



Zoning Board of Appeals

Regular Meeting

Minutes

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Tuesday, February 14, 2023

6:30 PM

Amherst Municipal Building

I. Call to Order

6:30 PM Meeting called to order on February 14, 2023 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Ann M. Nichols	Town of Amherst	Member	Present	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Present	
Brian Bray	Town of Amherst	Member	Present	
Ellen Parker	Town of Amherst	Member	Absent	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Present	
Ann Demopoulos	Town of Amherst	Deputy Town Attorney	Present	

II. APPROVAL OF MINUTES

1. Tuesday, January 24, 2023

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Kelly J. Philips, Member
SECONDER:	Brian Bray, Member
AYES:	Ann M. Nichols, Ronald Shubert, Kelly J. Philips, Brian Bray
ABSENT:	Ellen Parker

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 27094)

16 Rockford Place - Area Variance

The petitioners proposed electrical generator will be 1.5 feet from the east property line.

02/14/2023

Petitioner, John Davis, spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols moved to close the hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Bray, Member
SECONDER:	Ronald Shubert, Member
AYES:	Ann M. Nichols, Ronald Shubert, Kelly J. Philips, Brian Bray
ABSENT:	Ellen Parker

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Member Philips moved to adjourn, seconded by Member Bray and unanimously approved 4-0. The Zoning Board of Appeals meeting of February 14, 2023 was adjourned at 6:35 PM.



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Francina J. Spoth
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Meeting: 02/14/23 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 27094

ZBA ITEM (ID # 27094)

APPROVED

16 Rockford Place - Area Variance

WHEREAS, **John Barnett & Kenyani Shareen Davis** has made application for an Area Variance(s), under

SECTION: 3-6-3B

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

16 Rockford Place within a R-3 Zoning District

The petitioner's proposed **electrical standby generator** will be **1.5** feet from the **east** property line whereas, the zoning ordinance requires a minimum of **3** feet, AND

WHEREAS, a public hearing was held on **February 14, 2023** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Bray, Member
SECONDER:	Ronald Shubert, Member
AYES:	Nichols, Shubert, Philips, Bray
ABSENT:	Parker