER'S LANDING MIXED USE PROJECT, SP-2021-05
Property located at 1081 North French Road (portion) (Muir Woods Site A)
Sawyer's Landing LLC, Petitioner

May 20, 2021

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

2. PROPOSED OFFICE BUILDING, SP-2021-08
Property located at 6565 Main Street
Erik O'Neill, Petitioner
3. THE FOLLOWING ITEM HAS BEEN POSTPONED AT THE PETITIONER'S REQUEST: PROPOSED AUTOMOTIVE DEALERSHIP, SP-2021-09
Property located at 3800 Sheridan Drive
Northtown Automotive Companies, Petitioner
4. PROPOSED 4-STORY MULTI-FAMILY BUILDING, SP-1980-13K
Property located at 2402 North Forest Road (NCD)
2402 North Forest Road LLC, Petitioner

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

5. 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.

April 15, 2021

Purpose of rezoning request is to allow construction of a proposed 18-lot residential subdivision and related site improvements. The development will consist of 17 detached single family homes and a stormwater management area located at the eastern/rear of the property. The proposed zoning to MFR-4A will allow for a smaller lot configuration that will make room for added buffers to the northern portion of the proposed development and the existing residential neighbors. Approximately 1.5± acres in the eastern portion of the site will remain open space. A public roadway ending in a hammer-head turnaround and a single curb cut onto Dodge Road are proposed.

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

William Pitz, 1815 Dodge Road, spoke on behalf of the neighborhood. He said local residents strongly oppose the project, signed a petition, and that they would like a designation of SA to R-1. He expressed concerns over the impact the project would have on traffic, noise and light pollution. Mr. Pitz also questioned whether wildlife, traffic and wetland studies had been completed and challenged statements on the plans. He stated that a 20-foot barrier is unacceptable and that he would like a berm with vegetation and a fence. Lisa Rockwell, 1765 Dodge, said that residents would like to maintain more rural aspect of the community. Many people in that area still use their property to farm and had concerns over pesticides and the effect on wildlife. Sandy Mack, 1790 Dodge, stated that the project is not compatible with the neighborhood. Chris Buscaglia, 1875 Dodge, would like sidewalks added to the area and that the project be postponed until they decide what they would like in regards to agriculture in the Town.

Mr. Hopkins responded that traffic would be a part of the review process. He said that lighting would follow the Town's requirements and there would be no spillover, that the stormwater plan would follow DEC standards and would not encourage more insects, and agreed that sidewalks is something that should be considered. He said that the project is still in the early stages and that many of the technical concerns would be addressed later. Dan Howard, Planning Director, offered some general information on the process of installing sidewalks.

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

Following discussion, Ms. Penberthy moved to deny the request. The motion was seconded by Mr. Chmiel, but did not carry. Ayes 3, Noes 2 (Gilmour, Giuliani), Absent 2 (Gelber, Gill).

Ms. Penberthy moved to adjourn. The motion was seconded by Mr. Chmiel and carried. Ayes 5, Noes 0, Absent 2 (Gelber, Gill).

May 20, 2021

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

6. THE FOLLOWING ITEM HAS BEEN POSTPONED AT THE PETITIONER'S REQUEST: REQUEST TO REZONE 5.64± ACRES OF LAND FROM SA TO R-3, Z-2021-04
Property located at 1920 North French Road
North Forest Development Corporation, Petitioner
7. REQUEST TO REZONE OF 2.87± ACRES OF LAND FROM GB TO DC-5, Z-2021-05
Property located at 6842 Main Street (portion) and 6846 Main Street (portion)
MEL Investors LLC, Petitioner

MISCELLANEOUS

8. PROPOSED LOCAL LAW TO AMEND THE ZONING ORDINANCE: AMENDMENTS TO THE RESEARCH AND DEVELOPMENT (RD) DISTRICT, ZTA-2021-01
Town of Amherst, Petitioner

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

9. REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR SP-2017-08_B
Property located at 3455 Niagara Falls Boulevard
Rane Management, Petitioner

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

10. REQUEST TO REZONE 29.21± ACRES OF LAND FROM SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06
Property located at 10060 & 10090 Transit Road

Forbes Capretto Homes, Petitioner

The petitioner seeks to allow construction of a mixed-use development consisting of townhomes, single-family lots and 23,400± sq. ft., of commercial space. The requested CTR-2.5 zoned area is 2.95 ± acres, the MFR-5 zoned area is 12.73 ± acres, and the R-3 zoned area is 13.57 ± acres.

Jeff Palumbo, Barclay Damon LLP, represented the petitioner, explained the proposal and was available to answer questions from the Board. David Capretto of Forbes Capretto Homes was also present.

Matt Fitzgerald, Phillips Lytle LLP, 125 Main Street, expressed concerns over traffic, stormwater run-off and the cosmetic compatibility with the community. He asked for the proposal to be tabled so that there can be further discussions. Charles Kenyon, 218 Glen Oak Drive, inquired about the Town's future plans for Transit Road and how those plans pertain to this project. Mike Brown, 110 Coriander Court, expressed concerns over traffic impact and inquired if the public will be provided with details of studies.

Mr. Palumbo responded that the project has been in development for two years, the studies have been in for several months and they have met with neighbors previously. He said they are not opposed to more discussion going forward, but he did not see any reason for the matter to be adjourned. He also stated that the Engineering Department will make determinations at a later stage if the plan works in terms of drainage and that the Petitioner will address these concerns as they continue to proceed with the different stages of the project. In terms of Transit Road, he stated that it is a state highway and any change to it is a State issue.

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

Following discussion, Ms. Penberthy moved to deny the request. The motion was seconded by Mr. Chmiel. Ms. Penberthy and Mr. Chmiel then withdrew the motion to deny and Ms. Penberthy moved to table the request. The motion was seconded by Mr. Chmiel and carried. Ayes 4, Noes 3 (Gelber, Gill, Gilmour).

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

MINUTES APPROVAL

ADJOURNMENT

The next Regular meeting is scheduled for August 19, 2021.