



Zoning Board of Appeals

Regular Meeting

Minutes

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Tuesday, June 17, 2025

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Brian Bray	Town of Amherst	Member	Present	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Present	
Ellen Parker	Town of Amherst	Member	Present	
Erik A. Goergen	Town of Amherst	Member	Present	
Vianne Uthman	Town of Amherst	ZBA Secretary	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Greg Dionne	Town of Amherst	Clerk	Present	
Samuel A. Alba	Town of Amherst	Senior Deputy Town Attorney	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	

II. APPROVAL OF MINUTES

1. Tuesday, May 13, 2025

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 30559)

1790 N. French Road - Temporary Use Permit

The petitioner desires to establish a temporary construction staging area for a NYSDOT road improvement project on a site previously disturbed and improved with a stone lot, whereas, public works construction yards are not permitted in the SA-Suburban Agricultural zoning district.

06/17/2025

The ZBA discussed the application, and ruled without the petitioner being present.

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

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

2. ZBA Item (ID # 30554)

40 Hampton Court- Special Use Permit ADU

The petitioner desires to establish an attached accessory dwelling unit as a participant in the Town's ADU Pilot Program, whereas, the Zoning Ordinance requires the Zoning Board of Appeals to grant a special use permit to establish such accessory use.

06/17/2025

Vanessa Fineberg spoke on behalf of the Petitioner and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

3. ZBA Item (ID # 29397)

438 Callodine Avenue- Area Variance

The petitioner's recently constructed fence is 4 feet in height within the required front yard, whereas, the zoning ordinance, does not permit fencing to exceed 3 feet in height within the required front yard.

10/16/2024

Petitioner Emdad Hossain spoke and answered questions from the Board.

Michael Colella 420 Callodine, Paul Campbell 426 Callodine, Lauri Howard 430 Callodine, spoke in opposition.

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

06/17/2025

Petitioner spoke and answered questions from the Board.

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

HISTORY:

09/17/24 **Zoning Board of Appeals**
Next: 10/16/24

ADJOURNED

10/16/24

Zoning Board of Appeals

ADJOURNED

Next: 06/17/25

RESULT:	ADJOURNED [UNANIMOUS]	Next: 8/19/2025 6:30 PM
MOVER:	Ronald Shubert, Member	
SECONDER:	Erik A. Goergen, Member	
AYES:	Bray, Shubert, Philips, Parker, Goergen	

4. ZBA Item (ID # 30532)

154 San Fernando Ln - Area Variance

The petitioner's 6 foot high replacement fence will be 0 feet from the south property line, whereas, the zoning ordinance requires 10 feet minimum.

06/17/2025

Petitioner spoke and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

5. ZBA Item (ID # 30558)

27 Arcadian Drive - Area Variance

The petitioner's proposed shed will be 3 feet from the existing pool house, whereas, the zoning ordinance requires a minimum building separation of 5 feet.

06/17/2025

Petitioner Spoke and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

6. ZBA Item (ID # 30533)

4 Shadow Wood Dr - Area Variance

The petitioner's proposed addition will be 21 feet 10 inches from the east property line, whereas, the zoning ordinance requires 30 feet minimum.

06/17/2025

Attorney Sean Hopkins and the Petitioner Spoke and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

7. ZBA Item (ID # 30549)

78 Brandywine Dr - Area Variance

The petitioner's rear covered porch will be a minimum of 2 feet 11 inches from the south property line, whereas, the zoning ordinance requires 8 feet minimum.

06/17/2025

Architect Brian Effinger spoke and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

8. ZBA Item (ID # 30550)

620 Schoelles Rd - Area Variance

The petitioner's proposed 1,024 square foot garage will create a total building area for all accessory structures of 1,720 square feet, whereas, the zoning ordinance limits the building area to 1,019 square feet.

06/17/2025

The Petitioner spoke and answered questions from the Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

9. ZBA Item (ID # 30557)

6460 Main Street - Area Variance

The petitioners' proposed wall sign will create a total sign area of 163.6 s.f., whereas the Zoning Ordinance limits the premises to 82 s.f. in sign area, and whereas, the petitioner desires to modify an existing non conforming ground sign that is a minimum of 12.5 feet from the Main Street road ROW, whereas the zoning ordinance, requires a 15 foot setback, and whereas, the existing sign is within the corner visibility triangle, whereas the Zoning Ordinance does not permit such obstructions.

06/17/2025

Corinne Sands, 3979 State Rte 206, Green, NY, Spoke and answered questions from the

Board.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

10. ZBA Item (ID # 30556)

77 Country Parkway - Area Variance

The petitioner's proposed single family lot will be 55 feet in width, whereas, the Zoning Ordinance requires 65 feet minimum.

06/17/2025

The Petitioner spoke and answered questions from the Board.

Sandra Barillari, 74 Country Pkwy, spoke in favor.

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

RESULT:	APPROVED [4 TO 1]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Brian Bray, Ronald Shubert, Ellen Parker, Erik A. Goergen
NAYS:	Kelly J. Philips

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Vice chair Shubert moved to adjourn, seconded by Member Philips and unanimously approved 5-0. The Zoning Board of Appeals meeting of June 17, 2025 was adjourned at 7:37PM



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 06/17/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.1

DOC ID: 30559

ZBA ITEM (ID # 30559)

APPROVED W/ CONDITIONS

1790 N. French Road - Temporary Use Permit

WHEREAS, **Oakgrove Construction Inc. /Anthony Cimato** have made application for a Temporary Use Permit, under

SECTION: 3-3-2A

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

1790 North French Road within a SA Zoning District

The petitioner desires to a **temporary public works construction** yard on a temporary basis which requires the issuance of a temporary use permit by the Amherst Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following criteria detailed in section 8-8-6 of the Town of Amherst Zoning Ordinance, AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the proposed use:

-) **is of a temporary nature and does not involve the erection or enlargement of any permanent structure;**
-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **generally meets the criteria as specified in section 6-3-5;**
-) **will be compatible with the existing uses adjacent to and near the property;**
-) **will be in harmony with the general purpose of the Zoning Ordinance;**
-) **will not tend to depreciate the value of adjacent property;**
-) **will not create a hazard to health, safety or the general welfare;**
-) **will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and**
-) **will not otherwise be detrimental to the public convenience and welfare, AND**

WHEREAS, this Board believes it is necessary to impose the following conditions on its approval of the temporary use permit to minimize adverse impacts upon other property

in the neighborhood; AND

1. Storage/Staging Activities shall be limited to the existing disturbed areas improved with stone.
2. Temporary Use Permit will not exceed 24 months

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT a Temporary Use Permit for the subject address.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



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Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.2

DOC ID: 30554

ZBA ITEM (ID # 30554)

APPROVED

40 Hampton Court- Special Use Permit ADU

WHEREAS, **Sharon Visciano Fineberg** has made application for a Special Use Permit, under

SECTION: 6-8-2

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

40 Hampton Court within a R-3 Zoning District

The petitioner desires to establish an attached accessory dwelling unit as a participant in the Town's ADU Pilot Program, whereas, the Zoning Ordinance requires the Zoning Board of Appeals to grant a special use permit to establish such accessory use, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following criteria detailed in section 8-6-7 of the Town of Amherst Zoning Ordinance, AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the proposed use:

-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **meets the criteria as specified in section 6-8-2;**
-) **will be compatible with the existing uses adjacent to and near the property;**
-) **will be in harmony with the general purpose of the Zoning Ordinance;**
-) **will not tend to depreciate the value of adjacent property;**
-) **will not create a hazard to health, safety or the general welfare;**
-) **will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and**
-) **will not otherwise be detrimental to the public convenience and welfare, AND**

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT a Special

Use Permit for the subject address.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

5583 Main Street
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Francina J. Spoth
Town Clerk

Meeting: 06/17/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 29397

ZBA ITEM (ID # 29397)

ADJOURNED

438 Callodine Avenue- Area Variance

DRAFT RESOLUTION

WHEREAS, **Emdad Hossain** has made application for an Area Variance(s), under

SECTION: 7-5-3

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

438 Callodine Avenue within a R-4 Zoning District

The petitioner's recently constructed fence is 4 feet in height within the required front yard, whereas, the zoning ordinance, does not permit fencing to exceed 3 feet in height within the required front yard, AND

WHEREAS, a public hearing was held on **October 16, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT: **ADJOURNED [UNANIMOUS]**

Next: 8/19/2025 6:30 PM

MOVER: Ronald Shubert, Member

SECONDER: Erik A. Goergen, Member

AYES: Bray, Shubert, Philips, Parker, Goergen



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Town Clerk

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Initiated by: **Greg Dionne**
Co-Sponsored by:

3.4

DOC ID: 30532

ZBA ITEM (ID # 30532)

APPROVED

154 San Fernando Ln - Area Variance

WHEREAS, **Remo & Michelle Apuzzo** have made application for an Area Variance, under

SECTION: 2-5-2.A(5)(b)(3)

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

154 San Fernando Lane within an R-3 Zoning District

The petitioner's 6 foot high **replacement fence** will be **0 feet** from the south property line, whereas, the zoning ordinance requires a **10 foot** minimum, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



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Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.5

DOC ID: 30558

ZBA ITEM (ID # 30558)

APPROVED

27 Arcadian Drive - Area Variance

WHEREAS, **Sharon K. Gill** has made application for an Area Variance(s), under

SECTION: 3-5-3B

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

27 Arcadian Drive within a R-2 Zoning District

The petitioner's proposed **shed** will be **3 feet** from an existing pool house, whereas, the Zoning Ordinance requires a minimum building separation of **5 feet**, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects

the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



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Town Clerk

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Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.6

DOC ID: 30533

ZBA ITEM (ID # 30533)

APPROVED

4 Shadow Wood Dr - Area Variance

WHEREAS, **Kristen & Andrew Peer** have made application for an Area Variance, under

SECTION: 2-5-2.A(5)(b)

of the Zoning Ordinance of the Town of Amherst for the property owned by him/her at:

4 Shadow Wood Dr within an R-2 Zoning District

The petitioner's **proposed addition** will be **21 feet 10 inches** from the east property line, whereas, the zoning ordinance requires a **30 foot** minimum, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



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Co-Sponsored by:

DOC ID: 30549

ZBA ITEM (ID # 30549)

APPROVED

78 Brandywine Dr - Area Variance

WHEREAS, **David & Cara Noble** have made application for an Area Variance, under

SECTION: 3-5-2.B

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

78 Brandywine Dr within an R-2 Zoning District

The petitioner's **rear covered porch** will be a minimum of **2 feet 11 inches** from the south property line, whereas, the zoning ordinance requires **8 feet** minimum, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



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Initiated by: **Greg Dionne**
Co-Sponsored by:

3.8

DOC ID: 30550

ZBA ITEM (ID # 30550)

APPROVED

620 Schoelles Rd - Area Variance

WHEREAS, **Christopher Heim** has made application for an Area Variance, under

SECTION: 6-8-1.B

of the Zoning Ordinance of the Town Amherst for the property owned by him at:

620 Schoelles Rd within an S-A Zoning District

The petitioner's **proposed 1,024 square foot garage** will create a **total building area for all accessory structures of 1,720 square feet**, whereas, the zoning ordinance limits the building area to **1,019 square feet**, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/17/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.9

DOC ID: 30557

ZBA ITEM (ID # 30557)

APPROVED

6460 Main Street - Area Variance

WHEREAS, **NBT Bank, N.A.** has made application for an Area Variance(s), under

- 1. SECTION: 7-8-8A (total sign area)**
- 2. SECTION: 7-8-4B1.(e) (setback to ROW)**
- 3. SECTION: 2-5-1 (clear vision triangle)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

6460 Main Street within a OB Zoning District

The petitioners' proposed wall sign will create a total sign area of **163.6 s.f.**, whereas the zoning ordinance limits the premises to **82 s.f.** in sign area, and whereas, the petitioner desires to modify an existing non-conforming ground sign that is a minimum of **12.5 feet** from the Main Street road ROW, whereas the zoning ordinance, requires a **15 foot** setback, and whereas, the existing sign is within the corner visibility triangle, whereas the Zoning Ordinance does not permit such obstructions, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the

variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/17/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.10

DOC ID: 30556

ZBA ITEM (ID # 30556)

APPROVED

77 Country Parkway - Area Variance

WHEREAS, **Joseph A. Sorrentino & Nerina Sorrentino** have made application for an Area Variance(s), under

SECTION: 3-6-2B

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

77 Country Parkway within a R-3 Zoning District

The petitioner's proposed single-family lot will be **55 feet** in width, whereas, the Zoning Ordinance requires a minimum lot width of **65 feet**, AND

WHEREAS, a public hearing was held on **June 17, 2025** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [4 TO 1]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Parker, Goergen
NAYS:	Philips