



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, April 15, 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, March 18, 2025

III. HEARINGS ON APPEALS

1. 119 Burroughs Drive - Area Variance

The petitioner's back up generator will be 23 inches from the north property line, whereas, the zoning ordinance requires 3 feet minimum.

2. 387 North Ivyhurst Road - Area Variance

The petitioner's proposed reconstructed baseball field project will not be providing landscaping adjacent to the north building wall of the restroom building and interior curbed islands with trees within the parking area as required by the zoning ordinance.

3. 4100 Sheridan Drive - Temporary Use Permit

The petitioner desires to utilize approximately 25 off-street parking spaces for an existing hotel on a temporary basis to accommodate his/her surplus parking needs for his/her used automobile dealership at 4131 Sheridan Drive.

4. 1099 North Forest Road - Special Use Permit Type 2 Home Occupation

The petitioner desires to utilize a portion of his dwelling for a sales showroom to permit customers /clients visit his residence to inspect food product samples which product is being

wholesaled of premises whereas, the zoning ordinance requires the zoning board of appeals to issue a special use permit for such accessory use when the activity requires outside visitors, clients or deliveries .

5. 390 LeBrun Road - Special Use Permit Accessory Dwelling Unit

The petitioner desires to utilize an existing residential addition for an accessory dwelling unit (ADU) whereas, the zoning ordinance requires the zoning board of appeals to issue a special use permit for such accessory residential use.

6. 4780 Sheridan Drive - Area Variance

The petitioner's proposed townhomes will be on lots outside of a HOA common area which will be 5,058 s.f. in area, whereas, the zoning ordinance requires a minimum lot area of 5,850 s.f. and, whereas, the lots will be 52.15 wide, whereas, the zoning ordinance requires 90 feet, and whereas, the townhomes will provide a 25 foot setback to the front parcel line, whereas, the zoning ordinance requires 30 feet, and whereas, the townhomes will provide an 8 foot setback to the rear parcel line, whereas, the zoning ordinance requires 30 feet, and whereas the townhomes will provide a minimum side setback of 0 feet, whereas, the zoning ordinance requires 8 feet, and whereas, the combined side yards for each lot will be 10 feet whereas, the zoning ordinance requires 20 feet, and whereas the maximum building coverage on each lot will be 44.5 percent , whereas, the zoning ordinance permits a maximum of 35 percent.

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, and whereas the refuse enclosure will be 5 feet from the west property line, whereas a minimum setback of 10 feet is required, and whereas a 3 foot landscaped area is not being provided adjacent to the building as required by the zoning ordinance.

HISTORY:

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

ADJOURNED

03/18/25 **Zoning Board of Appeals**
Next: 04/15/25

ADJOURNED

8. 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.

03/18/2025

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

Kathy Semidey & Dr. Robert Semidey, 33 Collins Ct, spoke in opposition.

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

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 Next: 02/18/25	Zoning Board of Appeals	ADJOURNED
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IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING