



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, April 19, 2022

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Ann M. Nichols	Town of Amherst	Member	Present	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Present	
Brian Bray	Town of Amherst	Member	Present	
Ellen Parker	Town of Amherst	Member	Present	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Present	
Gary Palumbo	Town of Amherst	Associate Planner	Present	
Ann Demopoulos	Town of Amherst	Deputy Town Attorney	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	

II. APPROVAL OF MINUTES

1. Tuesday, March 22, 2022

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ronald Shubert, Member
AYES:	Ann M. Nichols, Ronald Shubert, Kelly J. Philips, Brian Bray
ABSTAIN:	Ellen Parker

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 25654)

288 Quail Hollow Lane-Special Use Permit Type II Home Occupation

The petitioner is seeking to establish a law office as an accessory use to her dwelling,

whereas, the zoning ordinance requires the issuance of a special use permit for a type 2 home occupation.

April 19, 2022

Radhika Varavenkataraman spoke and answered questions from the Board.

Kenyon Riches, 248 Wood Acres Drive, spoke in opposition.

There were no further speakers from the public, therefore Chairwoman Nichols moved to close the hearing.

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

SEQR Determination - Type 2 Home Occupation

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

2. ZBA Item (ID # 25655)

178 Patton Place-Special Use Permit Type II Home Occupation

The petitioner is seeking to establish a fitness instruction & personal training studio as an accessory use to his dwelling, whereas the zoning ordinance requires the issuance of a special use permit for a type 2 home occupation.

04/19/2022

Petitioner, Kevin Baker, spoke and answered questions from the Board.

Joseph Clem, 172 Patton Place and Rosemary Peterson, 276 Tennyson Terrace, spoke in Favor.

There were no further speakers, therefore Chairwoman Nichols moved to close the hearing.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ellen Parker, Member
SECONDER:	Brian Bray, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker

SEQR Determination - Type II Home Occupation

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

3. ZBA Item 2022-17

39 Hallmark Court - Area Variance - Building Setback

The petitioners' proposed rear building addition will be a minimum of 15 feet from the rear property line, whereas, the zoning ordinance requires 30 feet minimum.

04/19/2022

Kathy & Patrick Cappa spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing.

HISTORY:

03/22/22

Zoning Board of Appeals

ADJOURNED

Next: 04/19/22

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

4. ZBA Item (ID # 25656)

58 Brantwood Road- Area Variance Garage Height

The petitioner's garage will be 21.2 feet in height, whereas the zoning ordinance permits a maximum of 20 feet in height.

04/19/2022

Architect, Michael Anderson, spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing.

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

5. ZBA Item (ID # 25657)

130 Bondcroft Drive- Area Variance Building Setback

The petitioner's addition will be 26 feet from the north property line whereas the zoning ordinance requires a minimum of 30 feet.

04/19/2022

Architect Greg Schneider spoke on behalf of the petitioner and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brian Bray, Member
SECONDER: Kelly J. Philips, Member
AYES: Nichols, Shubert, Philips, Bray, Parker

6. ZBA Item (ID # 25659)

99 N Parrish Drive - Area Variance Fence Height Within Exterior Side Yard

The petitioner's five foot tall fence will be 5 feet from the east property line, whereas, the zoning ordinance requires 30 feet minimum.

4/19/2022

Elise & Jeffrey Champlin spoke and answered question from the Board.

Jane Olson, 6 S Parrish, James Barrick, 81 Landings, & Michael Constantino, 89 Landings, spoke in opposition.

There were no further speakers, therefore Chairwoman Nichols closed the hearing.

RESULT: **APPROVED [4 TO 1]**
MOVER: Ronald Shubert, Member
SECONDER: Brian Bray, Member
AYES: Ann M. Nichols, Ronald Shubert, Brian Bray, Ellen Parker
NAYS: Kelly J. Philips

7. ZBA Item (ID # 25660)

100 International Drive - Area Variance Accessory Structure Setback

The petitioner's electrical vehicle charging stations and equipment pad will be 85 feet from the centerline of Sheridan Drive, whereas, the zoning ordinance requires 115 feet.

4/19/2022

Ben Sopczyk of Apex Solar Power & Roofing spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brian Bray, Member
SECONDER: Kelly J. Philips, Member
AYES: Nichols, Shubert, Philips, Bray, Parker

8. ZBA Item (ID # 25661)

3139 Sheridan Drive - Area Variance Signage

The petitioner's proposed ground sign will allow a neighboring business to also have sign copy for its business, whereas, the zoning ordinance does not permit commercial signage other than on the lot where the business is located, and the proposed sign will be 4 feet from the north property line, whereas, the zoning ordinance requires 15 feet.

4/19/2022

Atty Sean Hopkins spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing

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

9. ZBA Item (ID # 25662)

3151 Sheridan Drive - Area Variance Signage

The petitioner's proposed ground sign will allow a neighboring business to also have sign copy for its business, whereas, the zoning ordinance does not permit commercial signage other than on the lot where the business is located.

4/19/2022

Atty Sean Hopkins spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing

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

10. ZBA Item (ID # 25663)

165 Princeton Avenue - Area Variance Building Setback

The petitioner's building will be 26.4 feet and 28.2 feet from the adjacent buildings, whereas, the zoning ordinance requires 30 feet minimum.

4/19/2022

Kendall Ransom spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairwoman Nichols closed the hearing

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

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Ms. Philips moved to adjourn, seconded by Mr. Bray and unanimously approved 5-0. The Zoning Board of Appeals meeting of April 19, 2022 was adjourned at 8:12 PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.1

DOC ID: 25654

ZBA ITEM (ID # 25654)

APPROVED

288 Quail Hollow Lane-Special Use Permit Type II Home Occupation

WHEREAS, **Radhika Varavenkataraman** has made application for a Special Use Permit, under

SECTION: 6-8-6B(2)

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

288 Quail Hollow Lane within a R-2 Zoning District

The petitioner desires to establish a **law office** as an accessory use to her dwelling which requires the issuance of a special use permit by the Amherst Zoning Board of Appeals for a Type 2 Home Occupation, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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 6-8-6;**
-) **will be compatible with the existing uses adjacent to and near the property;**
-) **will be in harmony with the general purpose of the Zoning Ordinance;**
-) **will not tend to depreciate the value of adjacent property;**
-) **will not create a hazard to health, safety or the general welfare;**
-) **will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and**
-) **will not otherwise be detrimental to the public convenience and welfare, AND**

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

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

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



Zoning Board of Appeals

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

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.2

DOC ID: 25655

ZBA ITEM (ID # 25655)

APPROVED W/ CONDITIONS

178 Patton Place-Special Use Permit Type II Home Occupation

WHEREAS, **Kevin A. Baker** has made application for a Special Use Permit, under

SECTION: 6-8-6B(2)

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

178 Patton Place within a R-3 Zoning District

The petitioner desires to establish a **fitness instruction & personal training studio** as an accessory use to his dwelling, which requires the issuance of a special use permit by the Amherst Zoning Board of Appeals for a type 2 home occupation, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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 6-8-6;**
-) **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. The garage doors must be closed while used for business.

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 W/ CONDITIONS [UNANIMOUS]
MOVER:	Ellen Parker, Member
SECONDER:	Brian Bray, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



Zoning Board of Appeals

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

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 25554

ZBA ITEM 2022-17

APPROVED

39 Hallmark Court - Area Variance - Building Setback

WHEREAS, **Patrick Cappa & Kathy Zdrojewski Cappa** 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:

39 Hallmark Court within a R-3 Zoning District

The petitioner's proposed **rear building addition** will be **15** feet from the **rear** property line whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** after proper notice, AND

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

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

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

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

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

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

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

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



Zoning Board of Appeals

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

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

DOC ID: 25656

ZBA ITEM (ID # 25656)

APPROVED

58 Brantwood Road- Area Variance Garage Height

WHEREAS, **Stephen and Nora Rich** have made application for an Area Variance, under

SECTION: 3-6-3B

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

58 Brantwood Road within a R-3 Zoning District

The petitioner's proposed **garage** will be **21.6** feet in height whereas, the zoning ordinance permits a maximum of **20** feet in height, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Brian Bray, Member
SECONDER:	Ronald Shubert, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



Zoning Board of Appeals

5583 Main Street
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Francina J. Spoth
Town Clerk

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

3.5

DOC ID: 25657

ZBA ITEM (ID # 25657)

APPROVED

130 Bondcroft Drive- Area Variance Building Setback

WHEREAS, **Onalee Daboll** has made application for an Area Variance, under

SECTION: 3-6-2B

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

130 Bondcroft Drive within a R-3 Zoning District

The petitioner's proposed **building addition** will be **26** feet from the **north** property line whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Brian Bray, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 25659

ZBA ITEM (ID # 25659)

APPROVED

99 N Parrish Drive - Area Variance Fence Height Within Exterior Side Yard

WHEREAS, **Elise and Jeffrey Champlin** have made application for an Area Variance(s), under

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

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

99 N. Parrish Drive within a R-3 Zoning District

The petitioner's proposed **5 foot high fence** will be **5 feet+/-** feet from the **east** property line whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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 [4 TO 1]
MOVER:	Ronald Shubert, Member
SECONDER:	Brian Bray, Member
AYES:	Nichols, Shubert, Bray, Parker
NAYS:	Philips



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

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Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 25660

ZBA ITEM (ID # 25660)

APPROVED

100 International Drive - Area Variance Accessory Structure Setback

WHEREAS, **The Automobile Club of WNY** has made application for an Area Variance(s), under

SECTION: 2-5-3

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

100 International Drive within a SC Zoning District

The petitioner's proposed **electric vehicle charging stations and equipment pad** will be **85** feet from the centerline of Sheridan Drive line whereas, the zoning ordinance requires a minimum of **115** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Brian Bray, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



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Town Clerk

Meeting: 04/19/22 06:30 PM
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Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.8

DOC ID: 25661

ZBA ITEM (ID # 25661)

APPROVED

3139 Sheridan Drive - Area Variance Signage

WHEREAS, **Northtown Property Owner, LLC** has made application for an Area Variance(s), under

1.) SECTION: 7-8-2E (advertising sign)

2.) SECTION: 7-8-4B1(e) (setback)

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

3139 Sheridan Drive within a CTR-5 Zoning District

The petitioner's proposed ground sign will allow a neighboring business to also have sign copy (**advertising sign**) for its business, whereas, the zoning ordinance does not permit commercial signage other than on the lot where the business is located, and the petitioner's proposed **ground sign** will be **4** feet from the **north** property line whereas, the zoning ordinance requires a minimum of **15** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Brian Bray, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 25662

ZBA ITEM (ID # 25662)

APPROVED

3151 Sheridan Drive - Area Variance Signage

WHEREAS, **Northtown Property Owner, LLC** has made application for an Area Variance(s), under

SECTION: 7-8-2E (advertising sign)

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

3151 Sheridan Drive within a CTR-5 Zoning District

The petitioner's proposed ground sign will allow a neighboring business to also have sign copy (**advertising sign**) for its business, whereas, the zoning ordinance does not permit commercial signage other than on the lot where the business is located, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Ronald Shubert, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 04/19/22 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.10

DOC ID: 25663

ZBA ITEM (ID # 25663)

APPROVED

165 Princeton Avenue - Area Variance Building Setback

WHEREAS, **Princeton Housing Association** has made application for an Area Variance(s), under

SECTION: 3-15-6

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

165 Princeton Avenue within a MFR-5 Zoning District

The petitioner's proposed **community building** will be **26.4** feet and **28.1** feet from the adjacent buildings whereas, the zoning ordinance requires a minimum of **30** feet, AND

WHEREAS, a public hearing was held on **April 19, 2022** 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:	Brian Bray, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker