



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.igm2.com

Tuesday, December 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, November 14, 2023

III. HEARINGS ON APPEALS

1. 16 Nicole Court - Area Variance

The petitioner's standby generator will be 3.75 feet from the south property line, whereas, the Zoning Ordinance requires a minimum setback of 5 feet.

2. 27 Arcadian Drive - Area Variance

The petitioner's garage addition will be a minimum of 6.3 feet from the north property line, whereas, the zoning ordinance requires a minimum of 8 feet.

3. 605 Grover Cleveland Highway - Area Variance

The petitioner's proposed standby generator will be 5.95 feet from the rear property line, whereas, the zoning ordinance requires a minimum setback of 15 feet, and whereas, the proposed generator will be 17.46 feet from the side property line, whereas the zoning ordinance requires a minimum setback of 30 feet, AND

4. 5195 Main Street - Area Variance

The petitioner's proposed building addition will be within the clear vision triangle located within the northwest corner of the parcel, whereas, the zoning ordinance does not permit

walls higher than 2 feet within such clear vision triangle.

HISTORY:

11/14/23 **Zoning Board of Appeals**
Next: 12/19/23

ADJOURNED

5. 3030 Niagara Falls Boulevard - Area Variance

The petitioner's total signage is 389.9 s.f. in area whereas, the zoning ordinance permits a maximum of 247.4 s.f.

6. 3100 Niagara Falls Boulevard - Area Variance

The petitioner's total signage is 1351.77 s.f. in area whereas, the decision of the Zoning Board of Appeals on December 21, 2021 limited total signage for the subject site to 1342.77 s.f.

7. 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.

HISTORY:

09/19/23 **Zoning Board of Appeals**
Next: 10/17/23

ADJOURNED

10/17/23 **Zoning Board of Appeals**
Next: 11/14/23

ADJOURNED

11/14/23 **Zoning Board of Appeals**
Next: 12/19/23

ADJOURNED

8. 1138 Millersport Highway - Area Variance

The petitioner's proposed sign is attached to an accessory structure, whereas, the Zoning Ordinance prohibits the placement of signs on accessory structures.

HISTORY:

11/14/23 **Zoning Board of Appeals**
Next: 12/19/23

ADJOURNED

9. 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.

10/17/2023

Atty Jeffrey Palumbo and Petitioner Peter Demakos spoke and answered questions from the board.

Mary Jo Dudek, 4835 Harlem, spoke in opposition.

Jane Cox, 4585 Harlem, also spoke in opposition.

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

HISTORY:

09/19/23 Next: 10/17/23	Zoning Board of Appeals	ADJOURNED
10/17/23 Next: 11/14/23	Zoning Board of Appeals	ADJOURNED
11/14/23 Next: 12/19/23	Zoning Board of Appeals	ADJOURNED

10. 106 Lebrun Circle - Area Variance

The petitioner's proposed accessory garage will be 30 feet tall, whereas, the zoning ordinance limits the height to 20 feet maximum.

HISTORY:

10/17/23 Next: 11/14/23	Zoning Board of Appeals	ADJOURNED
11/14/23 Next: 12/19/23	Zoning Board of Appeals	ADJOURNED

11. 5226 & 5228 Main Street - Area Variance

The petitioner's proposed building will be 54 feet in height, whereas, the zoning ordinance permits 45 feet maximum, and whereas, the building frontage being provided is 43% of the lot width, whereas, the zoning ordinance requires 75% minimum, and the petitioner's ground floor amenity space will have a dimension that is 10 feet in width, whereas a minimum dimension of 15 foot is required, and whereas the parking stalls along the west property line will be 18 feet in depth, whereas, the zoning ordinance requires 19 feet minimum, and whereas, terminal landscaped islands will not be provided at the ends of all parking rows, and whereas, the petitioner is providing 3% of his/her interior parking area with green space, whereas a minimum of 5 % is required.

12. 6812, 6814 & 6832 Main Street- Area Variance

The petitioner's proposed building will be 69.4 feet from the centerline of Main Street, whereas, the Zoning Ordinance requires 115 feet minimum, and whereas, the proposed building will be 10 feet from the west property line, whereas 25 feet minimum is required, and whereas the building will be 2.4 feet from the east property line, whereas 25 feet is required and whereas, the building will be 110.7 feet from the MFR-5 zoning district line which is within the center of the project site, whereas, 150 feet is required, and whereas, the proposed restricted parking lot within the MFR-5 zoning district will comprise 53% percent of the required parking for the mixed use building, whereas, a maximum of 25 % of such parking is permitted and whereas, the proposed parking area will take vehicular access from a local road whereas, the zoning ordinance permits non-residential uses to take access from a local road when no higher road classification is available

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING