

July 22, 2025

Chairman Michael Chmiel, Esq. and Members of the Planning Board  
Town of Amherst  
Planning Department  
5583 Main St.  
Williamsville, NY 14221

**RE: Proposed Snyder Mixed Use Building – Design Exception Request  
4548 & 4564 Main Street, 17 Fruehauf Ave, and 22 Chateau Terrace  
Amherst, NY 14226  
BDC Property No. 5202**

Dear Chairman Chmiel and Members of the Planning Board:

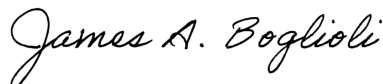
Benderson Development Company, LLC is requesting a single design exception from Town Code section 203-5A-2-4 K as it relates to the code requirement that tree planting be within grates along Fruehauf Ave and Chateau Terrace. The requested design exception is as follows:

- 1) No tree grates provided on Fruehauf Ave and Chateau Terrace

Instead of providing concrete and tree grates, the project proposed to maintain a green landscaping strip in which the trees will be planted along Fruehauf and Chateau Terrace. The greenspace is attractive and will soften the pedestrian amenities around the building. The Planning Board previously granted the requested waiver for a prior version of this development. A copy of that waiver is attached as **Exhibit A**.

It is our opinion, based upon the above, that the site, as designed, meets the intent of the Town of Amherst code and that the two design exceptions should be granted. If you have any questions or further comments, please do not hesitate to contact me at 716-878-9626 or via email at [jamesboglioli@benderson.com](mailto:jamesboglioli@benderson.com).

Thank you,  
**BENDERSON DEVELOPMENT COMPANY, LLC**



James Boglioli, Esq.  
Director, Development – Northeast US

# ***Exhibit A***

TOWN OF AMHERST  
PLANNING BOARD  
DESIGN EXCEPTION RESOLUTION  
SP-2022-11

PETITIONER

Benderson Development  
570 Delaware Avenue  
Buffalo, NY 14202

PROPERTY LOCATION

4548 & 4564 Main Street, 17 Fruehauf  
Avenue, and 22 Chateau Terrace

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WHEREAS, the Town of Amherst Planning Board on Thursday, May 18, 2023 held a normally scheduled meeting on a Site Plan for which design exceptions to the design standards of the mixed use districts was being sought, and

WHEREAS, the Planning Board reviewed the design exception request and reasoning in the petitioners letter to the Planning Board dated January 27, 2023 and received on February 8, 2023 by the Planning Department for the subject site plan, and

WHEREAS, in accordance with Section 5A of the Zoning Ordinance, the following are the required design standards for which design exceptions are being sought

- A. Section 5A-2-4 K requires tree planting in grates along Chateau Terrace & Fruehauf Avenue, and

WHEREAS, in accordance with Section 5A-7-19 of the Zoning Ordinance, the Planning Board finds that:

- A. The alternative design approach satisfies the overall intent of the design standards for which the design exceptions are being sought.
- B. The design exception meets the intent of the applicable standards in an alternative way.
- C. The design exception is equivalent to or produces a better outcome than the applicable standards in Section 5A of the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 5A-7-19 of the Zoning Ordinance **approves** the following design exception to the standards of Section 5A:

1. That a grass panel with trees be provided along Chateau Terrace and Fruehauf Avenue between the sidewalk and curb line of the streets, with the condition that an upright concrete curb be constructed along Fruehauf Avenue for the length of the subject property.

TOWN OF AMHERST  
PLANNING BOARD  
DESIGN EXCEPTION RESOLUTION  
SP-2022-11

PETITIONER

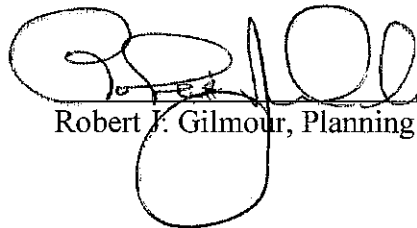
Benderson Development

PROPERTY LOCATION

4548 & 4564 Main Street, 17 Fruehauf  
Avenue, and 22 Chateau Terrace

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The foregoing resolution was adopted by the Town of Amherst Planning Board, May 18, 2023;  
moved by Giuliani; seconded by Gilmour; ayes 6, noes 0; absent 1 (Chmiel).



Robert J. Gilmour, Planning Board Chair

5/25/23  
Date

SM/ac

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cc:

Commissioner of Building

Town Engineer

Fire Chiefs

Traffic/Safety

Highway Superintendent

ECDEP

NYSDOT

James Boglioli, Benderson Development, 570 Delaware Avenue, Buffalo, NY 14202