# MINUTES
# TOWN OF AMHERST
# AMHERST PLANNING BOARD MEETING
# March 17, 2022
# 6:30 PM

**The Planning Board held a public work session at 6:00PM in the Amherst Municipal Building, 5583 Main Street, Williamsville, NY 14221 on the same date.**

**This meeting is being video recorded.**

## ROLL CALL

| Attendee Name | Organization | Title | Status | Arrived |
|---|---|---|---|---|
| Robert J. Gilmour | Town of Amherst | Chair | Present | |
| Michael Chmiel | Town of Amherst | Board Member | Present | |
| Harbinder Gill | Town of Amherst | Board Member | Present | |
| Dal Giuliani | Town of Amherst | Board Member | Present | |
| Brittany Lee Penberthy | Town of Amherst | Board Member | Present | |
| Joseph P. Raffaele Jr. | Town of Amherst | Board Member | Present | |
| Carrie H. Kahn | Town of Amherst | Board Member | Present | |
| Dan Howard | Town of Amherst | Planning Director | Present | |
| Daniel J. Ulatowski | Town of Amherst | Assistant Planning Director/ZEO | Present | |
| Scott Marshall | Town of Amherst | Principal Planner | Present | |
| Thomas J. Voigt | Town of Amherst | Assistant Planner | Present | |
| Gary Palumbo | Town of Amherst | Associate Planner | Present | |
| Amy Carrato | Town of | Sr. Clerk Typist | Present | |

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| | Amherst | | | |
| Bryan Fadel | Town of Amherst | Sr. Clerk TYpist | Present | |
| Jacqualine Berger | Town of Amherst | Councilmember | Present | |
| Ann Demopoulos | Town of Amherst | Deputy Town Attorney | Present | |

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. AMENDMENT TO A MAJOR SITE PLAN REVIEW, SP-1985-42_J; PROPOSED RETAIL PLAZA REDEVELOPMENT
Property located at 1501-1551 Niagara Falls Boulevard (BCD)
Benderson Development Company LLC, Petitioner

The proposed project consists of the partial demolition of the existing commercial shopping plaza and the construction of a new 102,087 square foot building addition for commercial retail space. Improvements will also be made to the existing parking areas, drainage infrastructure and site grading. The proposed building will have a pedestrian walk adjacent to the building that includes street furniture and street trees and will front a new “local half street” functioning as the main drive aisle of the proposed development. A pedestrian connection will be made to an existing retail building at the north west corner of the project site.

James Boglioli, Esq., Benderson Development Company LLC, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board’s questions, Mr. Boglioli stated the sidewalk on the west side of the site is an existing sidewalk and the changes recommended by the Design Advisory Board have been made.

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

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

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

2. EASTVIEW PLAZA - BUILDING ADDITION & LOADING DOCK, SP-1984-39V
Property located at 8150-8250 Transit Road

Benderson Development Company, LLC, Petitioner

This project consists of a proposed 5,830 square foot building addition to the existing commercial retail plaza with the construction of two loading docks to service the proposed addition as well as a new loading dock for an existing tenant space.

James Boglioli, Esq., Benderson Development Company LLC, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Boglioli stated there will be no impact to the service road.

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. Raffaele and carried. Ayes 6, Noes 0, Abstain 1 (Chmiel).

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

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| **RESULT:** | **APPROVED [6 TO 0]** |
| **MOVER:** | Dal Giuliani, Board Member |
| **SECONDER:** | Carrie H. Kahn, Board Member |
| **AYES:** | Gilmour, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn |
| **ABSTAIN:** | Chmiel |

3. PROPOSED SELF STORAGE FACILITY, SP-2022-01
Property located at 321 Commerce Drive
321 Commerce, LLC, Petitioner

**March 17, 2022**
No comments were heard on this proposal, as the petitioner requested the project be adjourned to the April Planning Board meeting.

Ms. Penberthy moved to adjourn the subject proposal. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

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| **RESULT:** | **ADJOURNED [UNANIMOUS]** | **Next: 4/21/2022 6:30 PM** |
| **MOVER:** | Brittany Lee Penberthy, Board Member | |
| **SECONDER:** | Michael Chmiel, Board Member | |
| **AYES:** | Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn | |

## SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

## REZONING & RELIEF FROM CONDITIONS OF REZONINGS

4. REQUEST FOR RELIEF OF CONDITIONS OF ZONING APPROVAL (LIMITING USES), Z-1997-12A
Property located at 7078 Transit Road
Alix Holdings 7078 LLC, Petitioner

To relieve conditions limiting use of property to an auto-rental agency and prohibiting auto repair. Petitioner requests to establish facility for vehicle lettering, graphics and application of vehicle wraps.

Ari Goldberg, Barclay Damon LLP, represented the petitioner, explained the proposal and was available to answer questions from the Board. Art Alix, Signworks, was also present.

In response to the Board's questions, Mr. Alix stated vehicles will be hand washed and the site will sell signs, wraps for vehicles, and embroidered and screen printed items that are manufactured in Lockport.

Laurie Holmes, 191 McKinley Ave., had questions about the dumpster placement, fence and hours of operation.

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

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

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Michael Chmiel, Board Member |
| **SECONDER:** | Joseph P. Raffaele Jr., Board Member |
| **AYES:** | Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn |

## MISCELLANEOUS

5. PROPOSED LOCAL LAW AMENDING CHAPTER 5 OF THE TOWN OF AMHERST CODE
Establishment of the Design Advisory Board
Town of Amherst, Petitioner

The proposed amendment to Chapter 5 of the Town of Amherst Code revises the language of the local law to more clearly indicate the following:

- Specifying that portion of the Zoning Ordinance for which the DAB is responsible for providing recommendations on.
- Clarifying the tile of the document used by the DAB "Design Guidelines for Mixed-Use Districts"
- Clarifying the review authority of the DAB.
- Correcting the name of the required Application for Design Review and where the application requirements may be located.
- Clarifying when the recommendations of the DAB shall be done.
- Adding in a missing zoning district for the applicability of design review.

Scott Marshall, Principal Planner, Town of Amherst, represented the petitioner, explained the proposal and was available to answer questions from the Board.

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

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

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

## 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

None

## SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

## REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

## MISCELLANEOUS

None

## OTHER COMMUNICATIONS

## DIRECTOR'S REPORT

## MINUTES APPROVAL

**January 13, 2022**

Ms. Penberthy moved to approve the minutes. The motion was seconded by Mr. Gill and carried. Ayes 4, Absent 1 (Gelber), Abstain 2 (Chmiel, Raffaele).

**February 17, 2022**

Ms. Penberthy moved to approve the minutes. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Abstain 1 (Gill).

## ADJOURNMENT

The Planning Board meeting of March 17, 2022 was adjourned at 7:08 pm.