



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, August 17, 2021

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
John Radens	Town of Amherst	Chairman	Present	
Ann M. Nichols	Town of Amherst	Member	Present	
Nina Potycz	Town of Amherst	Member	Absent	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Ann Demopoulos	Town of Amherst	Deputy Town Attorney	Present	
Daniel J. Ulatowski	Town of Amherst	Principal Planner	Present	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	

II. APPROVAL OF MINUTES

1. Tuesday, July 20, 2021

III. HEARINGS ON APPEALS

1. ZBA Item 2021-59

Part of 330 Maple Road - Temporary Use Permit

The petitioner desires to construct four temporary public softball fields on a portion of lands it is leasing which is zoned MFR-6 and GB which is not permitted.

8/17/2021

Leanne Voit from Wendel spoke and answered questions from the Board.

Earl Leising, 139 The Paddock, Michael Jeffers, 89 MacArthur Dr and Stephen Steinberg, 84 Willowgreen, spoke in favor.

There were no further speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Ms. Philips and unanimously approved 4-0.

ATTACHMENTS:

- Project description and site layout (PDF)

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ann M. Nichols, Member
SECONDER: John Radens, Chairman
AYES: John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT: Nina Cherian

SEQR Determination

1. SEQR Determination of Non Significance for Softball Fields

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Ronald Shubert, Member
SECONDER: Ann M. Nichols, Member
AYES: John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT: Nina Cherian

2. ZBA Item 2021-60

550 Smith Road - Area Variances - Lou Gehrig Sports Field Lighting/Field Improvements

The petitioner desires to re-construct an existing baseball diamond to include exterior sports field lighting. Two of the proposed light poles will be 70 feet in height and the remaining four light poles will be 80 feet in height, whereas, the zoning ordinance limits such structures to 65 feet in height, and whereas one of the light poles will be 32 feet from the east property line, whereas a 50 foot minimum setback is required and, whereas, the lights will exceed 0.5 foot candles of lumen along a portion of the easterly property line, and whereas, the re-constructed baseball field will be 38 feet from the easterly property line, whereas the zoning ordinance requires a 50 foot setback.

8/17/2021

Leanne Voit of Wendel spoke and answered question from the Board.

There were no further speakers from the public, therefore Mr. Radens moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

ATTACHMENTS:

- Site layout and lighting design (PDF)

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John Radens, Chairman
SECONDER: Ann M. Nichols, Member
AYES: John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT: Nina Cherian

SEQR Determination

1. SEQR Determination of Non Significance for Height of Field Lighting / Lumen Levels

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

3. ZBA Item 2021-56

480 New Road - Area Variance - Accessory Structure

The petitioner's garage will be 2,567 s.f. in area, whereas, the zoning ordinance limits all accessory structures to 75% of the principal dwelling (including any attached garage), or in this case 1,575 s.f. maximum.

8/17/2021

Amy Broczkowski spoke and answered questions from the Board.

There were no further speakers from the public, therefore Mr. Shubert moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

4. ZBA Item 2021-52

190 Maple Road - Area Variance - Sign Modification

The petitioner desires to add lighting to his/her existing wall signs, whereas, the Zoning Board of Appeals restricted such sign lighting in their decision of October 23, 2018.

8/17/2021

Attorney Jeff Palumbo spoke and answered questions from the Board.

Ann Barton, 195 Maple Road and Kathy Aquilina, 215 Maple Road spoke against the Petitioners request.

There were no further speakers from the public. Mr. Radens moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0. Ms. Nichols moved to adjourn seconded by Mr. Shubert and unanimously approved 4-0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 9/21/2021 6:30 PM
MOVER:	Ann M. Nichols, Member	
SECONDER:	Ronald Shubert, Member	
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips	
ABSENT:	Nina Cherian	

5. ZBA Item 2021-61

69 Aspenwood Drive - Special Use Permit - Raising Chickens

The petitioner desires to raise chickens as an accessory use to his dwelling, whereas, the zoning ordinance requires the Zoning Board to issue a special use permit.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 9/21/2021 6:30 PM
MOVER:	John Radens, Chairman	
SECONDER:	Ann M. Nichols, Member	
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips	
ABSENT:	Nina Cherian	

6. ZBA Item 2021-54

10170 Transit Road - Use Variance - Additional Dwelling Unit

The petitioner desires to establish an additional dwelling unit to his/her nonconforming two family dwelling, whereas, the Zoning Ordinance limits dwellings to single family homes in the SA zoning district.

8/17/2021

Attorney Jeff Palumbo appeared and answered questions from the Board.

There were no speakers from the public. Mr. Radens moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0. Ms. Nichols moved to adjourn seconded by Mr. Shubert and unanimously approved 4-0.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 9/21/2021 6:30 PM
MOVER:	Ann M. Nichols, Member	
SECONDER:	Ronald Shubert, Member	
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips	
ABSENT:	Nina Cherian	

7. ZBA Item 2021-62

65 Daisy Lane - Area Variance - Fence in an Exterior Side Yard

The petitioner is seeking to install a six foot high fence that is 0 feet from the south property line, whereas, section 2-5-2(5)(b) requires a setback of 25 feet.

8/17/2021

Christopher Lugaiz spoke and answered questions from the Board.

There were no further speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Mr. Shubert and unanimously approved 4-0.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

8. ZBA Item 2021-58

10820 Transit Road - Area Variance - Building Setback and Expansion of a Non-Conforming Use

The petitioner's proposed greenhouse will be a minimum of 14.57 feet from the south property line, and his relocated greenhouse will be a minimum of 9.16 feet from the south property line, whereas, the Zoning Ordinance requires 30 feet minimum. The existing nursery/greenhouse business is a lawful non-conforming use, the expansion of the greenhouse business is not permitted as per section 9-2 of the Zoning Ordinance.

8/17/2021

Michael Badding spoke and answered questions from the Board.

There were no further speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Mr. Shubert and unanimously approved 4-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

9. ZBA Item 2021-63

1230 Eggert Road - Area Variance - Generator Setback

The petitioners' proposed generator will be 5 feet from the north property line, whereas, a minimum of a 15 foot setback is required.

8/17/2021

Member Shubert recused himself.

John Delgato appeared and answered questions from the Board.

Chris Garrianger asked to have some shrubbery to help reduce noise.

There were no further speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Ms. Philips and unanimously approved 3-0.

RESULT:	APPROVED W/ CONDITIONS [3 TO 0]
MOVER:	Ann M. Nichols, Member
SECONDER:	Kelly J. Philips, Member
AYES:	John Radens, Ann M. Nichols, Kelly J. Philips
ABSENT:	Nina Cherian
RECUSED:	Ronald Shubert

10. ZBA Item 2021-64

350 Schoelles Road - Area Variance - Building Setback

The petitioner's addition to his/her dwelling will be 11'-8" from his/her west property line, whereas, the zoning ordinance requires 30 feet minimum.

8/17/2021

David Flemming spoke and answered questions from the Board.

There were no speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Mr. Shubert and unanimously approved 4-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

11. ZBA Item 2021-40

621 Getzville Road - Area Variance - Signage

The petitioner's pole sign is 30 feet in height, whereas, the zoning ordinance permits a maximum height of 25 feet, and whereas, the pole sign will be 246.06 s.f. in area, whereas a maximum of 64 s.f. is permitted, and whereas, the petitioner desires to erect (4) ground signs, whereas, a maximum of one ground sign is permitted, and whereas, the petitioner's directory sign is 23.79 s.f. in area, whereas, a maximum of 16 s.f. is permitted, and whereas, two incidental signs will be 3.95 s.f. in area, whereas, a maximum of 2 s.f. is permitted, and whereas, the total sign area proposed for the site is 544.36 s.f. in area whereas, a maximum of 476 s.f. is permitted.

7/20/2021

Mitchell Donnelly appeared and answered questions from the Board.

There were no speakers from the public, therefore Mr. Radens moved to adjourn the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

8/17/2021

Mitchell Donnelly appeared and answered questions from the Board.

There were no speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Ms. Philips and unanimously approved 4-0.

HISTORY:

07/20/21 Zoning Board of Appeals
Next: 08/17/21

ADJOURNED

Area Variance - Pole Sign Height

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

Area Variance - Pole Sign Area

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	John Radens, Chairman
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

Area Variance - Ground Signs

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

Area Variance - Directory Signs

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

Area Variance - Incidental Signs

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	John Radens, Chairman
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

Area Variance - Total Sign Area

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

12. ZBA Item 2021-45

191 Chasewood Lane - Area Variance - Shed Setback

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a shed installation. The petitioner's shed will be 7 feet from the east property line, whereas the zoning ordinance requires a minimum of 30 feet.

8/17/2021

Jeff Brunskill spoke and answered questions from the Board.

There were no speakers from the public, therefore Ms. Nichols moved to close the hearing, seconded by Mr. Shubert and unanimously approved 4-0.

HISTORY:**07/20/21****Zoning Board of Appeals****ADJOURNED****Next: 08/17/21**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

13. ZBA Item 2021-46

216 North Union Road - Special Use Permit - Raising Chickens

The petitioner desires to raise chickens as an accessory use to his dwelling, whereas, the Zoning Ordinance requires the Zoning Board to issue a special use permit.

8/17/2021

Marcellino Miranda spoke and answered questions from the Board.

There were no speakers from the public, therefore Mr. Radens moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

HISTORY:**07/20/21****Zoning Board of Appeals****ADJOURNED****Next: 08/17/21**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

SEQR Determination

1. SEQR Determination of Non Significance for Raising Chickens

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

14. ZBA Item 2021-65

7590 Transit Road - Area Variance - Outdoor Storage/Display & Landscaping Relief

The petitioner is seeking relief from the medium impact screening requirements along his easterly yard and, the petitioner desires to maintain outdoor display and limited outdoor storage in excess of the limits established by the zoning ordinance.

8/17/2021

Attorney Sean Hopkins spoke and answered question from the Board.

There were no speakers from the public, therefore Mr. Shubert moved to close the hearing, seconded by Ms. Nichols and unanimously approved 4-0.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ann M. Nichols, Member
AYES:	John Radens, Ann M. Nichols, Ronald Shubert, Kelly J. Philips
ABSENT:	Nina Cherian

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Mr. Shubert moved to adjourn, seconded by Ms. Philips and unanimously approved 4-0. The Zoning Board of Appeals meeting of August 17, 2021 was adjourned at 9:25 PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 24633

ZBA ITEM 2021-59

APPROVED

Part of 330 Maple Road - Temporary Use Permit

WHEREAS, the Town of Amherst has made application for a Temporary Use Permit, with permission of the landowner under

- 1. SECTION:4-4-2(permitted use in GB)**
- 2. SECTION:3-12-2(permitted use in MFR-6)**
- 3. SECTION:6-3-7(setback)**
- 4: SECTION:7-2-4B (landscaping)**

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

Portion of 330 Maple Road within a MFR-6, GB and RC Zoning District

The petitioner desires to construct **4 recreational softball fields** on a temporary basis which requires the issuance of a temporary use permit by the Amherst Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on **August 17, 2021** after proper notice, AND

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

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

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

-) **is of a temporary nature and does not involve the erection or enlargement of any permanent structure;**
-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **meets the criteria as specified in section 6-3-7;**
-) **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 Temporary Use Permit for a period of two (2) years for the subject address.

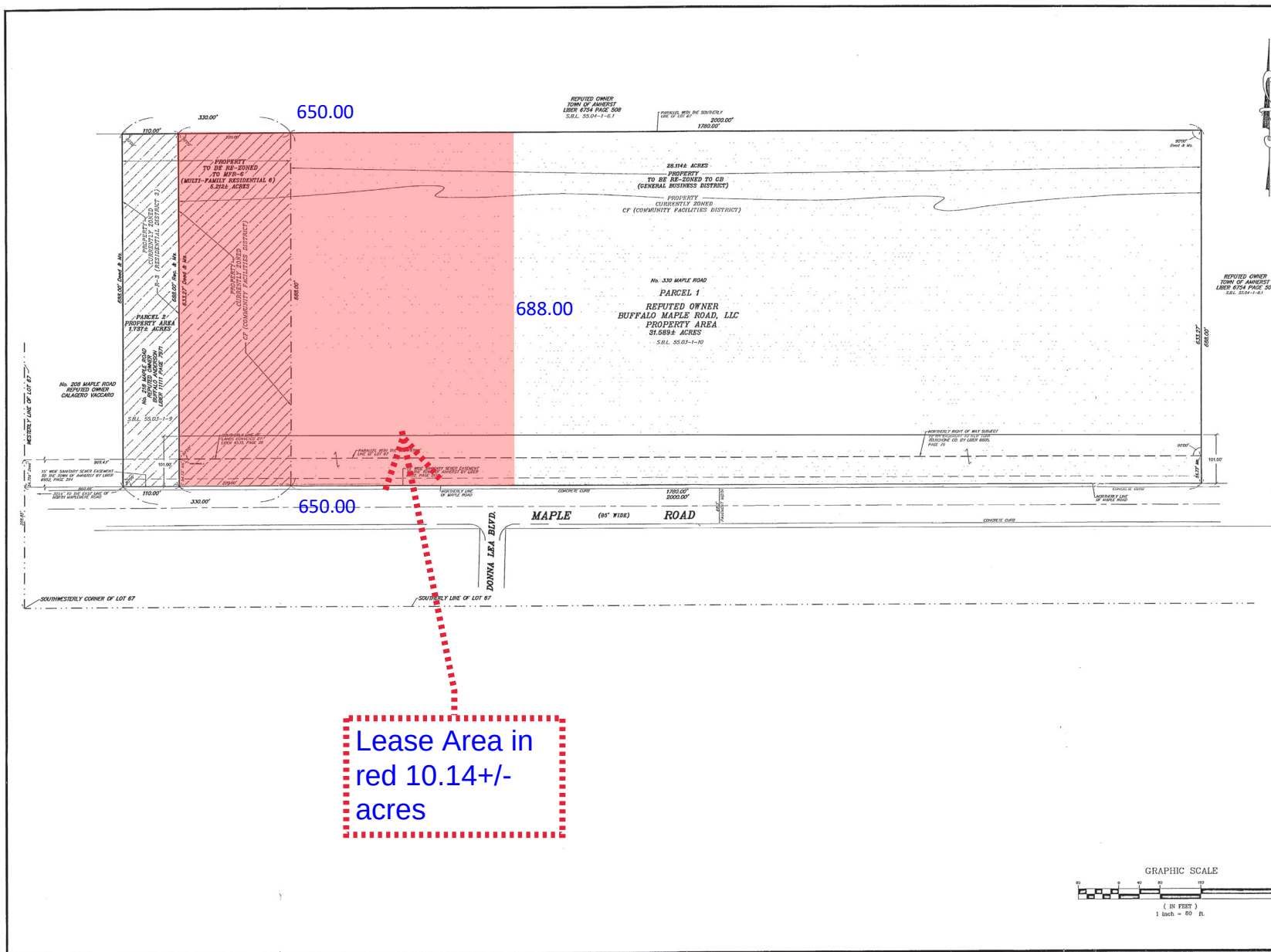
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	John Radens, Chairman
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian

Project Description

The Town's Engineering Department is applying for a Temporary Use permit for the construction of four (4) softball fields on a parcel of land owned by ACC OP (Maple Road) LLC. The purpose of this project is to provide the Amherst Girls Softball League with four temporary softball fields to use during the life of the town's lease agreement with ACC. These fields are required to replace the existing softball fields that are being removed at Northtown Center as part of the UB MD project. Two fields are replacements, and two fields are to address the needs during the larger tournaments that the league hosts. These fields will be natural turf with clay infields, backstops, chain link fencing and dugouts. Asphalt access paths will be provided from the parking lot at Northtown Center to each field. A gazebo will be located at the center of the fields to provide shade and shelter. Field lighting and a sound system are not proposed, and a treed buffer will be provided between the southern edge of the fields and Maple Road.

The majority of the lease parcel is zoned GB and MRF-6, which does not specifically allow for public athletic fields. This temporary use for the life of the lease with the landowner will not impact the future use of this property under the current zoning. This site was selected due to the proximity of the site to Northtown, allowing the league to take advantage of existing support facilities (parking, restrooms, concessions).

The subject site plan will be reviewed and considered for approval by the Town Planning Board on August 19, 2021.



Attachment: Project description and site layout (ZBA-2021-59 : Part of 330 Maple Road - Temporary Use

Z. 2014.05

North Amherst Recreation Center
4415 Millersport Highway
East Amherst, NY 14051



237 Main Street, Suite 500
Buffalo, NY 14203
wendelcompanies.com
p:716.688.0766 f:716.625.6825

Wendel WD Architecture, Engineering, Surveying and
Landscape Architecture, P.C.

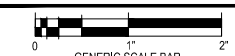
PROGRESS
PRINT
07-23-2021
NOT FOR CONSTRUCTION

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A	SCHEMATIC DESIGN REVIEW	07/02/21
NO.	REVISIONS	DATE

DWG. TITLE

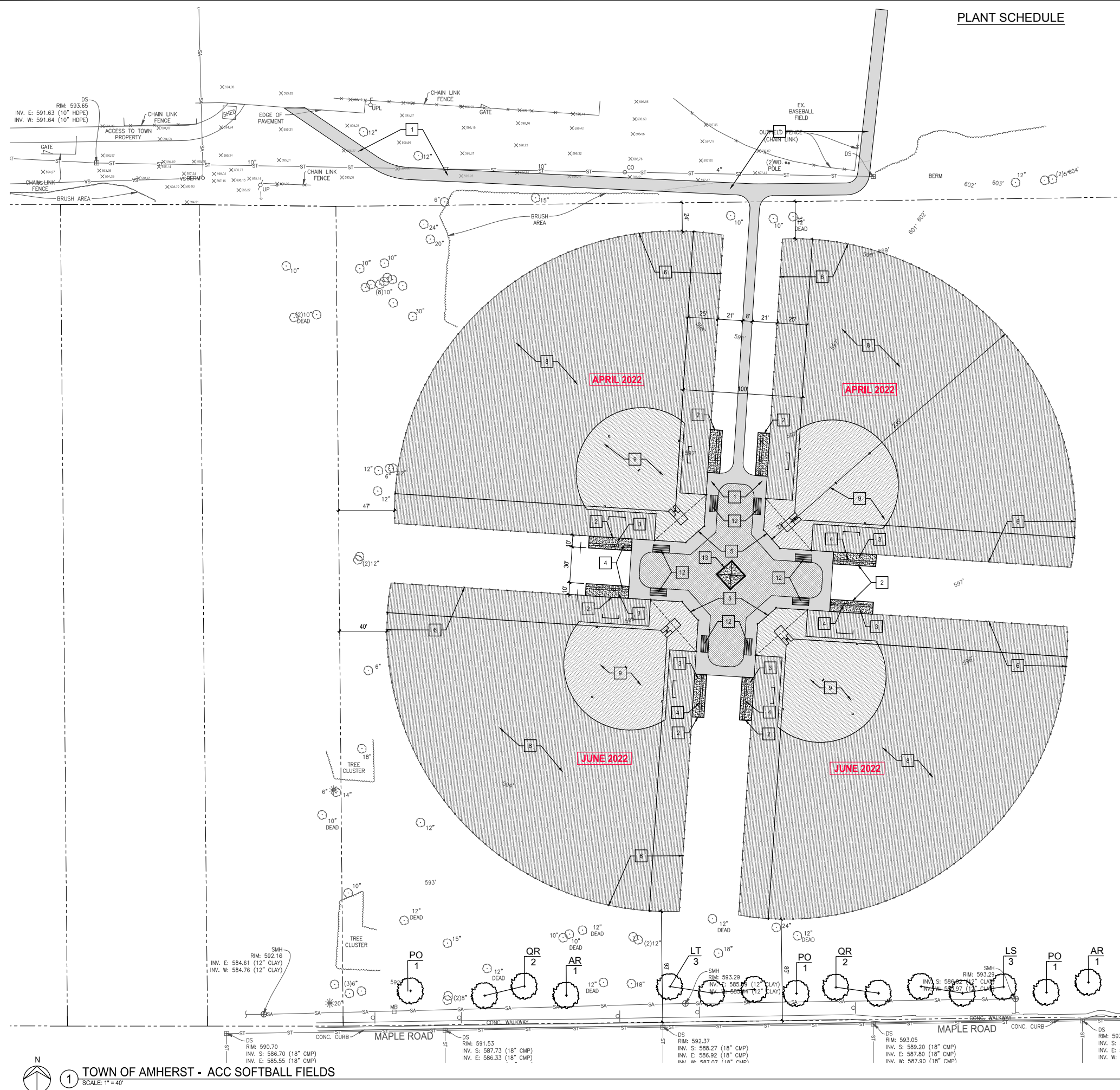
SITE IMPROVEMENT PLAN



DATE	JULY 23, 2021		
SCALE	AS NOTED		
DWN.	AMR	CHK.	TJZ
PROJ. No.	261348		
DWG. No.			

C201

Packet Pg. 14



PLANT SCHEDULE



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.2

DOC ID: 24635

ZBA ITEM 2021-60

APPROVED

550 Smith Road - Area Variances - Lou Gehrig Sports Field Lighting/Field Improvements

WHEREAS, the **Town of Amherst** has made application for Area Variances, under

- 1. SECTION: 5-9-2B (light height)**
- 2. SECTION: 5-9-2B (light setback)**
- 3. SECTION: 7-3-4D (lumen levels)**
- 4. SECTION: 6-3-7 (baseball field setback)**

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

550 Smith Road within a RC Zoning District

The petitioner desires to re-construct an existing baseball diamond to include exterior sports field lighting. Two of the proposed **light poles** will be **70 feet** in height and the remaining four light poles will be **80 feet** in height, whereas, the zoning ordinance limits such structures to **65 feet in height**, and whereas one of the light poles will be **32 feet** from the **east property line**, whereas as **50 foot** minimum setback is required and, whereas, the lights will exceed **0.5 foot candles** along a portion of the **easterly property line**, and whereas, the re-constructed baseball field will be **38 feet** from the easterly property line, whereas a **50 foot** setback is required, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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 area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



LOU GEHRIG BASEBALL FIELD IMPROVEMENTS

MAJOR SITE PLAN APPROVAL



Wendel WD Architecture, Engineering, Surveying and
Landscape Architecture, P.C.

08-04-2021

NOT FOR CONSTRUCTION

NOTE:
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C	PER TOWN PLANNING COMMENTS	08/04/202
B	ISSUED FOR MINOR SITE PLAN APPROVAL	07/23/202
A	SCHEMATIC DESIGN REVIEW	07/02/202
NO.	REVISIONS	DATE

Dwg. Title

SCALE BAR SHOWN IS TWO INCHES ON THE ORIGINAL DRAWING
IF NOT TWO INCHES ON THIS SHEET, ADJUST ACCORDINGLY

DATE JULY 23, 2021

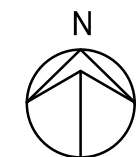
SCALE AS NOTED

DWN.	PB	CHK.	DLK
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PROJ. No. 261349

DWG, No.

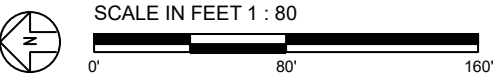
C201



1 SITE LAYOUT AND UTILITY PLAN

SCALE: 1" = 30'

EQUIPMENT LIST FOR AREAS SHOWN								
Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	70'	-	70'	TLC-LED-1200	3	3	0
				15.5'	TLC-BT-575	1	1	0
				70'	TLC-LED-1500	3	3	0
4	B1-B2 C1-C2	80'	-	15.5'	TLC-BT-575	2	2	0
				80'	TLC-LED-1500	10	10	0
				80'	TLC-LED-1200	2	2	0
				80'	TLC-LED-1200			
6	TOTALS					70	70	0



Pole location(s) ⚓ dimensions are relative to 0,0 reference point(s) ⊗

GRID SUMMARY	
Name:	Approx. East Property Line Spill
Spacing:	30.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY	
HORIZONTAL FOOTCANDLES	
Scan Average:	Entire Grid 2.2929
Maximum:	11.05
Minimum:	0.00
No. of Points:	29
LUMINAIRE INFORMATION	
Applied Circuits:	A
No. of Luminaires:	70
Total Load:	87.91 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

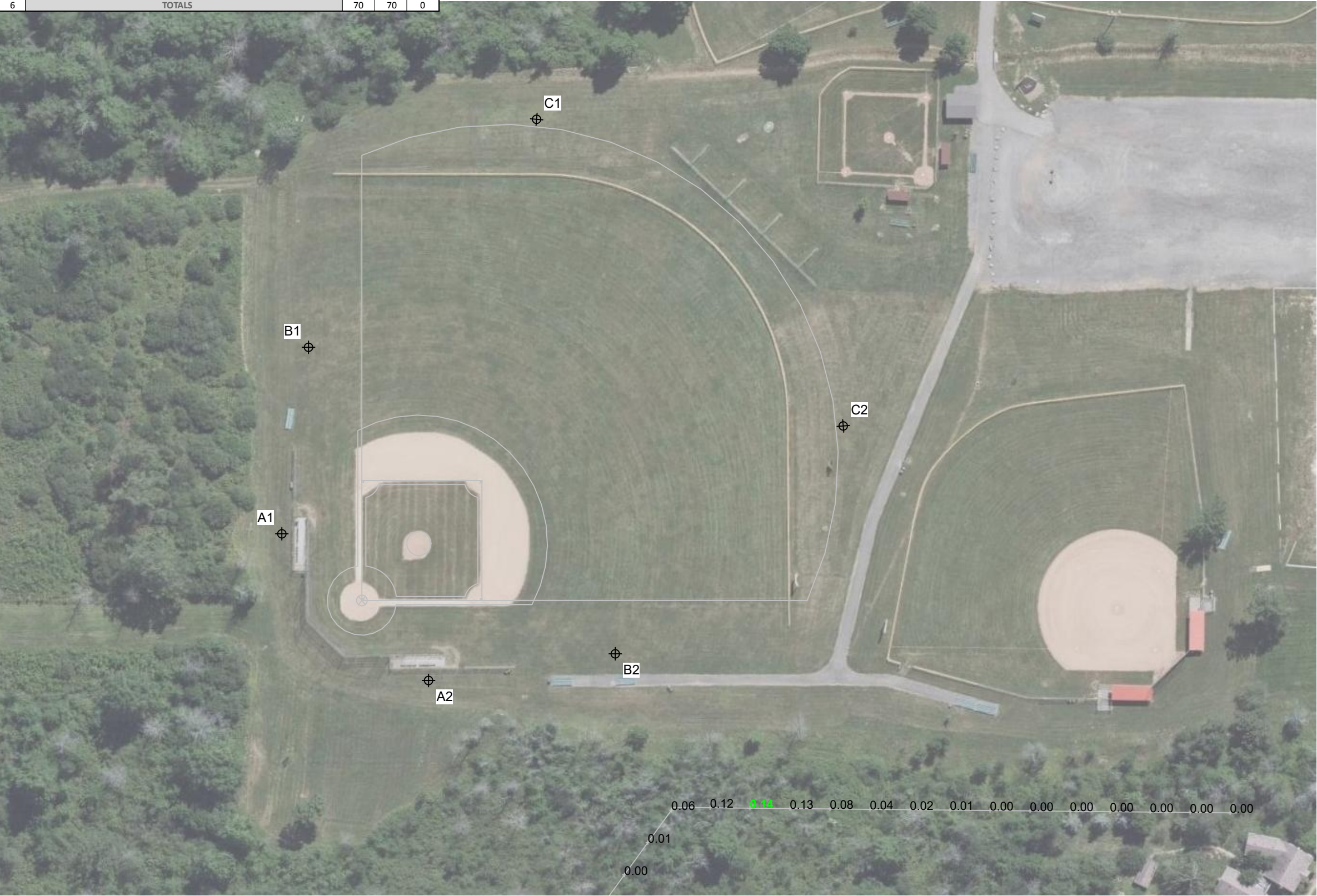
Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

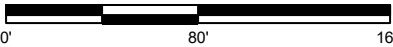


EQUIPMENT LIST FOR AREAS SHOWN								
Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	70'	-	70'	TLC-LED-1200	3	3	0
				15.5'	TLC-BT-575	1	1	0
				70'	TLC-LED-1500	3	3	0
4	B1-B2 C1-C2	80'	-	15.5'	TLC-BT-575	2	2	0
				80'	TLC-LED-1500	10	10	0
				80'	TLC-LED-1200	2	2	0
				80'	TLC-LED-1200			
6	TOTALS					70	70	0





SCALE IN FEET 1 : 80



0'80'160'

Pole location(s)  dimensions are relative to 0,0 reference point(s) 

Lou Gehrig Amherst Park Baseball Stadium
East Amherst, NY

3.2.a

GRID SUMMARY	
Name:	Approx. West Property Line Spill
Spacing:	30.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY	
HORIZONTAL FOOTCANDLES	
Scan Average:	Entire Grid 0.0300
Maximum:	0.14
Minimum:	0.00
No. of Points:	20
LUMINAIRE INFORMATION	
Applied Circuits:	A
No. of Luminaires:	70
Total Load:	87.91 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



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Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.3

DOC ID: 24599

ZBA ITEM 2021-56

APPROVED

480 New Road - Area Variance - Accessory Structure

WHEREAS, **Andrew and Bonnie Broczkowski** has made application for an Area Variance, under

SECTION: 6-8-1(B)

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

480 New Road within a SA Zoning District

The petitioner's proposed **garage** will be **2,567 square** feet in area, whereas, the zoning ordinance permits a maximum of **1,575** feet, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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:	Ann M. Nichols, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.4

DOC ID: 24612

ZBA ITEM 2021-52

ADJOURNED

190 Maple Road - Area Variance - Sign Modification

DRAFT RESOLUTION

WHEREAS, **Jeffery D. Palumbo, Esq./Youngs Road Property Development, LLC** has made application for an Area Variance, under

SECTION: 8-13-5(C)

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

190 Maple Road within a R-3 Zoning District

The petitioner's proposed **wall signs** will be **illuminated** whereas, the zoning board of appeals restricted sign lighting in their decision on 10/23/2018, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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:	ADJOURNED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian

Next: 9/21/2021 6:30 PM



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.5

DOC ID: 24613

ZBA ITEM 2021-61

ADJOURNED

69 Aspenwood Drive - Special Use Permit - Raising Chickens

DRAFT RESOLUTION

WHEREAS, **Gary and Shirley Johnson** have made application for a Special Use Permit, under

SECTION: 6-8-9(B)

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

69 Aspenwood Drive within a R-2 Zoning District

The petitioner desires to **raise chickens** which requires the issuance of a special use permit by the Amherst Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on **September 21, 2021** 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 6-8-9(B);**
-) **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:	ADJOURNED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian

Next: 9/21/2021 6:30 PM



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.6

DOC ID: 24617

ZBA ITEM 2021-54

ADJOURNED

10170 Transit Road - Use Variance - Additional Dwelling Unit

DRAFT RESOLUTION

WHEREAS, **Donald and Lori Kleinschmidt** have made application for a Use Variance, under

SECTION: 3-3-2(A)

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

10170 Transit Road within a SA Zoning District

The petitioner desires to establish an **additional dwelling unit** which is not permitted in the **SA** zoning district, AND

WHEREAS, a public hearing was held on **August 17, 2021** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and whether or not the applicant has showed that the applicable zoning regulations have caused unnecessary hardship, AND

WHEREAS, pursuant to §267-b(2)(b) of the NY Town Law the applicant must prove unnecessary hardship by demonstrating to the Zoning Board of Appeals that for each and every permitted use within the above stated zoning district wherein the applicant's property is located he/she:

-) cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
-) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
-) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
-) that the alleged hardship has not been 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 applicant has/has not proven unnecessary hardship, AND

WHEREAS, this Board supports its decision based on the aforementioned criteria pursuant to section 26-b(2)(b) of NY Town Law in that the applicant did/did not show that:

-) he/she cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

-) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
-) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
-) that the alleged hardship has not been self created; AND

WHEREAS, This Board believes that the requested use variance should be approved/denied based on the above showing/not showing; AND

(strike this whereas if use variance request will be denied)

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/DENY a use variance to establish an additional dwelling unit on the above subject property.

RESULT:	ADJOURNED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian

Next: 9/21/2021 6:30 PM



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

DOC ID: 24618

ZBA ITEM 2021-62

APPROVED W/ CONDITIONS

65 Daisy Lane - Area Variance - Fence in an Exterior Side Yard

WHEREAS, **Paula Lugar** has made application for an Area Variance, under

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

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

65 Daisy Lane within a TR-3 Zoning District

The petitioner's proposed **6 foot high fence** will be **0** feet from the south property line whereas, the zoning ordinance requires a minimum of **25** feet, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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 with the condition that the fence be at least two (2) feet from the sidewalk.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.8

DOC ID: 24624

ZBA ITEM 2021-58

APPROVED

10820 Transit Road - Area Variance - Building Setback and Expansion of a Non-Conforming Use

WHEREAS, **Michael Badding** has made application for an Area Variance, under

SECTION: 2-5-4B(3)

SECTION: 9-2

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

10820 Transit Road within a SA Zoning District

The petitioner's **proposed greenhouse** will be a minimum of **14.57 feet** from the **south property line**, and his **relocated greenhouse** will be a minimum of **9.16 feet** from the south property line, whereas, the Zoning Ordinance requires **30 feet minimum**, and whereas, the existing nursery/greenhouse business is a lawful non-conforming use whereas the zoning ordinance does not permit the expansion of lawful non-conforming uses, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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 variances requested are the minimum variances 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 the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 24636

ZBA ITEM 2021-63

APPROVED W/ CONDITIONS

1230 Eggert Road - Area Variance - Generator Setback

WHEREAS, **Compass Care/The William & Diane Hein Foundation** has made application for an Area Variance(s), under

SECTION: 4-3-2B

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

1230 Eggert Road within a NB Zoning District

The petitioner's proposed **emergency standby generator** will be **5 feet** from the **north** property line whereas, the zoning ordinance requires a minimum of **15 feet**, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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 with the following condition:

1. The applicant shall work with the Town's Landscape Architect to come up with adequate screening for the generator.

RESULT:	APPROVED W/ CONDITIONS [3 TO 0]
MOVER:	Ann M. Nichols, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Radens, Nichols, Philips
ABSENT:	Cherian
RECUSED:	Shubert



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 24637

ZBA ITEM 2021-64

APPROVED

350 Schoelles Road - Area Variance - Building Setback

WHEREAS, **David Flemming/Vyacheslav Kozlovskiy** have made application for an Area Variance(s), under

SECTION: 2-5-4(B)(3)(a)

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

350 Schoelles Road within a SA Zoning District

The petitioner's proposed **garage/dwelling addition** will be **11'-8"** from the **west** property line whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 23508 A

ZBA ITEM 2021-40

621 Getzville Road - Area Variance - Signage

WHEREAS, **Northtown Properties** has made application for an Area Variance, under

- 1. SECTION: 7-8-4B(3)(b) (height)**
- 2. SECTION: 7-8-8B (pole sign area)**
- 3. SECTION: 7-8-4B1(a) (ground signs)**
- 4. SECTION: 7-8-4C1(b) (directory sign)**
- 5. SECTION: 7-8-3B6(a) (incidental signs)**
- 6. SECTION: 7-8-8A (total sign area)**

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

621 Getzville Road within a GB Zoning District

The petitioner's **pole sign** is **30 feet in height**, whereas, the zoning ordinance permits a maximum height of **25 feet**, and whereas, the pole sign will be **246.06 s.f.** in area, whereas a maximum of **64 s.f.** is permitted, and whereas, the petitioner desires to erect **(4) ground signs**, whereas, a maximum of **one ground sign** is permitted, and whereas, the petitioner's **directory sign** is **23.79 s.f.** in area, whereas, a maximum of **16 s.f.** is permitted, and whereas, **two incidental signs** will be **3.95 s.f.** in area, whereas, a maximum of **2 s.f.** is permitted, and whereas, the **total sign area** proposed for the site is **544.36 s.f.** in area whereas, a maximum of **476 s.f.** is permitted, AND

WHEREAS, a public hearing was held on **July 20, 2021 & August 17, 2021** 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 DENY the following area variances from the listed sections of the Zoning Ordinance of the Town of Amherst, and:

1. SECTION: 7-8-4B(3)(b) (height) - Denied

2. SECTION: 7-8-8B (pole sign area) - Denied

6. SECTION: 7-8-8A (total sign area) - Denied

BE IT FURTHER RESOLVED; that this Board does hereby GRANT the following area variances from the listed sections of the Zoning Ordinance of the Town of Amherst subject to the following condition:

3. SECTION: 7-8-4B1(a) (ground signs) - Granted

4. SECTION: 7-8-4C1(b) (directory sign) - Granted

5. SECTION: 7-8-3B6(a) (incidental signs) - Granted

A. The maximum permitted total sign area shall be limited to 298.3 s.f.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

DOC ID: 23458

ZBA ITEM 2021-45

APPROVED

191 Chasewood Lane - Area Variance - Shed Setback

WHEREAS, **Jeff Brunskill** has made application for an Area Variance, under

SECTION: 2-5-5

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

191 Chasewood Lane within an R-3 Zoning District

The petitioner's proposed **shed** will be **7 feet** from the **east property line** whereas, the zoning ordinance requires a minimum of **30 feet**, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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:	Ann M. Nichols, Member
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.13

DOC ID: 23481

ZBA ITEM 2021-46

APPROVED

216 North Union Road - Special Use Permit - Raising Chickens

WHEREAS, **Marcelino Miranda** has made application for a Special Use Permit, under

SECTION: 6-8-9

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

216 North Union Road within a R-3 Zoning District

The petitioner desires to **raise chickens** as an accessory use to his dwelling, which requires the issuance of a special use permit by the Amherst Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on **August 17, 2021** 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 8-6-6 of the Town of Amherst Zoning Ordinance, AND

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

-) **will be generally consistent with the policies of the Comprehensive Plan;**
-) **meets the criteria as specified in section 6-8-9B;**
-) **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 a period of two (2) years for the subject address.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ann M. Nichols, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 08/17/21 06:30 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 24638

ZBA ITEM 2021-65

APPROVED W/ CONDITIONS

7590 Transit Road - Area Variance - Outdoor Storage/Display & Landscaping Relief

WHEREAS, **7590 Transit Road, LLC** has made application for Area Variances, under

- 1. SECTION: 7-4-2B (display/storage setbacks)**
- 2. SECTION: 7-4-3A(2) (display location)**
- 3. SECTION: 7-4-3A(3) (display percentage)**
- 4. SECTION: 7-2-4A(2) (medium impact screening along Transit Rd.)**

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

7590 Transit Road within a GB Zoning District

The petitioner's **outdoor display** area is **0 feet** from the **east** property line, whereas a **20 foot setback** is required, and whereas, such display area is **90 feet long** whereas, the zoning ordinance limits the area to **17.4 feet long**, and whereas, the display area is **62 feet** from the building wall, whereas, a maximum permitted distance from the wall is **5 feet**, and whereas, the **northerly storage area** is **10 feet** from the **north** property line and the **southerly storage area** is **5 feet** from the **south** property line, whereas the zoning ordinance requires a **20 foot setback** along both property lines, AND the petitioner is seeking relief from the **landscaping/screening** requirements along his **easterly** property line and, AND

WHEREAS, a remote public hearing was held on **August 17, 2021** 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 area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst subject to the following conditions:

1. The area variance granted by this Board on June 15, 2021 for relief from the high impact screening requirements along the westerly property line is hereby amended, so that such relief is limited to the attached site plan design and does not extend to any future development of the west yard.
2. No more than twelve (12) parking spaces can be used to display equipment.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Ann M. Nichols, Member
AYES:	Radens, Nichols, Shubert, Philips
ABSENT:	Cherian