



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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<https://www.youtube.com/@townofamherstnewyork>

Tuesday, August 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, June 18, 2024

III. HEARINGS ON APPEALS

1. 183 W. Royal Parkway - Area Variance

The petitioner's proposed replacement fence will be 6 feet and 4 feet in height along the south property line, whereas, the zoning law requires such fencing to be a minimum of 3 feet from the south property line, and whereas, the 4 foot high chain link fence will be within the clear vision triangle, whereas, the zoning ordinance does not permit any fence to exceed 2 feet in height within such triangle.

2. 191 W. Royal Parkway - Area Variance

The petitioner's proposed replacement fence will be 6 feet and 4 feet in height along the north property line, whereas, the zoning law requires such fencing to be a minimum of 10 feet from the north property line, and whereas, the 4 foot high chain link fence will be within the clear vision triangle, whereas, the zoning ordinance does not permit any fence to exceed 2 feet in height within such triangle.

3. 109 Old Farm Circle - Area Variance

The petitioner's proposed accessory shed will be 12 feet from the east property line, whereas, the zoning ordinance requires 30 feet minimum.

4. 230 Springville Avenue - Area Variance

The petitioner's proposed A/C condenser unit will be 1.5 feet from the west property line, whereas, the zoning ordinance requires 3 feet minimum.

5. 6486 Main Street - Area Variance

The petitioner's proposed generator will be 7.6 feet from the east property line, whereas, the zoning ordinance requires 15 feet minimum.

6. 145 Inn Keepers Lane - Area Variance

The petitioner's proposed electrical panel platform will be a minimum of 3 feet from the west property lines, whereas, the zoning ordinance requires 20 feet, and whereas, the charging stations will be a minimum of 6 feet from the west property line, whereas, a 20 foot setback is required, and whereas, the petitioner's protective bollard locations will cause the parking stalls to be less than 19 feet deep as required by the zoning ordinance.

7. 30 Indian Trail - Area Variance

The petitioner's recently constructed 6 foot high fence is within the required front yard, whereas, the zoning ordinance limits the height of fencing to 3 feet maximum within the required front yard.

8. 5 Jeffrey Drive - Area Variance

The petitioner's proposed residential addition will be a minimum of 18'-8" from the north property line, whereas, the zoning ordinance requires 30 feet minimum.

9. 79 Brenon Road - Area Variance

The petitioner's proposed residential addition will be 19.74 feet from the north property line, whereas, the zoning ordinance requires 30 feet minimum.

10. 6254 Main Street - Area Variance

The petitioner's proposed two family dwelling will be a minimum of 11 feet from the west and east property lines, whereas, the zoning ordinance requires 40 feet minimum, and the proposed dwelling will be 19'-11" from the north property line, whereas, the zoning ordinance requires 40 feet minimum.

11. 6000-6040 N. Bailey Avenue - Area Variance

The petitioner's vehicle use area (VUA) will be 0 feet along Romney Rd, whereas, the zoning ordinance requires a 25 foot setback, and the VUA along the south property line will be a minimum of 5.5 feet whereas, the zoning ordinance requires 10 feet minimum, and the VUA along N. Bailey Road will be 0 feet, whereas, the zoning ordinance requires 25 feet, and whereas, the exterior lighting lumen levels will be 2.9 foot candles along the property lines whereas, the zoning ordinance permits a maximum of 0.5 foot candles, and whereas, the VUA's will not be screened.

12. 4795 Sheridan Drive- Area Variance

The petitioner's proposed building number 2 is ~~35.76~~ ~~26.60~~ 25.60 feet from the front property line, whereas, the zoning ordinance requires ~~50~~ 55.16 feet minimum, and whereas, proposed buildings numbers ~~1 and 2~~ 2 will be ~~33~~ 24.66 feet ~~27.65 feet and 25.65~~ respectively from the east property line, whereas, the zoning ordinance requires ~~60 feet and 50~~ ~~66~~ 55.16 feet respectively, and whereas, the proposed number of dwelling units will be ~~(26)~~ ~~(21)~~ (12) 2 bedroom units, (2) 3 bedroom units and ~~(5)~~ (8) 1 bedroom units, which requires a minimum of 2.12 +/- acres whereas, the petitioner's parcel is 2.06 +/- acres, and whereas, the proposed vehicle use areas adjacent to both buildings will be a minimum of ~~8~~ 6 feet from the main building wall, whereas, the zoning ordinance requires 15 feet minimum.

06/18/2024

Attny Sean Hopkins and Petitioner Robert Savarino of RAS Development spoke and answered questions from the Board.

Attorney Cole M. Knoer, spoke on behalf of the neighbors in opposition.

Marc DiGiore - 4785 Sheridan, Edward Marecki - 4765 Sheridan, Carrie Wanamaker - 4775 Sheridan, spoke in opposition.

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

HISTORY:

05/14/24 **Zoning Board of Appeals** **ADJOURNED**
Next: 06/18/24

06/18/24 **Zoning Board of Appeals** **ADJOURNED**
Next: 08/13/24

ATTACHMENTS:

- Concept Site Plan-Drawing C-100-Date-06-14-24 (PDF)
- Amended Variance Application & Supporting Documentation-Date-06-14-24 (1)-compressed (PDF)

13. 9 Turnberry Drive - Area Variance

The petitioner's proposed fence will be 8 feet in height, whereas, the zoning ordinance limits fencing to 6 feet maximum in residential zoning districts.

HISTORY:

06/18/24 **Zoning Board of Appeals** **ADJOURNED**
Next: 08/13/24

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING