



Zoning Board of Appeals

Regular Meeting

Agenda

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

Francina J. Spoth
Town Clerk

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Amherstny.igfm2.com

Tuesday, September 19, 2023

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Member Ann M. Nichols	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	
Member Brian Bray	☐	☐	☐	
Member Ellen Parker	☐	☐	☐	

II. APPROVAL OF MINUTES

1. Tuesday, August 15, 2023

III. HEARINGS ON APPEALS

A. ZBA Items

1. 6 Belvoir Road- Area Variance

The petitioner's proposed 6 foot high fence will be 0 feet from the north property line, whereas, the zoning ordinance requires 10 feet minimum.

2. 324 Mill Street - Area Variance

The petitioners porch enclosure will cause the principal building to be 26 feet from the east (front) property line, whereas, the zoning ordinance requires 30 feet minimum.

3. 294 Robin Hill Drive - Area Variance

The petitioner's generator will be 1.75 feet from the west property line, whereas, the zoning ordinance requires 3 feet minimum.

4. 139 Indian Trail - Area Variance

The petitioner's proposed attached garage creates a total of 2,413 s.f. for all accessory structures, whereas, the zoning ordinance permits a maximum area of 886.48 s.f.

5. 391 Lakewood Parkway- Area Variance

The petitioner's egress window well will be 1.94 feet from the south property line, whereas, the zoning ordinance requires 2.5 feet minimum.

HISTORY:**08/15/23****Zoning Board of Appeals****ADJOURNED****Next: 09/19/23****6. 4205 Tonawanda Creek Rd. - Area Variance**

The petitioner's accessory garage will be 900 s.f. in area creating a total of 1,231 s.f. for all accessory structures, whereas, the zoning law limits all accessory structures to 75% of the principal building, or in this case 665 s.f.

7. 4831 Harlem Road - ODA

The petitioner desires to create two single family home parcels having frontage along a private road, and whereas, an approval of an open area development is required for proposed lot number 2, which will not have frontage on a public road.

8. 3190 Niagara Falls Blvd. - Temp. Use Permit

The petitioner desires to establish a temporary trailer for the collection of donated clothing and second hand goods which will not be accessory to an existing business on the premises.

9. 6000-6040 North Bailey Ave. - Area Variance

The petitioners' vehicle use area (VUA) expansions will be 0 feet from the north property line and 0 feet from the east property line, whereas, the zoning ordinance requires 25 feet along road right of ways, and whereas, the VUA expansion will be a minimum of 5.5 feet along the south property line, whereas, a minimum setback of 10 feet is required, and whereas, the proposed parking area expansions will not provide vegetative screening along the property lines, and whereas, the exterior lighting of the VUA's at the property lines will be 2.9 foot candles, whereas, the zoning ordinance permits a maximum of 0.5 foot candles.

10. 3275 & 3325 Millersport Highway - Area Variance

The petitioner's building numbers 1, 2 & 3 are 180.67 feet long, building number 4 is 210.67 feet long and building number 5 is 270.67 feet long, whereas, the zoning board of appeals limited building numbers 1, 2, 3 & 4 to 180 feet long, and building number 5 to 240 feet long, and whereas, the side yard setbacks for buildings number 1 & 2 will be 22.5 feet from a new internal property line, whereas the zoning ordinance requires 49.8 feet, and whereas, the vehicle use areas adjacent to the new internal property line separating phase 1 and phase 2 will be 0 feet from such new property line, whereas, the zoning ordinance requires a minimum set back of 5 feet, and whereas, a medium impact landscaping screen will not be provided along the new internal property line separating phase 1 and phase two as required by the zoning ordinance, and whereas, parking provided for parcel 2 is 112 parking spaces, whereas, 120 parking spaces are required.

HISTORY:**08/15/23****Zoning Board of Appeals****ADJOURNED****Next: 09/19/23****11. 190 Maple Road - Use Variance**

The Petitioner desires to utilize a portion of his/her premises for additional off-street parking accessory to his/her medical office building, whereas, the Zoning Board of Appeals in its previous use variance approval prohibited further development of the site.

08/15/2023

Atty Jeffrey Palumbo spoke on behalf of the Petitioner and answered questions from the board.

Judy Colton, 190 Maple Road and Kathleen Aquillina ,215 Maple Road, spoke in opposition.

There were no further speakers from the public, therefore Chairwoman Nichols closed the public hearing.

HISTORY:**08/15/23****Zoning Board of Appeals****ADJOURNED****Next: 09/19/23****12. 4196 Sherian Drive - Temporary Use Permit**

The petitioners desire to use their property for a commercial use (landscaping business) which, is not permitted in the R-3 residential zoning district.

06/13/2023

Ari Goldberg, Esquire for the petitioners indicated that he would not be providing an overview of his clients' request and requested that the public be provided with an opportunity to offer testimony and that the Board adjourn the matter until its August meeting as recommended by the Planning Department.

The petitioners and several of their customers spoke in favor of the request.

Sandra M. Koerber of 54 Frankhauser Rd. spoke in opposition.

HISTORY:**06/13/23****Zoning Board of Appeals****ADJOURNED****Next: 08/15/23****08/15/23****Zoning Board of Appeals****ADJOURNED****Next: 09/19/23****IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING**