



**MINUTES
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
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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	Absent	
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	
Daniel Howard	Town of Amherst	Planning Director	Remote	
Ellen Kost	Town of Amherst	Assistant Planning Director	Remote	
Daniel J. Ulatowski	Town of Amherst	Principal Planner	Remote	
Scott Marshall	Town of Amherst	Principal Planner	Remote	
Roberta Rappoccio	Town of Amherst	Associate Planner	Remote	
Thomas J. Voigt	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	
Ann Demopoulos	Town of Amherst	Deputy Town Attorney	Remote	
Jacqueline Berger	Town of Amherst	Councilmember	Remote	

Michael Szukala	Town of Amherst	Councilmember	Remote	
Deborah Bruch Bucki	Town of Amherst	Councilmember	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 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.

June 24, 2021

No comments were heard on this proposal. The Petitioner requested an adjournment. Ms. Penberthy moved to adjourn and remove from the agenda until such time as the petitioner requests placement on a future agenda. The motion was seconded by Mr. Gill and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/19/2021 6:30 PM
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Harbinder Gill, Board Member	
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr.	
ABSENT:	Gelber	

2. PROPOSED OFFICE BUILDING, SP-2021-08
Property located at 6565 Main Street
Erik O'Neill, Petitioner

Proposal to construct a 4,200 ± sq. ft., one-story commercial building with the associated 19 car parking lot and landscape improvements. The proposed project will have sidewalks installed along Ridge Court North to connect to the existing sidewalks on Main Street. A decorative masonry wall is proposed at the northeast corner of the site for added street facing aesthetics. The driveway access will be on Ridge Court North.

Nathan St. John, Kideney Architects, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. St. John said that the lights would involve stainless steel textured metal backlit by LEDs at top of the wall, lit from the top-down with low-level lighting, and would most likely utilize a timer so that they would not be on at all hours of the night. He also said that there would be roughly 6-10 employees at the building on a daily basis, and they only expect a handful of clients at any given time, so the proposed parking should be more than adequate.

Robert Bugno, 11 Ridge Court North, expressed concern with lighting being intrusive to his property. Mr. St. John replied that the lighting would be up to the Town's standards and would not cast light above his fence, but instead point straight down towards the ground.

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 Mr. Chmiel and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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, Absent 1 (Gelber).

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

3. PROPOSED AUTOMOTIVE DEALERSHIP, SP-2021-09
Property located at 3800 Sheridan Drive
Northtown Automotive Companies, Petitioner

No comments were heard on this proposal. The Petitioner requested an adjournment. Mr. Giuliani moved to adjourn and remove from the agenda until such time as the petitioner requests placement on a future agenda. The motion was seconded by Mr. Gill and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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

4. PROPOSED 4-STORY MULTI-FAMILY BUILDING, SP-1980-13K
Property located at 2402 North Forest Road (NCD)
2402 North Forest Road LLC, Petitioner

The proposed project consists of the construction of a new 4-story, 72-unit apartment building and the new building will contain 24 one-bedroom units and 48 two-bedroom units for lease. It will be constructed on the southeast side of the existing Creekview Courts Apartments parking lot. Construction will also include new parking spaces and utility improvements. An interior expansion of the existing building will be completed to include an additional 24 new apartment units for lease.

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

In response to the Board's questions, Mr. Hopkins said that the maximum building height is 53 feet to peak. He also said that there is adequate open space behind the building by Ellicott Creek, as well as green space amidst the parking units in the front.

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

Following discussion, Mr. Gill moved to approve the Negative Declaration. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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 carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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

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.

June 24, 2021

Ms. Penberthy moved to reopen the hearing. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

The purpose of this rezoning request is to allow construction of a proposed 18-lot single-family residential subdivision and related site improvements. The development will consist of 17 detached single family homes and a stormwater management area located in 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 2.1± acres in the eastern portion of the site will remain open space, as will 20 ft. along the entire north and south property lines. A public roadway ending in a hammer-head turnaround and a single curb cut onto Dodge Road are proposed.

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

In response to the Board's questions, Mr. Hopkins said there was dialogue with local residents to the capacity allowed by the pandemic allowed, and Mr. Savarino had spoken directly to some of the neighbors. He also said that while he agreed the project was not in perfect harmony with the current rural feel of the area, the proposal was in line with the Town's Comprehensive Plan and they incorporated accommodations to the plan, such as vegetation and fencing, to make it more compatible. They were also welcome to more input from residents, the Planning Department and the Planning Board.

William Pitz, 1815 Dodge Road, Sandra Mack, 1790 Dodge Road, Annalisa Capaccio, 1810 Dodge Road, Lisa and Nick Rockwell, 1765 Dodge Road, Daniel Ohar, 1970 Dodge Road, and Merja Kenola, 1800 Dodge Road, spoke in opposition of the proposal. Greg Curcio, 1745 Dodge Road, spoke in favor of the proposal and inquired about another project.

Mr. Hopkins responded that the density is in fact 2.5 units per acre, since adding space to provide a buffer counts towards the density. He also stated that they will not be touching the wetlands, that they must design a stormwater management system that complies with NYSDEC standards, and that the only meetings with the Planning Board were conducted during public meetings. He insisted that their plan is consistent with the Town's Comprehensive Plan and said they are willing to work with the neighbors to the extent that they can. Mr. Hopkins also stated that they are willing to amend the application to R-3 and come back in front of the Planning Board in August.

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

Following later discussion, Mr. Gill moved to deny the request. The motion was seconded by Mr. Chmiel and carried. Ayes 5, Noes 1 (Gilmour), Absent 1 (Gelber).

RESULT:	DENIED [5 TO 1]
MOVER:	Harbinder Gill, Board Member
SECONDER:	Michael Chmiel, Board Member
AYES:	Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr.
NAYS:	Gilmour
ABSENT:	Gelber

6. 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

No comments were heard on this proposal. The Petitioner requested an adjournment. Mr. Giuliani moved to adjourn moved and remove from the agenda until such time as the petitioner requests placement on a future agenda. The motion was seconded by Ms. Penberthy and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

RESULT:	REMOVED FROM AGENDA [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Brittany Lee Penberthy, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr.
ABSENT:	Gelber

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

The purpose of this rezoning request is to allow the petitioner to develop a mixed-use project on the subject sites. A four-story mixed use building is proposed on the eastern portion of the parcel addressed 6846 Main Street consisting of 7,500 sq. ft. of first floor commercial space, 10 first floor apartments and 54 upper story apartments. On the western parcel a two-story 6 unit townhouse building and two garage buildings housing 18 parking spaces (9 in each) are proposed. Access to the site from both Transit Road and Main Street is proposed via existing reciprocal access agreements.

Sean Hopkins, Hopkins, Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Paul Bliss, Bliss Construction, was also present.

The Board did not have any questions. No further comments were heard on this proposal. The hearing was closed.

Following later discussion, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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

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

The proposed text amendment will expand the uses in the Research and Development (RD) District. Truck washing and repair will be allowed as a permitted use and be required to meet a set of commercial use standards. These standards will promote a more efficient and aesthetically pleasing site, providing protection to adjacent land uses and provide added support to logistics/e-commerce oriented land uses.

Thomas Voigt, Assistant Planner, explained the proposal and was available to answer questions from the Board.

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

Following later discussion, Mr. Chmiel moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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

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

Construction of two 5-story mixed-use buildings to consist of first floor retail space and a total of 152 upper story apartments. The larger building will have a 22,400± sq. ft. footprint and 88 apartments; the smaller building will have a 16,700± sq. ft. footprint and 64 apartments. Both buildings will face Niagara Falls Boulevard and have a height of 60 ft. Garages for 51 of the residential units will be located on the first floor of the buildings, along the rear of the larger building and the rear and north side of the smaller building. The total number of parking spaces will be 356 (305 surface, 51 garage); this includes 2 spaces/apartment and 52 spaces devoted to the retail uses. The development includes two driveways to Niagara Falls Boulevard, the north driveway to have an emergency crash gate and to be constructed of grass pavers. The project as shown will disturb 3.5 acres of wetland and 2.6 acres of wetland buffer area.

Following discussion, Mr. Chmiel moved to approve the extension based upon the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

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

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

May 20, 2021

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).

June 24, 2021

Following further discussion, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Gilmour and carried. Ayes 4, Noes 2 (Chmiel, Penberthy), Absent 1 (Gelber).

RESULT:	APPROVED [4 TO 2]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Robert J. Gilmour, Chair
AYES:	Gilmour, Gill, Giuliani, Raffaele Jr.
NAYS:	Chmiel, Penberthy
ABSENT:	Gelber

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

Roberta Rappoccio, Associate Planner, gave a summary of the Town of Amherst Agriculture and Farmland Protection Plan.

MINUTES APPROVAL

Mr. Chmiel moved to approve the minutes of the May 20, 2021 meeting. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Gelber).

ADJOURNMENT

The Planning Board meeting of June 24, 2021 was adjourned at 8:43 pm.