



**MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
June 15, 2023
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	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	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	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Nora B. Robshaw	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. PROPOSED AMHERST COMMERCE CENTER - COSTCO WITH FUELING STATION, SP-2023-03 AND UNIFIED DEVELOPMENT WITH SP-1983-42J, SP-1996-14D AND SP-2023-07
Property located at 4200, 4224, 4228-4230 & 4252-4258 Ridge Lea Road (portions)
Benderson Development Co. LLC, Petitioner

All sites within the Amherst Commerce Center are requested to be approved as Unified Developments which establishes the Agreements/ Easements for the shared use of common facilities (e.g. parking, site lighting) and ingress and egress over the sites for vehicles and pedestrians.

SP-2023-07 (Parcel #1 Dick's House of Sport):

Properties located at portions of 4200, 4224 & 4228-4230 Ridge Lea Rd.

A proposed 120,000 sq. ft. Dick's House of Sport retail building and its associated 18,513 sq. ft. Field Area along with parking for 349 vehicles is located on an 8.20± acre parcel in the northwest portion of the overall project site. Three (3) vehicular access drives to the site from Bailey Avenue are shown to this parcel, one to the north of the proposed building which is intended primarily for deliveries to Dick's and Costco, one right-in-right-out driveway that aligns with the drive aisle in front of the store and a signalized common vehicular entry along the south side of the parcel south of the Dick's parking field.

SP-2023-03 (Parcel #2 Costco):**Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.**

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):**Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.**

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):**Properties located at 4252-4258 (portion) Ridge Lea Rd.**

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

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

In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

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

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/17/2023 6:30 PM
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Michael Chmiel, Board Member	
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn	

2. PROPOSED AMHERST COMMERCE CENTER - WAREHOUSING FACILITY, SP-1996-14D AND UNIFIED DEVELOPMENT WITH SP-2023-03, SP-1983-42J AND SP-2023-07
Property located at 4252-4258 Ridge Lea Road (portion)
Benderson Development Co. LLC, Petitioner

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SP-2023-03 (Parcel #2 Costco):**Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.**

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):**Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.**

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):**Properties located at 4252-4258 (portion) Ridge Lea Rd.**

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

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

In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

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

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/17/2023 6:30 PM
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Michael Chmiel, Board Member	
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn	

3. PROPOSED AMHERST COMMERCE CENTER - OFFICE BUILDING, SP-1983-42J AND UNIFIED DEVELOPMENT WITH SP-2023-03, SP-1996-14D AND SP-2023-07
Property located at portion of 4224 Ridge Lea Road (portion) and 256, 270, 280 & 306 Meyer Road
Benderson Development Co. LLC, Petitioner

All sites within the Amherst Commerce Center are requested to be approved as Unified Developments which establishes the Agreements/ Easements for the shared use of common facilities (e.g. parking, site lighting) and ingress and egress over the sites for vehicles and pedestrians.

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SP-2023-03 (Parcel #2 Costco):

Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):

Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):

Properties located at 4252-4258 (portion) Ridge Lea Rd.

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

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

In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

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

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/17/2023 6:30 PM
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Michael Chmiel, Board Member	
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn	

4. PROPOSED APARTMENT/TOWNHOUSE DEVELOPMENT, SP-2023-05
Property located at 480 Dodge Road (NCD)
The Green Organization, Petitioner

June 15, 2023

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Giuliani and carried. Ayes 7, Noes 0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/17/2023 6:30 PM
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Dal Giuliani, Board Member	
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Raffaele Jr., Kahn	

5. PROPOSED WAREHOUSE, SP-1987-17E
Property located at 415-455 Lawrence Bell Drive
Amherst Portfolio Equities LLC, Petitioner

Proposal to demolish the existing westerly 41,000 sq. ft. building addressed #415 Lawrence Bell Drive and construct a new 60,000 sq. ft. warehouse/distribution building on the parcel. A total of 204 parking spaces are provided on the site and the easterly building is to remain. The petitioner is also requesting that the Planning Board waive the sidewalks required along Lawrence Bell Drive.

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Keaton Baum, Amherst Portfolio Equities, LLC and William Anterline, Wendel Companies were also present.

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 Ms. Kahn and carried. Ayes 7, Noes 0.

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the sidewalk waiver. The motion was seconded by Mr. Gill and carried. Ayes 7, Noes 0.

Following the approval of the sidewalk waiver, Mr. Giuliani moved to approved the request based on the resolution. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, 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

6. REQUEST TO REZONE 13.93± ACRES OF LAND FROM DEEP CORRIDOR 3 (DC-3) TO SHOPPING CENTER (SC), Z-2023-04

Property located at 1501-1551 Niagara Falls Blvd. (BCD)
Benderson Development, Petitioner

The purpose of these rezoning requests are:

Z-2023-04, to create consistency with the extension of the zoning district boundary to incorporate the subject site into the larger development pattern including Boulevard Consumer Square to the north and the future development of the Amherst Commerce Center to the east.

Z-2023-05, to allow for the future re-development of the subject properties in a form and design that is consistent in use and scale with the existing surrounding development pattern including a retail shopping center to the south and future development of the Amherst Commerce Center to the east.

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

Mr. Boglioli stated there are not any current projects for these sites.

Jim Whitefield, 166 Mona Drive, spoke in opposition to the proposals.

No further comments were heard on these proposals. The hearings were closed.

Z-2023-04

Following discussion, Mr. Giuliani moved to approved the request based on the resolution. The motion was seconded by Mr. Gilmour and carried. Ayes 5, Noes 1 (Gill), Abstain 1 (Chmiel).

RESULT:	APPROVED [5 TO 1]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Robert J. Gilmour, Chair
AYES:	Gilmour, Giuliani, Penberthy, Raffaele Jr., Kahn
NAYS:	Gill
ABSTAIN:	Chmiel

7. REQUEST TO REZONE 63.2± ACRES OF LAND FROM CENTER 5 (CTR-5) TO SHOPPING CENTER (SC), Z-2023-05

Property located at 1561-1703 Niagara Falls Blvd. (BCD)
Benderson Development, Petitioner

The purpose of these rezoning requests are:

Z-2023-04, to create consistency with the extension of the zoning district boundary to incorporate the subject site into the larger development pattern including Boulevard Consumer Square to the north and the future development of the Amherst Commerce Center to the east.

Z-2023-05, to allow for the future re-development of the subject properties in a form and design that is consistent in use and scale with the existing surrounding development pattern including a retail shopping center to the south and future development of the Amherst Commerce Center to the east.

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

Mr. Boglioli stated there are not any current projects for these sites.

Jim Whitefield, 166 Mona Drive, spoke in opposition to the proposals.

No further comments were heard on these proposals. The hearings were closed.

Z-2023-05

Following discussion, Mr. Giuliani moved to approved the request based on the resolution. The motion was seconded by Mr. Gilmour and carried. Ayes 5, Noes 1 (Gill), Abstain 1 (Chmiel).

RESULT:	APPROVED [5 TO 1]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Robert J. Gilmour, Chair
AYES:	Gilmour, Giuliani, Penberthy, Raffaele Jr., Kahn
NAYS:	Gill
ABSTAIN:	Chmiel

8. REQUEST TO REZONE 1.1± ACRES OF LAND FROM GB TO TI4, Z-2023-06
Property located at 5226 & 5228 Main Street
5225 Main LLC, Petitioner

Proposal to potentially develop the site as a four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space (50% restaurant & 50% retail) and 30 upper floor apartments for lease.

Sean Hopkins, Esq., Hopkin Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Tom Fox, Ellicott Development, was also present.

In response to the Board's questions, Mr. Hopkins stated 10% greenspace is required by Town Code, a landscape plan will be addressed during the site plan process, there is a draft easement for the property to N. Forest Road, the down-zoning limits the height to a four-story building which is being proposed, and the 10' setback from the right-of-way is what is allowed by Town Code. Mr. Fox stated the proposal is not intended to have a vehicular connection to the Tops plaza, there may possibly be pedestrian access to the plaza, and they will explore the possibility of a driveway connecting to the plaza.

Jane Cox, 4584 Harlem Road, and Jim Whitefield, 166 Mona Drive, spoke in opposition to the proposal.

No further comments were heard. The hearing was closed.

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

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

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

None

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

MINUTES APPROVAL

May 18, 2023

Ms. Penberthy moved to approve the minutes. The motion was seconded by Ms. Kahn and carried. Ayes 7, Noes 0.

ADJOURNMENT

The Planning Board meeting of June 15, 2023 was adjourned at 7:41 pm.