



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, February 13, 2024

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Member Brian Bray	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	
Member Ellen Parker	☐	☐	☐	
Member Erik A. Goergen	☐	☐	☐	

II. APPROVAL OF MINUTES

1. Tuesday, January 16, 2024

III. HEARINGS ON APPEALS

1. 1370 Dodge Road

The petitioner desires to park his/her commercial vehicle at his/her residential premises, whereas, the zoning ordinance does not permit the parking of commercial vehicles on residential parcels when such vehicles exceed a 3/4 ton capacity.

2. 31 Brenon Road - Area Variance

The petitioners' addition to her dwelling will be 20.31 feet from the north property line whereas, the zoning ordinance requires 30 feet minimum.

3. 400 Wehrle Drive - Area Variance

The petitioner's proposed sports field lighting will have illumination levels exceeding 0.5 foot candles along the east and west property lines, whereas, the zoning ordinance limits exterior lighting spillover to a maximum of 0.5 foot candles along non residential property lines and public rights of way.

4. 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.

01/16/2024

Adjourned to next meeting as requested by Petitioner.

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
12/19/23 Next: 01/16/24	Zoning Board of Appeals	ADJOURNED
01/16/24 Next: 02/13/24	Zoning Board of Appeals	ADJOURNED

5. 4174 Bailey Avenue - Area Variance

The petitioner's proposed LED message center sign will be on a parcel which is zero feet from a residential zoning district, whereas, the zoning ordinance requires a minimum setback of 500 feet for message center signs.

01/16/2024

The Petitioner spoke and answered questions from the Board.

Robert Stockdale, 300 Maynard, spoke in opposition.

There were no further speakers from the public, therefore Chairman Bray closed the public hearing.

HISTORY:

01/16/24 Next: 02/13/24	Zoning Board of Appeals	ADJOURNED
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6. 2350 Sweet Home Road - Area Variance

The distance separation between the petitioner's proposed town home buildings numbered 7,8,9,15 and 16 will be less than required by the zoning ordinance as follows:

Building separations between buildings 7&8, 8&15, and 15&16 will be 16.17 feet whereas, the zoning ordinance requires 27 feet minimum, and

Building separations between buildings 9&10 will be 17.29 feet whereas, the zoning ordinance requires 29.88 feet minimum.

7. 4300 Millersport Highway - Area Variance

The petitioner's proposed patio homes/town homes will be 20 feet from the proposed public right of way, whereas the zoning ordinance permits a maximum setback of 6 feet, and whereas, proposed patio home buildings number 1 and 38 will be 16 feet and 91.5 feet from the Smith Road right of way respectively whereas the zoning ordinance permits a maximum setback of 6 feet and whereas, the proposed sanitary sewer pump station structure will be 10 feet from the proposed road right of way, whereas the zoning ordinance permits a maximum setback of 6 feet.

8. 3945 Rensch Road - Area Variance

The petitioner's first floor elevation will be zero feet from grade, whereas, the zoning ordinance requires the first floor to be a minimum of 24 inches from grade.

9. 1459 Niagara Falls Boulevard - Area Variance

The petitioner's proposed restaurant building will be 22 feet tall, whereas the zoning ordinance requires a minimum height of 30 feet, and whereas, the driveway servicing the subject property has a throat depth of 36.46 feet whereas, the zoning ordinance requires a minimum depth of 100 feet, and whereas, the front facade will have a transparency of 26% whereas a minimum of 60 % is required, and whereas the petitioner desires to utilize a motor vehicle as a thematic sign, whereas the zoning ordinance does not permit the use of vehicles for signage, and whereas, a large deciduous tree will not be provided in a interior island as required by the zoning ordinance.

10. 6812,6814& 6832 Main Street & 29-37 Tennyson Terrace SUP- Restricted Parking Lot

The petitioner desires to construct an accessory parking lot on 29 Tennyson Terrace, to provide parking for his proposed mixed use building at 6812-6814 & 6832 Main Street, whereas, the zoning ordinance permits such accessory parking lots in a residential zoning district if a special use permit is granted by the Zoning Board of Appeals.

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING