



**MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
January 16, 2025
6:30 PM**

The Planning Board will hold 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
Michael Chmiel	Town of Amherst	Chair	Present	
John B. Davis	Town of Amherst	Board Member	Present	
Harbinder Gill	Town of Amherst	Board Member	Present	
Carrie H. Kahn	Town of Amherst	Board Member	Absent	
Brittany Lee Penberthy	Town of Amherst	Board Member	Absent	
Joseph P. Raffaele Jr.	Town of Amherst	Board Member	Present	
Jonathan O'Rourke	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	
Gary Palumbo	Town of Amherst	Associate Planner	Present	
Amy Carrato	Town of Amherst	Community Development Assistant	Present	
Jacqueline Berger	Town of	Councilmember	Present	

	Amherst			
Samuel A. Alba	Town of Amherst	Interim Town Attorney	Present	
Sebastiane Odiata	Town of Amherst	Sr. Deputy 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 DEVELOPMENT PARK - BUILDING ADDITION, SP-1988-11P
Property located at 6000-6020 N. Bailey Avenue (BCD)
Benderson Development Co. LLC, Petitioner

Proposed 10,069 square foot building addition to the western end of #6010 Bailey Avenue and reconfiguration/expansion to the parking area on the north side of the development south of Romney Road to provide additional 139 parking spaces on site bringing the total parking to 591 spaces. The petitioner has indicated that they will also be requesting a waiver of required sidewalks along Romney Road.

September 19, 2024

James Boglioli, Esq., Benderson Development Co. 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 Benderson is not moving forward with the previous Delta Sonic site plan and shopping centers are located nearby but are not a part of this site plan.

No further 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 5, Noes 0, Absent 2 (Davis, Raffaele).

October 17, 2024

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to keep the public hearing open and adjourn the request. The motion was seconded by Mr. Giuliani and carried. Ayes 5, Noes 0, Absent 2 (Gill, Kahn).

January 16, 2025

No comments were heard on this proposal.

Following discussion, Mr. Gill moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

RESULT:	ADJOURNED [UNANIMOUS]	Next: 2/20/2025 6:30 PM
MOVER:	Harbinder Gill, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Raffaele Jr., O'Rourke	
ABSENT:	Kahn, Penberthy	

2. PROPOSED RESTAURANT/DRIVE-THRU, SP-2024-09

Property located at 3999 Maple Road
The Mannik & Smith Group Inc., Petitioner

The proposed project is an approximately 547 square foot drive-through coffee shop (7 Brew) with an ancillary 275 square foot external cooler structure. The Site Plan includes internal sidewalks, a seating area, parking, utility improvements, and site lighting/landscaping. The site is primarily drive-thru service with employees entering the building, however, accommodations have been added for a "walk-up area" to accommodate pedestrians.

Julia Chen, Mannik & Smith Group, represented the petitioner, explained the proposal and was available to answer questions from the Board. John Isky, Director of Real Estate was also present.

In response to the Board's questions, Mr. Isky stated this is a franchise with 320 locations in 30 states, there are no public restrooms, the building is for staff only, windows would expose the equipment in the building, elements were added to appear as windows, orders will be placed by a staff member on an ipad, monthly specials will be on a sign under the pick up canopy, a variety of drinks are available, hours of operation are 6 am to 9 pm, and 70% of sales occur after 10 am.

Geri DiCosmo, 378 Meyer Road, spoke in opposition to the proposal.

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

Following discussion, Mr. O'Rourke moved to approve the Negative Declaration. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

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

Following the approval of the Design Exception request, Mr. Gill moved to approve the request based on the resolution. The motion was seconded by Mr. O'Rourke and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Harbinder Gill, Board Member
SECONDER:	Jonathan O'Rourke, Board Member
AYES:	Chmiel, Davis, Gill, Raffaele Jr., O'Rourke
ABSENT:	Kahn, Penberthy

3. PROPOSED PARADISE PARK - RESTROOM BUILDING, SP-2000-04E

Property located at 750 Paradise Road
Town of Amherst, Petitioner

The addition of a 1,245 sq. ft. restroom building that also contains an equipment room at the western end of the existing parking lot along with associated utilities to serve users of the Town Park.

The petitioner is also requesting a waiver of required sidewalk along the Casey Road & Paradise Road frontages of the parcel as the Engineering Department has future plans and a project for pedestrian improvements in the park area.

Mike Hitzel, Town of Amherst Engineering Department represented the petitioner, explained the proposal and was available to answer questions from the Board.

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

Following discussion, Mr. O'Rourke moved to approve the Negative Declaration. The motion was seconded by Mr. Davis and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

Following the approval of the Negative Declaration, Mr. O'Rourke moved to approve the Sidewalk Waiver request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

Following the approval of the Sidewalk Waiver request, Mr. O'Rourke moved to approve the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jonathan O'Rourke, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	Chmiel, Davis, Gill, Raffaele Jr., O'Rourke
ABSENT:	Kahn, Penberthy

4. PROPOSED WAREHOUSE BUILDINGS WITH OFFICE AND UPPER STORY RESIDENTIAL, SP-2024-10
Property located at 5500 Millersport Highway
Stephens Property Holdings LLC, Petitioner

January 16, 2025

No comments were heard on this proposal.

Following discussion, Mr. Raffaele moved to adjourn the request. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

RESULT:	ADJOURNED [UNANIMOUS]	Next: 3/20/2025 12:00 AM
MOVER:	Joseph P. Raffaele Jr., Board Member	
SECONDER:	Harbinder Gill, Board Member	
AYES:	Chmiel, Davis, Gill, Raffaele Jr., O'Rourke	
ABSENT:	Kahn, Penberthy	

5. PROPOSED SAWYERS LANDING RESIDENTIAL/COMMERCIAL USE REVISIONS AND PARCEL SPLIT, SP-2021-05A
Property located at 42-50 Dodge Road (Muir Woods Site A) (NCD)
Sawyers Landing LLC, Petitioner

This site proposes changes to the previously approved "Sawyers Landing" mixed use development on "Site A" of the Muir Woods Development as follows:

- Replacing the previously approved 4 story apartment building in the northwest most portion of the site with a 4 story climate controlled self-storage facility.

- The two 4-story mixed-use buildings closest to Dodge Road, each will now have 15,000 sq. ft. (as previous approved) of 1st floor commercial space (as previous approved) and 56 (51 previously approved) apartment units (5 of which will be on the first floor whereas previously all units were upper story).
- 87 two-story townhomes for sale (previously 22, 2-story duplex townhomes in the central northwest portion of the site, 27 duplex homes on small lots with 2-car garages in the central northeast portion of the site and two 1-story 6 unit apartment buildings with attached garages in the northeast portion of the site).
- The total residential unit count has been reduced to 199 (previously 258 units).
- The total parking count has been reduced to 401 spaces (previously 494 spaces).
- Dividing the parcel into 4 main lots.

Development is proposed predominately in the northern half of the site ('Site A'), with the southern portion that is predominantly wetlands to be donated to the Town. A 0.98± acre area in the northwest corner of the site at the Sweet Home/Dodge Road intersection is proposed as permanent open space. Two (2) curb cuts to Dodge Road are proposed (larger center driveway divided by a median plus a driveway further southeast on Dodge Road). A pedestrian/bike trail extending from Sites B, C and D of the Muir Woods property to the east are proposed to continue to this site, following the southern property line along Dodge Road and winding through the easterly portion of the 'Site A' development. A trail is also shown that connects the proposed bikeway to the Town's existing Ellicott Creek Trailway on the south side of Dodge Road. A 6-ft. high fence is shown on plans along the north property line that abuts the "Bucyrus Heights" residential neighborhood and Heritage Heights Elementary School.

January 16, 2025

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. William and Alex Sevryn were also present.

No comments were heard on this proposal.

Following discussion, Mr. Raffaele moved to adjourn the request. The motion was seconded by Mr. O'Rourke and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy).

RESULT:	ADJOURNED [UNANIMOUS]	Next: 2/20/2025 6:30 PM
MOVER:	Joseph P. Raffaele Jr., Board Member	
SECONDER:	Jonathan O'Rourke, Board Member	
AYES:	Chmiel, Davis, Gill, Raffaele Jr., O'Rourke	
ABSENT:	Kahn, Penberthy	

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

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**

November 21, 2024

Mr. Davis moved to approve the minutes. The motion was seconded by Mr. Raffaele and carried. Ayes 4, Noes 0, Abstain 1 (O'Rourke), Absent 2 (Kahn, Penberthy).

ADJOURNMENT

Mr. Davis moved to adjourn the meeting. The motion was seconded by Mr. O'Rourke and carried. Ayes 5, Noes 0, Absent 2 (Kahn, Penberthy). The Planning Board meeting of date was adjourned at time pm.