



**MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
August 18, 2022
6:30 PM**

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

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	Present	
Michael Chmiel	Town of Amherst	Board Member	Absent	
Harbinder Gill	Town of Amherst	Board Member	Absent	
Dal Giuliani	Town of Amherst	Board Member	Present	
Brittany Lee Penberthy	Town of Amherst	Board Member	Present	
Joseph P. Raffaele	Town of	Board Member	Present	

Jr.	Amherst			
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 Amherst	Community Development Assistant	Present	
Jacqueline 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 public 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. ST. JOHN'S LUTHERAN CHURCH - PROPOSED SHELTER ADDITION, SP-2022-04
Property located at 6540 Main Street
St. John Lutheran Church, Petitioner

Proposed shelter and worship area located north of the existing parking lot and east of Hampton Hill Drive. This area will serve as an outdoor worship area as well as storage for the church. The building materials used to construct the shelter will match those used on the main church building. The applicant is additionally requesting a waiver to the requirement of installing sidewalks along the Hampton Hill frontage.

Ron VanSplunder represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. VanSplunder stated the pavilion will be used all year by the church and Boy Scout's, it will have security cameras and solar panels with lithium phosphate batteries, and will take approximately four months to construct.

Jim Pankow, St. John Lutheran Church spoke in favor of the proposal.

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. Penberthy and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Gill).

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Ms. Penberthy and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Gill).

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

2. NORTHTOWN AUTOMOTIVE DEALERSHIP - PROPOSED SERVICE EXPANSION, SP-2014-01 G
Property located at 3890-3930 Sheridan Drive
NAC Real Estate, Petitioner

A proposed 5,400 s.f. addition to the existing Subaru service facilities for an additional 10 auto service stalls along with corresponding modifications to landscaping and parking/vehicle circulation.

Jason Burford, Greenman-Pederson, Inc., represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Burford stated the fire hydrant was relocated.

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. Giuliani and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Giuliani).

Following the approval of the Negative Declaration, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Giuliani).

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

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

None

3. PROPOSED LOCAL LAW TO AMEND CHAPTER 204 OF TOWN CODE (SUBDIVISION REGULATIONS) - RELATING TO ROADWAY ILLUMINATION, ZTA-2022-01
Town of Amherst, Petitioner

This request will amend Part 3 of the Town of Amherst Subdivision Regulations "Design Standards". The revisions pertain to establishing the requirement for street lighting and the associated street lighting design standards within all new subdivisions.

Scott Marshall, Principal Planner, 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.

Following discussion, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Gill).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	Gilmour, Giuliani, Penberthy, Raffaele Jr., Kahn
ABSENT:	Chmiel, Gill

4. PROPOSED LOCAL LAW TO AMEND CHAPTER 203 OF TOWN CODE (ZONING ORDINANCE) VARIOUS TEXT AMENDMENTS, ZTA-2022-02
Town of Amherst, Petitioner

The revised Zoning Code was adopted by the Town Board on May 1, 2006 with an effective date of May 23, 2006. The proposed changes include addressing conflicting language, providing clarity for certain permitted uses, establishing fence limitations in exterior side yards, permitting the raising of chickens as an accessory use by building permit rather than a special use permit, amending the courtesy notice requirements for area variances and amendments to the lighting requirements.

Daniel Ulatowski, Assistant Planning Director, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Ulatowski stated the Town Board is the deciding Board.

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

Mr. Raffaele moved to approve the request based on the resolution. The motion failed due to lack of a second.

Following discussion, Ms. Penberthy moved to approve the request with the removal of §6-8-9 from the proposed changes and based on the resolution. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Gill).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Carrie H. Kahn, Board Member
AYES:	Gilmour, Giuliani, Penberthy, Raffaele Jr., Kahn
ABSENT:	Chmiel, Gill

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

5. EXTENSION OF MAJOR SITE PLAN - PROPOSED DOCKSIDE MIXED USE CENTER, SP-2018-04_A
10800 Transit Road
Dockside Village Commercial One, LLC, Petitioner

Request a two year extension for construction of a mixed-use development to consist of 8,300± sq. ft. of retail and 30 apartments, as follows:

- a 2-story building near Transit Road (9,600± sq. ft. footprint) - 1st floor: 8,300 sf of retail; 2nd floor: 8 apartments; building will have an elevator to meet building and ADA codes
- a 2-story building behind it (11,200± sq. ft. footprint) - total 22 apartments with 6 attached garages.

The plan indicates two curb cuts on Dockside Parkway. In addition, parking for 99 vehicles (93 surface, 6 garage) is distributed throughout the site. Two stormwater management areas are shown in the southeast corner and along the west property line. Dumpsters are to be located northwest of the rear building.

Following discussion, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 5, Noes 0, Absent 2 (Chmiel, Gill).

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

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT**MINUTES APPROVAL**

June 16, 2022

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

ADJOURNMENT

The Planning Board meeting of August 18, 2022 was adjourned at 7:00 pm.