



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, March 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

1. Tuesday, February 18, 2025

III. HEARINGS ON APPEALS

1. 655 New Rd - Temporary Use Permit

The petitioner desires to establish a public works construction yard on a temporary basis for the reconstruction of New Road, whereas, such uses are not permitted within the CF-Community Facilities zoning district.

2. 1500 N Forest Rd - Area Variance

The petitioner's proposed attached garage will be 15 feet 2 inches from the north property line, whereas, the zoning ordinance requires 30 feet minimum.

3. 500 Crosspoint Pkwy - Area Variance

The petitioner's way finding signage is 19.5 square feet in area, whereas, the zoning ordinance limits such signage to a maximum of 16 square feet in area.

4. 9860 Transit Rd - Area Variance

The applicant is seeking relief from having to create a coordinated sign plan, as the rear property is the only building seeking signage at this time. The front building is residential apartments and bears no signage.

5. 5150 Main Street - Area Variance

The petitioner's intensification of use requires 37 parking spaces, whereas, he/she is providing 18 spaces, and whereas, the southerly parking access aisle is 22.6 feet wide and the northerly access aisle is 19.5 feet wide, whereas, the zoning ordinance requires 24 feet minimum, and whereas, the total building signage will be 408 s.f. in area, whereas, the zoning ordinance limits signage to 270s.f., and whereas, termination landscape islands and building perimeter landscaping is not being provided.

6. 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		

02/18/25	Zoning Board of Appeals	ADJOURNED
Next: 03/18/25		

7. 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, and whereas, the existing vehicle use area along the west property line will not provide a high impact landscaping screen, but only a solid fence.

HISTORY:

02/18/25	Zoning Board of Appeals	ADJOURNED
Next: 03/18/25		

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.

02/18/2025

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

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

There were no speakers from the public, therefore Member Shubert moved to close the hearing, seconded by Member Goergen with a 4-0 decision, and Member Shubert moved to Adjourn the meeting seconded by Member Parker with a 4-0 decision.

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 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 Next: 11/19/24	Zoning Board of Appeals	ADJOURNED
11/19/24 Next: 01/14/25	Zoning Board of Appeals	ADJOURNED
01/14/25 Next: 02/18/25	Zoning Board of Appeals	ADJOURNED
02/18/25 Next: 03/18/25	Zoning Board of Appeals	ADJOURNED

ATTACHMENTS:

- LWRP Consistency _draft resolution 4795 Sheridan Drive_11_19_2024 (DOC)

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

V. ZBA Items