



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Wednesday, October 15, 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	Deputy Town Clerk	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Greg Dionne	Town of Amherst	Clerk	Present	
Steven B. Bengart	Town of Amherst	Town Attorney	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	

II. APPROVAL OF MINUTES

1. Tuesday, September 16, 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 # 30863)

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.

09/16/2025

Attorney Dan Krzykowski of Barclay Damon spoke and answered questions from the Board.

There were no speakers from the public. The petition was adjourned the next hearing.

10/15/2025

Attorney Ari Goldberg of Barclay Damon spoke and answered questions from the Board.

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

HISTORY:**09/16/25****Zoning Board of Appeals****ADJOURNED****Next: 10/15/25**

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

SEQR Determination

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

2. ZBA Item (ID # 30864)

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.

09/16/2025

Attorney Dan Krzykowski of Barclay Damon spoke and answered questions from the Board.

There were no speakers from the public. The petition was adjourned the next hearing.

10/15/2025

Attorney Ari Goldberg of Barclay Damon spoke and answered questions from the Board.

Mary & Robert Hochberg, 1075 North Forest Rd, spoke in opposition.

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

HISTORY:**09/16/25****Zoning Board of Appeals****ADJOURNED****Next: 10/15/25**

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

SEQR Determination

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

3. ZBA Item (ID # 30963)

1001 N French Rd - Special Use Permit (ADU)

The petitioner desires to establish an attached accessory dwelling unit as a participant in the Town's Pilot ADU program, whereas, the Zoning Board of Appeals must issue a special use permit for such uses.

10/15/2025

Petitioner, Laura Flumerfeldt, spoke and answered questions from the Board.

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

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

4. ZBA Item (ID # 30962)

6 Telfair Dr - Area Variance

The petitioner's shed/playhouse will be 17 feet from the north property line, whereas, the zoning ordinance requires 30 feet minimum.

10/15/2025

Petitioners, Kristin & Phil Streit, spoke and answered questions from the Board.

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

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

5. ZBA Item (ID # 30967)

6653 Main St - Area Variance

The petitioner's proposed **EV chargers** will be a minimum of **22.67 feet** from the north

property line, whereas, the zoning ordinance requires a minimum **66 feet (115' from centerline)**.

10/15/2025

Kelly Wilson, on behalf of the Petitioner, spoke and answered questions from the Board.

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

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

6. ZBA Item (ID # 30964)

3416 Deer Lakes Dr - Area Variance

The petitioner's subdivision identification sign will be 40 s.f. in area each (double sided) whereas, the zoning ordinance limits such signage to 20 s.f. maximum.

10/15/2025

Chris Tucker, on behalf of the petitioner, spoke and answered questions from the Board.

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

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

7. ZBA Item (ID # 30971)

124 Garden Parkway - Area Variance

The petitioner's addition will be 3.25 feet from the west property line, whereas, the zoning ordinance requires 5 feet minimum.

10/15/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

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

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

8. ZBA Item (ID # 30981)

32,38 & 44 Glen Meadow Drive- Area Variance

The petitioner's proposed building lot coverage will be 48% whereas, the zoning ordinance permits 40% maximum and the proposed rear yard setback will be 9 feet, whereas, the

zoning ordinance requires 20 feet minimum.

10/15/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

Pam & Brad Curcio, 1745 Dodge Rd, spoke in opposition.

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

RESULT:	DENIED [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

9. ZBA Item (ID # 30965)

3001 Hopkins Rd - Area Variance

The petitioner's parcel split will cause the original lot with dwelling to be less than one acre in area, whereas, the zoning law does not permit lots to be reduced in dimension unless such lots meet the minimum required dimensional standards.

10/15/2025

Alexandria Bennett spoke and answered questions from the Board.

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

RESULT:	APPROVED W/ CONDITIONS [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

10. ZBA Item (ID # 30979)

21 Forest Stream Dr. - Area Variance

The petitioner constructed his detached garage to a height of 24'-4", whereas, on October 19, 2021 the Zoning Board of Appeals permitted the garage to be a maximum height of 22'-0", whereas, the zoning ordinance permits a maximum height of 20 feet.

10/15/2025

Petitioner, Sean Hopkins, Esq., and architect David Sutton, spoke and answered questions from the Board.

Ashley Moreira of 346 Reist St, and Eric Spriegel of 27 Forest Stream Dr, spoke in favor.

Heidi Ziemer of 352 Reist St, spoke in opposition.

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

hearing.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 11/18/2025 6:30 PM
MOVER:	Ronald Shubert, Member	
SECONDER:	Kelly J. Philips, Member	
AYES:	Bray, Shubert, Philips, Parker, Goergen	

11. ZBA Item (ID # 30980)

105 Twilight Lane - Area Variance

The petitioner's parcel has a lot frontage width of 50 feet, whereas, the zoning ordinance requires 65 feet minimum.

10/15/2025

Attorney Sean Hopkins, spoke and answered questions from the Board.

Rosie & Frank Spagnuolo of 101 Twilight Ln, spoke in opposition.

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

RESULT:	ADJOURNED [UNANIMOUS]	Next: 11/18/2025 6:30 PM
MOVER:	Ronald Shubert, Member	
SECONDER:	Ellen Parker, Member	
AYES:	Bray, Shubert, Philips, Parker, Goergen	

12. ZBA Item (ID # 30743)

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.

10/15/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

Derek Pruitt, 59 Linwood, spoke in opposition.

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

09/16/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

David Hall, 47 Linwood, Annette Schnapp, 31 Linwood, Derek Pruitt, 59 Linwood, spoke in opposition.

There were no further speakers from the public, therefore the hearing was adjourned until the next meeting.

HISTORY:

08/19/25 Next: 09/16/25	Zoning Board of Appeals	ADJOURNED
09/16/25 Next: 10/15/25	Zoning Board of Appeals	ADJOURNED

RESULT:	APPROVED W/ CONDITIONS [3 TO 2]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Brian Bray, Ronald Shubert, Erik A. Goergen
NAYS:	Kelly J. Philips, Ellen Parker

13. ZBA Item (ID # 30744)

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.

10/15/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

Derek Pruitt, 59 Linwood, Mary Ruggiero, 65 Linwood, spoke in opposition.

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

09/16/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

David Hall, 47 Linwood, Annette Schnapp, 31 Linwood, Derek Pruitt, 59 Linwood, spoke in opposition.

There were no further speakers from the public, therefore the hearing was adjourned until the next meeting.

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 Next: 09/16/25	Zoning Board of Appeals	ADJOURNED
09/16/25 Next: 10/15/25	Zoning Board of Appeals	ADJOURNED

RESULT:	APPROVED W/ CONDITIONS [3 TO 2]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Brian Bray, Ronald Shubert, Erik A. Goergen
NAYS:	Kelly J. Philips, Ellen Parker

14. ZBA Item (ID # 30974)

1040 Campbell Boulevard - Area Variance

The petitioner's proposed 30x40 foot accessory garage is 564 s.f. in excess of the maximum allowed building area for all accessory structures, including the area of the existing attached garage.

10/15/2025

Jennifer & Michael Sinatra spoke and answered questions from the Board.

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

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

15. ZBA Item (ID # 30746)

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.

10/15/2025

Jonathan Hoy spoke and answered questions from the Board.

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

09/16/2025

The petitioner was not present to answer questions from the Board.

There were no speakers from the public. Therefore, the hearing was adjourned until the October meeting.

HISTORY:

08/19/25	Zoning Board of Appeals	ADJOURNED
Next: 09/16/25		
09/16/25	Zoning Board of Appeals	ADJOURNED
Next: 10/15/25		

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

IV. Request for SEQR Lead Agency - 330 Maple Road

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

V. 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 Parker and unanimously approved 5-0. The Zoning Board of Appeals meeting of October 15, 2025 was adjourned at 8:47PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.1

DOC ID: 30863

ZBA ITEM (ID # 30863)

APPROVED

4845 Millersport Highway - Special Use Permit Wireless Cellular Communications Facility

WHEREAS, **Upstate Tower Co., LLC** has made application for a Special Use Permit, with the permission of the land owner, the Town of Amherst under

- 1. SECTION: 6-7-3A (use)**
- 2. SECTION: 6-7-3(G)(8) (waiver request)(location of all bldgs. on plan)**
- 3. SECTION: 6-7-6A (waiver request) (height)**
- 4. SECTION: 6-7-7D (waiver request)(Lattice Type)**
- 5. SECTION: 6-7-10 (waiver request)(setback)**

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

4845 Millersport Highway within a CF Zoning District

The petitioner desires to establish **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, AND

WHEREAS, a public hearing was held on **October 15, 2025** after proper notice, AND

WHEREAS, this Board previously issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the subject special permit request, 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 6-7-2;**
-) **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, and the requested relief for the subject address.

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



Zoning Board of Appeals

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

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.2

DOC ID: 30864

ZBA ITEM (ID # 30864)

APPROVED

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

WHEREAS, **Upstate Tower Co., LLC** has made application for a Special Use Permit, with the permission of the land owner, the Town of Amherst under

- 1. SECTION: 6-7-3A (use)**
- 2. SECTION: 6-7-3(G)(8) (waiver request)(location of all bldgs. on plan)**
- 3. SECTION: 6-7-6A (waiver request) (height)**
- 4. SECTION: 6-7-7D (waiver request)(Lattice Type)**
- 5. SECTION: 6-7-8E) (waiver request) (fence restricted zone)**
- 6. SECTION: 6-7-10 (waiver request)(setback)**

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

1042 North Forest Road within a CF Zoning District

The petitioner desires to establish **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, AND

WHEREAS, a public hearing was held on **October 15, 2025** after proper notice, AND

WHEREAS, this Board previously issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the subject special permit request, 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 6-7-2;**
-) **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, and the requested relief for the subject address.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, 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: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.3

DOC ID: 30963

ZBA ITEM (ID # 30963)

APPROVED

1001 N French Rd - Special Use Permit (ADU)

WHEREAS, **Laura Flumerfeldt** 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 :

1001 N French Rd within an S-A Zoning District

The petitioner desires to establish an **attached accessory dwelling unit** as a participant in the Town's Pilot ADU program, whereas, the Zoning Board of Appeals must issue a **special use permit** for such uses, AND

WHEREAS, a public hearing was held on **October 15, 2025** after proper notice, AND

WHEREAS, this Board previously issued Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the subject special permit request, 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

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Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.4

DOC ID: 30962

ZBA ITEM (ID # 30962)

APPROVED

6 Telfair Dr - Area Variance

WHEREAS, **Phil Streit and Kristen Streit** have made application for an Area Variance, under

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

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

6 Telfair Drive within an R-3 Zoning District

The petitioner's **shed/playhouse** will be **17 feet** from the north property line, whereas, the zoning ordinance requires **30 feet** minimum, AND

WHEREAS, a public hearing was held on **October 15, 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



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Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.5

DOC ID: 30967

ZBA ITEM (ID # 30967)

APPROVED

6653 Main St - Area Variance

WHEREAS, **Main Street Energy LLC** has made application for an Area Variance, under

SECTION: 2-5-3

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

6653 Main St within an OB Zoning District

The petitioner's proposed **EV chargers** will be a minimum of **22.67 feet** from the north property line, whereas, the zoning ordinance requires a minimum **66 feet (115' from centerline of Main St)**, AND

WHEREAS, a public hearing was held on **October 15, 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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Co-Sponsored by:

3.6

DOC ID: 30964

ZBA ITEM (ID # 30964)

APPROVED

3416 Deer Lakes Dr - Area Variance

WHEREAS, **MJ Peterson - Deer Lakes, LLC** has made application for an Area Variance, under

1. SECTION: 7-8-4.B(4)(f) (size)

2. SECTION: 7-8-4.B(4)(e) (illumination)

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

3416 Deer Lakes Dr within a MFR-5 Zoning District

The petitioner's **subdivision identification sign** will be **40 s.f. in area each** (double sided) whereas, the zoning ordinance limits such signage to **20 s.f. maximum**, AND

WHEREAS, a public hearing was held on **October 15, 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:	Kelly J. Philips, Member
SECONDER:	Erik A. Goergen, 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: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.7

DOC ID: 30971

ZBA ITEM (ID # 30971)

APPROVED

124 Garden Parkway - Area Variance

WHEREAS, **Todd Danni and Sean Hopkins** 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 :

124 Garden Parkway within a R-3 Zoning District

The petitioner's proposed **2 story garage addition** will be **3.25 feet** from the **west** property line whereas, the zoning ordinance requires a minimum of **5 feet**, AND

WHEREAS, a public hearing was held on **October 15, 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



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.8

DOC ID: 30981

ZBA ITEM (ID # 30981)

DENIED

32,38 & 44 Glen Meadow Drive- Area Variance

WHEREAS, **Essex Homes of WNY, Inc.** has made application for an Area Variance(s), under

- 1. SECTION: 3-10-2B (lot coverage)**
- 2. SECTION: 3-10-2B (rear setback)**

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

32,38 & 44 Glen Meadow Lane within a MFR-4A Zoning District

The petitioner's proposed building **lot coverage** will be **48%** whereas, the zoning ordinance permits **40%** maximum and the proposed **rear yard** setback will be **9 feet**, whereas, the zoning ordinance requires **20 feet** minimum, AND

WHEREAS, a public hearing was held on **October 15, 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 substantial, that it will have an adverse impact on the physical or environmental conditions of the neighborhood and that it will create an undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted

does not outweigh 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, 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 DENY an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

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



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.9

DOC ID: 30965

ZBA ITEM (ID # 30965)

APPROVED W/ CONDITIONS

3001 Hopkins Rd - Area Variance

WHEREAS, **Charles Mattioli** has made application for an Area Variance, under

SECTION: 3-3-2.B

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

3001 Hopkins Road within a S-A Zoning District

The petitioner's **parcel split** will cause the original lot with dwelling to be **less than one acre** in area, whereas, the zoning law does not permit lots to be reduced in dimension unless such lots meet the minimum required dimensional standards, AND

WHEREAS, a public hearing was held on **October 15, 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 subject to the following conditions:

1. The petitioner shall merge the proposed land to be acquired with his/her parcel at 2991 Hopkins Road.

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



Zoning Board of Appeals

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

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.10

DOC ID: 30979

ZBA ITEM (ID # 30979)

ADJOURNED

21 Forest Stream Dr. - Area Variance

DRAFT RESOLUTION

WHEREAS, **Sean Hopkins** 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 :

21 Forest Stream Drive within a R-3 Zoning District

The petitioner constructed his detached **garage** to a height of **24'-4"**, whereas, on October 19, 2021 the Zoning Board of Appeals permitted the garage to be a maximum height of **22'-0"**, whereas, the zoning ordinance permits a maximum height of 20 feet, AND

WHEREAS, a public hearing was held on **October 15, 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:	ADJOURNED [UNANIMOUS]	Next: 11/18/2025 6:30 PM
MOVER:	Ronald Shubert, Member	
SECONDER:	Kelly J. Philips, 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: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.11

DOC ID: 30980

ZBA ITEM (ID # 30980)

ADJOURNED

105 Twilight Lane - Area Variance

DRAFT RESOLUTION

WHEREAS, **Gramercy Park Development, LLC** has 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 :

105 Twilight Lane within a R-3 Zoning District

The petitioner's parcel has a lot **frontage width** of **50 feet**, whereas, the zoning ordinance requires **65 feet** minimum, AND

WHEREAS, a public hearing was held on **October 15, 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 subject to the following conditions:

1. The Twilight Lane right of way shall be extended to accommodate a road termination of sufficient size as directed by the Highway Superintendent.

RESULT: ADJOURNED [UNANIMOUS]

Next: 11/18/2025 6:30 PM

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: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.12

DOC ID: 30743

ZBA ITEM (ID # 30743)

APPROVED W/ CONDITIONS

43 Linwood Ave - Area Variance

WHEREAS, **5000 Group LLC** has made application for an Area Variance, under

SECTION: 3-9-2.B(2)

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

43 Linwood Ave within an R-4 Zoning District

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**, AND

WHEREAS, a public hearing was held on **October 15, 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 subject to the following conditions:

1. The westerly portion of the split parcel shall be merged with the contiguous parcel located at 5195 Main Street and shall be subject to a Declaration of Restrictions to be recorded at the Erie County Clerk's Office stating that such parcel shall permanently consist of green space without principal or accessory structures or parking.
2. The aforementioned declaration of restrictions shall be reviewed and approved by the Town Attorney before any filing in the County Clerk's Office.

RESULT:	APPROVED W/ CONDITIONS [3 TO 2]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Goergen
NAYS:	Philips, Parker



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.13

DOC ID: 30744

ZBA ITEM (ID # 30744)

APPROVED W/ CONDITIONS

37 Linwood Ave - Area Variance

WHEREAS, **5000 Group LLC** has made application for an Area Variance, under

SECTION: 3-9-2.B(1)

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

37 Linwood Ave within an R-4 Zoning District

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**, AND

WHEREAS, a public hearing was held on **October 15, 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 subject to the following conditions:

1. The westerly portion of the split parcel shall be merged with the contiguous parcel located at 5195 Main Street and shall be subject to a Declaration of Restrictions to be recorded at the Erie County Clerk's Office stating that such parcel shall permanently consist of green space without principal or accessory structures or parking.
2. The aforementioned declaration of restrictions shall be reviewed and approved by the Town Attorney before any filing in the County Clerk's Office.

RESULT:	APPROVED W/ CONDITIONS [3 TO 2]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Goergen
NAYS:	Philips, Parker



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 30974

ZBA ITEM (ID # 30974)

APPROVED

1040 Campbell Boulevard - Area Variance

WHEREAS, **Michael and Jennifer Sinatra** have made application for an Area Variance(s), under

SECTION: 6-8-1B

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

1040 Campbell Boulevard within a SA Zoning District

The petitioner's proposed 30x40 foot accessory garage is 564 s.f. in excess of the maximum allowed building area for all accessory structures, including the area of the existing attached garage, AND

WHEREAS, a public hearing was held on **October 15, 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:	Kelly J. Philips, Member
SECONDER:	Erik A. Goergen, 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: 10/15/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.15

DOC ID: 30746

ZBA ITEM (ID # 30746)

APPROVED

1260 Smith Road - Area Variance

WHEREAS, **Jonathan Hoy** has made application for an Area Variance(s), under

SECTION: 2-5-4B(3)

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

1260 Smith Road within a SA Zoning District

The petitioner's proposed **attached garage** will be **20** feet from the **rear** property line whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **October 15, 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:	Ronald Shubert, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen