

LOCAL LAW NO. _____-2017

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE; KNOWN AS THE ZONING ORDINANCE, TO REZONE 772 NORTH FOREST ROAD, 375 MAPLE ROAD, 385 MAPLE ROAD AND 391 MAPLE ROAD FROM RECREATION CONSERVATION DISTRICT (RC) TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), MULTIFAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), AND GENERAL BUSINESS DISTRICT (GB) AND TO AMEND THE ZONING MAP ACCORDINGLY.

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) and to Amend The Zoning Map Accordingly."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) the zoning of 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TND")
136.89+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lots 60 & 66 & 67, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of $172^{\circ}32'21''$ a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of $173^{\circ}12'12''$ to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of $141^{\circ}12'39''$ from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of $127^{\circ}12'55''$ along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of $143^{\circ}08'48''$, a distance of 39.87 feet to a point;

Thence north at an interior angle of $143^{\circ}07'48''$ along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of $94^{\circ}02'21''$ along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 444.56 feet to a point;

Thence north measured at right angles, a distance of 219.02 feet to the south line of Maple Road;

Thence east along the south line of Maple Road, a distance of 220.00 feet;

Thence south measured at right angles, a distance of 219.02 feet;

Thence east measured at right angles, a distance 541.16 feet to the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence south at an interior angle of $87^{\circ}54'21''$, a distance of 1624.08 feet;

Thence southeast at an exterior angle of $136^{\circ}21'59''$, a distance of 217.67 feet;

Thence east at an exterior angle of $130^{\circ}41'27''$, a distance of 465.00 feet to the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 75 feet more or less to the centerline of Ellicott Creek;

Thence south along the centerline of Ellicott Creek, a distance of 580 feet more or less to a point;

Thence east 160 feet more or less to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence southwest at an interior angle of $79^{\circ}06'00''$, a distance of 283.40 feet;

Thence west at an interior angle of $100^{\circ}54'00''$, a distance of 40 feet more or less the centerline of Ellicott Creek;

Thence southerly and easterly along the centerline of Ellicott Creek, a distance of 780 feet more or less to a point in the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 427 feet more or less;

Thence southwest at an interior angle of $124^{\circ}36'17''$, a distance of 30.07 feet;

Thence south along the west line of North forest Road, a distance of 349.10 feet;

Thence southeast at an exterior angle of $162^{\circ}41'54''$ and along the west line of North Forest Road, a distance of 49.53 feet;

Thence southeast at an exterior angle of $170^{\circ}01'58''$ and along the west line of North Forest Road, a distance of 435.02 feet;

Thence southwest at an interior angle of $126^{\circ}44'10''$, a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 171.09 acres more or less.

EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 712.95 feet to a point;

Thence north forming an angle in the northeast quadrant of $89^{\circ}41'26''$, a distance of 100.00 feet to the POINT OF BEGINNING;

Thence running easterly parallel with and 100.00 feet north of the north line of Sheridan Drive, a distance of 358.99 feet;

Thence southeast at an interior angle of $157^{\circ}35'44''$, a distance of 100.00 feet;

Thence easterly and northeasterly along a curve to the left having a radius of 220.57 feet and an arc length of 402.67 feet;

Thence northwest parallel with and 35.00 feet southwest of the southwest line of North Forest Road, a distance of 210.00 feet;

Thence northwest at an interior angle of $153^{\circ}50'03''$, a distance of 257.04 feet;

Thence northeast at an exterior angle of $89^{\circ}59'54''$, a distance of 55.00 feet;

Thence northwest measured at right angles, a distance of 105.00 feet;

Thence southwest measured at right angles, a distance of 463.00 feet;

Thence west at an exterior angle of $126^{\circ}34'01''$, a distance of 50.00 feet;

Thence southwest at an interior angle of $122^{\circ}28'16''$, a distance of 130.38 feet;

Thence south at an interior angle of $147^{\circ}31'44''$, a distance of 110.00 feet to the point of beginning, containing 6.39 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of $89^{\circ}41'26''$, a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of $172^{\circ}32'21''$ a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of $173^{\circ}12'12''$ to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of $141^{\circ}12'39''$ from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of $127^{\circ}12'55''$ along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of $143^{\circ}08'48''$, a distance of 39.87 feet to a point;

Thence north at an interior angle of $143^{\circ}07'48''$ along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of $94^{\circ}02'21''$ along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 514.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running west parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 3450.95 feet to a point;

Thence west measured at right angles, a distance of 30.00 feet to a point;

Thence south measured at right angles, a distance of 967.49 feet;

Thence east at an exterior angle of $87^{\circ}44'44''$, a distance of 618.47 feet;

Thence north at an exterior angle of $89^{\circ}55'05''$, a distance of 50.00 feet;

Thence east at an interior angle of $89^{\circ}55'05''$, a distance of 928.92 feet;

Thence southeast at an interior angle of $157^{\circ}35'44''$, a distance of 100.00 feet;

Thence easterly and northeasterly along a curve to the left having a radius of 220.57 feet and an arc length of 402.67 feet;

Thence northwest parallel with and 35.00 feet southwest of the southwest line of North Forest Road, a distance of 210.00 feet;

Thence northeast at an interior angle of $102^{\circ}25'50''$, a distance of 44.62 feet to the west line of North Forest Road;

Thence southeast at an interior angle of $67^{\circ}36'08''$, along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of $170^{\circ}01'58''$, along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of 126°44'10", a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 13.88 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the point of beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of $100^{\circ}54'00''$, a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of $79^{\circ}06'00''$, a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of $87^{\circ}03'25''$, a distance of 465.00 feet;

Thence south at an interior angle of $92^{\circ}56'35''$, a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 855.00 feet;

Thence east measured at right angles, a distance of 259.39 feet;

Thence south parallel with and 50.00 feet west of the west line of Lot 66, a distance of 345.15 feet;

Thence northeast at an interior angle of $55^{\circ}23'43''$, a distance of 60.75 feet to the point of beginning, containing 12.09 acres more or less.

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO MULTI-FAMILY RESIDENTIAL DISTRICT ("MFR-7")
6.39+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 712.95 feet to a point;

Thence north forming an angle in the northeast quadrant of $89^{\circ}41'26''$, a distance of 100.00 feet to the POINT OF BEGINNING;

Thence running easterly parallel with and 100.00 feet north of the north line of Sheridan Drive, a distance of 358.99 feet;

Thence southeast at an interior angle of $157^{\circ}35'44''$, a distance of 100.00 feet;

Thence easterly and northeasterly along a curve to the left having a radius of 220.57 feet and an arc length of 402.67 feet;

Thence northwest parallel with and 35.00 feet southwest of the southwest line of North Forest Road, a distance of 210.00 feet;

Thence northwest at an interior angle of $153^{\circ}50'03''$, a distance of 257.04 feet;

Thence northeast at an exterior angle of $89^{\circ}59'54''$, a distance of 55.00 feet;

Thence northwest measured at right angles, a distance of 105.00 feet;

Thence southwest measured at right angles, a distance of 463.00 feet;

Thence west at an exterior angle of $126^{\circ}34'01''$, a distance of 50.00 feet;

Thence southwest at an interior angle of $122^{\circ}28'16''$, a distance of 130.38 feet;

Thence south at an interior angle of $147^{\circ}31'44''$, a distance of 110.00 feet to the point of beginning, containing 6.39 acres more or less.

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO GENERAL BUSINESS DISTRICT ("GB")
1.16+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of $89^{\circ}41'26''$, a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

**LANDS TO REMAIN ZONED RECREATION CONSERVATION DISTRICT (“RC”) TO
BE PRESERVED AS A PERMANENT OPEN SPACE BUFFER**

26.65+/- Acres

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company’s Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

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Thence north at an interior angle of $127^{\circ}12'55''$ along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of $143^{\circ}08'48''$, a distance of 39.87 feet to a point;

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Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running west parallel with the south line of map filed in the Erie County Clerk’s Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk’s Office under cover 1982, a distance of 3450.95 feet to a point;

Thence west measured at right angles, a distance of 30.00 feet to a point;

Thence south measured at right angles, a distance of 967.49 feet;

Thence east at an exterior angle of $87^{\circ}44'44''$, a distance of 618.47 feet;

Thence north at an exterior angle of $89^{\circ}55'05''$, a distance of 50.00 feet;

Thence east at an interior angle of $89^{\circ}55'05''$, a distance of 928.92 feet;

Thence southeast at an interior angle of $157^{\circ}35'44''$, a distance of 100.00 feet;

Thence easterly and northeasterly along a curve to the left having a radius of 220.57 feet and an arc length of 402.67 feet;

Thence northwest parallel with and 35.00 feet southwest of the southwest line of North Forest Road, a distance of 210.00 feet;

Thence northeast at an interior angle of $102^{\circ}25'50''$, a distance of 44.62 feet to the west line of North Forest Road;

Thence southeast at an interior angle of $67^{\circ}36'08''$, along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of $170^{\circ}01'58''$, along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of $126^{\circ}44'10''$, a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 13.88 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the point of beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of 100°54'00", a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of 79°06'00", a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of 87°03'25", a distance of 465.00 feet;

Thence south at an interior angle of $92^{\circ}56'35''$, a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 855.00 feet;

Thence east measured at right angles, a distance of 259.39 feet;

Thence south parallel with and 50.00 feet west of the west line of Lot 66, a distance of 345.15 feet;

Thence northeast at an interior angle of $55^{\circ}23'43''$, a distance of 60.75 feet to the point of beginning, containing 12.09 acres more or less.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Marjory Jaeger
Town Clerk
Town of Amherst
County of Erie, State of New York**