



# Zoning Board of Appeals

## Regular Meeting

### Agenda

5583 Main Street  
Amherst, NY 14221  
[www.amherst.ny.us](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

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

Tuesday, September 16, 2025

6:30 PM

Amherst Municipal Building

## I. CALL TO ORDER

| Attendee Name           | Present                  | Absent                   | Late                     | Arrived |
|-------------------------|--------------------------|--------------------------|--------------------------|---------|
| Member Brian Bray       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Ronald Shubert   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Kelly J. Philips | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Ellen Parker     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Member Erik A. Goergen  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |

## II. APPROVAL OF MINUTES

1. Tuesday, August 19, 2025

## III. HEARINGS ON APPEALS

### 1. 2395 North Forest Road - Area Variance

The petitioner's proposed electrical vehicle chargers will create a parking stall depth of 17.5 feet, whereas, the zoning ordinance requires 19 feet minimum.

### 2. National Grid Pole No. 4665 (Between 4655 & 4669 Harlem Road) - Special Use Permit - Small Cell Antenna

The petitioner is seeking to co-locate a small cell antenna on a replacement utility pole within the Harlem Road right of way which is within a residential zoning district, whereas the zoning ordinance requires the issuance of a special use permit by the Zoning Board of Appeals, for such installations.

#### **08/19/2025**

Attorney Jared Lusk from Nixon Peabody spoke and answered questions from the Board.

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

#### **HISTORY:**

08/19/25

Zoning Board of Appeals

**ADJOURNED**

Next: 09/16/25

**3. 4845 Millersport Highway - Special Use Permit Wireless Cellular Communications Facility**

The petitioner desires to establish an 180 foot tall wireless telecommunications facility on Town owned land and obtain waivers for its construction, whereas, a special use permit is required to establish such facility from the Zoning Board of Appeals and to obtain any necessary relief for its location and/or construction.

**4. 1042 North Forest Road - Special Use Permit Wireless Cellular Communications Facility**

The petitioner desires to establish an 180 foot tall wireless telecommunications facility on Town owned land and obtain waivers for its construction, whereas, a special use permit is required to establish such facility from the Zoning Board of Appeals and to obtain any necessary relief for its location and/or construction.

**5. 40 Ayer Road - Area Variance**

The petitioner's proposed accessory garage will be 2,112 s.f. in building area whereas, the zoning ordinance limits the building area for accessory structures to an additional 491 s.f., and whereas, the proposed garage will have a roof height of 23.5 feet with a decorative cupola at 27.5 feet tall, whereas, the zoning ordinance limits accessory buildings to 20 feet in height.

**6. 35 Troy Del Way- 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.

**7. 97 Halston Parkway - Area Variance**

The petitioner's accessory structure will be 1.5 feet from the east property line, whereas, the zoning ordinance requires 3 feet minimum.

**8. 2016 Dodge Rd - Area Variance**

The petitioner's proposed accessory garage will create a total building area of 1,536 square feet for all accessory buildings including the attached garage, whereas the zoning ordinance limits accessory buildings to a maximum of 1,119 square feet.

Petitioner was absent so Chairman Bray Adjourned the hearing.

**HISTORY:****08/19/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****9. 1260 Smith Road - Area Variance**

The petitioner's attached garage will be 20 feet from the rear property line whereas, the zoning ordinance requires 30 feet minimum.

Petitioner was absent so Chairman Bray Adjourned the hearing.

**HISTORY:****08/19/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****10. 280 Getzville Road - Area Variance**

The petitioner's two-story addition will be 3 feet from the south property line, whereas, the zoning ordinance requires 5 feet minimum.

**08/19/2025**

Architect Steve Sutton spoke and answered questions from the Board.

Kim Downing and Joe Schretzman, 272 Getzville Rd, and John Gulick, 288 Getzville Rd, spoke in opposition.

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

**HISTORY:****08/19/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****11. 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****ADJOURNED****Next: 10/16/24****10/16/24****Zoning Board of Appeals****ADJOURNED****Next: 06/17/25****06/17/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****12. 43 Linwood Ave - Area Variance**

The petitioner is proposing a parcel split which would reduce the lot area of the existing 10,060 square foot lot to 6,667 square feet, whereas the zoning ordinance requires a

minimum lot area of 11,700 square feet.

**08/19/2025**

Attorney Sean Hopkins spoke and answered questions from the Board.

David Hall, 47 Linwood, Annette Schnapp, 31 Linwood, Mary Ruggiero, 65 Linwood, spoke in opposition.

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

**HISTORY:**

**08/19/25**

**Zoning Board of Appeals**

**ADJOURNED**

**Next: 09/16/25**

**13. 37 Linwood Ave - Area Variance**

The petitioner is proposing a parcel split which would reduce the lot area to 6,665 square feet, whereas the zoning ordinance requires a minimum lot area of 8,450 square feet.

**08/19/2025**

Attorney Sean Hopkins spoke and answered questions from the Board.

David Hall, 47 Linwood, Annette Schnapp, 31 Linwood, Mary Ruggiero, 65 Linwood, spoke in opposition.

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

**HISTORY:**

**08/19/25**

**Zoning Board of Appeals**

**ADJOURNED**

**Next: 09/16/25**

**14. 1692 Maple Rd - Area Variance**

The petitioner's proposed medical building will have a building setback along Youngs Road of 5 feet whereas the zoning ordinance requires 35 feet, and whereas the side yard building setback along the east property line will be 15 feet whereas the zoning ordinance requires 30 feet, and whereas the exterior mechanical equipment will be 18 feet from the east property line whereas the zoning ordinance requires 30 feet.

**08/19/2025**

Attorney Sean Hopkins spoke and answered questions from the Board.

Julian Chinana, 1700 Maple Rd, spoke in opposition.

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

**HISTORY:**

**08/19/25**

**Zoning Board of Appeals**

**ADJOURNED**

**Next: 09/16/25**

**15. 60 Smith Road - Open Development Area**

The petitioner is seeking open development area approval to create a building lot for a single family dwelling without frontage on a public roadway.

**08/19/2025**

David Metzger of Metzger Engineering and the Petitioner spoke and answered questions from the Board.

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

**HISTORY:****08/19/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****16. 60 Smith Road - Area Variance**

The petitioner desires to create a second building lot which will have a lot width of 138 feet and without frontage on a public street, whereas, the zoning ordinance requires a minimum lot width of 200 feet and frontage on public street.

**08/19/2025**

David Metzger of Metzger Engineering and the Petitioner spoke and answered questions from the Board.

Kevin Cullinan, 80 Smith Rd, spoke in opposition

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

**HISTORY:****08/19/25****Zoning Board of Appeals****ADJOURNED****Next: 09/16/25****IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING**