



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, November 18, 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	Secretary to the ZBA	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. Wednesday, October 15, 2025

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

III. ZBA Items

HEARINGS ON APPEALS

1. ZBA Item (ID # 31146)

0,46,54,60,68,74 & 84 South Linden St. - Area Variance

The petitioner's proposed apartment buildings will be separated from each other by 21.85 feet whereas, the zoning ordinance requires 41.1 feet minimum and his/her fence will be 6

feet in height along the westerly property line for the first 30 feet south of the NW property corner, whereas, the zoning ordinance limits the fence to 3 feet maximum.

11/18/2025

Attorney Jeff Palumbo 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

2. 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.

11/18/2025

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

Rosie Spagnuolo of 101 Twilight Ln, spoke in opposition.

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

HISTORY:

10/15/25 Zoning Board of Appeals
Next: 11/18/25

ADJOURNED

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

3. ZBA Item (ID # 31149)

32 Glen Meadow Drive - Area Variance

The petitioner desires to construct a dwelling which will create a building lot coverage of 42%, whereas, the zoning ordinance permits a maximum lot coverage of 40%.

11/18/2025

Attorney Sean Hopkins spoke and answered questions from the Board.

Pam & Brad Curcio, 1745 & 1755 Dodge Rd, spoke in opposition. David & Mary Lou Giffin spoke in favor.

ATTACHMENTS:

- TB Resolution of April 29, 2024 (PDF)

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

4. ZBA Item (ID # 31125)

450 N. Ivyhurst Road - Area Variance

The petitioner's 4 unit town home building provides a lot area of 9,240 s.f, whereas the zoning ordinance requires 23,400 s.f. of lot area, and whereas, the building will be a minimum of setback of 6 feet along the east property line, whereas, 30 feet is required, will be a minimum of 5 feet along the west property line, whereas 30 feet is required and will be a minimum of 11-3" from the northerly line, whereas, 30 feet is required, and whereas the parking area will be a minimum of 5-9" from the road right of way, whereas, 20 feet is required and the parking areas will be 2 feet from the south property line whereas, a minimum of 5 feet is required.

11/18/2025

Petitioner spoke and answered questions from the Board.

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

RESULT:	ADJOURNED [UNANIMOUS]	Next: 1/13/2026 6:30 PM
MOVER:	Erik A. Goergen, Member	
SECONDER:	Ronald Shubert, Member	
AYES:	Bray, Shubert, Philips, Parker, Goergen	

5. ZBA Item (ID # 31124)

4080-4110 Maple Road - Area Variance

The petitioner desires to maintain off premise tenant signage, whereas, such signage is prohibited, and whereas a proposed "gateway" ground sign will be on the same road frontage as a pole sign which is not permitted and whereas, the proposed pole sign will have a sign area of 478.67 s.f., whereas the zoning ordinance limits the sign area to 192 s.f.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

6. ZBA Item (ID # 31126)

4224-4256 Ridge Lea Road - Area Variance

The petitioner desires to place off premises tenant signage on their pole sign which is not permitted, and whereas, the pole signage face area will be 2,956.8 s.f. in area whereas, the zoning ordinance limits the sign area to 192 s.f., and whereas, the pole sign will be 65 feet in height, whereas, the zoning ordinance limits such signage to 25 feet in height, and whereas, the total sign area for the premises will be 6,493.24 s.f., whereas 4,883.44 s.f. is permitted.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

7. ZBA Item (ID # 31151)

1565-1703 Niagara Falls Boulevard - Area Variance

The petitioner desires to maintain off premise tenant signage on his/her directional signs and pole signs which is prohibited, and whereas, a "gateway" ground sign will be 7 feet from the north property line whereas, a minimum of 15 feet is required, and a second "gateway" ground sign is 0.5 feet from an interior property line, whereas, 25 feet minimum is required and whereas, a pole sign will be within the clear vision triangle which is prohibited, and whereas the pole sign will have a sign area of 1,968.18 s.f., whereas, 994.68 s.f. is permitted, and whereas the total sign area for the site will be 11,774.21 s.f. whereas, 10,976.76 s.f. is permitted.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED W/ CONDITIONS [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

8. ZBA Item (ID # 31130)

1501-1551 Niagara Falls Boulevard - Area Variance

The petitioner desires to maintain tenant off premise signage on his/her pole sign whereas such signage is not permitted, and whereas, a proposed "gateway" ground sign will be within the clear vision triangle which is prohibited, and whereas, such ground sign will be a

minimum of 2 feet from the north property line, whereas, 15 feet is required and whereas, the "gateway" ground sign will be on the same street frontage as the pole signs, which is not permitted, and whereas the total sign area for the site will be 4,089.72 s.f., whereas a maximum of 3,467.54 s.f. is permitted.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED W/ CONDITIONS [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

9. ZBA Item (ID # 31129)

6000-6040 North Bailey Road - Area Variance

The petitioner's two ground signs will be within the clear vision triangle at the signalized intersection of Romney Road and North Bailey Road, whereas, such obstructions are prohibited, and whereas, the "gateway" ground sign will be a minimum of 5.0 feet from the east property line and 6.4 feet from the north property line, and whereas, the "shared tenant" ground sign will be 10.5 feet from the north property line, whereas, a minimum of 15 feet is required.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

10. ZBA Item (ID # 31152)

1355 Niagara Falls Boulevard - Area Variance

The petitioner's proposed sign improvements will create a new pole sign that is 186.56 s.f. in sign area, whereas a maximum of 128 s.f. is permitted and whereas, the total signage for the site will be 1,357.11 s.f. in area, whereas, 848.41 s.f. of sign area is permitted.

11/18/2025

Attorney James Boglioli, on behalf of Benderson Development, spoke and answered questions from the Board.

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

RESULT:	APPROVED [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Brian Bray, Kelly J. Philips, Ellen Parker, Erik A. Goergen
RECUSED:	Ronald Shubert

11. ZBA Item (ID # 31139)

5139 Sheridan Drive - Area Variance

The petitioner's constructed storage shed is 6.3 feet from the principal building, whereas, the zoning ordinance requires a minimum of 30 feet, and whereas, the interior landscaping for the site is 3% of the parking area, whereas, a minimum of 10% is required.

11/18/2025

Attorney Matthew Dubois, 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:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

12. ZBA Item (ID # 31143)

8840 Transit Road - Area Variance

The petitioner's total sign area is 123.09 s.f. whereas, the zoning ordinance limits the total sign area to 37.5 s.f.

11/18/2025

Ryan Kiely of Flexlume, spoke and answered questions from the Board.

Scott Filleul of NADG, 27 Court Street 01880, spoke in favor.

There were no further 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

13. ZBA Item (ID # 31145)

20 Berryman Drive - Special Use Permit

The petitioner desires to establish an 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 to establish such permitted accessory use.

11/18/2025

Petitioner Tom Ciocca 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:	Ellen Parker, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

14. ZBA Item (ID # 30765)

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.

11/18/2025

Architect Dave Sutton spoke and answered questions from the Board.

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

08/19/2025

Architect Dave 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**
Next: **09/16/25**

ADJOURNED

09/16/25 **Zoning Board of Appeals**

DENIED

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

15. 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.

HISTORY:

10/15/25

Zoning Board of Appeals

ADJOURNED

Next: 11/18/25

RESULT: ADJOURNED [UNANIMOUS]

Next: 1/13/2026 6:30 PM

MOVER: Ronald Shubert, Member

SECONDER: Kelly J. Philips, Member

AYES: Bray, Shubert, Philips, Parker, Goergen

16. ZBA Item (ID # 31140)

330 Maple Road (Portion) - Area Variance

The petitioner's proposed athletic facility buildings will be 85 feet tall, whereas, the zoning ordinance limits building heights to 65 feet, and whereas, the proposed buildings will be inflatable fabric buildings, whereas, the zoning ordinance does not permit such exterior wall material, and whereas, the inflatable buildings will exceed the maximum allowable blank wall lengths permitted by the Zoning Ordinance, since such building types do not provide opportunities for windows.

11/18/2025

Attorney Sean Hopkins and Petitioner Dr. Brian McGrath spoke and answered questions from the Board.

Several members of the audience spoke in support of the project.

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

RESULT: APPROVED W/ CONDITIONS [UNANIMOUS]

MOVER: Erik A. Goergen, Member

SECONDER: Kelly J. Philips, Member

AYES: Bray, Shubert, Philips, Parker, Goergen

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Member Parker moved to adjourn, seconded by Member Philips and unanimously approved 5-0.

The Zoning Board of Appeals meeting of November 18, 2025 was adjourned at 9:26PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 31146

ZBA ITEM (ID # 31146)

APPROVED

0,46,54,60,68,74 & 84 South Linden St. - Area Variance

WHEREAS, **South Linden, LLC** has made application for an Area Variance(s), under

1. SECTION: 3-15-5(4) (bldg. separation)

2. SECTION: 7-5-3 (fence height)

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

0, 46, 54, 60, 68, 74 & 84 South Linden St. within a MFR-5 Zoning District

The petitioner's proposed **apartment buildings** will be separated from each other by **21.85 feet** whereas, the zoning ordinance requires **41.1 feet** minimum, and his/her **fence** will be **6 feet** in height along the westerly property line for the first 30 feet, south of the NW property corner, whereas, the zoning ordinance limits the fence to **3 feet** maximum, AND

WHEREAS, a public hearing was held on **November 18, 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:	Ronald Shubert, Member
SECONDER:	Ellen Parker, 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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 30980

ZBA ITEM (ID # 30980)

APPROVED W/ CONDITIONS

105 Twilight Lane - Area Variance

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 **November 18, 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 shall be extended to accommodate a road termination of sufficient size as directed by the Highway Superintendent.

RESULT:	APPROVED W/ CONDITIONS [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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 31149

ZBA ITEM (ID # 31149)

APPROVED

32 Glen Meadow Drive - Area Variance

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

SECTION: 3-10-2B(1)

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

32 Glen Meadow Drive within a MFR-4A Zoning District

The petitioner desires to construct a **single family dwelling** which will create a building **lot coverage of 42%**, whereas, the zoning ordinance permits a maximum lot coverage of **40%**, AND

WHEREAS, a public hearing was held on **November 18, 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 condition:

1. The petitioner provide evidence to the Town Attorney's Office that his/her Offering Plan has been amended and re-filed with the Attorney General to reflect the addition of 6.5 +/- acres of common lands as a result the lands that the Town of Amherst did not accept for donation as confirmed by the attached resolution dated April 29, 2024.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 04/29/24 07:00 PM
 Department: Planning
 Initiated by: **Daniel J. Ulatowski**
 Co-Sponsored by:

DOC ID: 28925

RESOLUTION 2024-385

ADOPTED

Amendment to Resolution 2021-109 (1695,1701 &1721 Dodge Rd)

WHEREAS, on February 24, 2020 the Amherst Town Board approved a rezoning request for the property identified as 1695, 1701 & 1721 Dodge Road for the development of a 32 lot realty subdivision, AND

WHEREAS, such rezoning decision was made with conditions of approval including a condition that 6.5 acres of the project site which included federally regulated wetland areas remain as a conservation area and that such conservation area be donated to the Town of Amherst, AND

WHEREAS, on January 19, 2021 the Amherst Town Board amended the original rezoning decision of February 24, 2020 by correcting the acreage in condition number 6 and number 7 of the original resolution, AND

WHEREAS, since the adoption of the amended resolution, the developer constructed the required public improvements, and on March 10, 2021 the developer filed a protective covenant (L11376, P1208) to restrict development on 4.49 acres of open space and which placed additional development constraints on the subject properties, consistent with the Town Board rezoning resolution, AND

WHEREAS, the Town has accepted the dedication of the public improvements for the realty subdivision and no longer desires to accept the 6.5 acres of conservation lands as originally requested in its resolution of February 24, 2020 and amended on January 19, 2021, NOW THEREFORE BE IT

RESOLVED, that the Town of Amherst will not accept the 6.5 acres of conservation lands as originally depicted in the Carmina Wood Morris PDC [Drawing C-100- Date 02/13/20] as "Conservation Area", AND BE IT

FURTHER RESOLVED, that Developer is directed to amend his/her offering plan with the Attorney General's Office to include the declined acreage, which shall be maintained by the newly formed Home Owners Association as permanent open space.

4/29/2024

Consent

Attachment: TB Resolution of April 29, 2024 (31149 : 32 Glen Meadow Drive - Area Variance)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brian J. Kulpa, Supervisor
SECONDER: Jacqualine Berger, Councilmember
AYES: Kulpa, Berger, Szukala, Marinucci
ABSENT: Lavin



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.4

DOC ID: 31125

ZBA ITEM (ID # 31125)

ADJOURNED

450 N. Ivyhurst Road - Area Variance

DRAFT RESOLUTION

WHEREAS, **Bryan Price** has made application for an Area Variance(s), under

1. **SECTION: 3-9-2B(2) (lot area)**
2. **SECTION: 3-9-2B(2) (building setbacks)**
3. **SECTION: 3-15-6 (parking setbacks)**

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

450 N. Ivyhurst Road within a MFR-5 Zoning District

The petitioner's 4 unit **town home building** provides a **lot area** of **9,240 s.f.**, whereas the zoning ordinance requires **23,400 s.f.** of lot area, and whereas, the building will be a minimum of setback of **6 feet** along the **east** property line, whereas, **30 feet** is required, will be a minimum of **5 feet** along the **west** property line, whereas **30 feet** is required and will be a minimum of **11-3"** from the **northerly** line, whereas, **30 feet** is required, and whereas the **parking area** will be a minimum of **5-9"** from the road right of ways, whereas, **20 feet** is required and the **parking areas** will be **2 feet** from the south property line whereas, a minimum of **5 feet** is required, AND

WHEREAS, a public hearing was held on **November 18, 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: **ADJOURNED [UNANIMOUS]**

Next: 1/13/2026 6:30 PM

MOVER: Erik A. Goergen, Member

SECONDER: Ronald Shubert, 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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.5

DOC ID: 31124

ZBA ITEM (ID # 31124)

APPROVED

4080-4110 Maple Road - Area Variance

WHEREAS, **Maple Crossings** has made application for Area Variances, under

SECTION: 7-8-2.E (Off premise signage)

SECTION: 7-8-4.B(1)(b) (Ground sign)

SECTION: 7-8-8.B (Pole sign face area)

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

4080-4110 Maple Road within a CTR-5 Zoning District

The petitioner desires to maintain **off premise tenant signage**, whereas, such signage is **prohibited**, and whereas a proposed "**gateway**" **ground sign** will be on the **same road frontage as a pole sign** which is **not permitted** and whereas, the proposed **pole sign** will have a **sign area of 478.67 s.f.**, whereas the zoning ordinance limits the sign area to **192 s.f.**, AND

WHEREAS, a public hearing was held on **November 18, 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

variances 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 [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.6

DOC ID: 31126

ZBA ITEM (ID # 31126)

APPROVED

4224-4256 Ridge Lea Road - Area Variance

WHEREAS, **Ridlea Associates, LLC** has made application for Area Variances, under

SECTION: 7-8-2.E (Off premise signage)

SECTION: 7-8-8.B (Pole sign face area)

SECTION: 7-8-4.B(3)(b) (Pole sign height)

SECTION: 7-8-8.A (Total sign area)

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

4224-4256 Ridge Lea Road within an SC Zoning District

The petitioner desires to place **off premises tenant signage** on their **pole sign** which is **not permitted**, and whereas, the **pole signage face area** will be **2,956.8 s.f.** in area whereas, the zoning ordinance limits the sign area to **192 s.f.**, and whereas, the **pole sign** will be **65 feet** in height, whereas, the zoning ordinance limits such signage to **25 feet** in height, and whereas, the **total sign area** for the premises will be **6,493.24 s.f.**, whereas **4,883.44 s.f.** is permitted, AND

WHEREAS, a public hearing was held on **November 18, 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 variances 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 [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.7

DOC ID: 31151

ZBA ITEM (ID # 31151)

APPROVED W/ CONDITIONS

1565-1703 Niagara Falls Boulevard - Area Variance

WHEREAS, **Blvdcon, LLC** has made application for Area Variances, under

SECTION: 7-8-2.E (Off premise signage)

SECTION: 7-8-4.B(1)(e) (Ground sign setback)

SECTION: 2-5-1 (Clear vision triangle)

SECTION: 7-8-8.B (Pole sign face area)

SECTION: 7-8-8.A (Total sign area)

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

1565-1703 Niagara Falls Boulevard within an SC Zoning District

The petitioner desires to maintain **off premise tenant signage** on his/her **directional signs** and **pole signs** which is **prohibited**, and whereas, a **"gateway" ground sign** will be **7 feet** from the north property line whereas, a minimum of **15 feet** is required, and a **second "gateway" ground sign** is **0.5 feet** from an interior property line, whereas, **25 feet** minimum is required and whereas, a **pole sign** will be within the **clear vision triangle** which is **prohibited**, and whereas the **pole sign** will have a **sign area** of **1,968.18 s.f.**, whereas, **994.68 s.f.** is permitted, and whereas the **total sign area** for the site will be **11,774.21 s.f.** whereas, **10,976.76 s.f.** is permitted, AND

WHEREAS, a public hearing was held on **November 18, 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 variances 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 subject to:

1. The Town Traffic Safety Coordinator reviewing the signs falling within clear vision Triangle.

RESULT:	APPROVED W/ CONDITIONS [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.8

DOC ID: 31130

ZBA ITEM (ID # 31130)

APPROVED W/ CONDITIONS

1501-1551 Niagara Falls Boulevard - Area Variance

WHEREAS, **1551 NFB, LLC** has made application for Area Variances, under

SECTION: 7-8-2.E (Off premise signage)

SECTION: 2-5-1 (Clear vision triangle)

SECTION: 7-8-4.B(1)(e) (Ground sign setback)

SECTION: 7-8-8.A (Total sign area)

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

1501-1551 Niagara Falls Boulevard within an SC Zoning District

The petitioner desires to maintain **tenant off premise signage** on his/her **pole sign** whereas such signage is **not permitted**, and whereas, a proposed **"gateway" ground sign** will be within the **clear vision triangle** which is **prohibited**, and whereas, such ground sign will be a minimum of **2 feet** from the north property line, whereas, **15 feet** is required and whereas, the "gateway" ground sign will be on the **same street frontage** as the pole signs, which is **not permitted**, and whereas the **total sign area** for the site will be **4,089.72 s.f.**, whereas a maximum of **3,467.54 s.f.** is permitted, AND

WHEREAS, a public hearing was held on **November 18, 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 variances 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 subject to:

1. The Town Traffic Safety Coordinator reviewing the signs falling within clear vision triangle.

RESULT:	APPROVED W/ CONDITIONS [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.9

DOC ID: 31129

ZBA ITEM (ID # 31129)

APPROVED

6000-6040 North Bailey Road - Area Variance

WHEREAS, **Mississippi ADP, LLC** has made application for Area Variances, under

SECTION: 2-5-1 (Clear vision triangle)

SECTION: 7-8-4.B(1)(e) (Ground sign setback)

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

6000-6040 North Bailey Road within an RD Zoning District

The petitioner's **two ground signs** will be within the **clear vision triangle** at the signalized intersection of Romney Road and North Bailey Road, whereas, such obstructions are **prohibited**, and whereas, the **"gateway" ground sign** will be a minimum of **5.0 feet** from the east property line and **6.4 feet** from the north property line, and whereas, the **"shared tenant" ground sign** will be **10.5 feet** from the north property line, whereas, a minimum of **15 feet** is required, AND

WHEREAS, a public hearing was held on **November 18, 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 variances 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 [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Greg Dionne**
Co-Sponsored by:

3.10

DOC ID: 31152

ZBA ITEM (ID # 31152)

APPROVED

1355 Niagara Falls Boulevard - Area Variance

WHEREAS, **Delta Sonic Carwash, Inc.** has made application for Area Variances, under

SECTION: 7-8-8.B (Pole sign face area)

SECTION: 7-8-8.A (Total sign area)

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

1355 Niagara Falls Boulevard within an MS Zoning District

The petitioner's proposed sign improvements will create a **new pole sign** that is **186.56 s.f.** in **sign area**, whereas a maximum of **128 s.f.** is permitted and whereas, the **total signage** for the site will be **1,357.11 s.f.** in area, whereas, **848.41 s.f.** of sign area is permitted, AND

WHEREAS, a public hearing was held on **November 18, 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 variances 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 [4 TO 0]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ellen Parker, Member
AYES:	Bray, Philips, Parker, Goergen
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 31139

ZBA ITEM (ID # 31139)

APPROVED

5139 Sheridan Drive - Area Variance

WHEREAS, **Randy Martell, Jr.** has made application for an Area Variance(s), under

1. **SECTION: 4-6-2B (building separation)**
2. **SECTION: 7-2-3(3) (landscaping)**

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

5139 Sheridan Drive within a MS Zoning District

The petitioner's constructed **storage shed** is **6.3 feet** from the principal building, whereas, the zoning ordinance requires a minimum of **30 feet**, and whereas, the interior **landscaping** for the site is **3%** of the parking area, whereas, a minimum of **10%** is required, AND

WHEREAS, a public hearing was held on **November 18, 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:	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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.12

DOC ID: 31143

ZBA ITEM (ID # 31143)

APPROVED

8840 Transit Road - Area Variance

WHEREAS, **Dr. John Athans, DDS** has made application for an Area Variance(s),
under

1. SECTION: 7-8-8 A

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

8840 Transit Road within a OB Zoning District

The petitioner's total sign area is 123.09 s.f. whereas, the zoning ordinance limits the total sign area to 37.5 s.f. , AND

WHEREAS, a public hearing was held on **November 18, 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:	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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.13

DOC ID: 31145

ZBA ITEM (ID # 31145)

APPROVED

20 Berryman Drive - Special Use Permit

WHEREAS, **Tom Ciocca** 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 :

20 Berryman Drive within a R-3 Zoning District

The petitioner desires to establish an 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 to establish such permitted accessory use, AND

WHEREAS, a public hearing was held on **November 18, 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, this Board believes it is necessary to impose the following conditions on its approval of the special use permit as permitted by section 8-6-7 of the Zoning Ordinance to minimize adverse impacts upon other property in the neighborhood; AND

1.

2.

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:	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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.14

DOC ID: 30765

ZBA ITEM (ID # 30765)

APPROVED

280 Getzville Road - Area Variance

WHEREAS, **Nader D. Nader** 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 :

280 Getzville Road within a R-3 Zoning District

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

WHEREAS, a public hearing was held on **September 16, 2025 and August 19, 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 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, this Board believes that alleged difficulty was self-created and that the petitioner has not sought other alternatives available to him/her rather than pursue an area variance; 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:	APPROVED [UNANIMOUS]
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: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.15

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 **November 18, 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: 1/13/2026 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
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Francina J. Spoth
Town Clerk

Meeting: 11/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 31140

ZBA ITEM (ID # 31140)

APPROVED W/ CONDITIONS

330 Maple Road (Portion) - Area Variance

WHEREAS, **716 Sports Complex, LLC** has made application for an Area Variance(s), under

1. **SECTION: 4-4-2B (bldg. height)**
2. **SECTION: 4-8-6B (wall material)**
3. **SECTION: 4-8-6C (blank wall length)**

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

330 Maple Road (portion) within a GB Zoning District

The petitioner's proposed athletic facility buildings will be 85 feet tall, whereas, the zoning ordinance limits building heights to 65 feet, and whereas, the proposed buildings will be inflatable fabric buildings, whereas, the zoning ordinance does not permit such exterior wall material, and whereas, the inflatable buildings will exceed the maximum allowable blank wall lengths permitted by the Zoning Ordinance, since such building types do not provide opportunities for windows, AND

WHEREAS, a public hearing was held on **November 18, 2025** after proper notice, AND

WHEREAS, on October 16, 2025 this Board concurred with the Amherst Town Board's request to be SEQR Lead Agency for the subject development project, AND

WHEREAS, on November 10, 2025 the Amherst Town Board pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, adopted a negative declaration affirming that the requirements of SEQR are complete, AND

WHEREAS, this Board reaffirms such determination of environmental significance made by the Amherst Town Board, 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 the relief granted will not have an adverse impact on the physical or environmental conditions of the neighborhood and that the relief granted 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 inflatable athletic facility buildings shall not incorporate any graphic designs, trademarks or any other form of signage on the exterior of the fabric domes.
2. The inflatable athletic facility buildings shall not incorporate any exterior up lighting or flood lighting to accentuate the exterior of the building in the evening hours.
3. Interior lighting of the inflatable athletic facility buildings shall be turned off in the evening hours when the buildings are not in use to reduce the night time glow of the structures from potential transmission of light through the fabric walls/roof.

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