



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, February 18, 2025

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

III. HEARINGS ON APPEALS

1. 136 Harbridge Manor - Area Variance

The petitioner's backup generator will be 3.32 feet from the west property line, whereas, the zoning ordinance requires a minimum of 5 feet.

2. 129 Bernhardt Drive - Area Variance

The petitioner's air conditioner unit will be 7 inches from the south property line, whereas, the zoning ordinance requires a minimum of 3 feet.

3. 4025 Main Street - Area Variance

The petitioner's building addition will be 20'-3" from the rear property line, whereas, the zoning ordinance requires a minimum of 30 feet.

4. 4901 N. French Road - Area Variance

The petitioner's lot is 15.93 feet in width along N. French Road, whereas, the zoning ordinance requires a minimum of 60 feet in width.

5. 4220 Sheridan Drive - Area Variance

The petitioner's reconstructed convenience store/fueling station will be 86.25 feet from the centerline of Sheridan Drive, whereas the zoning ordinance requires 115 feet minimum, and whereas, the proposed backflow prevention device will be 2.5 feet from the west property line, whereas, the zoning ordinance requires a minimum of 10 feet.

6. 3315-3333 Millersport Highway - Area Variance

The petitioner's rear yard setback (south) of Building No. 3 from the internal property boundary is 12.66 feet, whereas, the zoning ordinance requires 49.8 feet, and whereas the side yard setback (north) of Building No. 4 from the internal property boundary is 10 feet whereas, the zoning ordinance requires 37.35 feet, and the rear yard setback (east) of Building No. 4 from the internal property boundary is 15.19 feet whereas, the zoning ordinance requires 49.8 feet, and whereas, the vehicle use areas for the phase 1 and phase 2 parcels will be zero feet from the internal property line, whereas, the zoning ordinance requires 5 feet minimum, and whereas, medium impact landscaping will not be provided between the phase 1 and phase 2 internal property line as required.

7. 42-50 Dodge Road - ODA Request

The petitioner's proposed town homes located on proposed development parcels 3 and 4 are on land which does not have public road frontage, whereas such parcels must receive open development area approval pursuant to NYS Town Law Section 280-a for permits to be issued for the construction of such town homes, without public road frontage.

8. 4795 Sheridan Drive - Area Variance

The petitioner's proposed building number (1) will be 39.41 feet from the east property line, whereas, the zoning ordinance requires 48.87 feet.

01/14/2025

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

Attny Cole. M Knoer, spoke on behalf of Marc DiGiore

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

11/19/2024

Attny Sean Hopkins, on behalf of 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, spoke in opposition.

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

10/16/2024

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

There were no speakers from the public, therefore Chairman Bray moved to hold the hearing open and adjourn the matter to the 11/19/2024 meeting.

HISTORY:

10/16/24 **Zoning Board of Appeals** **ADJOURNED**
 Next: 11/19/24

11/19/24 **Zoning Board of Appeals** **ADJOURNED**
 Next: 01/14/25

01/14/25 **Zoning Board of Appeals** **ADJOURNED**
 Next: 02/18/25

ATTACHMENTS:

- LWRP Consistency _draft resolution 4795 Sheridan Drive_11_19_2024 (DOC)

9. 2577 Millersport Hwy - Area Variance

The petitioner desires to establish an accessory drive through to an existing restaurant, whereas, the zoning ordinance does not permit restaurants with drive through service windows within the NB-Neighborhood Business zoning district, and whereas, the proposed drive through order board /speaker will be 20 feet ± from a residential district boundary, whereas, a minimum 100 foot setback is required.

01/14/2025

Jeffery Palumbo, Esq., spoke and answered questions from the Board.

Melissa Semidey Finley, 33 Collins Ct, Anthony Palumbo, 39 Collins Ct, spoke in opposition.

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

HISTORY:

01/14/25 **Zoning Board of Appeals** **ADJOURNED**
 Next: 02/18/25

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING