

# SECOND REVISED DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

FOR THE  
**WESTWOOD NEIGHBORHOOD**  
October 2015



**Project Site** located at  
772 North Forest Road, and 385 and 391 Maple Road  
Town of Amherst, Erie County, New York

## APPENDIX II Project Planning & Development Analyses

**LEAD AGENCY:**



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**PREPARED BY:**



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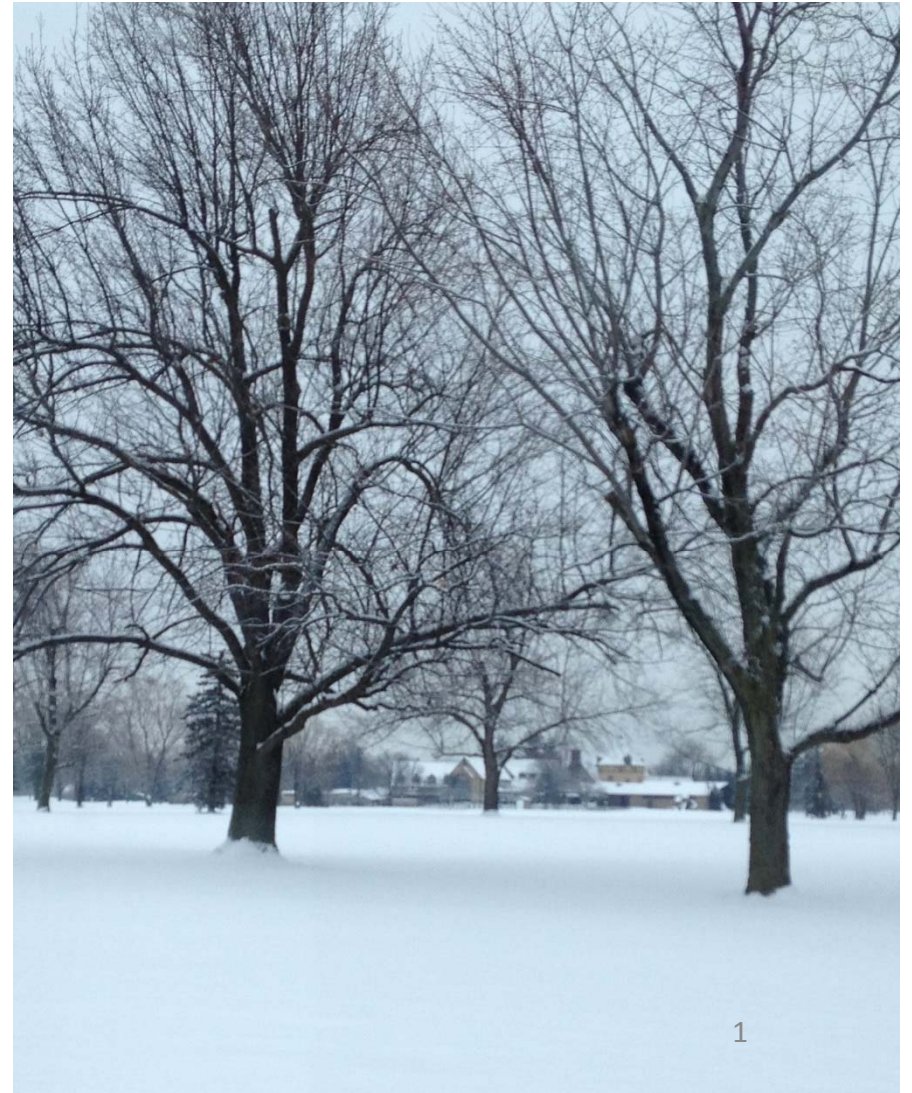
# Westwood mixed-use development

## Preliminary review and concepts for consideration

Goody Clancy | January 7, 2014

### Agenda

- Preliminary concept plan review
  - Strengths
  - Opportunities for consideration
- Potential development framework
  - Land use
  - Streets and views
  - Public places network
  - Parking strategies
  - Sustainability strategies
- Precedents
- Potential development scenarios
  - Concept A
  - Concept B
- Next steps



# Preliminary Concept Plan

Dated 12/16/13



## Preliminary Concept Plan: Proposed program

Site Area	170 acres								
Program			Lot/Unit Size	Residential Area (SF)	Site Area (acres)	Units per Acre	Parking Ratio		Parking Required
Single Family	161	units			47.9	3			
Patio lots	108	units	5,500	594,000	13.6	8	2 per unit		216
Larger lots	53	units	10,500	556,500	12.8	4	2 per unit		106
Townhouse	90	units			27.6	3	2 per unit		180
Senior Living					15				
Assisted living	142	beds					0.33 per bed		47
Independent living	128	units					1.00 per unit		128
Office	200,000	sq ft			16		7 per 1,000 SF		1,400
Town Center*					31.6				
Retail/Commercial	100,000	sq ft					5 per 1,000 SF		500
Hotel	130	keys					1 per key		130
Multi-family**	140	units	950	133,000			2 per unit		280
Multi-family/Apt	60	units	950	57,000	19.5	3	2 per unit		120
									3,107
Town Center + Office									2,310

\* Assumes 1 floor of residential above town center retail and 2-floor multifamily buildings

\*\* Preliminary concept plan appears to show capacity for approx. 180 multifamily units

## **Preliminary Concept Plan Review: Strengths**

### **Transportation**

- clear north/south connector road connecting uses
- walking connections to adjacent neighborhoods

### **Land Use**

- clear residential neighborhood with mix of housing types
- clear mixed-use neighborhood with retail, office, hotel, housing offering market and infrastructure synergies
- senior housing in walking distance of mixed-use

### **Public Space**

- preservation/creation of landscape amenities (ponds, groves, path network)
- shared residential community facility with pond and trees
- internal residential green spaces
- green space buffer along existing neighborhood to west
- central lake creates real estate and environmental value

### **Development**

- residential rear garages
- clubhouse maintained as destination preserving site character, establishing identity
- walkable main street environment for mixed-use retail/residential/office
- on-street parking
- surface parking lots screened behind buildings
- diversity of housing types, uses, and ages (lifelong community)

## Preliminary Concept Plan Review: Opportunities for consideration

### Transportation

- slight adjustment/addition to road networks
- reconfigure mixed-use street orientations

### Land Use

- increased connectivity and synergy of activity/identity/market position
- better integration of duplexes and single family
- better integration of garden apartments with mixed-use village
- add multi-family in mixed-use village along lake

### Public Space

- connect housing with lake amenities
- connect senior housing with lake
- add value with an explicit sustainability strategy
- add public space loops and overall path system (health/wellness)

### Development

- adjustment south duplex arrangements to reinforce sense of neighborhood
- orient senior housing to main north/south road
- create architectural focal point at senior housing on entry axis (across lake)
- reduce size of and re-orient mixed-use village park to improve fit with development
- bring retail to Sheridan Road gateway
- integrate golf clubhouse as feature of mixed-use village (visibility, programming, etc)
- reduce surface parking areas through variety of strategies (shared, half under, full under, etc) to increase value (more units and more open space, more pervious area)

# Framework: Neighborhood Character

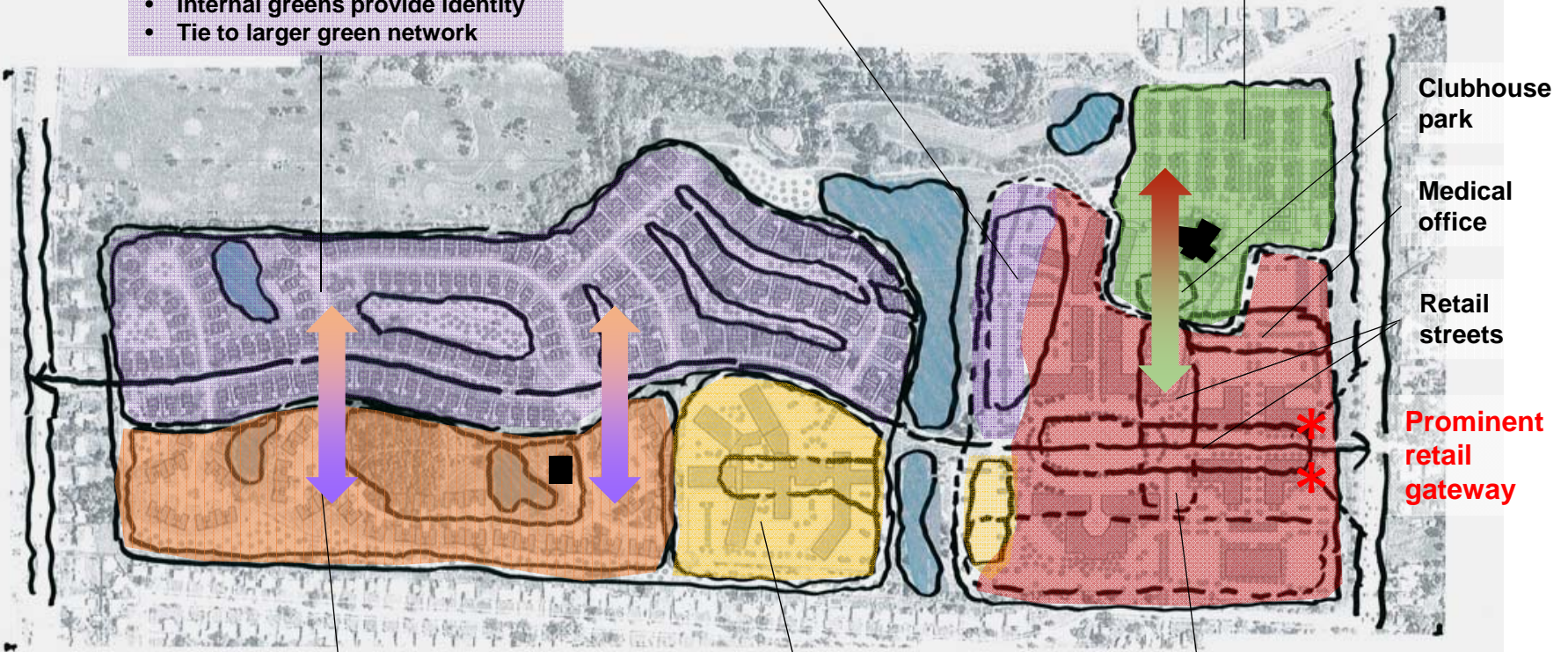
## Single Family Residential

- Related to boulevard
- Internal greens provide identity
- Tie to larger green network

## Multi-family Residential opportunity facing lake

## Townhouse Residential

- Connect to mixed-use
- Connect to larger green network
- Compact development



Clubhouse park

Medical office

Retail streets

Prominent retail gateway

## Duplex Residential

- Related to boulevard
- Internal park provides identity
- Tie to larger green network

## Senior Housing Residential

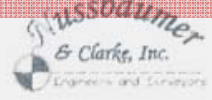
- Related to boulevard
- Internal park provides identity
- Tie to larger green network

## Mixed-Use Center

- Grid of streets
- Parking behind buildings
- Take advantage of lake
- Allow land uses to carry over
- Integrate multi-family + townhomes
- Tie to larger green network

FIGURE 1  
 1. SINGLE-FAMILY RESIDENTIAL  
 2. DUPLEX RESIDENTIAL  
 3. SENIOR HOUSING RESIDENTIAL  
 4. TOWNHOUSE RESIDENTIAL  
 5. MIXED-USE CENTER  
 6. COMMERCIAL OFFICE  
 7. PARKING  
 8. GREEN SPACE  
 9. WATER

CONCEPT PLAN



# Framework: Street Network and Views

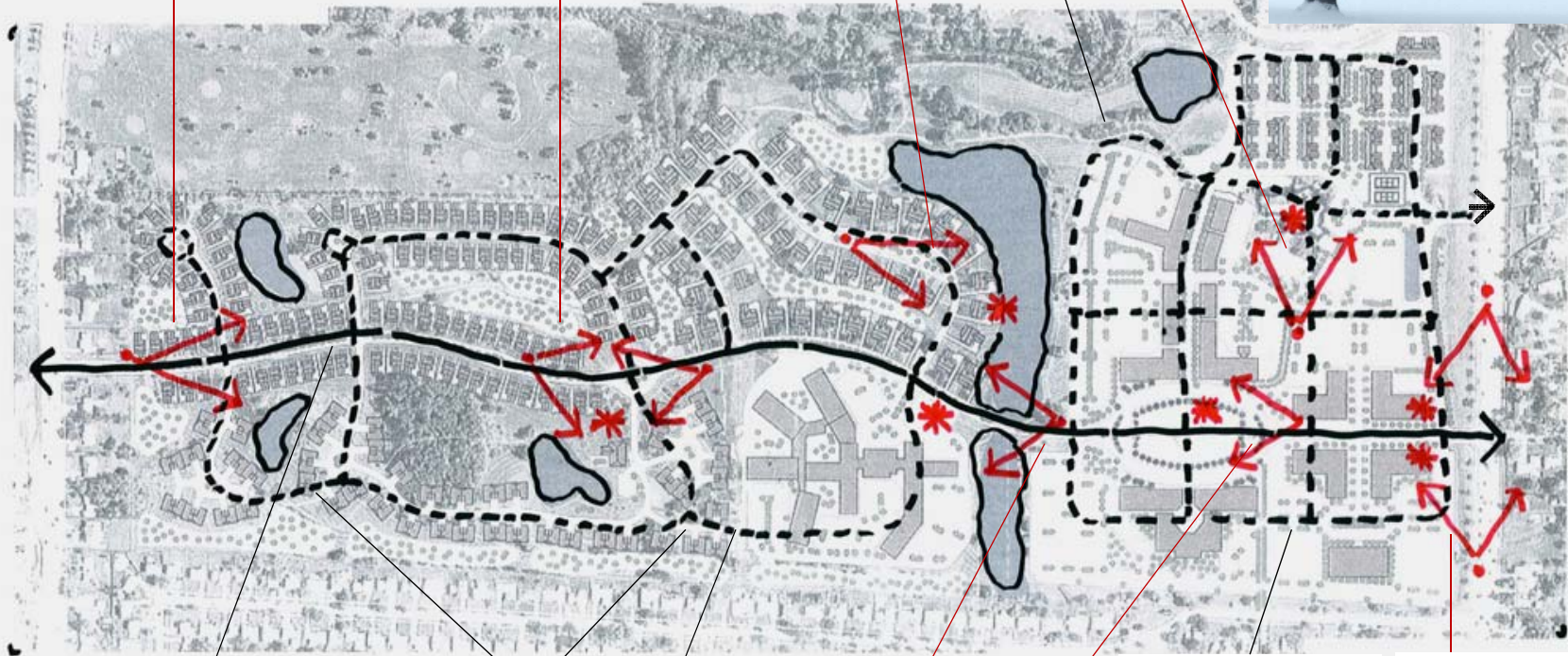
“Lakefront” road

View to Blvd lined by housing

Open views to community facility

Views/access to Lake

Highlight view to clubhouse



Connect street network and neighborhoods across boulevard

Added connections among streets

View to Senior Housing across Lake

Connected “grid” of streets in mixed-use area

Expose retail to Sheridan Rd. view corridor

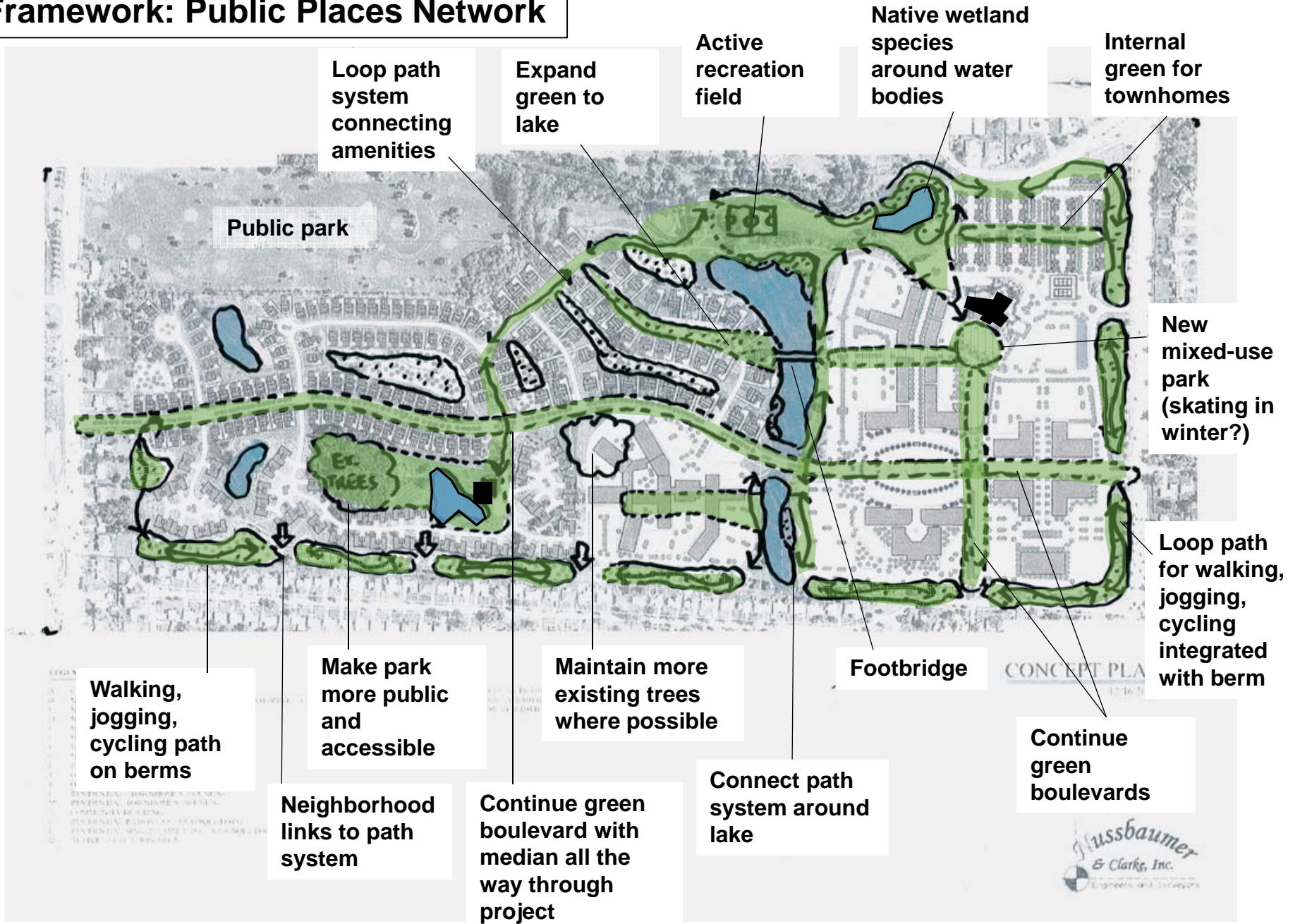
Connect roads and land uses

Key internal view in mixed-use area

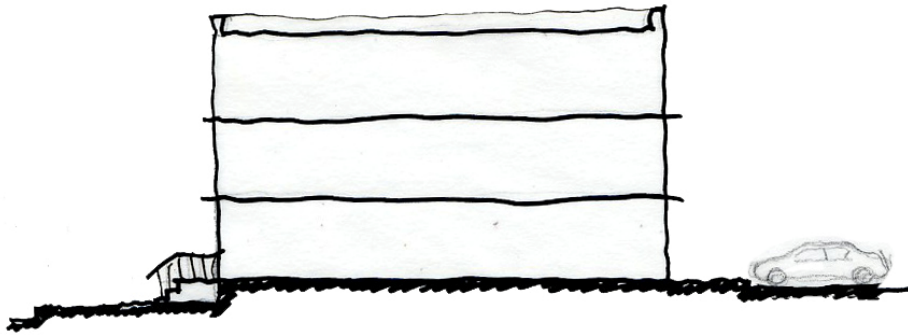




# Framework: Public Places Network

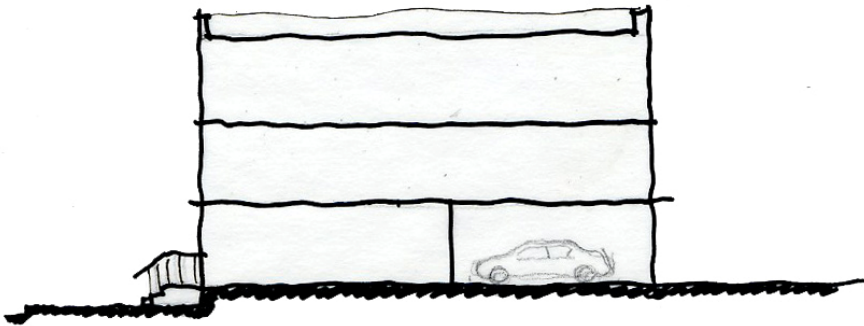


## Framework: Parking Strategies



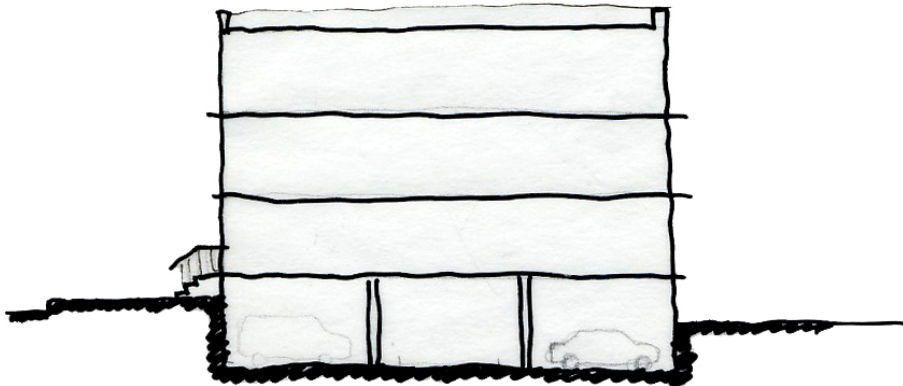
### Typical surface parking

- + Cheap, efficient, familiar
- Large surface parking area with stormwater runoff/quality mitigation, reflected heat, and green space impacts
- Ground floor units look onto parking lot



### Rear-access garages (half of footprint)

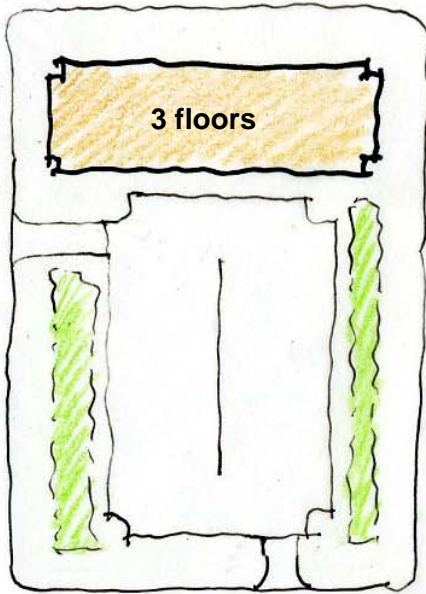
- + Reduces surface parking size
- + Opportunity for increased green space
- + Provides covered parking for some units
- One third of ground floor area lost to garages (but can add floor to regain units)



### Tuck-under parking (full footprint)

- + Significantly reduces surface parking area size
- + Opportunity for increased green space and/or additional buildings
- + Maintain same unit count per building volume
- Cost increase but parking is within building footprint, adds value, and uses inexpensive natural ventilation

## Framework: Parking Strategies



### Typical surface parking

30 units total

60 spaces

Green space = 7,000 sq ft,

poorly connected with building program



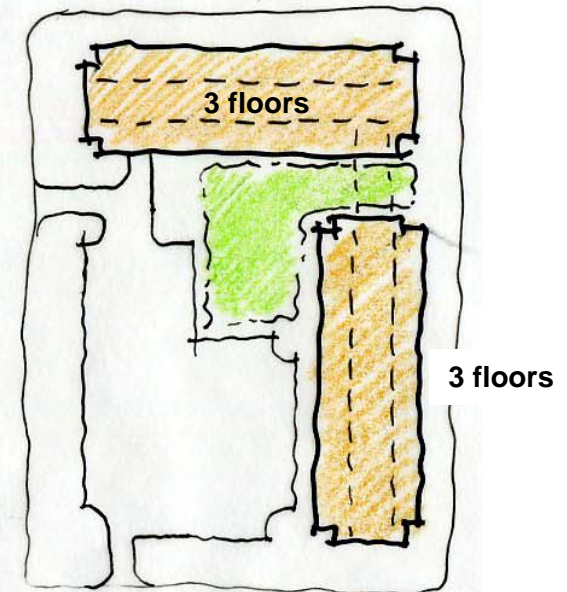
### Rear-access garages

40 units total

80 spaces required

Green space = 5,000 sq ft,

better connected with building program



### Tuck-under parking

60 units total

120 spaces required\*

Green space = 8,000 sq ft,

well connected with building program

\* Shared parking strategies can reduce required parking by 30% (36 spaces) = 84 spaces required

## Framework: Sustainability Strategies

### Purpose

- Add amenity/value to development
- Add brand/identity to development
- Enhance sense of place – tie into compact development approach
- Reduce costs of utility, parking and street infrastructure
- Promote good community relations
  - Demonstrate environmental stewardship in Amherst
  - Minimize development impact on Ellicott Creek
  - Biodiversity, recreation, and education opportunities

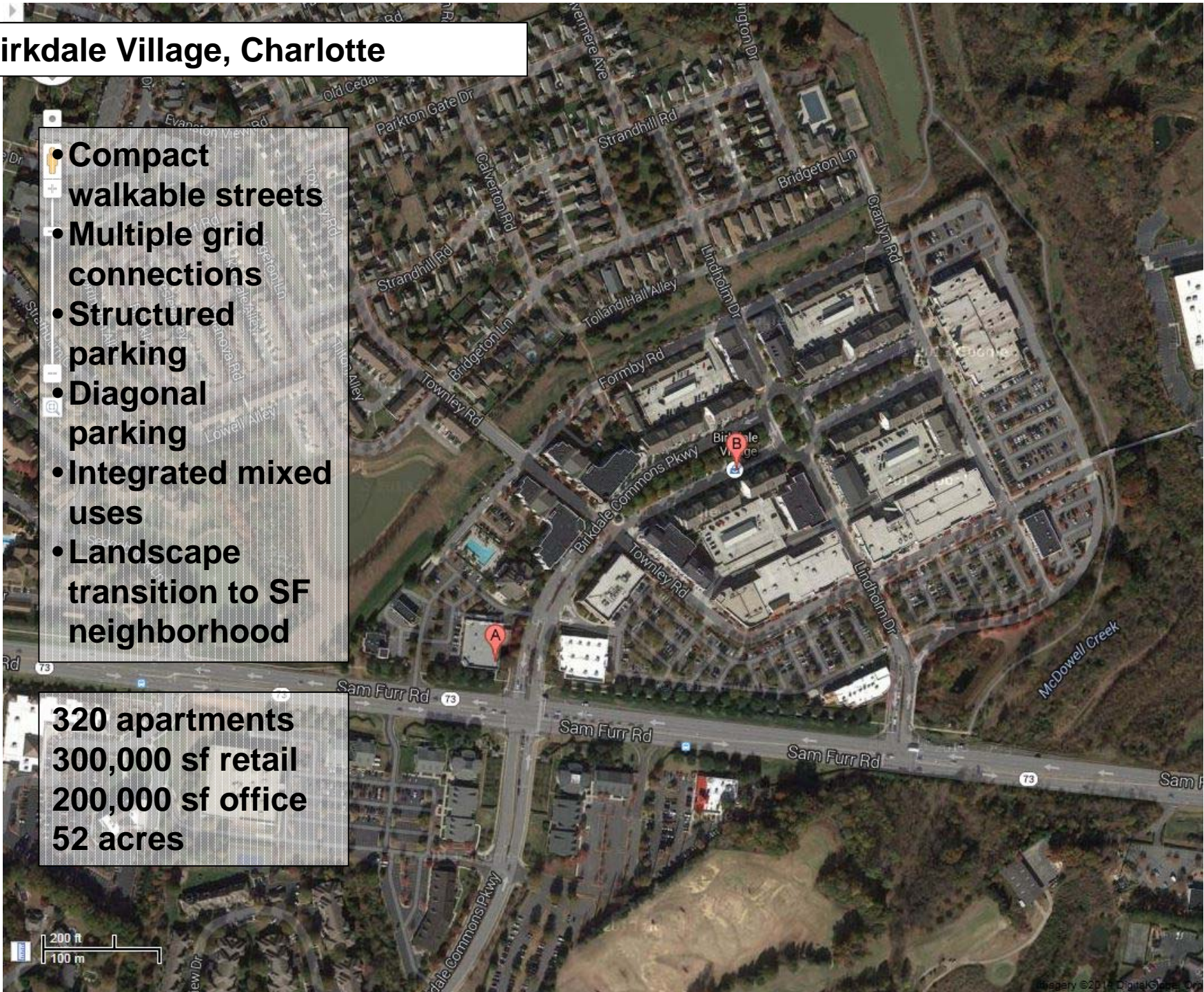
### Strategies

- Decrease impervious cover (paving)
- Increase pervious cover (landscape)
- Locate mixed uses within easy walking distance to reduce driving trips, share parking
- Increase groundwater recharge
- Plant native species mix at water edges
- Plant in large swaths for high impact – no unplanted detention areas
- Plant for seasonal interest
- Retain existing trees wherever possible
- Incorporate walking/jogging/cycling paths
- Bioretention swales in residential and mixed-use green spaces
- Rain gardens
- Green roofs

## Birkdale Village, Charlotte

- Compact walkable streets
- Multiple grid connections
- Structured parking
- Diagonal parking
- Integrated mixed uses
- Landscape transition to SF neighborhood

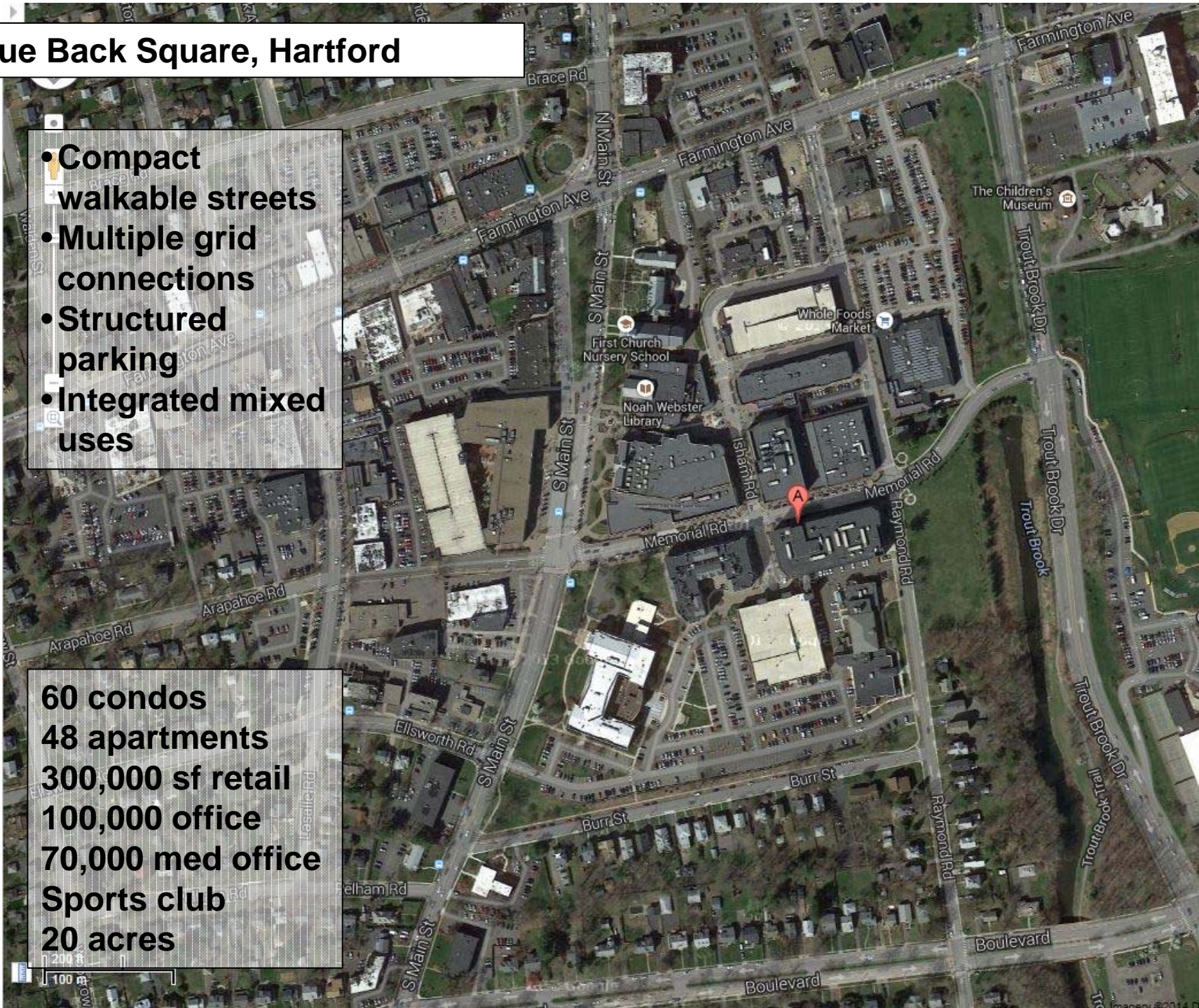
320 apartments  
300,000 sf retail  
200,000 sf office  
52 acres



## Blue Back Square, Hartford

- Compact walkable streets
- Multiple grid connections
- Structured parking
- Integrated mixed uses

60 condos  
48 apartments  
300,000 sf retail  
100,000 office  
70,000 med office  
Sports club  
20 acres



## Crocker Park, Cleveland

- Compact walkable streets
- Multiple grid connections
- Structured parking
- Programmed boulevard landscape
- Integrated mixed uses

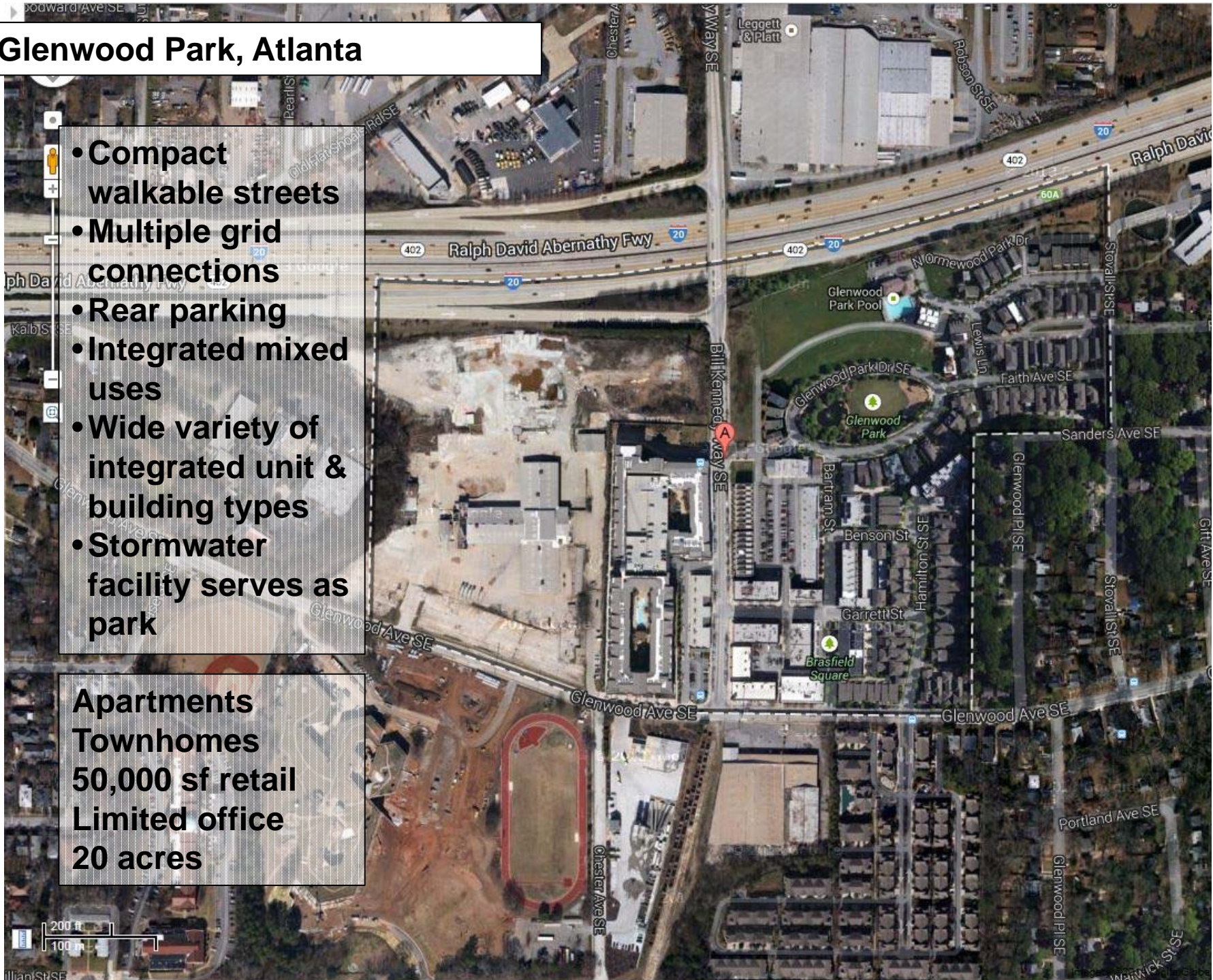
250 apartments  
700,000 sf retail  
Office  
Major anchors  
75 acres



## Glenwood Park, Atlanta

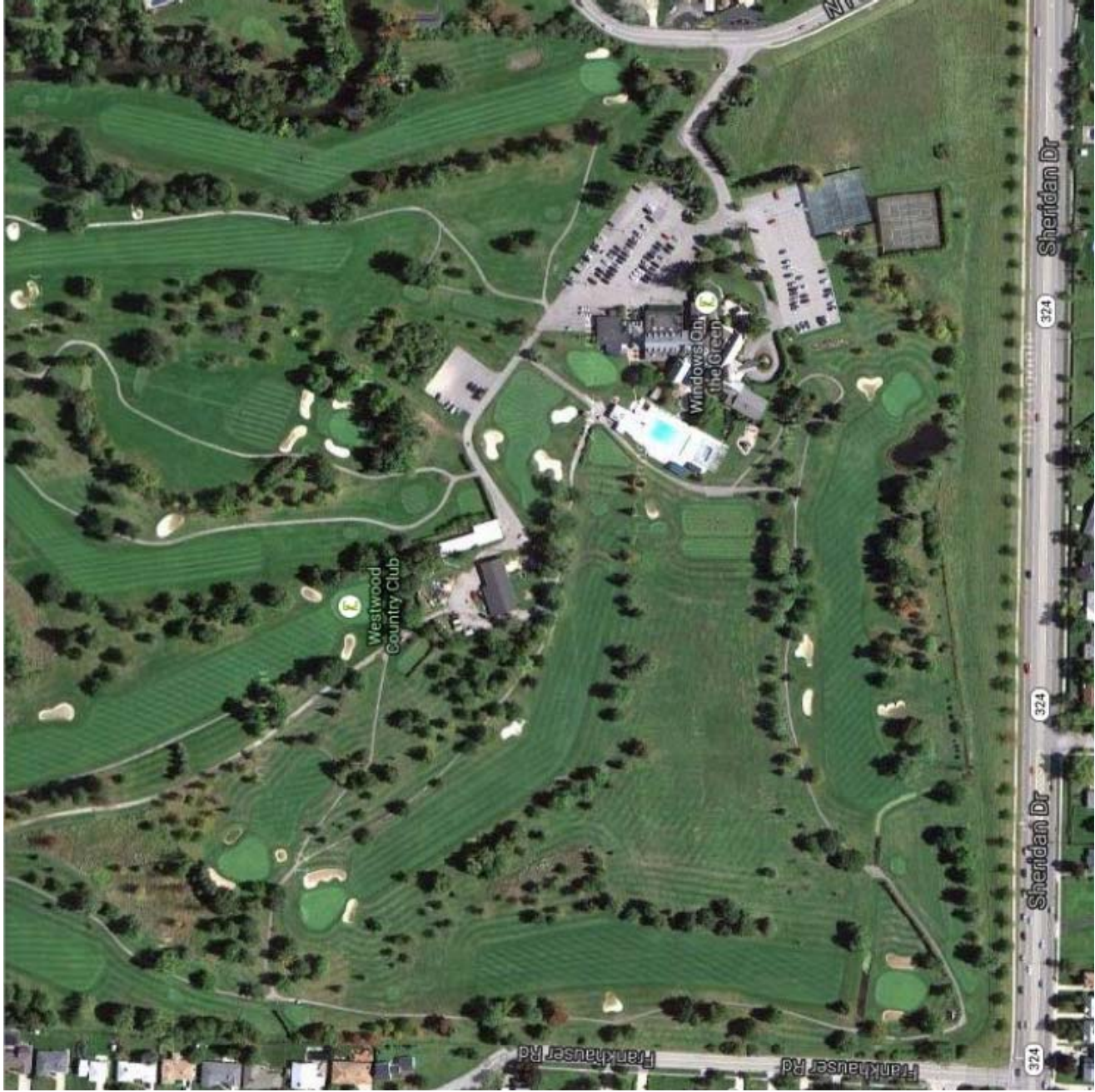
- Compact walkable streets
- Multiple grid connections
- Rear parking
- Integrated mixed uses
- Wide variety of integrated unit & building types
- Stormwater facility serves as park

Apartments  
Townhomes  
50,000 sf retail  
Limited office  
20 acres





Site

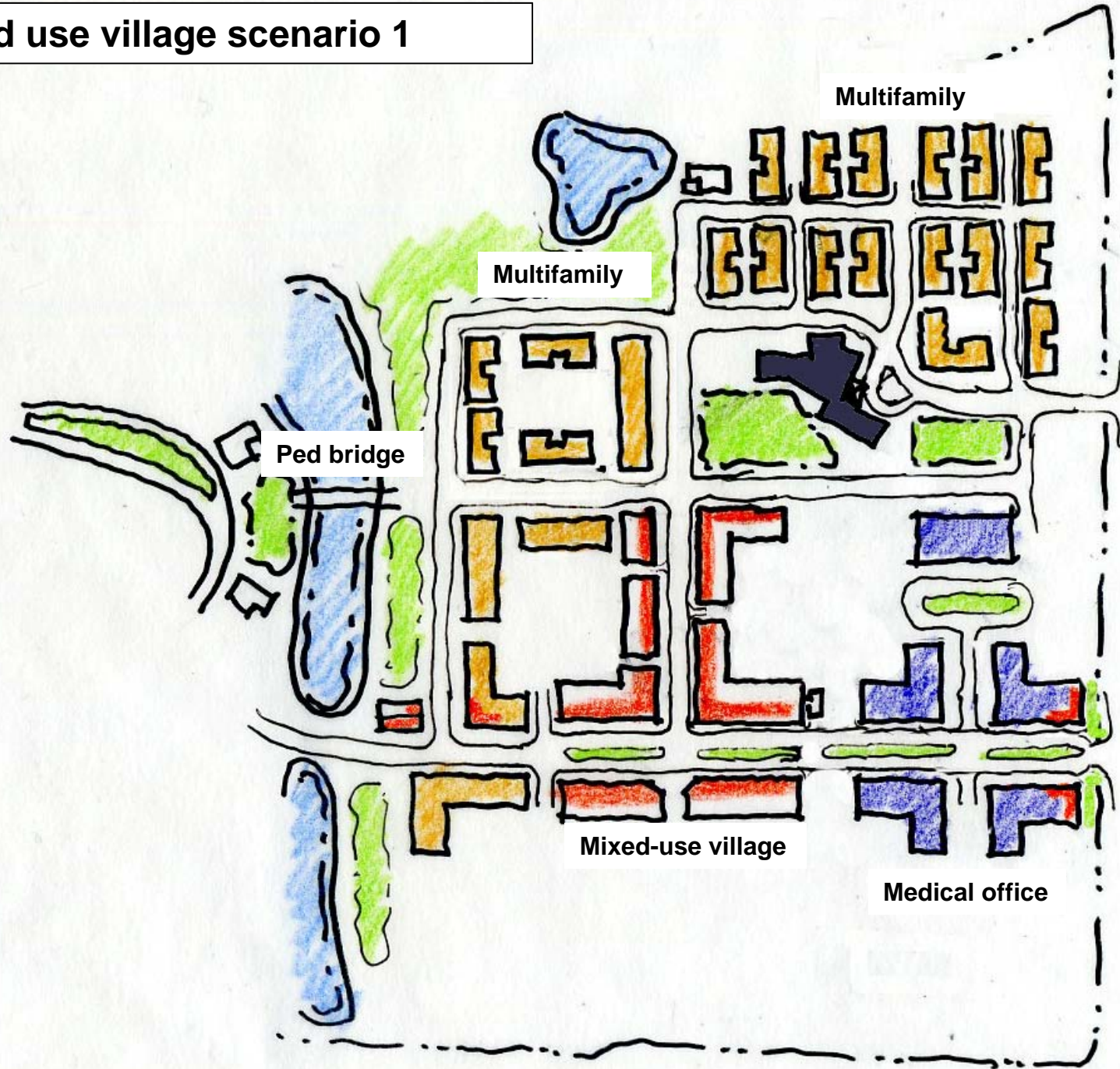


# Preliminary Concept Plan

Dated 12/16/13



**Mixed use village scenario 1**

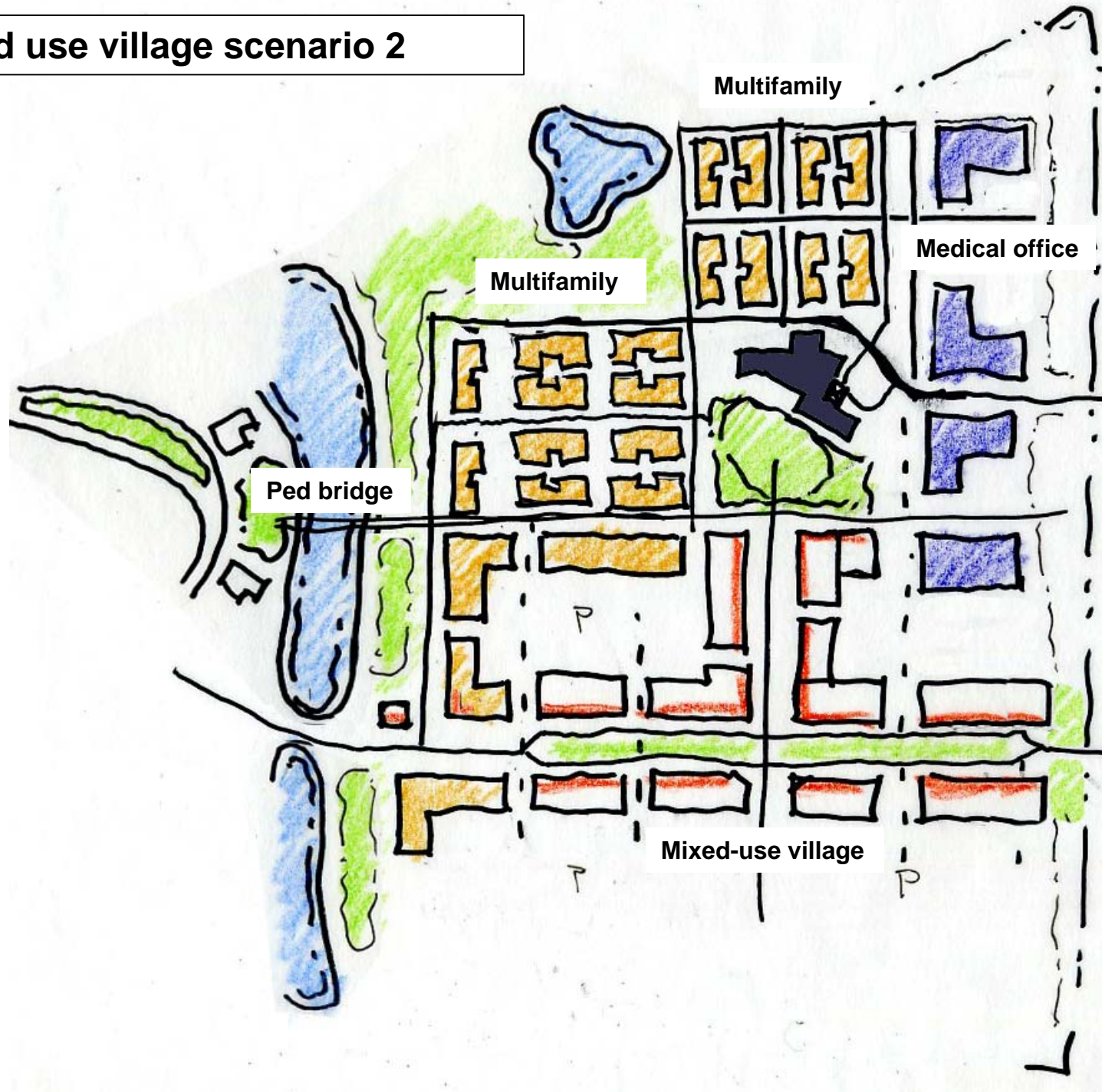


## Alternative Concept 1

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Larger lots	53 units		10,500	556,500	12.8	4	2 per unit		106
Townhouse	90 units				27.6	3	2 per unit		180
Senior Living					15				
Assisted living	142 beds						0.33 per bed		47
Independent living	128 units						1.00 per unit		128
Office	200,000 sq ft				16		7 per 1,000 SF		1,400
Town Center					31.6				
<i>Retail/Commercial</i>	<i>115,000 sq ft</i>						5 per 1,000 SF		575
<i>Hotel</i>	<i>130 keys</i>						1 per key		130
<i>Multi-family*</i>	<i>365 units</i>		<i>950</i>	<i>346,750</i>			2 per unit		730
Multi-family/Apt	76 units		950	72,200	19.5	4	2 per unit		152
									3,664
Town Center + Office									2,835

\* Assumes 2 floors of residential above town center retail and 3-floor multifamily buildings

# Mixed use village scenario 2



## Alternative Concept 2

<b>Site Area</b>	170 acres								
<b>Program</b>			<b>Lot/Unit Size</b>	<b>Residential Area (SF)</b>	<b>Site Area (acres)</b>	<b>Units per Acre</b>	<b>Parking Ratio</b>		<b>Parking Required</b>
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Office	200,000	sq ft			16		7 per 1,000 SF		1,400
Town Center					31.6				
<i>Retail/Commercial</i>	<i>150,000</i>	<i>sq ft</i>					5 per 1,000 SF		750
<i>Hotel</i>	<i>130</i>	<i>keys</i>					1 per key		130
<i>Multi-family*</i>	<i>420</i>	<i>units</i>	<i>950</i>	<i>399,000</i>			2 per unit		840
Multi-family/Apt	72	units	950	68,400	19.5	4	2 per unit		144
									3,941
Town Center + Office									3,120

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# Preliminary Concept Plan

Dated 12/16/13



## Preliminary Concept Plan: Proposed program

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Multi-family**	140	units	950	133,000			2 per unit		280
Multi-family/Apt	60	units	950	57,000	19.5	3	2 per unit		120
									3,107
Town Center + Office									2,310

\* Assumes 1 floor of residential above town center retail and 2-floor multifamily buildings

\*\* Preliminary concept plan appears to show capacity for approx. 180 multifamily units



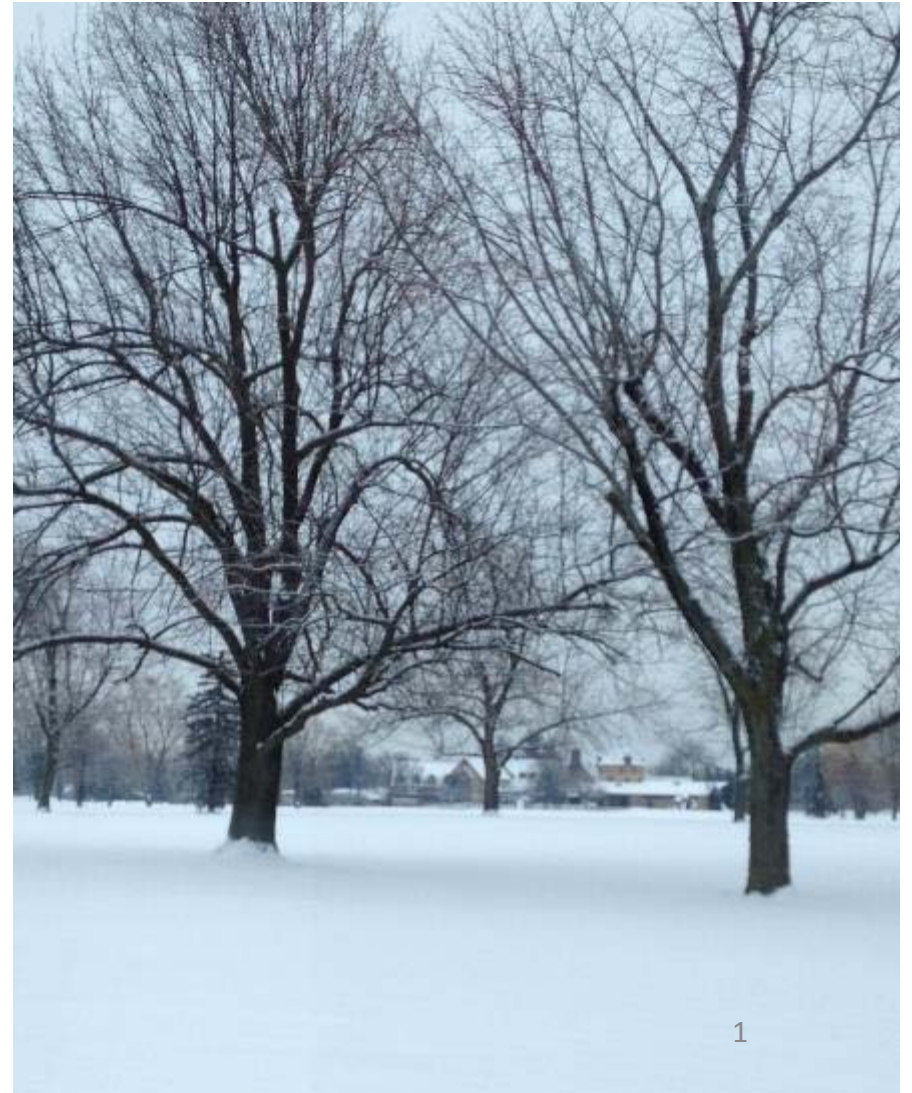
# Westwood mixed-use development

## Revised scenario for consideration

Goody Clancy | January 17, 2014

### Agenda

- Potential development framework
  - Neighborhood character
  - Streets and views (updated)
  - Public places network (updated)
- Public place precedent images
- Revised potential development scenario
  - Program
  - Parking
- Next steps
  - Tuesday January 21 meeting and conference call



# Preliminary Concept Plan

Dated 12/16/13



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Town Center*					31.6				
<i>Retail/Commercial</i>	<i>150,000 sq ft</i>						5 per 1,000 SF		750
<i>Hotel</i>	<i>130 keys</i>						1 per key		130
<i>Multi-family</i>	<i>200 units</i>		<i>800</i>	<i>160,000</i>			2 per unit		400
Multi-family/Apt	60 units		950	57,000	19.5	3	2 per unit		120
									3,465
Town Center + Office									2,680

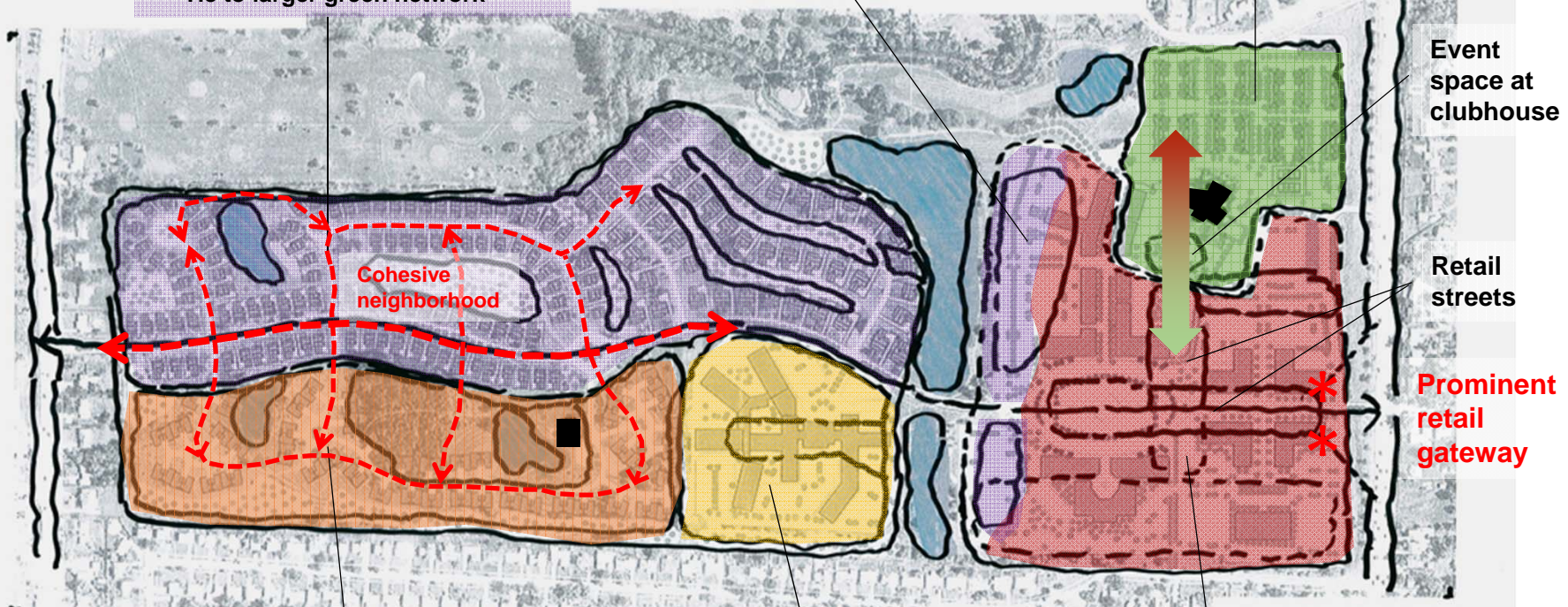
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# Framework: Neighborhood Character

- Single Family Residential**
- Related to boulevard
  - Internal greens provide identity
  - Tie to larger green network

- Multi-family Residential**  
opportunity facing lake

- Townhouse Residential**
- Connect to mixed-use
  - Connect to larger green network
  - Compact development



- Duplex Residential**
- Related to boulevard
  - Internal park provides identity
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- Senior Housing Residential**
- Related to boulevard
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- Mixed-Use Center**
- Grid of streets
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  - Integrate multi-family + townhomes
  - Tie to larger green network

**LEGEND**

A	GENERAL OFFICE
B	MEDIUM DENSITY
C	SINGLE FAMILY
D	SINGLE FAMILY
E	SINGLE FAMILY
F	SINGLE FAMILY
G	SINGLE FAMILY
H	HOUSING
I	HOUSING
J	HOUSING
K	HOUSING
L	HOUSING
M	HOUSING
N	HOUSING
O	HOUSING
P	HOUSING
Q	HOUSING
R	HOUSING
S	HOUSING
T	HOUSING
U	HOUSING
V	HOUSING
W	HOUSING
X	HOUSING
Y	HOUSING
Z	HOUSING



# Framework: Street Network and Views

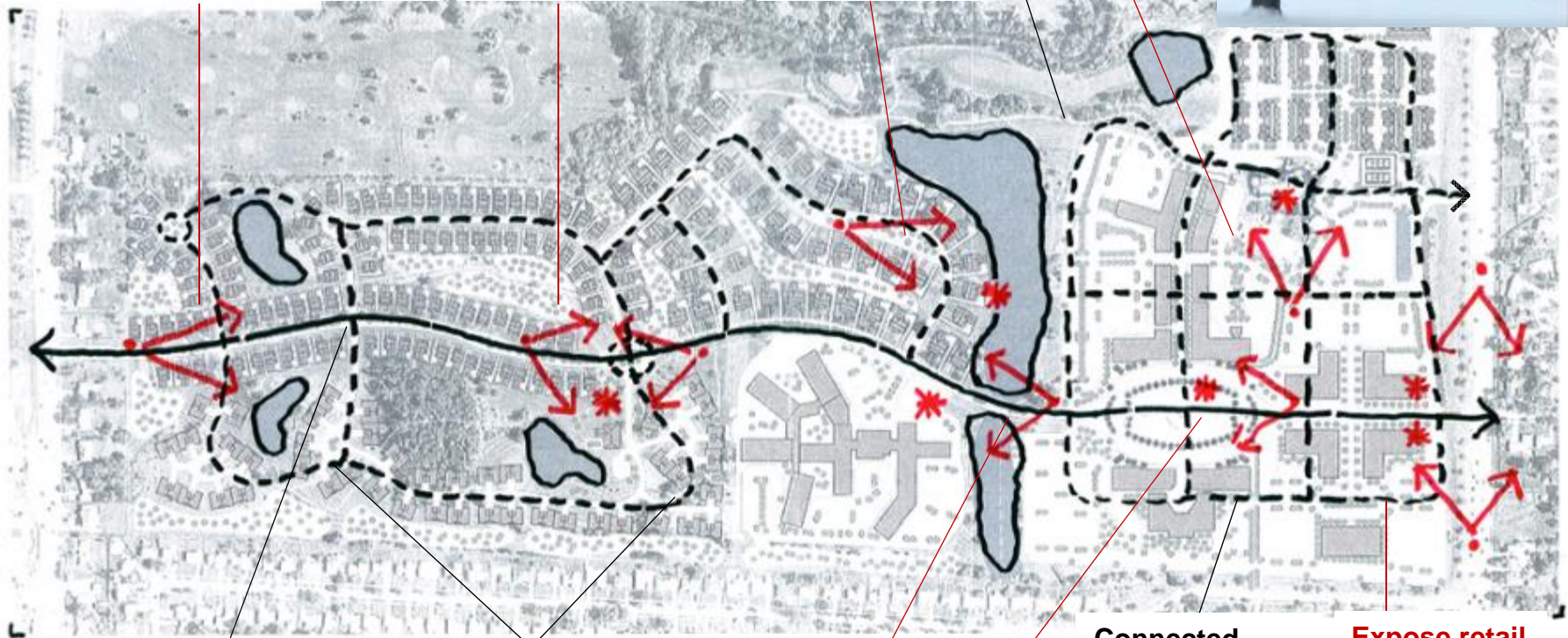
“Lakefront” road

View to Blvd lined by housing

Open views to community facility

Views/access to Lake

Highlight view to clubhouse



Connect street network and neighborhoods across boulevard

Added connections among streets

View to Senior Housing across Lake

Connected “grid” of streets in mixed-use area

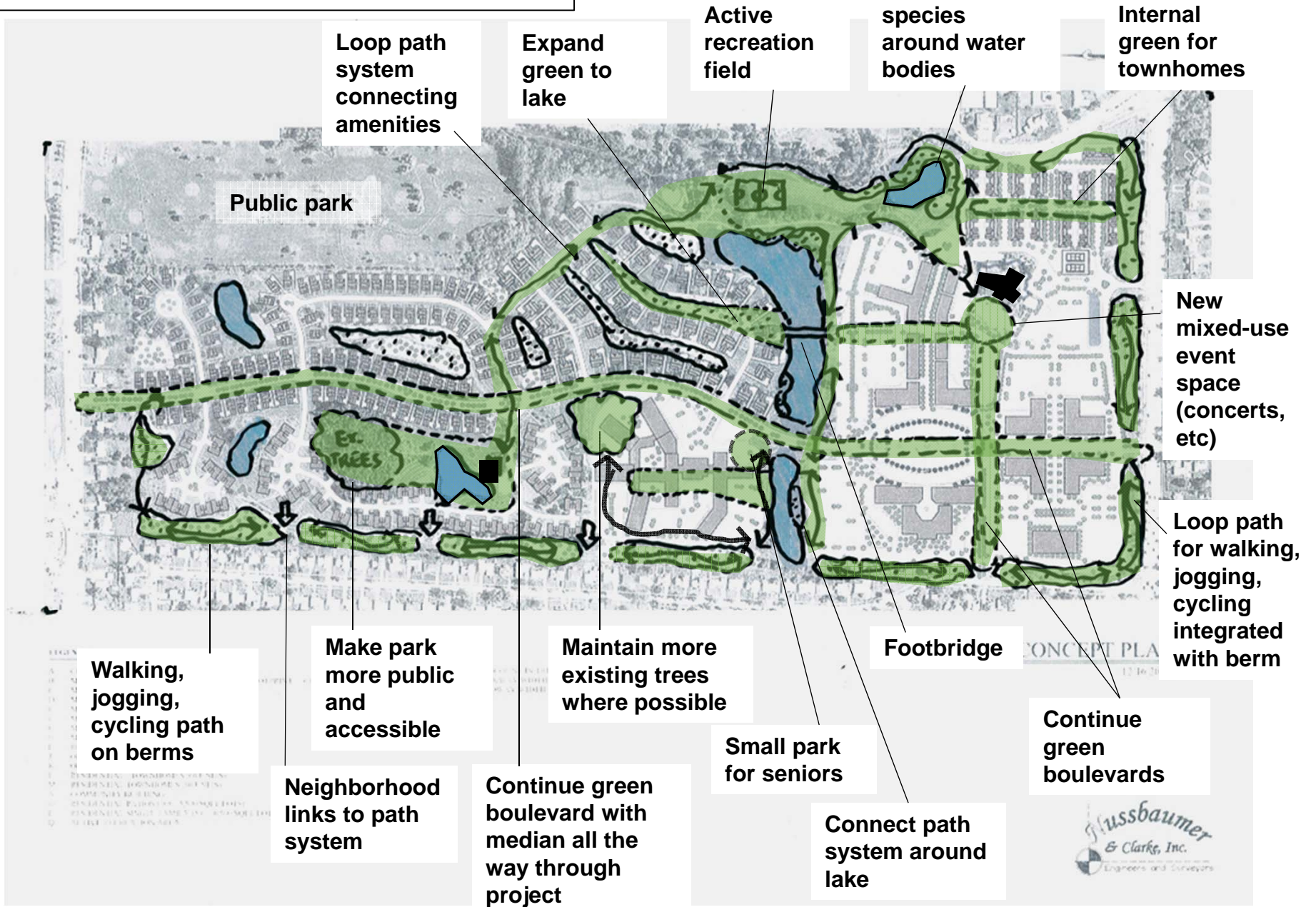
Expose retail to Sheridan Dr. view corridor

Key internal view in mixed-use area



LINE NO	DESCRIPTION
1	1.0000000000000000
2	2.0000000000000000
3	3.0000000000000000
4	4.0000000000000000
5	5.0000000000000000
6	6.0000000000000000
7	7.0000000000000000
8	8.0000000000000000
9	9.0000000000000000
10	10.0000000000000000
11	11.0000000000000000
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43	43.0000000000000000
44	44.0000000000000000
45	45.0000000000000000
46	46.0000000000000000
47	47.0000000000000000
48	48.0000000000000000
49	49.0000000000000000
50	50.0000000000000000

# Framework: Public Places Network



## Precedents: Event Space

- Suitable for concerts, festivals etc.
- Flexible for informal use at other times



**Botanical Garden oval (1 acre)**



## Precedents: Event Space

- Anchored by multiuse building
- Flexible space suitable for variety of uses



**Town Green (0.5 acre)**





## Precedents: Central Plaza

- 50' curb-to-building maintains retail vitality
- Shaded seating area encourages people to stay



## Precedents: Retail Street Parking

- ‘Up front’ angled parking along retail streets
- Suitable for high turnover areas



## Precedents: Stormwater Amenity

- Multifamily development faces stormwater pond
- Path system brings residents to the pond from the neighborhood



## Precedents: Stormwater Amenity

- Active, landscaped pond edge lined with residential front doors
- Opportunities for wet and dry retention



## Precedents: Healthy Lifestyle

- Connected path system encourages active recreation
- Multigenerational space for families, seniors, and young professionals



# Mixed use village scenario

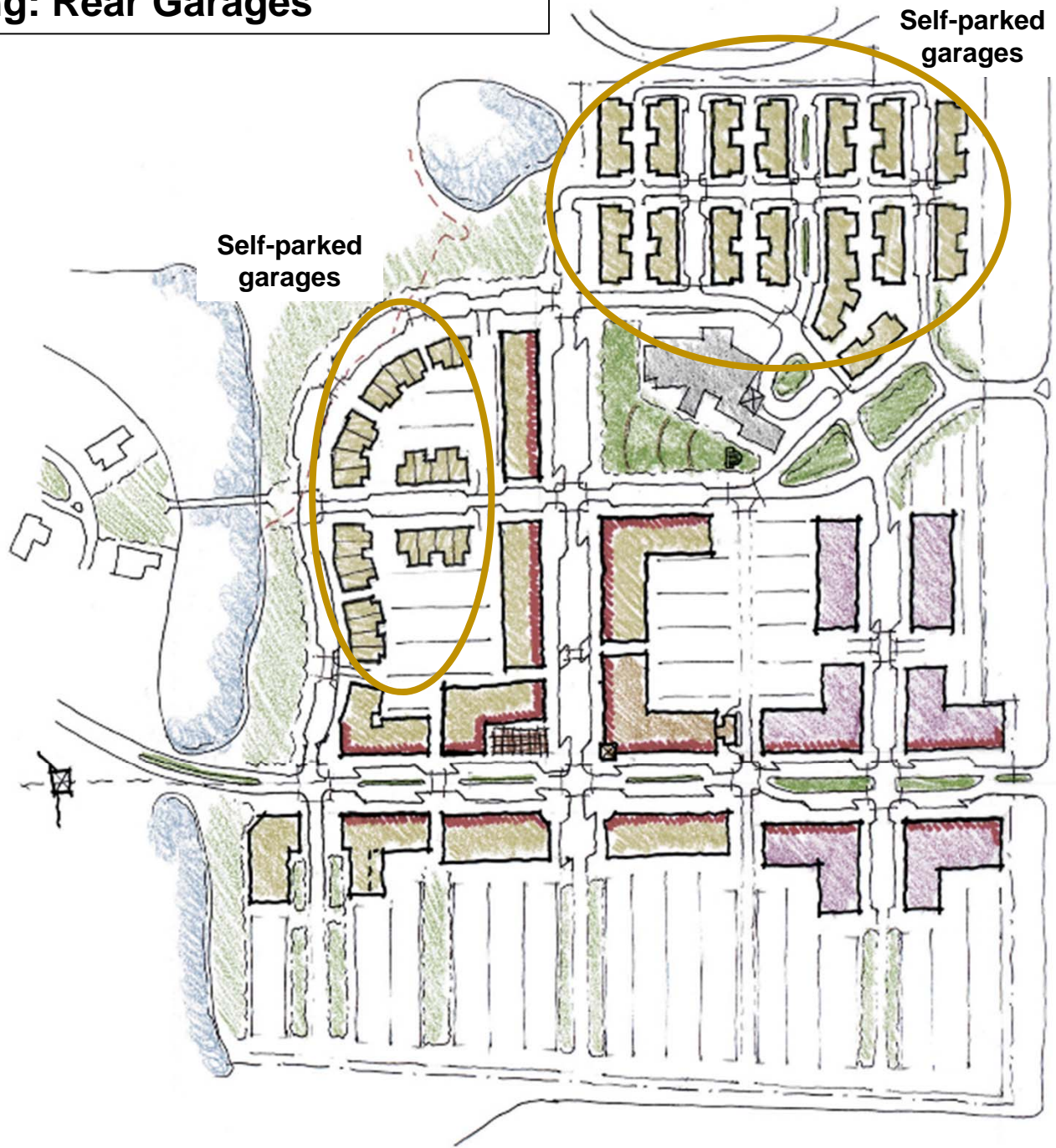


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Town Center					31.6				
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<i>Multi-family*</i>	<i>325 units</i>		<i>800</i>	<i>260,000</i>			2 per unit		650
Townhouse/Multi-family	26 units						2 per unit		52
Multi-family/Apt	64 units		800	51,200	19.5	3	2 per unit		128
									3,708
Town Center + Office									2,863
30% shared parking reduction									859
									2,004

\* Assumes 2 floors of residential above town center retail

# Parking: Rear Garages

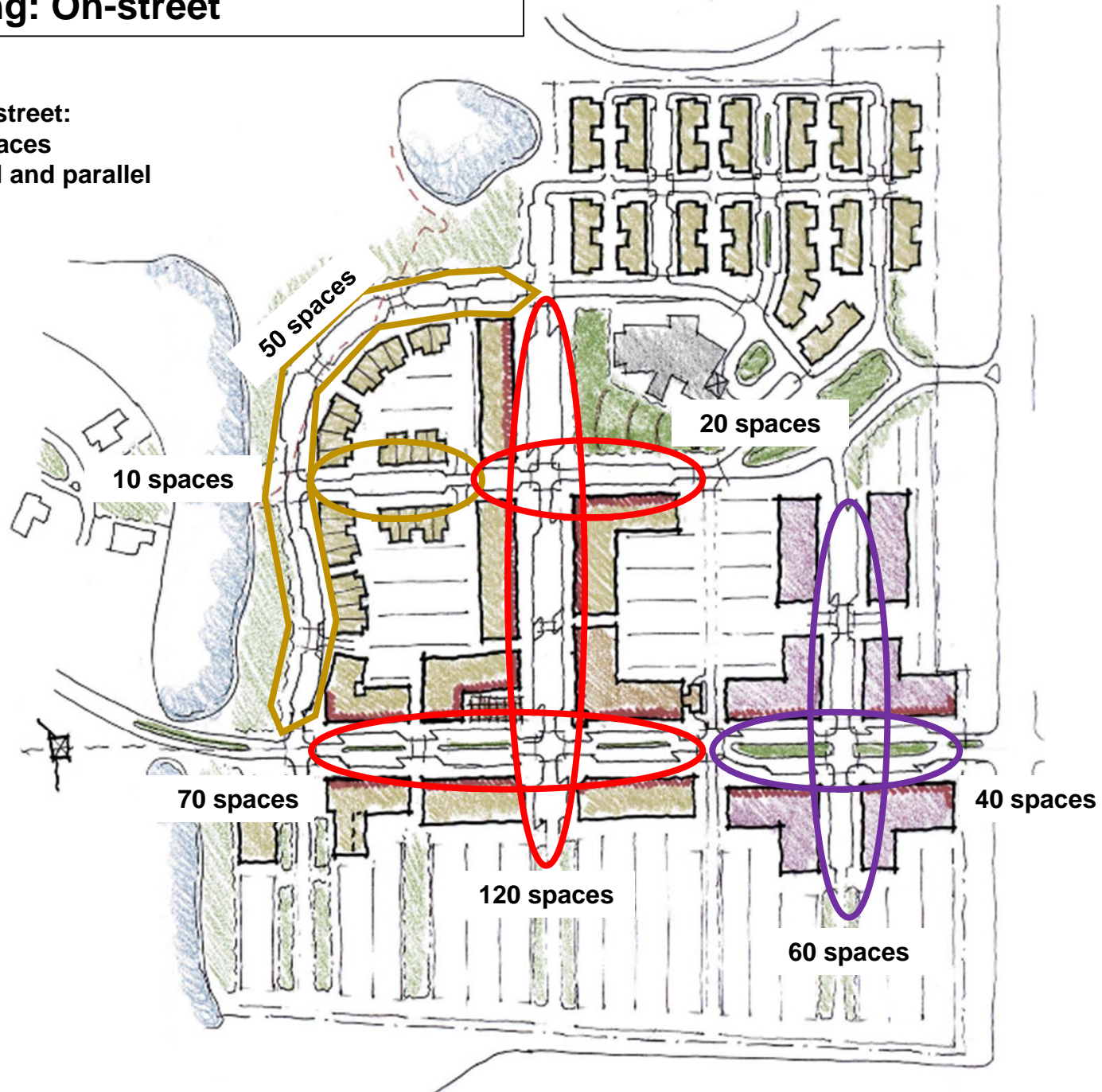




## Parking: On-street

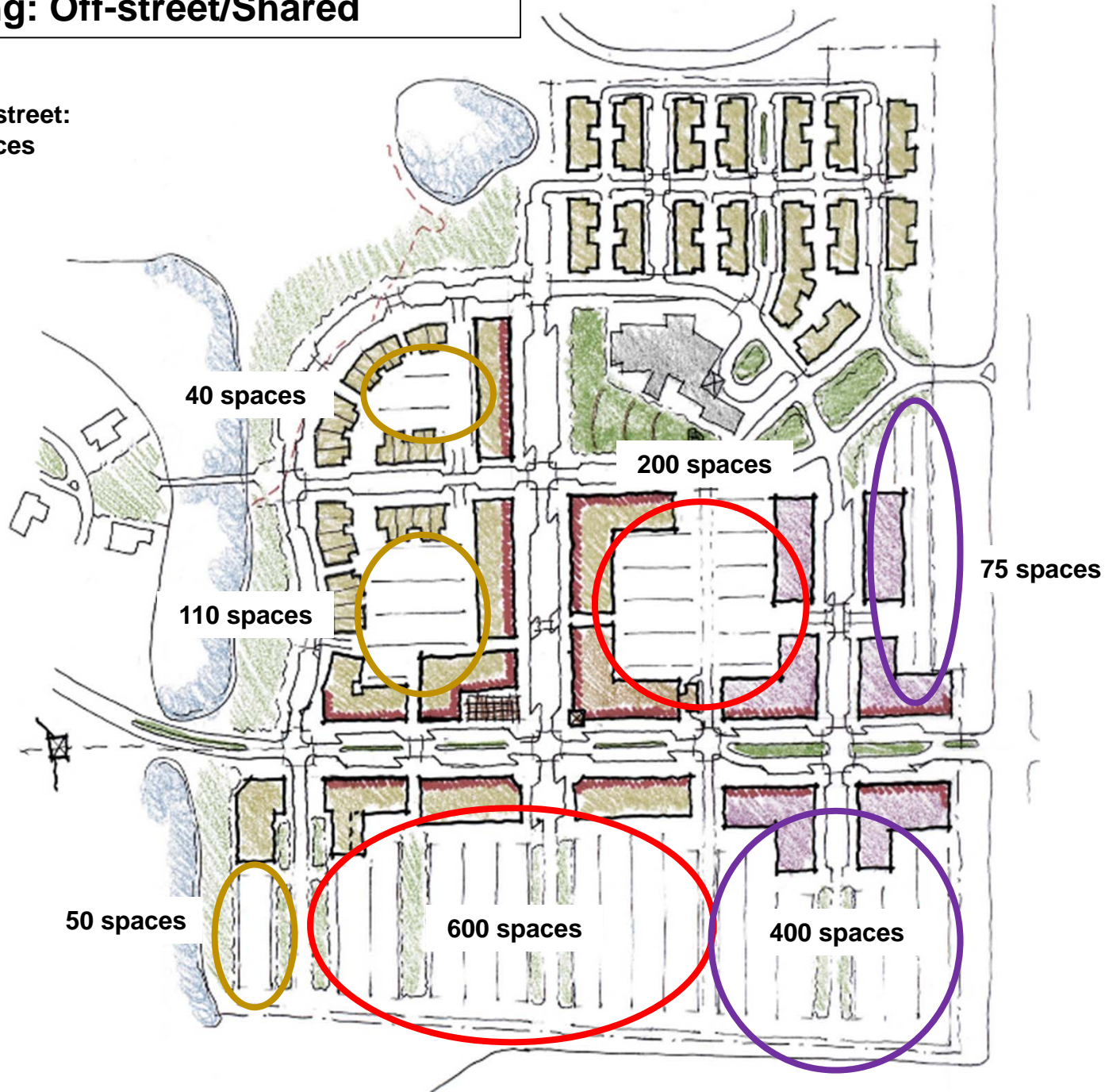
Total on-street:

- 370 spaces
- Angled and parallel

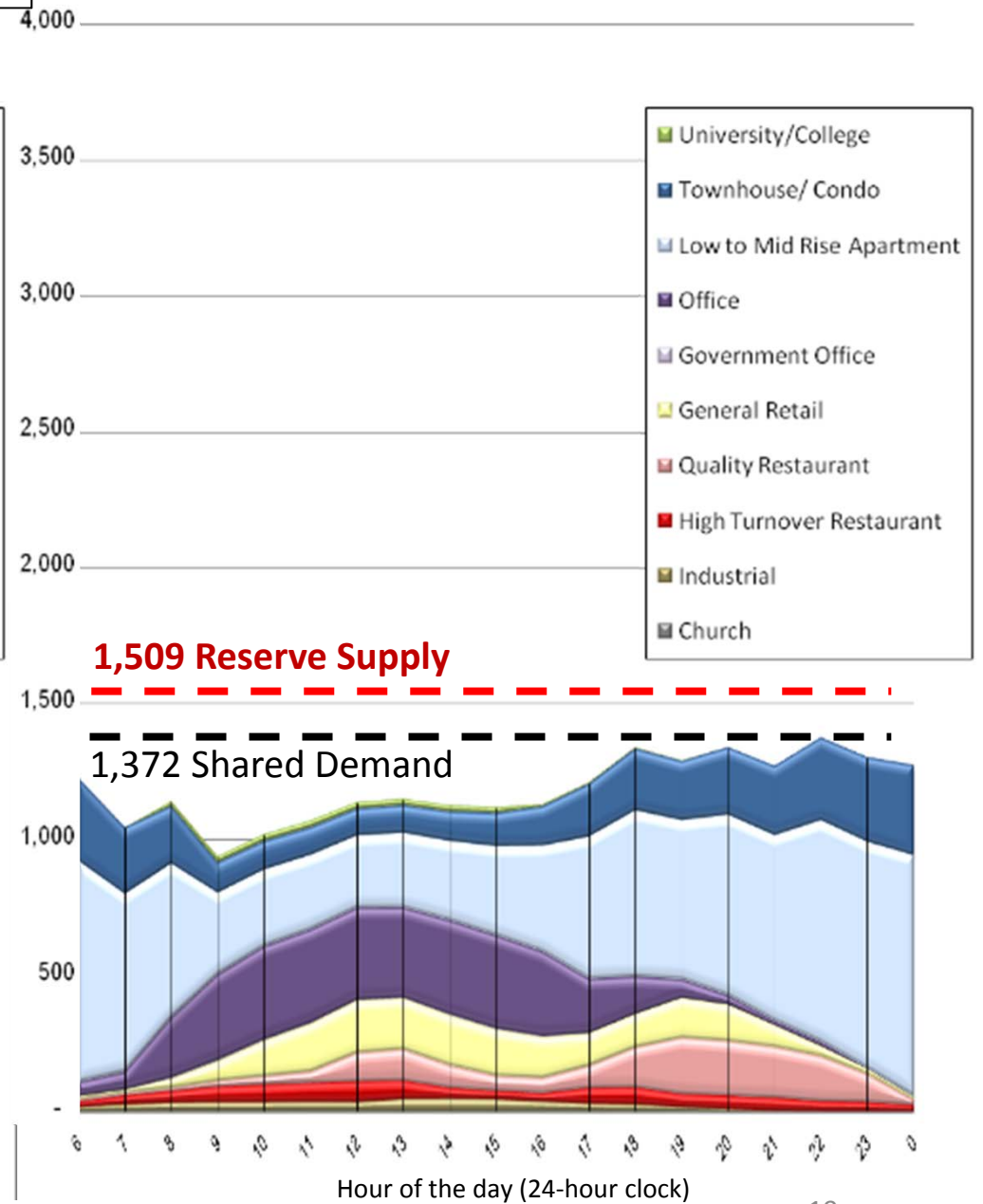
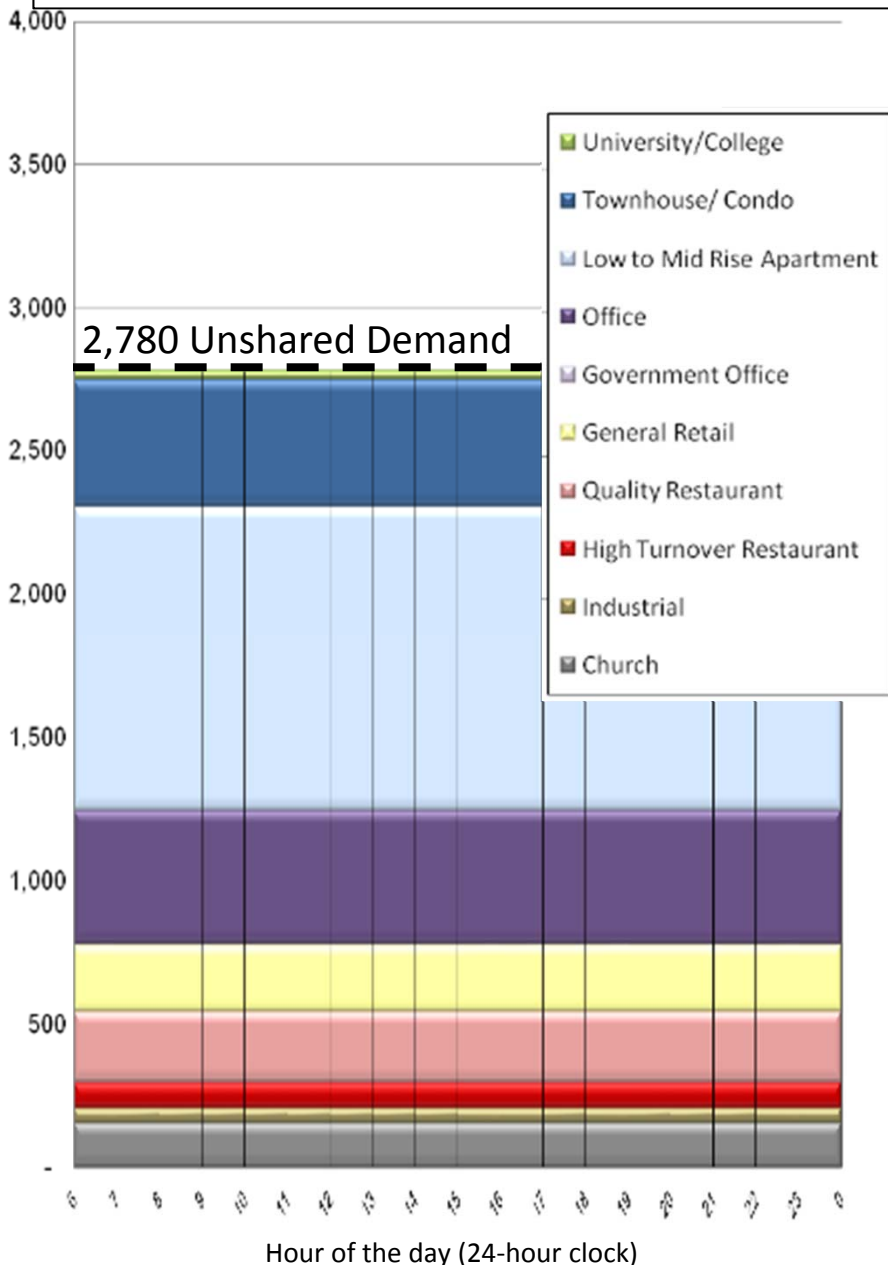


# Parking: Off-street/Shared

Total off-street:  
1475 spaces



# Parking: Off-street/Shared Example



Source: Nelson\Nygaard

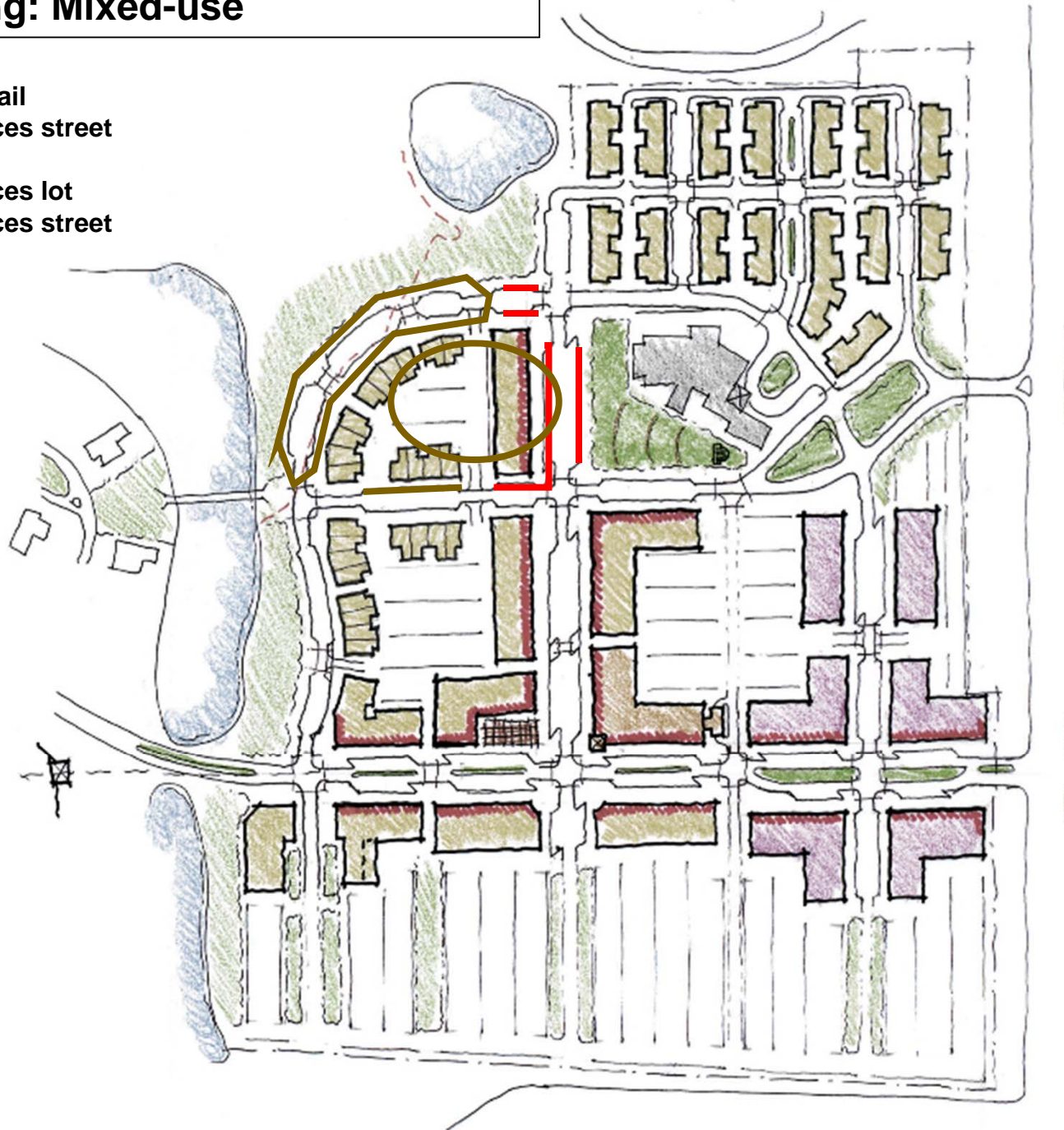
## Parking: Mixed-use

15kSF retail

- 46 spaces street

40 units

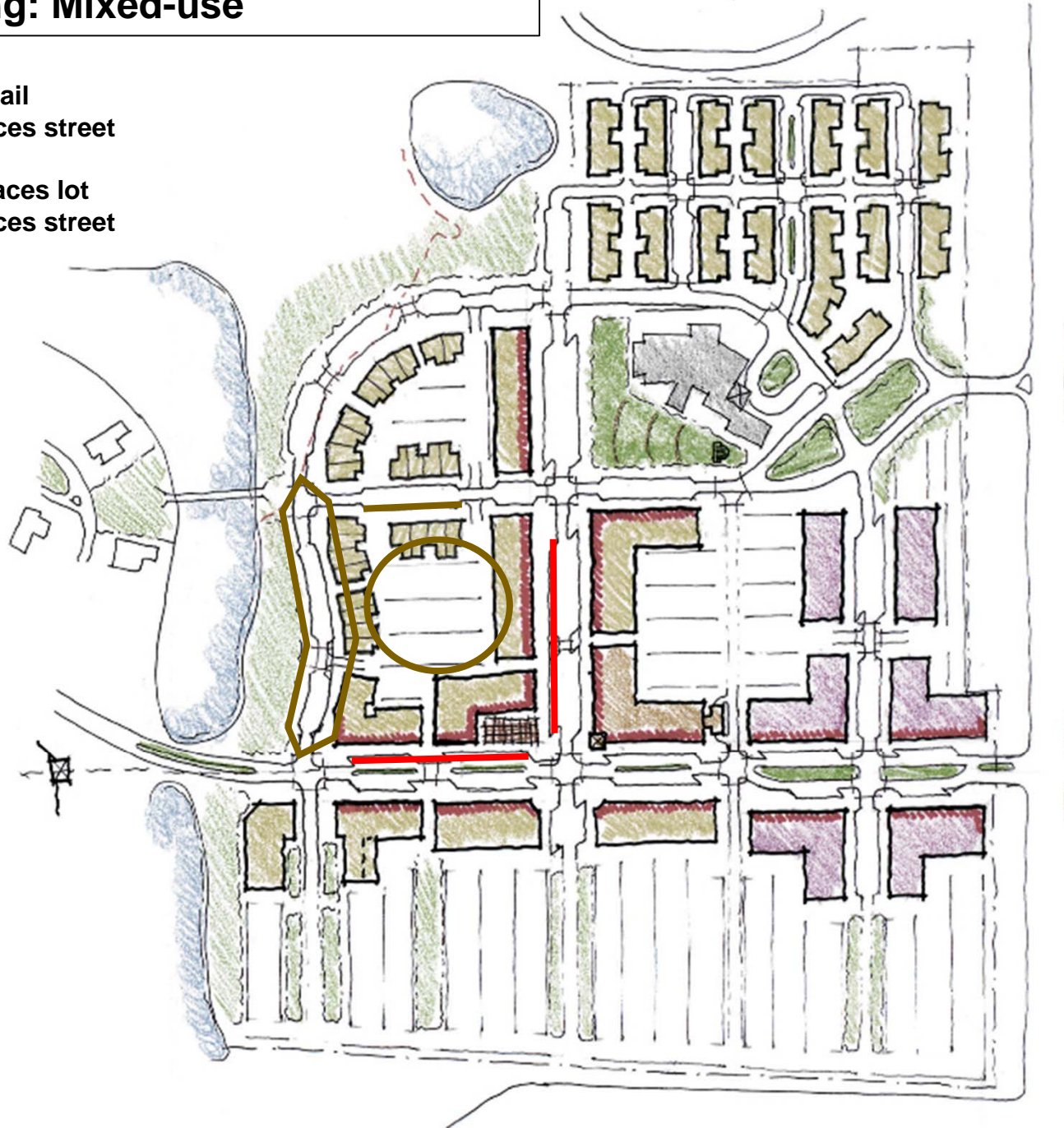
- 40 spaces lot
- 34 spaces street



## Parking: Mixed-use

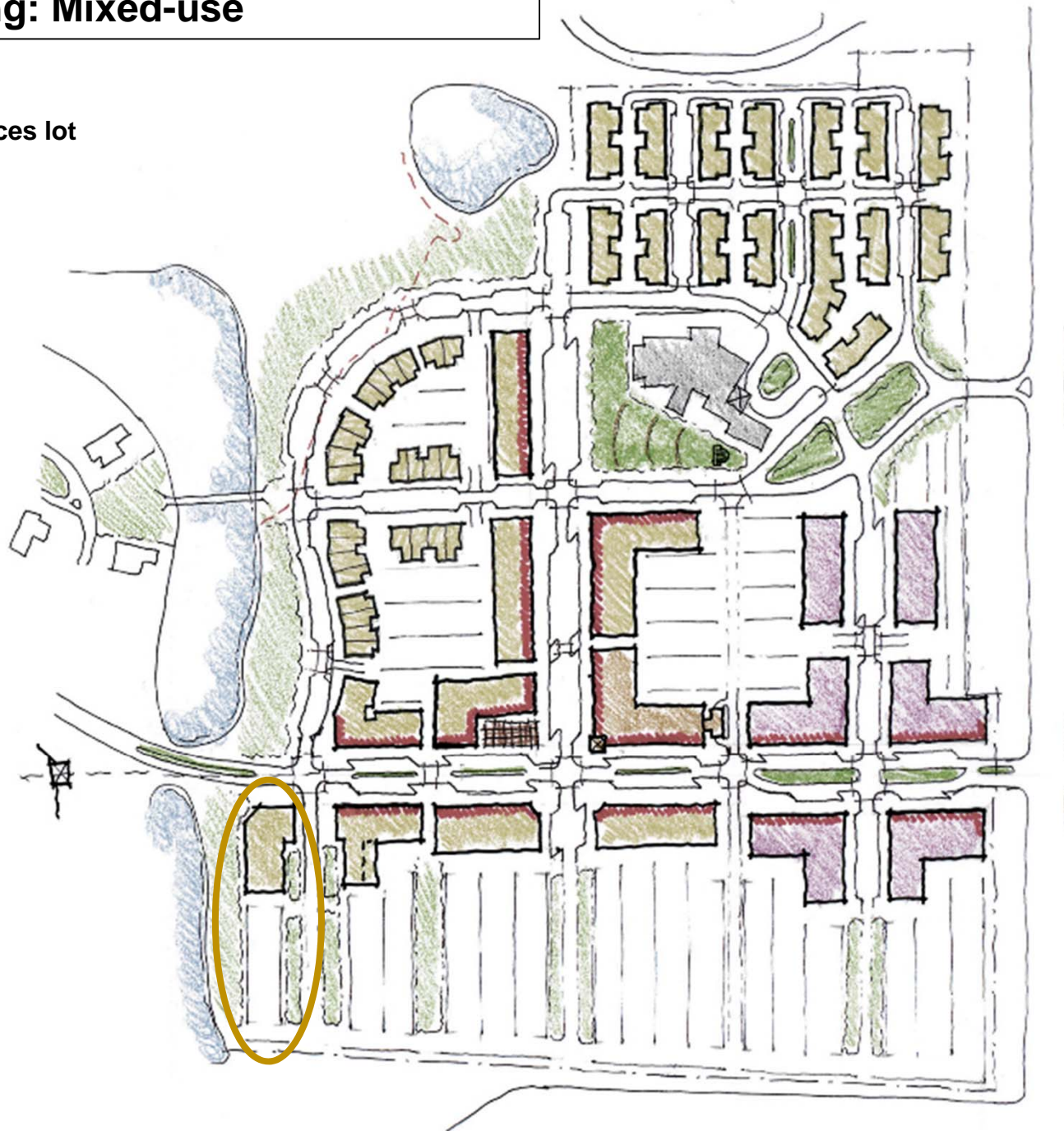
35kSF retail

- 59 spaces street
- 110 units
- 110 spaces lot
  - 29 spaces street



# Parking: Mixed-use

- 25 units
- 50 spaces lot



## Parking: Mixed-use

40kSF retail

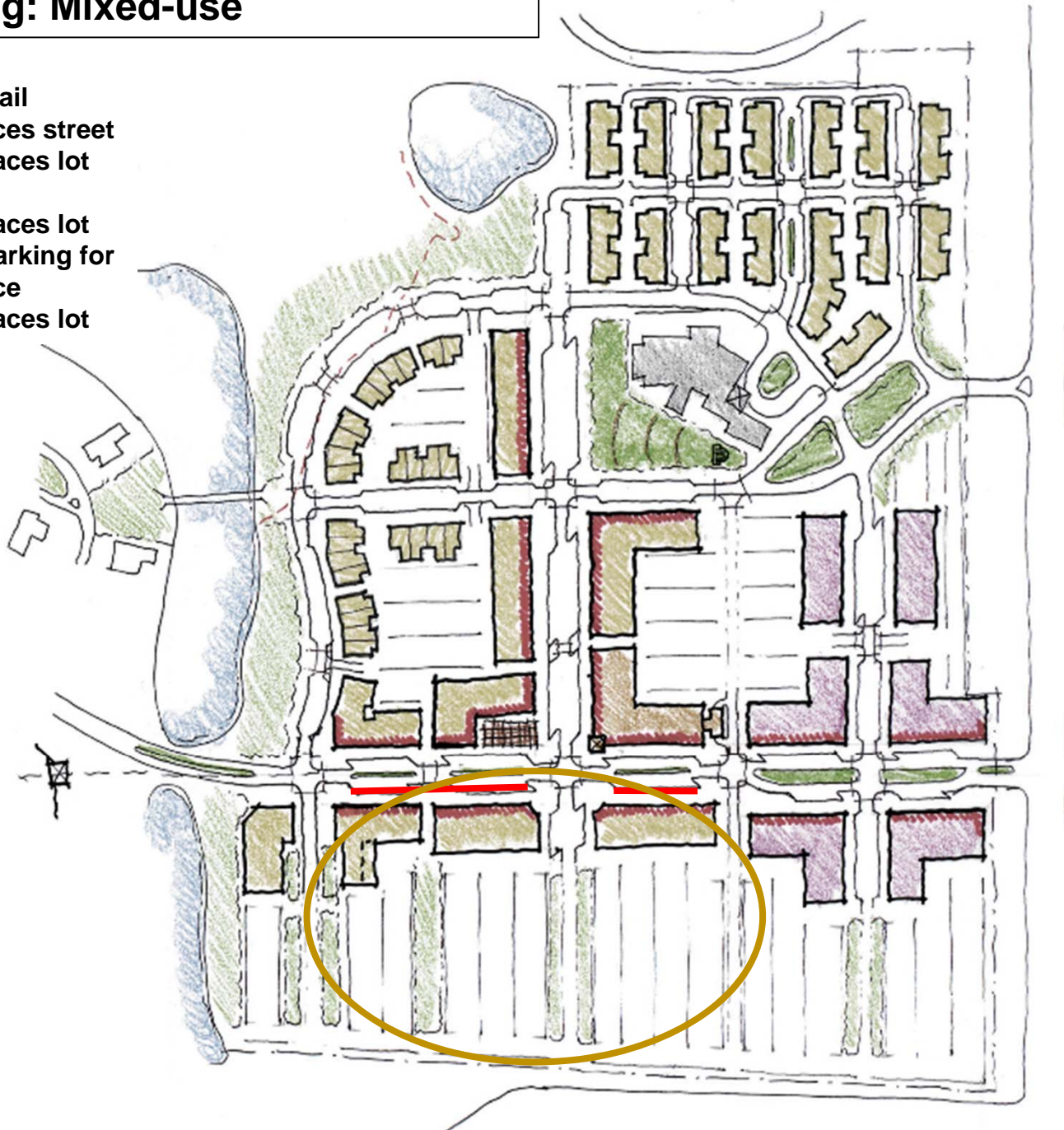
- 44 spaces street
- 160 spaces lot

100 units

- 200 spaces lot

Shared parking for retail/office

- 240 spaces lot



## Parking: Mixed-use

45kSF retail

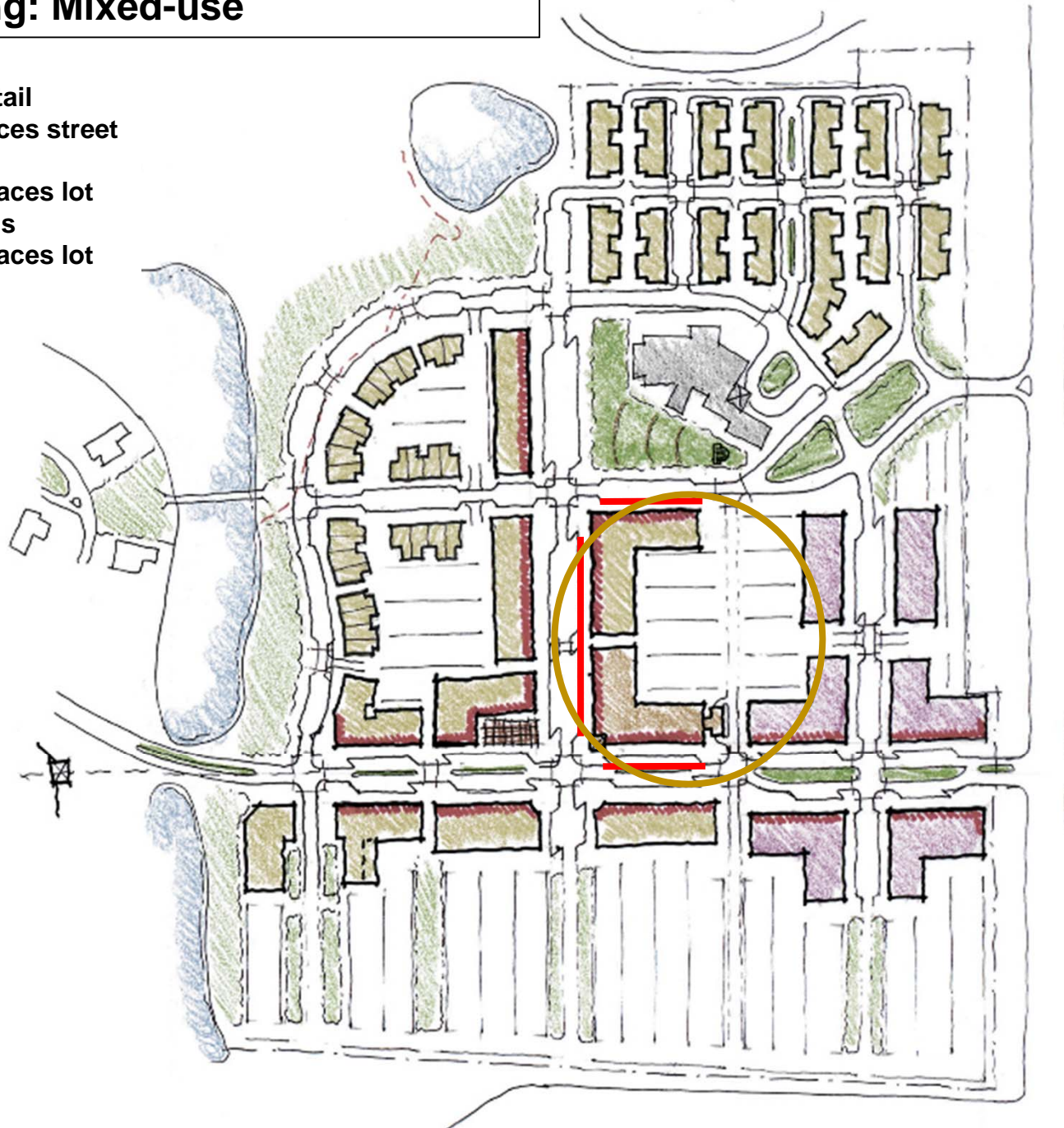
- 54 spaces street

50 units

- 100 spaces lot

130 rooms

- 100 spaces lot





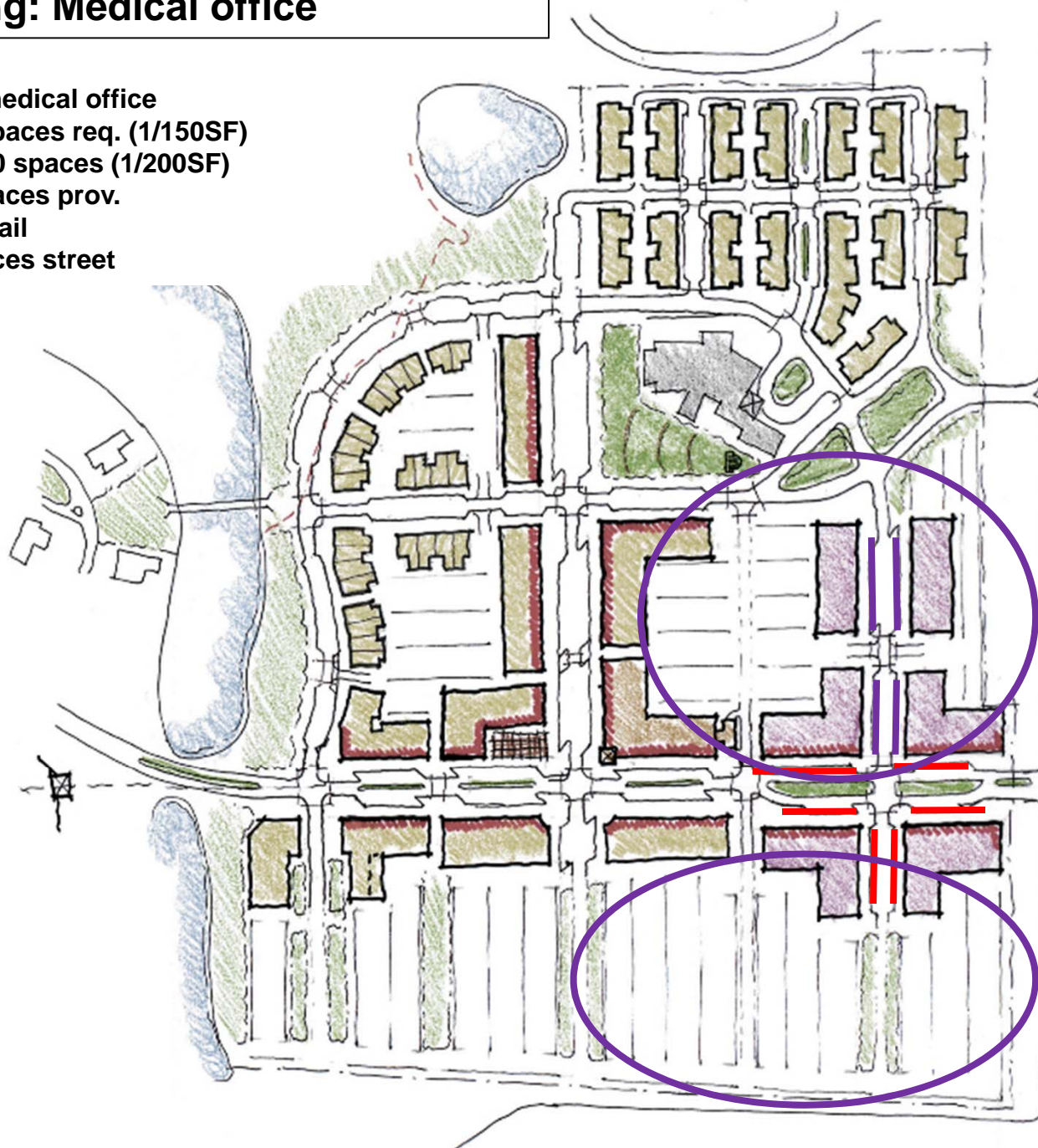
## Parking: Medical office

200kSF medical office

- 1400 spaces req. (1/150SF)
- Or 1000 spaces (1/200SF)
- 900 spaces prov.

15kSF retail

- 75 spaces street



130kSF med office  
7500SF retail

- 275 spaces lot
- 70 spaces street

70kSF med office  
7500SF retail

- 600 spaces lot
- 30 spaces street

# Mixed use village scenario



## Alternative Concept 1

Site Area	170 acres								
Program			Lot/Unit Size	Residential Area (SF)	Site Area (acres)	Units per Acre	Parking Ratio		Parking Required
Single Family	161	units			47.9	3			
Patio lots	108	units	5,500	594,000	13.6	8	2 per unit		216
Larger lots	53	units	10,500	556,500	12.8	4	2 per unit		106
Townhouse	90	units			27.6	3	2 per unit		180
Senior Living					15				
Assisted living	Up to 200	beds					0.33 per bed		67
Independent living	96	units					1 per unit		96
Office	200,000	sq ft			16		1 per 150 SF		1,333
Town Center					31.6				
Retail/Commercial	150,000	sq ft					5 per 1,000 SF		750
Hotel	130	keys					1 per key		130
Multi-family*	325	units	800	260,000			2 per unit		650
Townhouse/Multi-family	26	units					2 per unit		52
Multi-family/Apt	64	units	800	51,200	19.5	3	2 per unit		128
									3,708
Town Center + Office									2,863
30% shared parking reduction									859
									2,004

\* Assumes 2 floors of residential above town center retail



# Westwood

A Traditional Neighborhood  
in the heart of Amherst.

2014 Design Standards Guide

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The following Design Standards have been developed by Fontanese Folts Aubrecht Ernst Architects, P.C. in accordance with The Town of Amherst Planned District Rezoning and Planned Unit Development (“PUD”) Process Application (Section 8-4 of the Amherst Town Code).



The following Design Standards have been prepared for:  
Mensch Capital Partners, LLC  
350 Essjay Road  
Williamsville, NY 14221



## I. PURPOSE OF DESIGN GUIDANCE

The intent of these guidelines is to provide a framework of desired characteristics for the development of the Westwood mixed-use neighborhood. The framework is intended to be flexible and to acknowledge the uniqueness of the individual districts, which comprise the neighborhood. Westwood is intended to provide for a variety of building and spatial experiences, which acknowledge the residential character of the surrounding existing residential neighborhoods. The intent is to provide defining guidelines for the development of Westwood that are flexible, allowing for variety and adaptation as the demands of the market warrant over time. Given the size and scope of the Westwood Neighborhood, future development at the site will be subject to the Planned Unit Development (PUD) guidelines and regulations as presented in Section 6-9 of the Town of Amherst Zoning Code. The PUD is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of project tenants and residents. The Design Guidance works in concert with the existing regulatory environment and is supplemental to the minimum requirements of the Town of Amherst.

Emphasis of the Design Guidance is to the exterior visual manifestations of the building use and to the creation of harmonious exterior spaces which transition in character from district to district. The objectives are to create a general consistency of design, which is complimentary to each other and is at a minimum acceptable standard that reinforces the character and vitality of the neighborhood, in short to encourage a better quality of life environment.

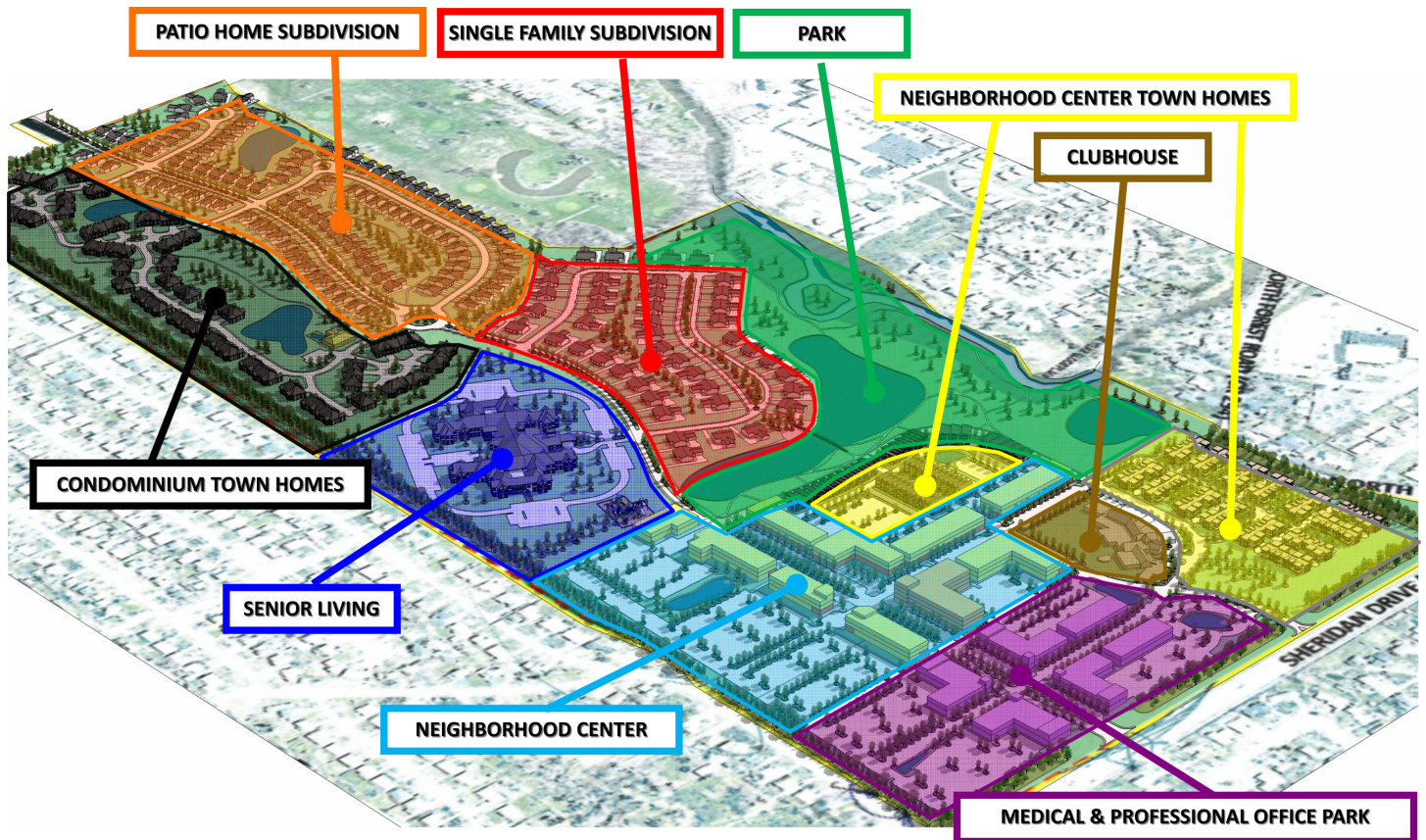


## II. INTRODUCTION

Westwood is a new mixed-use neighborhood that is bounded by Sheridan Drive to the south, Maple Road to the north, Fairways Blvd. and Frankhauser Road to the west, and North Forest Road to the east.

The community will incorporate a variety of residential opportunities, including single family, townhouse, apartments, and senior living, as well as office, retail, hotel and restaurant occupancies. With a mixed-use development pattern and diversity of amenities, the community will offer year-round experiences, and a variety of public spaces connected with pedestrian friendly walks that build on a traditional neighborhood structure. The goal is to create an environment that has visual appeal, a focus on the pedestrian, a lively atmosphere, ever-changing character, yet evokes a reminder of the history of the site.

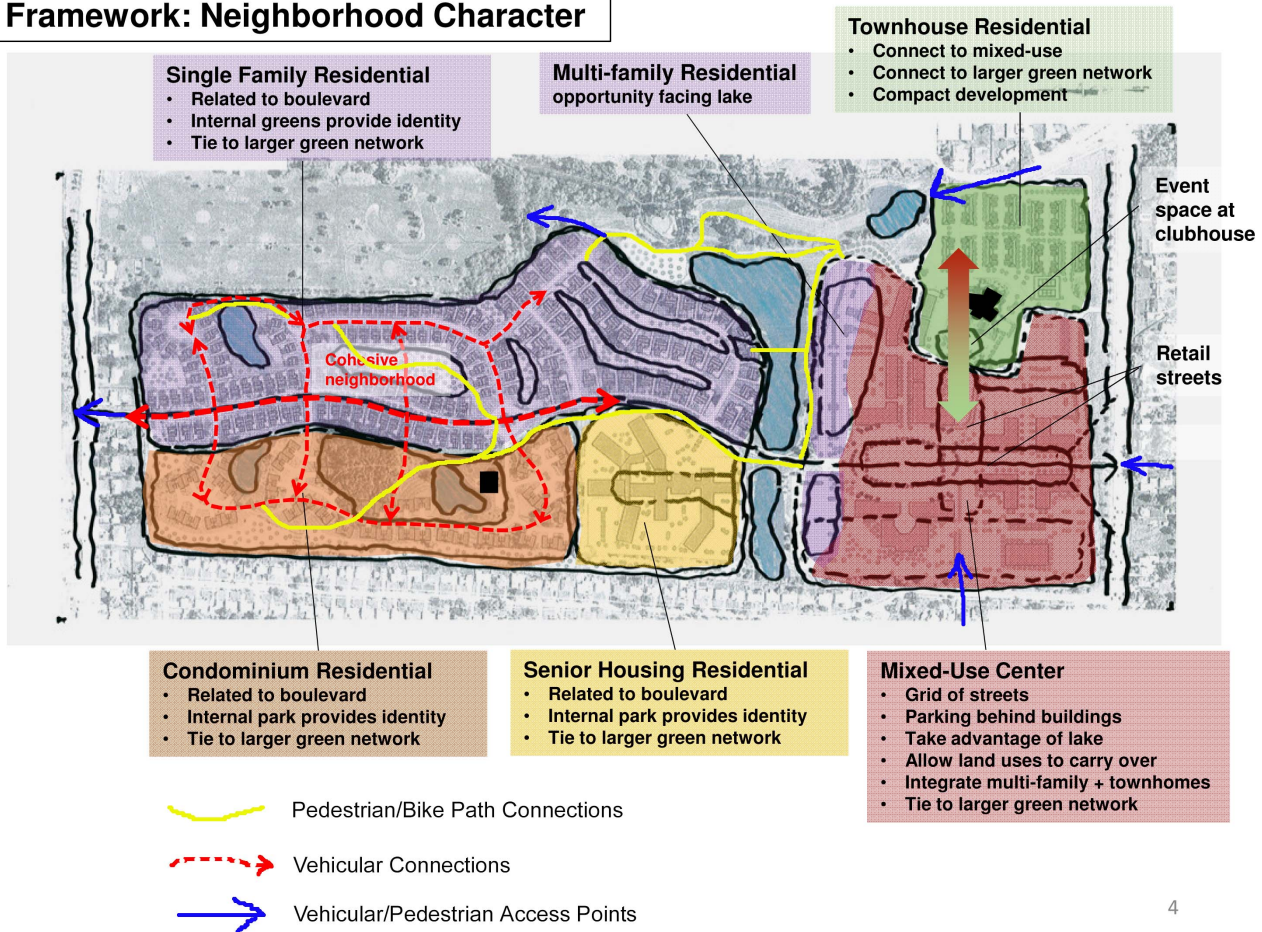
The Guidelines are mostly concerned with the character description of the spaces and the buildings and the landscape that creates them. They are intended to be guidelines that assist in the review of proposed development as opposed to rules that provide definitive direction. The following diagram provides a description of the neighborhood components.



### III. DEVELOPMENT STRATEGY

Bring together the elements of a community that as a whole envisions a mixed-use environment, transitioning throughout the neighborhood in a manner that creates a vibrancy and vitality that is pedestrian friendly, encouraging of sustainability and allows a mix of uses. That is the goal of Westwood. Residential, Senior Living, Office, Commercial, Hospitality and Civic uses are planned throughout the neighborhood. The neighborhood should allow for an inclusive community that provides multi-generational housing options. Public space features should include establishing an event space for outdoor activities at the Clubhouse, a tree canopied urban square within the Neighborhood Center, and providing a series of open spaces that are connected via a trail system with Westwood Park as the focal green space. Active uses that engage pedestrians should be located along the street frontages of the Neighborhood Center and Office Gateway. A network of public places are to be connected with the streets, sidewalks, and pathways.

#### Framework: Neighborhood Character





## IV. NEIGHBORHOOD CHARACTER

### Patio Home Subdivision

Situated nearby the Maple Road entry, this moderate scaled district anchors the north area of the single-family residential neighborhood. Like all of the residential areas this is a cohesive neighborhood, which offers internal green space, and connection to the path network. This district is bounded by the public golf course to the east and the entry boulevard to the west.

#### a. Architectural Features

The single-family residences should be located on modest sized lots along a tree-lined street. Covered front porches should be encouraged. Sloped roofs should be the norm. Garages could be located in the rear of the lot, or could have overhead doors facing the side lot line. The rear yards should be encouraged to visually share the open green space in common, minimizing fencing and encouraging landscaping to create any needed privacy.

#### b. Materials

Familiar materials, a mix of siding, a blend of colors, a variety of window sizes and placement should characterize this neighborhood. Siding could be a mix of clapboard, shingle or shake, with contrasting areas of brick or stone. Window, roof and door trim should articulate and emphasize the smaller scale of the structures.

#### c. Mass/Scale/Proportion

The residences should be moderate in size and mass. Smaller scaled details should be used to reinforce the human scale of the dwellings. The residences should be a diverse mix of single story, story and one-half and smaller scaled two story structures. The street width to the height of the residences should be of a smaller dimension to promote a comfortable closeness, and slow traffic on the street.



### Condominium Town Homes

Abutting the western edge of the Maple Road entry and adjacent to the existing Fairways neighborhood, the district is characterized by more informally arranged townhome residences with generous, naturally landscaped open spaces. Two existing ponds and a cluster of existing trees will be features integrated into the park like neighborhood.

#### a. Architectural features

Generous windows and crisp lines and the use of well-placed dormers and gables could create visually interesting structures and become features that support a variety of appearances. Offsetting the foundations of the paired units, extending the floor plate in second and third story overhangs could further give variety to the residences. A variety of forms could give a meandering character to the overall streetscape, permitting a changing character from location to location that reinforces the neighborhood.

#### b. Materials

Stone, brick or other rusticated appearing materials could give visual strength to the first level housing the garage area which could be offset by clapboard or shingle siding where the entry and porch or deck occur. Upper level(s) could be of a blend of siding materials and well proportioned glass areas and windows

#### c. Mass/Scale/Proportion

The connected residences should create a townhouse like arrangement of two or three stories in height. The massing should more resemble that of a single-family residence, while maintaining individually recognizable arrangement of the units. With a more casual arrangement of the residences that extend along a meandering street or are collected into a cluster surrounding a court, the scale of the residences could be two or two and a half stories.



### Single Family Subdivision

Tree lined, boulevarded streets and internal green space give this residential district a pedestrian friendly environment. Located in the center of Westwood, the district borders the open area of Westwood Park and the lake edge to the south.

a. Architectural Features

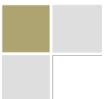
Generous sized lots with garages located in the rear of the house or garage doors opening to the side lot line should give the opportunity to provide generous sized porches facing the street.

b. Materials

A diverse use of cladding of a variety of colors and finishes that have a regional reference should be considered, such as brick and stone. Each residence should have a character of its own.

c. Mass/Scale/Proportion

Generously sized with two floor levels and significant sloped roofs should characterize these individual residences. The scale should be equally generous while still being respectful of the neighboring properties.



### Westwood Park

Extending along the Ellicott Creek that is the east boundary of the overall site and extending westward to encompass the lake, this district adapts the existing golf course landscape, transforming it into the meandering meadows to be viewed and shared by all. It becomes the open space, and the informal recreation area conveniently accessible by the Westwood residents and neighborhood center visitors.

The edges of Ellicott Creek and the edge of the lake should become integrally linked with the path network, with a path for walking, jogging and cycling along the creek. A path along the lake edge could provide a relaxing place to stroll. It should have suitable benches carefully located near intersections with the path network. A pedestrian bridge from the Neighborhood Center to the residential neighborhoods is an important element of the public open space encouraging a pleasurable walk between the neighborhoods. Preserving the existing trees lining the creek edge and the native wetland species around the water bodies is part of the sustainable strategy. This preservation approach will be encouraged in other interior green spaces and transitional areas between neighborhoods.



### Neighborhood Center Town Homes

Located where the residences transition to the neighborhood center, the housing pattern supports a mixed-use environment. Autos are to be housed on the lowest level with entry from the rear of the structure, permitting the street side to offer generous outdoor porches or decks facing the lake. Where garages abut general parking areas, tree lined streets shall be incorporated which offer diagonal parking.

#### a. Architectural Features

Townhouse units that are linked into groupings of 8 to 10, the residences should have generous sized glass and window units with building projections at and above the street level. Projections and facade recesses should be rhythmic creating a unified visual presentation. There should be a definite front facade with significant landscaping and defined rear entry to the units, with auto garages entered from the parking area behind.

#### b. Materials

Each of the connected groupings should have similar materials, which reinforce the rhythm of the overall facade. Siding choices could include brick, stone, clapboard either stained or painted, or a combination of these materials. In small areas, metal accent panels could be considered.

#### c. Mass/Scale/Proportion

The building height should be limited to 3 levels. Roof construction could be sloped or flat or a combination of each, with varying heights and rooflines. The facade articulation can include changes in the building massing, changes in material, porches, decks or balconies. Each of the separate units should be reflected in the facade articulation.



### Neighborhood Center Townhomes

A compact grouping of town homes with a service court for pedestrian and auto access that border the intersection of Sheridan Drive and North Forest Road. The units share a garden area, which adjoins the rear of each unit.

a. Architectural features

The units could be arranged in groupings of 4 townhomes in a linear pattern that become a larger grouping of 8 units when combined with the enclosed garden/rear yard area.

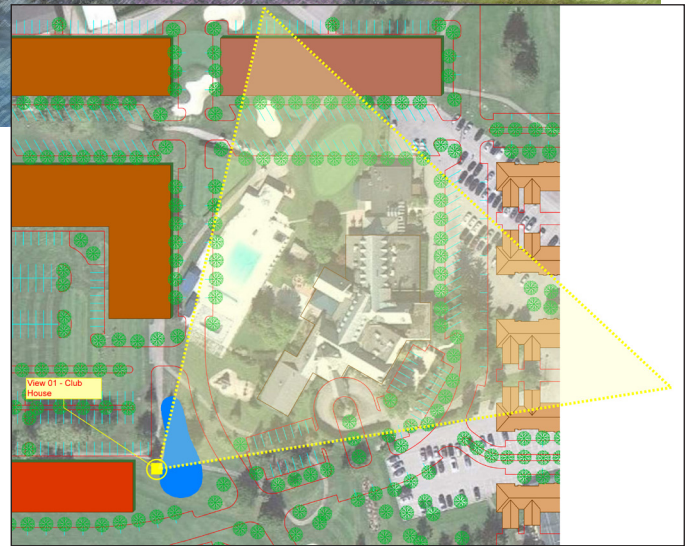
b. Materials

The street level of the units should be articulated with a different color or a different siding material, with the upper two levels sharing a common siding material and color.

c. Mass/Scale/Proportion

The units should be organized to create a volume similar to a single family residence. The unit grouping should be compact. The units should be two levels high with sloped or flat roof or a combination of rooflines. The scale should clearly be compact, promoting a close-knit district.





### Clubhouse

At the heart of Westwood and the reason for an open public event space nearby is the existing clubhouse. It will serve as the symbol of the prior use of the site and can support the outdoor events that take place in the Neighborhood Center. The architectural details, proportions and coloration could serve as the thematic source of elements of the new construction surrounding it.



## Senior Living

At the transition from the residential districts to the north leading to the Neighborhood Center to the south, the senior living development will occupy one of the focal points of the project. With views of several important features, this district should be an outstanding site for the senior residents it supports. Nearby access to the neighborhood center or taking a stroll along the pathways to the lake will be a short walk for the senior residents.

### a. Architectural features

The architectural detailing should be encouraged to break down the visual appearance of the structure. Sloped roofs, a blend of colors, contrasting trim, and facade articulation should enhance the residential feel of this larger structure. Modulating the individual rooms, the building footprint and selectively offsetting the exterior wall plane should create a more residential appearance

### b. Materials

Distinctly residential materials of a blend of types and colors, including shingles and clapboards should be used to articulate the core, wings and the separate floor levels of the facility.

### c. Mass/Scale/Proportion

Facade articulation should be used to reduce the apparent mass of the facility. While the size of the facility is significant, borrowing from the architectural vernacular of the existing clubhouse or a traditional local single family residence should reduce the building's scale. The proportions should maintain the human size as its standard.





## Neighborhood Center

As the central corridor, this district should be the focal core of the mixed-use character of Westwood. The blend of neighborhood shops, restaurants, businesses and offices with residential on upper floors should provide vibrancy to the area. The tree-canopied central square should have outdoor seating framed by nearby food establishments and the hotel. Convenient diagonal street parking, as well as parking lots with tree-covered islands behind the buildings should be provided.

### a. Architectural features

Promoting mixed-use should be the hallmark of this district. Facades will promote the retail and commercial at street level, with generous areas of glass set off by small-scaled landscaping. Canopies above the first level window heads should typically project 6- 7 feet from the façade face providing weather protection and a logical location for building signage. The geometry of the window fenestration should be varied in size and location to further visually animate the facades.

### b. Materials

The front side and the rear side of the buildings in this district will be similar in character and detail. The back of the buildings will have the same finishes and articulation as the street side. Solid, crisp, materials with a blend of the contemporary and the traditional should be utilized.

### c. Mass/Scale/Proportion

The scale of the buildings in this district should tend to be more significant. Buildings in the district should typically be 3 stories tall with sloped or shed roofs. The hotel should be 4 stories tall with a flat roof and an articulated corner element for architectural emphasis. The mixed-used buildings on the west side of the district should be more reflective of a residential form of 2 ½ to 3 stories tall.



### Medical and Professional Office Park

Serving as the gateway, the lower scaled offices are visually sheltered from Sheridan Drive by a landscaped, tree lined berm. Convenient street side and adjacent tree bordered parking is available behind. Buildings are oriented to face the interior street.

a. Architectural features

The architectural expression should be contemporary and crisp, avoiding historical references or styles. The buildings should appear as simpler forms.

b. Materials

A blend of brick, stone, metal panels and glass in a contemporary composition should create visually inviting structures and animate the human scale of the street.

c. Mass/Scale/Proportion

The buildings should be two stories with flat or low slope roofs. The building corners should provide emphasis to the street corners. The scale should be transitional from the smaller residential across Sheridan Drive to the larger structures of the Westwood neighborhood core. The proportions should emphasize the horizontal, with generous glass, material changes, and location of doors to create a human-scaled street presence.



## V. STREETScape

The streetscape throughout the Westwood neighborhood will handle both vehicular and pedestrian traffic. The streetscape is intended to be a pedestrian friendly environment, with vehicular traffic-calming features. The streetscapes are meant to be tree lined and pedestrian friendly, with a consistent pallet of signage, lighting, paving and occasionally furniture.

The streets should be well lit, active, human scaled and feel safe day and night. Pedestrian connections between streets and linking neighborhoods should be provided. The streetscape will encourage boulevard views of the neighborhoods, including views of the community facilities, views to the various sized lakes, and to the Clubhouse. Walking, jogging and cycling will be encouraged along the boulevard and along the connections to the path system linking the neighborhoods.

The streetscape in the mixed use streets of the Neighborhood Center area should be more urban in character, with walkable welcoming streets and squares and should transition to a softer, more open nature as you move to the more residential areas.



## VI. CIRCULATION

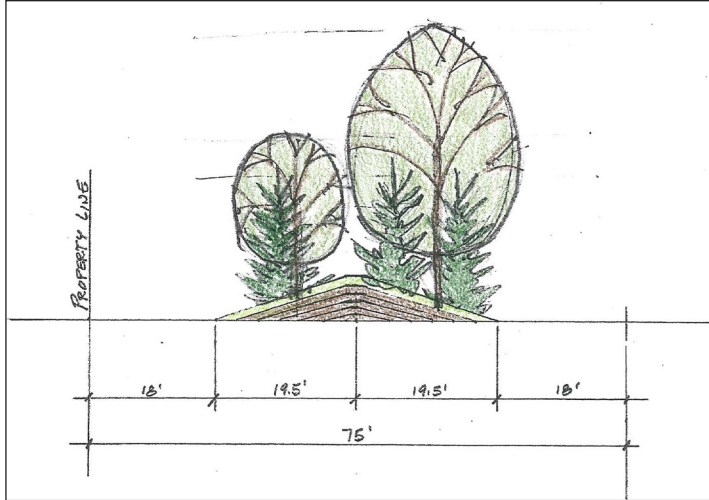
### Vehicular Circulation

The Westwood Neighborhood has been designed to function as a connected community with a comprehensive approach to vehicular and pedestrian management throughout the site. The primary north/south roadway that extends from Sheridan Drive and north through the project site to Maple Road shall be a public right of way with central medians, curvilinear design, and intermittent round-a-bouts to provide a central path that is convenient but also safe and speed controlled by design. Intersections shall be planned within the road network so as to create clear site lines for safe turning and merging movements. The road networks shall include landscaping elements which provide a scenic landscape for vehicular movement throughout the site. Parking areas shall be screened either through the positioning of buildings within close proximity to the right of way or through the use of landscape buffer areas.

### Pedestrian Circulation

Pedestrian networks and trails are a critical component when developing neighborhoods that are connected and support healthy lifestyles. The Westwood Neighborhood will feature multi-modal options for pedestrian movement that include a bike path and trail network, internal sidewalks, and connections to the existing external pedestrian networks within the community. Pedestrian networks shall be interconnected at the site to link residential areas with the Neighborhood Center and should be coordinated with public transportation options including bus transit services. Pedestrian networks shall be managed in a safe and efficient space that is separate from the road network with clearly identified crosswalks at intersections. Clearly defined pedestrian connections shall be established at public gathering spaces to include the urban square within the Neighborhood Center, Westwood Park, and the event space contiguous to the Clubhouse.





## VII. LANDSCAPE STRATEGY

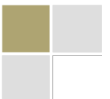
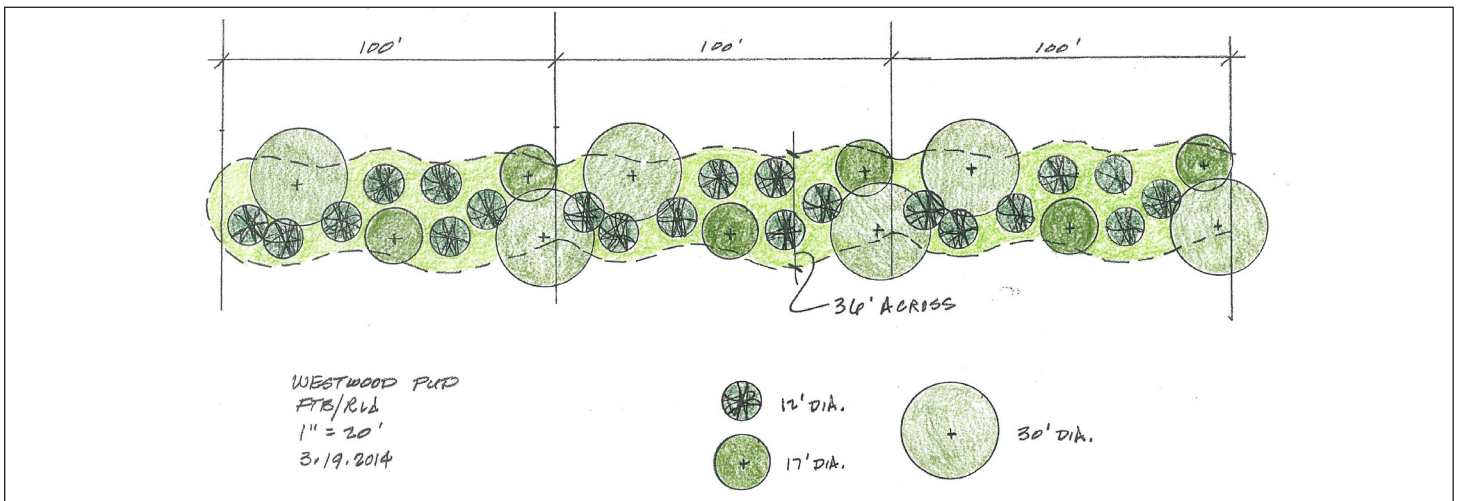
The overall Westwood neighborhood is a mixed-use development on approximately 170 acres which now comprises the existing Westwood Country Club site. The existing golf course site has relatively flat topography and consists of typical golf course fairways, greens, tees, bunkers and tree and shrub vegetation areas. Both the periphery and the internal areas of the site include natural (native) and installed plantings. Ellicott Creek runs along portions of the east property line and has native plants growing along the creek banks.

**Existing native plant species include:** Red Maple, Oak, Elm, Ash, Cottonwood, Willow and Red Stem Dogwood .

**Existing non-native plant cultivars include:** Colorado Spruce, Austrian Pine, Birch, Spirea, Ornamental Grasses, Barberry, Pear, Burningbush, Norway Maple, Arborvitae, Sedum, Lilac, Roses, Chamaecyparis, Hydrangea, Hick's Yew, Weeping Catalpa, Japanese Maple, Scotch Pine, Honeylocust, Privet, Seagreen Juniper, Fir and Larch.

The proposed site landscape development program includes:

- The retention of large and small areas of existing vegetation for screening, buffering, aesthetic landscape treatments, erosion prevention and wildlife attraction and retention.
- Foundation plantings using shrubs, ornamental grasses and perennials near and around the buildings.
- Tree plantings for roadways, medians, parking areas, entrance features, streetscape treatments and in general lawn areas in private and public areas.
- Buffer and screen plantings on 4' to 6' high grass-covered earthen berms around the site periphery.
- Buffer and screen plantings using aesthetic combinations of mixed deciduous and evergreen tree species between different internal land uses.



- Entrance area plantings to highlight the Sheridan Drive and Maple Road project entrances.
- Decorative plantings near the Sheridan Drive and North Forest Road intersection. Also new berms and buffer plantings.

In general, the site landscaping will include extensive plantings in a variety of hardy and seasonally interesting plant species. The plant palette will include deer-tolerant species and will be selected to grow in the mostly natural clay soils found on the site.

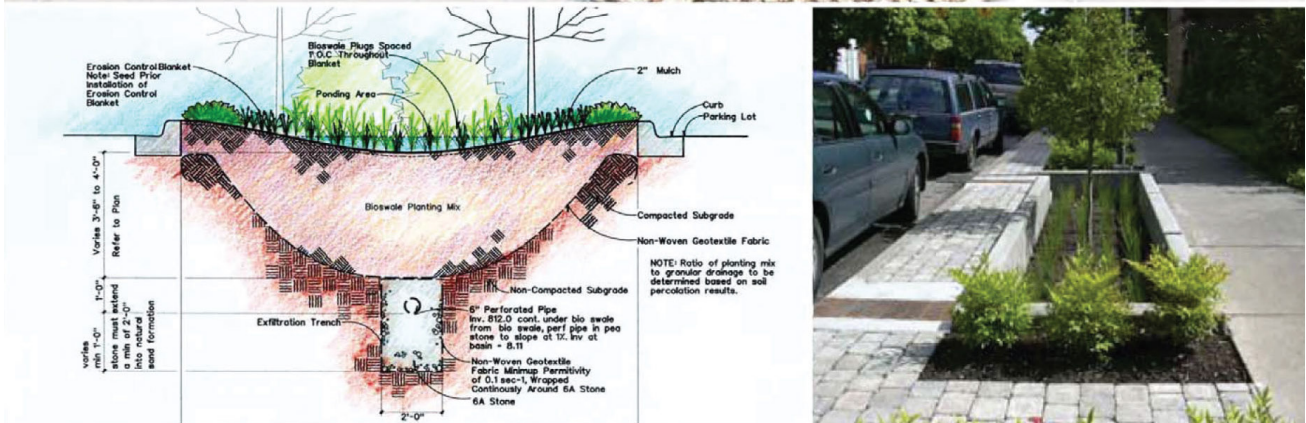
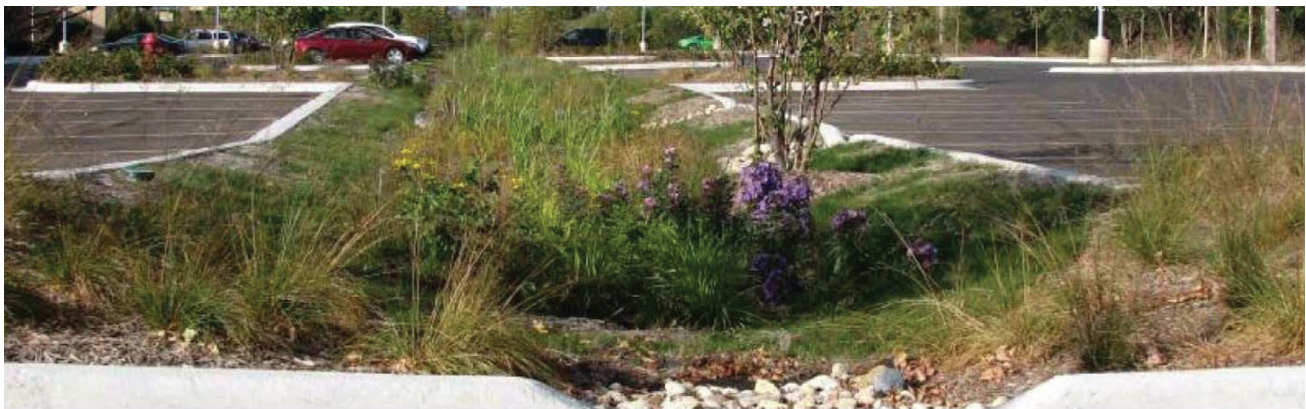
The following are the Planned Unit Development Process (PUD) landscaping standards under the Town of Amherst Zoning Code 6.9 that will serve as a guide to the development of landscape treatments to be utilized in the site landscaping program that address and conform to the standards:

Landscaping Standard (a): Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.

Program conformance with standard (a): Screening between uses shall consist of grass-covered earthen berms planted with a mixture of deciduous shade and ornamental trees and evergreen trees. Screening shall also consist of healthy trees and shrubs existing on the site prior to development. The screening options shall conform to Town of Amherst Zoning Code-Section 7.2

Landscaping Standard (b): Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.

Program Conformance with standard (b): Possible water runoff and erosion problems during construction will



be controlled with temporary silt fences and other measures as part of the Stormwater Pollution Prevention Plan (SWPPP). Silt fences will remain in place until the excavated areas of the site are stabilized.

Landscaping Standard (c): Landscape treatment for public and private plazas, roads, paths, service and parking areas shall be designed as an integral part of the entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other Town requirement for trees in public street rights of way.

Program conformance with standard (c): Overall landscape treatments throughout the site will be installed to enhance the general appearance of the site, streetscape and building development. Many of the new plantings will be native species that are compatible with the local site conditions.

Landscaping Standard (d): The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must not be less than five percent of the total vehicular area in the parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.

Program conformance with standard (d): Areas adjacent to and surrounding the buildings will be planted with attractive specimens and groupings of deciduous shade and ornamental trees, evergreen trees, deciduous and evergreen shrubs, ornamental grasses, perennials and natural turfgrass lawns. Bio-retention areas will be planted with shrubs, trees, and emergent plant material species compatible with the soil and moisture conditions.

Internal green areas within the parking fields will be a minimum of five percent of the total vehicular area in the parking areas. They will be planted with trees and include lawn surfacing. Salt tolerant plant material species will be installed in the planting areas.

Landscaping Standard (e): Landscape materials shall be appropriate to the growing conditions on the site and the Town's environment.

Program conformance with standard (e): The site is in USDA plant hardiness Zone 6a (-10 to -5 F). All new plant material species will be hardy to Zone 6a, or colder. Also many native plant material species will be installed along with hardy cultivars. Plant material species will be selected that are tolerant of the site soil conditions. In addition, invasive species such as Ash, Norway Maple, Crimson King Maple, Burningbush and Barberry will not be planted.

Landscaping Standard (f): Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours, and outstanding vegetational, topographical and geological features are encouraged to be preserved and incorporated in the open space areas and in the landscaping of the development.

Program conformance with standard (f): The site development and landscaping have been designed to respect



the area along Ellicott Creek and will remain undisturbed. Also a number of new ponds will be constructed throughout the development for stormwater management and aesthetic enhancement.

The existing plantings around the periphery of the site will in large measure remain. In addition, significant existing plant massings in the interior of the site will also remain. These existing plantings will be enhanced with the installation of a significant number of new plantings throughout the site.

Landscaping Standard (g): Plastic or other types of artificial plantings or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two and one half inch caliper, measured six inches above the ground, per residential unit, including existing trees on the site with are preserved. Trees to be planted throughout the district and along vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year round benefit of such plantings.

Program conformance with standard (g): No plastic or other types of artificial plants or vegetation will be installed. All new plants installed on the site will be at least the minimum sizes conforming to Town of Amherst Zoning Code-Section 7.2, Landscape Regulations 7-2-3, A., (1), (g). All plantings will be a mixture of deciduous and evergreen species that will provide seasonal interest throughout the year. New planting densities and quantities will be provided according to the Town of Amherst Zoning Code-Section 7.2.

Landscaping Standard (h): Trees shall be of numerous species as to minimize the impact and spread of disease.

Program conformance with standard (h): There will be a large number of plant material species installed to add diversity to the new plant palette and minimize the possible impact and spread of disease. Plant material species that are planted locally on other sites in the Town of Amherst, such as Austrian Pine, and known to





have disease problems, will be avoided. Also weak-wooded tree species such as Silver Maple, will not be planted.

**Representative List of New Plants to be Installed:**

**Trees:** Red Maple, Japanese Maple, Red Oak, Skyline Honeylocust, Sweetgum, American Hornbeam, Black Gum, Serviceberry, Heritage River Birch, Crabapple, Ivory Silk Tree Lilac, Common Hackberry, Katsura Tree, Redbud, Kousa Dogwood, Ginkgo, Zelkova, Tuliptree, London Planetree, Greenspire Linden, Redmond Linden, Colorado Spruce, Serbian Spruce, White Spruce, Swiss Stone Pine, Concolor Fir

**Shrubs:** Green Mountain Boxwood, Green Velvet Boxwood, Sea Green Juniper, Old Gold Juniper, Hetz Staked, Juniper, Spirea, Weigela, Potentilla, Summersweet, Red Osier Dogwood, Ninebark, Rugosa Rose, Miss Kim Lilac, Ornamental Grasses, Forsythia, Fothergilla

**Minimum Sizes of New Plant Material:** Minimum sizes of new plant material installed on the project site will conform to the Town of Amherst Zoning Code-Section 7.2, 7-2-3, A., (1), (g):

Large and small deciduous trees	2 ½" Caliper
Large deciduous trees (multi-stem form)	12' Height
Small deciduous trees (multi-stem form)	10' Height
Coniferous trees	5' Height
Ornamental trees	1 ¾" Caliper
Ornamental trees (multi-stem form)	8' Height
Shrubs	24" Height
Evergreen shrubs used for screening	4' Height





## VIII. LIGHTING

The Westwood Neighborhood Center and all residential areas will be governed by private community associations. Any lighting proposed throughout the neighborhood will be subject to the review and approval of the members that comprise the association management boards. In addition, any lighting proposed at the Westwood site shall be in conformance with the lighting regulations as stated in Section 7-3 of the Town of Amherst Zoning Code.

### Site

The street lighting should be consistent, creating continuity among the neighborhoods. The fixtures should be durable, casting the light downward with “sharp cut off” fixtures throughout the residential neighborhoods. The lighting in the mixed-use core area should be inviting to the public and encourage activity in the retail, restaurant and commercial areas. Lighting fixtures should be scaled to the

pedestrian, lighting the full width of the walks in the mixed use core, and leading the pedestrian along the walkway in the more open and residential areas.

### Building

Street level lighting in the mixed-use area should be a combination of luminaries mounted to walls, posts, brackets, etc. to intentionally offer a variety of evening experiences. Surfaces and textures, and objects such as pilasters, wall features, graphics, and banners should be lit. Entrances should especially be invitingly lit, including property addresses. Storefront lighting should emphasize a warm and welcoming sense to promote activity and watchfulness.

Residential area lighting should be consistently softer. Fixtures should denote entrances and pathways. Light levels should be sufficient and not overwhelming. Luminaries can be wall, post, soffit or gable mounted. Walking paths linking the neighborhoods should be lighted at even increments with post-mounted luminaries.



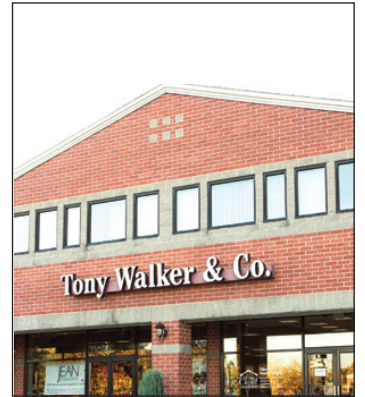
## IX. SIGNAGE

The Westwood Neighborhood Center and all residential areas will be governed by community associations.

All signage proposed throughout the neighborhood will be subject to the review and approval of the members that comprise the association management boards. In addition, any signage proposed at the Westwood site shall be in conformance with the sign regulations as stated in Section 7-8 of Town of Amherst Zoning Code.

Signage is permitted on building facades. Lettering on awning or canopies, small lettering on storefront windows and illuminated signage without visible wiring are permitted on the ground floor of buildings. Rooftop signage, moving or over-scaled signs directed to vehicular traffic, and non-professional looking signage is prohibited.

Freestanding or monument signs will be permitted at the primary ingress and egress points at Maple Road and Sheridan Drive as well as at the corner of Sheridan and North Forest. The monument signs will be comprised of natural materials. All signage will be in a palate and style complimentary to the architecture.



**Town of Amherst  
Bicentennial  
Comprehensive Plan**



AMENDED FEBRUARY 2011



**Town of Amherst  
Bicentennial  
Comprehensive Plan**

prepared by:

**Wallace Roberts & Todd, LLC**

with

**URS Corporation**

**Economics Research Associates**

**Adopted January 2, 2007**

**Amended February 28, 2011**

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## ***Summary***

In the year 2018 the Town of Amherst will celebrate its bicentennial anniversary. Over the past two centuries, Amherst has grown from an historical pattern of small settlements surrounded by farmland to a “bedroom” suburb of Buffalo to its present status as a premier residential community and activity/employment center in Western New York, due in large part to the establishment of the University at Buffalo’s North Campus and the Audubon New Community in the 1970s. In recent years Amherst has undergone a fundamental transition from a growing community to one that is mature and largely built out, in which managing change to maintain and enhance the established character and quality of life will be the primary challenge for the future. Developed through a two-year planning process that involved extensive citizen participation, this Comprehensive Plan lays out a positive vision of Amherst’s future and a guide to managing change to achieve the vision as the Town looks forward to its bicentennial anniversary.

In the Vision of Amherst in 2018, the Town is renowned for an **exceptional quality of life** that is based upon three fundamental attributes:

- ***Livability***, encompassing healthy neighborhoods, outstanding public facilities and services, and an active community life.
- ***Community Character***, through the management of growth and change to preserve natural and cultural resources, maintain green space throughout Amherst, and revitalize older neighborhoods and commercial corridors while accommodating quality new development.
- ***Shared Direction***, with Amherst as a partner in the renewed prosperity of the Buffalo-Niagara region, working to balance its roles as a premier residential community and a complementary center of regional activity.

As an expression of citizen expectations and directions for the future, the Vision Statement establishes the mandate for the policies and action programs contained in the Comprehensive Plan. These policies and action programs, in turn, are designed to produce incremental progress towards achieving the Vision over the two-decade time horizon of the Plan. Four Key Initiatives, or major changes of direction from current policies, are proposed to provide a focus for action as the Town works to move towards a position of excellence as articulated in the Vision Statement. These Key Initiatives are:

- ***Aesthetic/Community Character***: To be renowned for the beauty, character, and environmental quality of Amherst.

- **Education:** Capitalizing on the presence of the University at Buffalo, other institutions of higher learning, and outstanding public school districts, to become known as one of the nation’s leading “knowledge-based” communities.
- **Revitalization:** To become a model for effective reinvestment and revitalization of older neighborhoods.
- **Governance:** To exercise leadership by providing excellent services and facilities, ensuring fiscal balance, and managing development to promote predictability, fairness, and quality.

The Vision Statement and Key Initiatives establish the conceptual framework of the Comprehensive Plan. The remainder of the Plan details specific policies, strategies, and actions in support of this framework:

- The **Plan Elements** provide goals, objectives, and policies for the following subject areas:
  - Land Use and Development
  - Natural and Cultural Resources
  - Economic Development
  - Transportation
  - Infrastructure
  - Housing and Neighborhoods
  - Community Facilities

While presented in separate elements, the policies are interrelated and are designed to be mutually supportive in guiding the Town towards achieving the Vision Statement through the Key Initiatives.

- The **Focal Area Planning Strategies** describe the application of the town-wide policies contained in the Plan Elements to six smaller geographic areas within the Town with special planning challenges.
- The **Implementation** chapter establishes a strategy for implementing the Comprehensive Plan, including 12 “action programs” and a system for monitoring plan progress.

## **Land Use and Development**

The Land Use and Development Element is designed to guide new development, redevelopment, and preservation activities within the Town to achieve:

- Revitalized older neighborhoods and commercial corridors
- Quality new development
- A network of parks, open spaces, and greenways throughout the community

Policies for *development patterns* are intended to promote more compact, pedestrian-friendly development forms focused on mixed-use activity centers. *Development character* policies emphasize the application of context-sensitive design standards to enhance community appearance and sense of place. To spur *reinvestment* rather than new greenfield development, the Plan proposes tax and other incentives and zoning revisions focused on infill and redevelopment in older neighborhoods and commercial corridors. *Public investment* in visual improvements and community amenities is identified as a way to enhance aesthetic character and support desired private investment. A town-wide *open space system* linked by trails, greenways, stream corridors, and bicycle/pedestrian facilities along scenic roadways is proposed as a major priority of the Plan. Finally, policies for the *development review and approval process* are designed to achieve a greater level of predictability and certainty of outcome for both citizens and developers.

### **Natural and Cultural Resources**

This element addresses preservation and enhancement of Amherst's rich natural and cultural resources for the future. Policies for *open space* reinforce the directive of the Land Use and Development Element to establish a town-wide system of open space and greenways that incorporates sensitive natural and cultural resources. Improved regulations, policies, and management strategies are presented to protect *sensitive environmental resources*, including water resources and wetlands, trees and woodlands, and historic properties. An important new initiative is a community-wide "*Greening Amherst*" program of tree planting and re-vegetation.

### **Economic Development**

This element sets forth policies to promote sustainable, quality economic development and redevelopment that respects the character and quality of life of Amherst's residential communities. These policies address the following issues:

- Promoting a healthy *tax and employment base*
- Increasing economic development *partnerships* with governmental agencies and private businesses and institutions, particularly the *University at Buffalo*
- Preventing adverse commercial development impacts on *community character and quality of life*
- Working to promote *regional economic development*

Greater cooperation with the University at Buffalo (UB) is an important focus of the Economic Development Element. Towards this end, it is proposed that the Town and University establish a formal, collaborative planning structure to address issues such as opportunities for business/employment growth related to

University research functions, land use planning for the “town/gown” edge, and increased social and cultural ties.

## Transportation

The Transportation Element is intended to encourage a more balanced, multi-modal transportation system that emphasizes alternative means of travel, including walking, biking, and public transportation. Specific policies address the following:

- Targeted capital and operational improvements to the **road network** to increase mobility and address severe congestion problems
- Investments in creating a town-wide **bicycle/pedestrian network** comprised of on-street and off-street facilities
- Improved **transit service** linked to mixed-use activity centers proposed in the Land Use and Development Element

Although the Transportation Element proposes that the Town develop a long-term capital improvement program to address the most serious congestion problems on local roads, it also recognizes that a certain level of congestion is inevitable. Thus the transportation policies balance functional efficiency for the automobile with other community objectives, such protecting neighborhoods from the adverse impacts of insensitive roadway improvement projects. The Element designates functional classifications (i.e., the types of service town roads are intended to provide for vehicular circulation) while identifying certain roadway corridors for the application of context-sensitive design standards to maintain their character. A key principle is to coordinate transportation and land use policies to promote compact, mixed-use development patterns that reduce automobile dependency and encourage pedestrian activity.

## Infrastructure

The goal of the Infrastructure Element is to ensure that Amherst is provided with well-maintained and cost-effective public water, sewer, stormwater, and other utility infrastructure systems that support other Comprehensive Plan elements. The infrastructure policies focus on issues related to stormwater management and sanitary sewer:

- The policies for **stormwater management** call for the Town to develop a comprehensive program integrating measures to address flooding problems with standards and techniques to reduce water quality impacts from existing and new development.
- The **sanitary sewer** policies emphasize maintaining and upgrading infrastructure that serve existing development rather than extending new lines to currently undeveloped areas.

A new boundary for Sewer District No. 16 in the northern part of Town is proposed to exclude areas designated for rural and open space uses and to include areas designated for more intensive development by the Land Use and Development Element.

### **Housing and Neighborhoods**

The goal of the Housing and Neighborhoods Element is to ensure that quality affordable housing and healthy and diverse neighborhoods are available to all Amherst residents. ***Affordable housing*** policies focus on continuing existing housing programs that promote homeownership and affordability. Policies for ***housing diversity*** are designed to encourage a variety of housing types, including higher density residential uses in locations such as mixed-use activity centers. The ***neighborhood conservation*** policies propose initiation of a program to promote revitalization of older neighborhoods through measures such as code enforcement, capital improvements, and design standards. This program would be accomplished through Neighborhood Improvement Plans developed in a collaborative planning process with neighborhood residents and businesses.

### **Community Facilities and Services**

This element seeks to maintain the excellence and contributions of Amherst's community facilities and services to quality of life in a fiscally responsible manner. Specific policies address:

- Establishing an on-going system to objectively identify ***community facility and service needs*** for use in planning and programming by town providers
- Identifying opportunities to locate community facilities to achieve Comprehensive Plan objectives, for example strengthening neighborhoods or ***reinforcing mixed-use activity centers***
- Pursuing a variety of strategies to ensure that ***community facility and service costs*** are reconciled with the fiscal capability of the Town

One of the key policies calls for using the capital improvement programming process to set realistic priorities for funding projects over a long-term timeframe, based upon needs as determined by the proposed community facility planning system and the Town's projected fiscal capacity.

### **Focal Planning Areas**

The Focal Planning Areas chapter sets forth overall urban design concepts and accompanying strategies to provide direction for the future of the following six areas:

1. Northwest Amherst
2. North Amherst
3. University
4. Eggertsville
5. Snyder
6. Williamsville

The concept plan and strategies for **Northwest Amherst** address quality of life for residential neighborhoods, in particular enhanced access to parks, recreational facilities, and pedestrian networks. The focus for **North Amherst** is on preservation of rural character. The concept plan and strategies for the **University** focal planning area emphasize physical and programmatic connections among uses and activity centers, supporting the “Education” or “Knowledge-Based” Key Initiative. The **Eggertsville** plan and strategies highlight the physical distinctiveness and social diversity of the community as strengths to build on for the future. For **Snyder**, the concept plan and strategies focus on the long-term viability of the established commercial centers. The **Williamsville** concept plan and strategies seek to strengthen Main Street as a destination for persons attracted by its special character and sense of place.

## Implementation

The Implementation section of the Comprehensive Plan proposes 12 action programs as high priorities for implementation within or beginning in the next several years. These are intended as areas for the Town to focus its resources in implementing the Comprehensive Plan, either through initiation of a new program or an increase in the level of commitment to an existing one. Following Town Board formal acceptance of the Comprehensive Plan, the Town should undertake these programs:

1. Comprehensively revise the Town’s *development regulations, standards, and review/approval processes* to implement the policies of the Land Use and Development Element.
2. Provide expanded incentives for *reinvestment/revitalization*. Eggertsville and Snyder are designated as priority locations for application of such incentives.
3. Implement a coordinated strategy to achieve a *town-wide open space and greenway network*, including a public acquisition program.
4. Initiate a community-wide tree planting and re-vegetation program (*Greening Amherst*).
5. Establish a *collaborative planning structure* with the *University at Buffalo*.
6. Pursue *partnerships* with educational institutions, private businesses, and others to *promote economic development*.
7. Develop a strategy to identify and *implement targeted improvements to roadways* with identified level of service deficiencies, consistent with the “context-sensitive” design policies.
8. Develop a strategy to implement a comprehensive *bicycle and pedestrian network*.
9. Implement a comprehensive *stormwater management strategy* to address flooding and water quality protection.

10. ***Limit future sewer service extensions*** to support the Future Land Use Map. Revise the boundaries of Sewer Service District 16 and establish a ***septic system maintenance district*** for areas not designated for public sewer.
0. Initiate a ***Neighborhood Conservation Program***, including a collaborative process to develop Neighborhood Improvement Plans. Southeast Amherst is designated as the highest priority for development of such a plan.
0. Establish an objective system of ***planning for community facility and service needs***. Link this system to a ***long-range capital programming process*** to reconcile needs with the Town's fiscal capacity.

The Comprehensive Plan is intended as a working document to be used as a policy guide for day-to-day decision-making and as a “to do” list as the Town sets priorities for effective action over the short and long terms to realize the Vision. To help ensure successful implementation, a plan monitoring process should be established, consisting of periodic (annual) reviews to 1) assess progress and 2) make adjustments to the action programs based upon the progress made to date, new priorities, and changes in the internal and external environments of the Town.





## **1.0 Introduction**

The Town of Amherst is located in Erie County in Western New York, abutting the City of Buffalo to the southwest (Figure 1). As the Town looks forward to a new century and celebration of its two hundredth anniversary in 2018, this Comprehensive Plan provides a strategic policy framework and a guide for action by town decision-makers and citizens to manage growth and change over the next two decades. The Town of Amherst recognizes that comprehensive planning is a dynamic process which requires the prudent use of a number of resources to accomplish its purposes. The Comprehensive Plan of the Town of Amherst consists of this written plan along with the materials written and/or graphic, including but not limited to maps, charts, studies, resolutions, local laws and ordinance reports and/or other descriptive materials utilized by the Town Board that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate growth and development of the Town located outside the limits of any incorporated village or city (Amended 2-28-11; BCPA-10-2).

### **1.1 COMPREHENSIVE PLANNING AND AMHERST**

Amherst has a long history of formal planning that began with the establishment of its Planning Board in 1949, and continued with the formulation of four comprehensive plans completed in 1955, 1961, 1968, 1975, and two sector plans for Southeast and Northeast Amherst in 1985 and 1993 respectively. Through this comprehensive planning program the Town has successfully guided its development into a prosperous and desirable community. The importance of planning to the success of Amherst cannot be understated, and the role of the comprehensive plan has been a key factor. The following section describes what a comprehensive plan is and its role in guiding the future of Amherst.

#### **A. The Comprehensive Plan and why it is important**

- The Bicentennial Comprehensive Plan is an official document that serves as a guide to the long-range physical development of a community. A reflection of the community's preferences for future development, the formulation of a comprehensive plan combines technical analyses of past and future trends and highly interactive public involvement. Amherst's plan is a

product of a process called Values-Based Planning which seeks to attain the desirable environment stakeholders value while maintaining high quality of services delivered by the Town and promoting the economic health of the community.

- The Plan is comprehensive in that it deals with the entire geographic area of the town not individual neighborhoods, districts or sectors. It is also comprehensive in that it guides all of the responsibilities or functions of the town. The Bicentennial Comprehensive Plan also features Focal Area Plans that are provided to add another more specific layer of recommendations and policies to address the unique opportunities and issues of smaller geographic areas. As indicated in the preamble to Chapter 10 (Focal Area Plans) these smaller plans are meant to compliment, not supercede the Plan's town-wide policies and recommendations.
- The Plan is long-range. It does not suggest that all policy and action recommendations can or should be implemented immediately. It does however, provide guidance as to the order or priority in which policies and action items should be undertaken. It also implies that many of the goals will be accomplished over an extended period of time. Some will be accomplished as opportunities arise.
- The Plan is a policy plan intended to describe such community objectives as quality, character, location, and rate of growth and how those objectives are to be realized. As such, all appropriate policies affecting a specific decision must be viewed, understood and analyzed during the decision making process. No one policy should govern the outcome of a specific decision.
- The Plan is a framework upon which other administrative and regulatory documents relating to land development are based. The Plan is not a zoning code, subdivision regulation, building code, capital improvement program or official map. It does however, present the town's growth and development policies and should guide the development of these and other regulations.
- The Plan should guide decision making by the Amherst Town Board, Planning Board and the numerous committees and boards that deal with growth and development issues.
- The Plan is dynamic. In order for it to be effective, it must be an evolving document that responds to a rapidly, ever-changing community. According to NYS Town Law, periodic reviews and updates are a necessary element of a comprehensive plan (Section 272-a 10). The Amherst Plan calls for an annual review, and updates every five-years as a

mechanism for keeping it current with changing environmental, social, and economic conditions. It also provides for short-term reviews that respond to specific development opportunities.

## **B. How the Plan is Used by the Town**

The Plan is organized into a series of elements that cover community functions such as Land Use, Transportation and Infrastructure. Each element describes a set of goals, objectives and policies that are designed to achieve that aspect of the Vision Statement. Policies and action statements are coordinated and mutually supportive across all plan elements. In order to understand the conformity of a prospective action with the plan, the user must read all of the appropriate policy statements. No one policy is intended to override another. This is particularly true of the land use policies that tend to receive more attention than other policies that are equally important.

The Plan represents a long-range guide for short-term decision making by the Town. Specific uses, decisions and actions that are appropriately guided by the goals, objectives, and policies of the Plan include, but are not limited to the following.

- Consideration of proposed amendments to the Town Zoning Code, Subdivision Regulations and other growth management regulations
- Completion of environmental assessments required under the New York State Environmental Quality Review Act (SEQRA)
- As the primary resource for reviewing public and private development applications, such as site plans
- As the basis for decisions by the Planning Board on proposed subdivisions and for recommendations on actions referred to them by other agencies including the Town Board
- Development of priorities for capital projects proposed by town agencies and community groups for inclusion in the Capital Improvement Program (CIP)
- As the policy framework for preparing facilities plans for infrastructure and all plans for capital projects proposed within the community by other governmental agencies.
- As a general guide for the activities of town departments that involve regulating aspects of growth or whose programs or service delivery are driven by the location, characteristics, numbers and density of residents
- As policy level guidance to the design of regional infrastructure within Amherst particularly those constructed and maintained by higher levels of government

In addition to its role in guiding the formation of policies and decision making, the Comprehensive Plan represents an expression

or statement of the desired future by the Town to outside agencies and interests.

- The Plan represents a local expression of growth and development patterns. Although not binding on County, State and Federal agencies, it is incumbent upon them to avoid local controversy and accommodate the provisions of the Plan.
- As a reflection of the community's preferences for future development, the plan is a powerful tool that can provide the town with an advantage in obtaining grants and funding from outside agencies. Grants applications that are supported by policies and actions defined in a comprehensive plan routinely receive higher priority scores and are funded more frequently.

Development of the Plan was led by a citizens' group (the Comprehensive Plan Advisory Committee, or CPAC) and included extensive opportunities for public input. Based upon this input, community values were identified and expressed in a Vision Statement describing the positive attributes of the Town of Amherst as citizens wish it to be in the bicentennial year of 2018.

Alternative choices for achieving the desired future were considered and a preferred direction defined in the form of specific policies to be followed by the Town with respect to topics such as land use, transportation, and community facilities. These policies are described in the Comprehensive Plan, which contains the following sections:

- **Chapter 2.0 (Plan Concept)** describes the conceptual basis of the Plan, including the planning process, the Vision Statement, and key initiatives to be pursued by the Town to realize the Vision.
- **Chapters 3.0 to 9.0 (the Plan Elements)** establish goals, objectives, and policies to guide decisions and actions by the Town in the following areas:
  - Land Use and Development
  - Natural and Cultural Resources
  - Economic Development
  - Transportation
  - Infrastructure
  - Housing and Neighborhoods
  - Community Facilities

While the policies are organized into separate elements, they are designed to be interrelated and mutually supportive in guiding the Town toward achieving the Vision Statement. Because individual policies can contribute to achieving goals and objectives for more than one topical element, there are numerous cross-references between elements. (For example,

***Plan Structure***

- Vision Statement
- Key Initiatives
- Plan Elements
- Focal Planning Areas
- Implementation

Policies 3-13 to 3-15 of the Land Use and Development Element and 4-1 to 4-3 of the Natural and Cultural Resources Element address establishment of a town-wide network of parks, open spaces, and greenways.)

- **Chapter 10.0 (Focal Planning Areas)** describes the application of the town-wide policies contained in the Plan Elements to six “focal planning areas.” Smaller geographic areas within the Town identified by the CPAC for more detailed evaluation in the Comprehensive Plan, the six focal planning areas are:
  - Northwest Amherst
  - North Amherst
  - University (UB’s north campus and surrounding area)
  - Eggertsville
  - Snyder
  - Williamsville (the Main Street corridor)
- **Chapter 11.0 (Implementation)** lays out a strategy for implementing the Comprehensive Plan.

To provide a sound basis for policies and actions recommended in the Comprehensive Plan, existing conditions and trends that are shaping Amherst’s future were documented as part of the planning process. The results of this work are contained in the *Town of Amherst Bicentennial Comprehensive Plan Inventory and Analysis Report* (December 2001), which is considered part of the Comprehensive Plan.

Several **concurrent planning initiatives** provide recommendations that are incorporated into the Comprehensive Plan policy framework. These initiatives include:

- ***Eggertsville Action Plan:*** This plan identifies short-term actions needed to revitalize commercial areas in the vicinity of Eggertsville. The Plan identifies barriers to redevelopment that have constrained investment and revitalization. Recommendations for code amendments, conceptual capital projects, and financing options are provided to encourage public and private investment.
- ***Amherst/Pendleton Joint Local Waterfront Revitalization Program:*** This project will provide the Towns of Amherst and Pendleton with a coordinated plan for the future of the Erie Canal waterfront and its adjacent upland area. It will ensure protection of its natural, recreational, and historic resources and maximize waterfront opportunities for visitor use.
- ***Recreation and Parks Master Plan:*** This update to the 1992 *Recreation and Parks Master Plan* will establish requirements to meet the parks and recreation needs of Amherst residents.

***Concurrent Planning Initiatives,*** such as the *Eggertsville Action Plan* and *Amherst/Pendleton Joint Local Waterfront Revitalization Program,* contain recommendations that are incorporated into the Comprehensive Plan policy framework.

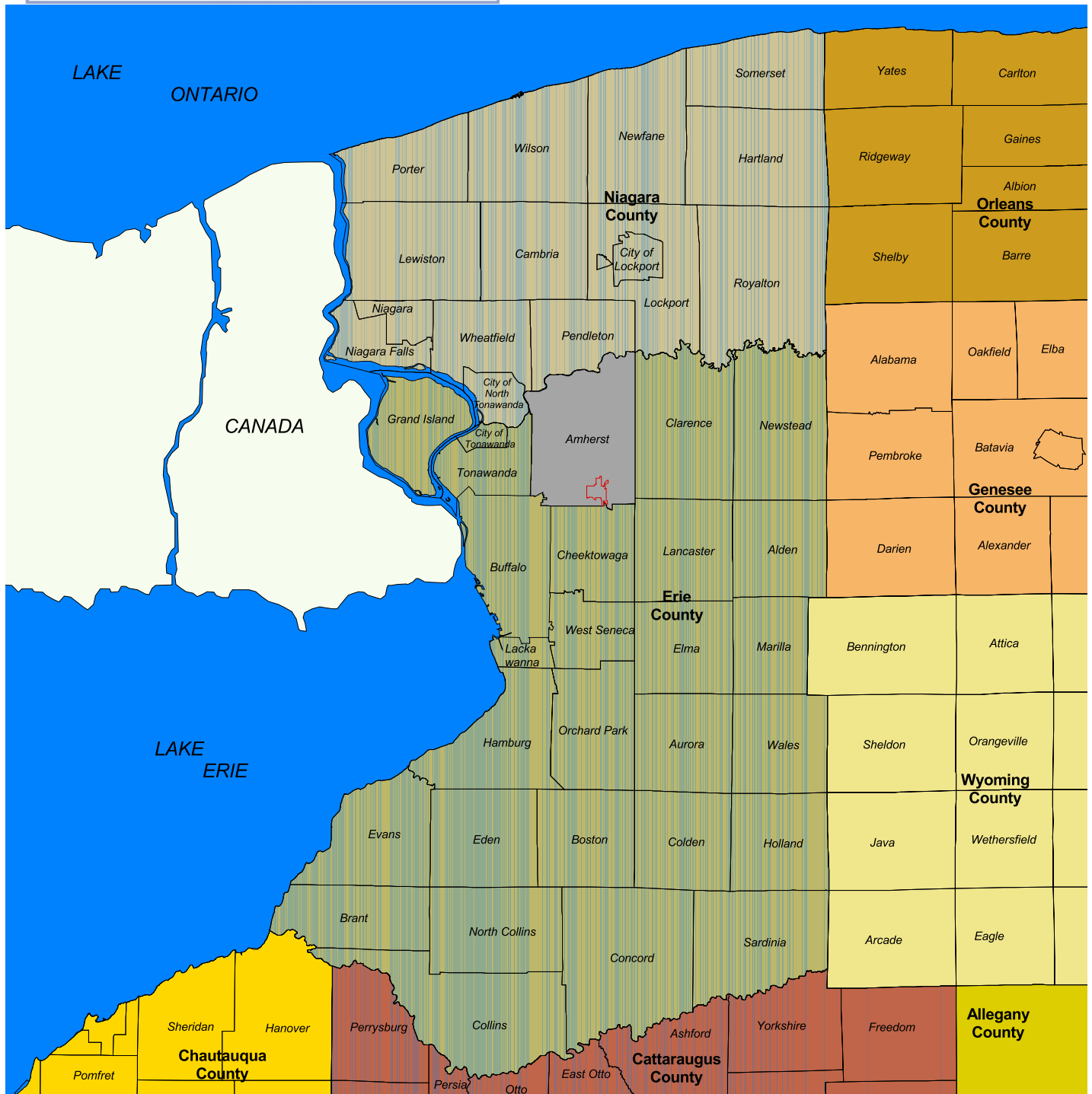
- **Transit Road Arterial/Access Management Study:** This joint project between the Towns of Amherst and Clarence will define strategies for land use and access management along Transit Road and other highways to foster continued economic development while preserving surrounding character and enhancing the efficient and safe movement of traffic.

In addition to the above plans, the *Guiding Principles for Countywide Land Use Planning*, published by the Erie County Department of Environment and Planning in 1999, is an important regional planning initiative that has been taken into consideration in developing the Comprehensive Plan. Resources of countywide significance identified by the County for Amherst that are addressed by the Comprehensive Plan include:

- **Farmland Protection:** Erie County Agricultural District #17 in North Amherst
- **Rural Service Centers:** Swormville, located in Amherst and Clarence
- **Utility Service Areas:** Amherst Sanitary Sewer Districts No. 1 and 16
- **Historic and Cultural Resources:** Amherst Museum, Musicfare Theater at Daemen College
- **Environmental Preservation:** Wetlands, floodplains, watersheds
- **Parks and Open Space:** Erie Canal Trail, Ellicott Creek Bike Path, Great Baehre Conservation Area
- **Stream Corridor Preservation:** Ransom Creek, Tonawanda Creek/Barge Canal, Ellicott Creek
- **Waterfront:** Resources along Tonawanda Creek/Barge Canal, including the Canal Trailway, Crystal Cove, Amherst Veterans Park, and Amherst Museum

Plan policies that apply directly to these resources are discussed throughout the Comprehensive Plan. Readers should consult the County report for discussion and recommendations for these resources.

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**FIGURE 1**

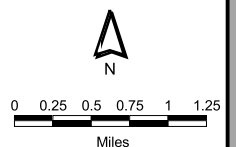
**REGIONAL CONTEXT**

**LEGEND**

- Municipal Boundary
- Village of Williamsville Boundary
- Town of Amherst
- Surface Water Body

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst  
 Map Compiled by URS Corporation  
 Date: February, 2004



## 2.0 Plan Concept

### 2.1 PLANNING PROCESS

The Amherst Bicentennial Comprehensive Plan was prepared using a planning process that responded to the issues and values expressed by the community as the basis for the Plan's concepts, strategies, and actions. The process was structured around a community involvement program consisting of the following components:

The **Comprehensive Plan Advisory Committee (CPAC)** provided overall policy direction for preparation of the Comprehensive Plan. Comprised of Planning Board members and representatives of the various community systems that operate within the Town (neighborhood, business, environmental, and other civic interests), the CPAC met approximately once a month throughout the planning process.

**Community meetings** were held at key junctures in the planning process to provide for broader public input into Comprehensive Plan development. Three series of open meetings were held in locations throughout the Town in September 2000, February/March 2001, and November 2001. The meetings featured presentations of materials related to the Comprehensive Plan and opportunities for citizens to provide input and explore ideas in large and small group settings.

Early in the planning process, interviews were conducted with a broad range of **stakeholders** to learn about the community and the range of perceptions regarding key issues. Persons interviewed included:

- Neighborhood association representatives
- Representatives of key agencies and organizations (e.g., school district administrators, regional transportation agencies)
- Environmental and historic resource advocates
- Business leaders and development interests
- Housing advocates
- Town officials
- Representatives of surrounding communities

In addition to the above components, the Town has maintained an active Comprehensive Plan website to further disseminate information and receive input on the Plan. Functions of the Comprehensive Plan website include:



*Residents comment on the Draft Plan at a Public Hearing.*



- Providing information on scheduled meetings and events
- Providing interim reports and products for citizen review
- Allowing users to view and query planning analysis maps of the Town using Geographic Information Systems (GIS) technology
- Providing an email address for citizens to send ideas and comments
- Providing an online forum for discussion of planning issues

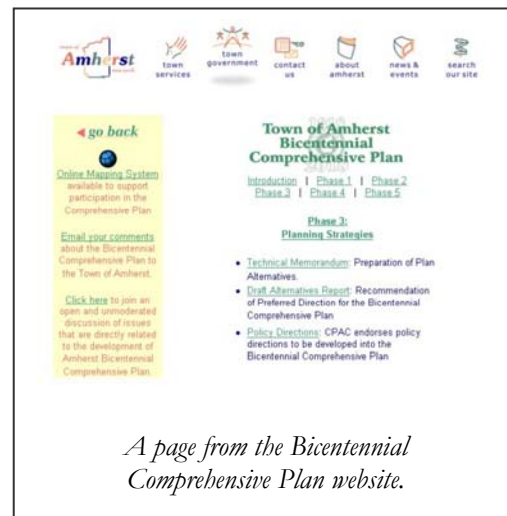
The planning process itself consisted of the following major phases of work:

- **Current Conditions/Future Vision:** This phase involved two major tasks. First, current conditions and trends that will affect Amherst’s future were evaluated and documented in the *Inventory and Analysis Report*. Second, a Vision of Amherst’s future at its bicentennial anniversary (2018) was prepared based upon the issues and values expressed by citizens.
- **Plan Alternatives:** Alternative scenarios for Amherst’s future were considered to provide a basis for defining preferred policies and directions to guide plan development. Alternatives considered included:
  - The **Trend Growth Scenario**, which assumes a continuation of current development trends without changes to the Town’s regulatory and investment policies.
  - Potential responses to Trend Growth to achieve the desired future for Amherst defined in the Vision Statement. These responses took the form of **Key Initiatives** and **Policy Choices** for the topical elements of the Comprehensive Plan (Land Use and Development, Natural and Cultural Resources, Economic Development, etc.).

The Plan Alternatives phase culminated in the selection of **Final Policy Directions** to be developed into a full Comprehensive Plan.

- **Comprehensive Plan Preparation:** The Comprehensive Plan was developed in this phase of work and included town-wide policies for the Plan Elements and strategies that apply the town-wide policies to six focal planning areas. In accordance with the requirements of the New York State Environmental Quality Review Act (SEQR), a Generic Environmental Impact Statement (GEIS) was prepared to assess impacts associated with the Comprehensive Plan.

- **Plan Implementation and Review:** After issuing a Findings Statement as required under the New York State Environmental Quality Review Act, the Town Board “accepted” the Comprehensive Plan as its policy guide for



*A page from the Bicentennial Comprehensive Plan website.*

**Steps in the Planning Process**

- Determine current conditions and trends
- Articulate a Vision of Amherst’s future
- Evaluate trend growth and alternatives to trend growth in comparison to the Vision
- Define Preferred Policy Directions
- Prepare Comprehensive Plan

growth and development in February of 2004. Between 2004 and 2007, major plan-consistent revisions to the Zoning Code were drafted and adopted. In early 2007, the Amherst Bicentennial Comprehensive Plan was formally adopted by the Town Board in compliance with New York State Town Law Section 272-a. During 2007, the Town Board adopted two Opportunity Review Plan Amendments in accordance with Section 11.6. Later that year, the Planning Board was designated as the agency responsible undertaking the first Annual Review of the Plan and recommending amendments to the Town Board for their consideration. Those amendments and the Opportunity Review amendments adopted during 2007 have been incorporated into this document.

From a conceptual standpoint, the key organizing components of the Comprehensive Plan are the Vision Statement and the Key Initiatives. As a shared expression of community values and aspirations, the **Vision Statement** (Section 2.2) defines community expectations and directions for the future; frames the mandate for Comprehensive Plan policies and action programs; and provides the benchmark to measure progress in implementing the Plan. The **Key Initiatives** (Section 2.3) are major changes in direction that the Town should pursue to move towards a position of excellence in support of the Vision Statement. They provide a focus and means to prioritize the policies contained in the Plan Elements.

*Visioning is the process by which a community envisions the future it wants, and plans how to achieve it. It brings people together to develop a shared image of what they want their community to become. Once a community has envisioned where it wants to go, it can begin to consciously work towards that goal.*

*A vision is the overall image of what the community wants to be and how it wants to look at some point in the future.*

*A vision statement is the formal expression of that vision. It depicts in words and images what the community is striving to become. The vision statement is the starting point for the creation and implementation of action plans.*

Source: Oregon Visions Project, "A Guide to Community Visioning"

## 2.2 VISION STATEMENT

In the Vision of Amherst in the Year 2018, the Town is renowned for an **exceptional quality of life** that derives from three fundamental attributes:

- **Livability:** Our healthy neighborhoods, outstanding public facilities and services, and active community life make Amherst an exceptional place to live and raise a family.
- **Community Character:** We wisely manage growth to preserve natural and historic resources, maintain green space throughout the community, and revitalize older neighborhoods and commercial corridors while accommodating quality new development.
- **Shared Direction:** As partners in the renewed prosperity of the Buffalo-Niagara region, we work together with neighboring communities and institutions and balance our multiple roles as a premier residential community and a complementary regional center of economic, cultural, and educational activity.

In this Vision of the Future, we define our quality of life by the following valued **characteristics of community**:

## LIVABILITY

- Our **livable neighborhoods** offer a range of lifestyle and housing choices in urban, suburban, and rural settings.
- Pedestrian-friendly, interconnected, mixed-use **development patterns** provide citizens with convenient access to services and facilities and encourage walking, biking, and use of public transportation as alternatives to automobile trips.
- A safe, functionally efficient, and well-maintained **transportation system** provides choices for citizens through interconnected roadways, sidewalks, bike lanes, multi-use and natural trails, and transit options.
- The **community facilities and services** offered by the Town and other providers such as accessible parks and recreational programs, outstanding public schools, and public safety services that help maintain our reputation as one of the safest communities in America, are an integral part of our exceptional quality of life.
- Our active **community life** – culture and entertainment, sports and recreation, programs for people of all ages, and other activities, events, and places for people to gather – provides opportunities for all citizens to participate and enjoy shared experiences.



*Island Park in the Village of Williamsville.*

## COMMUNITY CHARACTER

- Vibrant **older neighborhoods**, such as Eggertsville, Snyder, Swormville, Getzville, and Williamsville, and the **commercial areas** serving them are revitalized and attract continuing investment.
- We protect and preserve valued **open spaces** and **natural and scenic resources** throughout the community.
- We respect our **history and heritage** by preserving historic resources and by remembering and interpreting Amherst's history for future generations.
- We maintain a clean, **healthy environment** by dedicating resources to protect against noise, light, air, and water pollution.
- We set high standards for the **quality of development and redevelopment** to complement our established community character.

- The **visual character** of the Town is enhanced by landscaping, protection of woodlands and tree canopy, and careful attention to the design of roadways, scenic corridors, and public places.

### SHARED DIRECTION

- The Town takes a leadership role in promoting **intergovernmental cooperation** and in pursuing partnership initiatives to address issues shared with our neighboring communities.
- Our healthy, **diverse economy** provides a strong tax base and good job opportunities, contributing to the retention of our talented youth and attracting others to live, work, and invest in our community.
- In **carefully managing growth**, we **balance** the benefits of economic development with the need to maintain livability and preserve community character.
- The Town, together with the **University at Buffalo and other educational institutions**, work together to address issues of common concern, such as retaining young people in the community, diversifying the economy, and strengthening neighborhoods around the campuses.
- **Town government** exercises leadership, responds to the concerns of citizens, and challenges them to become positively involved in community affairs.

## 2.3 KEY INITIATIVES

***Comprehensive Plan Key Initiatives***

- Aesthetic/Community Character
- Education
- Revitalization
- Governance

Four “Key Initiatives” are proposed to provide a focus for the Town’s efforts to achieve the Vision Statement. These initiatives represent areas in which the Town will “raise the bar” in order to move towards a position of excellence consistent with the Vision

- ***Aesthetic/Community Character:*** To be renowned for the beauty, character, and environmental quality of the Town – its parks, greenways, tree canopy, and protected open space; a diverse environment, including areas with rural character; walkable, livable neighborhoods; and high aesthetic standards for commercial development. Examples of Comprehensive Plan policies that will support this initiative include:

*3-5 Apply design standards to enhance community character and sense of place*

*3-6/6-1 Designate “special character roads” as scenic corridors and apply design standards to maintain their appearance*

3-13 *Designate a town-wide open space and greenway network to be achieved through a variety of mechanisms*

4-11 *Implement a “Greening Amherst” planting initiative consistent with a program to manage the “Town Landscape”*

- **Education:** To become known as a leading national "knowledge-based" community that has set high standards for public education and fully integrated a major university into the life of the community. Areas of potential focus include economic development, sports and culture, information and research-based technologies, and life-long learning initiatives. The following Comprehensive Plan policies will support this initiative:

5-4 *Work with educational institutions on lifelong learning and other programs to train, attract, and retain a skilled workforce*

5-7 *Work with UB to create mixed-use activity centers around the periphery of the campuses*

5-8 *Work with UB to promote more educational, social, and cultural ties to the Town and to reinforce the role of both campuses as activity centers.*

5-9 *Establish an ongoing, collaborative planning structure with UB*

- **Revitalization:** To become a model for effective reinvestment and revitalization of older neighborhoods and commercial areas, though creative use of investment incentives targeted toward revitalization and reduced pressure for the development of raw land at the suburban-rural fringe. Examples of relevant Comprehensive Plan policies include:

3-8 *Provide tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with significantly less emphasis on new “greenfield” development*

3-9 *Rezone and/or provide incentives for reuse of underutilized/obsolescent land for economically viable uses*

3-10 *Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization*

8-7 *Initiate a neighborhood revitalization program to promote revitalization of designated neighborhoods through measures such as code enforcement, capital improvements, and design standards*

- **Governance:** To exercise leadership at the local and regional levels by:
  - Retaining the Town's reputation for excellent services and facilities while ensuring fiscal balance
  - Establishing a framework for managing development that promotes predictability, fairness, and quality and eliminates conflicts over development decisions

Examples of relevant Comprehensive Plan policies include:

- 3-16 Improve the predictability and consistency of the zoning and other development approval processes through the application of clear town-wide land use policies*
- 3-17 Set clear standards for development quality to increase the level of certainty in the development review and approval process*
- 9-1 Establish an on-going system to identify and prioritize community facility and service needs*
- 9-8 Reconcile needs for community facilities and services with the fiscal capacity of the Town through the capital programming process*



## 3.0 Land Use and Development

### 3.1 OVERVIEW

***Priority Action Programs:  
Land Use and Development***

- Comprehensively revise the Town’s development regulations, standards, and review/approval processes to implement the policies of the Land Use and Development Element
- Provide expanded incentives for reinvestment/revitalization
- Establish a coordinated strategy to achieve a town-wide open space and greenway network, including a public acquisition program

Amherst has a mix and pattern of land uses reflecting the varied influences that have shaped the Town’s growth. On a percentage basis, residential development (predominantly single-family) remains the Town’s most widespread land use, at about 36.4% of the total. The next largest category, vacant land, represents about 18.9% of the Town’s land area. Commercial, office, and industrial development together comprise about 7.4% of the total. Significant land use changes since 1975, when the Town’s last Land Use Plan was prepared, include:

- In 1975, Amherst had a significant amount of undeveloped land remaining. Today, the Town is a maturing community with developed uses typical of medium-sized suburban communities. Between 1975 and 2000, approximately 55% of vacant and agricultural land in the Town was converted to other uses.
- In 1975, Amherst was predominantly a residential community. While residential remains the single most extensive land use in the Town, over the past 25 years Amherst has emerged as a center of regional activity that complements the City of Buffalo. Contributing land uses include significant commercial and office development and the major institutional presence of the North Campus of the University at Buffalo (UB).
- Continuing the predominant trend of post World War II growth, the path of new development has been away from traditional, close-in neighborhoods such as Eggertsville and Snyder towards the northern part of the Town. The establishment of UB and the Audubon New Community in the 1970s accentuated this trend.

Major characteristics of the current land use pattern are as follows:

- With the exception of the southeastern corner of town, southern Amherst is comprised of mature neighborhoods with grid-like street systems and traditional scale commercial centers and corridors.
- Central Amherst contains newer, more suburban style subdivisions with curvilinear street systems. Commercial centers range from neighborhood to regional in scale, and are generally found along suburban or commercial corridors.
- Transit Road and Niagara Falls Boulevard (which form the Town’s east and west boundaries, respectively) continue as



regional shopping destinations, as do nearby sections of east-west corridors such as Sheridan Drive and Maple Road.

- The northwestern and particularly the southeastern corners of Amherst have fragmented land use patterns featuring dissimilar uses (e.g., residential, office, and industrial) located next to each other.
- Northern Amherst remains largely rural in character, with large areas of restricted agricultural land, public open space, sensitive environmental resources, rural highways, and (mostly in the northeast) a large proportion of the vacant land remaining in the Town.
- Public and semi-public uses (parks, schools, educational institutions, etc.) are located throughout the Town, generally as isolated rather than as connected properties.

The generalized existing land use pattern is shown in Figure 2. Figure 3 shows generalized existing zoning, which has contributed to the development of the Town’s current land use pattern.

According to the 2000 Census, the Town’s population was 116,510. Population projections prepared for the Comprehensive Plan indicate that this figure may grow by a moderate range of between 9 and 19% by 2020, to a total of 127,264 to 138,839. In addition, an additional 6.9 million square feet or 496 acres of nonresidential (commercial retail, office, and industrial) development could be expected, based upon projected employment growth to 103,844 (a 37% increase).<sup>1</sup> This trend will reinforce Amherst’s development trend from a post World War II bedroom community to a more diverse regional activity center.

According to the Comprehensive Plan Vision Statement, distinguishing land use and development characteristics of Amherst in the year 2018 will include:

- **Diverse neighborhoods**, ranging in character from traditional to suburban to rural
- Pedestrian-friendly, interconnected, **mixed-use development** patterns
- Revitalized **older neighborhoods and commercial corridors**
- Open space integrated into the overall pattern of development
- **Development standards** that promote objectives such as improved visual character, revitalization of older neighborhoods, and mixed-use development

**Context-sensitive design** is an emerging approach to transportation planning that emphasizes collaborative planning with stakeholders to develop transportation improvements that preserve local values and resources, while maintaining safety and mobility. Four types of character corridors appropriate to different land use contexts have been identified (See 6-1 for a complete discussion):

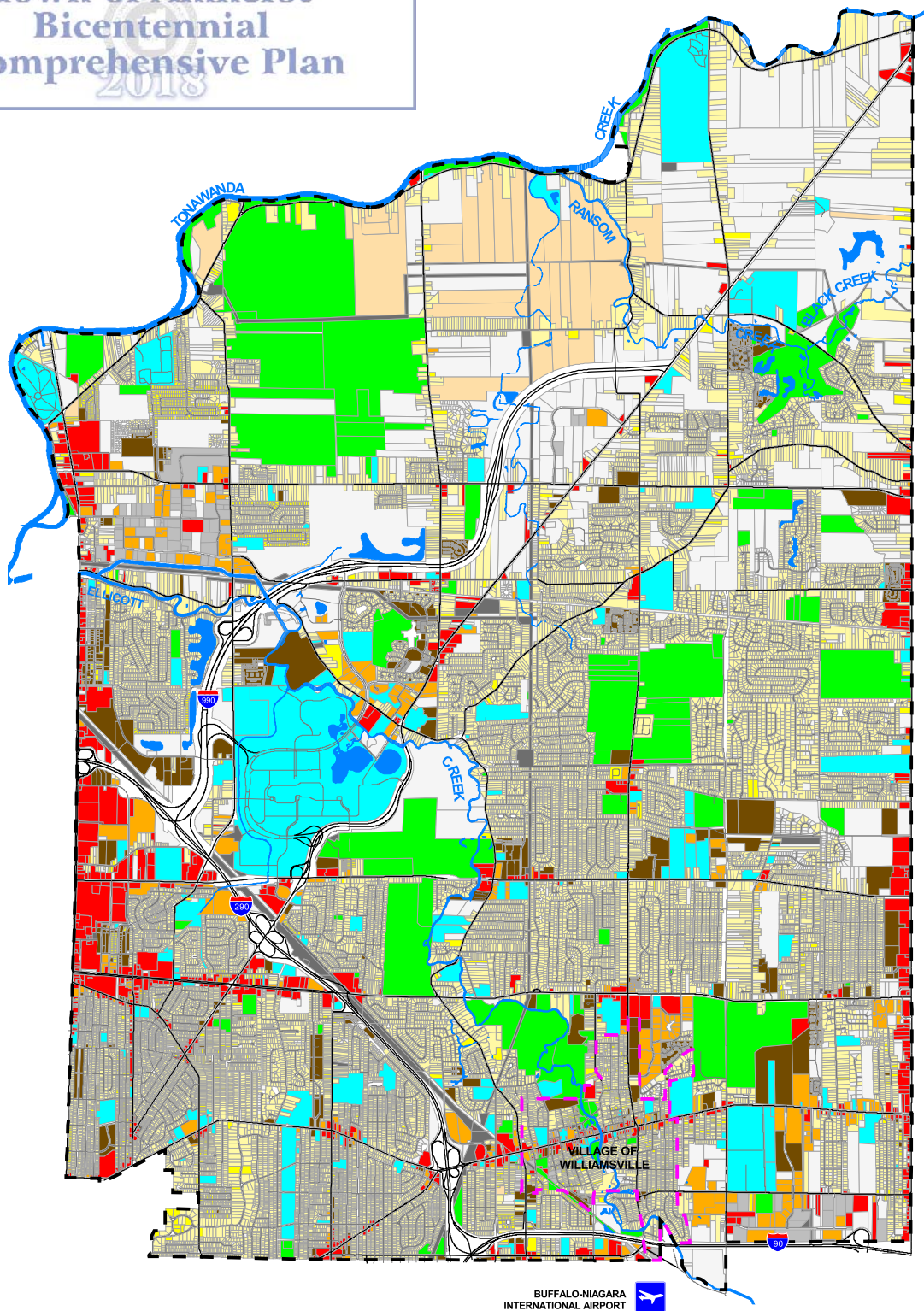
- **Traditional character:** corridors located within higher intensity centers and older neighborhoods.
- **Suburban character:** corridors serving newer residential subdivisions, non-local traffic and automobile-oriented development.
- **Commercial character:** corridors with an established linear commercial development pattern.
- **Rural character:** corridors possessing unique visual character due to their rural and/or scenic qualities.

**Vision Statement Directions:  
Land Use**

- Diverse neighborhoods
- Mixed-use development patterns
- Revitalized neighborhoods and commercial areas
- Improved development standards

<sup>1</sup> See the *Inventory and Analysis Report* for a complete documentation of population and development projections (Available at: [www.amherst.ny.us](http://www.amherst.ny.us)).

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 INTERNATIONAL AIRPORT

**GENERALIZED EXISTING LAND USE**

**FIGURE 2**

**LEGEND**

Agricultural Land	Office	Vacant Land	Municipal Boundary
Single Family Residential	Industrial	Parcel Boundary	
Low Density Residential	Recreation and Open Space	Village of Williamsville Boundary	
Medium Density Residential	Public/Semi-Public	Surface Water Body	
Commercial	Utilities		

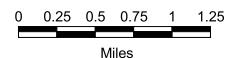
**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst

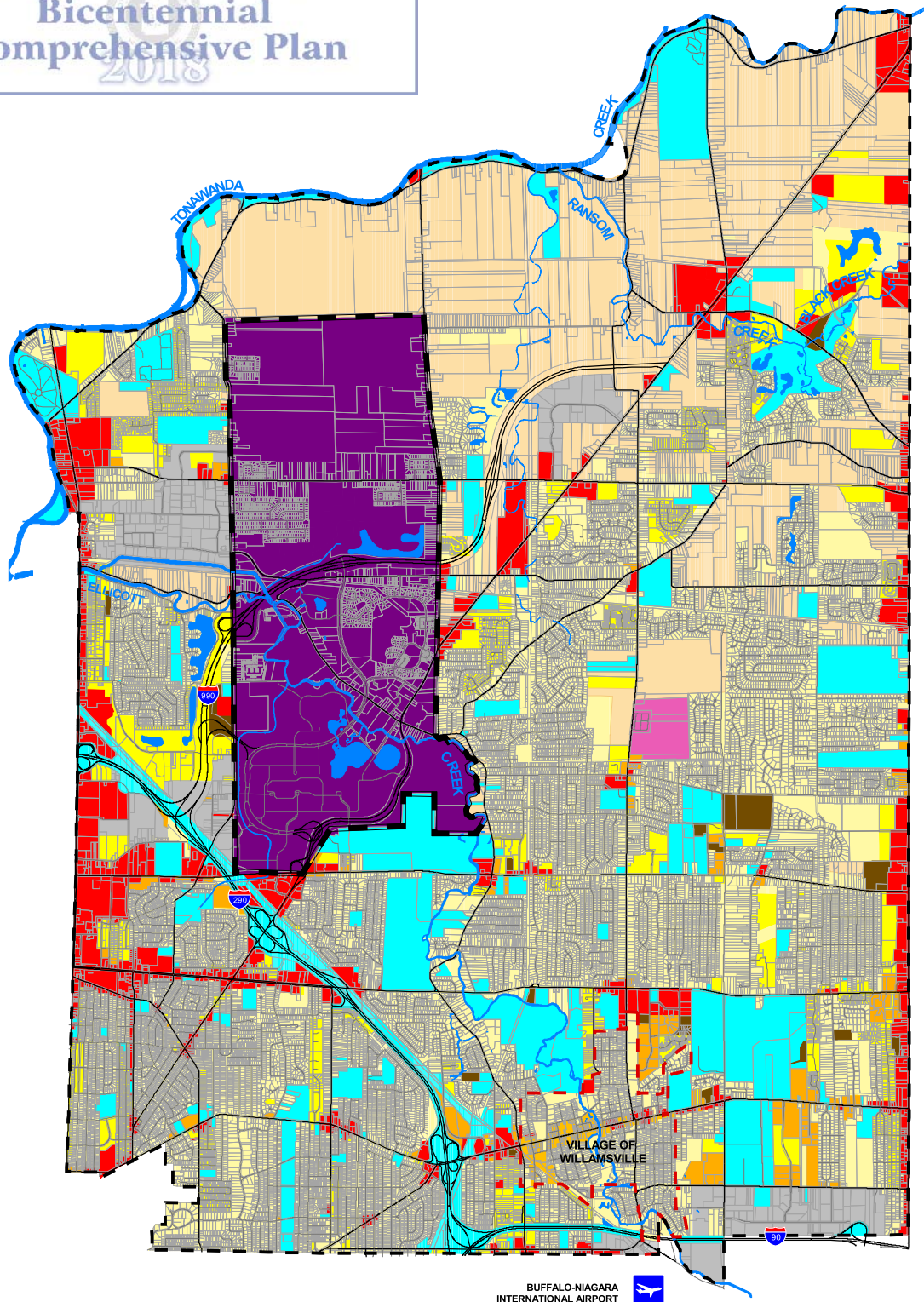
Land use data as of September 2000

Map Compiled by URS Corporation

Date: February, 2004












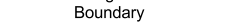





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**GENERALIZED EXISTING ZONING**

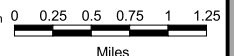
**FIGURE 3**

**LEGEND**

 Suburban Agricultural Residential	 Planned Residential District	 Municipal Boundary	 Surface Water Body
 Single Family Residential	 Commercial - Non-Office	 Parcel Boundary	
 Low Density Residential	 Commercial - Office	 Village of Williamsville Boundary	
 Medium Density Residential	 Community Facilities	 New Community District Boundary	
 New Community District	 Industrial		

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst  
 Zoning Data, September 2000  
 This Zoning Map not officially adopted by the Amherst Town Board. Deed and other restrictions may apply to some parcels.  
 For official zoning information contact the Town of Amherst Building Department  
 Map Compiled by URS Corporation  
 Date: February, 2004



Together with the Conceptual Land Use Plan, the goals, objectives, and policies set forth in this element are designed to guide future land use and development/redevelopment within the Town. They include changes to development regulations and processes, public investment and incentive strategies, and other actions to achieve the intent of the Vision Statement.

**3.2 GOALS, OBJECTIVES, AND POLICIES**

**GOAL**

*An interconnected mix of land uses that includes revitalized older neighborhoods and commercial corridors, quality new development, vibrant activity centers, agriculture, and green spaces throughout the community*

**OBJECTIVES**

- Promote the development/redevelopment of walkable higher density, mixed-use centers surrounded by lower density development
- Implement context-sensitive standards and incentives to improve the quality and appearance of development
- Encourage reinvestment in older neighborhoods and commercial corridors in Amherst
- Target capital improvements to leverage private investment and enhance community appearance
- Establish a town-wide network of parks, open spaces, and greenway corridors
- Improve the predictability and consistency of the development review and decision-making process

**POLICIES**

**A. Development Patterns**

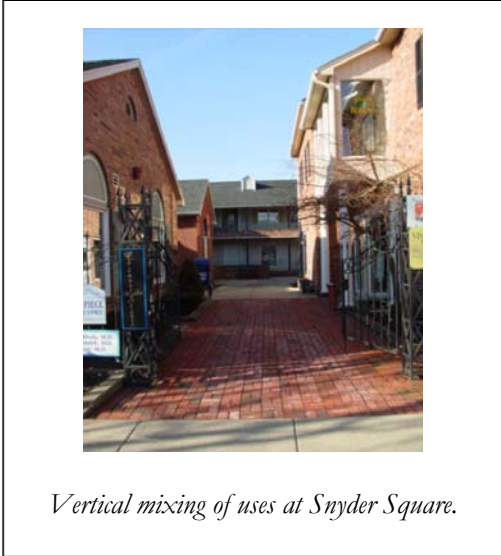
The Comprehensive Plan land use policies are not intended to alter the amount of development in Amherst, but rather to redistribute densities to appropriate locations while maintaining lower density development in the surrounding areas. This will result in more sustainable land use patterns that help to implement objectives such as promoting pedestrian-friendly development; preserving open space; and establishing centers of community activity.

**3-1 Expand provisions and incentives for mixed-use development in designated activity centers.**

A mixed-use development consists of several types of activity, each of which could function independently, but which would benefit from proximity to each other. For example, residential units could be located on upper stories above ground level stores or in a residential development within easy walking distance of a neighborhood commercial center, thus providing



*Mixed-use and pedestrian-friendly development in the Village of Williamsville.*



*Vertical mixing of uses at Snyder Square.*

ready access to shopping and other services. Adding office space would create the opportunity to live, work, and shop in the same vicinity, while a public facility or facilities (e.g., a park or school) would increase the range of activities. The result is an **activity center** that provides a focus for surrounding neighborhoods while promoting land use objectives such as compact, pedestrian-friendly development. By definition, such activity centers are higher in density and incorporate a wider range of uses than the lower density, predominantly residential areas surrounding them.

Some established commercial centers in older parts of Amherst, for example the Main Street/Eggert Road area in Eggertsville, possess some of the attributes of a village or traditional scale mixed-use activity center. However, as is typical of most suburban communities, post-war growth in Amherst has been principally automobile-oriented, single-use developments. To promote a more integrated development pattern, the Conceptual Land Use Plan designates mixed-use activity centers in two contexts:

- ***Established centers of community activity***, such as clustered commercial uses, institutions, or community facilities that serve surrounding neighborhoods. In general, these locations could be enhanced to become activity centers.
- ***In appropriate locations where centers of community activity currently do not exist***. Certain locations in the central and northern parts of town suggest themselves for development as new neighborhood-serving, mixed-use centers based upon criteria such as road access, existing zoning, and relationship to developed or developing residential areas.

The mixed-use concept is explained more fully in the discussion of mixed-use land use patterns in Section 3.3. Strategies to achieve complementary mixes of uses in the designated locations include:

- ***Improve regulations to encourage mixed-use***. The following approach should be taken to improve the Town’s zoning districts to encourage more mixed-use development:
  - Evaluate existing commercial zoning districts for opportunities to focus on scale, add complementary uses, offer incentives, and add performance standards
  - Evaluate the current mixed-use districts, which offer variations on conventional “planned-unit development,” for opportunities to facilitate the types of development identified by the Conceptual Land

***Strategies to Achieve Mixed-Use Development Patterns***

- Improve zoning districts to encourage mixed uses
- Target public improvements to promote private investment in mixed-use centers
- Coordinate with other plan strategies, such as transportation and location of community facilities

Use Plan text for undeveloped areas designated as future mixed-use centers, including Evergreen Golf Course and Millersport Highway/New Road (see Policy 3-2 for further detail)

- Establish new village and traditional-oriented mixed-use districts to facilitate the types of development identified by the Conceptual Land Use Plan text for older commercial areas such as the Village of Williamsville, Main Street/Eggert Road, and Harlem Road/Kensington Avenue

Clear standards should be established for each mixed-use district to address issues such as intensity/density, the types and mixes of uses, the relationship of these uses to surrounding land uses (e.g., less intense uses at the edge of the center next to an adjacent residential area), and other center design elements.

- **Targeted public investments**, including infrastructure and urban design improvements to leverage desired private investment in mixed-use centers.
- **Coordination with other Comprehensive Plan policies**, for example: transportation strategies to support transit service and sidewalk/bikepath connections to mixed-use centers; locating community facilities to increase center activity, etc.

**3-2 Encourage compact, pedestrian-friendly development through Planned Residential options, including but not limited to neo-traditional design.**

In contrast to older neighborhoods such as Eggertsville and Snyder, which are characterized by grid street systems connected to traditional scale commercial centers, the predominant pattern of new residential development in Amherst is one of automobile-oriented subdivisions that are typically isolated from each other and from other uses. Amherst's Zoning Code provides a Planned Residential District (PRD) option intended to promote more creative, flexible design, including variety in housing types, mixed uses, and open space preservation. However, this option has not been utilized.

The PRD regulations should be updated and expanded to meet Comprehensive Plan objectives of achieving compact, interconnected, pedestrian-friendly development patterns. Issues that should be addressed in this update include:

- **Making this option a more viable alternative to conventional subdivision development.** Techniques to achieve this objective include incentives (e.g., density

bonuses, smaller lot sizes, narrow street widths to promote pedestrian scale) and clearer, more “user-friendly” regulations and approval processes.

- ***Establishing clear development standards tied to Comprehensive Plan objectives.*** These standards can draw upon principles of compact, efficient development such as neo-traditional design. Also referred to as traditional neighborhood development (TND), neo-traditional design is emerging nationally as an alternative to single-use, automobile-oriented subdivisions. Based upon characteristics predominant in pre-World War II communities, typical features of TND design include:
  - Interconnected, pedestrian-oriented street systems
  - Places to shop and work and public/institutional uses such as a school, park, or church within walking distance of residences, typically in neighborhood centers
  - Coordination with transit service

This concept is not a new one to Amherst. Older neighborhoods such as Eggertsville and Snyder demonstrate many characteristics of TND design and can be drawn upon as models in developing the standards.

- ***Better defining locations appropriate for application of Planned Residential options.*** With a minimum size limit of 50 acres, the current PRD option is oriented towards “greenfield” development on larger sites and thus is primarily applicable to northern Amherst. This size limit must be reevaluated and standards defined for application to infill and redevelopment sites in developed contexts. In addition, application of mixed-use options should be coordinated with mixed-use activity centers defined per Policy 3-1.



### **3-3 Modify provisions of the Suburban Agricultural District to reduce conversions of rural to suburban development patterns.**

The Town’s lowest density residential zoning district at one unit per acre, the Suburban Agricultural (S-A) District has traditionally functioned as a “holding zone” for rezoning to more intense residential and other uses. This trend has created uncertainty and contributed to the gradual erosion of the Town’s rural character. The Conceptual Land Use Plan shows certain areas in northern Amherst to remain in agricultural and rural uses. An agricultural zoning district should be created and applied to areas that are farmed or are designated as part of the Town’s Farmland Protection Program. To regulate residential development outside of these areas, a new zoning district (possibly renamed Rural Residential to more clearly identify the intent of the district) should be created with provisions added to promote rural development patterns.

For example, the base density could be reduced to one unit per three to five acres except for conservation developments that preserve at least 50% of the property as open space, which would be allowed to develop at a higher density. For other S-A properties, rezonings must be consistent with the policies recommended in the Comprehensive Plan and the criteria stated in Policy 3-16. In locations designated as activity centers on the Conceptual Land Use Plan, higher density, mixed uses are appropriate. In other current S-A areas, the criteria should promote use of conservation development and other options to maintain rural character (see Policy 3-14).

**3-4 Reduce future new commercial development in North Amherst and along highway strips.**

In the 1975 Plan, the portion of Amherst generally located north of North French Road had been considered an area that would experience significant new population growth accompanying the expected conversion of this largely rural area to suburban uses. Consistent with policies in the 1993 Northeast Amherst Plan and this Comprehensive Plan to limit utility extensions and retain rural densities and agricultural uses, North Amherst now has reduced potential for development. Likewise, the regulatory restrictions imposed by the Ransom Creek floodway and NYSDEC regulated wetlands further reduce development potential below that depicted by present zoning designations. Policies to protect the scenic, largely agricultural and residential character of rural roads and to reduce the traffic impacts resulting from highway "strip" development suggest that commercial development in this area should occur in more compact, mixed-use centers or existing or newly designated commercial nodes. As illustrated on the Conceptual Land Use Plan, these centers should be in key, high accessibility locations, such as the intersection of Millersport Highway and New Road.

As a general rule, future new commercial development (as opposed to redevelopment in existing commercial areas) should be appropriately scaled and limited to mixed-use centers and retail nodes designated at key locations such as major intersections rather than being allowed to proliferate along arterial roadways.

***Clear development standards*** are critical to the Aesthetic/Community Character Key Initiative and will improve the predictability of the review and approval process for both citizens and developers.

**B. Development Character**

The Vision Statement emphasizes “high standards for the ***quality of development and redevelopment***” and enhanced “***visual character***” through design as key to community character. **Aesthetic/Community Character** is one of the four major Comprehensive Plan Initiatives, one that will contribute to maintaining and enhancing Amherst’s status as a premier community in Western New York. Establishing standards and guidance for design to achieve high quality development is critical



to achieving the goals of the Vision Statement and implementing the Aesthetic/ Community Character initiative. Clear standards will also help to improve the predictability of the development review and approval process, thus eliminating a source of frustration for citizens and developers alike (Amended 2-28-11; BCPA-10-1).

**3-5 Employ design standards to enhance community appearance and sense of place.**

Design standards are effective tools to guide and shape new development and revitalization initiatives and are important in addressing such issues as impacts on the visual character of public roadways and on adjacent residential areas. Design standards should address the following considerations, especially for revitalization projects where complementing the surrounding context is important:

- **Landscaping and lighting:** The Town’s current regulations provide specific guidance to petitioners and approval authorities regarding the Town’s expectations for landscaping of new developments, including the percentage of the site that is landscaped, screening and interior landscaping of parking areas, rear and side yard buffers and screening, and preservation of existing trees (coordinated with the Amherst Comprehensive Tree Law). However, revitalization projects may require flexible landscaping standards to account for site constraints and provide for a more urban form of landscaping. Project lighting should be in accordance with an overall lighting plan and should avoid excessive illumination and light spread beyond the project limits.
- **Screening of visually obtrusive elements:** Elements such as outside mechanical equipment, dumpsters, rooftop HVAC equipment, and loading and service areas should continue to be screened from view from adjacent streets and properties.
- **Placement of building and parking areas in relation to each other and public roads:** Depending upon the surrounding context, the location of buildings and parking lots can have a significant impact on visual character. The pedestrian-friendly character of traditional commercial centers is directly related to buildings that are pulled up to the sidewalk/street with parking located behind or beside the buildings. In general, locating buildings closer to the street and parking to the sides and rear of buildings will decrease the visual impact of automobiles and create more of a pedestrian-friendly environment. This principle particularly applies to traditional commercial areas in Williamsville, Eggertsville,

<p><b><i>Development Considerations:</i></b></p> <ul style="list-style-type: none"> <li>• Landscaping and lighting</li> <li>• Screening of visually obtrusive elements</li> <li>• Placement of building and parking areas</li> <li>• General building design</li> <li>• Scale</li> <li>• Access and connectivity</li> <li>• Public safety</li> <li>• Signage</li> </ul>
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and Snyder. However, the visual character of automobile-oriented commercial corridors such as Niagara Falls Boulevard and Transit Road would be improved by policies that encourage a portion of required parking to be located to the side and rear of buildings in order to reduce the scale of front yard parking areas. Also important in reducing the scale of parking lots is decreasing the amount of parking required. The Town's Zoning Code provision for an alternative parking plan allows for flexibility in the quantity of parking required.

- **Building design:** While it is not appropriate to impose detailed architectural design requirements, guidelines should be established for certain issues to ensure complementary relationships to adjoining streets and properties. These issues include building orientation, façade articulation, and building mass/height in relationship to the surrounding context.
- **Scale:** The concept of scale can be incorporated into guidelines so that new development and revitalization is in harmony with an existing area. Appropriately scaled development is consistent or complementary in terms of size and mass with the existing surroundings and highways. Standards should provide measures of scale to help achieve such consistency.
- **Streetscape, access and connectivity:** The Town's Context-Sensitive Highway Design Report provides guidance on issues such as street geometry, sidewalks and bicycle use, and streetscape elements such as trees, lighting, and other aesthetic elements. Access and connectivity considerations include limiting the number of curb cuts, providing vehicular/pedestrian connections between adjacent developments, and providing pedestrian/sidewalk connections between adjacent neighborhoods and retail centers. The Town's report, Access Management Strategies for Major Corridors, provides guidance on these issues.
- **Public safety:** Crime Prevention Through Environmental Design (CPTED) is an approach to planning and design based upon the premise that design of the physical environment can positively influence human behavior to create a climate of safety and reduce crime. From a site design standpoint, three key strategies of CPTED include<sup>2</sup>:



*Commercial development compatible with adjacent single-family housing.*

<sup>2</sup> National Crime Prevention Council website

- *Territoriality*: Design to express ownership of a place, using elements such as fences, pavement treatment, signs, and landscaping.
- *Natural surveillance*: Planning of landscaping, lighting, and other elements to facilitate the ability to observe activities in the space
- *Access control*: Properly locating access points, combined with elements such as fencing, landscaping, and lighting, to direct traffic in ways that discourage crime.
- **Signage**: Signs can play an important role in defining the character and context of an area. Sign regulations and standards need to be more sensitive to the local context, improve aesthetic character, and reduce “visual clutter” along commercial corridors. In general, signage should be consistent with the architectural style and scale of buildings and be an integral component of the building and site.

While design standards are intended to address non-residential and multi-family development throughout Amherst, it is important that they not be applied through a “one-size-fits-all” approach, but rather be tailored as appropriate to address the unique characteristics of particular parts of town. For example, extensive interior landscape area/landscape buffer requirements may be appropriate for commercial development in a less dense (suburban) context in Central Amherst, but may be more difficult to apply to a smaller commercial lot in a more compactly developed area such as Eggertsville. In the latter context, reduced parking requirements and a narrower buffer with more concentrated screening (denser vegetation and/or a fence or wall) may be appropriate. Policies 3-6 to 3-8 further explore ways in which design standards should be adapted to local contexts.

(Amended 2-28-11; BCPA-10-1).

### **3-6 Apply context-sensitive design standards to designated character roads.**

Varying from traditional streets in older neighborhoods to major commercial thoroughfares to rural roads, the diverse roadway corridors within Amherst are key to the Town’s character. Design guidance has been established to maintain and enhance the character of different types of roadway corridors in the Town through coordinated treatment of the street/public right-of-way and adjacent land uses. (See Transportation Policy 6-1 for a full discussion of this concept, including roads designated for application of context-sensitive design standards.) (Amended 2-28-11; BCPA-10-1).

**3-7 Protect and retain the identity of special places through design guidelines.**

Certain places within the Town of Amherst have a special identity defined by factors such as historic character (e.g., former “hamlets” such as Getzville and Swormville), geographic location (e.g., at a highway interchange or gateway entrance to the Town), or presence of an important community resource (e.g., a major park, public or private buildings or open space, or an educational campus). These places are often well known, however, others may need to be identified through collaborative planning with local residents (i.e., through the Neighborhood Improvement Plans recommended by Housing and Neighborhoods Policy 8-9). Master site planning and context-sensitive design guidelines should be employed for both public improvements (e.g., road improvement projects) and private development or revitalization to complement and reinforce the established character of the identified areas. Design guidelines that address the considerations in Policy 3-5 should be developed for these special places to conserve existing character and scale (e.g., through treatment of building mass, orientation, and placement on the lot). Guidelines for key geographic locations should focus on context and reinforcing visual image and identity, for example through gateway and landmark treatments in accordance with Policy 3-11. Guidelines for community resources should be designed to complement and relate to the resource and surrounding context. Examples include preservation of key natural resources, the provision of pedestrian or visual access and buffers between dissimilar uses (Amended 2-28-11; BCPA-10-1).

*Reinvestment* in Amherst’s older neighborhoods and commercial areas is a Comprehensive Plan Key Initiative, both to ensure the health and vitality of these areas and to reduce pressures for development at the fringe.

**C. Reinvestment**

Spurring revitalization of and reinvestment in Amherst’s older neighborhoods and commercial areas is one of four key Comprehensive Plan Initiatives, both to reinforce the health and vitality of these areas and to reduce pressures for “greenfield” development in fringe areas.

**3-8 Consider tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with less emphasis on new "greenfield" development.**

The Amherst Industrial Development Agency (IDA) has historically offered three different types of tax abatements for commercial developments in the Town of Amherst: real property tax abatements (10 years for commercial, 15 years for industrial), an exemption on sales taxes for the purchase of materials for construction and business startup, and an exemption from the mortgage recording tax.

The Town of Amherst also has been able to offer exemptions that are limited both by their scope and their geography under Section 485-b of the New York State Code. Section 485-b exemptions only apply to the Town's share of property taxes, which is a small percentage of what property owners pay. These benefits are only available in certain redevelopment areas within the Town, including older commercial districts like Eggertsville and Snyder, as well as highway-oriented strips like older sections of Sheridan Drive and Transit Road. Recent policy changes by the Amherst Town Board (see below) may help, as they authorize the IDA to assist by offering abatements for sales taxes on construction materials and mortgage recording taxes to properties located in 485-b zones.

In the past, the bulk of these abatements have only been available for new construction; abatements for rehabilitation only applied to the value added by renovation, excluding the existing property assessment amount. However, recent changes in policy have broadened the scope of IDA abatements. The Amherst IDA has recently joined with the Erie County IDA and the other four local IDA's in the county to develop a standard, county-wide eligibility policy for tax abatements.

In addition to the "greenfield" industrial and commercial development, the new eligibility policy has broadened the horizons of the tax abatements to include:

- ***Multi-tenant commercial buildings:*** Multi-tenant office or industrial buildings are now included in the abatement program, provided that at least two-thirds of a given building's tenants are in one of the IDA's priority industry designations (manufacturing, distribution, business services, and arts/entertainment/recreation). This policy may allow for more multi-tenant, urban-oriented office developments, as such locations are likely to be more desirable for multi-user rather than single-user buildings.
- ***Long-term care/assisted living:*** Residential projects offering continuing medical care to senior citizens in need of such living arrangements are now eligible for abatements. Since it was determined for the *Inventory and Analysis Report* that the economics of assisted living facilities in Amherst are difficult, sales tax and property tax abatement (10-year) for such projects can help make them viable for private operators.
- ***Civic facilities:*** Three categories of civic facilities in particular are specified in the IDA eligibility criteria –

dormitories, hospital facilities needed to uphold public health standards, and housing for adults over the age of 60. The third category is significant, as it applies to any housing aimed at senior citizens, and not just to assisted living or continuing care developments.

- **Hotels/motels:** This abatement applies to the capital costs of construction or rehabilitation of lodging facilities and may provide some help for older properties.

Beyond these particular uses, the new policy also states that any retail or health care businesses located in officially designated Neighborhood Redevelopment Areas will also be eligible for tax abatements. The policy clearly expresses that such areas may only be designated within the context of comprehensive neighborhood redevelopment strategies. According to these standards, neighborhoods with existing or in-progress redevelopment strategies, such as Eggertsville and Harlem-Kensington-Cleveland, should qualify.

The Town should work with the Amherst IDA to identify and pursue opportunities to apply the new tax abatement eligibility policy to projects that will spur reinvestment and revitalization of older parts of Amherst. Such projects should be considered a higher priority for tax abatements than “greenfield” development on vacant land.

It is important to note that, with the exception of the provisions for senior and assisted housing, the IDA abatements do not address housing construction or redevelopment. However, there are a number of federal programs aimed at making homeownership more attainable for first-time and/or low-income purchasers, as well as for rehabilitation of older housing units. Since some older areas of the Town of Amherst are in need of housing reinvestment, the Town should make sure that property owners, realtors, and homebuyers alike are aware of such opportunities. In addition, the Town could provide incentives such as deferrals in property tax increases on home improvements to encourage investment in existing housing for low and moderate income families (see Housing and Neighborhoods Policy 8-6).

**3-9 Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses.**

As Amherst matures and market conditions evolve, some developed properties may no longer be economically viable as a result of changing economic conditions, obsolete buildings, or other market characteristics. Sustaining the economic viability and value of the Town’s neighborhoods and commercial areas is critical to maintaining the Town’s high

quality of life and reducing pressure for “greenfield” development.

Depending on market conditions and other site and location factors, revitalization may feature one or more of the following approaches:

- **Reinvestment:** Existing buildings are updated or improved and continue to accommodate existing or similar land uses.
- **Adaptive reuse:** Existing buildings are retained but are converted or adapted for new uses. This approach has the potential benefit of retaining buildings with an established neighborhood presence or that are historic and valued assets within the neighborhood.
- **Partial to full redevelopment:** Existing buildings and land uses are either partially or fully replaced; this may also involve changes to the layout of the site. New uses may also be accommodated on the redeveloped site.

Following is a description of several land use scenarios in which revitalization may occur or be desired.

- **Residential:** As housing ages, property maintenance and reinvestment become critical. This is of particular concern when single-family housing is occupied by an aging population for whom resources may be limited. The strategy for single-family residential areas is to encourage reinvestment and strategic replacement as necessary per Policies 8-6 and 8-7. As market conditions change, existing multi-family housing may also undergo adaptive reuse or redevelopment, such as to provide new forms of housing.
- **Neighborhood Commercial:** Older neighborhood commercial areas are often characterized by small, shallow lots with limited amounts of parking and possibly outdated buildings and non-conforming structures. These commercial areas also tend to be in close proximity to residential areas. Revitalization may occur through reinvestment, adaptive reuse, or through redevelopment that may be induced when separate parcels are assembled to accommodate larger uses. These areas may also present opportunities for smaller, start-up, or specialty businesses which may incorporate live-work arrangements.
- **Community and Regional Commercial:** Larger than neighborhood commercial areas, community and regional plazas and centers may not be able to accommodate contemporary forms of retail and other commercial uses and may require revitalization through reinvestment, adaptive reuse, or redevelopment to remain competitive.

**Adaptive reuse** is the process of converting or adapting older structures for purposes other than those initially intended.

When the original use of a structure changes or is no longer required, as with older buildings from the industrial revolution, architects have the opportunity to change the primary function of the structure, while retaining some of the existing architectural details that make the building unique. In local communities, unused schools or post office buildings have been adapted for reuse as retail stores or offices.

*Encyclopedia of Community and Environmental Management.*

- ***Light Industrial / Research and Development:*** The first light industrial and research and development parks in the Town were developed in the early 1980's and some of their oldest buildings are nearing functional obsolescence. Reinvestment is necessary for many parcels. In addition, the parks are often bordered by residential and commercial development, presenting an opportunity to redevelop single-use buildings to include residential and retail uses and create a mixed-used environment.

In addition to commercial and residential land uses, public and semi-public land uses, such as schools, churches, golf courses and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends.

- ***Community facilities:*** Community facilities, such as churches and schools, are typically integrated into neighborhoods, but may have building or site characteristics that pose challenges for their reuse, such as large existing buildings and parking areas. These facilities may be particularly well-suited for adaptive reuse.
- ***Recreation and other large-scale community facilities:*** Typically comprised of several acres, these facilities, such as private golf courses with club houses and public / semi-public recreation fields, may provide important open space or recreation assets to surrounding neighborhoods. Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density.

Whether involving reinvestment, reuse, or complete redevelopment, all revitalization projects should consider how the development contributes to and fits within the surrounding context of its block, street, neighborhood, and the community as a whole. Such considerations include: land use compatibility, building orientation and scale, vehicular access and pedestrian connectivity, and relationship to open space.

When existing land uses are continued on a site, greater design flexibility may be appropriate. For example, if existing commercial areas redevelop, flexibility in standards for density, building coverage, the mix of uses, and the amount of landscaping should be considered.

When redevelopment is proposed for a site, the following principles should be applied:



- New development should complement the surrounding neighborhood and existing land uses in terms of scale, form, and character.
- New development should positively address design issues identified in Policy 3-5, as well as take into account the criteria recommended in Section 3.3 of the Plan.
- New development should support adopted redevelopment and reinvestment policies and be consistent with relevant area plans or adopted regional plans.
- New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the project or programmed through public sources.
- Site design should adequately address any issues that may arise with a change in the use of the property, such as changes to circulation or parking.

When redevelopment is proposed on land parcels exceeding five acres, the following principles, in addition to those previously described, should also be applied:

- In order to avoid a piecemeal approach and fragmented development pattern, a site redevelopment plan should be formulated that includes the entire parcel and considers the surrounding context. The site master plan should demonstrate that adjacent uses complement proposed uses and the cohesiveness among individual project components. In addition, the use of a planned unit development or unified approach, such as the Planned Development District (PDD) or Master Planned Development (MPD) approach, which permits flexibility and strives for cohesive design, should guide the redevelopment of larger parcels.
- Design standards should be established to ensure compatibility with adjacent land uses and to minimize impacts on residential areas. For example, standards should address, but not be limited to: buffer/edge treatment and transitional elements, landscaping, signage, and building design elements (scale, height/mass, orientation, façade treatment) per considerations discussed per Policy 3-5.
- Identified elements of the Open Space network, per Policy 3-13, should be continued along identified physical features, be integrated into the development design, and include connections between recreation and open space areas.
- Consistent with the goals and objectives of Chapter 6 (Transportation), connections should be provided within and between developments to enhance vehicular and pedestrian circulation and reduce traffic congestion. Roadway design should be consistent with context-

sensitive principles, as expressed in the Town of Amherst Context-Sensitive Highway Design Report and Policy 6-1, and should also employ access management strategies in accordance with Policy 6-4.

A number of strategies are available to the Town to encourage the revitalization of underutilized, obsolescent, and vacant properties. Because of the importance of addressing revitalization for a number of different land uses in multiple contexts as described above, and because of the complexity of issues involved in revitalization, the Town should pursue a coordinated approach that entails a variety of strategies. These strategies should be undertaken as part of a programmatic approach that includes the following elements:

- Coordination and negotiation with other agencies, including public participation facilitation, and monitoring the effectiveness of revitalization activities;
- Establishing business retention and technical assistance programs, providing public financing tools such as tax abatements (per Policy 3-8); preparing grants and/or providing management/ marketing programs.
- Formulation of neighborhood and small area redevelopment plans including market analyses to guide revitalization activities.
- Land development regulation revision (per Policy 3-10); enforcement of property maintenance codes; development of design guidelines and innovative regulatory mechanisms, such as incentive zoning.
- Building relationships through collaborative efforts that leverage public and private resources to encourage and sustain revitalization. Such initiatives could include: development of municipal parking; assisting with site acquisition or assembly; improved public services and infrastructure investments in targeted redevelopment areas and joint planning and redevelopment efforts.

(Amended 2-28-11; BCPA-10-1)

**3-10 Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization.**

General Business (GB), the predominant zoning category that has been applied to older commercial areas in Eggertsville and elsewhere, is a “one-size-fits-all” district that treats these areas the same as larger scale, automobile-oriented development along roadways such as Transit Road and Niagara Falls Boulevard. As recommended in the *Eggertsville Action Plan*, new business zoning provisions such as overlays should be developed for application in older, traditional business districts. These new provisions would

An important recommendation to promote revitalization of Amherst’s older commercial areas is to replace the “one-size-fits-all” General Business Zoning District with a new *neighborhood business zoning classification* in these areas.

update the General Business District and could replace the existing Neighborhood Business District, which has seen little use and is limited by the one-acre maximum lot standard. The new zoning provisions should address the following:

- **Mixed uses**, such as residential units over ground floor retail or office and live-work structures.
- **Design standards** to promote development that is pedestrian-friendly, oriented to the street, and in scale with the surrounding business district and neighborhood. These standards should be derived from the established character of traditional business districts in Eggertsville and elsewhere. For example, front yard setback requirements should be reduced or eliminated to allow buildings to be pulled up to the sidewalk/street right-of-way line and parking generally located to the side and rear of buildings.
- **Parking requirements** that reduce the need for extensive on-site parking lots, including credit for on-street, shared, and public parking.

(Amended 2-28-11; BCPA-10-1)

**D. Public Investment**

The Land Use and Development policies describe a range of regulatory and incentive-based approaches to achieve Comprehensive Plan objectives such as mixed-use, aesthetic quality, and revitalization. Strategic investment in physical improvements to public landscapes can also contribute to achieving these objectives, and is particularly relevant to the “Aesthetic/Community Character” and “Revitalization” key initiatives.

**3-11 Target capital investments to improve the aesthetic character of key locations within the Town.**

Targeted investment in visual improvements to public places (e.g., landscaping, streetscape improvements, public art, and signage) will help establish Amherst as a community with exceptional aesthetic character. In addition, it will help implement the “Greening Amherst” planting initiative proposed by Natural and Cultural Resources Policy 4-11. Towards this end, the Town should initiate a phased program of visual improvements in highly visible locations, including:

- **Gateway entrances** to the Town on major roadways. These gateways provide the initial visual impression of Amherst and should be developed with landscaping,

A **zoning overlay or district** places additional requirements or provisions that are superimposed upon an existing zoning district within specified areas. Existing or new development within the overlay must comply with the requirements of both the base and overlay districts. Overlay districts are most commonly used in areas requiring special protection or offering unique opportunities.



distinctive signage, and other improvements to set a positive image signaling entry into a special community.

- **Major corridors** that define the visual experience of traveling through Amherst. While these corridors are generally state or county roads, the Town should work with these jurisdictions to establish and implement enhanced context sensitive design standards that address elements such as street tree planting and other landscaping, lighting, and pedestrian amenities.
- **Landmarks** such as public art installations or creative designs of landscapes or buildings can serve as visual focal points and sources of community identity. Opportunities should be sought to locate landmarks in visually prominent locations (e.g., gateway entrances to Amherst) as part of the phased program of visual improvements.
- **Public facilities and spaces** are important to civic life and to the visual identity of the community. Highly visible facilities such as town buildings and parks should incorporate a high level of design with regard to elements such as architectural design, landscaping, and pedestrian amenities.

Funds should be dedicated for continuing maintenance as well as installation of improvements. Both public and private sources of funding should be sought for these purposes.

**3-12 Initiate public capital investment projects to encourage/ support private investment.**

Capital investment is a tool that can be used by the Town to support desired types and locations of private development, particularly in older, developed parts of Amherst that are targets for reinvestment. Examples include streetscape improvements to improve visual character and encourage business investment in older commercial areas; road and/or utility improvements to support particularly desirable developments; and parks and recreational facilities or other amenities to enhance property values and encourage investment in selected residential neighborhoods. Town investment could be leveraged by pursuing grants available from the state or other sources and by cost-sharing programs in which town funds are matched by private dollars (e.g., for façade improvements).

**E. Open Space System**

Open space preservation was one of the primary issues identified by citizens throughout the process of preparing the Comprehensive Plan. The Vision Statement emphasizes the

importance of open space preservation to Amherst’s community character. Thus an open space system is conceived as an integral part of future land use in Amherst, providing “connective tissue” that helps define the Town’s development patterns.

**3-13 Designate a town-wide open space and greenway network to be achieved through a variety of mechanisms.**

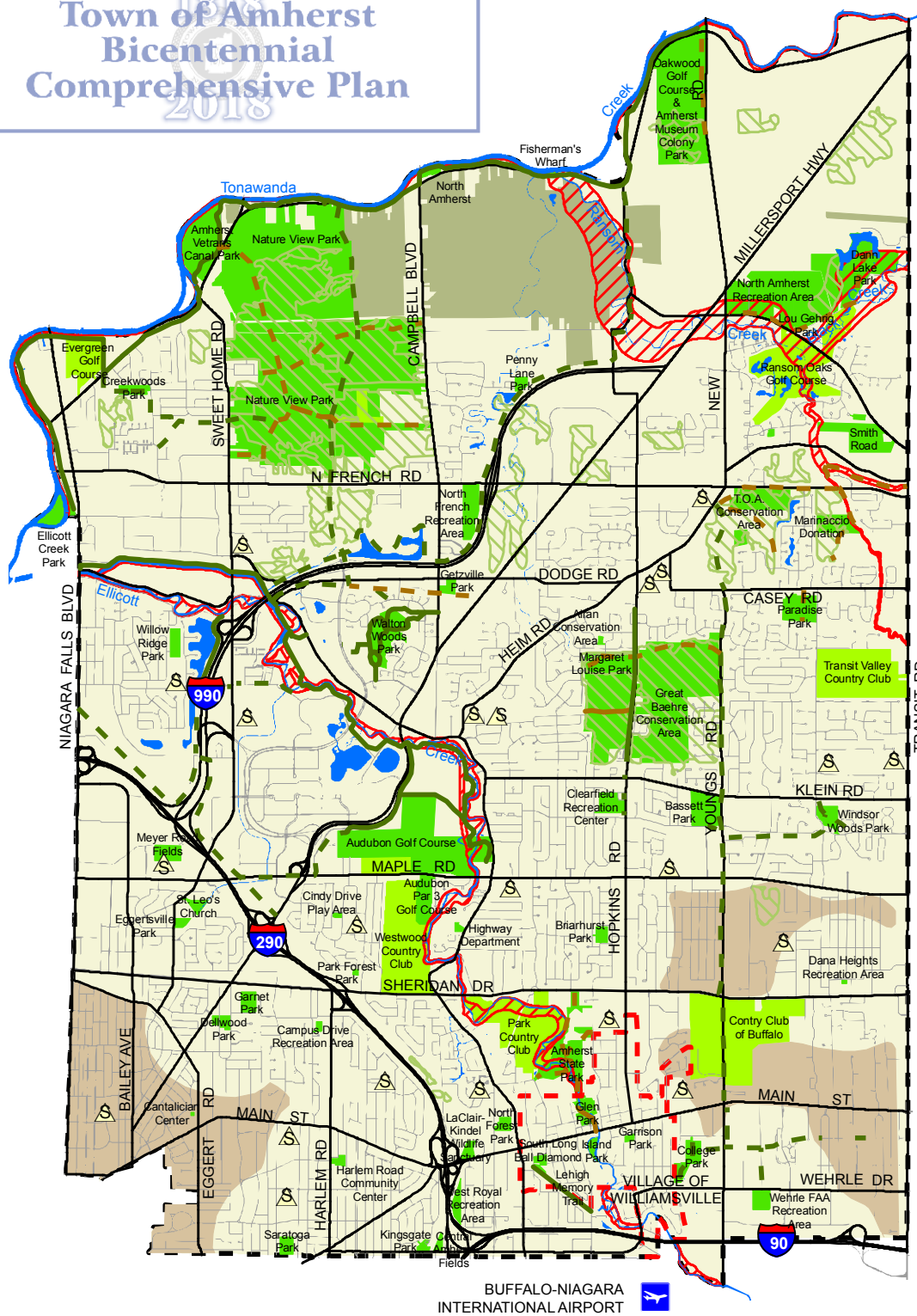
The Town should work towards establishing an interconnected open space network within Amherst that integrates public parks and open spaces, private open spaces (e.g., country clubs and protected farmlands), and environmentally sensitive resources. Existing public and private open spaces can serve as the foundation of this network (see Figure 4). The network may include lands under private ownership that do not include public access, but provide desirable open space. Already protected open spaces should be augmented by additional properties protected through a variety of mechanisms. The Conceptual Land Use Plan (Figure 6) shows how these lands are added to the pattern of existing open spaces to create a more interconnected network. Techniques to protect privately owned land that should be included in the open space system include:

- **Regulatory approaches:** Conservation development is one regulatory technique proposed to help preserve open space (see Policy 3-14). Other ways to integrate open space into new development should be explored (e.g., by establishing requirements for easements when new developments about greenway corridors identified on the Open Space and Greenways Plan).
- **Public acquisition:** See Policy 3-15.
- **Private landowner conservation:** Working with private, non-profit land organizations such as the Amherst Conservation, Parks, and Recreation Foundation, private landowners can preserve significant open space areas through voluntary actions, such as conservation easements that restrict future development, outright donations or bargain sale of properties, or limited (below market value or the intensity allowed by zoning) development. A variety of tax benefits are available to landowners pursuing these options.

In addition, the Town should identify and pursue properties for acquisition in residential areas that are under served by existing parks and recreational facilities. Residential areas located more than ½ mile from a local or community park are shown on Figure 4.

*Open space preservation* is one of the priority issues identified by citizens, as reflected in the Vision Statement and Aesthetic/Community Character Key Initiative.

# Town of Amherst Bicentennial Comprehensive Plan



BUFFALO-NIAGARA  
INTERNATIONAL AIRPORT

## PARKS, OPEN SPACE AND TRAIL MAP

### LEGEND

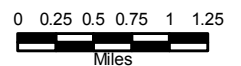
- |  |  |   |
|--|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #00FF00; border: 1px solid black;"></span> Park and Recreation Area             | <span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid black;"></span> FEMA Floodway                 | <span style="display: inline-block; width: 15px; height: 10px; border-bottom: 2px solid green;"></span> Multi - Use Trail (Existing)  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> Private Recreation Area              | <span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, green 2px, green 4px); border: 1px solid black;"></span> NYSDEC Regulated Wetland | <span style="display: inline-block; width: 15px; height: 10px; border-bottom: 2px dashed green;"></span> Multi - Use Trail (Proposed) |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Agricultural Areas                   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> Surface Water Body   | <span style="display: inline-block; width: 15px; height: 10px; border-bottom: 2px solid brown;"></span> Natural Trail (Existing)      |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #D2B48C; border: 1px solid black;"></span> Areas Lacking Local Parks/Open Space | <span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; text-align: center; line-height: 10px;">S</span> Public School   | <span style="display: inline-block; width: 15px; height: 10px; border-bottom: 2px dashed brown;"></span> Natural Trail (Proposed)     |

### SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

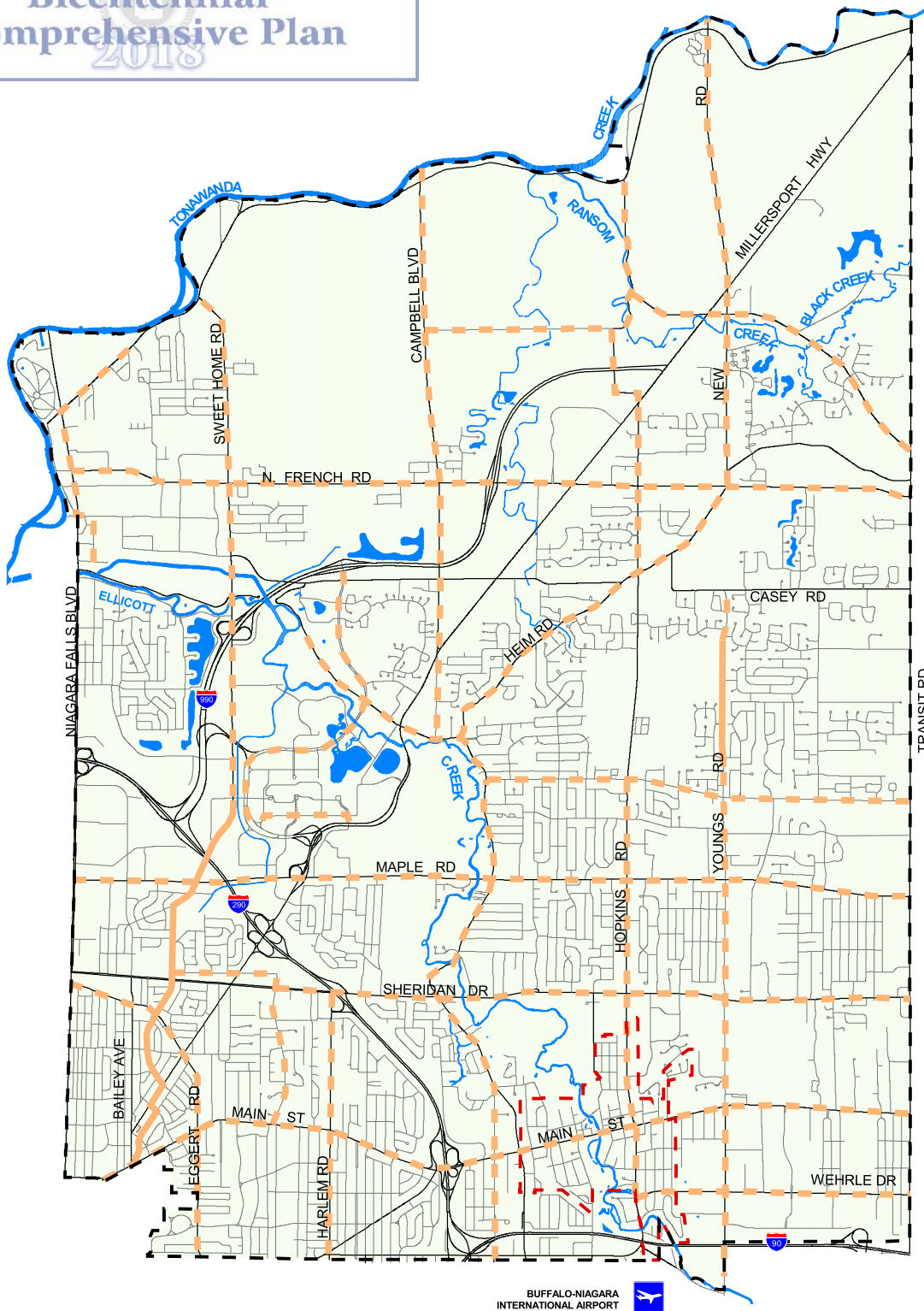
Map Compiled by the Town of Amherst Planning Department

Date: March, 2009



**FIGURE 4**

1818  
**Town of Amherst**  
**Bicentennial**  
2018  
**Comprehensive Plan**



**ON - STREET BICYCLE/PEDESTRIAN NETWORK**

**FIGURE 5**

**LEGEND**

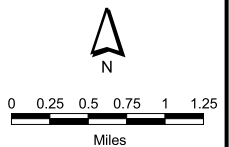
- On-Street Bicycle/Pedestrian Network (Designated)
- On-Street Bicycle/Pedestrian Network (Proposed)

**Roads**

- Local Road
- County Road
- New York State Route
- Interstate Route

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst.  
 Map Compiled by Wallace Roberts & Todd, LLC.  
 Date: February, 2004



To enhance connectivity, two types of linkages between individual tracts of land comprising the open space network should be established:

- **Off-street greenways or recreational trail connections** can be located along stream corridors, public rights-of-way, and other available routes where they do not negatively impact existing residential subdivisions. They can be established through acquisition, easements, or maintained under private ownership. Examples of such connections are illustrated on Figure 4. An overall greenway network is illustrated in Figure 6.
- **On-street sidewalk/bike lane connections** along public roadways, as shown on Figure 5.

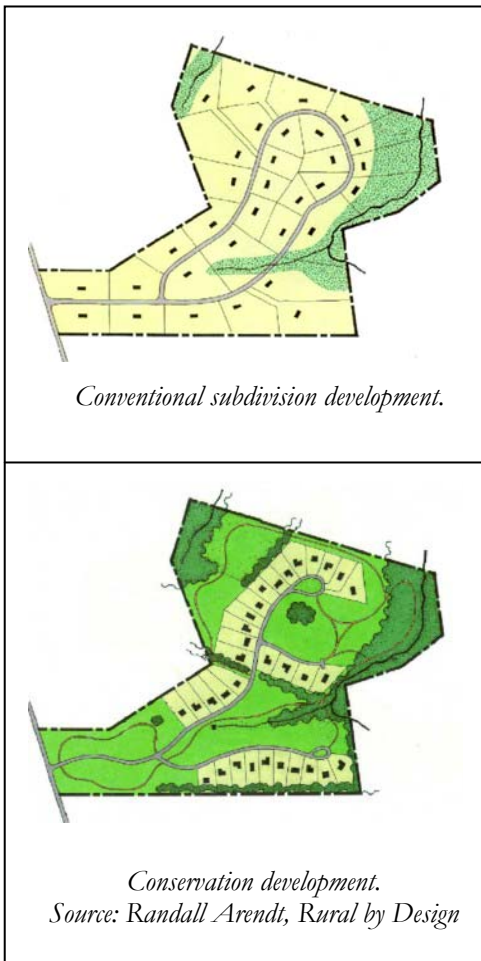
Safe, clearly demarcated pedestrian crossings should be added where components of this network of pedestrian and bicycle facilities cross major roadways.

It should be noted that while public access is a primary objective of the open space system, it is not intended that it be provided to all properties within the system. Privately owned and preserved properties may provide significant open space and environmental benefits without being open to the public.

**3-14 Encourage conservation development with incentives for the dedication of open space in private developments.**

Endorsed both by environmental interests and development organizations such as the National Homebuilders Association, conservation development is a “win-win” alternative to conventional subdivisions that both accommodates development and preserves valuable open space. Under this technique, houses and roadways are grouped closer together in compact development patterns to preserve valuable open space. Specific benefits of this approach include:

- Conservation development provides open space and recreational amenities for residents, increasing the value of the development. Studies have demonstrated that homes in conservation subdivisions typically have higher resale value than those in conventional subdivisions.
- Conservation development provides environmental benefits such as maintenance of habitat areas and natural drainage patterns. In doing so, it can save money by necessitating considerably less extensive site grading and





less costly infrastructure improvements that do not compromise public safety or welfare.

- The more compact development patterns allowed by conservation development lessen the amount of streets and utilities required, reducing initial site improvement (developer) costs and long-term (taxpayer) costs for maintenance and services.
- Conservation development improves the visual quality of new development as seen from public roads by facilitating the maintenance of “green” buffers.
- Conservation development preserves open space for the community at little expense to the taxpayer while creating enhanced value for developers. With proper planning and design, the open space can form part of an interconnected, community-wide system of parks, greenways, and trails.

Conservation development differs from the cluster residential option provided by Section 203-3-7 of the Town’s Zoning Ordinance in its emphasis on design standards, flexibility, and incentives to accommodate development while achieving meaningful open space preservation in a variety of contexts. Current cluster residential provisions should be modified to provide the Town with the option to mandate the conservation development approach. The revised regulations should address the following:

- **Density:** The starting point for determining allowable density should be the maximum number of lots that could realistically be developed on the land per the requirements of the underlying zoning district, taking into consideration environmental limitations as demonstrated through a “yield plan.” The minimum lot size and dimensional requirements specified by conventional zoning would be reduced to allow appropriate areas to be dedicated as permanent open space.
- **Incentives:** Incentives in the form of density bonuses should be established to encourage use of this development option. The bonuses should be established on a sliding scale, increasing as the percentage of dedicated open space increases.
- **Standards:** Standards should be established for the design, use, ownership, and maintenance of dedicated open space areas. Most commonly, a private homeowner’s association assumes ownership and maintenance responsibilities. Other options include a private land conservation trust or, in cases where the open space would provide a key linkage in the town-wide open space system, it could be dedicated to the Town of Amherst.

The majority of vacant land available for conservation development is located in the northern part of Amherst. In areas not served by public sewer, use of this option may be constrained by poor soil suitability for on-site sewage disposal. (Erie County Department of Health guidelines call for three-acre minimum lot sizes on the soil types typically found in North Amherst.) Nevertheless, the Town should work with the County to identify creative ways to accommodate conservation development while meeting on-site sewage disposal requirements (e.g., through use of common systems or disposal fields located in easements within dedicated open space areas). In addition, opportunities should be sought to apply conservation development principles to infill development of smaller properties throughout the Town (e.g., through relaxation of minimum lot standards to allow for establishment of common open space areas).

**3-15 Initiate a public open space acquisition program consistent with the open space, recreation, and greenway network.**

In addition to other protection mechanisms, commitment of funding for additional acquisition of open space by the Town of Amherst is key to successfully achieving a town-wide open space and greenway network. These efforts will build upon the Town's on-going open space acquisition program, which is derived from the 1988 *Open Space Acquisition Plan* and the 2002 *Recreation and Parks Master Plan*. The intent is to target town fiscal resources towards acquiring key parcels that can contribute to building the open space network based upon clear criteria. Proposed criteria include:

- **Connectivity:** Certain properties may fill critical “gaps” in the system (e.g., along a stream corridor), thus helping to create a continuous network.
- **Distribution within the Town:** As shown in Figure 4, the majority of protected open space is located in the central and northern parts of Amherst, with relatively little located in older areas in the southern part of town. While the relative absence of vacant land makes it difficult to provide additional open space in these areas, efforts should be made to provide smaller scale open space (e.g., neighborhood parks and commons) in under-served locations (see Community Facilities Policy 9-1 regarding parks and recreational facilities).
- **Protection of valuable natural and cultural resources:** Open space values are enhanced by the presence of significant natural (e.g., water resources and habitat areas) or cultural (e.g., recognized historic sites) resources.

- **Protection of visual resources:** Areas that reflect community or rural character are important resources to be preserved and enhanced where possible, including land along “special character” roads or around scenic natural and man-made features.

The Town currently has a Recreation and Open Space Fund derived from fees charged for residential and commercial land development. The proposed acquisition program will require funding well beyond the levels generated by this fund. Nevertheless, in evaluating options for funding land acquisition, the Town should consider adjusting the fee schedule to more accurately reflect the value of the land being developed.

Another option to consider is providing the Town with the first option to purchase privately owned land shown on the Parks, Open Space and Trails Plan or as open space on the Conceptual Land Use Plan before it is offered for sale on the open market. This approach would not obligate the Town to purchase such properties but would allow it to act if preservation of a property as open space is deemed to be in the best interest of the Town and funding is available.

#### **F. Development Review and Approval Process**

Along with the revised regulations and standards enacted as part of Comprehensive Plan implementation, the Town’s policies and procedures for reviewing and approving proposed developments are a tool that can be used to promote the goals and objectives of the Land Use and Development Element. Several points are of particular importance. First, the application of clearly defined principles and standards based upon the goals and policies of the Comprehensive Plan will improve the predictability of the review and approval process and increase certainty regarding project outcomes for both developers and residents. Second, review and approval policies and procedures can be used to facilitate desired types of development (e.g., reinvestment in older areas or conservation development can be encouraged through the application of incentives coupled with simplified and expedited reviews). Conversely, review standards and procedures could be more stringent where protecting the integrity of established residential areas is of paramount importance. As a general rule, development review and approvals would be enhanced by an open process, including:

- **User-friendly regulations** that are readily understandable and clearly convey the Town’s objectives to both developers and residents
- **Opportunities for informal interaction** (developers/town staff, developers/neighbors) in the conceptual planning stages

*Improving the predictability of the development review and approval process is an important part of the Governance Key Initiative.*

before development plans are finalized and applications are filed

- *Use of digital technologies* to allow for electronic submissions of applications and dissemination of information on the applications after they are submitted.

**3-16 Improve the predictability and consistency of the rezoning and other development approval processes through the application of clear town-wide land use policies.**

Requests for changes in use or rezoning creates a climate of uncertainty regarding future land uses. A large proportion of the requests involve conversion of property from zoning allowing lower intensity to more intensive uses. These rezonings generally involve conversions to higher density residential or retail commercial of land zoned S-A and to retail commercial, office, or multi-family residential of land zoned single-family residential. The predictability and consistency of development review and approval processes would be improved by the establishment of clear criteria for rezonings that are tied to the policies contained in this Comprehensive Plan. These criteria should include the following:

*Clear criteria* tied to Comprehensive Plan policies and the Conceptual Land Use Plan should be established and used in reviewing requests for rezoning.

- Rezoning from single-family to higher intensity uses (commercial retail, office, and multi-family residential) should support the establishment of mixed-use centers as described in Policy 3-1 and shown on the Conceptual Land Use Plan.
- Land to remain in rural uses as described in Policy 3-3 and designated on the Conceptual Land Use Plan should not be rezoned to higher intensity uses.
- Rezoning should help implement other comprehensive plan policies, for example:
  - Providing alternatives to automobile use (transit, bicycle/pedestrian connections, etc.)
  - Advancing the revitalization of underutilized or obsolescent properties (see Policy 3-9)
  - Providing open space as part of the development
  - Consistency with the established character of the highway corridor
- The applicant should be required to address significant impacts on roads or other significant infrastructure systems. A traffic impact analysis should be required for projects above a certain size threshold.
- The applicant should demonstrate that the proposed rezoning would not cause adverse impacts on adjacent land uses with respect to scale, visual intrusion, light, noise, etc.

Other development review and approval policies and procedures should be evaluated for opportunities to improve predictability and consistency. One possible change is to move towards administrative (staff) review of minor projects, which would expedite processing of routine applications and allow the Planning Board to focus on more significant matters. Having clear standards in place (Policy 3-17) will support this change.

**3-17 Set clear standards for development quality to increase the level of certainty in the development review and approval process.**

The absence of standards that clearly define the Town's expectations regarding development character and quality is an important contributing factor to the uncertainty of the development review and approval process. Policies 3-5 to 3-7 propose enactment of more explicit standards to address community appearance/sense of place town-wide and at the scale of individual corridors and districts with special characteristics. Establishing these standards will help to increase predictability for developers by clearly stating the development guidelines they need to follow, reducing the potential for protracted review processes with costly plan revisions. The level of certainty will also be increased for neighbors of proposed development projects.

**3-18 Provide for periodic review and revision of the Comprehensive Plan and development regulations.**

The Comprehensive Plan should be viewed not as a static document, but as a living plan that will evolve over time as the Town works to achieve the vision of Amherst's future through implementation of plan goals, objectives, and policies. Of particular concern for the Land Use and Development Element is the application of plan policies to the development review and approval process, including revisions to the Town's development regulations. To maximize the effectiveness of the Comprehensive Plan as a guide for town decision-makers, both the land use policies and the development regulations that implement the policies should be periodically reviewed and revised as deemed necessary to more effectively achieve Comprehensive Plan objectives. Such reviews should be conducted on an annual basis, with a major review of the Comprehensive Plan scheduled every five years.

### 3.3 CONCEPTUAL LAND USE PLAN

The Conceptual Land Use Plan depicts a generalized future pattern of land use in the Town of Amherst. This pattern reflects a number of influences, including:

- The existing pattern of land use (Figure 2), which for much of the Town will change only slightly over the 20-year plan horizon
- The pattern of existing zoning (Figure 3), which is largely responsible for the present use patterns
- The policies set forth in Section 3.2 to encourage new land use patterns and characteristics

Tables 1 and 2 show the distribution of land within the various use categories shown on the Generalized Existing Land Use map and the Conceptual Land Use Plan (Figure 6). An exact comparison of existing and proposed land uses cannot be made because the use categories are defined differently on the two maps. However, the tables provide a general characterization of the proportional distribution of uses in 2000 and in the future as this plan is implemented. Since 2000, 53.9 acres of vacant land have been donated as Recreation and Open Space.

**Table 1. Existing Land Use - 2000**

Category	Acreage	Percentage
Agriculture	1,226	3.6%
Commercial	1,367	4.0%
Industrial	335	1.0%
Office	818	2.4%
Single Family Residential	10,685	31.1%
Low Density Residential	753	2.2%
Medium Density Residential	1,054	3.1%
Recreation and Open Space	3,678	10.7%
Public/Semi Public	2,578	7.5%
Utilities	515	1.5%
Vacant Land	6,484	18.9%
Roads, Utilities & Water	4,843	14.1%

Source: Figure 2, Generalized Existing Land Use

**Table 2. Proposed Land Use**

Category	Acreage	Percentage
Agriculture	1,786	5.2%
Commercial – Retail	1,432	4.2%
Commercial – Office	922	2.7%
Industrial – Office	1,166	3.4%
Rural Residential	1,717	5.0%
Single Family Residential	13,807	40.4%
Mixed Residential	1,298	3.7%
Medium Residential	786	2.3%
Mixed-Use	1,260	3.7%
Recreation & Open Space	7,462	21.8%
Community Facilities	471	1.4%
Educational Campus	1,334	3.9%
Transportation	790	2.3%

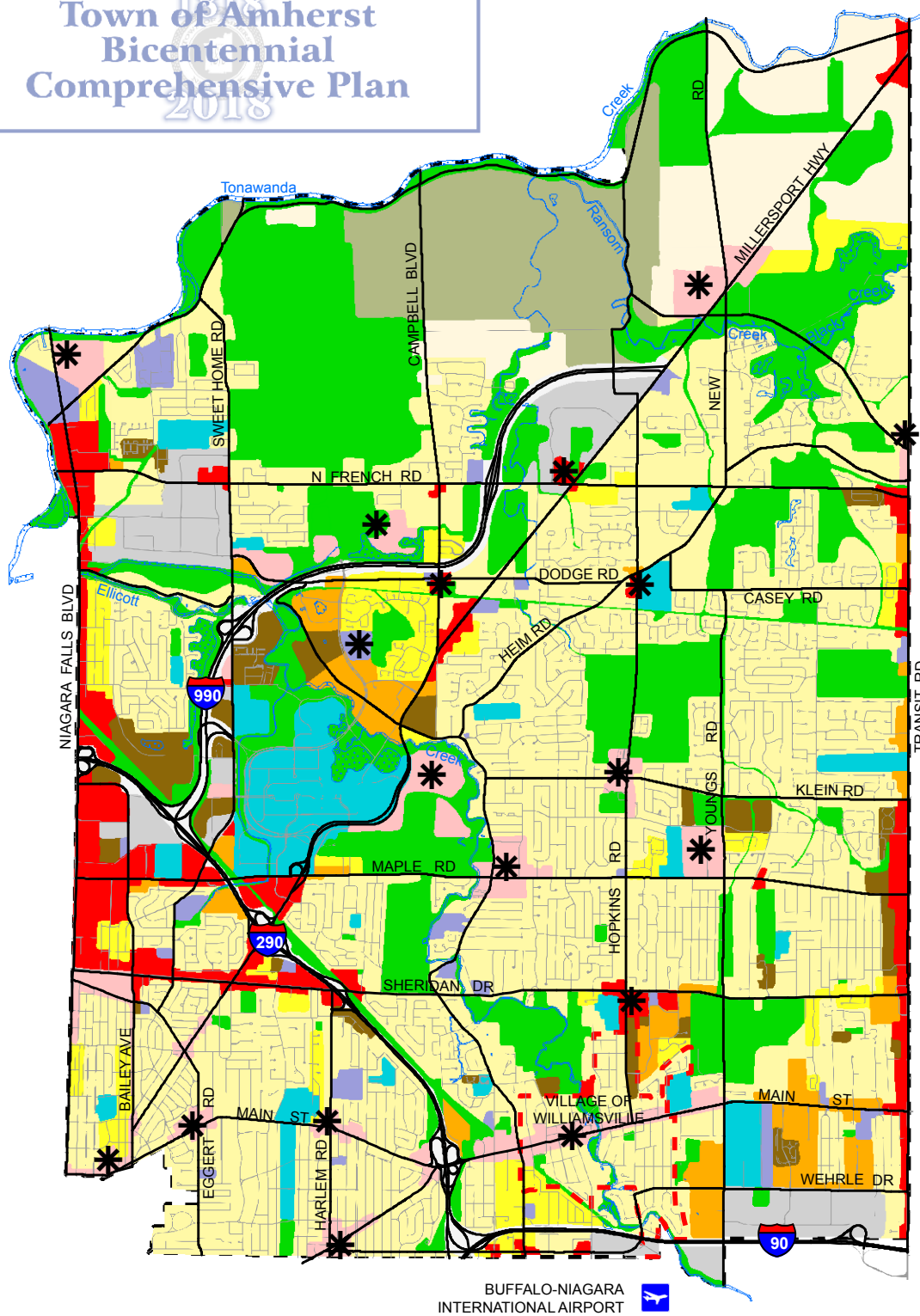
Source: Figure 6, Conceptual Land Use Plan

In a maturing community such as Amherst, changes in the pattern of land use will occur in several ways: through new development at the rural fringe, infill development within largely developed areas, and as redevelopment and revitalization occurs in older parts of town. The Conceptual Land Use Plan map illustrates the desired pattern of land uses to attain the community’s vision for the future. The future land use pattern is influenced by existing land use and zoning and the existing and planned network of roads, utilities, parks, greenways and other factors that shape development and act as form-givers within the overall fabric of the community.

The Conceptual Land Plan is neither a zoning map nor is it meant to show the existing or proposed use of individual parcels of land. It is not meant to dictate land use, nor is it meant to show any phasing or timing of development. The Plan is intended to communicate the overall direction and concept of future development. While it is intended to present a composite picture of the Town at full development, the Plan is designed to be flexible, to show relationships, to provide a generalized guide for future development, and establish a context for detailed area planning and design. Over time the Plan may be amended by the Town Board to reflect changes in social, economic, and cultural trends, so that it remains a relevant guide to community development.

The following text describes the various use categories shown in Figure 6, the Conceptual Land Use Plan.

# Town of Amherst Bicentennial Comprehensive Plan



BUFFALO-NIAGARA  
INTERNATIONAL AIRPORT

## CONCEPTUAL LAND USE PLAN

FIGURE 6

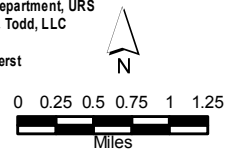
	Rural Residential		Commercial - Office		Recreation, Open Space & Greenways		Mixed Use / Activity Centers
	Single Family Residential		Industrial - Office		Agriculture		Municipal Boundary
	Mixed Residential		Mixed Use		Transportation		Village of Williamsville Boundary
	Medium Residential		Community Facilities		Surface Water		
	Commercial - Retail		Educational Campus				

**SOURCE NOTES:**

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: March, 2009





**3.3.1 Residential Uses**

***Residential Use Categories***

- Rural Residential (1 unit/3 to 5 acres)
- Single-Family Residential (2 to 4 units/acre)
- Mixed Residential (4 to 12 units/acre)
- Medium Residential (12 to 60 units/acre)

Residential land uses will continue to dominate the Town’s landscape, accounting for nearly 50% of the total developed area. Acknowledging agriculture as an important component of the community, the Plan establishes a form of residential development that is consistent with and complementary to farming. Another important Comprehensive Plan policy is to maintain the economic viability and physical condition of existing residential uses along arterial and collector roadways, thus focusing commercial activity at key intersections and preventing strip development along highway corridors. New residential uses can be located along these corridors, however their design and development should incorporate principles of access management and reverse frontage to preserve highway capacity.

**Rural Residential (1 unit/3 to 5 acres)**

As described in Policies 3.3 and 3.15, the Comprehensive Plan reinforces and expands upon policies established in the 1993 Northeast Plan regarding the northern portion of the Town, which remains largely undeveloped and rural/agricultural in character. This area is predominately zoned “Suburban Agriculture” and has a permitted density of one dwelling per acre, which is not conducive to preservation of its rural character. Instead, the low-density pattern promoted by one-acre zoning could be described as sprawl, one in which the value of the scenic rural area will be lost and the efficiency and fiscal balance of a compact suburban pattern will not be achieved.

Consistent with limiting further extensions of public facilities such as highways and sewers (Infrastructure Policy 7-3), much of this area will remain rural in character. Contributing factors include the area’s extensive open space resources, environmental constraints such as wetlands and floodways, and low-density designation, coupled with the encouragement of conservation development (Policy 3-14) and the Town’s program to purchase development rights on agricultural lands. The Conceptual Land Use Plan identifies those areas that should no longer be considered in a “holding zone” for rezoning to suburban character residential or commercial use. They should be reserved for larger lot rural uses with an emphasis on preservation of open land where homes abut agricultural lands, maintaining rural character visible from the adjacent highways, and avoiding strip residential development. Recognition and adherence to right-to-farm practices that protect the long term viability of farming operations on lands surrounding rural residential uses should be emphasized in development design.

The density range of 1 unit/3 to 5 acres set for this category is based upon Erie County Department of Health guidelines that call for three-acre minimum lot sizes on the soil types typically found

in the area. Consideration should be given to increasing the permitted net density as an incentive for conservation developments that preserve a substantial amount of open space if not precluded by soil suitability for on-site sewage disposal or other environmental constraints.

**Single-Family Residential (2 to 4 units/acre)**

Consistent with Amherst’s history as a suburban bedroom community, nearly one-half of the Town's land area will remain in relatively low-density, primarily single-family detached residential use. Policies for Amherst's single-family neighborhoods are to preserve the neighborhood fabric and quality of life by limiting undesired influences such as commercial intrusions.

Existing single-family residential lands located along traditional and suburban highways, such as Main Street, Sheridan Drive, Maple Road, Hopkins Road and other collectors and arterials help to preserve the residential character and appearance of neighborhoods in Amherst. These areas should be reinforced as residential through the use of design standards and context-sensitive highway design solutions that will help protect them from commercial incursion.



While the bulk of the area depicted as Single-Family Residential on Figure 6 is fully developed, opportunities exist for new and infill development. Such development should be consistent with the scale and character of the existing surrounding residential areas. The design of new subdivisions should include housing and street patterns that complement the character of connecting streets and neighborhoods. New infill development should also be designed to be consistent with the established character of surrounding/connected neighborhoods. Single-family residential development should not be encouraged where its location or access is inconsistent with existing or planned non-residential areas proposed in the Conceptual Land Use Plan.

Where single-family residential land abuts agriculture or rural residential uses, development design connections should reflect a mutually beneficial transition from suburban to rural character. As an example, to the north of North French Road there exists a large area of large, deep frontage lots that reflects a rural development pattern. While this area is zoned for single-family development at higher densities, the pattern of parcelization does not lend itself to land assembly and efficient subdivision development. Therefore, in spite of the suburban zoning and the availability of utilities and public facilities, the area designated for single-family use north of North French Road should strive to retain much of its low-density rural pattern and character, avoiding long uninterrupted strips of housing.

**Mixed Residential (4 to 12 units/acre)**

Within the older sections of the Town (generally south of Maple Road), Mixed Residential designations comprised of small lot single-family, duplex, and other attached dwelling types, represent much of the Town's stock of affordable housing. This type of housing is also attractive for infill development along high access suburban and commercial corridors served by public transportation. Typical locations for this residential category include areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single-family development.

Other areas of the Town designated for concentrations of Mixed Residential use include underutilized areas near designated activity centers and commercial areas. Examples include areas adjacent to mixed-use centers at UB, near the I-290/I-990 interchange, Millard Fillmore Hospital, and in the vicinity of New Road and Millersport Highway.

**Medium Residential (12 to 60 units/acre)**

Medium Residential comprises the relatively small proportion of the Town's housing stock devoted to multi-family, largely rental apartment housing. Although longstanding policy has tended to favor low-density, single-family residential use, the recent development trend has been a substantial increase in the amount of new multi-family housing. The need for higher density housing will grow along with the component of the population that will increasingly choose smaller housing types, including retirees, empty nesters, singles, and other smaller household types.

As with the Mixed Residential category, location criteria for higher density housing include high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities. New medium residential development should also be focused in designated mixed-use centers. Properly designed, medium density housing can provide a useful buffer between single family and non-residential uses.

A growing form of residence in Amherst is housing for the elderly. Although the density for the Medium Residential category is 12 to 60 units per acre, the more typical range is 12 to 20 units. The higher densities apply to senior housing and assisted living facilities. Many of the location criteria above also apply to this form of housing. Proximity to proposed mixed-use centers, shopping, libraries and other community facilities help to sustain the resident's active involvement in community life.

Housing for students attending Amherst's colleges and UB may also be developed at medium density. Student housing is best

located within walking distance of these educational campuses or within designated mixed-use areas serving these schools.

### 3.3.2 Commercial and Industrial Uses

A strong commercial base is necessary to support Amherst’s quality of life and community amenities. The Conceptual Land Use Plan seeks to strengthen commercial opportunities at desired locations. Approximately 11% of the Town’s land area is designated for commercial-retail, commercial-office, or industrial-office use on the Conceptual Land Use Plan.

#### Commercial - Retail

Owing to the Town's origins as a post-war bedroom community with a strong suburban orientation, the predominant pattern of commercial retail development is one of continuous “strips” of commercial centers located along major highways. Amherst’s retail commercial centers generally fall within one of four types. These centers vary by the area and market they serve, the scale and placement of buildings, and the size of the businesses. The nature of each type of these centers is described below.

- **Traditional Centers:** Traditional commercial centers are established commercial nodes that are pedestrian-oriented and defined by their close proximity to surrounding highways and residences. Generally found in older areas such as Eggertsville, Snyder and Williamsville, these centers are located along traditional highway corridors. Traditional centers have evolved within a given context, and their redevelopment requires careful consideration of land uses and design to ensure compatibility with the surrounding community. Typical uses in these centers include single and multi-family residential, small-scale convenience and specialty retail, restaurants, offices, and institutional uses.
- **Neighborhood Centers:** Neighborhood commercial centers should be directed toward existing and proposed commercial nodes and located at intersections of neighborhood collectors with arterials and/or other collector streets. Location of such centers should promote good pedestrian and bicycle access to the neighborhood that it serves and minimize traffic impacts on local streets. Where possible, these centers should be located in conjunction with neighborhood-scale civic uses, parks, and public spaces. Special care and attention must be given to the scale, design, and form of such development so that they are consistent with the context of the surrounding neighborhood. Such centers should be located approximately one mile apart. Consideration should be given to amending the “Neighborhood Business” zoning

#### *Types of commercial centers*

- A **traditional center** can vary in size and is defined more by its context than its composition. These centers are pedestrian oriented and feature a mix of single and multi-storey residential and small-scale non-residential uses. The size and density of these centers varies, however single buildings can be multi-story, multi use and are generally less than 10,000 square feet.
- A **neighborhood center** is the smallest scale center, providing convenience shopping for the day-to-day needs of residents in the immediate neighborhood. A neighborhood center typically contains less than 100,000 square feet of retail space and occupies a site less than ten acres in size. Single buildings can be multi-storey and multi-use and are generally less than 25,000 square feet.
- A **community center** offers a wider range of retail and service opportunities and serves a larger market area than a neighborhood center. A typical size for this type of center is 150,000 square feet on 10 to 25 acres. Single buildings can be single or multi-tenant, multi storey and are generally less than 75,000 square feet.
- A **regional center** provides retail goods and services in full range and variety, drawing from a large population base. A regional center typically contains more than 400,000 square feet on 50 to 100 acres of land. Single buildings can be single or multi-tenant, multi-storey and range in size to greater than 75,000 square feet.

district to make it a form-based district that is more consistent with the size and scale criteria as stated in this section.

- **Community Centers:** Community commercial centers should be located within existing and proposed commercial nodes and activity centers located at major intersections along arterial highways. These centers are more automobile-oriented, serving several neighborhoods and usually providing goods and services that supplement those found in neighborhood centers. These centers are the preferred locations for moderately sized businesses that provide shoppers goods in addition to convenience goods and services, professional offices, and specialty items. Care must be taken that community centers do not expand in size to the point where they exhibit traffic, noise and activity typical of a regional center.
- **Regional Centers:** The four major commercial corridors identified below will continue to be the preferred locations for regional commercial centers. Land uses in these centers are generally automobile-oriented and can offer complete comparison shopping including full-line department stores, grocery stores, auto-oriented businesses, automobile sales and service, and other larger-scale single building businesses, and offices.



*The Walker Center,  
a community retail center.*

The success of a commercial center is strongly related to the function and character of adjacent highways. Transportation Policy 6-1 discusses the use of context-sensitive highway design to establish and maintain a beneficial relationship between land use and the supporting transportation system. The Conceptual Land Use Plan acknowledges the established pattern of commercial use while directing redevelopment and new development to occur in designated centers. The largest concentration of retail use is located at the Town's center of greatest vehicular accessibility: where I-290 crosses Sheridan Drive, Maple Road, and Niagara Falls Boulevard; and along Transit Road north of the New York State Thruway. These corridors include:

- Niagara Falls Boulevard along the town line from Sheridan Drive to Tonawanda Creek Road
- Transit Road along the town line generally south of Klein Road
- Maple Road from Niagara Falls Boulevard to Millersport Highway
- Sheridan Drive from Niagara Falls Boulevard to I-290

These concentrations of commercial development serve the entire region, as well as the residents of Amherst and immediately adjacent communities.

Elsewhere within the Town, smaller centers or nodes of commercial retail use are located at the intersections of arterial and collector highways. While commercial uses are located at these nodes, predominantly residential portions also exist between them, especially along Main Street, Sheridan Drive, Maple Road, North French Road, Sweet Home Road, North Forest Road, Hopkins Road, Youngs Road and Millersport Highway. These residential areas are to be protected from further encroachments by new commercial development or redevelopment. As redevelopment occurs within existing commercial areas, the application of design guidelines will improve their aesthetics, function, and access management, as described in Policy 3-5. Use of traditional neighborhood design (TND) principles and strategies for new or redeveloping centers should be encouraged, with the highest level of TND treatment applied to traditional and neighborhood centers.

There are businesses that have large market areas, have similar characteristics in terms of size, traffic and noise, but are not appropriately located within a conventional retail shopping center. These uses are primarily land intensive commercial uses that include automobile-oriented uses, motels and hotels, and commercial recreation facilities. These uses should be located within existing or proposed community and regional centers located along arterial and collector highways designated as suburban and commercial corridors.

Also of note are those areas not designated for future commercial - retail use on the Conceptual Land Use Plan, in spite of present commercial zoning designations. As noted in Policy 3-4, areas along Transit Road and Millersport Highway north of North French Road are designated for residential or mixed-use. This change in land use classification stems from the likely reduction in population-driven demand for commercial development, the presence of community/regional scale commercial establishments in surrounding communities (i.e., Lockport and Clarence), and Comprehensive Plan policies to protect rural road corridors and reduce the traffic and other impacts of commercial strip development.

### **Commercial - Office**

While Amherst contains a growing proportion of office development, it is unlike many older communities that have a central business district anchored by high-density office use. As shown on the Conceptual Land Use Plan, there are two primary concentrations of existing/planned commercial office development in Amherst:

- The large modern suburban “corporate” office development along Audubon Parkway, planned as a key element of the Audubon New Community.

- Office infill development between Wehrle Drive and Sheridan Drive in southeast Amherst. Because office development in this area is occurring in close proximity to residential uses, close attention must be paid to site/design criteria pertaining to buffering and access management to avoid conflicts with established neighborhoods and commercial corridors.

Appropriately scaled business and professional offices can be complementary components of designated commercial and mixed-use centers. These offices can be pedestrian- or automobile-oriented and serve local residents, businesses, and institutions, as well as provide the employment component of live-work establishments in mixed-use centers.

The Conceptual Land Use Plan recognizes the location of commercial offices outside of designated office or business parks. These individual office developments may not require large parcels and can therefore be accommodated on sites at locations within Plan-designated Commercial, Office, Industrial and Mixed-Use areas. As existing office parks become filled and fewer large sites are available for new office parks, there is expected to be increased pressure to locate individual offices on smaller sites in developed areas. In addition, the following principles should be used to assist in reviewing such office proposals:

- Located along arterial roads as identified on Figure 9 (Future Thoroughfare System).
- Mid-block locations should be avoided.
- Sited within close proximity to existing office or commercial sites.
- Sites should provide an opportunity for access management with adjacent properties.
- The site should produce minimal impact on residential neighborhoods or uses.
- The site should provide sufficient space for landscape buffers, especially to adjacent residential uses.

### **Industrial Uses**

Due in part to the industrial legacy of the Buffalo region, early planning for the Town designated significant areas for industrial use. With the contraction of primary industrial activity in the region, the nature of these uses changed to smaller-scale manufacturing, distribution, and warehousing activities. The primary existing industrial land concentrations are located in the southeastern corner of the Town near the Buffalo-Niagara International Airport (Wehrle Industrial Park) and in the northwestern corner of the Town north of the I-290/Sweet Home Road interchange (Audubon Industrial Park). Additional locations designated for industrial/office use include:

- The area north of North French Road next to the I-990/North French Road interchange (Crosspoint Business Park).
- North Audubon Parkway: the area generally located at the northern terminus of Audubon Parkway between Dodge Road, Sweet Home Road, Campbell Boulevard, and south of North French Road. This area is envisioned as a location for University-related and research business (see Economic Development Policy 5-7).

These locations exhibit desirable site characteristics necessary for location of industrial uses. These characteristics include: direct access to major transportation routes, location away from residential neighborhoods, and large tracts of land that allow for coordinated development of a park with ancillary uses that can be buffered from surrounding areas. These characteristics should also be used for the location of any new industrial areas.

While excellent truck access will continue to make these areas attractive for industrial, distribution and warehousing uses, office and "flex" uses will likely consume an increasing proportion of this industrially designated land. Design guidelines should be put in place to reduce conflicts in function and aesthetics between industrial/warehousing and office uses, including the screening of storage areas, truck parking, and buffer requirements.

### **3.3.3 Mixed-Use Patterns**

Policy 3-1 proposes expanded provisions and incentives for mixed-use development. This policy shift has several motivations:

- To provide added economic incentive and flexibility for re-use and reinvestment in aging and obsolescent commercial areas
- To preserve and enhance traditional commercial centers
- To provide additional housing opportunities and choices, including higher density, affordable housing in appropriate areas
- To provide a more compact livable and walkable alternative to the prevalent pattern of commercial strip development and separated uses
- To provide a focus for new development, infill, and redevelopment of commercial uses, as opposed to further strip commercial development along corridors such as Main Street, Sheridan Drive, Maple Road, North French Road, and Millersport Highway
- To promote development that supports pedestrian and bicycle travel as well as transit use, thereby reducing auto usage and resulting roadway congestion and air pollution



- To encourage higher density centers of activity that exhibit high-quality design and a sense of place

By definition, a mixed-use development consists of a deliberate, mutually-supporting mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices. There is significant physical and functional integration of project components, and thus a relatively close-knit and intensive use of land, including uninterrupted pedestrian connections. A mixed use development is usually the result of a coherent planning process that emphasizes the connectivity and links among uses.

Seventeen activity centers are depicted on the Conceptual Land Use Plan as the primary locations for mixed uses in the Town. In addition, several other areas are designated for mixed uses as components of commercial centers.

Mixed-use centers should be designed to achieve two primary objectives:

- Provide a focus for new development and redevelopment in the Town, consistent with protecting the character of adjacent residential areas
- Enhance the viability of surrounding neighborhoods by providing identifiable centers of community activities such as shopping, work, recreation, and meetings

Depending upon their type and scale, mixed-use centers typically exhibit the following characteristics and design features:

- **Mix of uses:** A mixed use development should include a balanced mix of compatible, appropriately scaled uses, including traditional/neighborhood/community retail, office, and higher density residential. This mix of uses may be achieved in one or more of the following ways:
  1. Vertical Mixed Use. A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.
  2. Horizontal Mixed Use – Attached. A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.
  3. Horizontal Mixed Use – Detached. Two or more structures on one site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

It should be noted that certain types of use mixes offer little or no benefit and may exacerbate land use conflicts and traffic congestion. These may include, for example, disconnected “out parcels” for gas stations, fast food, or other forms of

strip commercial development. Because such uses emphasize vehicular access, their use in a mixed use development should be discouraged.

- **Connectivity and integration of uses:** Traditional zoning codes tend to emphasize buffering between uses. Successful mixed use, by contrast, encourages linkages. This may be achieved through careful positioning of key project components around public spaces (for example, a street, park, plaza, or square), the interconnection of project components through pedestrian-friendly sidewalks and pathways, and through consideration of the layout/orientation of buildings and the location of parking relative to structures and walkways. Connection should also be provided to the surrounding area.
- **Urban design amenities:** A variety of urban design amenities, such as sidewalks, landscaping, and public spaces are used to create recognizable, pedestrian-friendly activity centers with a sense of place.
- **Active street frontage:** First-floor street-frontage is generally reserved for more public uses, such as retail and restaurants. In addition, a maximum front yard depth is typically established and front yard parking is prohibited.
- **Compactness:** Mixed use developments are typically denser than suburban-style and strip commercial development. Such compactness contributes to the walkability of the development.
- **Community-serving facilities:** A variety of civic and public uses, such as schools, libraries, day-care centers, and government buildings, may be provided as part of the mix of uses.
- Convenient **vehicular and pedestrian/bicycle access** from surrounding neighborhoods.
- **Transit service:** Because mixed-use developments are typically dense and offer a variety of uses, they are desirable destinations for transit service. If provided, transit service may decrease the amount of vehicular traffic to the development and the amount of parking needed on-site.
- **Modified parking layout:** In order to achieve a walkable, integrated development with an active street frontage, parking must be carefully designed. Parking is typically ancillary to the development, located behind or to the sides of buildings, with clearly defined pedestrian walkways that link parking to nearby buildings.

The mixed-use activity centers proposed in the Conceptual Land Use Plan are of several types:

- **University-Related Center** is designated on one large, undeveloped property located in close proximity to the UB North Campus. Larger in scale than the other mixed-use center types, this center is intended to provide for employment, housing, and other uses in support of the

**Types of Mixed-Use Centers**

- University-Related Center
- Special Use Centers
- Highway/Intersection Centers
- Urban/Village Centers

University, while helping to achieve Comprehensive Plan objectives and policies for land use and related elements.

- **Special Use Centers** contain a mix of ancillary uses related to a major civic or institutional presence. The scale and types of land uses in these centers should complement their purpose and function while complimenting and reinforcing the character of the surrounding neighborhood.
- Largely suburban, automobile-oriented in nature, **Highway/Intersection Centers** typically occur at major roadway intersections. At these locations a mixture of office, retail and higher density housing is appropriate, but requires greater attention to design, relationships between uses, pedestrian linkages, and access management.
- **Urban/Village Centers** are intended to promote a compact, pedestrian-friendly development pattern that reflects the character of Amherst’s traditional commercial centers. Included are established centers serving neighborhoods in the Williamsville, Eggertsville, and Snyder areas; two of Amherst’s original hamlets (Swormville and Getzville); and a proposed new “Urban/Village center” in Northeast Amherst.

**University-Related Center:** This area is located on the east side of Millersport Highway across from the UB campus in the University Focal Planning Area (see Section 10.3). It is envisioned as accommodating a mix of residential and non-residential development with a variety of activities serving both the University community and private businesses and residents. Open space and recreational trails should be an integral part of the development. Examples of other potential uses include:

- Off-campus student /faculty housing
- Other housing facilities catering to groups interested in living in a University environment
- Technology, research, and development functions
- Business development incubators
- Life-long and community outreach education programs
- Conference facilities
- Arts and athletic venues
- Hotels and other commercial uses typically found in a community center serving both the University and the Town

As proposed by Economic Development Policy 5-7, the Town should actively engage the University in planning for the appropriate development of this property. This should include shifting some present and planned activities from the campus academic core to off-campus, mixed-use edges where businesses and the community can benefit from the presence of the University.

### Special Use Centers

Special use centers shown on the Conceptual Land Use Plan include:

- Millard Fillmore Suburban Hospital
- John James Audubon Parkway Municipal Complex
- Hopkins Road/Dodge Road
- Hopkins Road/Klein Road (Clearfield)
- Evergreen Landing

***Millard Fillmore Suburban Hospital:*** Located at the intersection of Maple Road and Youngs Road, the Hospital, assisted living facilities, and adjacent office and higher density residential uses constitute an established activity center. Designation of this area as a special use center is intended to recognize, reinforce, and integrate its medical functions, providing a focus for future medically-related development, and limit incursions into adjacent lower density residential areas.

***John James Audubon Parkway Municipal Complex:*** As with the Millard Fillmore Suburban Hospital area, the municipal facilities located on the east side of the John James Audubon Parkway are designated as a special use center in recognition of their established function as a center of community activity. Future policy for this center should be directed toward increasing the integration of uses (e.g., shared use facilities) and improving accessibility and connections to surrounding land uses and to the Town as a whole, including a linkage to the open space and greenways network.

***Hopkins Road/Dodge Road:*** The Hopkins Road/Dodge Road intersection supports commercial and office development typical of a neighborhood commercial center and the Williamsville North and Casey Middle Schools. It is designated as a special use center to reinforce its role as a focus of neighborhood activity through measures such as shared (community) use of school facilities and enhanced pedestrian access among adjacent residential and non-residential areas.

***Hopkins Road/Klein Road (Clearfield):*** Uses at the Hopkins Road/Klein Road intersection include the Clearfield Recreation Center, Clearfield Library, and commercial and office development. Like the Hopkins Road/Dodge Road intersection, Clearfield is designated as a special use center to reinforce its role as a focus of neighborhood activity. Reinforcement/establishment of the center should be used as an opportunity to strengthen and maintain the existing neighborhood commercial center, improve pedestrian access, and promote shared use opportunities among surrounding facilities.

***Evergreen Landing:*** As proposed in the Joint Local Waterfront Revitalization Program (JLWRP), the Evergreen Landing mixed-use area, located adjacent to the Erie Canal and Niagara Falls Boulevard, is envisioned as a new pedestrian-friendly neighborhood providing enhanced access to open space along the waterfront. It is proposed to have a village setting, enabling residents to live close to the waterfront, with opportunities for shopping and working within walking distance of their homes. Along the canal waterfront, a combination of waterfront-related mixed-use development, open space, and housing would be provided. Along Niagara Falls Boulevard, it is proposed that there be neighborhood commercial development. The remainder of the area would include a mix of apartments, patio homes, and single-family homes. In addition, an enhanced circulation system would be provided to facilitate all modes of travel.

### **Highway/Intersection Centers**

Highway/intersection centers include the following three community commercial centers intended to serve retail and office needs in the central part of the Town:

- Sheridan Drive/Hopkins Road/Centerpointe
- Maple Road/North Forest Road
- Millersport Highway/North French Road

***Sheridan Drive/Hopkins Road/Centerpointe:*** This intersection supports automobile-oriented commercial uses surrounded by higher density residential and office development, and the Mill Middle School. Future policy for this center should reinforce its role as a community commercial center; promote better design, connections between uses, and access management; and prevent expansion of commercial uses into adjacent residential areas. This center provides essential services to the Centerpointe Corporate Park. New development and redevelopment efforts should focus on strengthening the physical relationship between the commercial center and the Corporate Park.

***Maple Road/North Forest Road:*** This mixed-use center is bounded on the west by Ellicott Creek and extends east along Maple Road just beyond the power line right-of-way. It contains commercial, office, higher density residential and institutional uses, including Maple West Elementary School. The objectives for this center are similar to those described above for the Sheridan Drive/Hopkins Road center. It should capture the demand for commercial retail needs along Maple Road in the center of the Town, with further commercial development along Maple Road to the east prohibited. Connections should be sought between non-residential uses and a connection should be established from this center to the greenway along Ellicott Creek.

The Maple Road/North Forest Road center is located at the southeast corner of the University Focal Planning Area (Section 10.3).

**Millersport Highway/North French Road:** This intersection is largely undeveloped and abuts the CrossPoint Business Park, an emerging center of employment in Northeast Amherst. Designation of this mixed-use center is intended to capture the demand for commercial uses along North French Road. Locating uses typical of community commercial centers here will provide opportunities for both residents of the surrounding area and persons working in the business park to shop and work. The predominantly undeveloped character of the area provides the opportunity to establish a visually attractive, pedestrian-friendly center with connections to adjacent land uses. Wetlands on the north side of North French Road should be preserved as part of the Town’s open space and greenways network and be linked to CrossPoint as open space/parkland.

**Urban/Village Centers**

Designation of established commercial areas as urban/village centers is intended to promote greater flexibility for a variety of complementary uses to ensure continued economic viability. Such centers are intended to provide integrated mixes of retail shops, services, and higher density housing (including residential use above commercial), along with civic functions such as schools. Careful attention in design to existing character and scale, pedestrian orientation, facade design, and placement of shared parking to the rear and sides will enhance neighborhood identity and provide momentum for reinvestment. Urban/village centers designated on the Conceptual Land Use Plan include:

*Urban/Village Centers* include established centers in the Williamsville, Eggertsville, and Snyder areas; historic hamlets (Swormville and Getzville); and a proposed “village center” in northeast Amherst.

- Main Street/Bailey Avenue/University Plaza
- Main Street/Eggert Road
- Main Street/Harlem Road
- Harlem Road/Kensington Avenue
- Williamsville Village Core
- Swormville
- Getzville
- Millersport Highway/New Road/Smith Road

**Main Street/Bailey Avenue/University Plaza:** This center exhibits different characteristics as it extends west from Niagara Falls Boulevard along Kenmore Avenue and Main Street to Bailey Avenue across from the UB South Campus. In addition, smaller scale mixed-uses extend north along Bailey Avenue to the Grover Cleveland Highway intersection.

The center is anchored by the University Plaza, which has recently been renovated. Location of moderately sized uses typical of a community commercial center should occur within the plaza. The

remainder of the center features shallow lots located along Main Street, Kenmore Avenue and Bailey Avenue. These areas should feature traditional scale commercial uses that are consistent with and complement the surrounding residential areas. Given the transfer of undergraduate programs and student housing to the North Campus, shifting demographics in adjacent residential areas, and competition from newer, larger retail centers, opportunities should be sought to reinforce the area’s attractiveness as a neighborhood and campus-oriented center. The programmed reconstruction of Main Street and the University at Buffalo’s University Community Initiative have the potential to improve streetscape character and stimulate investment in the center and surrounding neighborhoods. The *Eggertsville Action Plan* provides regulatory and urban design recommendations for this center.

**Main Street/Eggert Road:** Located at the first major intersection on Main Street in Amherst east of the City of Buffalo, this area currently functions as a traditional commercial center with a mix of uses such as small-scale commercial, institutional, mixed residential, and office uses. Future policy for this center should be directed toward maintaining its viability through regulatory changes and visual improvements to protect its character and encourage appropriate new investment. This character should be reinforced through pedestrian-oriented streetscape improvements and encouragement of compatible mixed-use and commercial uses typical of a traditional commercial center. Several recommendations are provided in the *Eggertsville Action Plan*.

Both the Main Street/Bailey Avenue/Kenmore Avenue and Main Street/Eggert Road centers are located in the Eggertsville Focal Planning Area (see Section 10.4).

**Main Street/Harlem Road:** Like Main Street/Eggert Road, the intersection of Main Street and Harlem Road currently functions as a traditional commercial center with a mix of smaller-scale commercial, office, and institutional uses. Snyder Square and Snyder Square II are good models of the types of pedestrian-oriented, mixed-use development that should be promoted in urban/village centers. This character should be reinforced through pedestrian-oriented streetscape improvements and encouragement of compatible mixed and commercial uses typical of a traditional commercial center.

**Harlem Road/Kensington Avenue:** The Harlem/Kensington commercial area contains a mix of automobile-oriented development (mostly along Kensington) and older, pedestrian-oriented buildings pulled up to the street right-of-way (mostly along Harlem). Particularly along Harlem Road, the area contains buildings that are vacant or underutilized and in deteriorated condition. The Towns of Amherst and Cheektowaga are



*Snyder Square.*

completing an economic development strategy for Harlem, Kensington, and Cleveland Drive (located in Cheektowaga). The recommended strategy for the Harlem/Kensington/Cleveland area is to enhance its role as a neighborhood center by encouraging more diverse uses (e.g., higher density residential and specialty retail), improving the visual environment and attractiveness for pedestrians through streetscape/façade improvements, and addressing access management and parking issues. Nonresidential land located within the Town of Amherst generally abuts single-family residential homes. Redevelopment of these properties should be consistent with uses and design found in a traditional commercial center. Pedestrian-friendly streetscape improvements should be provided in the programmed Harlem Road reconstruction project.

Both the Main Street/Harlem Road and Harlem Road/Kensington Avenue centers are located in the Snyder Focal Planning Area (see Section 10.5).

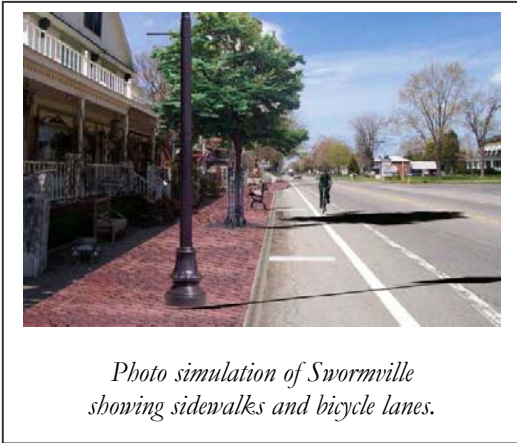
***Williamsville Village Core:*** The entire length of Main Street from I-290 to the eastern village boundary functions as a mixed-use corridor and is so designated on the Conceptual Land Use Plan. The character of this corridor varies from automobile-oriented commercial development at the I-290 interchange to the pedestrian-oriented streetscape of the village core from Reist Street to Evans Street. In contrast to other commercial centers in southern Amherst such as Main Street/Harlem Road and Harlem Road/Kensington Avenue, the Main Street corridor through Williamsville contains a mixed scale of land uses typical of neighborhood and even community-oriented commercial centers, but features design and scale of a village. Many of the businesses are destinations that attract people from a wide area. The pedestrian-oriented character of the Village Core is key to the attractiveness and viability of the Main Street corridor as a business district. Development within the core falls under the jurisdiction of the Village of Williamsville. Development along Main Street adjacent east and west of the core, outside the Village, falls under the jurisdiction of the Town. New development or redevelopment in these areas should be of appropriate scale and design to result in a successful architectural transition from the existing scale and character found in the core. Future policy for this center should maintain and enhance the established character; address the impacts of vehicular traffic; and generally encourage a more pedestrian-friendly environment extending outward from the core along the length of the corridor.

The Williamsville Village Core is located in the Williamsville Focal Planning Area (see Section 10.6).

***Swormville:*** This historic hamlet is located along the west side of Transit Road north of North French Road. It possesses the attributes of a “village center” with small-scale shops contributing to its character. This character should be reinforced through



pedestrian-oriented streetscape improvements and encouragement of compatible mixed and commercial uses typical of a traditional commercial center. Pedestrian connections should be established to surrounding neighborhoods in Ransom Oaks, to the proposed greenway along Ransom Creek, to the shopping center and adjacent residential development along North French Road to the south, and to the Town of Clarence to the east.



*Photo simulation of Swormville showing sidewalks and bicycle lanes.*

**Getzville:** Located at the intersection of Campbell Boulevard and Dodge Road, Getzville is another of Amherst’s historic hamlets. Existing land uses include small-scale commercial development focused on the Port of Entry Square, residences, a fire station, and a small park. Designation of Getzville as a Urban/“Village” center is intended to reinforce its historic character and function as a small-scale activity center distinct from nearby automobile-oriented commercial development along Millersport Highway. This character should be reinforced through pedestrian-oriented streetscape improvements and encouragement of compatible mixed and commercial uses typical of a traditional commercial center. Pedestrian links should be established to the Audubon Community and to the planned Canandaigua and Niagara Falls trail along the Peanut Line right-of-way west of Millersport Highway.

**Millersport Highway/New Road/Smith Road:** This proposed activity center is located at the intersection of three highways and Ransom Creek in the North Amherst Focal Planning Area (see Section 10.2). It represents one of the Town’s most interesting opportunities for creative, mixed-use development. Long designated for large-scale commercial development, the quantity of retail use permitted by existing zoning may no longer be necessary or feasible to serve the population of the surrounding, largely rural area. However, this area has significant potential to develop as a more diversified “village center” comprised of smaller-scale mixed and commercial uses typical of neighborhood centers. The center should feature a neighborhood-serving cluster of retail, service, office, and recreational uses. This center should be surrounded by compact, somewhat higher density residential development and open space (conservation development) and integrated with generous parkland and a greenway along Ransom Creek. This area is also destined to become one of the Town’s most significant and scenic gateways, marking the transition from “suburban” to “rural” Amherst.

### 3.3.4 Community Facilities

Community facilities include public schools, police and fire stations, libraries, community centers, post offices and other government and institutional services provided to meet the needs of the local resident population. Generally not included in this

category are churches, which are incorporated into the land use designations for the surrounding neighborhoods. When proposed for location within a neighborhood, it is important to ensure that structures associated with churches and other community facilities are designed to maintain the scale and character of the surrounding area. Wherever possible, existing and new community facilities should be multi-purpose and integrated within mixed-use activity centers (see Community Facilities and Services Policy 9-4). In the event a community facility is closed or relocated, redevelopment of the facility and surrounding lands should be pursued pursuant to Policy 3-9 (Amended 2-28-11; BCPA-10-1).

Community facilities are discussed in greater detail in Chapter 9.

### 3.3.5 Educational Campuses

Educational campuses designated on the Conceptual Land Use Plan include the UB North Campus, Erie Community College, Daemen College, and public schools. These institutions are important community assets and are key to the Comprehensive Plan initiative to position Amherst as a “knowledge-based” community.

*Educational campuses* are important community assets and key to the Comprehensive Plan initiative to position Amherst as a “knowledge-based” community.

Although colleges and universities typically retain control of use patterns within their campuses, these activities have very significant impacts on the Town. Not only are they centers of employment and major traffic generators, they also create demand for other uses, including off-campus housing and commercial development. In the past, there has been limited collaboration between the Town and these institutions on planning for well-designed edges to the campuses. Nevertheless, there exists a very significant mutual interest to expand such collaboration, particularly regarding the development of campus transition areas and off-campus housing (see Economic Development Policy 5-9).

#### University at Buffalo

The largest university center in the State University of New York (SUNY) system, UB’s North and South Campuses, are significant features on the town’s landscape. Progressive universities and host communities throughout the nation are engaging in a wave of joint development activity to more seamlessly merge the “town-gown” transition at campus edges. The design of UB’s North Campus, with its internal organization and the “hard edge” at major highways, does not lend itself to such a seamless transition from campus to town development patterns. Nevertheless, there are a number of development opportunities surrounding the campus that could serve both the Town and UB. Despite the University’s development of on-campus student housing and efforts to strengthen campus life, a large proportion of students, as well as faculty and staff, will continue to live off-campus.

Providing higher density housing available to these groups immediately adjacent to the campus will reduce commuting times, lower traffic levels in the Town, and reduce pressure on older neighborhoods where students seek affordable off-campus rental housing. Such housing can be accommodated in areas designated for Medium Residential and Mixed Residential to the north and west of the UB North Campus including the Sweet Home Road area immediately to the west of the University's Rensch Road entrance.

Another major opportunity for development to serve campus and Town needs is on the presently undeveloped property owned by the University to the east, between Millersport Highway and Ellicott Creek. As discussed above, this designated mixed-use center could accommodate a well-planned "University Village," including additional housing serving the University community. Locating campus functions such as bookstores in this center would take advantage of a much larger community-wide market and revenue potential when placed at University edges and also provide an opportunity for a much-needed University – Town interface. In 2007, the University began a planning process that may provide a campus development strategy that further defines uses that could benefit from such a campus edge location. In accordance with Policy 5-9, the Town should take the initiative to structure an on-going collaboration on campus edge development issues and other campus growth issues which impact the Town, its services and facilities, and its neighborhoods.

While not located within Amherst, UB's South Campus exerts a significant influence on land use in the Eggertsville area of the Town. Because the movement of students and academic functions from the South to the North Campus will affect the stability of this area, the Town and UB should continue to work together on initiatives such as the Main Street/Bailey Avenue/University Plaza activity center to strengthen surrounding residential neighborhoods and businesses in the Town and the City of Buffalo (see Economic Development Policy 5-7).

### **Erie Community College – North Campus**

With the highest enrollment of the three campuses that comprise Erie Community College (ECC), the North Campus makes a variety of educational, vocational, and recreational activities available to Erie County residents. Opened in 1960, the campus is situated among the office and industrial parks in Southeast Amherst in the vicinity of the Buffalo-Niagara International Airport. The campus provides numerous opportunities for knowledge-based activities and collaboration with surrounding businesses. This plan reflects a commitment to its current uses.

The County is conducting an institutional assessment to consider the future of ECC and its facilities. The assessment may conclude that the College should consolidate its facilities or relocate

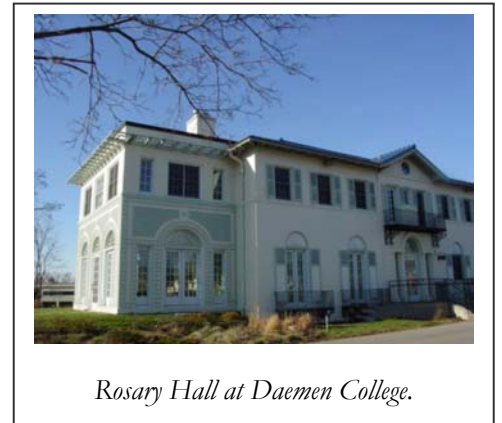
programs. As these discussions evolve, the public should be engaged in the decision-making process. If a decision is made to close the North Campus, the Town will consider the following recommended uses for the Campus property:

- Community recreation facilities and athletic fields
- Location for a Williamsville/Southeast Amherst Youth and Family Center
- Mixed-use activity center with office, neighborhood commercial, science technology, and educational uses

Redevelopment of the structures and surrounding lands should also be consistent with Policy 3-9 (Amended 2-28-11; BCPA-10-1).

### **Daemen College**

Originally established as Rosary Hill College in 1947, Daemen College is the oldest institution of higher learning located in Amherst. Recent construction of new classroom facilities and replacement of student housing have enhanced the campus and student life. Located across from Amherst High School and within walking distance of the Main Street/Harlem Road activity center, the College is well positioned to support knowledge-based community education initiatives in the Eggertsville-Snyder area and mixed-use commercial activities at the center. The College and the Town should continue to work together to ensure that new development around the edges of the campus is designed to complement the surrounding neighborhoods.



### **Public Schools**

Public schools within the Town are operated by three school districts – Amherst Central, Sweet Home Central, and Williamsville Central – that consistently rank above average in New York State in student performance. Public schools are important resources as centers of community activity and for their educational contributions to Amherst’s status as a knowledge-based community. The Town should work with the school districts to develop arrangements for sharing facilities and programs that advance this status.

### **3.3.6 Recreation and Open Space**

This broad land use category comprises a variety of lands that will remain predominantly undeveloped. These lands include:

- *Public Parks, Recreation and Open Space*, comprising primarily of active and passive parks
- *Private Recreation and Open Space*, of which private golf courses are a major component

- Lands subject to environmental regulations that will largely preclude their development, including the **Floodways** designated by the Federal Emergency Management Agency (FEMA), and **Wetlands** regulated by the New York State Department of Environmental Conservation (NYSDEC)

Policies 3-13 to 3-15 and the Parks, Open Space and Trail Map (Figure 4) focus on the planned pattern of parks, greenways and other land areas that will remain protected from development through a variety of techniques, as described in the text for these policies. Nevertheless, it is useful to view these resources in the context of other land uses. Several issues are worthy of note:

- The total proportion of open space within the Town
- The abundance of open space in north Amherst
- Opportunities to link open spaces as community-wide form-givers and as components of mixed-use centers

**Total proportion and distribution of open space:** The various categories of parks, open space, and environmental resources above represent some 20% of the total land area of the Town. This figure compares favorably with typical parks and open space ratios maintained in similar high quality communities. However, the distribution of these lands throughout the Town is uneven. A large proportion of the parks and open space resources lie within a relatively few very large sites, such as Nature View Park, adjacent agricultural areas, and the Great Baehre Conservation Area. The bulk of these designated resources and protected wetlands and floodways lie north of Maple Road. Conversely, there are few parks and other open space resources in the older, more densely developed areas of south Amherst. This reinforces the policy direction to seek opportunities to establish parks in older parts of town and to pursue greater joint utilization of school recreation areas.

**Open space in North Amherst:** Related to the distribution of parks and open space within the Town is the abundance of these uses in the northern part of Amherst. Comprising Nature View Park, the Smith Road Open Space area, lands reserved for agriculture, the Ransom Creek Floodway, as well as several smaller parks, wetlands and golf courses, the remaining developable land east of Sweet Home Road and north and west of North French Road/I-990/Millersport Highway is limited and highly fragmented. This reinforces the policy direction to retain low density, rural residential patterns with reduced commercial development along roadways that should remain residential in character. It should be noted that the Ransom Creek Floodway traverses areas partially developed and designated in present zoning for residential and commercial use. While the floodway will form a “gap” in the pattern of development, it also provides an opportunity for an important greenway “linkage element” and

serves as a natural “edge” to the largely developed suburban patterns to the south. Conversely, the large areas in north Amherst that will remain undeveloped and not served by public sewer reinforce the policy direction to cluster compact, efficient mixed-use development at convenient, highly accessible centers. Examples include the mixed-use centers designated for the vicinity of Millersport Highway/New Road/Smith Road and the North Audubon Parkway property.

***Open space linkage opportunities:*** Opportunities should be sought to link parks and open spaces via trails, greenways, stream corridors, and scenic roads, thus integrating open space as a key component of the Town’s character and quality of life. These opportunities are comparable in importance to the total proportion of open space and its distribution throughout the Town. Such opportunities are depicted on Figures 4, 5 and 6. Open space linkages may be located on lands that are publicly or privately owned, or a combination of the two. Some of these lands may be publicly accessible, and others may continue to be privately held and inaccessible to the public. While such lands may not be publicly accessible, they contribute to the overall open space network through both environmental and aesthetic benefits. Publicly owned trails and public lands or rights-of-way that could potentially accommodate a trail should not be sold or otherwise disposed of by the Town.



As shown in Figure 4, two types of trails are proposed as linkages. Multi-use trails, such as the Ellicott Creek and Canal Trailway, are improved, paved paths with amenities such as shelters, water fountains and signs. These paths are active recreational facilities that are regularly maintained and patrolled by public safety officials. A second type of trail, “natural trails,” is also proposed. Natural trails are unimproved, publicly accessible corridors that traverse the Town and can serve as connections between public facilities such as schools and parks, and within recreation areas and neighborhoods. Natural trails, though unimproved, may require basic signage and maintenance to ensure public safety.

### **3.3.7 Agriculture**

Agriculture once played an important role in Amherst’s economy and way of life. While its economic influences have diminished in recent years, farming and agriculture continue to play a significant role in defining the character of Northern Amherst. Coupled with Policy 3-3, which calls for modifying the use of Suburban-Agriculture (S-A) zoning as a holding zone and Policies 7-3 and 7-4, which call for limiting future sewer extensions and creating a special district to maintain septic systems outside the sewer district, designation of areas in North Amherst for agricultural use is an important component in the pursuit of diverse community

character. Ensuring the long-term viability of agriculture and farming operations is key to maintaining diverse neighborhoods, including those with rural character. The Plan designates areas where agriculture and associated activities provide a unique setting in the town, including:

- Agricultural Lands, included in Erie County Agricultural District #17
- Lands acquired or designated for acquisition through the Town's purchase of development rights program, the Farmland Protection Program
- Lands adjacent to such areas where the long-term viability of agriculture may be threatened by inconsistent uses or infrastructure development that represents urban/suburban encroachment.

To support the agricultural area, the Town should develop a zoning district permitting agriculture and associated land uses that are complementary to farming. Additionally, uses of land surrounding agricultural areas should be limited to those that minimize impacts on farming and are not adversely affected by farm operations.

### 3.3.8 Southeast Amherst

*Southeast Amherst* has special planning issues and is the highest priority area for development of a Neighborhood Improvement Plan.

Although not identified as a focal planning area, Southeast Amherst has special planning issues due to the juxtaposition of intense office/commercial and residential uses. The area is surrounded by arterial highways (Sheridan Drive, Main Street, Wehrle Drive, and Transit Road) that have been improved or are programmed for improvement. In addition, the Greater Buffalo-Niagara Regional Transportation Council's Long-Range Transportation Plan includes a project to construct a Youngs Road/I-90 interchange. The increased accessibility resulting from these roadway improvements will promote further pressures for growth and change in the area.

A plan for Southeast Amherst was last prepared in the 1980s and is now out-of-date. In recognition of the special challenges facing the area, Southeast Amherst should receive the highest priority for development of a Neighborhood Improvement Plan as discussed in Housing and Neighborhoods Policy 8-9. Key issues that should be addressed by the plan include:

- Transitions and buffers/landscaping between residential and nonresidential uses
- Increased street and pedestrian connectivity within and between residential neighborhoods, combined with measures to prevent "cut-through" traffic associated with nonresidential uses

- Increased recreational opportunities, including neighborhood parks and greenway/trail connections

As a “model” for the Town’s Neighborhood Improvement Program, the plan for Southeast Amherst should address compliance with the Conceptual Land Use Plan and the goals and policies of the Amherst Bicentennial Comprehensive Plan. It should contain an implementation element that specifies the actions to be taken to implement the plan and their time frames. These actions should include both regulatory changes and capital improvement projects to be implemented by the Town.

### **3.3.9 New Community District**

The Audubon New Community was established in the 1970s through a contract between the Town of Amherst and the New York State Urban Development Corporation (now Empire State Development Corporation (ESDC) to accommodate development supporting the UB North Campus. Currently, New Community District (NCD) zoning extends north from the campus and undeveloped land across Millersport Highway to well north of North French Road between Sweet Home Road and Campbell Boulevard (see Figure 3). The Conceptual Land Use Plan indicates the proposed pattern of land uses within this area, including the establishment of University-related mixed-use centers on the two largest undeveloped properties in the District exclusive of Nature View Park. The proposed land use pattern is intended to update the original Audubon New Community Plan in response to current conditions and the objectives of the Comprehensive Plan. As part of plan implementation, the Town should initiate discussions with the ESDC regarding the future status of the New Community District zoning and the termination of the current contract. A mechanism should be developed to ensure an orderly transition that eliminates the ESDC role in land use decision-making.



## **4.0 Natural and Cultural Resources**

### **4.1 OVERVIEW**

***Priority Action Program:  
Natural and Cultural Resources***

- Initiate a community-wide tree planting and re-vegetation program (Greening Amherst)

Amherst’s rich environmental and cultural resources contribute greatly to the Town’s quality of life and community character. Although much of the Town is developed, many valuable sensitive lands and historic resources have been preserved. Important resources within Amherst include:

- **Surface water resources:** Amherst has a number of significant surface water resources, including the Tonawanda Creek (Erie Canal), Ellicott Creek, and Ransom Creek. These waterways provide recreational opportunities, irrigation, options for stormwater management, and important wildlife habitat.
- **Floodplains:** Floodplains have been mapped by the Federal Emergency Management Authority (FEMA). The floodway and 100-year floodplain are important demarcation areas for planning due to special construction requirements within these sensitive areas. Due to level terrain, abundant water resources, and poorly drained soils, a significant part of the Town (including most of Northeast Amherst) lies within the 100-year floodplain.
- **Wetlands:** Several large wetland areas exist within Amherst, many of which are protected as part of the Town’s existing public open spaces. Wetlands are important due to their value as habitat and their ability to reduce the impacts of flooding and enhance water quality.
- **Woodlands:** While much of Amherst’s natural vegetation has been cleared for development or agriculture, significant amounts of woodland remain, particularly along stream corridors, in wetland and conservation areas, and in the northern part of Town. In addition to providing environmental benefits such as habitat for wildlife and improved air and water quality, woodlands make important contributions to Amherst’s visual character.
- **Soils:** Much of Amherst is underlain by poorly drained soils that were formed from silts and sands deposited at the bottom of a glacial lake. Most of the soils are deep, nearly level, and have the potential for saturation. In addition, many of the soils

have the ability to produce high yields and are designated as agriculturally significant soils at the state and federal levels.

- **Historic and cultural resources:** Due to its location along the Erie Canal and its role in the growth of Western New York, Amherst has many potentially significant historic structures. Currently, there are six local historic landmarks within the Town and ten within the Village of Williamsville. Two surveys of historic resources within Amherst have identified other potentially valuable historic resources in the Town. In addition, the cultural, visual, and performing arts offered by institutions such as the University at Buffalo and Daemen College are important community resources. Musicfare Theatre at Daemen College is identified as a “resource of county-wide significance” in Erie County’s *Guiding Principles for Countywide Land Use Planning*.

The Comprehensive Plan Vision Statement speaks to the importance of preserving natural, historic, and scenic resources throughout Amherst. The goals, objectives, and policies of this element are designed to promote the preservation and management of these critical resources for the benefit of present and future generations and the surrounding region. These resources have significance beyond Amherst, and Erie County has identified many as having countywide importance. Planning for these resources should be regional in perspective, involving the County and surrounding municipalities.

<p><b><i>Vision Statement Directions: Natural and Cultural Resources</i></b></p> <ul style="list-style-type: none"><li>• Preserve open space, natural, and scenic resources</li><li>• Preserve historic resources</li><li>• Protect against noise, light, air, and water pollution</li><li>• Protect woodlands and tree canopy</li></ul>
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## **4.2 GOALS, OBJECTIVES, AND POLICIES**

### **GOAL**

***Sensitive environmental and cultural resources identified and preserved as part of the physical fabric of the community***

### **OBJECTIVES**

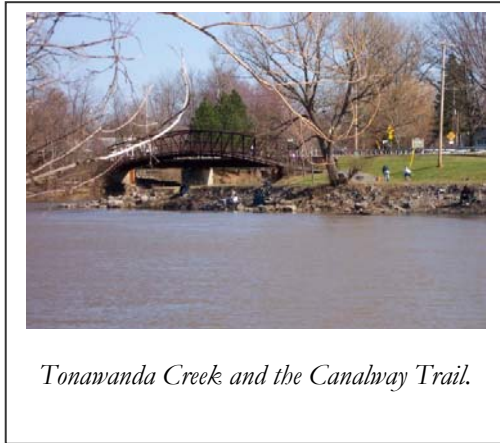
- Establish an interconnected open space network that incorporates significant natural and cultural resources
- Protect sensitive environmental resources through improved regulations, policies, and management, including:
  - Water resources and wetlands
  - Air quality
  - Trees and woodlands
  - Historic and cultural resources

### **POLICIES**

#### **A. Open Space System**

Establishment of a town-wide network of parks, open spaces, and greenways is one of the organizing principles of the Land Use and Development Element, as described in Policies 3-13 to 3-15. This

network is envisioned as a primary means of accomplishing preservation of sensitive natural and cultural resources.



*Tonawanda Creek and the Canahway Trail.*

**4-1 Establish greenway corridors along streams as part of a town-wide open space system.**

Land Use and Development Policy 3-13 proposes establishment of a town-wide open space and greenway network to be achieved through a variety of mechanisms, including public acquisition, conservation development options, and private landowner conservation. As illustrated in the accompanying Parks, Open Space and Trail Map (Figure 4) and Conceptual Land Use Plan (Figure 6), greenway corridors along streams and associated water resources (100-year floodway and wetlands) are essential components of this network.

**4-2 Provide conservation development options to encourage dedication of significant habitat as permanent open space.**

Conservation development is a technique that groups houses and roadways closer together in compact patterns, thus accommodating development while preserving valuable open space and environmental resources. As described in Policy 3-14, the Town should enact new regulations to encourage use of this option for new developments where public sewer is available or soils are conducive to on-site sewage disposal. The regulations should include standards for the dedication of significant natural resources and habitat areas as permanent open space.

**4-3 Acquire land or development rights on land with environmental resources of local significance, consistent with an open space plan or determined to be in the public interest.**

Policy 3-15 proposes that the Town initiate a public acquisition program to help develop an open space and greenway network. The presence of sensitive natural or historic resources should be one of the basic criteria used to identify properties for potential acquisition as part of the network.

**B. Water Resources and Stormwater Management**

Figure 7 depicts water resources within the Town of Amherst. Water quality and stormwater management issues have been documented for all of the Town’s three major streams. Policies 4-4 to 4-8 are designed to promote improved protection and management of the Town’s water resources. The Joint Local Waterfront Redevelopment Plan (JLWRP) also provides guidance and policies for environmental protection and preservation along the Tonawanda Creek/Erie Canal corridor.

**4-4 Establish buffer/setback standards for new development to help protect streams of significance.**

Riparian or streamside buffers comprised of native vegetation are one of the most effective methods of protecting water quality. Instituting setback standards for all new development along

waterways designated as Class C or above by the New York State Department of Environmental Conservation (NYSDEC) will contribute to improving the water quality of Amherst's streams.

Stream banks and associated natural buffer zones are extremely important to the health of the stream. A buffer will help ensure that vegetation along the streambank remains healthy and provides shade, food, and nutrients to the system. The roots from the vegetation help to stabilize the streambank and reduce erosion and siltation, a particular problem for Amherst's waterways. The leaf litter, roots, and ground cover in riparian buffers also act to filter sediment and other pollutants that would otherwise enter the waterway. Lastly, a buffer increases visual quality and provides for increased recreational potential and wildlife habitat.

In addition to setback standards, the Town should consider instituting management guidelines for different types of buffer zones. These guidelines would establish acceptable and unacceptable uses within the buffer and could address vegetation goals for each zone within the buffer. Residents and landowners should be encouraged to maintain the natural vegetation of riparian areas, which often are mowed and maintained as lawns. Mowing destroys native vegetation and prevents new plants from taking root. Private lawns are often treated with fertilizer and pesticides that can contaminate surface water. Signage could be installed along buffer boundaries to educate the public and encourage proper usage. These preservation standards should be applied to significant stream corridors as identified by Erie County in the *Guiding Principles for Countywide Land Use Planning* (1999).<sup>3</sup>

As a long-term goal, streamside buffer areas could be incorporated into the Town's open space network.

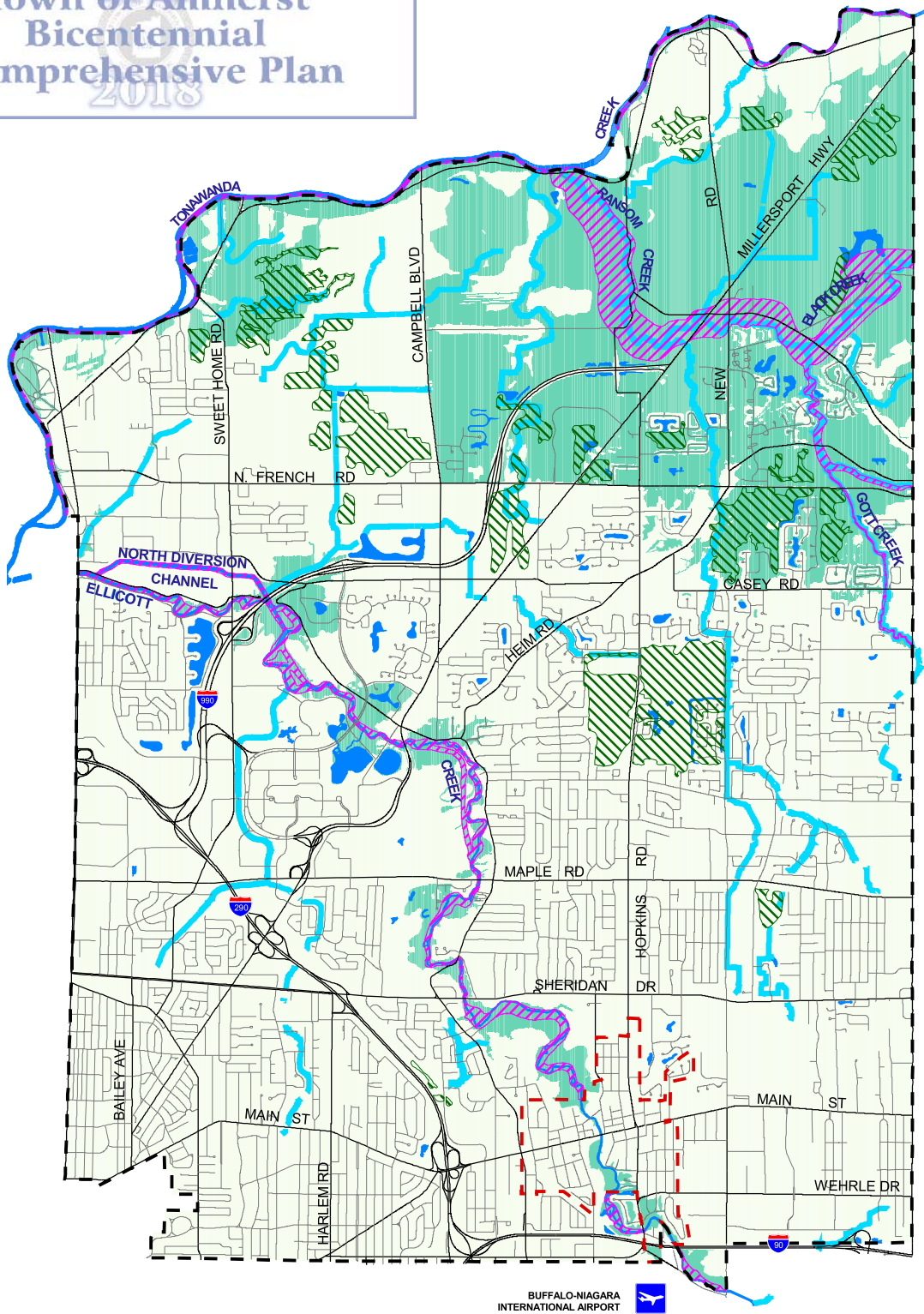
#### **4-5 Adopt a town policy of no net loss of designated or jurisdictional wetlands within the town.**

There are over 1,500 acres of wetlands designated by the NYSDEC in Amherst, mostly in the northern part of town. Wetlands provide numerous benefits, including flood mitigation, filtering of contaminants from stormwater runoff, provision of wildlife habitat, and recreational opportunities. Many of Amherst's larger wetland areas are protected as part of existing public open spaces. While state and federal regulations restrict the development or filling of jurisdictional wetland areas, local efforts to supplement these regulations would help to prevent an overall net loss of wetlands within the Town. Figure 7 illustrates the location of jurisdictional wetlands regulated by the NYSDEC. Federal jurisdictional wetlands are delineated on a case-by-case basis, and therefore their location and extent is not known.

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<sup>3</sup> This report designates stream corridors having countywide significance as identified by the Erie County Department of Environment and Planning.

1818  
Town of Amherst  
Bicentennial  
Comprehensive Plan  
2018



BUFFALO-NIAGARA INTERNATIONAL AIRPORT



**FIGURE 7**

**WATER RESOURCES**

**LEGEND**

- NYSDEC Regulated Wetland
- Surface Water Body
- FEMA Floodway
- Village of Williamsville Boundary
- FEMA 100-Year Floodplain
- Municipal Boundary
- Significant Stream Corridors

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst

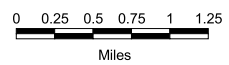
NYSDEC Regulated Wetlands:  
New York State Department of Environmental Conservation (NYSDEC), 1995.  
NYSDEC wetlands are currently under review for change. This map does not reflect those changes.

Map does not illustrate federal jurisdictional wetlands

Floodplains and Floodways:  
Federal Emergency Management Agency (FEMA), 1992.  
Flood Insurance Rate Maps for Erie County, New York.

Map Compiled by Wallace Roberts & Todd, LLC.

Date: February, 2004



A no net loss policy means that jurisdictional wetland losses must be offset by equivalent wetland gains. This can be achieved through a number of mechanisms. First, Amherst could encourage the conveyance of conservation easements to prevent future alteration of wetlands on private properties. The easement would include an enforcement clause that would ensure the wetland area is protected and maintained by the landowner.

The Town could also support wetland mitigation in cases where no practicable alternatives to wetland alteration are available. While protection of existing wetlands is critical and optimal in a no net loss policy, this policy would require creation of a new wetland of equal or greater value when an existing one must be filled. This can either be done directly through the creation of a new wetland or by the purchase of credits from a party that has already established a wetland (referred to as a wetland mitigation bank). To ensure that the no net loss policy maintains the integrity of the current wetlands in the Town, guidelines should be established for the creation of new wetlands. The guidelines should encourage the use of vegetation and hydrology consistent with the characteristics of the current wetland system in Amherst. All created wetlands should have to adhere to these guidelines to ensure that they have the same function and value of the wetlands that were lost. Wetland mitigation areas should be legally protected by conservation easements or land donation.

#### **4-6 Initiate watershed management plans in cooperation with the County and other municipalities in the watershed.**

Due to Amherst's location near the Niagara River and on the Tonawanda Creek, most streams enter the Town after flowing through several other municipalities and a large part of Erie County. Therefore, many of the water quality and stormwater management problems in Amherst's waterways are initiated upstream. Ransom Creek and Tonawanda Creek both have documented water quality issues before entering Amherst and many of the actions taken upstream affect water quality and flooding in Amherst. Amherst should engage other municipalities and government agencies in watershed-based management planning to protect and improve water quality and stormwater management.

Erie County has designated both the Ellicott Creek and Ransom Creek watersheds as environmental features of countywide significance.<sup>4</sup> Watershed management planning for these creeks in cooperation with other municipalities and possibly Erie County would be an effective way to address watershed-wide water quality and stormwater management

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<sup>4</sup> *Guiding Principles for Countywide Land Use Planning*, Erie County Department of Environment and Planning, 1999

issues. Several watershed studies have been completed or are currently underway in Amherst. These efforts could be the starting point to engage other communities and would provide an important information base. The Ransom Creek Improvement Study has been recently completed and focuses on flooding and stormwater management in northeastern Amherst. Other studies include a reconnaissance study of the Ellicott Creek watershed by the Army Corps of Engineers and a Flood Mitigation Plan. Amherst will also likely begin stormwater management planning in order to comply with federal Environmental Protection Agency (EPA) and NYSDEC regulations.

The watershed management planning process should begin with an identification of the major issues within the watershed and the goals of the planning process. This will help to focus planning efforts and ensure that the major benefits of the resource are identified and addressed. After the initial scoping, the planning process should include an inventory of the watershed and collection of all relevant available data. All inventory information should be analyzed by engineers, hydrologists, ecologists, and economists.

After the initial assessment, resource standards and management strategies can be developed based on the initial goals of the plan. Management strategies should address issues on a watershed-wide basis, including opportunities for intergovernmental coordination. Resource standards should reflect the integrated nature of the watershed. Specific actions should be developed to address the strategies and ensure that resource standards are met over time. An implementation schedule should be devised to ensure that the actions of the plan are carried out and have adequate funding. The watershed management planning process should be revisited every five to ten years to measure progress towards goals and to incorporate changes in priorities.

Several guides and references exist on how to develop a watershed management plan. The Center for Watershed Protection in Maryland, the EPA Office of Water, the United States Geological Service (USGS), and the New York DEC all have published guides on watershed management planning. Watershed Plans could also be coordinated with the New York DEC, USGS, or the regional EPA office for guidance and potential funding.

**4-7 Apply “best management practices” (BMPs) to reduce water quality impacts of development.**

Development typically results in an increase in impervious cover and removal of natural vegetation. An increase in impervious cover creates more overland flow, causing water to be unable to infiltrate into the ground and be filtered of

**Best management practices** are measures designed to minimize the impacts of stormwater runoff from land development on water quality. Examples include erosion control during construction, preservation of buffers of natural vegetation, and on-site detention of stormwater to filter out pollutants.

sediment and contaminants. An overall increase in impervious surfaces throughout the Town exacerbates stormwater quality problems. At a specific construction site, stormwater can remove a considerable amount of sediment. Several best management practices can be recommended to improve stormwater quality from new development.

- **Preserve natural vegetation and institute clearing limits for new construction:** Vegetation can be one of the most effective and cost effective methods of improving stormwater quality. Where possible, natural vegetation should be retained in new developments. On sites where existing vegetation has been removed and replanted rather than maintained, it will likely take a number of years for the replanted areas to remove contaminants and sediment at the same rate as the original vegetation. Developers should be encouraged to establish maximum areas to be cleared at a time. Large cleared areas can result in much higher erosion and sedimentation rates and corresponding impacts on water quality.

The benefits of preserving natural vegetation are many. Vegetation decreases water temperature by shading stormwater ditches, waterways, and pavement. Vegetation captures and absorbs water and helps to keep soils permeable. It provides stability to soils that would otherwise erode at a faster rate. It traps and filters potential contaminants and provides habitat.

- **Protect or restrict development on steep slopes:** Although not likely a major problem in the level terrain of Amherst, the protection of unstable or steep slopes will decrease sedimentation in stormwater runoff. Methods of slope protection include mulching, matting, seeding, and installation of retaining walls combined with native plantings. Other methods include piping concentrated runoff from the top of a steep slope to the bottom and creating parallel grooves or terracing the slope to make it more stable.
- **Detention/retention:** One Best Management Practice currently utilized by the Town is to retain stormwater on-site, thus reducing downstream flooding and allowing pollutants to filter out over time. Several methods can be used to detain or retain stormwater. Wet detention ponds have outlets higher than the bottom of the pond, allowing sediment to filter out before the stormwater is released. Establishment of a wetland area in conjunction with a detention pond allows nutrients to be removed by the vegetation and will supplement the sediment controls.



Wetland creation can help retain stormwater and decrease water quality impacts. Vegetation helps to absorb excess nutrients and sediment. Created wetlands can also provide habitat and recreational opportunities.

- ***Sediment collection:*** A number of techniques are used by the Town to prevent sediment from leaving construction sites or recently cleared areas. These include silt fences, buffer strips, temporary drainage swales, temporary berms, and temporary storm drain diversions.
- ***Limit impervious cover:*** As previously stated, impervious cover (pavement and roofs) increases the rate and water quality impacts of stormwater runoff. Limiting the amount of impervious cover can reduce the amount of runoff coming from a site. To the greatest extent possible, vegetation should be kept intact and buffer strips and wetlands maintained or established to offset the impacts of impervious surfaces on stormwater runoff. One technique to reduce impervious cover is “low impact development” (Policy 4-8).

**4-8 Implement “low impact development” standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development.**

Low impact development is an alternative to conventional stormwater management. The intent of this approach is to control stormwater runoff in a cost-effective and ecologically sound manner. It minimizes the disturbance to natural systems, reduces the coverage of impervious surfaces, and infiltrates stormwater on site with the goal of retaining pre-development hydrologic conditions. Low impact development techniques include permeable pavement, bioretention areas (wetlands), and grass swales. Redirecting runoff from rooftops away from storm sewers and into grass swales or irrigation ditches is also an effective method of mitigating the effects of stormwater runoff.

***Low impact development*** is an approach to managing stormwater runoff that minimizes disturbance of natural areas, reduces the amount of impervious surfaces (buildings and pavement), and, to the extent possible, infiltrates stormwater on the site.

Several street design strategies also can reduce the impact of development on stormwater flows. Streets can be designed at the minimum width necessary to accommodate traffic. Center islands can be incorporated into cul-de-sacs to absorb stormwater runoff. Parking areas and driveways can be shared. Setback standards for homes can be reduced. These strategies are consistent with the pedestrian-oriented, compact development patterns described in the Land Use and Development Element.

Conservation development is another low impact development strategy (see Policies 3-15 and 4-2). By maintaining substantial open space areas in natural cover, this approach maintains

natural drainage patterns and reduces development impacts on stormwater runoff and water quality.

The Town should consider revising its existing stormwater management standards to incorporate low impact development techniques. Further research should be conducted on which areas have the most suitable conditions for application of low impact development techniques, as certain site characteristics are more appropriate. In addition, some low impact development techniques require continual maintenance. Individual homeowners might not have the ability or will to maintain these areas. Therefore, these techniques might be more successful if they are implemented by the Town or other public agencies (e.g., on school properties) or through private development/management organizations, such as homeowner associations.

**C. Air Quality**

The Greater Buffalo-Niagara region is classified as a “Marginal Non-Attainment Area” for air quality because it slightly exceeds the EPA standard for ozone. The region is in attainment with the other EPA air pollutant standards. The Town of Amherst has no specific air quality designation within the region. Air quality is related to several causes; the primary contributor to local air quality is automobile use. Automobile use is directly tied to local land use and transportation patterns. Social dependency on the automobile will continue to impact air quality for the foreseeable future. However, a number of strategies are available that can help reduce the number of automobiles on the road and vehicle miles traveled.

**4-9 Reduce air quality emissions by pursuing Comprehensive Plan strategies such as compact, mixed-use development patterns; tree planting; transit and other alternatives to automobile use, etc.**

Several of the transportation policies outlined in Chapter 6.0 will contribute to ameliorating the impacts of private automobiles on air quality. These policies include:

- Enhance system capacities and undertake a capital program to maintain or improve the efficiency of the existing road system (6-4, 6-5)
- Develop a comprehensive bicycle network, using a rating system to identify and prioritize improvements (6-7)
- Develop a comprehensive pedestrian network of sidewalks, crosswalks, and trails (6-8)
- Work with NFTA to improve transit service and provide connections to activity centers (6-9)

The compact, mixed-use development patterns proposed by the Land Use and Development Element (Policies 3-1 and 3-2) will also contribute to reduced automobile dependency by providing

Implementation of a number of Comprehensive Plan policies will contribute to *improving air quality*.

opportunities to walk, bike, or take public transit (or shorter automobile trips) to retail and service areas and possibly to work. Other strategies to improve air quality in Amherst include tree preservation and planting (Policies 4-10 and 4-11), encouraging energy efficiency in new and existing buildings, and discouraging the burning of brush and leaves.

#### **D. Tree Preservation**

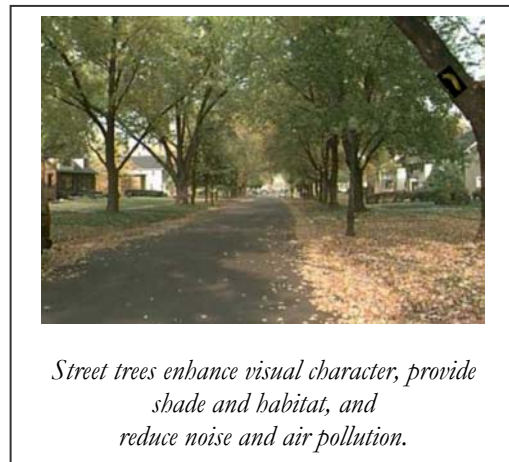
Trees and wooded areas improve aesthetics and contribute to community character. They provide numerous benefits including reducing flooding impacts and soil erosion, improving air quality, reducing water and noise pollution, and providing shade and habitat. The Vision Statement notes the importance of woodlands and tree canopy to the visual character of the Town. Consistent with the Vision Statement, tree canopy and woodlands should be preserved where possible and tree plantings encouraged on public and private lands.

#### **4-10 Support the Town of Amherst Tree Law.**

The Town of Amherst Tree Law was adopted in May 1992 as Chapter 179 of the Town Code. The main focus of the Tree Law is to maintain and improve the aesthetics and ecological systems of the Town. The Tree Law generally requires a permit to remove trees greater than 4 inches in caliper and prohibits trees from being removed from public land. Several exceptions to this law address trees that are a danger to public welfare or might inhibit operations of public utilities, farms, and other businesses. The Tree Law also enforces the management of trees on private property that may be affecting public areas such as road intersections and rights-of-way. The Tree Law permits the Town to plant trees in parks and along streets. Limited guidelines for planting trees are included.

Amherst should support the Tree Law and the Town Forester who is charged with permitting and enforcing tree removal. Support of the Tree Law will ensure that private landowners do not remove trees that are of great benefit ecologically and aesthetically. In addition, it protects the natural integrity of public places. The following changes should be implemented to strengthen the effectiveness of the Tree Law:

- Appoint a Certified Arborist to act as Town Forester and to lead the Town's Division of Forestry
- Provide the Town Forester with increased enforcement powers to address illegal tree removal
- Provide continuous training and education for Forestry Division/Parks Department staff to foster better maintenance and management of town tree and landscape resources



**4-11 Implement a “Greening Amherst” planting initiative consistent with a program of managing the “Town Landscape.”**

*Greening Amherst* is designed to involve the entire community in a tree planting and re-vegetation program in support of the Aesthetic/Community Character Key Initiative.

“Greening Amherst” is envisioned as a community-wide tree planting and re-vegetation program encompassing both public and private action. Article V of Chapter 179 of the Town Code authorizes the Town to plant trees to enhance the beauty of public places and ensure public safety. Criteria should be developed to guide planting of trees and shrubs on streets and in parks consistent with Article V. This article sets standards as to how close trees can be planted to the curb and sidewalk. It also mandates that an official tree species list be developed and that only trees on the list be planted. The criteria should also designate priority areas for planting. Possible priority areas include roads as they enter the Town, parking lots, drainage areas, cemeteries, and major thoroughfares. The “Greening Amherst” initiative can be coordinated with other Plan initiatives. For example, consistent with Policy 3-13, which calls for on-street sidewalk/bike lane connections along public roadways, these facilities should be treed and landscaped to provide users with a pleasant recreational experience.

The “Greening Amherst” initiative should be coordinated with secondary schools, UB, and neighborhood and environmental groups. This would create a community sense of pride as well as ensure greater coverage and lower costs. Potentially using grant funding sources, a “tree endowment fund” could be established with tree planting “vouchers” available to neighborhood residents. American Forests, a national organization that is sponsoring a “Global ReLeaf” initiative, is a potential resource and source of information. If volunteer groups are used, the Town should actively manage their efforts to ensure that correct species and locations are chosen.

The “Greening Amherst” initiative should be expanded over time to address the proper management of existing vegetation in Amherst’s parks and public places and to provide information on the management and planting of vegetation on private property. New standards should be developed for plantings in subdivisions and new developments. Lastly, the initiative should be coordinated with neighboring towns to ensure that community entranceways are improved.

**E. Historic and Cultural Resources**

Amherst has a rich historical legacy stemming from its location on the Erie Canal and role in the growth of Western New York. Amherst’s historic resources should be preserved because they promote pride in historical achievements and enhance the Town’s character and quality of life.

**4-12 Encourage designation of historically significant resources for protection and provide incentives available through the Historic Preservation Ordinance.**

Amherst should encourage the nomination of the highest ranked historically significant resources to the National and State Registers of Historic Places. The Town's pursuit of grant monies to further investigate high priority sites for inclusion on the National Register will aid in determining eligibility. The recently completed *Reconnaissance Level Survey of Historic Resources* and *Intensive Level Survey of Historic Resources* identifies those resources that may be of greatest importance and provides much of the background information that is necessary when completing the application process. Resources that do not meet the criteria for the State or National Registers, but do have local historical significance, should be considered for designation as local landmarks. These sites should be brought to the attention of the Historic Preservation Commission and eventually submitted to the Town Board for designation.

The Historic Preservation Commission should also consider identifying areas of the Town where a local historic district might help in protecting historic character. The Historic Preservation Commission has this authority under Chapter 121 of the Town Code. The Town should work with and inform property owners when developing proposals for historic districts.

Amherst should also encourage the use of incentives for historic property rehabilitation. Designated historic properties are eligible for a variety of federal and state preservation benefits such as rehabilitation financing and tax credits. The Town should also encourage the adaptive reuse of historic buildings and their incorporation into redevelopment plans per Policy 3-9 (Amended 2-28-11; BCPA-10-1).

Amherst should further maximize the benefits of being part of the Certified Local Government (CLG) Program under the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Under the CLG program, Amherst is eligible for technical assistance in writing applications for nominations to the National Register of Historic Places and for grants that can be used to fund a variety of preservation activities. Amherst is also eligible for grants from the federal Historic Preservation Fund (HPF), the New York State Council on the Arts, and other agencies.

**4-13 Support the cultural, visual, and performing arts as part of the Education Key Initiative.**

Art, music, drama, literature, and other cultural arts are important to the quality of life, community heritage, and identity of the community. As part of the effort to position



Amherst as a “knowledge-based” community, the Town should work with institutions such as UB and Daemen College to promote opportunities for residents to experience the cultural arts.

**F. Resource Management**

Sound management is critical to ensure that Amherst’s natural and cultural resources are maintained for future generations. Policies 4-6 and 4-7 describe management strategies designed to enhance the Town’s water resources and to reduce the water quality impacts of development. The Town should also consider developing management plans to address specific resources, such as historically significant resources or parks with a concentration of sensitive natural resources.

**4-14 Develop management plans for public natural and historic resources of local significance.**

Nature View Park, which contains extensive wetland areas, is an example of a town-owned resource that would benefit from a management plan to define both compatible uses and strategies to preserve and protect sensitive natural areas. The Town’s Capital Improvement Program includes development of a master plan for this park as an approved project. Management plans for similar natural areas and public parks should be considered.

Significant historic resources within Amherst would also benefit from management plans that define strategies to maintain their historic character in the future. A management plan for the Amherst Museum and its grounds could be beneficial due to the historic structures located on the property and the site improvements that are planned in the Capital Improvement Program over the next several years. Amherst’s significant historic resources are identified and rated in the *Reconnaissance Level Survey of Historic Resources* and the *Intensive Level Survey of Historic Resources*. The Town could consider developing a comprehensive management plan for all identified resources of local historical significance or, more likely, a subset of the most important resources as documented in the *Intensive Level Survey of Historic Resources*. The success of such plans would be enhanced if developed in cooperation with property owners.

## 5.0 Economic Development

### 5.1 OVERVIEW

**Priority Action Programs:  
Economic Development**

- Establish a collaborative planning structure with UB to address issues such as business/ employment growth, land use planning, and social/cultural ties
- Pursue collaborations with educational institutions, private businesses, and other partners to promote economic development

Over the past 20 years, Amherst has led the Western New York region in job creation and commercial development. During this time period, the number of permanent at-place jobs in the Town expanded from 38,800 to 75,600, an increase of nearly 37,000 jobs. The overall change in employment in Western New York during this period was about 47,000, meaning that Amherst alone accounted for over 75 percent of the region’s job growth, despite having less than 10 percent of the region’s jobs in 1980.

Taking a closer look at the types of jobs coming to Amherst, about 68 percent of the Town’s employment falls into the “All Other Employment” category, which excludes Manufacturing, Retail, and Wholesale jobs.<sup>5</sup> These jobs, which number over 50,000, are primarily office jobs. Projections of employment conducted for the Comprehensive Plan show that, of the 28,000 new jobs expected to be created in Amherst from 2000 to 2020, 25,000 (89 percent) will be in the “All Other Employment” category. Clearly, Amherst is and will continue to be a center for office employment in Western New York.

Knowing that efficient office space will continue to be the linchpin of economic growth in the Town of Amherst, the Comprehensive Plan must clearly define how Town policies will influence office growth over the next 20 years. The majority of Amherst’s existing office inventory is housed in campus-style office parks developed since 1980, and not in urban-style downtowns. Although Amherst has several traditional commercial districts like Williamsville, Eggertsville, and Snyder, it lacks a downtown area with a critical mass of office space, such as downtown Buffalo. As projections for the Town indicate that about 4.9 million square feet of office space will be added from 2000 to 2020, the development of this space must be conducted with an understanding of the existing context.

Since the Town’s industrial and retail sectors are expected to grow more modestly than the office employment sectors, steps must be taken in the coming years to ensure that these sectors remain stable. Manufacturing, retail, and wholesale users alike desire flexible space that allows them to keep up with changing technologies and markets. For this reason, the Town’s existing inventory of industrial and retail space must be kept up to date, a

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<sup>5</sup> Employment trends in Amherst and the Western New York region are more fully documented in the *Inventory and Analysis Report*.

process that will include both the rehabilitation of existing buildings as well as the construction of new space that allows flexibility for tenants.

Another element of the economic development program is the preservation of the Town's strong tax base. Although continued commercial development and redevelopment will help to strengthen the tax base, it is equally important that residential property values remain strong. In other words, future commercial development and redevelopment in Amherst must be conducted in a manner that is beneficial to its residential communities, by minimizing negative impacts such as traffic congestion, the reduction of open space, and the loss of community character.

The Comprehensive Plan Vision Statement defines the desired characteristics of future commercial development in the Town. These characteristics include:

- Pedestrian-friendly, interconnected, **mixed-use development** patterns
- **Preservation of open space** throughout the Town
- A **balance** between economic growth and livability
- Revitalized **older neighborhoods and commercial corridors**

The goals, objectives, and policies of the Economic Development Element are designed to guide future decision-making by the Town regarding the direction of economic growth and the balance between growth and community character. Recommendations include programs for the attraction and retention of employment, adjustments to zoning and development standards, partnership programs, and regional development initiatives.

***Vision Statement Directions:  
Economic Development***

- Strong tax base
- Good job opportunities
- Mixed-use development
- Balance between economic growth and livability, including protected open space
- Revitalized neighborhoods and commercial areas

## **5.2 GOALS, OBJECTIVES, AND POLICIES**

### **GOAL**

*A Town with a strong tax base and ample economic opportunities for a diverse base of employers and employees, housed in attractive, state-of-the-art commercial developments in convenient and accessible locations*

### **OBJECTIVES**

- Maintain Amherst's strong tax base
- Attract more high-paying jobs to the Town
- Ensure that economic development and redevelopment respect the character and quality of life of Amherst's residential communities
- Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities



- Build partnerships with development agencies, private industry, and educational and research institutions to promote economic development in Amherst and throughout the region

## POLICIES

### A. Tax Base and Employment

A healthy tax and employment base are essential not only to Amherst's economy, but also to the Town's quality of life. Studies have shown that commercial retail, office, and industrial development partially subsidize the cost of providing high-quality community facilities and services to residents. Without such development, the burden on residential taxpayers would be significantly higher. Competitive employment is also important in providing economic opportunities to Amherst residents.

#### 5-1 Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.

While Amherst has emerged as a regional center for office and industrial employment, a major challenge is to increase the number of high-paying jobs in proportion to low to middle-level jobs like production/assembly, data processing, and administrative. Western New York did not fully participate in the national economic boom of the 1990s, with relatively few "new economy" or other high-paying technology jobs created in the region. However, as the national economy has slowed, it affords Amherst and the rest of the region the opportunity to prepare for the next upward cycle. A number of factors contributed to limiting economic expansion in Amherst and the entire Buffalo region during the 1990s. These factors, and how the Town and its economic development partners can respond to them, are as follows:

- ***Cost of doing business:*** Western New York (and New York State in general) is known for its high tax burden. Although the tax incentives offered by the Amherst IDA have been helpful in overcoming this problem to some degree, more can be done. In accordance with the Erie County Industrial Development Agency's Eligibility Policy for Redevelopment, the Amherst IDA is broadening its incentive programs to include more types of uses, as well as to address reinvestment in older parts of town (see Land Use and Development Policy 3-8). The available incentives should be targeted to support developments/businesses that meet the following basic criteria:
  - Provide higher paying job opportunities
  - Locate on sites consistent with the Comprehensive Plan Land Use and Development policies (e.g., to support reuse of existing, vacant buildings)

- Promote forms of development that are consistent with the Land Use and Development policies (e.g., mixed-use, providing transit and pedestrian connections)

Tax abatement programs should be supplemented with other steps to reduce the cost of doing business, particularly in the area of utility costs. The Niagara Mohawk Power Corporation, for example, offers businesses that locate or expand in an Economic Development Zone up to ten years of deep discounts on increased or new electricity and natural gas consumption through its Economic Development Zone Rider (EDZR).

- **Regulatory environment:** Another hurdle to development in Western New York is a perception that the zoning/development review process is difficult, time consuming, and potentially expensive. While Amherst's regulatory environment is certainly among the best in Western New York, more can be done to attract quality employers to the Town. As described in Policy 5-2 below, one of the most important criteria to employers when choosing locations is the ability to grow in place. As a business grows, it needs to expand its physical space, and it is important that the Town have in place flexible regulatory policies that can accommodate the various stages of business development. One possible strategy is to secure approvals on appropriate sites prior to development and make them available to prospective businesses.
- **Loss of educated professionals:** Metropolitan areas that gained the most during the 1990s (i.e., Washington, DC, Atlanta, San Francisco, Dallas) were generally those with large numbers of highly educated professionals who possess the skills needed for the new economy. These cities have, among other advantages, access to graduates from top-notch engineering and/or science programs from universities in their regions. The University at Buffalo (UB) has made strides in improving its profile, but many of its brightest graduates leave the area, often citing the lack of good jobs. This creates a chicken-egg situation, as educated workers leave to find good jobs, while employers with good jobs cannot find qualified employees. The Town can address this problem by promoting better coordination between private businesses and educational institutions (see Policy 5-3).
- **Lower-level job skills:** In addition to highly educated professionals, technology employers must also employ workers with high school diplomas or associates' degrees, but certain skills are required of these lower-level workers. Since Buffalo's economy has traditionally been rooted in

manufacturing and distribution, many less educated workers have skills that have become out-of-date, and these workers must be retrained. Additionally, high school students who do not show interest in attending college often enter the workforce with limited job skills. Policy 5-4 below describes how the Town and its partners can address the issue of developing a skilled workforce.

- ***Climate:*** While Buffalo is known as a cold weather city, this does not need to be an overly negative influence. During the 1990s, other cold weather metropolitan areas like Minneapolis, Chicago, and Boston grew substantially, despite their climates. A great deal of mythology has developed around the harshness of the Buffalo winter, and that mythology can be put to rest with a few simple facts. In selling Amherst to potential businesses, putting together a weather fact sheet may be useful. This fact sheet could demonstrate how Buffalo’s winter is offset by its mild, sunny summers. It can also show that its average January temperature is 24 degrees, which compares well with those of Minneapolis (12), Chicago (22), and Boston (29).

Economic development efforts should build on Amherst’s ***positive assets***, many of which relate to the Town’s outstanding quality of life.

From the standpoint of attracting businesses that offer higher-paying jobs, Amherst already has a number of positives that can be built upon to help with economic development efforts. These positives include:

- Low cost of living
- Affordable housing options
- Good schools and other community facilities
- Low crime
- Variety of cultural and recreational opportunities
- Good transportation network
- Presence of the University at Buffalo
- Location close to the center of the Buffalo metropolitan area
- Location within the New York/Ontario “Golden Horseshoe” (region and world-class city of Toronto, Ontario)

Many of the policies contained in other elements of the Comprehensive Plan are designed to maintain and enhance these strengths, thus supporting the goals of livability, community character, and economic health that are central to the Vision Statement and which are closely related.

**5-2 Build flexibility into non-residential zoning so that options are available for the various stages of business development.**

In the technology economy, firms grow rapidly and therefore must be able to find spaces into which they may grow.

Technology firms can often shift from incubator space to multi-tenant space to single-tenant, build-to-suit facilities in the space of five years or less. At each stage of development, a firm not only has particular needs; it will also have particular preferences for the age and character of its space, the characteristics of its surrounding areas, and the types of amenities available to its employees.

Of all the communities in Western New York, Amherst is among the best equipped to accommodate firms as they undergo the transition from start-up to multinational. Amherst’s commercial areas bridge the gap from traditional centers to post-World War II highway commercial corridors to modern office parks. However, at the present time, most office businesses wanting to locate in Amherst are limited to office parks, as there are few older office buildings and commercial zoning in older commercial areas is often not conducive to modern office development.

In response, the Town should build flexibility into zoning categories in both generations of its older commercial areas: traditional centers such as Eggertsville and Snyder, and commercial corridors such as Sheridan Drive and Niagara Falls Boulevard. More flexible zoning categories would accomplish two goals. First, office businesses of all types and sizes could find appropriate locations for development. Secondly, underutilized retail sites could be re-used for office and other commercial development.

**5-3 Promote economic development through collaborations between government, educational institutions, health care organizations, and private industries.**

While the Western New York economy is generally characterized as stagnant and the region has lost population over the last several decades, these actually present opportunities for future growth. As a long-established urban hub, the Buffalo area contains many educational, medical, cultural, and community service organizations, the likes of which are not typically found in less established, growing areas. In addition, the area is home to many high-profile corporations, both old and new, with strong interests in improving the area’s future economic situation.

At the regional level, partnerships for economic development and information exchange already exist (see Policy 5-10), but more can be done to address the core of the challenge. As mentioned in Policy 5-1, a major obstacle to economic development in Amherst and other Western New York communities is an exodus of much of the area’s brightest young talent. The chief goal of any cross-institutional collaboration for economic development should be to slow and ultimately reverse this exodus. The points below describe



*Existing office development at Sheridan Meadows.*

Policy 5-3 supports the **Education Key Initiative** to position Amherst as a leading national “knowledge-based” community.

some of the reasons for the loss of young professionals, and potential opportunities for counteracting it.

- ***Lack of quality career opportunities:*** While there is a perception among young professionals that quality job opportunities are limited in the Buffalo area, this perception is not necessarily true. A number of leading employers in Amherst interviewed for the *Inventory and Analysis Report* spoke of not being able to find talent locally to fill high-skill, technical jobs. A large part of the problem is communication, as younger workers are not aware of quality employment opportunities, and employers do not know how to access qualified employees. As the home of both UB (the source of many prospective employees) and many major employers, the Town should collaborate with the Amherst IDA, UB, other higher education institutions (Daemen, Canisius, Buffalo State), and major employers to address this situation. Examples of potential initiatives include:
  - Sponsoring an Amherst “Career Fair”
  - Establishing an Internet-based career placement service
  
- ***The importance of cultural and entertainment opportunities:*** For young professionals, an active urban environment is often a more important factor in choosing a career path than the job itself. From this standpoint, Buffalo has difficulty competing with cosmopolitan centers such as New York or Boston, or even mid-sized cities like Pittsburgh and Cleveland. However, Buffalo’s standing as a place with an active entertainment scene has greatly improved in recent years, aided by the resurgence of commercial areas like Elmwood Avenue, Chippewa Street, and the theater district. Beyond nightlife, the City has a variety of cultural and recreational opportunities that are both more affordable and more readily available than are similar outlets in larger cities. As part of a program of selling the merits of the Buffalo area to young professionals, partnerships should be pursued that bring employers in Amherst together with professional sports teams, arts and cultural institutions, restaurants and nightclubs, and similar “excitement building” entities to market Buffalo’s allure to young professionals.
  
- ***Absence of growth industries:*** For young professionals looking at starting careers, long-term prospects in the chosen industry are always a consideration. Currently, few of the larger employers in Amherst are in popular growth fields like biotechnology or software and Internet development. Recent investment by the State of New York indicates that this trend is likely to change, particularly in

the medical and biotechnology industries. The State of New York is investing over \$250 million to establish a Center of Excellence in Bioinformatics at the Buffalo-Niagara Medical Campus in Buffalo. Since the Medical Campus itself has limited opportunities for real estate development, Amherst could be an important partner in this effort. In this respect the Town has two advantages: its proximity to the University at Buffalo's campuses and its reputation as a viable location for research and development facilities. To take advantage of this opportunity, the Town should work with the University and the Medical Campus to market sites to companies seeking to capitalize on the establishment of the Bioinformatics Center.

**5-4 Work with educational institutions on lifelong learning and other programs to train, attract, and retain a skilled workforce.**

Of all Western New York communities, Amherst has the greatest concentration of educational resources. In addition to the University at Buffalo, Daemen College, Erie Community College, and a number of top-level parochial and private schools, the Town's three public school districts are among the best in Western New York.

With such a depth of educational institutions, the infrastructure is already in place to achieve the goal of training, attracting, and retaining skilled workers. However, one of the challenges faced by the Town of Amherst is to provide its labor force with appropriate job skills for future careers. As stated earlier, the Buffalo region suffers from a mismatch of job skills, as a significant portion of its workforce is trained for jobs that no longer exist in this region. In order to ensure that the entire workforce is prepared for careers in tomorrow's industries, a number of initiatives should be undertaken:

- **Identify future needs of employers:** The Amherst IDA conducts an annual survey of businesses located in Amherst's industrial and business parks. As part of this survey, each company's workforce needs should be identified, so that educational institutions at all levels can continually offer the proper training to prospective workers.
- **Tailor programs to objectives of workers:** Even in top-flight high schools like those in Amherst, not all students intend to continue on to college. Instead, many graduates from these schools choose to enter the workforce directly. In order to ensure that these new members of the workforce can be of service to businesses in Amherst, the Town's public school districts should use the results of the business survey to create and adapt vocational training

programs aimed at keeping graduates employed close to home.

- **Expand adult education programs:** In addition to the public schools, the presence of UB, Daemen College, and Erie County Community College is a key asset. Established workers and professionals are able to continue and enhance their education at these institutions and others with satellite campuses in the Town.

To address the problem of older workers with obsolete job skills, the high schools, Erie Community College, and other vocational schools have programs to help such workers acquire the training they need to remain competitive in the workforce. However, not all workers have the time or the money for college courses. For this segment of the workforce, the Town can work with Erie County and non-profit community service agencies to offer one-time training seminars in particular job skills. Furthermore, the Town could coordinate these seminars with employers and provide them with the opportunity to use such training sessions as mini job fairs.

- **Provide co-op positions for students:** In many technical fields, companies allow students to gain real world experience by working as “co-op” employees for a semester or a summer. If companies in Amherst create more co-op positions, they can give students a taste of the work environment prior to graduating. Co-op positions can also help address the loss of young persons, as they can show students that they need not leave the area to obtain quality employment.

### **B. Community Character and Quality of Life**

As expressed in the Vision Statement, which emphasizes the need for balance between economic development and livability, Amherst’s attractiveness as a place for business depends upon its quality of life and community character. In the past, some land use decisions have resulted in intense non-residential uses located next to established residential areas, creating the potential for adverse impacts. Future decision-making must address the need to safeguard the character and quality of life of Amherst’s residential communities as a fundamental principle, through application of the land use and development policies described in Chapter 3.0. Specifically, commercial retail, office and industrial development should be designed to minimize impacts on residential areas through complementary site locations and development patterns (Policy 5-5) and quality design features that address “edge conditions” and relationships to public roadways (Policy 5-6).

Amherst’s *attractiveness as a place for business* depends upon its quality of life and community character.

**5-5 Promote commercial development patterns that reduce neighborhood impacts.**

The Conceptual Land Use Plan and related land use policies are designed to focus more intensive development in mixed-use areas that function as centers of activity for the community. By guiding commercial development to these centers, the integrity of surrounding neighborhoods can be maintained and traffic impacts reduced through access management and coordination with transit service and pedestrian/bicycle facilities. A primary goal of both the Land Use and Economic Development Elements is to promote reinvestment in existing commercial centers and corridors in older parts of Amherst, where roads and other infrastructure are available and such reinvestment can contribute to maintaining the health of adjacent residential areas. In developing parts of central and northern Amherst, mixed-use centers are designated in strategic locations to accommodate commercial development in compact rather than dispersed patterns, providing convenient access without infringing upon residential areas and encouraging the formation of commercial strips.



*Centerpointe Corporate Park.*

**5-6 Adopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.**

The Land Use and Development Element proposes the establishment of standards to improve the quality of development. As described in Policy 3-5, these standards need to address the impacts of commercial development on adjacent residential uses, including:

- Landscaping, buffer/edge treatment, and screening
- Access management
- Building design elements sensitive to the surrounding context (scale, height/mass, orientation, façade treatment)

In addition, enhanced standards should be put in place to address the appearance of commercial development from public roadways (landscaping, signage, placement of signage, etc.). These standards would help to improve the visual character of neighborhoods adjacent to commercial corridors.

**C. University at Buffalo**

One of the Town’s outstanding assets from the standpoint both of the economy and quality of life, the University at Buffalo (UB) is central to the Comprehensive Plan initiative to become known as a leading “knowledge-based” community. However, UB’s North Campus has functioned as a largely self-contained entity that has little interaction with the surrounding community. In addition, there has been limited coordination between the University administration and the Town on land use/development and other



issues of mutual concern. However, this has begun to change through initiatives such as the University Community Initiative and the Amherst IDA's partnership in the Office of Science, Technology Transfer, and Economic Outreach and significant opportunities exist for additional collaboration. Such collaboration would yield positive benefits for both entities and help achieve the goals, objectives, and policies of the Comprehensive Plan.

**5-7 Work with UB to create mixed-use activity centers on the periphery of the campuses.**

The *University at Buffalo* is a major community asset and provides opportunities for increased collaboration to promote economic development and other goals of the Comprehensive Plan.

The number of students living on UB's North Campus is projected to increase from 4,600 in 2000 to 8,500 in 2005. To accommodate this expansion, the University is constructing student housing near the perimeter of the campus and plans to construct additional housing along with a commercial center located within the campus. In addition, demand will increase for off-campus rental housing oriented towards students in areas around the campus. As currently conceived, the University's plans do not address the isolation of the North Campus from Amherst or the potential for ancillary impacts (e.g., increased traffic, demand for public services, effects on neighborhoods).

A significant opportunity exists for the University and the Town to work together to accommodate development associated with North Campus expansion in ways that better integrate UB into the Town and promote Comprehensive Plan policies related to land use and economic development. Specifically, development should be focused in university-related mixed-use activity centers strategically located around the periphery of the campus. Specific components of these centers could include:

- On- and off-campus student/faculty housing and activities
- Small-scale commercial retail and services oriented towards the UB community and nearby neighborhoods
- Incubator and research-related employment parks that help achieve the objectives of the Economic Development Element

Potential activity center locations are designated in the Land Use and Development Element. This concept is further addressed in Section 10.3 of the Focal Planning Area chapter.

The University is currently preparing a new physical master plan to implement the recently completed "UB 2020" academic plan. This effort, called "BuildUB," is seeking to implement many of the same concepts recommended above. Preliminary discussions with the University indicate they are seeking to soften the hard edges of the north campus to better integrate it into the Amherst community. The existing

commercial-retail, student housing, and research-development uses currently planned along the Sweet Home Road corridor in the area directly west of the North Campus may present a real opportunity to integrate Town and University planning efforts to create a second University related mixed use activity center. This concept may be explored with the University as their physical planning efforts progress and considered as part of future annual plan reviews.

In addition to working together on development around the North Campus, the Town and UB should continue to pursue initiatives to strengthen older neighborhoods around the South Campus (located in the City of Buffalo adjacent to Amherst) to address the impacts of the shift in students and academic functions to the North Campus. With respect to economic development, one possible strategy is to seek opportunities to locate University-related incubator/research facilities within nearby commercial/mixed-use areas. Medical-related research and development is a potential focus that would capitalize on proximity to the Medical School on South Campus and the emerging Buffalo Niagara Medical Campus and center for bioinformatics and medical research in downtown Buffalo.

As described in the *Inventory and Analysis Report* (pages 6-20 to 6-25), there are many examples of colleges and universities acting as partners in programs to promote economic development in their communities. Typical activities carried out by these programs include:

- Community development (stabilizing neighborhoods, creating retail opportunities, providing access to capital for reinvestment, etc.)
- Research and development (establishing incubatory/research facilities to encourage startup businesses and to provide research for transfer to entrepreneurs)
- Real estate development (acting as developers/managers of off-campus projects with office, retail, and/or housing components)

The University has already indicated a commitment to its host communities through initiatives such as the University Community Initiative and the existing incubator facility near the North Campus. Additional steps in this direction could help secure its growing reputation as a major academic institution while positioning Amherst as one of the nation's leading university towns. Potential focuses of a collaborative, town/gown approach to securing Amherst's status as a "knowledge-based" community with a skilled workforce and high quality of life include:

- Educational and lifelong learning opportunities

- Economic development and job creation
- Partnerships with multiple institutions and businesses
- Neighborhood and commercial area revitalization, including urban design improvements consistent with Comprehensive Plan objectives

**5-8 Work with UB to promote more educational, social, and cultural ties to the Town and to reinforce the role of both campuses as activity centers.**

Over the past 25 years, the University at Buffalo has used its North Campus as a means of growing the institution, both physically and in academic stature. As the core of the University has shifted from the South to the North Campus, the institution itself has been transformed into a major presence on the national academic scene. The University today boasts a large, modern campus with many state-of-the-art facilities, as well as a smaller-scale, traditional campus to the south for programs such as the Schools of Medicine, Dentistry, and Architecture.

A consequence of the shift to the North Campus is that the bulk of University operations are no longer located in the City of Buffalo; the University's central area is now located several miles north, in the Town of Amherst. In fact, there has been some support within the institution to change its name to the State University of New York at Amherst, in order to differentiate it from the older Buffalo campus.

Despite this shift to the North Campus, the University has yet to establish the types of connections with Amherst typically seen between "town and gown" at older, more established academic institutions. In fact, when people think of and refer to many universities, simply saying the name of the town serves as a proxy for the university itself (Chapel Hill, Boulder, Ann Arbor, etc.). Even with respect to campuses in urban areas, there are districts that serve the university population first and foremost: Harvard Square, Shattuck Avenue in Berkeley, High Street in Columbus, etc.

However, for a new campus located in a residential, suburban area, it is often difficult to establish a meaningful relationship between town and gown. While the future development of mixed-use activity centers around the periphery of the campuses (Policy 5-7) is designed in part to help knit the North Campus into the fabric of Amherst, the ties that should be developed between UB and the Town of Amherst go beyond land use. In order to truly establish the psychological connections that tie the University and Town together and help position Amherst as a superlative "knowledge-based" community, day-to-day reminders are needed that both exist in harmony. The following outlines some ways in which the

ties between town and gown should be strengthened through programs at both campuses:

- **Educational programs:** As with any university, the core function of UB is educating students. For the most part, students at UB are working towards a bachelor's or master's degree. However, for adults going back to school to learn new skills (Policy 5-4) or advanced high school students looking for more challenging courses, the typical destination is a community college. To help further integrate UB with the community, the Town should encourage the University to offer more programs for non-degree residents as well as one-time or short-term seminars in particular professional skills.
- **Social/recreational activities:** Athletics represents one of the primary means by which universities integrate themselves into the community. The University at Buffalo competes in Division I athletics in the Mid-American Conference, but its athletic teams do not have a very strong profile. Even within its conference, some other schools, such as Miami of Ohio, Marshall, and Ball State, have stronger support from their communities than does UB. In a mutually beneficial arrangement, the Town could organize "UB Days," when large groups of Amherst residents would get together to attend games. Such an arrangement would benefit the Town, as residents would become more involved in the University. It would also benefit the University, which is looking for ways to raise the profile and fan base of its teams.
- **Cultural programs:** In recent years, many people who are able to choose their places of residence, either because they are retired or self employed, have gravitated to college towns. The primary attraction of such locations is the concentration of cultural activities. Many academic institutions have come to recognize the importance of offering first-class cultural opportunities to students, faculty, and the community. For example, as an effort to strengthen both its arts programs and its ties to the community, the University of Cincinnati – like UB, a former commuter school – has invested millions of dollars in state-of-the art cultural facilities (a new museum and a new performing arts center). As a result, these facilities have become draws for not just the University community, but also for the Cincinnati region as a whole. Citing such examples, the Town should encourage the University to expand the cultural opportunities it makes available to Amherst residents.



*UB's Center for the Arts.*

**5-9 Establish an ongoing, collaborative planning structure with UB.**

A strong cooperative relationship between the Town and UB is necessary if implementation of Policies 5-7 and 5-8 is to be successful. The following planning structure is proposed to facilitate formal and informal collaboration on issues of mutual concern:

- An “Executive Committee” should be established, comprised of high-level representatives from both the Town and University. This committee would meet periodically (e.g., quarterly or more frequently if needed to address specific issues) to discuss town/gown policy and issues.
- A “Staff Committee” should also be established, comprised of senior professional staff from both parties. This committee would meet regularly (e.g., bimonthly) to provide briefings and discuss development projects, infrastructure, and environmental issues.
- There should be a policy of cross-representation on Town or University planning projects that affect both parties. Precedence for this policy has been set by the University’s representation on the Comprehensive Plan Advisory Committee.
- The Executive Committee should establish ad hoc groups as needed to work on specific joint projects, such as the University Community Initiative.

As a general rule, both the Town and University should share information on an on-going basis and provide opportunities for input before plans that could potentially impact the other party are implemented.

**D. Regional Economic Development**

A healthy regional economy is key to Amherst’s future prosperity. The Comprehensive Plan strongly endorses the adage that “a rising tide lifts all boats,” as Amherst’s success will only continue if the region around it remains strong. Towards this end, the goals, objectives, and policies contained in this element are directed to promoting economic development in the Town in the context of the Western New York region as a whole.

**5-10 Work with area municipalities and economic development agencies to promote regional economic growth.**

Given Amherst’s position as an established leader in the region’s economic development, there has, in the past, been the perception that the Town has operated in competition with its neighbors. However, as evidenced by the newly strengthened partnership between the Amherst IDA and the other IDAs in Erie County, this attitude is changing. Also in

Amherst’s future prosperity is closely tied to the economic health of the *Buffalo-Niagara region* as a whole.

the past few years, communities in the area have begun to eliminate parochial thinking, and Amherst has been a regional leader. At the present time, Amherst is actively working with the City of Buffalo and the Towns of Tonawanda, Cheektowaga, and Clarence on local-area planning for neighborhoods and corridors around its borders.

Beyond local-area planning initiatives, the Town is also becoming increasingly involved in a number of regional economic development efforts led from within Amherst by the Institute for Local Governance and Regional Growth at the University at Buffalo. This Institute sponsors the State of the Region report, a comprehensive statistical analysis of Western New York and how it compares with other regions in a number of demographic, economic, and quality of life indicators. The Institute also maintains the Western New York Regional Information Network (<http://rin.buffalo.edu>). WNYRIN is a storehouse of data, contacts, and web links regarding all aspects of regional growth and economic development, and Amherst has been an active participant in its efforts.

Amherst is already taking steps to become more involved with its neighbors in promoting economic growth, at both the community and regional levels. In order to continue to promote regional economic growth, the Town should keep current with future efforts in this direction and build on its collaborative planning efforts with its neighbors. The Town has experienced the value of cooperative projects with UB, the City of Buffalo, Clarence, and Cheektowaga. These projects and relationships will continue to serve Amherst well in the future.

Amherst's relationship with the City of Buffalo is key to the objective of promoting regional economic growth. The initial growth of Amherst in the 20<sup>th</sup> century was due to its status as a bedroom community to Buffalo, with commercial districts serving suburban population centers like Eggertsville and Snyder. As development in Amherst continued, the Town became more than a residential suburb: it emerged as a center of retail, office, and light industrial employment as well. In growing metropolitan areas, suburban employment centers like Amherst have proven to coexist well with older, central cities, as is evident by the continued vitality of cities like Boston, Washington, and New York.

However, as is well documented, the economy of the Buffalo region has seen little growth over the past several decades. As a result, real estate developers and municipalities often find themselves in competition to attract the same employers. Today, Amherst and Buffalo stand as the two largest employment centers in the region, with Amherst having

significant advantages when it comes to attracting new and/or relocating businesses. To many of today's office employers, the most important factors in choosing locations are: modern, efficient space, technology infrastructure, good highway access, available parking, and room to expand.

Since Buffalo, like other central cities, is at a competitive disadvantage compared to Amherst and other suburban locations, it must rely on other factors to attract employment. The urban environment of downtown Buffalo is an "intangible" factor that is attractive to many employers, as is its proximity to Lake Erie, HSBC Arena, the Theater District, and many restaurants. For certain types of employers, downtown Buffalo's shortcomings as an office location are outweighed by its other benefits.

Within this context, it is not in the interest of Amherst or the region to compete with Buffalo for business and employment. Downtown Buffalo is the historic commercial center of the region, and the public face of the city to the rest of the world. If downtown Buffalo remains in decline, the entire Buffalo region will suffer. A healthy, exciting, attractive downtown benefits everyone – employers, employees, and residents alike. Even for those who do not live or work downtown, it is a cultural amenity for the whole region.

Given the above, Amherst's economic development efforts should focus on attracting new businesses to the region and on growing existing businesses within the Town. It is also worth noting that, as Amherst is built out in the future, it could become susceptible to the loss of business and employment. Amherst should therefore continue to set a positive example for the region by acting in a cooperative and positive manner in regard to its neighbors.

**5-11 Position Amherst as a regional technology center.**

Within the regional context, Amherst must cooperate with its neighbors, but still should strive to build its own identity as a center of technology business and employment in the region. Pursuing this goal will consist of a three-pronged strategy that balances capital investment, workforce development, and marketing:

- **Capital Investment:** Amherst already possesses a significant network of so-called "Information Technology (IT) Infrastructure," including fiber optic and other telecommunications lines. In addition, Amherst has excellent "standard municipal infrastructure," such as roads, water and sewer lines, and electrical power. From the standpoint of capital investment, the Town's main challenge is in maintaining existing networks of both types of infrastructure in good condition, while encouraging

continuing investment in new technological infrastructure by private providers of high-speed Internet and other technological services.

- **Workforce Development:** As outlined in Policies 5-3 and 5-4, the Town of Amherst can take a number of steps to reverse the exodus of young workers. As part of the efforts to grow and retain a strong workforce, the Town needs to continue to participate in efforts to help the skills of its workforce keep pace with the needs of private industry. The two major partners in this effort should be the companies themselves, which will identify needed skills, and UB and other institutions of higher education, which can help design appropriate training programs.
- **Marketing:** With the proper infrastructure in place and a strong workforce, companies and employees need to be made aware of Amherst and its advantages. The Amherst IDA has long served this role on behalf of the Town, and will continue to do so. Thus it is important, that, as part of the Comprehensive Plan implementation, the Town build on IDA's marketing efforts. Over the course of 25 years, the IDA has built up an international network of contacts, as well as an image of Amherst as a center of "Place-Based Innovation." While this theme continues to be appropriate for the Town, it should be expanded to explicitly reflect Amherst's role as a regional technology center.



## 6.0 Transportation

### 6.1 OVERVIEW

***Priority Action Programs:  
Transportation***

- Develop a strategy to implement targeted improvements to roadways with identified level of service deficiencies
- Develop a strategy to implement a comprehensive bicycle and pedestrian network

Growth and development in the Town of Amherst over the last several decades have resulted in increasing levels of automobile traffic, creating the desire and necessity to improve mobility. As a part of the comprehensive planning process the Town's transportation system has been evaluated with respect to vehicular, bicycle, and pedestrian circulation and public transportation.

Amherst's existing transportation network is highly dependent upon private automobiles due to the Town's history of typical suburban style development. Improvements to streets and highways have impacted other transportation modes, including transit, bicycling, and walking. This automobile dependency has caused congestion along major roadway corridors and decreased safety for pedestrian and bicycle users. As streets are widened and lanes added to existing thoroughfares, pedestrian/automobile conflicts and impacts on adjacent neighborhoods increase.

Improvements have been made to Amherst's transportation system as a result of funded programs through New York State, Erie County, and the Town. Major capital improvement projects are identified in the Long-Range Regional Transportation Plan published in 2007 by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC).<sup>6</sup> These include preferred projects with funding identified as part of the five-year Transportation Improvement Program (TIP) and longer range projects that have merit but for which funding has not yet been identified. Even with implementation of the five-year TIP and long-range projects, significant segments of the Town's roadway network are projected to experience Levels of Service (LOS) of E or F during peak PM hours during the time horizon ( $\pm 20$  years) of the Comprehensive Plan.

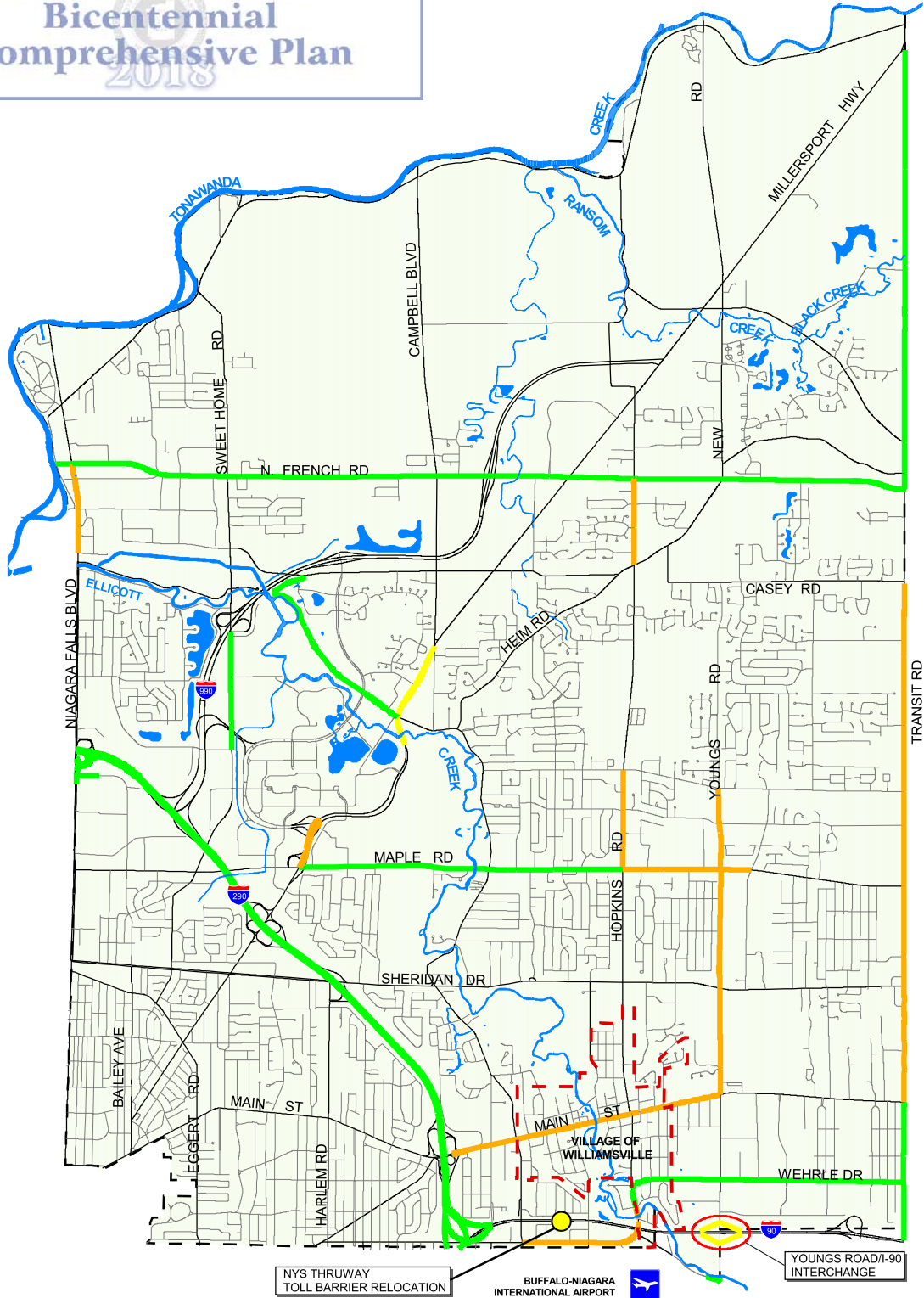
Programmed and non-programmed (long-range) improvements to existing roadways contained in GBNRTC's Long-Range Transportation Plan are shown on Figure 8 and listed in Table 3. Roadway segments projected by GBNRTC to have deficient (E or F) levels of service during the Comprehensive Plan time horizon, even with implementation of the programmed and unprogrammed roadway projects, are shown on Figure 8 and listed in Table 4.

<sup>6</sup> Formerly the Niagara Frontier Transportation Committee (NFTC). As the Metropolitan Planning Organization (MPO) for the Buffalo-Niagara region, the GBNRTC is responsible for regional transportation planning.

**Table 3. GBNRTC Long-Range Transportation Plan  
Programmed & Unprogrammed Roadway  
Improvements**

<b>5-Year TIP (funded) Projects</b>	<b>Description</b>
E Robinson Rd (N French); Niagara Falls Blvd (US 62) to Sweet Home Rd (Rt 952T)	Widen to add center and intersection turn lanes
N Forest Rd; Millersport Hwy (NY 263) to Dodge Rd	Reconstruction
Maple Rd; Flint Rd , N Forest Rd & Hopkins Rd intersections	Reconstruction and widening
Maple Rd; US 62 (Niagara Falls Blvd) to Flint Rd / North Bailey Ave	Reconstruct existing roadway, drainage, curbing, and incorporate current technology into various signals
US 62 (Niagara Falls Blvd) Koenig/Ridge Lea Rd & I-290 Ramp	Ramp realignment and intersection widening
Wehrle Dr; Ellicott Creek to NY 78 (Transit Rd)	Widen 2 to 5 lanes (center turn lane)
Transit Rd (NY 78); I-90 to Main St (NY 5)	Widen from 5 to 7 lanes
I-90/I-290 interchange	Interchange reconstruction and bridge replacement
N Tonawanda Creek Rd over Eric Canal	Bridge rehabilitation
ITS/Incident Management Phase 3	Continued deployment of freeway traffic management system under the ITS Strategic Plan
<b>MPO Long Range Projects</b>	<b>Description</b>
I-90; Exits 50 to 53	Widen to 8 lanes
I-90 at Youngs Road	New interchange
Youngs Road to BNI Airport	New arterial
Williamsville Toll Barrier	Relocation
Amherst Corridor High Quality / High Capacity Transit Service; University Station to Crosspointe	Undefined at present

# Town of Amherst Bicentennial Comprehensive Plan



**FIGURE 8**

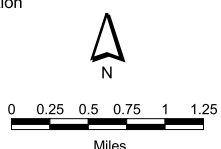
**PLANNED IMPROVEMENTS/PROJECTED FUTURE DEFICIENCIES**

**LEGEND**

<p><b>Planned Roadway Improvements</b></p> <ul style="list-style-type: none"> <li><span style="color: green;">—</span> 5 - Year TIP</li> <li><span style="color: yellow;">—</span> MPO Long Range</li> </ul> <p><b>Projected Future Deficiencies</b></p> <ul style="list-style-type: none"> <li><span style="color: orange;">—</span> Future LOS "E" or "F"</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li><span style="color: gray;">—</span> Local Road</li> <li><span style="color: black;">—</span> County Road</li> <li><span style="color: black;">—</span> New York State Route</li> <li><span style="color: black;">—</span> Interstate Route</li> </ul>	<ul style="list-style-type: none"> <li><span style="border-bottom: 1px dashed black;">—</span> Municipal Boundary</li> <li><span style="border-bottom: 1px dashed red;">—</span> Village of Williamsville Boundary</li> <li><span style="background-color: blue; width: 15px; height: 10px; display: inline-block;"></span> Surface Water Body</li> </ul>
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**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst  
 New York State Department of Transportation  
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**Table 4. Roadway Segments with Projected Deficient Levels of Service**

Roadway	Segment
E Robinson Rd (N French)	Niagara Falls Blvd (NY 62) to Sweet Home Rd (Rt 952T)
Niagara Falls Blvd (NY 62)	E Robinson Rd to Ellicott Creek
N French Rd	Campbell Blvd (NY 270) to I-990
N French Rd	Millersport Hwy (NY 263) to Hopkins Rd
N French Rd	Dodge Rd to Transit Rd (NY 78)
Hopkins Rd	N French Rd to Dodge Rd
Transit Rd (NY 78)	Millersport Hwy (NY 263) to N French Rd
Millersport Hwy (NY 263)	Maple Rd to Audubon Pkwy
Transit Rd (NY 78)	Casey Rd to Maple Rd
Klein Rd	Hopkins Rd to Youngs Rd
Hopkins Rd	Klein Rd to Maple Rd
Youngs Rd	Klein Rd to Maple Rd
Main St (NY 5)	I-290 to Union Rd
Main St (NY 5)	Union Rd to Transit Rd (NY 78)
Youngs Rd	Maple Rd to Main St (NY 5)
Transit Rd (NY 78)	Maple Rd to Main St (NY 5)
Wehrle Dr	Garrison Rd to Aero Dr
Wehrle Dr	Union Rd to S Cayuga Rd

**Level of Service (LOS)**

The LOS is the best indicator of the operation of a roadway. It is a qualitative measure of a driver’s comfort and safety perception as related to speed, travel time and delay, traffic interruptions, freedom to maneuver, driver frustration, comfort, convenience and safety. LOS is measured on a scale of A to F as follows:

- **LOS “A”** represents free flow, where drivers are unaffected by others in the traffic stream.
- **LOS “B”** represents stable flow, however the presence of others in the traffic stream is noticeable.
- **LOS “C”** is in the limit of stable flow, where maneuvering within the traffic flow requires significant vigilance.
- **LOS “D”** represents high density but stable flow. Freedom and speed to maneuver are highly restricted. This condition usually warrants improvement.
- **LOS “E”** represents operating levels at or near capacity. Comfort and convenience levels are very low, driver frustration is high, and very long delays ensue.
- **LOS “F”** is used to define a breakdown of flow. The amount of traffic arriving at a point exceeds the amount departing and queues begin to form. Extreme delays are encountered.

To create a more efficient and sustainable transportation system in the Town of Amherst, the following issues must be addressed:

- Lack of a comprehensive, multi-modal transportation capital improvement program
- Need for more connections among neighborhoods (e.g., sidewalks, paths, roadway linkages, etc.)
- Need for more bicycle and pedestrian routes, sidewalks, and trails
- Need to address safety issues and conflicts between pedestrian/bicycle and vehicular traffic
- Need to address the effects of roadway improvement projects on adjoining neighborhoods

In planning for future improvements, the Transportation Element should be used in conjunction with other elements of the Comprehensive Plan, including Land Use and Development (Chapter 3.0) and Infrastructure (Chapter 8.0). When implementing the policies set forth in this chapter, it is important that the Town consider the regional context of Amherst’s transportation challenges. Increased congestion on the Town’s roadway corridors is tied to growth and commuting patterns in Erie and Niagara Counties. Studies relevant to the Town of Amherst that should be consulted include:

- Town of Amherst Bicentennial Comprehensive Plan *Inventory and Analysis Report* (December 2001)
- Town of Amherst *Traffic Study Final Summary Report* (February 1997)
- GBNRTC *2025 Long-Range Plan for Erie and Niagara Counties* (January 2001)
- Niagara Frontier Transportation Committee *Regional Bikeway Implementation Plan* (April 1998)
- Niagara Frontier Transportation Committee *Regional Pedestrian Master Plan* (December 1997)

## 6.2 GOALS, OBJECTIVES, AND POLICIES

### GOAL

*An efficient, multi-modal transportation system that accommodates the automobile, maintains neighborhood character, and emphasizes alternative means of travel, including walking, biking, and public transportation*

### OBJECTIVES

- Create a roadway network that improves efficiency and connectivity while preserving neighborhood character
- Develop the existing bicycle/pedestrian system into a town-wide, interconnected network that facilitates connections between vehicular and non-vehicular transportation
- Work with the Niagara Frontier Transportation Authority to provide adequate public transit service, particularly to mixed-use activity centers identified in the Conceptual Land Use Plan
- Establish a town traffic assessment and planning capability to manage and maintain local highways

#### ***Vision Statement Directions: Transportation***

- Functional, safe, efficient transportation system
- Multi-modal choices:
  - Interconnected roadways
  - Sidewalks
  - Bike lanes
  - Trails
  - Transit

### POLICIES

#### A. Road Network

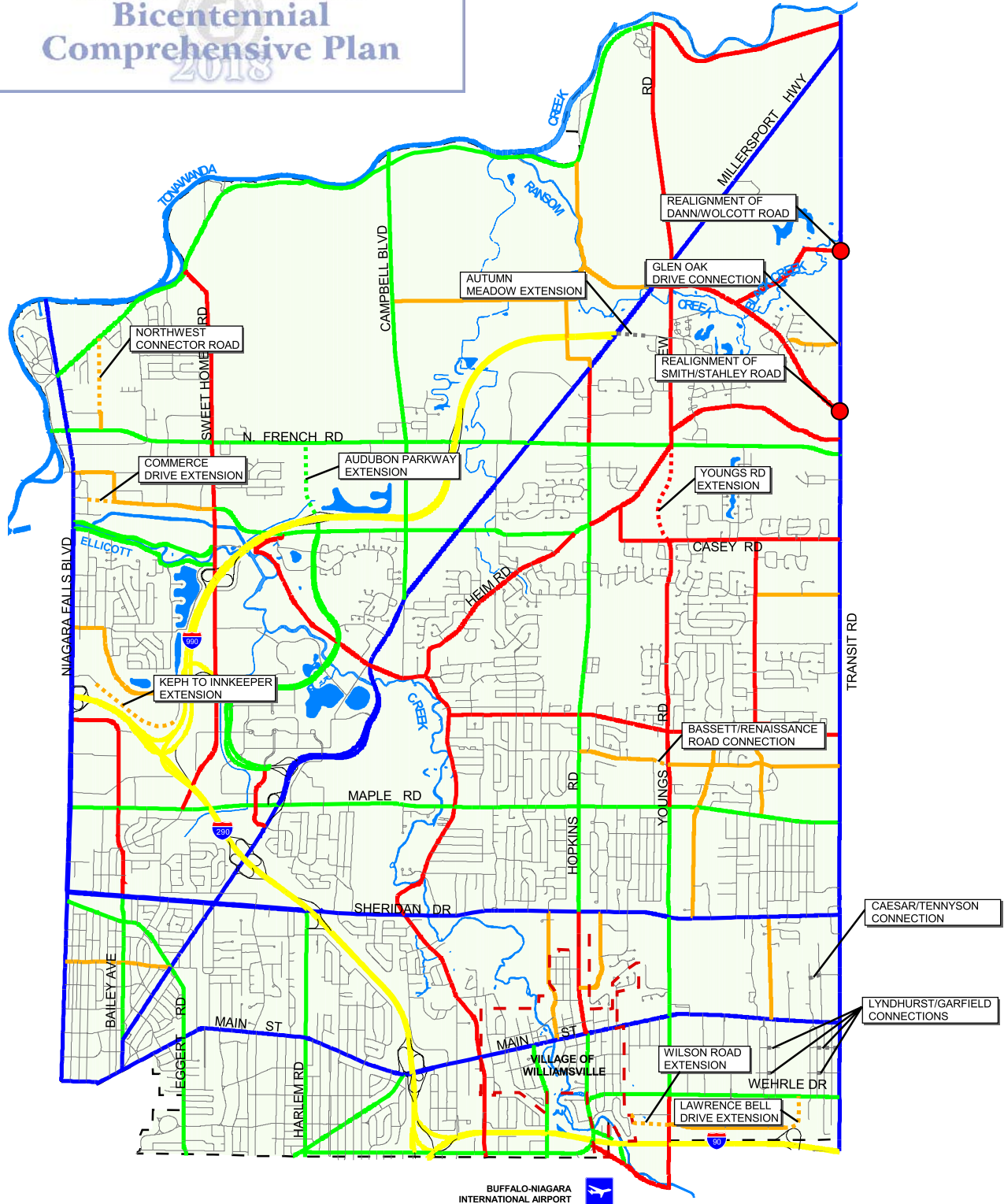
Figure 9 illustrates the following characteristics of the Town’s future road network:

- **Functional classifications** of roadways
- **Roadway connections and completions** to enhance the connectivity and efficiency of the network

#### Functional Classifications

“Functional classifications” refer to the grouping of streets and highways into classes, or systems, according to the character of service they are intended to provide. Basic to this process is the recognition that roads do not function independently, but rather as a system-wide network. The classifications shown in Figure 9 are based upon projected land uses, traffic volumes, and roadway

# Town of Amherst Bicentennial Comprehensive Plan



**FUTURE THOROUGHFARE SYSTEM**

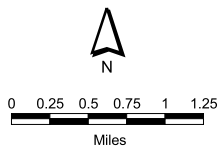
**FIGURE 9**

**LEGEND**

- |   |   |
|---|---|
| <p>Functional Classification</p> <ul style="list-style-type: none"> <li><span style="color: orange;">—</span> Local Collector</li> <li><span style="color: red;">—</span> Collector</li> <li><span style="color: green;">—</span> Minor Arterial</li> <li><span style="color: blue;">—</span> Major Arterial</li> <li><span style="color: yellow;">—</span> Expressway</li> </ul> | <ul style="list-style-type: none"> <li><span style="border-bottom: 1px dashed black; width: 20px; display: inline-block;"></span> Municipal Boundary</li> <li><span style="border-bottom: 1px dashed red; width: 20px; display: inline-block;"></span> Village of Williamsville Boundary</li> <li><span style="background-color: blue; width: 15px; height: 10px; display: inline-block;"></span> Surface Water Body</li> </ul> |
|---|---|

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configurations during the time horizon of the Comprehensive Plan. In general, the classifications are defined as follows:

- **Expressways:** Roadways devoted entirely to traffic movement with little or no direct land service function. Expressways are multilane, divided roads with controlled access and few, if any, intersections at grade. Expressways serve large volumes of high-speed traffic and are primarily intended to serve commuters or long trips within and between metropolitan areas.
- **Major Arterials:** High volume roadways that carry the major portion of daily trips to centers of activity in the metropolitan area. Major arterials (also called principal arterials) place a greater emphasis on mobility rather than access to land and include fully and partially controlled access. A major arterial serves major through movements between important centers of activities in a metropolitan area, and a substantial portion of trips entering and leaving the area. It also connects expressways with major traffic generators.
- **Minor Arterials:** Streets that connect and augment the major arterial system. Although its main function is still traffic mobility, a minor arterial performs this function at a somewhat lower level and places more emphasis on land access than does a major arterial. A system of minor arterials serves trips of moderate length and distributes travel to geographical areas smaller than those served by a major arterial.
- **Collectors:** Streets that distribute trips from and channel trips to arterials. Additionally, these roadways provide access and circulation within residential neighborhoods. Collector streets provide for both access and circulation within residential, commercial, and industrial areas. Their access function is more important than that of arterials, and unlike arterials, their operation is not always dominated by traffic signals.
- **Local Collectors:** Streets that distribute lower volumes of traffic from predominantly residential developments to collector streets and arterials. Local collectors carry through traffic, but at lower volumes than collectors.
- **Local Streets:** Streets that provide for local traffic with the highest level of property access and the lowest level of mobility. Through traffic movement is discouraged on local streets.

The road network consists of routes owned and maintained by local, county and state agencies. A high level of coordination between these agencies is required when considering improvements to any roadways within the Town.

### Roadway Connections and Completions

Roadway connections/completions shown on Figure 9 include:

- Youngs Road extension from Casey Road to North French Road (priority)
- Northwest Connector Road from Wegman's Access to Tonawanda Creek Road
- Glen Oaks Drive connection to Transit Road
- Bassett Road/Renaissance Drive connection to Youngs Road
- Smith Road/Staley Road/Transit Road intersection realignment
- Dann Road/Wolcott Road/Transit Road intersection realignment
- Autumn Meadow Lane extension to Millersport Highway
- Keph Drive to Innkeepers Lane extension parallel to I-290
- Wilson Road extension loop to Youngs Road at Lawrence Bell Drive
- Lawrence Bell Drive extension loop to Wehrle Drive
- Lyndhurst Road connection from Berkley Road to Transit Road
- Lyndhurst Road connection from Amherston Drive to Oakwood Road
- Garfield Road connection from Ferndale Road to Harding Road
- Garfield Road connection from Amherston Drive to Oakwood Road
- Caesar Boulevard connection to Tennyson Terrace

These improvements are designed to increase the connectivity and efficiency of Amherst's local road network by providing drivers with alternative ways of reaching their destinations, thus helping to reduce congestion along major corridors. In general, connections should be provided in the Town's overall road network and within/between subdivisions to enhance vehicular circulation and reduce congestion. Traffic calming measures should be used where needed to protect neighborhoods from non-local, "cut-through" traffic (see Transportation Policy 6-2). It should be noted that levels of service on some of the roadway segments shown on Figure 8 to have projected future deficiencies may be improved by the roadway connection/completion projects.

***Traffic calming*** refers to physical or operational measures to reduce vehicular speeds or volumes of "cut-through" traffic. Examples of physical traffic calming measures include traffic circles or roundabouts, textured pavements, raised crosswalks, and mid-block street narrowings or "chokers" (often in conjunction with pedestrian crossings).

While Figure 9 emphasizes the function of town roads in terms of moving vehicular traffic, the Comprehensive Plan policies for Amherst's future road network are **not** designed to dramatically increase levels of service for the automobile through a capital-intensive program to widen existing roadways and construct new ones. Even if funding were available for such a program, experience has shown that increasing capacity tends to attract additional automobiles, often resulting in even more congestion while impacting adjacent neighborhoods, pedestrians, and



bicyclists. As a fundamental principle, enhancing mobility for automobiles must be balanced with other considerations, such as protecting neighborhood character and providing for safe pedestrian and bicycle movement. Thus the first two policies below (6-1 and 6-2) address the need for a context-sensitive approach to planning and design of roadway improvements in coordination with adjacent land uses. Policy 6-3 involves establishing a town planning capability to manage the local road network. Policy 6-4 focuses on operational (as opposed to capital-intensive) measures to enhance roadway capacities. Policy 6-5 proposes a targeted capital program by the Town to address congestion problems on local roads. Recognizing that it is unrealistic to expect that operational and capital programs will eliminate traffic congestion in the Town of Amherst, Policy 6-6 emphasizes the need for a broader strategy that includes investment in alternative travel modes and coordination of transportation and land use policies.

**6-1 Designate roadway corridors for application of context-sensitive design standards to maintain their character.**

The Vision Statement expresses the importance of Amherst’s diverse physical environment – including distinct urban, suburban, and rural areas – to community character. Growth in recent decades has resulted in the lessening of distinctions between these areas, due in large part to the proliferation of automobile-oriented residential subdivisions and commercial strip development typical of suburbanizing communities. To help reestablish and reinforce physical diversity and sense of place within Amherst, the Town should develop and adopt roadway design standards that are sensitive to the established context. These standards should address the treatment of the public right-of-way, the form and appearance of adjacent development, and land use in an integrated fashion. The standards should incorporate flexibility consistent with the approach to planning for transportation improvements known as “Context Sensitive Design,” which emphasizes collaborative planning with stakeholders to develop solutions appropriate to local conditions (see Policy 6-2). The Town should work with the Erie County Department of Public Works and the New York State Department of Transportation (NYSDOT) to implement the standards on highways under their jurisdiction.

Four types of character appropriate to different contexts have been identified:

- Traditional character
- Suburban character
- Commercial character
- Rural/special character

Figure 10 illustrates the locations of corridors within each of these types.

*Context-sensitive design* is an emerging approach to transportation planning that emphasizes collaborative planning with stakeholders to develop transportation improvements that preserve local values and resources (e.g., neighborhood quality), while maintaining safety and mobility (as opposed to “one-size-fits-all” engineering solutions).

**Traditional character:** “Traditional” refers to corridors located within higher intensity centers and older neighborhoods such as Williamsville, Eggertsville, and Snyder. Design standards for these areas should promote a pedestrian-friendly environment through crosswalks and sidewalks, trees and other landscaping, commercial buildings located at established centers and pulled to the front of the lot with parking to the rear, and interconnected (grid) street patterns. Main Street between Kenmore Avenue and Kensington Avenue and through the Village of Williamsville is an example of a traditional corridor. Other traditional corridors include:

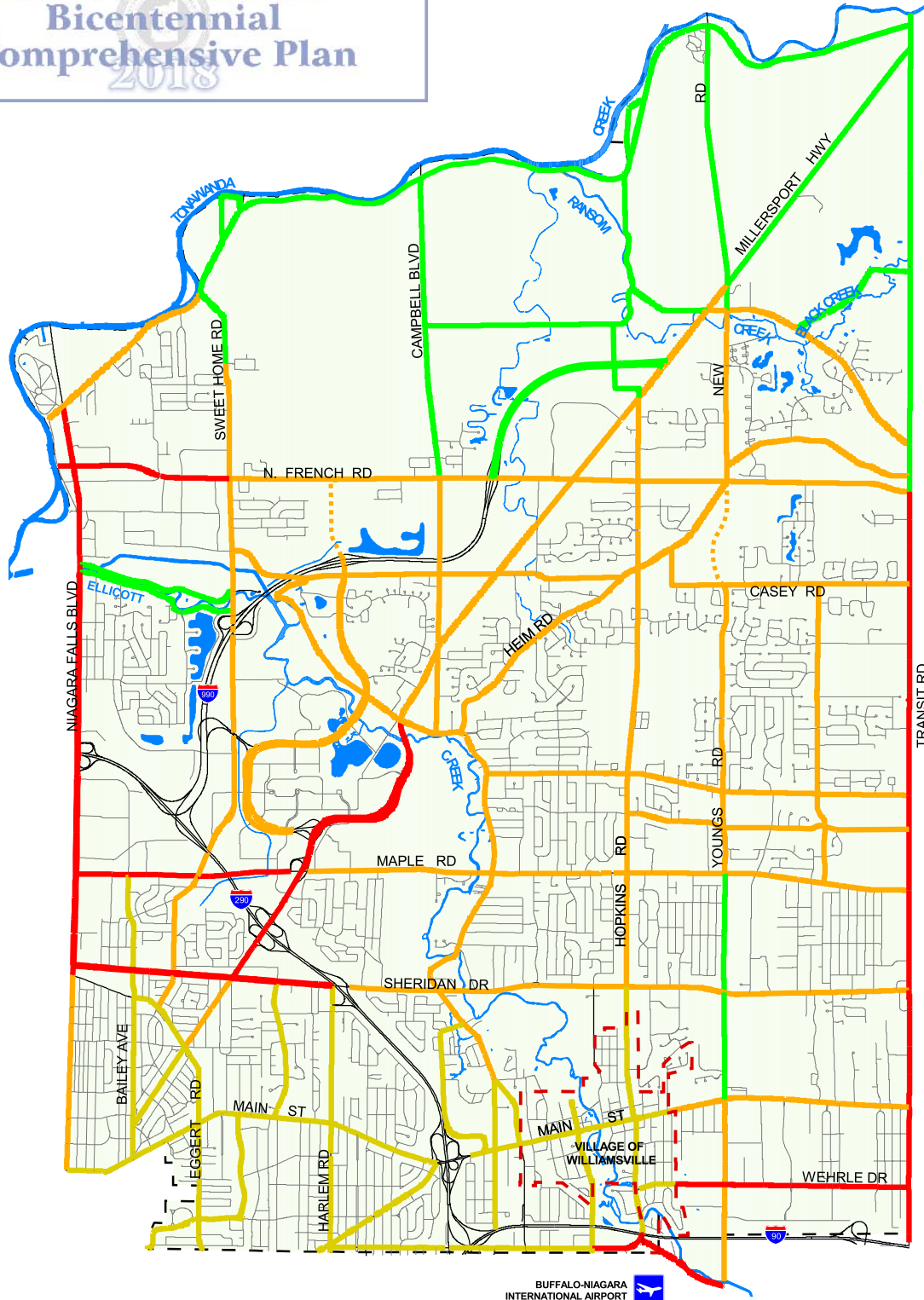
- Bailey Avenue from Main Street to Maple Road
- Eggert Road from the City of Buffalo line to Bailey Avenue
- Grover Cleveland Highway
- Harlem Road
- Kensington Avenue
- Union Road from Main Street to North Forest Road
- South/North Forest Road from Wehrle Drive to Union Road
- Niagara Falls Boulevard from Kenmore Avenue to Eggert Road
- Kenmore Avenue from Niagara Falls Boulevard to Main Street
- Garrison Road/Evans Street
- Wehrle Drive from Harlem Road to Cayuga Road
- Wehrle Drive from Aero Drive to the Village of Williamsville Line
- Cayuga Road
- Park Club Lane
- Getzville Road
- LeBrun Road

**Suburban character:** “Suburban” refers to corridors serving newer residential subdivisions and arterial or collector roadways serving non-local traffic and which typically support automobile-oriented development. Standards for residential subdivision roads should provide appropriate (not excessive) street widths, planting strips with street trees, sidewalks, and connected (not necessarily grid-like) patterns. Standards for arterial or collector corridors should balance the movement of traffic with the protection of adjacent residential areas. Segments of North Forest Road provide examples of a suburban roadway with unique characteristics that can be protected through standards. Desired treatments of suburban character corridors include controlled access as opposed to multiple curb cuts; treed planting strips, medians, and/or buffers adjacent to the roadway; and bike lanes and sidewalks. Consistent with Land Use and Development Policy 3-4, land

Main Street between Kenmore Avenue and Kensington Avenue and through the Village of Williamsville is an example of a **traditional corridor** with commercial buildings pulled to the sidewalk and parking located to the rear.

Standards for **suburban character corridors** should balance vehicular movement with streetscape enhancements (landscaping and tree planting projects, bike lanes and sidewalks, etc.) and the protection of adjacent residential

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**CHARACTER CORRIDORS**

**FIGURE 10**

**LEGEND**

Corridor Type

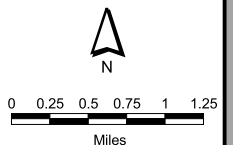
- |   |  |
|---|--|
| <span style="color: yellow;">—</span> Traditional | <span style="border-bottom: 1px dashed black;">—</span> Municipal Boundary   |
| <span style="color: orange;">—</span> Suburban    | <span style="border-bottom: 1px dashed red;">—</span> Village of Williamsville Boundary                            |
| <span style="color: red;">—</span> Commercial     | <span style="background-color: blue; width: 15px; height: 10px; display: inline-block;"></span> Surface Water Body |
| <span style="color: green;">—</span> Rural        |  |

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst

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use strategies for arterial and collector roadways should focus commercial development in centers with residential uses maintained between the designated center locations. Suburban character corridors include:



*Youngs Road: a suburban character corridor, limited access arterial with reverse frontage residential lots.*

- Maple Road east of Millersport Highway
- Sheridan Drive east of I-290
- Youngs Road from Maple Road north to its future terminus at North French Road (includes Youngs Road extension)
- Hopkins Road from Sheridan Drive to Millersport Highway
- North Forest Road from Union Road to Dodge Road
- John James Audubon Parkway
- North French Road from Sweet Home Road to Transit Road
- Casey Road
- Heim Road
- Klein Road
- Dodge Road
- Sweet Home Road from Eggert Road to North French Road
- Covent Garden Lane/Paradise Road
- Renaissance Drive/Bassett Road
- Millersport Highway from Eggert Road to New Road
- Smith Road

**Commercial character:** Several of Amherst’s roadway corridors have an established linear commercial development pattern. These corridors include:

- Niagara Falls Boulevard from Eggert Road/Sheridan Drive north to Tonawanda Creek Road
- Transit Road south of North French Road
- Maple Road west of Millersport Highway
- Sheridan Drive west of I-290
- East Robinson Road/North French Road from Niagara Falls Boulevard to Sweet Home Road
- Wehrle Drive east of the Village of Williamsville
- Main Street east of the Village of Williamsville
- North Bailey Avenue from Maple Road to Niagara Falls Boulevard
- Youngs Road from Aero Drive to Main Street
- Aero Drive from Wehrle Drive to the Town boundary and Youngs Road

Standards for **commercial character corridors** should emphasize access management, visual improvements, and increased pedestrian access.

Standards for commercial character corridors should emphasize access management, visual improvements (e.g., signage controls, landscaping, etc.), and introduction of

pedestrian elements such as sidewalks and connections to building entrances. The Town will need to continue to work with adjacent municipalities to ensure that roadway corridor standards and related land use policies for Niagara Falls Boulevard and Transit Road are coordinated.

**Rural character:** “Rural” character corridors possess a unique visual character within Amherst due to their rural and/or scenic qualities. Typical characteristics include:

- Predominantly undeveloped, with significant open space, tree cover, or other vegetation along the road frontage
- Developed uses generally limited to residences with direct access to the road; “backlands” are undeveloped
- Lack of modern road improvements (narrow widths, no curb/gutter and sidewalks, etc.)
- Fit into/provide views of the rural landscape or significant visual resources (e.g., follow creeks)

The following rural character corridors have been identified:

- Campbell Boulevard between North French Road and Tonawanda Creek Road
- Dann Road between Smith Road and Transit Road
- Smith Road between Hopkins Road and Millersport Highway
- Hopkins Road between Millersport Highway and Tonawanda Creek Road
- New Road between Smith Road and Tonawanda Creek Road
- Orbit Drive (Entire loop off Tonawanda Creek Road)
- Sweet Home Road between North French Road and Tonawanda Creek Road
- Tonawanda Creek Road
- Brenon Road (access to Veterans Park)
- North and South Ellicott Creek Roads between Niagara Falls Boulevard and Sweet Home Road
- Transit Road between North French Road and Tonawanda Creek Road
- Youngs Road between Main Street and Maple Road
- I-990 corridor north of North French Road
- Schoelles Road
- Millersport Highway between New Road and Transit Road

Standards for <i>rural character corridors</i> should help maintain the special visual character of these roadways.
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Standards should be established for both roadway design and the treatment of adjacent land uses to help maintain the visual character of rural corridors. Roadway design standards should limit roadway width, provide natural rather than structural drainage controls (e.g., drainage swales rather than curb and

gutter), and maintain tree cover and vegetation. With respect to land use, past development practices have resulted in individual homes lining rural roadways within the Town, impacting visual character and isolating larger properties behind the frontage house lots. To address this trend, land use standards for rural corridors should encourage development setbacks and clustering to maintain open character and scenic views from the roads.

**6-2 Modify the Town’s engineering standards for roadways to reduce neighborhood impacts.**

Consistent with Policy 6-1, the Town should review existing engineering design standards with the intent of incorporating measures that reduce impacts of roadway improvement projects on adjacent neighborhoods and promote a more pedestrian-friendly environment. Examples include:

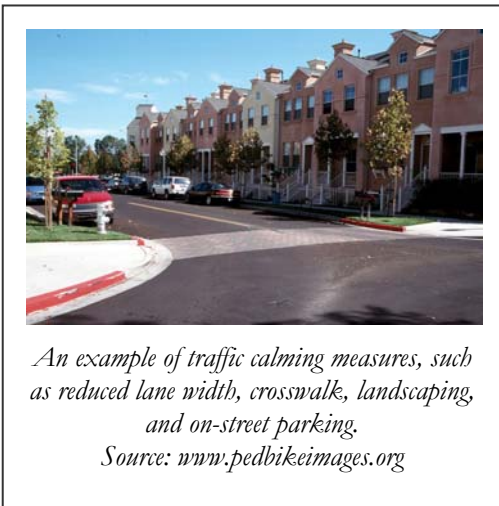
- Emphasis on targeted improvements (e.g., turning lanes at intersections) rather than extensive widening that will adversely affect adjacent land uses
- Traffic calming measures (i.e., changes in street alignment and other physical measures such as roundabouts and medians to reduce traffic speeds, cut-through volumes, or other negative impacts of automobiles on neighborhoods)
- Reduced lane widths and turning radii
- Provisions for landscaping (e.g., planted medians, street trees, etc.) and sidewalks

In revising the engineering standards, the Town should incorporate flexibility to address local conditions consistent with a nationally emerging approach to transportation planning referred to as “context-sensitive design.” This concept has been defined as:

*A collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility.<sup>7</sup>*

Applied to Amherst, this approach means that top-down engineering standards emphasizing movement of vehicular traffic will be replaced by a design approach that involves residents and other stakeholders in developing solutions to achieve locally defined objectives (e.g., promoting pedestrian character and reducing impacts on neighborhood and environmental resources).

Information on revisions to roadway design standards should be conveyed to the Erie County Department of Public Works



*An example of traffic calming measures, such as reduced lane width, crosswalk, landscaping, and on-street parking.  
Source: www.pedbikeimages.org*

<sup>7</sup> Project for Public Spaces website, [www.pps.org/CSS/cssonline.htm](http://www.pps.org/CSS/cssonline.htm)

and the NYSDOT. The Town should work with these agencies to apply the concept of context-sensitive design to county and state roadway improvements within the Town. The agencies should be asked to keep the Town informed of future improvement projects and to incorporate the Town's standards and approach into these projects. NYSDOT's Highway Design Manual contains a section on traffic calming measures that can be applied to state highways. All agencies contemplating reconstruction or realignment of major roadways should hold public workshops prior to initiating conceptual design as a means of identifying local concerns and expectations. The public comment period for environmental review of road projects will provide another forum for improving roadway improvement design and reducing impacts on neighborhoods within the Town.

**6-3 Establish a town highway planning capability to manage the local road network.**

The GBNRTC tracks current and projected future conditions of state and county roads in the Town of Amherst for the Long-Range Regional Transportation Plan. However, GBNRTC's programs do not address local roads within the Town not included in the Federal-Aid system. The Town should work with GBNRTC to establish a planning capability that addresses the entire network of state, county, and local roads within Amherst. This capability will be used to plan for operational and capital improvements in accordance with Policies 6-4 and 6-5.

*A town highway planning capability* is needed to proactively plan for operational and capital improvements to Amherst's entire road network, as well as to assess the traffic impacts of major developments.

As part of the highway planning capability, the Town should institute a comprehensive approach to the review of site plans for future developments to assess the impacts on the transportation network. This will involve the application of traffic impact analyses and mitigation requirements to developments projected to generate large amounts of traffic. Mitigation requirements exceeding the feasibility of a single project to implement may provide a substantial benefit if the costs were shared by several projects. As an example, continued growth in the Ransom Oaks area may eventually lead to the requirement of a traffic control device along New Road. Developers could be required to share in the costs of such traffic improvements as part of the development review and approval process.

**6-4 Enhance transportation system capacities through operational improvements, including improved access management and a comprehensive signal-timing plan.**

Access management strategies should focus on coordinated roadway design and land use practices such as the following:

- Limiting the number of driveways and intersections on major and minor arterial highways

- Constructing medians and other devices to control turning movements
- Encouraging compact development patterns, shared curb cuts, and internal connections and service drives

The Towns of Amherst and Clarence have developed collaborative access management concepts along Transit Road. Similar access management strategies should be applied to all major roadway corridors within Amherst. Design standards and incentives should be provided for commercial and residential developments to implement access management plans consistent with the Town’s overall strategies.

In addition to access management strategies, a signal-timing plan should be developed to improve the coordination of the traffic signal system throughout the Town. Coordinating traffic signals means connecting them so that they work together to create the smoothest possible operational conditions and traffic flow along major corridors. The plan should address the following<sup>8</sup>:

- Adequate time for cross-traffic to clear intersections
- Provisions for pedestrians and emergency vehicles
- Motorists’ expectations of a “no-stop” progression with as little delay as possible
- Increased safety by reducing the number of red-signal violations and rear-end collisions
- Changing signal timing for different periods during the day to serve varying demands

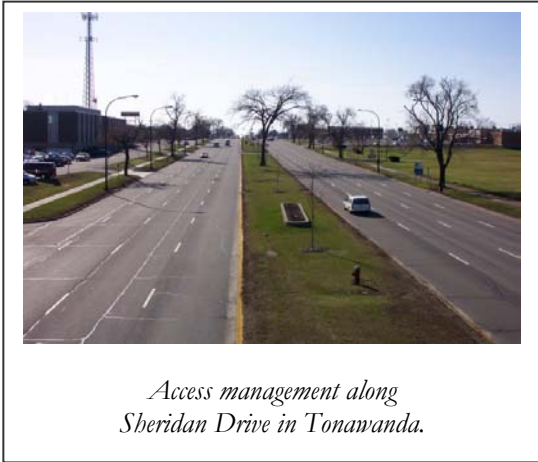
A significant amount of information must be collected to develop such a plan, including:

- Information related to the present signal timing and physical layout of the street system
- Current turn movement counts at signalized intersections

The plan could be developed and applied to selected intersections/corridors on a trial basis and gradually extended throughout the Town.

**6-5 Undertake a capital program to maintain or improve the efficiency of the existing road system.**

The Town should work with NYSDOT, GBNRTC, Erie County, and other agencies involved in transportation planning to develop a long-range program to address identified problems through targeted improvements. Components of this program should include:



*Access management along Sheridan Drive in Tonawanda.*

**Components of a *capital program* for roadways:**

- Local highway capital improvement program
- Targeted intersection improvements
- Improved pedestrian/vehicular connectivity between neighborhoods
- Provisions for pedestrian, bicycle, and transit movement

<sup>8</sup> Information based on the Ames, IA traffic signal coordination program: [www.city.ames.ia.us/workswweb/trafficdept/trafficsignalcoordination/htm](http://www.city.ames.ia.us/workswweb/trafficdept/trafficsignalcoordination/htm)



- ***Develop a local highway capital improvement program.*** Amherst's road system is in need of a capital program that identifies ways to improve capacities by:
  1. Targeting improvements to address traffic congestion problems on local roads
  2. Promoting a more interconnected (grid) roadway system through roadway connections/completions as shown on the Future Thoroughfare System Plan (Figure 9)

Local roads not eligible for funding under the Federal-Aid system would benefit from a program addressing level of service improvements. As an example, simply adding a left turn lane and modifying the traffic signal could correct low level of service resulting from congestion at intersections. Such improvements can be rated and weighed against similar improvements on local roads throughout the Town, and implemented through the new capital program funding.

Greater connectivity would be promoted by developing a hierarchy of streets (arterial, collectors, and local collectors), combined with a standard for the streets to be spaced approximately ½ mile or less apart from each other. This spacing will increase the efficiency of transit operations, reduce the time allotted for access trips along local streets, and relieve congestion and the pressure to widen major thoroughfares. While implementation of this concept will depend upon the availability of funding and will need to be sensitive to neighborhood impacts, the Youngs Road Extension, Northwest Connector Road, and other roadway connections/completions shown on Figure 9 are good examples of the opportunities that exist within the Town.

- ***Implement improvements to improve traffic flow at congested intersections.*** Congestion is a problem at many intersections within the Town of Amherst. Strategies that could be used to address this problem include addition of turn lanes, other measures to reconfigure the intersection (e.g., reviewing turning radii, encouraging four-way alignment of streets at intersections), and improved signalization (see Policy 6-4). As an example, recently completed highway improvements along Niagara Falls Boulevard and Transit Road include the addition of a landscaped island/raised median in place of continuous left-turn lanes, thereby eliminating a source of congestion from queued vehicles in the center lane that currently conflict with busy oncoming travel lanes.

- ***Improve pedestrian/vehicular connectivity between neighborhoods.*** Providing street linkages would allow local traffic to move between neighborhoods without having to use high traffic volume roadway corridors. This would help to diminish corridor congestion and improve vehicular and pedestrian safety. Also, future trail and bikeway projects could include spurs and thus access to neighborhoods, and commercial/mixed-use activity centers.
- ***Accommodate pedestrian, bicycle, and transit service in roadway improvements.*** While this policy focuses on road improvements, the overall goal for Amherst's future transportation network is to develop an interconnected, multi-modal system, including pedestrian, bicycle, and transit service. Thus roadway improvement projects should be designed to accommodate other modes of travel by incorporating features such as pedestrian sidewalks, bicycle lanes, and dedicated bus pull-off lanes and shelters.

**6-6 Accept a certain level of traffic congestion as a “given” and expand investments in alternative transportation modes and compact, mixed-use development patterns.**

Given the limits placed on future roadway improvements by funding constraints and the need to preserve neighborhood character, combined with Amherst's established and growing function as a regional employment center, it is not expected that the above policies will “solve” congestion problems in the Town. Instead, the Comprehensive Plan transportation policies involve a shift away from an emphasis on functional efficiency for the automobile towards a more balanced transportation system that achieves other community objectives. As described in Sections B and C below, this shift includes expanded investment in facilities to support alternative travel modes (e.g., trails, sidewalks, bikeways, and transit). Equally important is the coordination of transportation and land use policies to promote compact, mixed-use development patterns that reduce automobile dependency and encourage walking.

**B. Bicycle/Pedestrian Network**

The Town of Amherst is actively developing a system of off-road trails to support both bicycle and pedestrian use. The existing Ellicott Creek Trail and proposed Lehigh Valley Trail are examples of quality projects that support non-vehicular transportation. The Town also continues to construct or support construction of sidewalks within Amherst, although there are significant gaps in the connectivity of the system. On-street bicycle facilities are relatively limited, with only two bicycle routes currently designated. Future projects to expand the coverage and connectivity of the bicycle/pedestrian network and provide additional amenities should be supported. The concept for developing an interconnected bicycle/pedestrian network as part of a town-wide

greenways system is described in Land Use and Development Policy 3-13 and illustrated in Figure 4 (Parks, Open Space and Trail Map) and Figure 5 (On-Street Bicycle/Sidewalk Network).

**6-7 Develop a comprehensive bicycle network, using a rating system to identify and prioritize improvements.**

As part of the capital improvement program discussed under Policy 6-5, an ongoing program to identify and prioritize improvements to achieve a town-wide bicycle network should be established. Both on-street bicycle lanes and off-street trails should be developed consistent with Figures 4 (Parks, Open Space and Trail Map) and 5 (On-Street Bicycle/Sidewalk Network). GBNRTC’s *Regional Bikeway Implementation Plan* for the Buffalo-Niagara Region can be consulted for guidance in planning for on-street facilities. The GBNRTC Plan establishes a Bicycle Level of Service rating system that evaluates the suitability of roadway corridors within the Town for bicycle travel based upon vehicular traffic, number of travel lanes, average outside lane width, posted speed limit, pavement surface condition, and land use. This rating system can be used to help identify and prioritize on-street improvements needed to accommodate bicycle travel. Future developments should be required to provide connections to the town-wide pedestrian/bicycle network. Provisions for such connectivity could be incorporated into the existing process for site plan, subdivision, and/or special use permit review.

*Bicycle level of service* is a system that evaluates the suitability of roadway corridors for bicycle travel and which can be used to identify and prioritize needed improvements.

**6-8 Develop a comprehensive pedestrian network of sidewalks, crosswalks, and trails.**

A comprehensive network of pedestrian facilities should be developed and safety improvements made to roadways that are recognized pedestrian hazards. As with the bicycle network, an on-going program to identify and prioritize improvements to achieve this network should be established. This program should focus on eliminating discontinuities in the current network and providing linkages between neighborhoods and major pedestrian destinations, such as schools and mixed-activity centers. For example, TEA-21 funding could be used to complete the sidewalk network near Smallwood Drive Elementary School at Lakewood Parkway and Livingston Parkway.

Improvements to Amherst’s *pedestrian network* should focus on eliminating discontinuous sidewalks and on providing linkages to schools and other major pedestrian destinations.

Discontinuous sidewalks may result from varying development standards applied to different highway functional classifications and requirements. For example, sidewalks may not have been required for a road with a lower function or classification, and thus development occurred without sidewalks. As traffic levels increase and the road takes on characteristics of a higher function road, development may occur with sidewalks, resulting in a discontinuous pattern. The Town should consider providing for continuous sidewalks along roadway segments as road classifications change. The Engineering

Department is currently utilizing its GIS capabilities to identify discontinuous sidewalks.

The goals set forth by GBNRTC's *Pedestrian Policy Statement* (Spring 1997) should be used as a guideline in implementing this policy. These goals are:

- Increase pedestrian mobility by meeting pedestrian demands with improved infrastructure
- Improve safety and comfort of the pedestrians
- Encourage pedestrian activity
- Provide pedestrian accessibility to all destinations
- Educate bicyclists, pedestrians, and motorists

Achieving these goals will improve the quality of life of residents of Amherst.

To address existing needs the Town should consider the feasibility of creating sidewalk improvement districts to repair and maintain sidewalks in established and new neighborhoods. Pedestrian improvements also need to be coordinated with land use and development policies to promote more compact, walkable development patterns. Such policies include promoting the establishment of mixed-use activity centers that increase opportunities to walk between home, shopping, and/or employment. Multiple uses should be encouraged within many of the Town's industrial and office parks to offer residents and employees the opportunity to complete necessary errands at lunch or after work hours without impacting the external road system.

### **C. Transit Service**

Public transit is a vital component of the Town's transportation system, both to reduce the number of vehicles on the road and to serve segments of the population who do not have access to private automobiles. Annual demand for public transit service has seen both declines and increases since 1995. Currently, the number of Amherst residents who choose to ride on the Niagara Frontier Transportation Authority's Metro Bus system is increasing as a result of creating routes that access industrial parks within the Town. There has also been an increase in ridership of City of Buffalo residents traveling to retail and employment centers located in Amherst.

#### **6-9 Work with NFTA to improve transit service and provide connections to activity centers (e.g., UB and Eggertsville).**

Utilization of the NFTA Metro Bus system is limited, primarily due to the relative affluence of the community and the corresponding absence of need to use public transportation, and the perceived inconvenience of the present system.

Establishing more extensive and frequent service that connects to mixed-use activity centers as described in Land Use and Development Policy 3-1 will increase the benefits and utility of public transit service.

Better-defined activity centers established in accordance with Policy 3-1 will result in better utilization of public transit, particularly as projected increases in congestion on Amherst's road network occur. Encouraging a variety of activities in these locations combined with compact residential development within walking distance will create nodes for transit service. Traffic flows would be enhanced through dedicated bus pull-offs. In addition, better service and bus shelters within industrial and office parks would increase ridership.

Light rail currently extends to the south campus and has been proposed for extension to the north campus in the past. Transit service in this corridor, whether light rail or other option such as dedicated bus service, would support Comprehensive Plan policies related to alternative transportation modes, mixed-use activity centers, and better integration of UB into the community.

The above policies establish a coordinated strategy to improve vehicular, bicycle, pedestrian, and transit mobility for Town of Amherst residents. To assess progress in implementing these policies, bi-annual transportation surveys should be conducted through collection of data (e.g., traffic counts and transit ridership) and distribution of questionnaires to residents. The results of these surveys should be used by the Town in prioritizing and modifying transportation programs to address citizen needs.

Transit service should be provided to existing and new <i>mixed-use activity centers</i> established in accordance with the Comprehensive Plan land use policies.
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## 7.0 Infrastructure

### 7.1 OVERVIEW

***Priority Action Programs:  
Infrastructure***

- Implement a comprehensive stormwater management strategy to address flooding and water quality protection
- Limit future sewer service extensions to support the Conceptual Land Use Plan
- Establish a septic system maintenance district for areas not designated for public sewer

This section of the Comprehensive Plan addresses the Town of Amherst’s non-transportation related infrastructure such as sanitary sewer, storm sewer, water, electric, natural gas, and fiber optic cable. The existing infrastructure generally has adequate capacity to serve existing and projected future development within the Town.

The current condition of the water system in the Town of Amherst is above average and is capable of providing for adequate fire protection for all property in the Town and adequate potable water supply for residents. The sanitary sewer system has recently undergone a substantial upgrade and is generally capable of operating at a higher level of capacity. The Town is divided into two different sanitary sewer districts (See Figure 11). Approximately 75% of the Town falls within Sanitary Sewer District 16, including projected growth areas in central and North Amherst. Sanitary Sewer District 1 provides service to an older section of the Town and contains infrastructure generally in need of upgrading (e.g., to replace failing clay pipe sewers and deteriorating brick manholes).

The Erie County Department of Environment and Planning, Division of Sewerage Management operates Sewer District 5, which serves small portions of Amherst next to the Town of Clarence. Sewer District 5 and Clarence Sewer District 2 serve extensive areas outside of the Town but discharge to the Amherst interceptor sewer network and wastewater treatment plant on Tonawanda Creek. The Town should work closely with Erie County and the Town of Clarence in considering major improvements to the sewer trunks conveying flows from Clarence. Limits in the sanitary sewer network are established through an existing agreement between the two towns as part of a growth control measure for future development in Clarence.

The Town of Amherst has an extensive system of open ditches, closed pipes, detention ponds, and creeks in place to manage stormwater runoff. While this system is in place, stormwater drainage is a concern to many residents as localized nuisance flooding from rain events affects certain areas of the Town. The water quality impacts of stormwater runoff are another important issue.

The Refuse Control Office and the Town Highway Department are responsible for the collection, recycling, and hauling of solid

waste, as well as spring brush pick-up and fall leaf pick-up. No significant concerns regarding the quality of service have been raised. Most of the solid waste collected by the Town is transported to American Refuel, a waste-to energy company in Niagara Falls. Yard waste is transported to the Town's composting facility in northeast Amherst.

Private utility companies address other infrastructure needs of the residents of the Town of Amherst, for example:

- A lease management agreement with the Erie County Water Authority (ECWA) provides the Town with water.
- National Fuel Gas provides natural gas.
- Niagara Mohawk and New York State Electric & Gas (NYSEG) provide electrical service.
- Adelphia Cable, Verizon, MCI, Telergy and TC Systems provide the Town with communications infrastructure to support high technology.

The main concern facing the Town of Amherst with regard to the current status of infrastructure is the cost of extending lines to unserved areas and associated impacts on community character. Other infrastructure-related needs include:

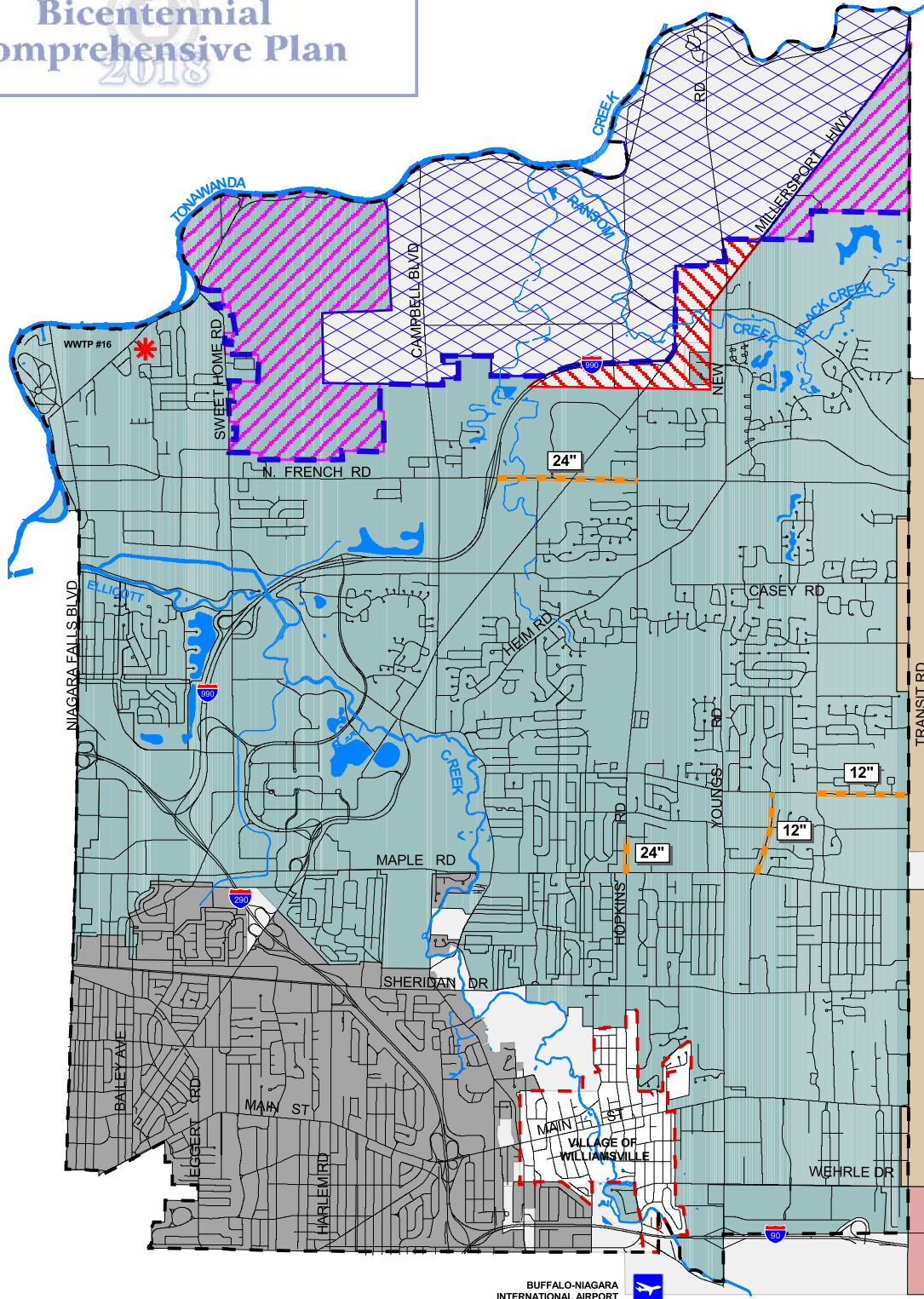
- Upgrading and efficiently maintaining existing infrastructure
- Developing a comprehensive stormwater management plan
- Working with surrounding municipalities to evaluate, upgrade, and/or rebuild shared infrastructure
- Addressing the role of infrastructure in economic development (i.e., high technology infrastructure and high utility costs. These issues are addressed in Chapter 5.0, Economic Development)

As previously indicated, the existing infrastructure generally has adequate capacity to support existing and future development. The two major issues of concern relate to stormwater management and sanitary sewers. For this reason, the goals, objectives, and policies presented below focus on Amherst's stormwater and sanitary sewer systems.



While Amherst's existing infrastructure generally has adequate capacity for existing and future development, the two major issues of concern relate to ***stormwater management and sanitary sewer.***

# Town of Amherst Bicentennial Comprehensive Plan 1818 2018



BUFFALO-NIAGARA INTERNATIONAL AIRPORT

## FUTURE SANITARY SEWER SERVICE

**FIGURE 1 1**

**LEGEND**

Existing Sanitary Sewer Districts

- Amherst Sewer District No. 1
- Erie County Sewer District No. 4
- Erie County Sewer District No. 5
- Amherst Sewer District No. 16
- No Sewer District

Future Sewer Sanitary Districts

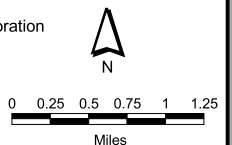
- Add Area to Amherst Sewer District No. 16
- Delete Area from Amherst District No. 16
- No Expansion of District 16
- No Expansion of District 16 Limit of Future Sanitary Service

Planned Interceptor Improvements

- 24" Interceptor/Diameter
- Wastewater Treatment Plant
- Municipal Boundary
- Village of Williamsville Boundary
- Surface Water Body

**SOURCE NOTES :**

Original Source Data Provided by the Town of Amherst Engineering Department  
Map Compiled by URS Corporation  
Date: February, 2004





## 7.2 GOALS, OBJECTIVES, AND POLICIES

### GOAL

*Well-maintained and cost-effective infrastructure systems that provide public water, sewer, stormwater, and other utility services within the Town of Amherst, consistent with Comprehensive Plan policies to promote sustainable land use and economic development and protect natural resources*

### OBJECTIVES

- Establish a town-wide program with plans and policies to effectively manage stormwater runoff, including flooding and stormwater quality
- Maintain and upgrade existing sanitary sewer infrastructure to support existing and projected needs. Limit future service extensions to those needed to serve development areas designated on the Conceptual Land Use Plan

### POLICIES

#### A. Stormwater Management

The Town of Amherst is currently developing a stormwater management plan to comply with new regulatory programs at the federal and state levels. This plan needs to be comprehensive in scope in order to address multiple issues related to stormwater management and water resource protection in an integrated manner. Existing stormwater studies should be reviewed and their findings incorporated into the new plan where appropriate. In addition, the stormwater management plan should address the goals, objectives, and policies of the Comprehensive Plan, including policies set forth in the Natural and Cultural Resources Element for the protection of water resources and quality. The Town should host educational seminars for interested parties on an annual basis to inform them of the changing stormwater management program and regulations as well as ways to comply with the new regulations.

#### **7-1 Develop a program to address flooding and other stormwater management issues in coordination with other responsible agencies.**

The Town should implement flood mitigation measures as recommended in the recently completed *Town Flood Mitigation Plan Report* and the *Ransom Creek Improvement Study*. Recommendations include improving the hydraulic efficiency of the creek and ditch channels in the lower reaches to drain storm water from the local watersheds more quickly, as well as flood damage reduction through floodplain management planning and retrofitting. More specific flood mitigation recommendations include addition of rip rap at the tip of Seven Sister's Island (located just west of Lehn Springs Drive), replacement of the Castle bridge with a new bridge that can

convey the 100-year flood stream flow, and utilization of vacant land for additional flood storage capacity. The “Best Management Practices” discussed in Natural and Cultural Resources Policy 4-7 should be incorporated into future stormwater management projects and developments on an on-going basis.

As discussed under Natural and Cultural Resources Policy 4-6, the Town should coordinate stormwater management efforts with other governmental agencies, including adjacent municipalities and other municipalities within the watersheds, Erie County, FEMA, EPA, the Army Corps of Engineers, and the NYSDEC. Consistent with Chapter 4.0 policies, future stormwater management projects should be designed to provide the additional benefits of open space, improved water quality, and preservation of riparian vegetation, trees, and woodlands.

**7-2 Implement “low impact development” standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development.**

An alternative to conventional stormwater management that reduces development impacts on natural drainage systems, “low impact development” is addressed by Natural and Cultural Resources Policy 4-8. Conservation development that retains more area in natural cover to absorb runoff is an example of a low-impact development technique. Per Policy 4-8, the Town should consider revising its existing stormwater management standards to incorporate principles of low impact development.

**B. Sanitary Sewer System**

The Town of Amherst owns and operates a wastewater treatment plant and collection system. Policies for future sanitary sewer service should emphasize maintenance of existing infrastructure and include the elimination of sanitary sewer overflows (SSO’s) as mandated by the EPA. Coordination of future service extensions with the Conceptual Land Use Plan should be undertaken to limit development in areas designated to remain in rural uses.

**7-3 Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development.**

Sanitary sewer capital programming should place the highest priority on repairing existing infrastructure in older areas of Amherst, particularly in Amherst Sanitary Sewer District No. 1 in the southwestern part of town. This policy will contribute to encouraging reinvestment in these areas. Priority should also be given to updating existing components of the system in order to meet existing and projected demands. The lowest priority should be given to the extension of new lines to serve currently undeveloped areas. In accordance with this policy,

the condition and capacities of the following existing sanitary sewer interceptor lines should be improved before public money is used to construct the proposed Smith Road/New Road lift station to accommodate anticipated growth in the Millersport/New Road/Smith Road area.

- Ensure necessary sewer improvements are made to maintain facilities located in Sanitary Sewer District 1, including elimination of SSO's
- Alleviate flows along the North Forest and Campbell/Stahl interceptors by diverting east/west flows north to the Peanut Line via rehabilitated sewers along Hopkins Road and Ayer Road
- Continue with the North French interceptor upgrade project by completing the replacement from I-990 to Hopkins Road
- Further relieve the North French interceptor sewer by expanding the Peanut Line interceptor from Transit Road to Paradise Road

The entire sanitary sewer system should be modeled and evaluated every five years as needed to maintain a high level of service.

**7-4 Redefine the boundaries of Sanitary Sewer District No. 16 in the northern part of the Town to exclude rural areas designated for protection and include areas designated for more intensive development.**

The Town should reevaluate and redefine the boundaries of the sewer districts so that the best possible service can be provided to customers without unnecessary extensions and associated costs. Limiting sewer extensions should be utilized as a land use control measure to prevent higher density development in areas designated for rural uses. Proposed new boundaries for Amherst Sanitary Sewer District No. 16 consistent with the Conceptual Land Use Plan are displayed in Figure 11. The major changes include the elimination of the area designated for agricultural, rural residential and open space uses north of North French Road and between Sweet Home Road and Campbell Boulevard, as well as the area north of Sutton Lake between Millersport Highway and Transit Road. A new service area has been added near New Road and Ransom Creek and south to I-990 to serve future mixed-use and other development shown on the Conceptual Land Use Plan.

***Limiting sewer extensions*** in North Amherst will protect rural and environmentally sensitive areas designated by the Conceptual Land Use Plan to remain in low-density uses.

**7-5 Create a septic system maintenance district to ensure proper maintenance/operation of systems in areas where there are threats to public health.**

Malfunctioning on-site septic systems have been identified as contributing to water quality problems in Ransom Creek in northeast Amherst. The Town should work with the Erie

County Department of Health to document the location and extent of failed septic systems that may pose a threat to public health and water quality. If warranted, a septic system maintenance district or districts should be established to provide a mechanism for the testing and repair of failed systems on a more frequent basis than currently occurs with property transfers. The affected areas would be generally outside the boundaries of the existing or proposed sewer districts, including non-sewered residential areas such as Tonawanda Creek Road and Schoelles Road.

A *septic system maintenance district* can be established to address failing on-site septic systems in areas outside of existing or proposed sanitary sewer districts.

## 8.0 Housing and Neighborhoods

### 8.1 OVERVIEW

***Priority Action Program:  
Housing and Neighborhoods***

- Initiate a Neighborhood Conservation Program, including a collaborative process to develop Neighborhood Improvement Plans

Amherst has a variety of neighborhoods and housing types reflecting the development of the Town through the 20<sup>th</sup> century. Affordable housing is an important issue in the Town. In 2000, the median value of owner occupied housing was \$116,400, almost \$30,000 more than in Erie County as a whole. Median rental unit costs were also more expensive in Amherst than in Erie County by over \$150 a month.

Based on the 2000 Erie County median family income of \$49,490, approximately 23% of Amherst’s families are classified as low income (i.e., having annual incomes 80% or less of the County’s median income). Housing affordability can affect others as well, including the elderly, college students, and some middle income families. In 2000, 20.4% of Amherst’s owner-occupied households and 40% of renter-occupied housing units spent over 30% of their household income on housing expenses, a level considered burdensome according to Department of Housing and Urban Development standards.

Housing diversity is also a significant issue in Amherst, from the standpoint of affordability and due to the potential effects of new development on the character and stability of Amherst’s neighborhoods. In recent decades, the predominant trend has been a conversion of open space and vacant lands into single-family homes, resulting in a more suburban setting throughout the Town compared to traditional neighborhoods like Eggertsville, Snyder, and Williamsville. More recently, there has been a pronounced increase in the amount of multi-family housing, largely to accommodate the demand for off-campus housing by UB students. Multi-family units accounted for 76% of new housing in the 1990s.

While not currently a major problem, the deterioration of homes is a potential future threat to the stability of Amherst’s older neighborhoods. A substantial proportion of Amherst’s housing stock was built prior to 1970 and will be 50 years or older by 2020, the approximate time horizon of the Plan. This trend will create the potential for an increase in the number of substandard housing units, particularly if owners lack the means to make the proper investments in property maintenance and repairs.

## 8.2 GOALS, OBJECTIVES, AND POLICIES

### GOALS

*Decent and affordable housing choices available to all residents*

*Healthy and diverse neighborhoods, including conserved and revitalized older parts of Amherst*

### OBJECTIVES

- Ensure the availability of housing affordable to all socioeconomic groups in Amherst
- Promote a diverse housing stock, with higher density housing focused on mixed-use activity centers
- Implement a coordinated program to conserve and revitalize Amherst's neighborhoods

### POLICIES

#### A. Affordable Housing

Ensuring that affordable housing is available to all residents is a priority of the Town of Amherst. Due to the large number of residents who pay high housing costs relative to their income levels, the Town should support all initiatives that increase affordable housing.

#### 8-1 Continue existing housing policies that promote home ownership and affordability.

The Consolidated Plan prepared by the Amherst Cheektowaga Tonawanda Consortium in 2000 identifies a number of policies that should aid in improving the affordability of housing in Amherst. One priority of the Consolidated Plan states that the Consortium should encourage maintenance of an adequate supply of standard affordable existing and new rental housing, especially for the elderly. To accomplish this, the Plan recommends rehabilitating substandard housing units and replacing uninhabitable units through the construction of affordable housing for low to moderate-income households. In 2000, approximately 9% of Amherst's occupied housing units were found to be in substandard condition and nearly all were considered suitable for rehabilitation.

Another priority of the Consolidated Plan is to provide and promote homeownership assistance for low-income families and first time homebuyers. The Town presently uses programs such as the HOME Investment Partnership Program to provide assistance to low-income families seeking to purchase and rehabilitate a home. It also provides funding for counseling and training new homebuyers. Amherst has applied for and received its third Federal Home Loan Bank Affordable Housing Grant. This 2003-04 funding, using more flexible income guidelines, is available in the form of grants providing

***Vision Statement Directions:  
Housing and Neighborhoods***

- Healthy, livable neighborhoods
- Range of housing choices in urban, suburban, and rural settings

closing cost assistance to a greater number of low to moderate income applicants wishing to purchase a home in the Town. Additional funds will be available to lower income families to help them receive a more affordable mortgage rate within the Town.

Amherst also has a home resale program for first time homebuyers. Most often this program buys one and two-family homes and rehabilitates them for future resale. The intent is to maintain the rate of owner occupancy in Amherst.

Amherst should further promote the priorities of the Amherst Cheektowaga Tonawanda Consortium Consolidated Plan. In addition, Amherst should educate the public about the need for affordable housing and the impact of not providing housing opportunities for lower income families and first time buyers. Many of the policies of this chapter are intended to increase the diversity of housing in Amherst, which will also serve to promote more affordable housing. The Town should inform the public of the connection between its housing diversity initiatives and housing affordability.

## **B. Housing Diversity**

The Comprehensive Plan Vision Statement speaks of the need to offer a range of housing choices in urban, suburban, and rural settings. Preserving and providing a variety of housing opportunities will maintain the quality and stability of existing neighborhoods while increasing housing affordability. To ensure that housing development and redevelopment complement rather than detract from established residential areas, standards and criteria addressing location and quality are an important part of this strategy.

### **8-2 Promote the development of a variety of housing types.**

Approximately two-thirds of Amherst's current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g., dormitories and assisted living).

Recent housing development has consisted mostly of multi-family units and single-family detached, suburban subdivisions. Demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters, and students. As previously noted, housing diversity enhances affordability and, if properly managed, can contribute to neighborhood stability and character. Older neighborhoods like Eggertsville, for example, could benefit from decreasing household sizes and the increasing appeal of traditional development, which make smaller homes in pedestrian-oriented neighborhoods more attractive.

The Town should encourage the proportional development of diverse housing types and price levels, including single-family

detached (at a variety of lot sizes), townhouses, condominiums, apartments, and housing as part of mixed-use developments. Higher density housing should be located to complement established residential areas through appropriate standards for location and design (see Policies 8-3 and 8-5).

**8-3 Encourage higher density residential uses in mixed-use developments and other appropriate locations.**

During the 1990s, approximately two-thirds of new housing constructed in Amherst consisted of multi-family housing, indicating a shift away from the historic pattern of predominantly single-family development. While this trend has generated concerns regarding the impacts of multi-family development on the single-family character of the Town, two major points should be noted. First, even if the current rate of multi-family development were to continue in the future, Amherst will remain a predominantly single-family community. In fact, current market conditions and the decreasing amount of available land make it unlikely that the current rate will continue. Second, if properly managed, higher density housing will contribute to achieving a number of Comprehensive Plan objectives. Examples include increasing housing diversity and affordability, decreasing automobile dependency, and reducing consumption of open space through more compact development patterns.

The Conceptual Land Use Plan (Figure 6 in Chapter 3.0) maintains Amherst’s predominantly single-family detached residential character while designating appropriate locations for higher density development (i.e., single-family attached, condominiums, and apartments). These locations are primarily focused on mixed-use centers and residential areas to include the following:

- Housing as part of mixed-use centers (e.g., apartments above ground floor retail or offices)
- Higher density housing next to commercial centers
- Mixed developments designed to integrate single-family with other housing types

Establishing higher density residential uses in these locations will decrease the potential impacts of development on sensitive lands and promote housing affordability and diversity. Providing housing in conjunction with commercial and retail centers will also decrease automobile dependency. Incorporation into mixed-use activity centers will help maintain and reinforce the character of established neighborhoods. In some areas, redevelopment of obsolete commercial and other properties for multi-family use could contribute to neighborhood revitalization. Land Use and Development Policy 3-1 further addresses the potential for

The Conceptual Land Use Plan focuses <b>higher density housing</b> on mixed-use activity centers.
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high-density residential development as part of mixed-use activity centers.

**8-4 Work with UB to establish mixed-use centers around the periphery of both campuses.**

The growth in the number of students at UB’s North Campus is generating increased demand both for on-campus housing and for off-campus rental housing in the area around the North Campus. At the same time, the shift in the core of the University from the South to the North Campus is affecting residential areas in southwest Amherst that contain a high proportion of student rental housing.

The Town should work with UB to accommodate demand for student housing in mixed-use centers located near both campuses. In addition to enhancing housing diversity and affordability, this strategy would help reduce automobile traffic, enhance the sense of community for the students, and better incorporate the North Campus in particular into Amherst’s community structure. The creation of such mixed-use “University-Related Centers” is more fully described in Policy 5-7 of the Economic Development Element.

Provision of new housing opportunities will be focused in the vicinity of the North Campus because it is the primary source of demand for new student housing. Student housing opportunities along the Sweet Home Corridor in the Rensch Road area, further north on Sweet Home Road across from the High School, and along Chestnut Ridge Road will assist in accommodating the demand for additional off-campus student housing. Strategies near the South Campus should focus on reinforcing the viability of existing neighborhood centers and nearby residential areas. In establishing a new mixed-use center or centers next to the North Campus, Amherst should work with UB, especially its Off Campus Housing Office, to ensure that the University’s and students’ special needs are met. Retail and dining establishments catering to students as well as town residents should be encouraged. The area should be designed to be pedestrian-friendly so that students can walk or bike safely to school. The Town and UB should work with the Niagara Frontier Transportation Authority to ensure that neighborhood centers are served by the bus system and to provide shuttle service from nearby neighborhoods to the University. Lastly, the new housing opportunities provided by the centers should be listed with the Off Campus Housing Office and made available to students.



**8-5 Establish standards for multi-family housing to promote high quality design and neighborhood compatibility.**

Policy 8-3 addresses the need to manage the location of higher density housing to ensure that it does not negatively affect the overall character of Amherst’s neighborhoods. Equally

important is the establishment of standards addressing the design and appearance of multi-family housing and its relationships to adjoining land uses. In addition to improving the quality and livability of multi-family developments for residents and improving the “fit” of these developments into the community, design standards will also help to create a more positive public perception of multi-family housing. A greater public tolerance of multi-family housing will ultimately aid the Town in preserving open space and providing alternatives to single-family detached units that are dependent on automobile use.

Design standards should address the creation of multi-family housing via renovation or redevelopment of existing properties as well as new development. Design standards should also address the creation of multi-family housing for the elderly and other special needs residents. The standards should address all forms of multi-family housing including apartments, townhouses, and mixed-use developments. Specific direction regarding the establishment of standards for multi-family development is provided in Land Use and Development Policy 3-5.

### **C. Neighborhood Conservation**

The Vision Statement identifies healthy neighborhoods, ranging in diversity from urban to suburban to rural, as key to Amherst’s quality of life. The Town’s neighborhoods are generally in good shape, with the exception of isolated pockets of substandard housing. Nevertheless, there appears to be a perception that older neighborhoods near the City of Buffalo are experiencing decline or, if they are not declining now, are likely to decline in the future. While there is no present basis to predict that significant deterioration will occur in such areas in the future, it is possible that the combination of flat housing values, an aging housing stock, deterioration in older commercial areas, and a continuing emphasis on greenfield development in the Town and surrounding communities could ultimately affect the stability of Amherst’s older neighborhoods. The following policies are directed towards maintaining the stability and viability of Amherst’s neighborhoods and the important contributions they make towards the Town’s quality of life.

Maintaining the <i>stability and viability of older neighborhoods</i> is important to the Revitalization Key Initiative.
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#### **8-6 Provide incentives for residential property repairs and improvements on a town-wide basis.**

Present housing conditions in Amherst are generally good. According to the Amherst Cheektowaga Tonawanda Consortium Consolidated Plan, only 9% of Amherst’s current housing stock is in need of rehabilitation. However, more than half of Amherst’s residential structures were built between 1950 and 1979. In addition, the construction of new housing has declined significantly over the last twenty years. While currently less than 20% of the housing stock is over fifty years

old, over the next 20 years a majority of the housing will cross that age threshold and comparatively few new homes will be built. This leaves the possibility of a decline in Amherst's housing and, as a result, its neighborhoods if older housing is not maintained properly.

As one strategy to preserve the integrity and character of its neighborhoods, the Town should provide incentives for property owners to maintain and repair their homes. Incentives will promote investment in existing housing, help reduce maintenance costs, and contribute to the provision of decent, affordable housing affordable to low income families and the elderly. Potential incentives include:

- A home improvement loan program (low interest or deferred payment loans)
- Rehabilitation tax credits (see Policy 3-8 in the Land Use and Development Element)
- Housing rehabilitation grants
- Deferrals in property tax increases on value added by home improvements

The Town should continue to utilize funding programs administered by the U.S. Department of Housing and Urban Development (HUD) and the New York State Division of Housing and Community Renewal as potential funding sources for local incentive programs. HUD programs include rehabilitation and repair home loans, property improvement loans, and the HOME program. The Town should also encourage homeowners to investigate funding programs by these and other organizations. Tax incentives are also available for the rehabilitation of designated historic resources (see Policy 4-12).

**8-7 Initiate a Neighborhood Conservation Program to promote revitalization of designated neighborhoods through measures such as code enforcement, capital improvements, and design standards.**

Most of Amherst's neighborhoods are in good shape, with isolated pockets of housing in need of repair. A major factor in the health of Amherst's neighborhoods is that the housing is of a similar age. However, some older neighborhoods do exist in Amherst. In the southern portion of the Town containing the Snyder, Eggertsville, and Williamsville neighborhoods approximately 75% of the housing is over 40 years old. To address the potential for decline as greenfield development continues in Amherst and surrounding communities, these and other older neighborhoods could benefit from an active Neighborhood Conservation Program. This program would address the conservation and enhancement of targeted neighborhoods through such coordinated strategies as:



*A housing redevelopment project in Eggertsville.*

A **Neighborhood Conservation Program** should be initiated to address the conservation and enhancement of targeted neighborhoods.

- Providing incentives for property repairs (Policy 8-6)
- Promoting revitalization of neighborhood commercial centers (Policy 8-8)
- Focusing code enforcement efforts on substandard properties that threaten neighborhood stability
- Making physical improvements to enhance neighborhood quality and stimulate private investment (e.g., compatible improvements to local roadways, new curbs and sidewalks, landscaping, lighting, etc.)
- Improving and developing parks, recreational, and community facilities in neighborhoods where such opportunities are deficient
- Identifying compatible development/redevelopment opportunities that would both strengthen existing neighborhoods and decrease the pressure for new greenfield development
- Instituting regulatory changes and design standards to protect and enhance neighborhood character (e.g., special overlay districts with design guidelines to preserve neighborhood character, mixed-use options to promote neighborhood-serving commercial development, street design standards to promote pedestrian accessibility)
- Encouraging neighborhood identity initiatives (e.g., neighborhood identification signs, neighborhood watch programs, community events, etc.)

The specific strategies to be applied in each neighborhood should be identified through Neighborhood Improvement Plans developed jointly by the Town and local residents (Policy 8-9). The Town could establish a neighborhood planning position responsible for working with residents, property, and business owners on the Neighborhood Improvement Plans, disseminating information on funding programs and incentives, assisting homeowners in applying for grants and funding, and coordinating code enforcement. In addition to identifying outside funding sources, the Town could provide funding or other resources to help implement the plans, possibly on a “match” basis with local residents or businesses.

Southeast Amherst is designated as the priority area for development of a Neighborhood Improvement Plan (see discussion of Southeast Amherst in Section 3.3., Conceptual Land Use Plan).

The condition of *older commercial areas* is important to sustain the health of the neighborhoods they serve.

**8-8 Promote the revitalization of older commercial areas as a focus of neighborhood activity and include support for building and property maintenance code enforcement.**

As the traditional business and retail centers of the community, older commercial areas are of major importance to the health

of Amherst's neighborhoods. Decline in commercial areas affects the visual appearance and image of the Town and possibly deters investment in nearby residential areas. Revitalizing these areas and reinforcing their traditional role as retail and employment centers with residential uses nearby will stimulate business and investment and provide centers of activity for surrounding neighborhoods.

A number of strategies are available to improve the viability and attractiveness of older commercial areas. Improved street and sidewalk layouts can increase accessibility while maintaining pedestrian character, making the commercial area more appealing to surrounding residents. Building code enforcement can help prevent deterioration. Tailoring zoning requirements to the unique physical characteristics of older commercial development and encouraging the redevelopment of obsolescent properties, historic buildings, and community resources can help accommodate new viable uses (see Land Use and Development Policies 3-9 and 3-10). In addition, the Town could assist and support business owners through such measures as:

- Instituting traffic and parking studies and making the results available to business owners
- Suggesting building designs that might be most attractive to potential customers or compatible with local architecture
- Providing loans or tax incentives to business owners who upgrade their storefronts, signage, landscaping, or lighting
- Providing streetscape and landscaping improvements in commercial areas
- Providing demographic information and available market analyses to business owners so that they may better accommodate Town residents
- Promoting recently renovated commercial areas or nearby neighborhoods
- Encouraging the establishment of business improvement districts as a mechanism to finance improvements

Commercial revitalization will provide many tangential benefits. Healthy commercial centers positively affect overall neighborhood character and could encourage local residents to renovate their properties. Improving the layout of commercial areas could reduce congestion and encourage residents to walk or bike instead of driving to shops. Improved retail areas with a "village character" could become destinations attractive to customers beyond the local neighborhoods. Strengthened commercial facilities would also increase Amherst's tax base and employment opportunities. Lastly, capitalizing on infill development and redevelopment opportunities in existing centers could reduce pressures for development of vacant

lands and strip retail development (Amended 2-28-22; BCPA-10-1).

**8-9 Encourage participation from residents when the Town is developing action/improvement plans for specific neighborhoods.**

Neighborhood needs are best determined by local residents working through a collaborative planning process. Neighborhood Improvement Plans should be a centerpiece of the Neighborhood Conservation Program (Policy 8-7). The Eggertsville Action Plan and the current plan for the Harlem-Kensington commercial area have set a precedent for such plans. In the future, the Town should establish and provide resources for a formal neighborhood planning process, encourage residents to participate in the development of Neighborhood Improvement Plans, and publicize the benefits of the program. Action plans should be developed for the oldest neighborhoods first. Ultimately, the Town should strive to have neighborhood improvement plans initiated by neighborhood residents and/or neighborhood organizations. The Town's role would be to ensure that these plans are consistent with the Comprehensive Plan while providing resources, technical assistance, and support to the neighborhoods in developing such plans.

The Neighborhood Conservation Program should be implemented through **Neighborhood Improvement Plans** developed collaboratively by local residents and the Town.

Typically, neighborhood improvement plans address issues in the following areas:

- Transportation/vehicular and pedestrian traffic
- Access to commercial and retail areas
- Community facilities and services, including parks and recreation areas
- Neighborhood conservation and beautification, including potential regulatory changes and physical improvements

However, improvement plans should be focused on residents' concerns and needs. Therefore, public participation is essential to guarantee a successful plan. The plan should be used to establish consensus on neighborhood issues, provide guidance to town officials, and establish eligibility for funding. The steps of a typical neighborhood planning process include:

- **Neighborhood Self-Evaluation:** This step involves identification of neighborhood boundaries and an assessment of neighborhood strengths, weaknesses, and issues that should be addressed in the Plan.
- **Plan Development:** In this step, a plan of action is developed to address the issues identified in the self-evaluation phase. To assist in this process, the Town could develop a "toolkit" of potential neighborhood

improvement actions as a resource for neighborhood residents.

- **Implementation:** This step involves coordinated action by neighborhood residents and the Town to implement the Plan. To be successful, neighborhood plans will require the active participation of residents in activities such as fund raising, organizing special events, and mobilizing volunteers for maintenance and improvement projects. Town involvement could include actions such as regulatory changes and targeting of funds for physical improvements.

Amherst's residents should be made aware of the incentives that are available through the neighborhood improvement planning process. Potential incentives include access to funding and loan programs, town incentives and support, and the incorporation of neighborhood concerns into town planning initiatives. The neighborhood improvement planning process will help to instill community pride, especially if residents participate in or initiate a plan for their neighborhood.





## 9.0 Community Facilities and Services

### 9.1 OVERVIEW

**Priority Action Program:  
Community Facilities and  
Services**

- Establish an objective system of planning for community facility and service needs. Link this system to a long-range capital programming process to reconcile needs with the Town's fiscal capacity

Amherst has excellent community facilities and services that are consistently rated by residents as major contributors to the Town's high quality of life. The Comprehensive Plan addresses the following facilities and services provided by Amherst or other public agencies for the benefit of Town residents:

Town Owned or Provided

- Parks and Open Space
- Recreation
- Police Protection
- Libraries
- Senior Services
- Youth Services
- Other Municipal Facilities

Owned and Provided by Other Entities

- Public Schools
- Fire Protection
- Health Care Facilities

While the quality of the Town's community facilities and services is generally excellent and is expected to remain so in the foreseeable future, some significant issues will need to be addressed if this quality is to be maintained. Key issues include:

- **Effects of population growth:** The population growth projected for the Town will create increased demand for community facilities and services. The moderate rate of increase (9% to 19% projected over a 20-year timeframe) will result in this effect being felt gradually over time. Nevertheless, the need for new or expanded facilities and services to serve a larger population distributed over a larger geographic area is likely.
- **Shift in geographic focus:** As a byproduct of the projected population growth, there will likely be growing emphasis on locating facilities and providing services in the central and northern parts of the Town.

- **Cost implications:** As Amherst grows and matures, the costs of constructing and operating high-quality community facilities to serve the larger population will affect the Town’s fiscal situation. This issue applies both to town facilities and services, such as parks and recreation and police protection, and to facilities and services provided by others but supported by taxpayers, such as public schools.

## 9.2 GOALS, OBJECTIVES, AND POLICIES

### GOAL

*Community facilities and services that meet residents’ needs and contribute to the Town’s high quality of life*

### OBJECTIVES

- Establish standards or performance criteria to determine community facility and service needs
- Enhance the role of public facilities as centers of neighborhood and community activity
- Provide quality facilities and services cost effectively by managing expenses and diversifying revenue sources

### POLICIES

#### A. Community Facility and Service Needs

Figure 12 identifies existing community facilities and new facilities proposed in the Town of Amherst Capital Improvement Program. (See Figure 4 for existing parks and open spaces. Park and recreational facility needs are being addressed in the Recreation & Parks Master Plan Update.)

#### 9-1 Establish an ongoing system to identify and prioritize community facility and service needs.

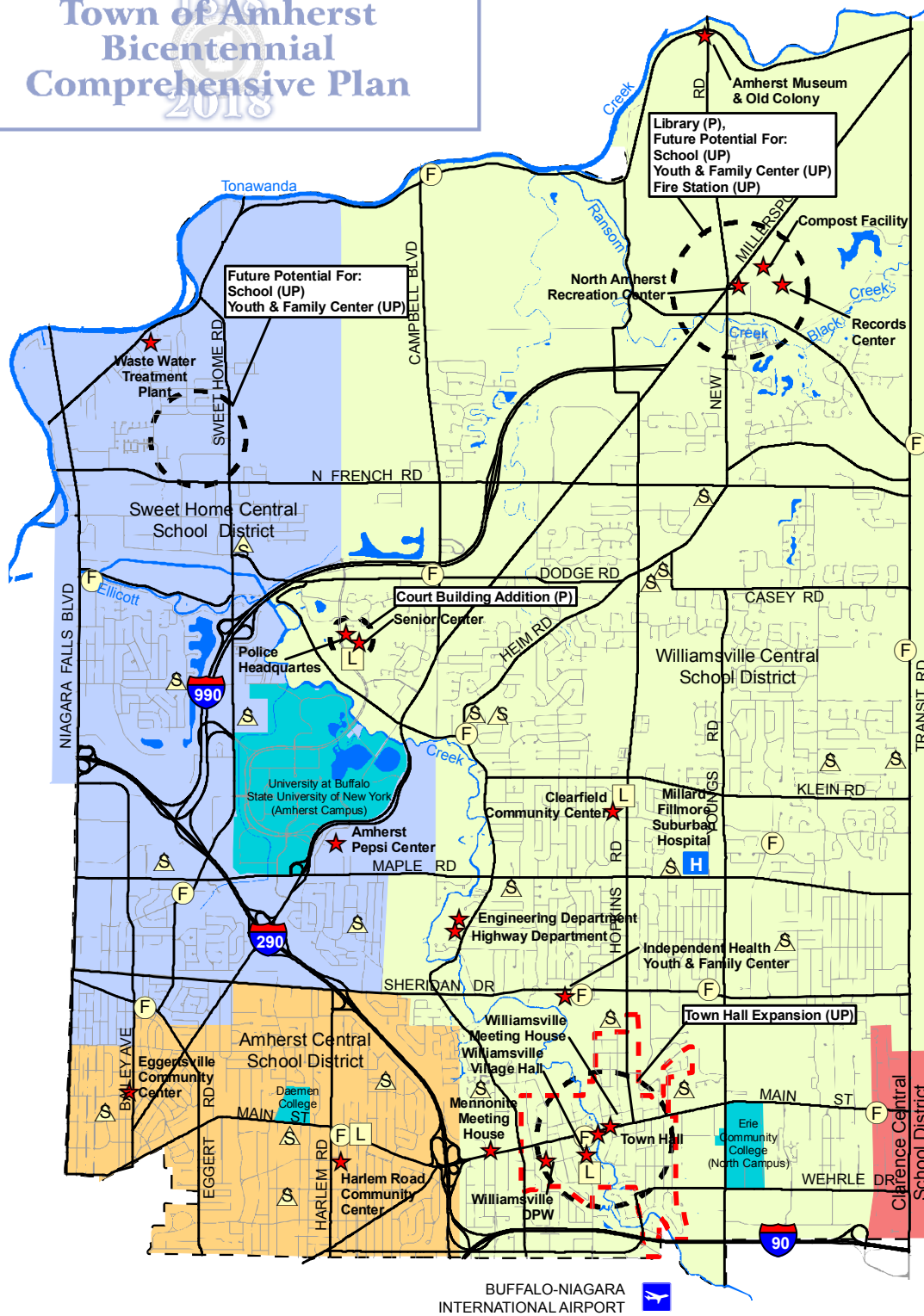
A proactive approach is required if Amherst is to maintain the high quality community facilities and services expected by residents at affordable costs. Planning for future community facility and service needs should to the maximum extent possible be based upon objective level of service standards or performance criteria for each type of facility. Taking into account existing and projected population characteristics, the current and future provision of community facilities can then be compared to the standards or criteria, providing the basis for short- and long-range planning for capital improvements or other ways of meeting identified needs. This systematic approach should be part of the on-going planning and programming activities of town departments that provide facilities and services through the capital improvements budgeting process (see Policy 9-8).

***Vision Statement Directions:  
Community Facilities and Services***

Community facilities and services are integral to the Town’s exceptional quality of life:

- Accessible parks and recreation
- Outstanding public schools
- Public safety

# Town of Amherst Bicentennial Comprehensive Plan



**FIGURE 12**

## COMMUNITY FACILITIES PLAN

**LEGEND**

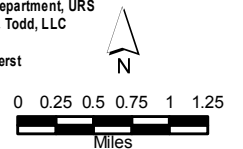
<p><b>Existing Facilities</b></p> <ul style="list-style-type: none"> <li>★ Town/Village Facilities</li> <li>L Library</li> <li>F Fire Station</li> <li>⚠ Public School</li> <li>🎓 Educational Campus</li> </ul>	<p><b>New Facilities</b></p> <ul style="list-style-type: none"> <li>☐ Type of Facility</li> <li>○ General Location</li> <li>(P) Programmed</li> <li>(UP) Unprogrammed</li> </ul>	<p><b>School Districts</b></p> <ul style="list-style-type: none"> <li>Amherst Central</li> <li>Sweet Home Central</li> <li>Williamsville Central</li> <li>Clarence Central</li> </ul>	<ul style="list-style-type: none"> <li>--- Municipal Boundary</li> <li>--- Village of Williamsville Boundary</li> <li>🌊 Surface Water Body</li> </ul>
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**SOURCE NOTES:**

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: March, 2009



The Town's Planning Department can play an important role in this process by helping to define the basic structure of the community facility planning system, sharing information on population and growth trends, and coordinating among the different providers. Coordination should extend to providers outside of town government, such as the public school districts.

The following text provides an overview of strategies for the future related to the different types of community facilities and services.

Parks and Recreation

In 1992, the Town completed a *Recreation & Parks Master Plan* that established standards for the provision of recreational facilities (ballfields, courts, playgrounds, etc.) and parkland acreage per 1,000 residents. The Master Plan was updated in 2003 with new standards and requirements to meet parks and recreation needs.

Future planning for parks and recreational facilities should strive to achieve the following:



*Dellwood Park,  
a neighborhood-oriented park.*

- ***Integrate parks and recreational facilities into an interconnected open space system of parklands greenways and trails.*** Although the Town has made considerable progress in developing a system of off-road recreational trails, most existing parks are isolated from each other. The predominantly developed nature of most of Amherst makes it more difficult to establish a truly connected system. Nevertheless, opportunities should be actively sought to connect public parks and open spaces through pedestrian and bicycle trails, sidewalks, and lanes along streets (see Land Use and Development Policy 3-13 and the accompanying Parks, Open Space and Trail map).
- ***Provide a more even distribution of parks and recreational facilities throughout the community.*** While the existing supply of neighborhood and community parkland (3.98 acres/1,000 residents) is only slightly lower than the standard established by the 2003 *Recreation & Parks Master Plan* (4.25 acres/1,000 residents), parkland is not evenly distributed throughout the Town. In order to correct the parkland deficit between the existing and proposed standards, future planning activities should seek to establish more neighborhood level park and recreational facilities in under-served areas. Creative approaches will be necessary in the southern and central parts of the Town where the availability of land is limited. Possibilities include use of other publicly owned land that may be suitable for development of neighborhood-oriented park and recreational facilities, joint use agreements (see below), and

evaluation of infill/redevelopment sites for potential acquisition and park development.

Where vacant land is available for development, conservation development can be used to encourage dedication of parkland and open space in new subdivisions (see Chapters 1.0 and 2.0). The Town currently requires new developments to contribute fees to a recreation and open space trust fund, with the proceeds used for open space acquisitions or recreational facility development. As part of this regulation, the Town may accept land within the development instead of fees. In certain situations, this provision could be used to meet needs for neighborhood-level parkland.

- ***Pursue joint-use agreements with other providers.*** Joint-use agreements with entities such as the public school districts and non-profit organizations can be a cost-effective way of providing recreational opportunities for residents in areas where acquisition and development of new parkland by the Town is not feasible (see Policy 9-7). The Town’s Capital Improvement Program, for example, includes development of multi-use athletic fields, a conservation trail, and a learning center on property owned by the Sweet Home School District. The Town should explore such arrangements with other educational/civic organizations that maintain recreational facilities.

#### Police Protection

Amherst is known for its low crime rate and is rated the “Safest City in America” by researcher Scott Morgan of *America’s Safest Cities*. The Town’s police force of 151 sworn officers is substantially lower than the number in many communities of the same size. Constructed in 1979, the Town’s police station is considered generally adequate for current space needs. (A 3,100 square foot addition to the nearby Court Building was previously proposed in the Capital Improvement Program.)

Amherst has an exceptionally low crime rate and has been rated as the “ <b><i>Safest City in America.</i></b> ”
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Future planning for police protection should monitor the adequacy of the size of the present police force and station. More officers, a larger police station, and/or new substations may be needed in the future to serve a larger residential population and more employment and retail development distributed over a larger area.

#### Libraries

The Amherst Main Library and three branch libraries are owned and maintained by the Town and operated by the Erie County library system. The Town’s Capital Improvement Program previously included construction of a fourth branch library in Northeast Amherst to serve residents of this growing area. This project is consistent with projections that indicate

significant future population growth in this area, which contains a large proportion of the Town's remaining vacant land available for development. The new facility should be located to support establishment of a mixed-use activity center (see Policy 9-4) in the area.

Senior Services

Opened in August 2000, the Town's Center for Senior Services is expected to accommodate the facility needs of seniors for the foreseeable future. The Center replaced and consolidated the functions of multiple sites previously located throughout the Town. The consolidation of services at one location was in response to national trends toward: providing facilities capable of accommodating the programming needs of two generations of seniors; the need to eliminate administrative costs associated with multiple sites; preferences of seniors; and the increased revenue generating potential of single site service delivery. Van service is available to seniors who are unable to drive to the Center. Senior services planning and programming should continue to address the need for outreach services and accessibility for all seniors.



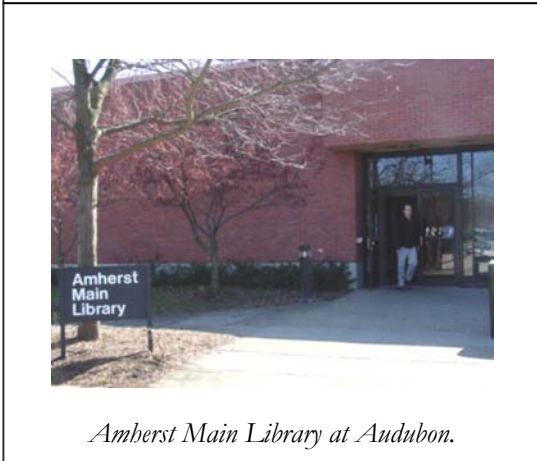
*Amherst Center for Senior Services.*

Youth Services

The Amherst Youth Board offers varied services in support of the Town's children, youth, and families, including after-school child care and after-school, evening, and weekend programs. Over the long term, a potential need has been identified by the Youth Services Department for new facilities in Northeast and Northwest Amherst to serve the increasing number of families in the northern part of Town. If determined to be needed in the future, these could be developed as part of joint use facilities in accordance with Policy 9-6 (e.g., in conjunction with construction of new schools).

Other Municipal Facilities

Other Town of Amherst facilities include the Town Hall in Williamsville and the Engineering/Highway Department administrative and operational facilities on North Forest Road. The Amherst Town Hall Expansion Study completed in 2000 identified the need for an additional 20,000 square feet of space because of overcrowding of the administrative functions that occupy the building. No project to comprehensively address space shortages in Town is included in the Capital Improvement Program; such a project will be needed in the future.



*Amherst Main Library at Audubon.*

Public Schools

The great majority of the Town of Amherst is served by three public school districts: Amherst Central School District, Sweet Home Central School District, and Williamsville Central School District. These districts consistently rank above average in New York State in student performance, make an important

contribution to the Town’s quality of life, and are potentially key players in the Comprehensive Plan initiative to establish Amherst as a leading national “knowledge-based” community.

Projected population increases are likely to ultimately result in demand for expanded or new school facilities, particularly in the Williamsville School District, which includes Northeast Amherst and portions of the Town of Clarence.<sup>9</sup> The Town has no direct involvement in providing public education, but can assist the school districts in planning to accommodate long-range facility needs based upon projected population growth. If a new school(s) is required, it should be located to provide a “neighborhood anchor” and/or support establishment of a mixed-use activity center (see Policies 9-3 and 9-4). The Town should also encourage and support school district efforts to maintain academic excellence and provide public outreach and lifelong learning programs, thus enhancing Amherst’s reputation as a “knowledge-based” community.

Amherst’s *public schools* are highly rated and have an important role to play in the Education Key Initiative.

Fire Protection

The Town of Amherst has no direct role in fire protection services, which are provided by 10 volunteer fire departments that operate a total of 13 fire stations in the Town. The fire stations are generally well distributed within the Town, and no need for new facilities has been identified. Given that only two stations are located north of North French Road, the potential need for an additional fire station to serve growth in Northeast Amherst should be monitored in the future.

The key performance standard for fire protection planning, emergency response time, is generally good throughout the Town. Response times are influenced by fire station locations and by road network conditions. From the latter standpoint, traffic congestion should be monitored for its potential effects on future response times.

Health Care Facilities

The Millard Fillmore Suburban Hospital is a privately operated health care facility of regional significance located in Amherst. While not analogous to the publicly provided facilities and services previously discussed, this highly rated facility makes important contributions to the Town’s quality of life and economy. The hospital was expanded in 1995 and due to growing demand for health care services from a surrounding suburban population that is increasing in both numbers and

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<sup>9</sup> Population in the Amherst Central School District is expected to remain flat or slightly decline by 2020. Much of the projected population increase in the Sweet Home District is attributable to projected growth in the UB student population, and an overall trend towards an older population is expected to reduce the number of school age children as a proportion of the total.

age, the hospital was again expanded in 2008. The Hospital is the central feature of the mixed-use activity center located at Maple and Youngs Roads (see Section 3.3). Designation of this center supports the Hospital and ancillary uses.

The Town should continue to support the Hospital in providing quality health care for residents of Amherst and surrounding communities. In addition, research and development programs, particularly those that link to other area institutions and reinforce Amherst's status as a "knowledge-based" community, should be encouraged.

**9-2 Encourage transportation and outreach programs for persons who find it difficult to get to particular facilities.**

Amherst's size and population make it impractical to provide community facilities in close proximity to all those who use them, a situation that will be compounded as growth continues towards the north. Providers should address the needs of users who need assistance in getting to their facilities (e.g., elderly or children). The Senior Services Department, for example, offers van service for users. To maximize their accessibility, community facilities should be provided with transit, sidewalk, and bicycle connections as part of the integrated transportation system described in Chapter 6.0.

**B. Community Facilities as Activity Centers**

In addition to meeting community needs for specific facilities and programs, community facilities provide centers of neighborhood and community activity. In this capacity community facilities can play an important role in promoting other Comprehensive Plan policies, such as neighborhood revitalization and establishment of mixed-use activity centers.

**9-3 Identify opportunities to strategically locate certain facilities to strengthen neighborhoods and serve local needs.**

Public facilities such as parks, schools, and libraries are centers of community activity that contribute to the vitality of surrounding neighborhoods. Opportunities should be pursued to increase the contributions of existing facilities to neighborhoods (e.g., by providing sidewalk connections, hosting community meetings and events, etc.). In addition, certain new facilities, such as neighborhood parks and youth/family centers, could be located to both meet identified needs and serve as "anchors" that enhance neighborhood life. In the event that a public facility is closed or relocated, redevelopment of the facility and surrounding lands should be pursued pursuant to Policy 3-9.

Contribution to neighborhood vitality should be taken into consideration as a factor in planning for community facility



and service needs by the Town and other providers (Policy 9-1) (Amended 2-28-11; BCPA-10-1).

**9-4 Integrate community facilities within mixed-use activity centers.**

A key concept of the Comprehensive Plan is establishment of mixed-use centers that integrate different types of land uses (see Land Use and Development Policy 3-1). Mixed-use centers are intended to provide focuses of community activity, convenient access to services and facilities, and encourage walking, biking, and use of public transportation as alternatives to automobile trips. As destinations and places for communal activities, community facilities are a potentially vital ingredient in the mix of uses that can be included in these centers. Where possible, mixed-use centers should include or provide connections to existing community facilities. In addition, mixed-use centers should be the preferred location for new community facilities. (Northeast Amherst in the vicinity of the Millersport Highway/New Road/Smith Road intersection is a logical location given the programmed or potential needs identified for facilities such as a library, youth and family center, and school.) The Town should coordinate internally and with other providers in planning for future community facilities to encourage their inclusion in designated mixed-use centers.

*Mixed-use activity centers* should wherever possible include existing or new community facilities.

**C. Community Facility and Service Costs**

Continuing to provide high-quality community facilities and services to a growing population will have significant implications for the Town's fiscal situation. A variety of strategies are proposed to manage the future provision of community facilities and services in a cost-effective manner that allows the Town to maintain the high levels of service that residents expect.

**9-5 Allow continued growth of the nonresidential tax base consistent with the Comprehensive (Land Use) Plan.**

Amherst's nonresidential (commercial retail, office and industrial) development partially subsidizes the costs of providing community facilities and services to residents. National studies have shown that commercial development derives excess revenues as compared to residential development. Results from a similar local study by the AIDA confirm these findings for Amherst. Thus growth in the nonresidential tax base is needed if the Town of Amherst (and other providers such as the public school districts) is to continue to provide quality facilities and services at rates affordable to taxpayers. Nonresidential development and redevelopment should be managed to be consistent with Comprehensive Plan goals, objectives, and policies for Land Use and Development and other elements, and with the concept of balance between economic development, livability, and community character expressed in the Vision Statement.

**9-6 Pursue cost efficiencies in the provision of public facilities and services through the sharing of resources and the elimination of service duplications.**

As is typical of the Buffalo-Niagara region, Amherst's public infrastructure and services are provided by multiple entities in stand-alone, single-use facilities. While this pattern is likely to persist in the foreseeable future, opportunities should be sought to realize cost savings where possible by sharing resources and eliminating service duplications between different providers. Multi-use facilities (e.g., public schools with community recreation facilities) are one way to achieve this objective. Northeast Amherst is a logical location to apply this concept, given the programmed or potential needs identified for facilities such as a library, youth and family center, and school. Cost-saving opportunities should be pursued at the regional as well as the local level.

**9-7 Expand partnerships with other service providers, private organizations, and businesses to provide community facilities and services.**

A strategy related to Policy 9-6, partnerships with other public and private service providers to provide community facilities and services can meet a portion of identified needs, thus relieving some of the fiscal burden on town government. For example, joint-use agreements can be executed with public schools or other educational institutions for use of recreational or other school facilities during off-hours. Potential partners include public school districts and other educational institutions; non-profits such as churches, scout and "Y" organizations, and athletic leagues; and private businesses.

**9-8 Reconcile needs for community facilities and services with the fiscal capacity of the Town through the capital programming process.**

The community facility planning system described in Policy 9-1 is designed to objectively identify the needs of Amherst's current and future population for the various types of public facilities and services provided by the Town and others. By comparing the current and programmed provision of community facilities to levels of service or other identified performance standards, capital improvements or other means of meeting future needs can be planned for.

The Town's present capital programming process is characterized by short-term decision-making and would benefit from a longer-term perspective based upon realistic evaluation of the Town's fiscal capability to fund major projects. Currently, the Capital Improvement Program offers little guidance on how to fund worthwhile projects that are programmed to occur in the next several years but which are

competing for limited dollars. The proposed new approach would include:

- Staging of projects to occur in the short, mid, and long-term (e.g., 0-2 years, 2-5 years, 5-10 years, 10+ years)
- Reconciliation of project costs with the Town's projected fiscal and bonding capacities over the specified timeframes

Cost-benefit analyses must be conducted for each project as part of this process, taking into account construction, operating costs, and debt service; any offsetting revenues to be generated by the facility; and outside sources of funding (e.g., grants or corporate sponsorships).

**9-9 Re-evaluate funding of special purpose or “high level of service” programs or facilities.**

Many community facilities, programs, and services are generally available to residents as a public service, with no expectation of recovering their costs. Conversely, certain facilities (e.g., golf courses) are more specialized in nature and/or require more intensive investment by the Town to meet the needs of specific user groups. Where possible, funding of such special purpose or “high level of service” facilities and programs should be reevaluated to shift the burden away from the general fund to greater reliance on user fees and partnerships with non-profit organizations. Exceptions to this policy should be allowed where necessary to make facilities and programs available to low to moderate income families or other special needs groups.

## 10.0 Focal Planning Areas

**Focal planning areas** are smaller geographic areas within the Town that present special planning challenges.

The preceding chapters of the Comprehensive Plan lay out a series of town-wide goals and policies designed to guide the Town of Amherst as it works to achieve the Vision Statement. This chapter examines smaller geographic areas within the Town (referred to as “focal planning areas”) for opportunities to apply the town-wide policies in more detail, with a particular emphasis on urban design.<sup>10</sup> Focal planning areas present special planning challenges as defined by the following criteria:

- Are experiencing or are likely to experience significant change, suggesting the need for more specific analysis and strategies to influence the direction of change
- Have significant planning opportunities or issues that could be positively influenced through targeted actions by the Town
- Are or could be a focus of community activity and identity

Six focal planning areas were selected by the Comprehensive Plan Advisory Committee using the above criteria (Figure 13):

1. Northwest Amherst
2. North Amherst
3. University
4. Eggertsville
5. Snyder
6. Williamsville

The following process was used to address the six identified areas:

1. Existing conditions and key issues for each area were evaluated and documented in the Comprehensive Plan *Inventory and Analysis Report*.
2. Following completion of the town-wide Comprehensive Plan elements in draft form, workshops were conducted with local stakeholders to discuss the Inventory and Analysis findings and to explore how the town-wide policies might be applied to each area.

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<sup>10</sup> Urban design seeks to influence the physical form of a municipality and the day-to-day role it plays in community activities. Urban design typically addresses three overlapping systems that, together, generally shape the physical environment of cities and towns: the fabricated (streets, buildings, etc.); the social (land use locations and relationships), and the environmental (topography, water, etc.).

3. Based upon the results of the previous two steps, a conceptual urban design plan and strategies to address key issues were developed for each area.

### Structure of This Chapter

The discussion of each focal planning area consists of two components:

1. An “Overview and Urban Design Analysis” section that summarizes some of the key issues and opportunities for each area.
2. A description of an overall Concept Plan for each area and accompanying strategies that provide a direction for the area’s future.

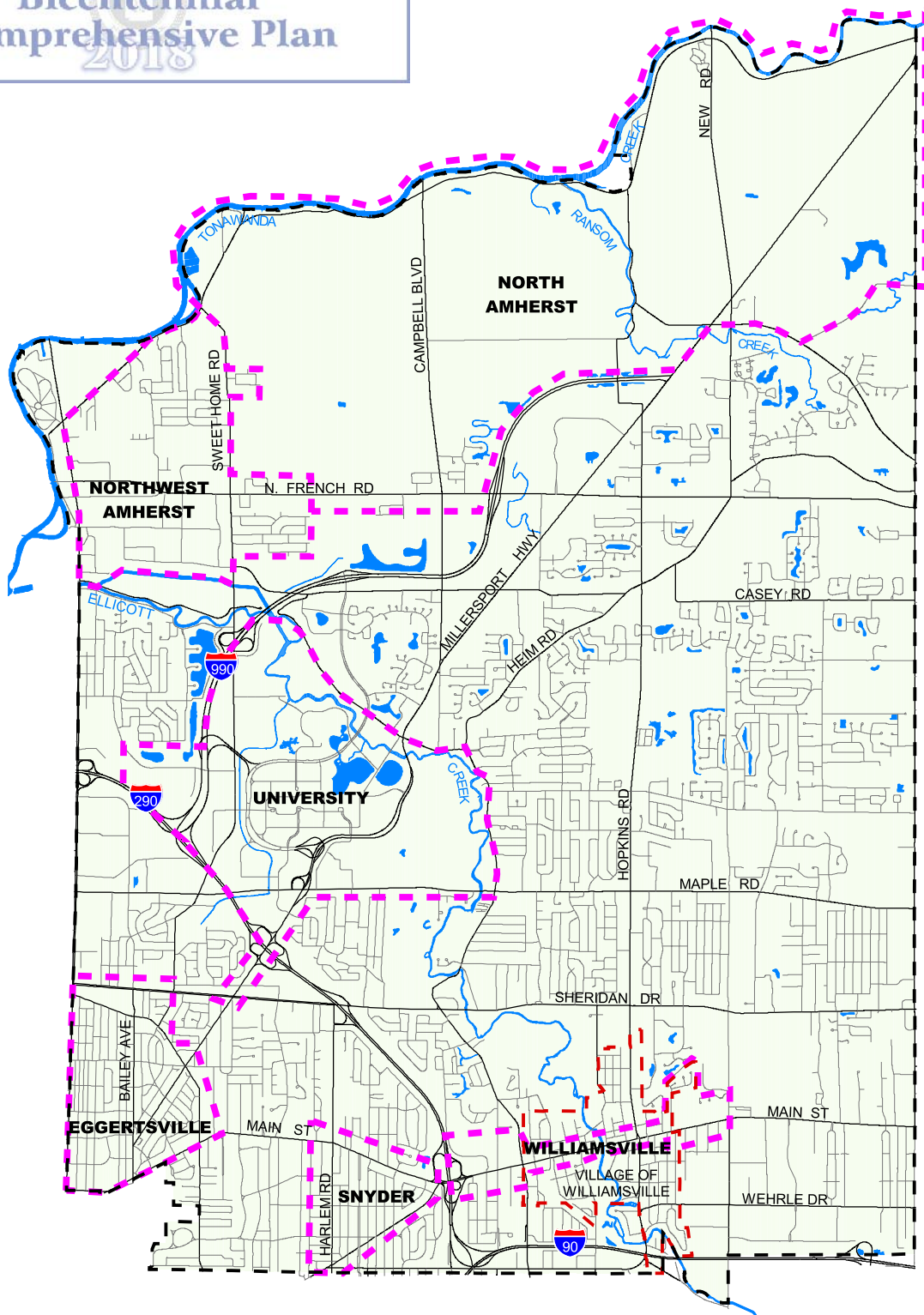
Three figures are provided for each focal planning area to help illustrate the ideas set forth in the text:

1. The first figure consists of an aerial map with representative photographs depicting existing conditions in the focal planning area.
2. The second figure is a map depicting the overall concept and recommendations for each area. Conceptual and diagrammatic in nature, the graphics are intended to communicate the overall direction and location of possible initiatives rather than providing specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which should be used as the official Comprehensive Plan guide to future land use.

The concept plan maps identify specific locations of concepts addressed at a town-wide scale elsewhere in the plan, such as arterial roadways, regional commercial areas, multi-use and natural trails, and urban or village centers. Several new concepts are shown as well, including:

- **Gateways** (see discussion below under Relationship to Town Urban Design Structure)
- **Neighborhood connectors** are local streets that should be maintained or enhanced through tree plantings, sidewalks, or other improvements to provide pleasant and safe pedestrian connections within neighborhoods.
- **Neighborhood anchors** are existing or potential focuses of neighborhood activity and identity, such as parks and schools.
- **Waterfront activity areas** are locations along the Erie Canal where mixed-use development is encouraged that celebrates the waterfront and the area’s heritage, attracts local residents and visitors, and provides access to the

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**Town of Amherst  
 Bicentennial  
 Comprehensive Plan**  
2018



**FOCAL PLANNING AREAS**

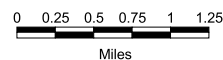
**FIGURE 13**

**LEGEND**

- - - Focal Planning Area Boundary
- Surface Water Body
- - - Village of Williamsville Boundary
- - - Municipal Boundary

**SOURCE NOTES**

Original Source Data Provided by the Town of Amherst  
 Focal Planning Area Data provided by Wallace Roberts & Todd LLC.  
 Map Compiled by Wallace Roberts & Todd, LLC.  
 Date: February, 2004



water, including boating services. These locations are as defined in the Joint Local Waterfront Revitalization Plan (JLWRP) for Amherst and Pendleton.

3. The third figure consists of representative photographs drawn from examples elsewhere in the country to illustrate the ideas presented in the concept plan. These photographs have been chosen to reflect the potential character of, but not the final result, of any recommendation contained in this chapter. In other words, they should be viewed as possibilities that provide examples of what is meant by specific ideas contained in the concept plans and strategies.

### **Relationship to Town Urban Design Structure**

Before considering each individual focal planning area, it is useful to consider how the areas relate to the overall urban design structure of the Town. Amherst, like many communities, contains multiple neighborhoods, employment and commercial centers, parks, and community facilities and services. These uses are connected by a system of roads and highways whose character varies depending upon their location and adjacency to specific uses. The complex experiences created by these land use and roadway networks highlight the need to establish a positive “image” and perception of Amherst’s developed character and infrastructure as a basis for marketing the Town’s quality of life advantages in an increasingly competitive, “place-based” environment.

The focal planning areas constitute a step in this direction by recognizing that portions of the Town should be considered in more depth to elicit specific themes and concepts that will help guide their future development. Strengthening the identity and image of specific districts and neighborhoods will reinforce the strengths of the Town as a whole.

The focal planning areas provide opportunities for *physical enhancements to gateways* as part of a town-wide initiative to strengthen Amherst’s identity and image.

One opportunity to reinforce the focal planning area component of the Comprehensive Plan is to engage and orient residents and visitors to important locations within the Town by defining and marking **gateways**. Gateways can be physical entries to the Town or to specific neighborhoods, commercial corridors and districts, or even “social” gateways where access to services, training, and community functions are available. As Amherst is a diverse physical environment, each gateway should not only represent the Town as a whole but the local context in which it is located. On the concept plan for each focal planning area, specific gateways are identified as opportunities for physical improvements that should be considered as part of a Town-wide effort to improve these critical transitional points. This concept supports and is a more detailed application of Land Use and Development Policy 3-11 (target capital investments to improve the aesthetic character of key locations within the Town.)

Reviewing the location of major service and employment concentrations as well as major arterials and other important corridors, the following specific opportunities exist to enhance the image of the Town through treatment of gateways and corridors:

- Along Millersport Highway as an entry to the Town and a connecting road between the University at Buffalo's (UB) south and north campuses
- Along Niagara Falls Boulevard and Transit Road as highly traveled edges to the Town
- Along Sheridan Drive as an east-west major arterial street that draws people for its commercial services
- Along Maple and North French Roads from Niagara Falls Boulevard to I-990, where large-scale uses such as commercial activities, the Millard Fillmore Suburban Hospital, and access to the Audubon Industrial Park are located
- Along Sweet Home Road abutting UB, as a critical north-south collector road and potential location of university-related housing, commercial and research activities
- Along Main Street, including traditional commercial centers in Eggertsville, Snyder, and Williamsville (the Town's traditional "village center")

The above is an initial list of opportunities that recognizes the need to prioritize investments and initiatives to reinforce and strengthen the opportunities presented by highly traveled and visited areas of the Town. A number of the opportunities (for example, commercial centers along Main Street) are located within focal planning areas. Gateway treatments in these areas should seek to reinforce the special character of places such as Eggertsville, Snyder, and Williamsville while relating to a unifying design concept for the Town as a whole.

Another theme that permeates the concept plans and strategies for all of the focal planning areas is that of integration. The gateways noted above, as well as other important institutions, amenities, and districts, should be mutually reinforcing. If the "on the ground" expression of various uses is one of physical separation and fragmentation, each use or district is by necessity self-sufficient and does not directly benefit from nearby, potentially supportive uses. The idea of integration recognizes that most uses benefit from seamless physical connections, offering residents, shoppers, and users more choice and services in each location within the Town. This principle is represented in the focal planning areas by proposed improvements to specific streets, pathways, or other forms of physical connections.

Planning studies are underway or have been completed for a number of the areas that are discussed below (e.g., the Joint Local Waterfront Revitalization Plan (JLWRP), Eggertsville Action Plan, Harlem-Kensington-Cleveland Economic Development Strategy,



Village of Williamsville Community Plan, and the Snyder Action Plan). The concepts and strategies set forth in this chapter reflect the principles of many of these efforts. Thus the focal planning area concepts and strategies should be viewed as another step in the planning process to achieve the vision of the future set by the Town of Amherst Bicentennial Comprehensive Plan. Local community organizations, which have been actively involved in planning efforts in places such as Eggertsville and Snyder, should continue to be involved as partners in implementing the focal planning area strategies.

## **10.1 NORTHWEST AMHERST**

### **10.1.1 Overview and Urban Design Analysis**

Northwest Amherst is located in the northwest part of the Town in the general area defined by Tonawanda Creek to the north, Sweet Home Road to the east, the North Diversion Channel of Ellicott Creek to the south, and Niagara Falls Boulevard to the west. Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Condition, ownership, and value of housing stock, particularly in the vicinity of the Town's Wastewater Treatment Plant
- A fragmented land use pattern, including the proximity of some residential uses with higher intensity, non-residential development
- A lack of pedestrian connectivity to centers of activity
- A lack of community identity and focus on a clearly defined activity center
- The availability of vacant parcels for development, suggesting the potential for change

In relationship to the rest of the Town of Amherst, Northwest Amherst is relatively isolated by large physical boundaries located at its edges (Figure 14). These boundaries – Tonawanda Creek, Nature View Park, Niagara Falls Boulevard, and the North Diversion Channel of Ellicott Creek – create a distinctive set of urban design issues to address in the Northwest Amherst focal planning area.

As noted in the *Inventory and Analysis Report*, Northwest Amherst lacks a defining center. In addition to the local population, commercial uses on Niagara Falls Boulevard serve commuters who use the corridor daily to reach regional employment centers and destinations. The lack of sufficient mass of housing units in the immediate area has negatively impacted the ability to create a small center that caters to the established neighborhoods.

Northwest Amherst is comprised of two primary neighborhoods: Bucyrus Heights east of Sweet Home Road and the Creek Woods neighborhood west of Sweet Home Road. These neighborhoods are separated from one another by the Audubon Industrial Park and Northpointe, which together comprise one of the Town's main employment centers. Due to the intensity of employment and the large commercial uses along Niagara Falls Boulevard, local roads such as Sweet Home Road and North French Road exhibit high traffic volumes, and local residents have noted problems with traffic congestion.

Internal neighborhood streets in the Creek Woods neighborhood surrounding the Town's Sewage Treatment Facility do not yet form a coordinated network with multiple access points to major roads. Their construction over time in conjunction with individual housing subdivisions has limited the ability to create an integrated, neighborhood street system.

The existing Evergreen Golf Course is designated as a Waterfront Activity Area and is described in more detail in the JLWRP. This area may be redeveloped in the future as a mixed-use activity center comprised of housing, appropriately scaled commercial, and recreation uses. Its location next to Tonawanda Creek provides an important opportunity for public access to this regional amenity.

The key opportunities that can positively impact the future of Northwest Amherst relate to open space and recreation and the form and scale of new development. As noted above, Northwest Amherst is isolated by its physical boundaries. However, it is these boundaries that provide some of the strongest civic amenities the Town has to offer. Specifically, the historic Erie Canal (Tonawanda Creek) and Nature View Park are regional scale open space assets and are both on the doorstep of Northwest Amherst. The JLWRP will play an important role in the development of these recreational assets. Access ways to recreational and open space resources should be strongly considered in new housing developments and the designs of additional streets. Open space should be considered as a theme for the future development of the area through the provision of new open spaces and greenways, buffers from uses such as the Wastewater Treatment Plant, strong neighborhood connections, and a marketable identity.

As new development occurs in Northwest Amherst sensitive designs are warranted to reinforce the established neighborhoods. These should include appropriate densities, physical form, and scale in relation to established uses; strong physical access to open space and recreation; and appropriately scaled commercial uses located in centers to serve residential development.



Sweet Home Road



Sweet Home Road and North French Road



Audubon Industrial Park



Robinson Road



Sweet Home Road



Sweet Home and Dodge Road



Creekwood Park



North French Road



Sweet Home Road and Glenhaven Drive



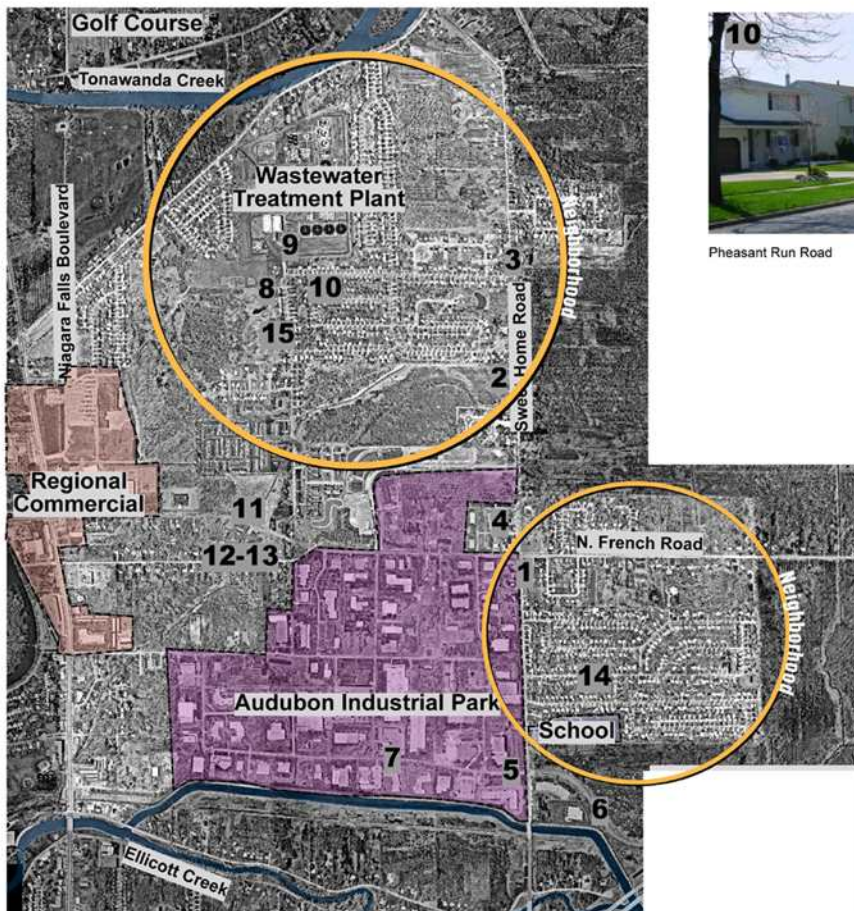
Dodge Road



Wastewater Treatment Plant



North French Road



Pheasant Run Road



Sunshine Drive



Sundridge Drive

**NORTHWEST FOCAL PLANNING AREA - EXISTING CONDITIONS**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 14**

WALLACE ROBERTS & TODD, LLC



### 10.1.2 Concept Plan and Strategies

The Northwest Amherst concept plan emphasizes *enhanced access for residential neighborhoods* to parks, recreational facilities, and pedestrian networks.

The concept plan for Northwest Amherst is based on integrating parks and pedestrian networks with existing and future housing developments and providing enhanced access to open space and recreation amenities. Neighborhood-based improvements relating to parks and schools should serve as the foundation for the area's future, increasing the attractiveness and marketability of the area for a mix of incomes.

In the Bucyrus Heights neighborhood, steps should be taken to buffer the area from the North Audubon Parkway development to retain its character, while enhancing access to Nature View Park and the Ellicott Creek Trail. Traffic calming measures on Sweet Home and North French Roads should be implemented to improve the pedestrian experience and the overall safety of the area.

Specifically, the concept plan for Northwest Amherst includes the following initiatives and strategies (Figures 15 and 16):

- Improve connections to Creek Woods Park, the potential entry to Nature View Park, North French Road, Sweet Home Road, and Tonawanda Creek Road. These “neighborhood connector streets” should receive priority consideration for tree planting and other improvements.
- Continue to focus resources on improving Creek Woods Park, an important neighborhood resource and focal point
- Extend a trail connection from Cascade Drive and Sundridge Drive along the stub streets into the Sweet Home School District property to connect areas west of Sweet Home Road with Nature View Park. Over the long term, a park could be developed in this area.
- Create a system of landscaped “buffers” that protect housing values and provide passive open space for neighborhood residents. These buffers should be considered surrounding the Wastewater Treatment Plant and behind the commercial uses on Niagara Falls Boulevard.
- Better control noise, odor, and visual impacts on nearby residences caused by the Wastewater Treatment Plant. This should include enhancing and extending the existing berm as part of the landscaped buffer system.
- Explore the potential redevelopment of the Evergreen Golf Course as a mixed-use Waterfront Activity Area to include a new residential neighborhood, open space, appropriately scaled commercial establishments, and a waterfront recreation area along Tonawanda Creek and the Canal Trailway.
- Establish site design guidelines for enhanced landscaping in conjunction with improved access management for commercial uses along Niagara Falls Boulevard to enhance the

entry to Amherst from the north. To be implemented over time as uses are introduced/redeveloped, or through public/private partnerships with existing property owners, the guidelines should specify the location and amount of landscaping, appropriate locations for signage, pedestrian facilities, and the number and location of curb cuts.

- Per the JLWRP, develop Old Niagara Falls Boulevard along the Erie Canal as a Waterfront Activity Area. Streetscape/pedestrian improvements should be implemented to take advantage of this waterfront location. Redevelopment of appropriately scaled commercial uses should be encouraged (e.g., rehabilitation of the Lighthouse Point restaurant and boating oriented services).
- Initiate traffic calming measures and combine with character corridor design guidelines for arterial and collector streets, including North French Road, Sweet Home Road, Robinson Road, and Tonawanda Creek Road. Typical traffic calming measures include “bumpouts” at intersections, changes in pavement texture at pedestrian crossings, increased planting, re-striping of the road to delineate on-street parking areas if applicable, and potential reduction of lane widths. Depending upon the character of each street, a traffic study may need to be completed to arrive at the appropriate solution.
- Explore the potential development of an environmental education center and park entry to Nature View Park along Sweet Home Road near the intersection with Pheasant Run Road.
- Reinforce the existing commercial uses on Sweet Home Road across from the potential entry to Nature View Park. This could include streetscape enhancement and a loan program for façade improvements.
- Create a landscaped buffer surrounding the Bucyrus Heights neighborhood to the east and south, with a public right-of-way extending south to the Ellicott Creek Trail. Pedestrian and bicycle only connections into the North Audubon Parkway mixed-use center should be established.
- Develop community-oriented facilities directly south of the Heritage Heights Elementary School. These facilities may include a community or recreation center, appropriately scaled retail uses, or housing. Although the current plan for the North Audubon Parkway property proposes research facilities and parking in this location, it is recommended that these plans be reconsidered due to the proximity to the school and existing housing.
- Apply a neighborhood conservation program to stabilize and improve housing conditions, per Housing and Neighborhoods Policy 8-7. The program should address both increasing homeownership and encouraging enhanced property maintenance by landlords. Specific strategies that should be considered include enhanced code enforcement; low interest mortgages or assistance on closing costs for first-time

Create landscaped buffer around Wastewater Treatment Plant

Create open space and landscaped buffer behind the regional commercial center

Residential / open space / Small commercial components

EVERGREEN WATERFRONT ACTIVITY AREA

Canal Trailway

FUTURE MIXED USE DEVELOPMENT

WASTEWATER TREATMENT PLANT

Vine Lane

Reinforce existing commercial uses

Potential environmental education center & park gateway

New Road

CREEK WOODS PARK

Glenhaven Drive

NEW HOUSING

CREEK WOODS NEIGHBORHOOD

NATURE VIEW PARK

Create pedestrian link between Canal Trailway, North Audubon and Nature View Park

New Road

POTENTIAL FUTURE SCHOOL

N. French Road

OLD NIAGARA FALLS BLVD WATERFRONT ACTIVITY AREA

EMPLOYMENT

Muir Woods Development

Niagara Falls Boulevard

AUDUBON INDUSTRIAL PARK

Sweet Home Road

BUCYRUS HEIGHTS NEIGHBORHOOD

Encourage supportive development adjacent to school

I-990

This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which is the official guide to future land use.

**NORTHWEST AMHERST FOCAL PLANNING AREA - CONCEPT PLAN**

March 2009

Figure 15

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN

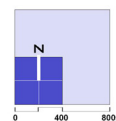
**LEGEND**

- Expressway
- Major arterial
- Minor arterial
- Collector
- Neighborhood connector
- Multi-use trail

- Industrial / office
- Stabilize and maintain existing residential fabric
- Business / commercial area
- School / community facility
- School related development
- Park / green space / cemetery
- Mixed-use
- New Housing

- Gateway
- Neighborhood anchor / community service
- Regional commercial center
- Waterfront activity area - LWRP

WALLACE ROBERTS & TODD, LLC





Landscape buffer treatment



Radburn, New Jersey  
Landscape buffer (residential area)



Traffic calming feature (bump out)



The West End, Hagerstown, Maryland  
Central park in neighborhood



Pattern Book, Celebration, Florida  
Neighborhood street: pedestrian oriented



Residential development along neighborhood street

homebuyers; grants or low interest loans for property repairs and improvements; and possible consideration of a licensing and inspection program for rental units (would need to be applied as a town-wide code). In a related strategy to improve the area's attractiveness as a place to live, opportunities for infill development should be pursued to introduce quality housing, extend existing street patterns, and create more coherent neighborhoods.

## **10.2 NORTH AMHERST**

### **10.2.1 Overview and Urban Design Analysis**

The largest of the six focal planning areas, North Amherst extends east from the Northwest Amherst focal planning area to Transit Road generally north of North French Road, the Lockport Expressway, and Dann Road. Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Rural/"green" character, as defined by undeveloped land, open spaces, and agricultural uses
- Presence of extensive natural resources and floodplain areas
- Potential growth in Northeast Amherst (projected to experience the greatest percent increase in population of any part of Amherst over the next 20 years)
- Role of public sewer as a primary determinant of new development (much of North Amherst is not served by public sewer)

The physical image of North Amherst is very different from other portions of the Town. Its low density housing, rural roads, farms and open spaces stand in contrast to the denser, more urban or suburban uses and commercial services found in the southern portions of the Town (Figure 17).

Low-density housing in a rural setting extends along Tonawanda Creek Road, New Road, Schoelles Road, Hopkins Road, and Campbell Boulevard. Denser, suburban housing developments are located along and just north of North French Road west of I-990. The remainder of the area is primarily open space, parkland, and agricultural land. The focal area lacks centers of commercial services. A few small stores are located at the intersection of Millersport Highway and Transit Road, which does not currently present the best overall image as an entryway to Amherst. The "village hamlet" of Swormville, located near Smith and Transit Roads, contains some commercial uses. Swormville, however, serves a specific niche with antique stores and associated shops. Basic daily commercial uses and services are located further south.



The Oakwood Golf Course, Tonawanda Creek, North Amherst Recreation Center, Glen Oaks Golf Course and Nature View Park represent the primary public amenities in the area, encompassing large amounts of land. Existing and new trails following Tonawanda Creek and along Hopkins Road north of I-990 could greatly help to physically connect these assets (see Land Use and Development Policy 3-13). The North Amherst Recreation Center is relatively isolated from housing and, due to its location adjacent to Millersport Highway, is difficult to access except by automobile. As part of the Town of Amherst and Town of Pendleton Joint Local Waterfront Revitalization Program (JLWRP), three waterfront activity centers are proposed in the area.

The majority of the roads in North Amherst are rural in character. As scenic roadways, many are narrow with closely planted landscaping and trees. In some cases, surface drainage systems are located at the edge of the roadway in the form of ditches with standing water. These characteristics should be considered when evaluating any street improvements or potential addition of bicycle lanes (see Transportation Policy 6-1 re. context-sensitive roadway design).

Major arterials include Millersport Highway, which is designed for high traffic speeds and creates a large physical barrier. This condition is most problematic at the intersection with New Road, due to the presence of the North Amherst Recreation Center on the west side of Millersport and a private day care facility on New Road. This area, designated as a mixed-use center in the Town of Amherst Community Development Plan Update for Northeast Amherst in 1993, represents an opportunity to provide additional services while maintaining the area's overall rural character.

### **10.2.2 Concept Plan and Strategies**

As noted above, the majority of the North Amherst focal planning area is comprised of low-density, single-family residential, agricultural, or park/open space uses. These characteristics contribute to a physical environment that is unique and an essential part of Amherst's character. As noted by residents, the rural character and low density housing in North Amherst reflects the ability to choose between radically different styles of living all within one town. A variety of lifestyle and housing choices ranging from urban to suburban to rural is one of the cornerstones of the Comprehensive Plan Vision Statement.

The North Amherst concept plan emphasizes *preservation of rural character*.

Thus the concept plan for North Amherst emphasizes stabilization and preservation of rural character. Major strategies include controlling the location and density of new development, initiating context-sensitive improvements (where applicable) to maintain the visual character of rural roads, and providing easy physical connections between the recreation amenities in the area through



Tonawanda Creek Road



Boat launch on Tonawanda Creek



North Amherst Recreation Center



Agricultural field



Agricultural landscape



Rural road



Rural road / drainage ditch



Millersport Highway / Transit Road



Amherst Museum



Rural landscape



Rural road



Ransom Creek

**NORTH AMHERST FOCAL PLANNING AREA - EXISTING CONDITIONS**

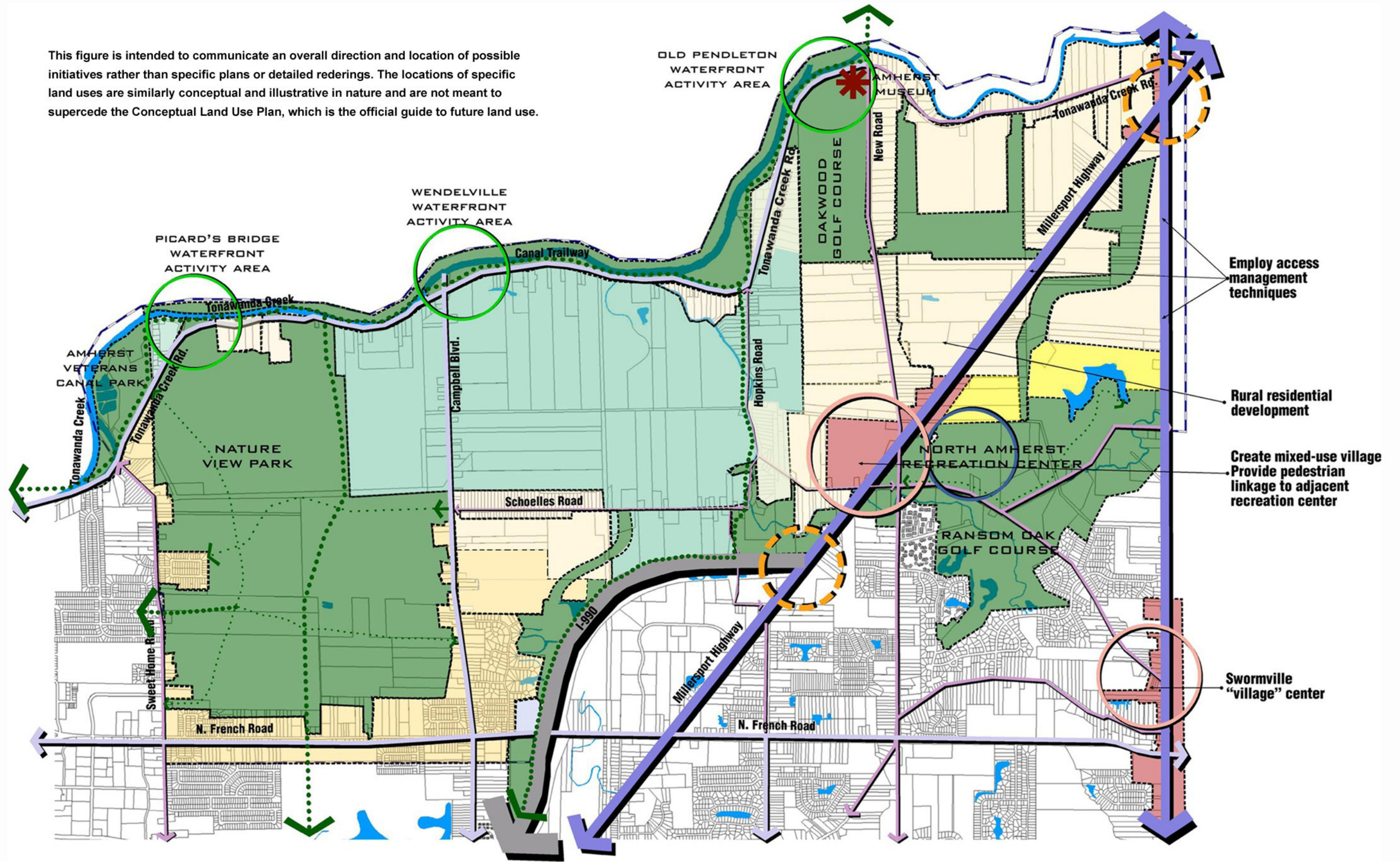
TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 17**

WALLACE ROBERTS & TODD, LLC

This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which is the official guide to future land use.



**NORTH AMHERST FOCAL PLANNING AREA - CONCEPT PLAN**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN

**LEGEND**

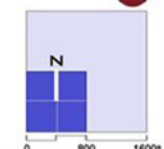

	<b>New housing development</b>
	<b>Park / recreational space</b>
	<b>Agricultural land</b>
	<b>Stabilize and maintain existing residential fabric</b>
	<b>Business / commercial area</b>

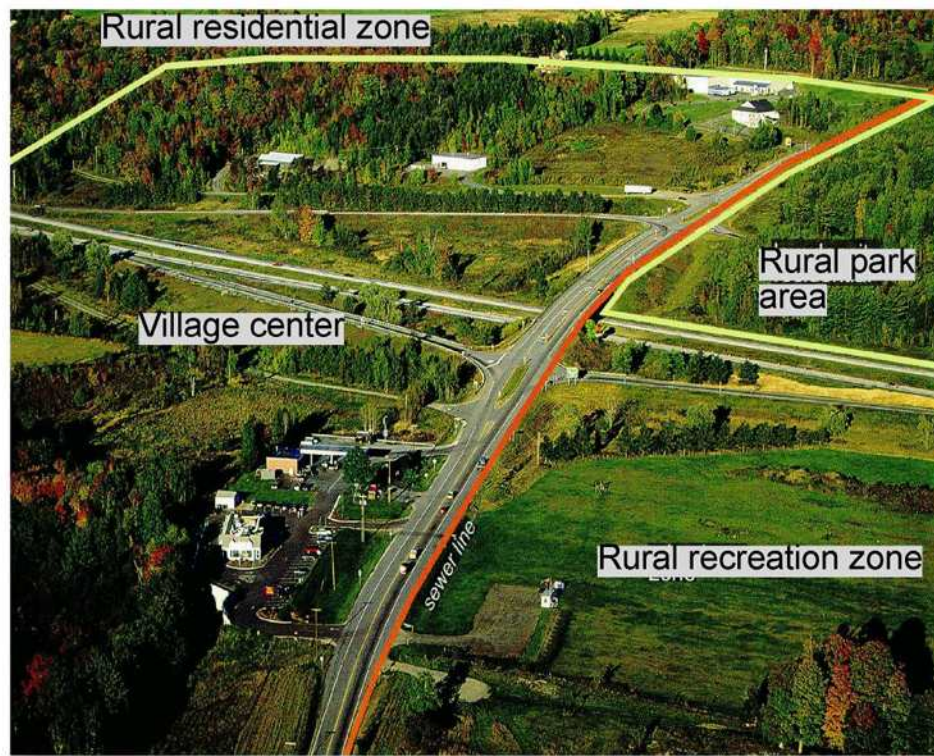
	<b>Community use</b>
	<b>Gateway</b>
	<b>Neighborhood anchor / community service</b>

	<b>Waterfront activity area - LWRP</b>
	<b>Rural "village" center</b>

March 2009 **Figure 18**

WALLACE ROBERTS & TODD, LLC





Village center in rural setting



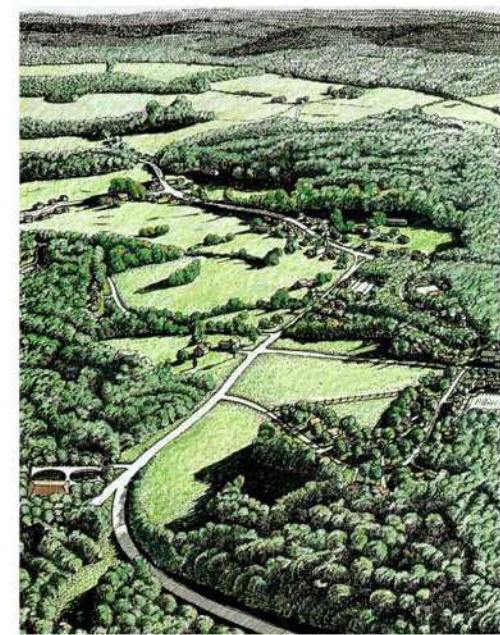
Waterfront trail



Greenway along stream



Randall Arendt, Rural by Design  
Conservation development



Randall Arendt, Rural by Design  
Low-density residential development



Rural road



Rural road / farmland



Champion Park, Winnebago, Illinois

Conservation development overlooking open space



Village center

an extended network of pedestrian and bicycle lanes. Growth is directed to the intersection of New Road and Millersport Highway and east of Millersport Highway to Transit Road where sewer service can be extended.

Specifically, the concept plan for North Amherst includes the following initiatives (Figures 18 and 19):

- Create a mixed-use “urban village center” at the intersection of New Road and Millersport Highway. The village should be contained within the existing parcels that are zoned Traditional Neighborhood Development (TND) and include small, neighborhood scale commercial uses, clustered residential development, and significant open space (see “Conservation Development” as a strategy, policy 3-14). The overall scale of the development will provide a center for North Amherst, a recognizable gateway to Amherst from the north, and services closer to the existing population than currently available.
- Initiate traffic calming measures on Millersport Highway at the intersection of New Road to provide enhanced pedestrian accessibility and safety between the potential village center and the North Amherst Recreation Center. These measures could include stop signs or a stoplight, designated crosswalks, enhanced landscaping, and “bumpouts.”
- Limit the area to the immediate north and west of the village center to rural residential uses.
- Extend trails along Tonawanda Creek and Tonawanda Creek Road. Mile markers and a signage program should be integrated within the system to guide users to specific amenities and uses.
- Establish a new trail along Hopkins Road from Tonawanda Creek to the I-990. This trail should be integrated into a larger system that connects water features such as Tonawanda Creek, with a major element of the town-wide system along the north side of the I-990. Mile markers and a signage program should be integrated within the system to guide users to specific amenities and uses.
- Develop “Rural Character” roadway standards for the area’s rural roads (Comprehensive Plan Policy 6-1). These should include coordinated guidelines for landscaping and tree cover, building setbacks, site drainage, limited road widths, and potential bicycle lanes where applicable. Conservation development through clustering of homes (consistent with soil limitations on on-site sewage disposal) should also be explored to preserve views and open space.
- Initiate bicycle lanes and improvements to New Road, Hopkins Road, Campbell Boulevard, and Schoelles Road. These improvements should reflect the “Rural Character” roadway standards.

- Create a redevelopment plan for the Millersport Highway and Transit Road intersection to reinforce neighborhood scale commercial activities and enhance the gateway to the Town.
- Enhance the signage and streetscape treatments along Millersport Highway and I-990 to orient visitors and commuters to the Town's amenities. These should include landscaping, traffic calming (where appropriate), paving, signage and lighting.
- Incorporate recommendations from the JLWRP to improve the Waterfront Activity Areas near the Amherst Museum (Old Pendleton), Wendelville, and Picard's Bridge near the Amherst Marine Center.
- As recommended by Natural and Cultural Resources Policy 4-13, develop a management plan to enhance the Amherst Museum as an educational/interpretive resource for residents and visitors. This plan should address connection of the museum to an area-wide trail system and to the Old Pendleton Waterfront Activity Area recommended in the JLWRP.
- Work with Clarence to preserve and strengthen the established village character of Swormville. Any future improvements to Transit Road should be designed to maintain this character.
- Develop design standards for the replacement of bridges over the Erie Canal.

## 10.3 UNIVERSITY

### 10.3.1 Overview and Urban Design Analysis

The University focal planning area is located in west-central Amherst centered on the North Campus of the University at Buffalo (UB). Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Impacts of the ongoing expansion of the North Campus student population on the area surrounding the campus (increased traffic, demand for off-campus housing and services geared towards students)
- Need for coordination between the Town and University on growth/edge issues
- Potential for research/economic development spin-off from University activities
- The vacant property owned by the University east of Millersport Highway is one of the largest vacant properties in the Town potentially available for development

The University focal planning area and surrounding development contain some of the largest economic engines in the Town of Amherst (Figure 20). Most notably, the University of Buffalo's North Campus is in the heart of the focal area and is expecting a significantly larger student population due to internal restructuring



1  
Ellicott Creek railway



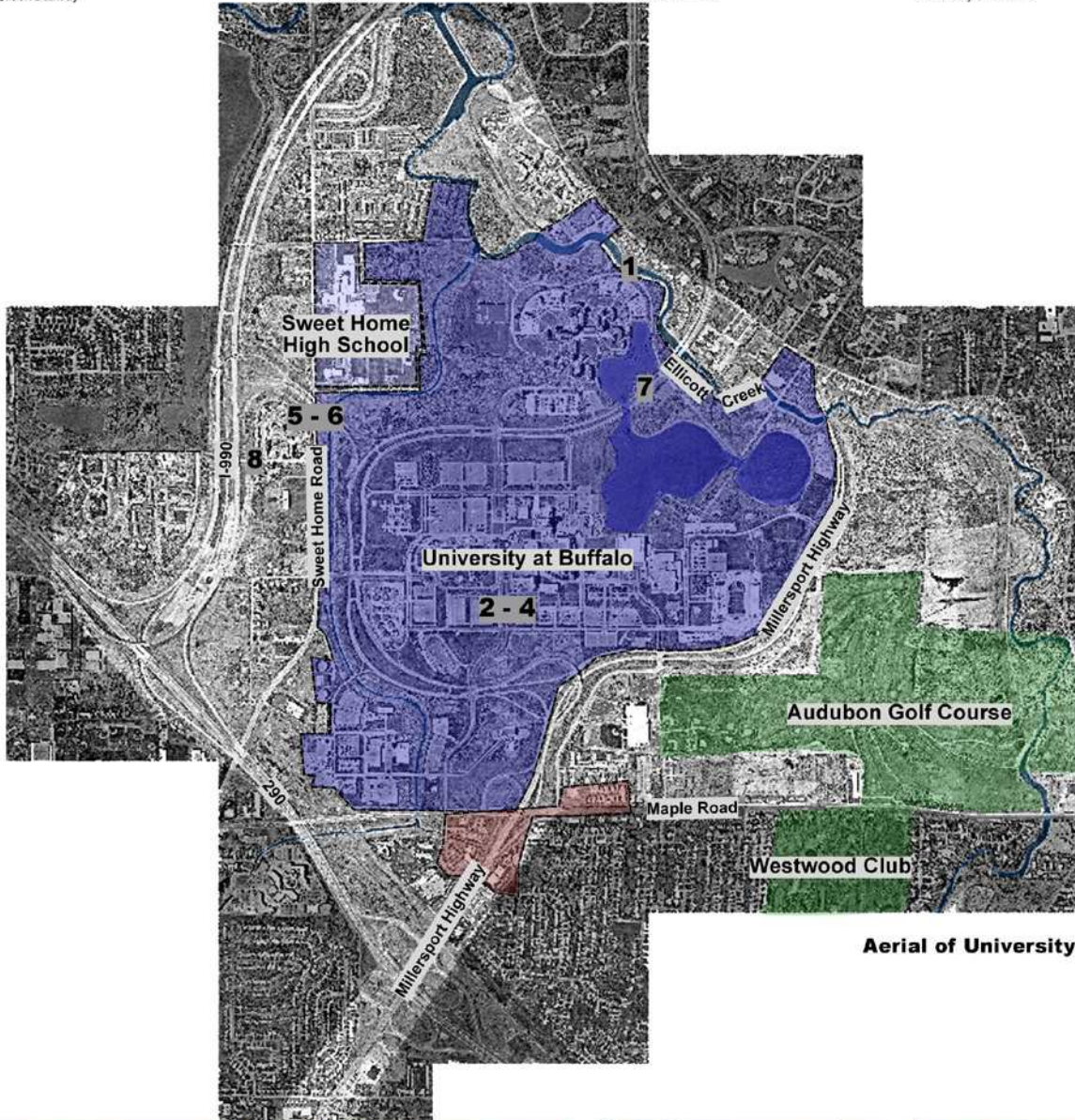
2  
University housing



3  
University at Buffalo



4  
University at Buffalo



Aerial of University



5  
Sweet Home Road



6  
Sweet Home School



7  
Audubon Parkway



8  
Chestnut Ridge

**UNIVERSITY FOCAL PLANNING AREA - EXISTING CONDITIONS**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 20**

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of the academic programs and the locations where they are offered. To accommodate these changes, the University is implementing a master plan with the objective of housing a significant portion of the student population on the campus. This effort is reflected in new housing developments at the periphery of the traditional campus core adjacent to the academic spine and sports stadiums. Recognizing the need for additional commercial services for the students, the University is also undertaking a redevelopment initiative concentrated on Lee Road on campus to provide a new book store, restaurants, and retail uses. Thus the once insular campus is slowly extending to its edges, which provides the opportunity for more interaction and shared services with the Town of Amherst. This expansion is providing the potential for the development of student housing not accommodated on-campus and student-related retail/personal services in close proximity to the campus.

Surrounding the University is a number of other uses that provide employment and services, many of which serve the Western New York Region and the local community:

- The Ramada Hotel and Conference Center and Weinberg Campus for assisted living are located along North Forest Road.
- A Town municipal complex is located along Audubon Parkway.
- A concentration of commercial services is located to the south along Maple Road.
- The Audubon Golf Course and Amherst Pepsi Center are located east of Millersport Highway and north of Maple Road.
- Condominium complexes are located to the west of I-290 along Chestnut Ridge Road.
- Approximately 2,000 beds of student housing located along Sweet Home and Chestnut Ridge Roads directly west of the North Campus are either developed, under construction, or have received site plan approval.
- Sweet Home High School located on Sweet Home Road adjacent to the University. This facility provides adult education in the evenings and the School District is looking to expand its programs to become more of a community center.
- The Audubon Industrial Park (described in further detail above in the context of the Northwest focal planning area) and several other employment/business parks are located within and adjacent to the University focal planning area.

While all of these uses are viable and critical to the economic prosperity of the Town, they currently do not benefit from their proximity to one another. Instead they are relatively isolated from other uses and assets. There is limited physical or social networking within this area, which impacts the possibility of it becoming an integrated, mixed-use district.



Connecting the uses is a somewhat disjointed network of roads and highways. Millersport Highway directly connects the north campus to the University's south campus to the southwest. John James Audubon Parkway is a main link into the north campus, but neither the parkway nor Millersport Highway is distinguished as a campus loop road or gateway as they pass through the University. Sweet Home Road exhibits peak hour traffic problems as a collector road. Finally, there are few connections through local streets to adjacent neighborhoods, many of which house students attending the University. The present state of the road network only furthers the limited physical connections between uses in the area and encourages automobile travel to fulfill daily needs.

Although much of the area is fully developed, there is no center for commercial services adjacent to the University. An opportunity to create a mixed-use center on the large University-owned parcel east of Millersport Highway currently exists. Its location along Ellicott Creek and near adjacent neighborhoods creates the potential for a center on this site to draw from both University students and employees as well as neighborhood residents. The University is currently preparing a new physical master plan to implement the recently completed "UB 2020" academic plan. This effort, called "BuildUB," is seeking to implement many of the concepts recommended above. Preliminary discussions with the University indicate they are seeking to soften the hard edges of the north campus to better integrate it into the Amherst community. The existing commercial-retail, student housing, and research-development uses currently planned along the Sweet Home Road corridor in the area directly west of the North Campus may present a real opportunity to integrate Town and University planning efforts to create a second University related mixed use activity center. This concept may be explored with the University as their physical planning efforts progress and considered as part of future annual plan reviews. (see discussion of this proposed "University Village" in Section 3.3).

### 10.3.2 Concept Plan and Strategies

The concept plan for the University focal planning area is centered on physical networking and shared resources. All of the existing institutions, offices, and neighborhoods can be viewed as "portals" that offer amenities and services that can potentially benefit the entire area. The objective is to find the physical linkages between them that will promote mutually reinforcing initiatives and social networks.

The University concept plan emphasizes <i>physical and programmatic connections</i> .
---

A long-term objective should be to set up a coordinating council among area entities (the Town, UB, and other major uses) to discuss ways of sharing services that benefit multiple institutions or uses. These services could be administered in existing facilities or in new, publicly accessible centers of community activity that are

Encourage supportive development adjacent to Heritage Heights Elementary School

Encourage physical improvements as a 'campus loop' road  
Create programmatic linkages between University and High School

Improve physical connections to nearby neighborhoods

Employ access management techniques

Potential connection to Niagara Falls Boulevard

Improve highway interchanges as gateways to the Town and University area

MUIR WOODS DEVELOPMENT

MUNICIPAL COMPLEX

SENIOR HOUSING

UNIVERSITY AT BUFFALO NORTH CAMPUS

MIXED USE CENTER

Maple Road

MAPLE ROAD / N. FOREST ROAD CENTER

WESTWOOD CLUB

Sheridan Drive

Sweet Home Road

RESEARCH CORRIDOR

Interstate 190

Interstate 290

Audubon Parkway

LEE ROAD UNIVERSITY COMMUNITY CENTER

ON-CAMPUS HOUSING

ON-CAMPUS HOUSING

STADIUM

PEPSI CENTER

AUDUBON GOLF COURSE

Create transportation alternatives including shuttle buses for Millersport and North Audubon Parkway

Create University oriented mixed-use center to serve students and local neighborhoods

Extend new pedestrian oriented connections into mixed-use site

Consider an additional campus loop road following Ellicott Creek

This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which is the official guide to future land use.

UNIVERSITY FOCAL PLANNING AREA - CONCEPT PLAN

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN

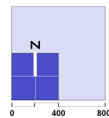
LEGEND

- Expressway
- Major arterial
- Minor arterial
- Collector
- Neighborhood connector
- Campus loop
- Multi-use trail
- Natural trail

- Industrial / Office
- Stabilize and maintain existing residential fabric
- Commercial / Retail
- School / community college
- School related development
- University of Buffalo
- Park / green space
- Mixed use development

- Medium Residential / Student Housing
- Commercial / Office
- Gateway
- Neighborhood anchor / community service
- Regional commercial center
- Mixed use highway / intersection center

WALLACE ROBERTS & TODD, LLC



March 2009 Figure 21



Bethesda, Maryland  
New mixed-use center



Greenway trail



Open space



Greenway trail



Industrial / research development - pulled close to street



Centennial Park, Sydney, Australia  
University gateway statue



Street treatment: signage, wayfinding and banners



Neighborhood connector street:  
pedestrian oriented

integrated with other commercial uses. The proposed “University Village” would be a good location for a facility of this kind. A coordinated marketing and outreach program should also be considered.

In the short term the concept plan encourages the physical improvement of the area’s roads and gateways. This strategy includes finding new connections between nearby neighborhoods and the University, providing alternative methods of transportation (transit, bicycle, and pedestrian), and extending the greenway trail along Ellicott Creek. Key physical gateways, such as critical intersections and highway interchanges, should be improved to reflect the dynamic mix of uses present in the area.

Specifically, the concept plan for the University focal area includes the following initiatives and strategies (Figures 21 and 22):

- Enhance pedestrian and physical connections to the University from surrounding neighborhoods by improving Chestnut Ridge Road, Rensch Road and Willow Ridge Drive. These “neighborhood pedestrian connectors” should receive priority consideration for tree planting and other improvements. Connections should be made to the pedestrian and multi-use facilities recently developed along Sweet Home Road.
- Employ access management techniques and traffic calming measures on Sweet Home Road.
- As part of development of a more integrated pedestrian/bicycle network, enhance safety for pedestrians and bicyclists at entrances to the UB campus from Maple Road, Millersport Highway, and North Forest Road. Pedestrian and bicycle access to the UB campus should be enhanced by the creation of a linkage between the proposed Lehigh Valley Multi-use Trail to the academic spine via Rensch Road.
- Research-oriented facilities related to the University should continue to expand along Sweet Home Road in proximity to the Baird Research Park.
- The Sweet Home Road corridor should be the focus of major off-campus university-related activities. Higher density residential uses should dominate the portion of this corridor between Skiddersville and Chestnut Ridge Roads. North of this residential area, a mix of office and higher density residential uses should extend to the I-990 interchange exclusively on the west side of Sweet Home Road. This pattern should be punctuated by a small commercial node centered on Skiddersville Road Extension.
- Work with UB to promote development of a new, mixed-use “University Village” east of Millersport Highway (see discussion in Section 3.3). Uses should include research and office, University-related activities, housing, open space, and public trails and rights-of-way along Ellicott Creek. Housing should be designed to appeal to members of the academic

community and “knowledge workers” drawn to an attractive, stimulating environment with a mix of activities.<sup>11</sup> A secondary campus “loop road” should be considered adjacent to the creek but outside of the floodplain to organize the main activities along an attractive environmental feature.

- Enhance physical connections to the University from surrounding neighborhoods by establishing a linkage or linkages across Ellicott Creek from North Forest Road. Klein Road could be extended across North Forest to provide a means of access to the proposed mixed-use center from the east, while extensions of Stahl Road and Heim Road would provide additional pedestrian and possibly vehicular linkages to the center.
- Designate Millersport Highway and the Audubon Parkway from North French Road to Maple Road as a Campus Boulevard. Streetscape, landscaping, and signage should be distinctive and high quality, reflecting UB and its programs and services.
- Extend the Audubon Parkway north to the North Audubon Parkway property Research and Development Park, thus increasing the accessibility of this center to UB and other surrounding uses.
- Work with UB and the Niagara Frontier Transportation Authority to encourage alternative transportation systems to better serve and connect uses in the area. Transit service should be explored that links the University of Buffalo’s north and south campuses. Similarly, expanded services should be explored for the Weinberg Campus to extend the mobility of resident senior citizens.
- Encourage re-use or redevelopment of properties in the Maple Road/North Forest Road commercial center and other locations along Maple Road and Millersport Highway. The Amherst IDA should be involved in this effort through programs such as tax abatements.
- Build programmatic connections between UB, Sweet Home High School, and other institutional, governmental, and business resources as part of the “knowledge-based” Comprehensive Plan key initiative. This strategy should link mutually reinforcing existing programs and create new ones in a way that fulfills the educational/training and job placement needs of residents as well as students.

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<sup>11</sup> If properly planned, this mixed-use center could enhance Amherst’s appeal to what economist Richard Florida terms the “creative class,” which he considers key to a community’s economic vitality. The creative class consists of scientists, engineers, architects, educators, writers, artists, entertainers, and other professionals whose economic function is to generate new ideas, new technology, and new creative content (Richard Florida, *The Rise of the Creative Class: And How It’s Transforming Work, Leisure, Community and Everyday Life*, June 2002).

## 10.4 EGGERTSVILLE

### 10.4.1 Overview and Urban Design Analysis

One of the oldest neighborhoods in the Town, the Eggertsville focal planning area is located in the southwest corner of Amherst in the area generally defined by Sheridan Drive to the north, Eggert Road to the east, Main Street to the south, and Niagara Falls Boulevard to the west. Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Viability of older commercial areas, including effects of the predominant “one-size-fits-all” General Business (GB) zoning
- Neighborhood viability, including the impacts caused by the transfer of undergraduate programs and student housing from UB’s South to North Campus
- Need/opportunity for positive collaboration between the Town and University
- Pedestrian character of older neighborhoods and commercial areas is an asset
- Lack of park and recreational facilities and center of community activity

As one of the older portions of Amherst, Eggertsville is characterized by a density and diversity unique to suburban environments. The area contains a number of different uses and institutions and is actively shaped by its relationship to five primary anchors (Figure 23):

- UB’s south campus across the Town’s political border
- Commercial uses in University Plaza along Main Street
- The traditional commercial center at Main Street and Eggert Road
- Regional commercial uses in Northtown Plaza along Sheridan Drive
- Community services located in Windermere School located in the heart of the neighborhood

Due to the increasing ethnic diversity of the area’s population, Windermere School has evolved into a community service center offering special education programs, English as a second language program, and health screenings. The success of the school and access to nearby commercial services has made Eggertsville attractive to many families moving to the area.

The popularity of the school and this area of town for new families has raised some issues with regard to housing in the area. Most notably, two subsidized projects, Allenhurst Apartments and Princeton Court Apartments, are viewed as having a negative

physical impact on nearby property values. Allenhurst, the more visible of the two due to location and design, does not fit the character of the neighborhood. In general, the residential area to the east of Bailey Avenue is considered more stable than the area to the west of Bailey Avenue.

Given the density of residential development, a number of the area's commercial nodes have continued to be successful, although in some cases signs of decline are evident. Commercial areas include Bailey Avenue, Main Street and Bailey, Main and Eggert Road, Eggert Road and Bailey Avenue, and Six Corners. Each area contains a different mix of services and associated issues regarding future land use. Eggert Road, for instance, includes vacant properties with only a few offices remaining. Bailey Avenue has commercial use on the west side of the street only, ranging from small stores and restaurants to a motorcycle dealership. Both located along minor arterial roads, these areas in particular provide the opportunity for introduction of multi-family housing that would actively support nearby commercial services.

Although Windermere Elementary School provides some community services, the needs of the population outweigh the services available. Potential needs that have been identified include a community recreational center; youth, family, and other social services; and possibly some level of a clinical relationship with the University. In 2006, the Town purchased the former church located at 4110 Bailey Avenue and plans are currently underway to convert it to a community center.

### 10.4.2 Concept Plan and Strategies

The dynamic social and physical characteristics of Eggertsville provide an opportunity to create a distinctive and socially diverse district in Amherst. The concept plan proposes to “reinforce the diversity” with a long-term strategy to meet the needs of a changing population, encouraging established and new residents to remain and invest in Amherst.

Because the concept is ambitious, it must be followed through with multiple policies and redevelopment initiatives. Examples include regulatory changes to facilitate compatible development, housing programs and development, economic development incentives to small business enterprises, improvements to local streets to encourage people to walk to local services, and new community services in key locations. In addition to the items identified below, some of these strategies are detailed in the Eggertsville Action Plan; others are described in the town-wide policies related to the “Revitalization” initiative. Because of its importance to Amherst's future, Eggertsville should be a priority location for the application of expanded incentives for reinvestment/revitalization per Priority Comprehensive Plan Action Program #2 (see Chapter 11).

The Eggertsville concept plan emphasizes the *physical distinctiveness and social diversity* of the community as strengths to build on for the future.



Northtown Plaza



Northtown Plaza / Eggert Rd.



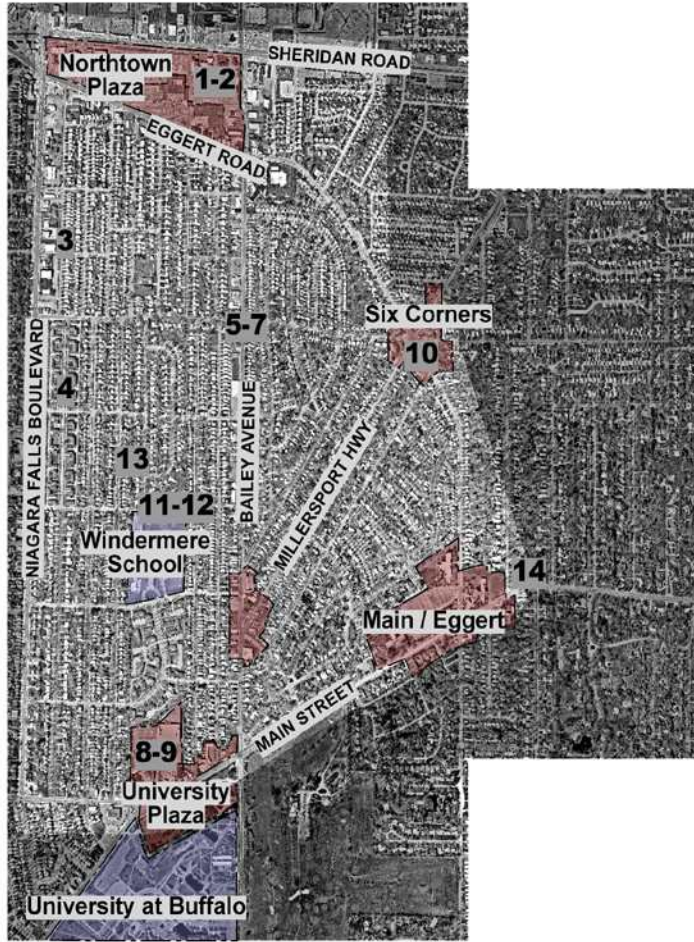
Marion Road



Allenhurst Apartments



University Plaza



Aerial of Eggertsville



Bailey Avenue



University Plaza



Bailey Avenue



Six Corners



Bailey Avenue



Windermere School



Windermere Boulevard



Springville Avenue



Main Street and Eggert Road

**EGGERTSVILLE FOCAL PLANNING AREA - EXISTING CONDITIONS**

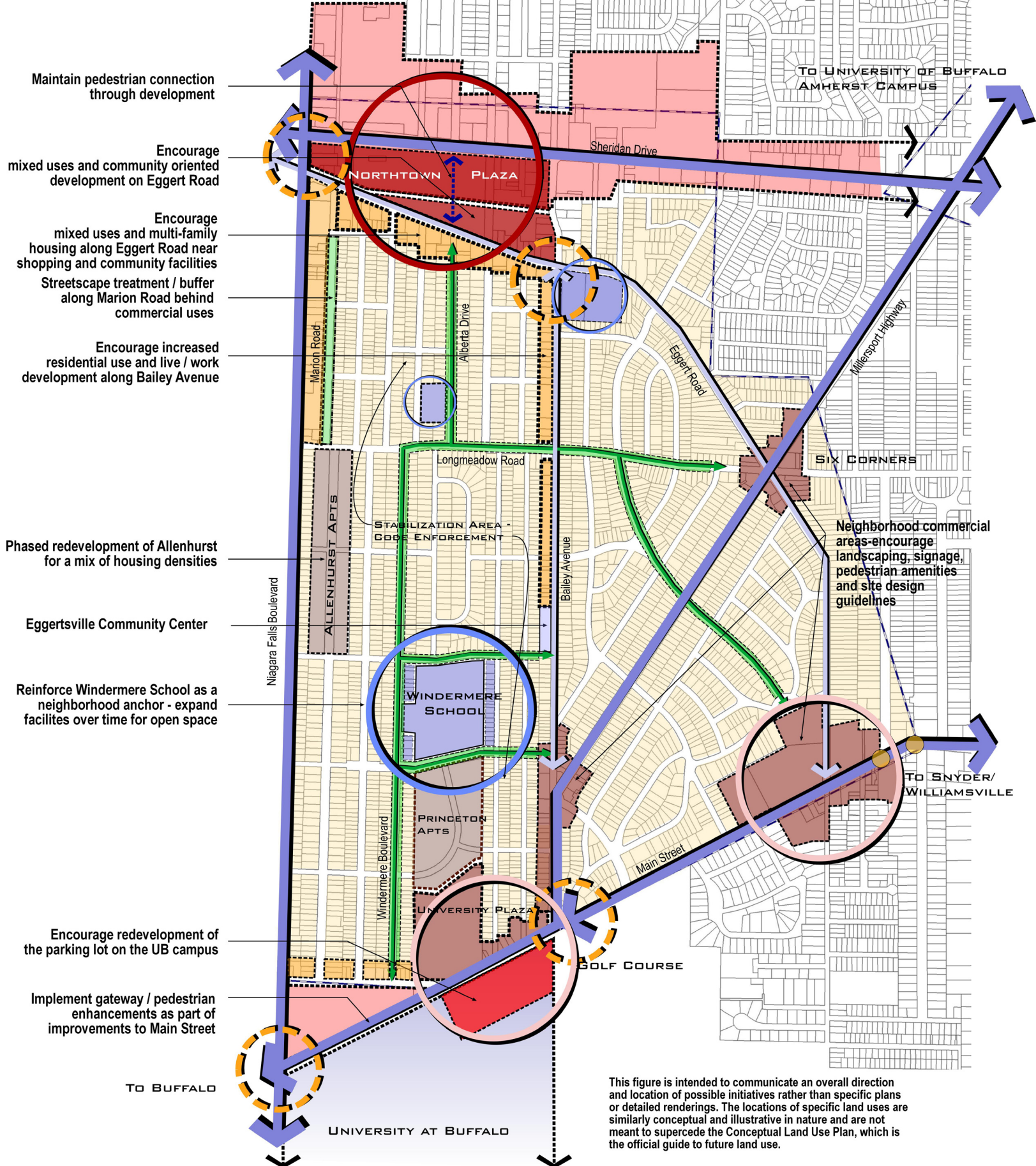
TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 23**

WALLACE ROBERTS & TODD, LLC





This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supercede the Conceptual Land Use Plan, which is the official guide to future land use.

**EGGERTSVILLE FOCAL PLANNING AREA - CONCEPT PLAN**

March 2009 **Figure 24**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN

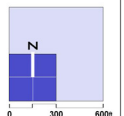
WALLACE ROBERTS & TODD, LLC **WRT**

**LEGEND**

- Major arterial
- Minor arterial
- Neighborhood connector

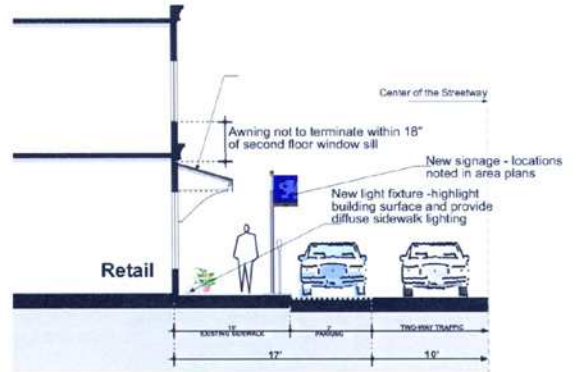
- Commercial development / mixed-uses
- Neighborhood commercial core / mixed-use
- Stabilize and maintain existing residential fabric
- Business / commercial area
- School / community facility
- Park / green space
- Multi-family residential
- Mixed-use

- Gateway
- Neighborhood anchor / community service
- Regional commercial center
- Urban / "village" center
- Historic gates - restore where applicable & create lighting plan for Main Street

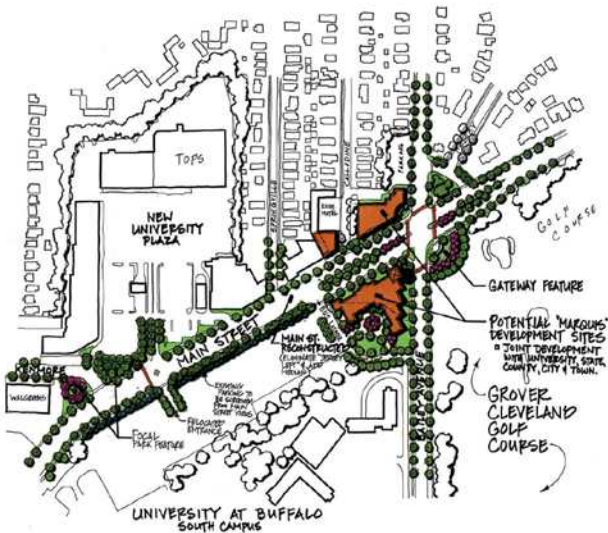




Lake Oswego, Oregon  
 Phased redevelopment for mixed housing density with side parking



Example of design guideline



Source: Parsons  
 Conceptual improvements to Main Street and Bailey Avenue



Lake Oswego, Oregon  
 Landscape buffer treatment



Miller Garden  
 Landscape buffer near university



Traffic calming



Anacortes, Washington  
 Streetscape improvement



Multi-family development with rear parking



Live-work/ mixed-use development with rear parking

Specifically, the concept plan for the Eggertsville focal area includes the following initiatives and strategies (Figures 24 and 25):

- Encourage community-scale commercial and mixed-use development in the area around Northtown Plaza north of Eggert Road. This may occur as a partnership with property owners when redevelopment is considered. For example, a strategy could be pursued to use a portion of the existing parking lot along Eggert Road for other uses in exchange for other assistance to the continued operation of the Plaza. If any redevelopment in this area occurs, a pedestrian connection should be provided to Sheridan Drive and Eggert Road.
- Encourage mixed-use development with a significant multi-family housing component along the south side of Eggert Road between Niagara Falls Boulevard and Bailey Avenue. Guidelines should be established to encourage this development to be pulled to the front property line with parking facilities located in the rear. Lower floors should be considered for community facilities, housing, and/or office space.
- Encourage increased residential development along Bailey Avenue, including live/work units. Guidelines should be created to promote development that fits into the established neighborhood fabric (build-to lines, rear parking, etc.). Shared parking should be encouraged through more flexible standards that take advantage of the varying parking needs of residential, commercial, and other uses at different times of the day and week.
- Consistent with the Eggertsville Action Plan, create a zoning classification to accommodate the distinct needs of small, mixed-use centers such as Main/Eggert and businesses located near the University Plaza. Appropriate site design guidelines should be created to maintain and enhance the character of these areas, addressing issues such as build-to lines, shared parking provisions, landscaping requirements, signage, streetscape, lighting, and compatible architectural design.
- Stabilize the neighborhood west of Bailey Avenue through code enforcement and an assessment of housing needs and programs directed to the local population, in accordance with Housing and Neighborhoods Policy 8-7.
- Consider options for a phased redevelopment of the Allenhurst Apartments for uses such as senior housing, lower density housing, or units attractive to “empty nesters” and other non-traditional households. Any redevelopment of the property should incorporate varied housing and architectural styles compatible with the surrounding neighborhood. Coordination with potential multi-family housing along Eggert and Bailey should be explored to provide relocation resources for tenants.

- Working with the Amherst IDA, establish a mechanism and management entity to prepare potential redevelopment properties for reinvestment and future development. This mechanism could be used to accomplish such activities as assembling parcels, demolishing existing buildings, and obtaining required regulatory approvals.
- Reinforce the Windermere School as a neighborhood anchor by expansion of facilities over time to provide more recreational opportunities or open space for the area.
- Encourage the mixed-use redevelopment of the parking lot in the northeast corner of UB's south campus. The development should become a gateway for the University, the City of Buffalo, and the Town. It should include appropriately scaled commercial, , housing, and open space uses.
- Reinforce neighborhood connections to local amenities by improving key streets as “neighborhood connector streets.” These streets should receive priority consideration for tree planting and other improvements.
- Initiate traffic calming initiatives for Bailey Avenue, Eggert Road, Grover Cleveland Highway, and Main Street. Traffic calming measures include “bumpouts” at intersections, changes in pavement texture at pedestrian crossings, increased planting, re-striping of the road to delineate on-street parking areas if applicable, and potential reduction of lane widths. Depending upon the character of each street, a traffic study may need to be completed to arrive at the appropriate solution.
- Work with NYSDOT to incorporate gateway treatments and pedestrian enhancements into planned improvements to Main Street, which is a major gateway between the City of Buffalo and Amherst.
- Encourage re-use or redevelopment of aging commercial properties along Sheridan Drive and Niagara Falls Boulevard. The Amherst IDA should be involved in this effort through programs such as tax abatements.
- Consider additional landscaping treatments for commercial uses along Niagara Falls Boulevard between Longmeadow and Eggert Roads to buffer residences along Marion Road from visible loading and parking areas.
- Prioritize needs for community facilities and services as a guide for future initiatives and investments. The development of these facilities and access to services in existing commercial areas should be encouraged and facilitated.

## **10.5 SNYDER**

### **10.5.1 Overview and Urban Design Analysis**

Like Eggertsville, the Snyder focal planning area is located in southwestern Amherst and is one of the Town's oldest



1  
Daemen College



4  
Main Street and Harlem Road



7  
Main Street and Harlem Road



11  
Historic gateway on Main Street



2  
Amherst High School



5  
Main Street and Harlem Road



8  
Main Street and Harlem Road



12  
Historic gateway on Main Street



3  
Main Street and Harlem Road



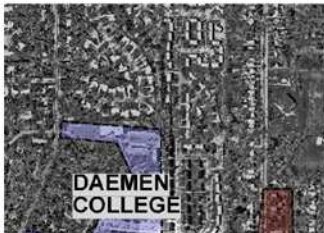
6  
Main Street and Harlem Road



9  
Main Street and Harlem Road



13  
Kensington Avenue and Harlem Road



DAEMEN COLLEGE



AMHERST HIGH SCHOOL



Aerial of Snyder



10  
Main Street and Harlem Road



14  
Kensington Avenue and Harlem Road



15  
Kensington Avenue and Harlem Road



16  
Kensington Avenue and Harlem Road

**SNYDER FOCAL PLANNING AREA - EXISTING CONDITIONS**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 26**

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neighborhoods. It generally corresponds to the triangular area formed by Main Street, Kensington Avenue, and Mt. Vernon Road. Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Deterioration of (two-family) housing stock along the east side of Harlem Road between Kings Highway and Saratoga Road
- Need to revitalize Harlem/Kensington commercial area
- Need to preserve established development pattern and character along Main Street, including the commercial center at Harlem Road
- Lack of park and recreational facilities (other than Harlem Road Community Center)

The Snyder neighborhood is organized around three primary streets: Main Street, Kensington Avenue, and Harlem Road (Figure 26). All three of these streets would benefit from efforts to calm traffic speeds. The three main concentrations of commercial activity are associated with these corridors. The Main Street and Harlem Road intersection supports a viable commercial area with a mix of uses, including Snyder Square, which is notable as a good local example of pedestrian-oriented, mixed-use development. Large institutions are located within easy walking distance, providing opportunities for additional uses and programs to further the viability of the commercial center. Daemen College and the Amherst High School are both two blocks east of Harlem Road on Main Street. The Park School of Buffalo is located just to the north and the YMCA is also located in the district.

The Kensington Avenue and Harlem Road intersection also contains a mix of retail uses, including restaurants and shopping. An improvement plan has been prepared for Harlem Road and the New York State Department of Transportation (NYSDOT) has approved a change in the street width to three lanes. Harlem Road's location at a southern entrance to Amherst provides an opportunity to enhance the area as a Town gateway.

The intersection of Main Street and Kensington Avenue comprises the third commercial center in the Snyder focal planning area. Located adjacent to I-290, the area represents an opportunity to strengthen the gateway to Amherst and specifically Main Street, Amherst's traditional commercial corridor.

A smaller, fourth commercial area is located at the intersection of Kensington Avenue and Darwin Drive. This area contains traditional scale commercial uses.

Snyder's established neighborhood fabric contains physical assets that contribute greatly to the distinctiveness of the area. Along Main Street, the historic neighborhood gates accentuate the area's relationship to the street. In addition, some of the streets are lined

with grand silver maple trees. These silver maples, however, were planted at the same time and due to their short life span and the extensive damage they sustained during the October 2006 storm, will soon be in need of replacement.

The neighborhood fabric is predominantly owner occupied, single-family homes, with the exception of the previously mentioned two-family units along Harlem Road. As noted above, there are no parks in the focal area with the exception of the Harlem Road Community Center, Saratoga Park and recreation fields associated with the Amherst Middle and High schools located nearby.

### 10.5.2 Concept Plan and Strategies

The concept plan for the Snyder focal planning area emphasizes the existing commercial centers and their long-term viability. The approach for these centers is to capitalize on their locations and character to provide the widest array of uses for the local population. The commercial centers on Main Street should be distinguished as part of a larger network of linked commercial services extending across Amherst. Connections to existing parks and institutions should be reinforced as part of this strategy.

The Snyder concept plan emphasizes the *long-term viability of the established commercial centers.*

Specifically, the concept plan for the Snyder focal area includes the following initiatives and strategies (Figures 27 and 28):

- Similar to the recommendations for traditional commercial areas in Eggertsville, establish a zoning classification for Snyder’s mixed-use centers. Appropriate site design guidelines should be created that are sensitive to and enhance the character of these areas, addressing issues such as build-to lines, shared parking provisions, landscaping requirements, signage (size, location/configuration, style), streetscape, lighting, and compatible architectural design.
- Create guidelines for streetscape improvements and traffic calming measures along Main Street and Kensington Avenue. Traffic calming measures include “bumpouts” at intersections, changes in pavement texture at pedestrian crossings, increased planting, re-striping of the road to delineate on-street parking areas if applicable, and potential reduction of lane widths. A traffic study may be considered for Main Street across the Town to provide valuable information for Snyder, Eggertsville and Williamsville.
- Reinforce neighborhood connections to local amenities by improving key streets as “neighborhood connector streets.” Saratoga Road and Yorktown Road should be improved to enhance connections between commercial uses and Saratoga Park. Improvements should also be undertaken for Harlem Road, including tree planting, sidewalk repair, signage, and lighting. These streets should receive priority consideration for tree planting and other improvements.

TO UB

Extend Daemen 'Green' into the commercial core - create strong physical link between college, high school and retail services

Create coordinated entrance between college and high school to create gateway

PARK SCHOOL OF BUFFALO

DAEMEN COLLEGE

AMHERST HIGH SCHOOL

YMCA

Gateway design / landscaping treatment

HARLEM ROAD COMMUNITY CENTER

TO WILLIAMSVILLE

Explore options to stabilize and repair housing conditions / ownership

Main Street

Kensington Ave.

290

Saratoga Road

Yorktown Road

TO AIRPORT

Encourage redevelopment of parking lot and/or entire site to emphasize the street

Re-configure Harlem/Kensington intersection - provide open space & streetscape improvements

This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which is the official guide to future land use.

SNYDER FOCAL PLANNING AREA - CONCEPT PLAN

March 2009

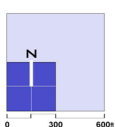
Figure 27

LEGEND

- Expressway
- Major arterial
- Minor arterial
- Collector
- Neighborhood connector
- Commercial streetscape improvement

- Neighborhood commercial core
- Stabilize and maintain existing residential fabric
- School / college / community facility
- Park / green space

- Gateway
- Neighborhood anchor / community service
- Urban / "Village" center
- Historic Gates - restore where applicable & create lighting plan for Main Street



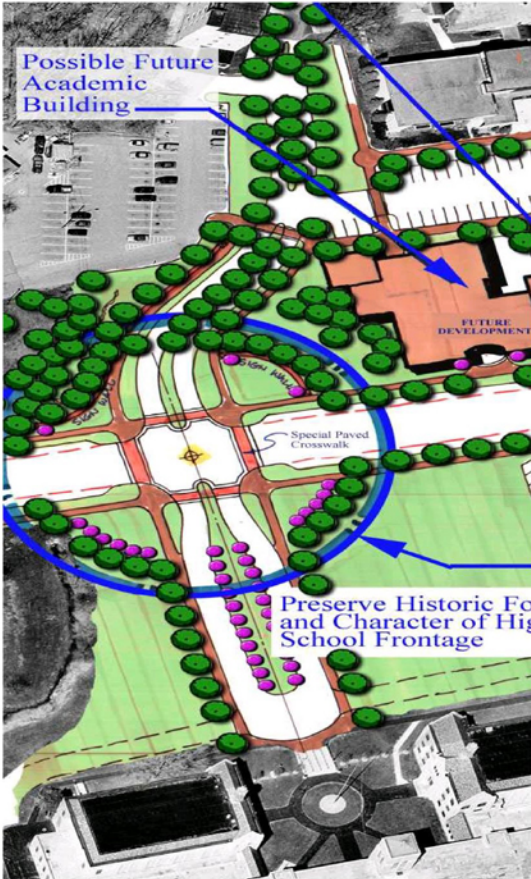




Bethesda, Maryland  
Streetscape improvement



Traditional commercial development:  
building pulled to street, mixed-use



Source: Parsons  
Potential gateway treatment at Daemen  
College / Amherst High School



Street with landscaped "round-about"



Seaside, Oregon  
Green buffer along street



Troutdale, Oregon  
Green buffers and plaza



Troutdale, Oregon  
Bumpout: traffic calming measure

- Create a strong, physical link to Daemen College by conceptually extending the existing “green” on Main Street east to Snyder Square through a consistent landscaping plan for the edge along Main Street. Discussions should be initiated with property owners to determine the landscaping right-of-way possible on the north side of Main Street between the College and Harlem Road. Designs should focus on landscaping as well as usable public space, such as small sitting areas with appropriate signage, lighting, and street furniture.
- Encourage a coordinated entrance between Daemen College and the Amherst High School as a gateway to Snyder and to improve traffic safety. This effort could be integrated into a Main Street traffic study.
- Redesign the Wehrle Drive/Harlem Road/Kensington Avenue intersection for increased pedestrian safety and to create an attractive gateway to the commercial area. Design principles articulated for the Harlem-Kensington-Cleveland Economic Development Strategy should be implemented, including bringing more buildings to the street with rear parking and creating a visual focal point for the area. The landscaped ‘round-about’ being constructed at this intersection will help in creating a visual focal point.
- Encourage the redevelopment of the parking lot at the southwest corner of Harlem and Kensington for new commercial uses.
- Consider physical improvements to the intersection of I-290 and Main Street as a gateway to Amherst and Main Street.
- Create a lighting plan for Main Street, including a consistent lighting treatment for the historic gates. An existing survey of the existing lighting and discussion with local neighborhood groups should be the first steps in the process.
- Consider options for addressing the two-family housing units along Harlem Road identified as a housing issue. Enhanced code enforcement, efforts to increase owner occupancy in the existing structures, or acquisition and redevelopment are options that could be explored.

## **10.6 WILLIAMSVILLE**

### **10.6.1 Overview and Urban Design Analysis**

The Williamsville focal planning area is located along Main Street between the I-290 interchange to the west and Youngs Road to the east. It is unique among the focal planning areas in that it is mostly located within the Village of Williamsville, although it does include areas in the Town of Amherst east of I-290 and west of Youngs Road. Key issues identified in the *Inventory and Analysis Report* for this focal planning area include:

- Character and viability of the traditional village core:
  - Economic positioning of Main Street vis-à-vis regional shopping opportunities
  - Form and scale of new development in relation to traditional village fabric (including impacts of automobile-oriented uses)
  - Design treatment of gateway entrances to village
- Geometry and function of Main Street as a major arterial creates “pedestrian-unfriendly” character and impacts small businesses
- Opportunity to relate master plan for Amherst State Park (under development) to other parks and land uses in the Village

The Williamsville focal area is centered on Main Street and its associated commercial activity. Although the focal area encompasses areas within both the Town of Amherst and the Village of Williamsville, the political boundaries are unnoticeable “on the ground.”

As noted in the *Village of Williamsville Master Plan* (2000), Main Street can be characterized as comprising three distinct zones (Figure 29). The first is an automobile-oriented commercial zone extending from I-290 approximately to Los Robles/Grove Streets. Most of the uses are retail uses, set back from the street with a lot of highly visible parking. Its location adjacent to I-290 provides the opportunity for improvements to the intersection as a gateway to Amherst as well as Main Street.

The next zone can be characterized as the Main Street village core extending from Los Robles/Grove Streets to Evans Street/Garrison Road. The character of the commercial uses in this zone is radically different from typical strip commercial uses and is rooted in its long history as a traditional village downtown. The majority of the buildings are pulled to the street, with many offering rear parking. Pedestrian safety related to heavy through traffic along Main Street and parking are issues that need to be addressed, as they are major reasons why retailers choose to leave the area. The village core’s proximity to Glen Park, Island Park, and Ellicott Creek provides a unique opportunity to reinforce not only the open space but also the commercial activity with enhanced connections to the parks.

The final zone extending from Evans Street/Garrison Road to Youngs Road reflects a transitional mix of uses, including some retail, residential, offices and the Williamsville South High School. At Youngs Road is the Erie Community College, which potentially provides a student population to support retail services on Main Street given a better walking environment and mix of uses closer to the campus.



1 Parking lot next to Ellicott Creek



3 Rear parking / Village Core



4 Rock Street



2 Ellicott Creek / Island Park



Aerial of Williamsville



10 Main Street



5 Main Street / Union Road



6 Main Street



7 Main Street / I-290



8 Main Street



9 Main Street / Village Core

**WILLIAMSVILLE FOCAL PLANNING AREA - EXISTING CONDITIONS**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN



**Figure 29**

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The primary issue affecting Main Street is the physical design of the street itself and the traffic speeds it promotes. Discussions have been ongoing to address this problem by encouraging the New York State Thruway Authority and NYSDOT to change the location of tolls on I-90 and physically alter the street to “calm” traffic, particularly through the Village core.

### 10.6.2 Concept Plan and Strategies

The Williamsville concept plan seeks to ***strengthen Main Street as destination*** for persons attracted by its sense of place, while recognizing the difference between distinctive “character zones” along the street.

Given the three distinctive character zones of Main Street, the concept for the Williamsville focal area is to strengthen Main Street as a backbone that connects different uses and developments while recognizing that each area has its own issues and opportunities for future development.

At the heart of the concept is to position Main Street as a destination for persons attracted by the village ambience and sense of place, “niche” shopping experiences, and restaurants. Connecting Ellicott Creek, Glen Park, Amherst State Park, and Island Park to Main Street is a key opportunity that will help to reinforce Main Street’s attractiveness. The bridge over the creek and adjacent uses provide the most obvious opportunities to “imprint” the park physically upon the character of the street, thus enhancing its distinctive character. This can be accomplished through landscaping; new and visible pathways that connect to the creek and parks; site design guidelines that ensure the sensitive layout of uses, parking, and loading; small plazas for sitting that provide space to take in the views; and changes in the texture of Main Street itself through different paving to slow traffic in the area. These initiatives need not be limited to the Village core and the bridge over the creek. A consistent landscaping approach and signage system can conceptually extend the idea along the length of Main Street through traffic islands created to slow traffic, “bumpouts” at key intersections, and other streetscape improvements.

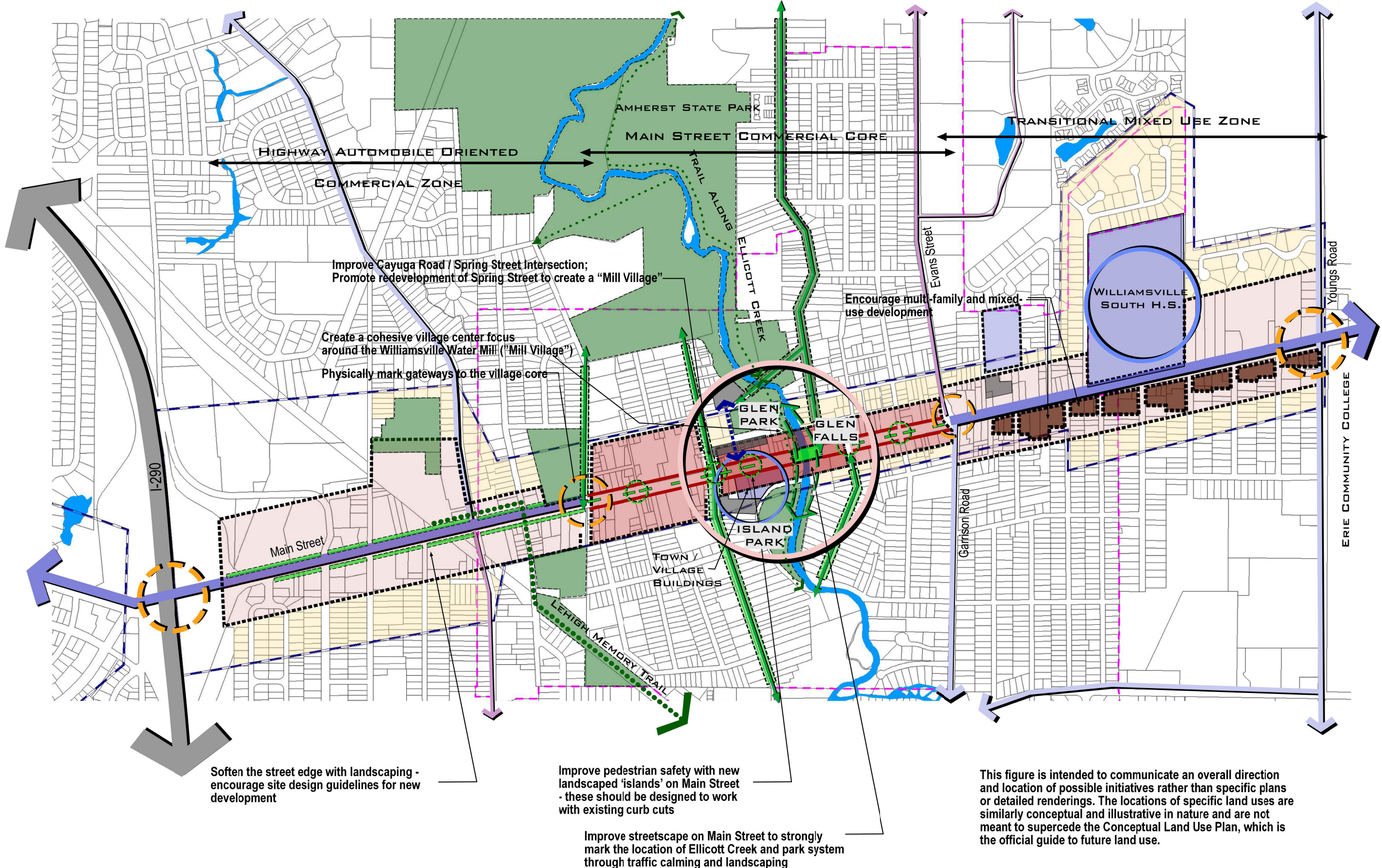
Although the emphasis should be focused on the Village core to retain and enhance its character, improvements are also warranted to the other zones to create a more consistent, pedestrian-friendly image along the length of the Main Street corridor. These improvements should include landscape improvements along the edges of automobile-oriented commercial uses to soften their edge at the street and improved pedestrian connections to Main Street through new trails and designated neighborhood streets.

Specifically, the concept plan for the Williamsville focal area includes the following initiatives and strategies (Figures 30 and 31):

- Improve the streetscape on Main Street and the bridge in the Village core to strongly mark the presence of the creek and park system. Bumpouts, small plazas, and improved pathways

to the parks should be considered to enhance the potential for the area as a civic gathering space.

- Similar to the recommendations for traditional commercial areas in Eggertsville and Snyder, create a business zoning classification to encourage appropriately scaled commercial and mixed-use development/redevelopment. Appropriate site design guidelines should be established to address issues such as build-to lines, shared parking provisions, landscaping requirements, signage, streetscape, lighting, and compatible architectural design.
- Create a cohesive village center focus around the Williamsville Water Mill (“Mill Village”). This concept includes a restored Water Mill to include public uses, appropriately-scaled redevelopment of the area surrounding the Mill and along Spring Street, and links to Glen Falls and Park, Island Park, and historic Main Street.
- Encourage shared parking in the Village core to increase the parking supply.
- Designate public parking lots and provide a signage and marketing system to guide shoppers to these locations. The lots potentially include the Township parking lot, lots surrounding Rock Street, the lot used for Glen Park at the base of Rock Street, and the lot just east of Evans Street on the north side of Main Street.
- Develop enhanced pedestrian connections along Rock Street between the parking lot, parks, and Main Street. A sidewalk, railing, lighting, and signage should be considered.
- Create guidelines for streetscape improvements and traffic calming measures along Main Street. These should include consideration of traffic “islands” that function as medians but are not continuous, allowing opportunities for left turns into businesses while providing pedestrian refuges for safe crossings of Main Street. These features will also help to visually reduce the width of the roadway and contribute to slowing traffic.
- Revise local codes to encourage outdoor seating for restaurants.
- Encourage upper floor residential and office use above stores.
- Promote compatible infill development along Main Street and Spring Street with defined standards for building and parking locations; building height, scale, and mass; and streetscape treatment.
- Initiate physical improvements to the intersection of I-290 and Main Street as a gateway to Amherst and Main Street. Similarly, implement enhanced signage and lighting at Youngs Road and Evans/Garrison Road as entries to Williamsville and the Village core.
- Create design guidelines for the western zone along Main Street from I-290 to Los Robles/Grove Streets. These guidelines should address the location of buildings and parking,



This figure is intended to communicate an overall direction and location of possible initiatives rather than specific plans or detailed renderings. The locations of specific land uses are similarly conceptual and illustrative in nature and are not meant to supersede the Conceptual Land Use Plan, which is the official guide to future land use.

**WILLIAMSVILLE FOCAL PLANNING AREA - CONCEPT PLAN**

TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN

**LEGEND**

- Expressway
- Major Arterial
- Minor Arterial
- Commercial streetscape treatment
- Collector
- Neighborhood Connector
- Multi-use Trail
- Natural Trail

- School / community facility
- Parking Resources
- Stabilize and maintain existing residential fabric
- Main Street Corridor
- Main Street Corridor (commercial core)
- Encourage redevelopment over time for multi-family residential / mixed use

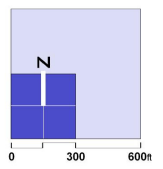
- Park / recreational space
- Village Core - Civic Area
- Neighborhood anchor / community service
- Urban / "village" center

- Street "island" - landscaping and traffic calming
- Gateway

WALLACE ROBERTS & TODD, LLC

March 2009

**Figure 30**





Neon Forest Circle, Longmont, Colorado  
Multi-family development



EXISTING



PROPOSED

Source: Parsons  
Conceptual Main Street streetscape improvements



York, Pennsylvania  
Small plaza



Troutdale, Oregon  
Landscape buffer treatment  
along auto-oriented street



Forest Park, St. Louis, Missouri  
Landscape buffer treatment for auto-oriented portions of Main Street



Portland, Oregon  
Streetscape enhancement:  
planting, lamp and banners



Lake Oswego, Oregon  
Outdoor seating on pedestrian-friendly street



Seaside, Oregon  
Landscape buffer treatment



Millwaukee, Wisconsin  
Water related space



site layout, and landscaping requirements along the frontage to Main Street.

- Reinforce neighborhood connections to local amenities by improving key streets as “neighborhood connector streets.” These streets should receive priority consideration for tree planting and other improvements.
- Consolidate underutilized properties over time and encourage multi-family and appropriately scaled mixed-use development east of Evans Street along Main Street. This development should be planned to be sensitive to land uses adjacent to the Main Street corridor while reinforcing Williamsville as an activity center. Appropriate uses include upper floor residential above ground level stores and offices and residential buildings of a size and scale that fit into the local context. Guidelines should be created that encourage new development to be pulled towards the front property line with parking facilities located in the rear.



## 11.0 Implementation

### 11.1 OVERVIEW

***Primary Functions of the Comprehensive Plan***

- Policy foundation for town decision-making
- The community’s “to-do” list

Plans are turned into reality by taking action. The Amherst Bicentennial Comprehensive Plan is designed to be a working document that will guide community leaders in making decisions, establishing priorities, and committing to actions that will affect the future of the Town. Plan implementation will focus on the two primary functions of the Comprehensive Plan:

1. ***It provides the policy foundation for all town decisions regarding land use, transportation, and the other plan elements.*** The question “What does the Comprehensive Plan have to say about this?” should be asked and answered in ongoing activities of the Town such as reviewing rezoning requests and setting capital budgets.
2. ***It is the community’s “to do” list.*** The Plan’s influence on Amherst’s future will be a product of the motivating power of the shared vision it communicates and the effectiveness of actions taken to realize the vision. However, the vision will not be achieved simply because the community agrees with the sentiments it expresses. Rather, it will be realized by steady progress in adhering to a well-defined “game plan” that sets priorities for effective short and long-term actions.

If the Comprehensive Plan is to effectively guide Amherst in moving towards achievement of the Vision Statement, **it is vitally important that the Town Board adopt it.** The benefits of adopting the plan are many, including:

1. ***Adopting a Comprehensive Plan establishes a common vision for the future that is attained over time through coordinated action by all agencies of town government.*** Without a unifying vision and “game plan” that focuses all of the Town’s resources in a common direction, it will not be possible to attain the goals for the future that have been clearly expressed by Amherst residents. As an added benefit, there is a synergy that occurs when all agencies work together – the cumulative impact of their efforts will be greater than the sum of their individual contributions.
2. ***The Plan reflects the values of the community.*** Citizens have placed particular emphasis on quality of life and quality of development issues. By adopting the Plan the Board endorses the importance of these issues and sets the stage for

implementing regulations and other actions to secure the quality of community that citizens say they desire.

3. ***Having a plan in place provides a greater level of confidence and assurance to both town residents and the development community.*** By adopting the Comprehensive Plan the Board makes a statement that the Plan reflects the pattern of development that is desired and needed to achieve the Town's collective vision of the future. This statement provides a level of certainty as to what is in the best interest of the community in the Town's day-to-day decision-making. Throughout the planning process, residents have consistently voiced a desire for some level of assurance for the future.
4. ***When adopted as official town policy, the Plan provides a clear statement of expectations for the actions of outside agencies undertaking projects within Amherst.*** The Plan provides not only the basis for day-to-day decision-making by the Town but also a firm statement of development policy to guide the actions of federal, state, regional, and county agencies as they affect Amherst. An example is the Plan's endorsement of "context-sensitive" design principles in relation to roadway improvement projects that could have deleterious effects on Amherst neighborhoods if constructed to normal state highway engineering standards.
5. ***An adopted plan provides the community with a significant advantage when applying for federal, state, and county assistance for local projects.*** Grant applications for projects that are demonstrably consistent with an up-to-date, adopted Comprehensive Plan characteristically receive greater consideration than those that are not consistent with a plan or where an adopted plan is absent.

With the Comprehensive Plan adopted as official town policy, setting priorities is of prime importance due to the complexity of the policies contained in the Plan Elements. The Plan defines an ambitious agenda commensurate with the bold mandate of the Vision Statement. The selected policies range from revised regulations to broad policy initiatives; from specific capital programs to changes in overall processes and procedures. It is readily apparent that the Town lacks the resources that would be needed to implement all of these policies simultaneously. Thus an ongoing implementation program is needed to prioritize the Comprehensive Plan policies and develop short and long-term strategies for their realization.

The four Key Initiatives identified as part of the Plan Concept provide a framework for prioritizing the actions the Town will take to move towards achieving the Vision Statement. These initiatives are summarized as follows:

- ***Aesthetic/Community Character:*** To be renowned for the beauty, character, and environmental quality of the Town.
- ***Education:*** To become known as one of the nation’s leading “knowledge-based” communities.
- ***Revitalization:*** To become a model for effective reinvestment and revitalization of older neighborhoods.
- ***Governance:*** To exercise leadership by providing excellent services and facilities, ensuring fiscal balance, and managing development to promote predictability, fairness, and quality.

Implementation of the Comprehensive Plan will focus on 12 ***priority action programs.***

Based upon consideration of the Vision Statement and the Key Initiatives, 12 action programs have been identified as high priorities in the short term (to be implemented or implementation to begin within the next several years). Presented in Section 11.2 in the order they appear in the plan elements, these represent proposed areas of focus for the Town in implementing the Comprehensive Plan, either through initiation of a new program or an increase in the level of commitment to an existing one.

## **11.2 PRIORITY ACTION PROGRAMS**

### **Action Program #1**

***Comprehensively revise the Town’s development regulations, standards, and review/approval processes to implement the policies of the Land Use and Development Element.***

This program is essential to successful implementation of the Comprehensive Plan. It has implications for three of the four Key Initiatives:

***Aesthetic/Community Character:*** Improved regulations, standards, and incentives will promote higher quality development of the patterns and types envisioned by the Aesthetic/Community Character Key Initiative (e.g., open space preserved as part of the pattern of development).

***Revitalization:*** More flexible, context-sensitive regulations and standards will facilitate reinvestment in and revitalization of Amherst’s older neighborhoods and commercial corridors.

***Governance:*** Consistent policies and standards will improve the predictability and fairness of development review and approval processes.

The Town has committed to revising the current development regulations as a short-term action to implement the Comprehensive Plan. Beyond the immediate task of revising the regulations, an ongoing commitment to establishing and following clear, objective standards, criteria, and processes supportive of Comprehensive Plan goals and objectives for the management of development is needed. Relevant policies include:

- 3-1 *Promote mixed-use development*
- 3-2 *Encourage compact, pedestrian-friendly development*
- 3-3 *Modify Suburban Agricultural District zoning*
- 3-4 *Reduce new commercial development (zoning) in North Amherst and along highway strips*
- 3-5 *Employ design standards for non-residential and multi-family development*
- 3-6/6-1 *Designate character roads for application of context-sensitive design standards*
- 3-7 *Designate special places/ design guidelines*
- 3-9 *Advance the revitalization of underutilized/ obsolescent properties*
- 3-10 *Establish context-sensitive commercial zoning districts*
- 3-14 *Encourage conservation development*
- 3-16 *Improve predictability/ consistency of development review processes*
- 3-17 *Set clear development standards to increase certainty*
- 3-18 *Periodically review/ revise the Comprehensive Plan and Development Regulations*
- 4-4 *Establish stream buffer/ setback standards*
- 5-5 *Protect neighborhoods from commercial development impacts*
- 5-6 *Establish commercial development standards for neighborhood compatibility*
- 6-3 *Establish a town highway planning capability, including traffic impact analyses and mitigation*
- 8-5 *Establish standards for multi-family housing*

## **Action Program #2**

### ***Provide expanded incentives for reinvestment/revitalization.***

This program is intended to help “level the playing field” by increasing the attractiveness of reinvestment, infill development, and redevelopment of Amherst’s older neighborhoods and commercial areas compared to new development on “greenfield” sites. It is a major vehicle for implementing the Revitalization Key Initiative. In addition to evaluating and revising internal regulatory and fiscal policies in order to remove barriers to and provide incentives for reinvestment, the Town will need to work closely with the Amherst IDA and its tax abatement program. Eggertsville and Snyder should be targeted as key areas for application of incentives. Relevant policies include:

- 3-8 *Provide tax incentives for reinvestment*
- 3-9 *Advance the revitalization of underutilized/ obsolescent properties*
- 3-10 *Establish context-sensitive commercial zoning districts*
- 3-12 *Initiate public investment to stimulate private investment*
- 7-3 *Give priority to infrastructure repairs rather than extensions to serve new development*
- 8-6 *Provide incentives for residential property repairs*
- 8-8 *Promote revitalization of older commercial areas*

**Action Program #3**

***Implement a coordinated strategy to achieve a town-wide open space and greenway network, including a public acquisition program.***

Beginning with the 1988 *Open Space Acquisition Plan*, the Town of Amherst has committed significant resources to acquiring public open space and parkland. This program would build upon this legacy, directing the Town's future efforts towards establishing a network of parks and open spaces well distributed throughout Amherst and linked by trails, greenways and scenic roads. This action program supports the Aesthetic/Community Character Key Initiative. Relevant policies include:

*3-13/4-1 Establish a Town-wide open space and greenway network*

*3-14/4-2 Encourage conservation development*

*3-15/4-3 Initiate a public acquisition program*

**Action Program #4**

***Initiate a community-wide tree planting and re-vegetation program (Greening Amherst).***

Tree canopy and woodlands are important to Amherst's visual and environmental quality, supporting the Aesthetic/Community Character Key Initiative. This program will involve the Town leading a community-wide effort to plant trees and other vegetation on public and private properties. Other visual improvements (e.g., gateway treatments, public art, signage) could be combined with the tree planting program as part of a town beautification program. Relevant policies include:

*4-11 Undertake a "Greening Amherst" planting initiative*

*3-11 Target capital investments to improve aesthetic character*

*4-10 Support the Amherst Tree Law*

**Action Program #5**

***Establish a collaborative planning structure with the University at Buffalo (UB).***

The presence of UB is central to Amherst's identity and a cornerstone of the Education Key Initiative. UB's North Campus is physically isolated from Amherst and a formal coordination structure between Town and University has been lacking in the past. However, establishing such a structure, to address issues such as business and employment growth, planning for the "town/gown" edge, and social and cultural ties, will work to the benefit of both parties and will facilitate implementation of Comprehensive Plan goals, objectives, and policies. Relevant policies include:

*5-9 Establish a collaborative planning structure with UB*

*5-7/8-4 Establish mixed-use activity centers on the periphery of the campuses*

*5-8 Increase educational, social, and cultural ties between the Town and UB*

**Action Program #6**

***Pursue collaborations with educational institutions, private businesses, and other partners to promote economic development.***

This program is related to and builds upon Action Program #5. It involves increased efforts by the Town and Amherst IDA to promote formal and informal collaborations between public sector, institutional, and private sector partners to implement Comprehensive Plan policies. The potential involvement of educational institutions, including UB, the colleges, and public school districts, as well as Kaleida Health Care, is of particular significance for the “Education” Key Initiative. Relevant policies include:

*5-3 Encourage collaborations between government, educational institutions, health care organizations, and private industries*

*5-4 Promote life-long learning/worker training programs*

**Action Program #7**

***Develop a strategy to implement targeted improvements to roadways with identified level of service deficiencies.***

While not directly related to any of the four Key Initiatives, vehicular mobility and traffic congestion constitute an important Comprehensive Plan issue with quality of life implications for Amherst residents. The direction set by the Transportation Element accepts certain levels of congestion as inevitable while endorsing increased investment in alternative transportation modes rather than widespread roadway improvements (widening or new roads). Nevertheless, a number of town roadways are projected to operate at unacceptable levels of service within the time horizon of the plan and are not currently programmed for improvement under the Greater Buffalo-Niagara Regional Transportation Council’s (GBNRTC) Long Range Transportation Plan. This program involves developing a long-term strategy with GBNRTC to alleviate the most serious congestion problems through targeted capital and operational improvements such as signal-timing, turn lanes, and access management. This program must be consistent with the policies regarding “context-sensitive” design of roadway improvements. Relevant policies include:

*6-1/6-2 Apply context-sensitive design standards to roadway improvements*

*6-3 Establish a town highway planning capability*

*6-4 Undertake operational improvements to improve system capacities*

*6-5 Target capital improvements to maintain the efficiency of the roadway system*

**Action Program #8**

***Develop a strategy to implement a comprehensive bicycle and pedestrian network.***

The Town of Amherst has made significant strides in developing a system of off-street recreational trails for bicyclists and pedestrians. The Town has been relatively less successful in developing an on-



street network of designated bikeways and sidewalks. This action program builds on the Town's current efforts through a long-term strategy to implement a comprehensive network of off-street and on-street bicycle and pedestrian facilities as designated on the Open Space and Greenways Plan (Figure 4). It is related to and complements Action Program #2 (town-wide open space and greenways network), similarly supporting the Aesthetic/Community Character Key Initiative. Relevant policies include:

*6-7 Develop a comprehensive bicycle network*

*6-8 Develop a comprehensive pedestrian network*

**Action Program #9**

***Implement a comprehensive stormwater management strategy to address flooding and water quality protection.***

The Town of Amherst is developing a stormwater management program to comply with federal and state regulations. This program should incorporate innovative measures to protect the quality of Amherst's water resources, including maintenance of natural vegetation and drainage patterns. These measures will contribute to the Aesthetic/Community Character Key Initiative by enhancing environmental quality. Relevant policies include:

*7-1 Implement a stormwater management program*

*3-13/4-1 Establish a town-wide open space and greenway network*

*3-14/4-2 Encourage conservation development*

*4-4 Establish stream buffer/setback standards*

*4-5 Establish a no net loss of jurisdictional wetlands policy*

*4-6 Initiate watershed management plans*

*4-7 Apply best management practices to promote water quality*

*4-8/7-2 Adopt low-impact development standards and techniques*

**Action Program #10**

***Limit future sewer service extensions to support the Conceptual Land Use Plan. Establish a septic system maintenance district for areas not designated for public sewer.***

The Conceptual Land Use Plan calls for a large area in North Amherst to remain in open space and rural uses. This action program supports this policy directive by redefining the boundaries of Amherst Sewer District No. 16 to support designated development areas and preclude extension into areas to remain in rural uses. In conjunction with this change, a program to repair and maintain failing on-site septic systems in areas not earmarked for public sewer service is needed. This program supports the Aesthetic/Community Character Key Initiative by maintaining rural character and addressing septic system impacts on water quality. It will also contribute to the Revitalization Key Initiative by limiting future extension of sewer service to support "greenfield" development. Relevant policies include:

7-2 Give priority to infrastructure repairs rather than extensions to serve greenfield development

7-3 Redefine the boundaries of Sanitary Sewer District No. 16

7-4 Establish a septic system maintenance district

#### **Action Program #11**

***Initiate a Neighborhood Conservation Program, including a collaborative process to develop Neighborhood Improvement Plans.***

Maintaining and enhancing the quality of Amherst's older neighborhoods is a major focus of the Revitalization Key Initiative. This program involves a more proactive approach to neighborhood conservation and revitalization by the Town, through a collaborative process with residents to plan for and implement strategies to address neighborhood needs. Southeast Amherst is the highest priority for development of such a plan. Relevant policies include:

8-7 Initiate a neighborhood conservation program

8-8 Promote revitalization of older commercial areas as a focus for neighborhood activity

8-9 Encourage public participation in neighborhood action/improvement plans

#### **Action Program #12**

***Establish an objective system of planning for community facility and service needs. Link this system to a long-range capital programming process to reconcile needs with the Town's fiscal capacity.***

Whereas the focuses of previous action programs range from regulatory changes to collaborative partnerships to public investments, Action Program #12 involves changes to the Town's internal procedures for planning and programming of capital projects. It calls for facility and service providers to assess needs based on objective level of service standards or performance criteria for each type of facility. This assessment will provide input to a capital improvement programming process that reconciles identified needs with fiscal capacity and stages projects over the long term (as opposed to current short-term decision-making). This action program is central to the Governance Key Initiative. Relevant policies include:

9-1 Identify and prioritize community facility and service needs

9-8 Revise the capital programming process

### **11.3 SEQUENCING OF ACTION PROGRAMS**

While all of the action programs identified above are considered important Comprehensive Plan priorities, they will not be accomplished simultaneously but instead will be staged over a

period of years. The action programs can be divided into three general categories:

- Programs which involve changes to town policies and regulations ( #1, #2, #9, #10, and #12)
- Programs which involve partnerships with other agencies and organizations ( #5 and #6)
- Programs with significant capital implications (#3, #4, #7, #8, and #11)

In general, the action programs involving policy changes and partnerships will be initiated first because they do not require significant capital expenditures. Five of these programs have been identified as being especially high priorities to set the stage for implementation of the Comprehensive Plan through both day-to-day decision-making and long-term action:

- #1 Revise the Town's development regulations, standards, and processes*
- #3 Provide expanded incentives for reinvestment/ revitalization*
- #5 Establish a collaborative planning structure with UB*
- #10 Revise the sewer service extension policy*
- #12 Establish a community-facility planning/ capital programming system*

Implementation of programs with significant capital implications will be a longer-term proposition because of the need to phase them over a number of years consistent with the Town's fiscal capability. The initial stages of planning for implementation of these programs should focus on defining the scope of capital investments to be made and the sources of funding. Based upon the values expressed by residents during the planning process and the relatively small amount of available undeveloped land remaining in the Town, the highest priority should be placed on acquisition of land to establish a town-wide open space and greenways network (#3) in conjunction with establishing a comprehensive bicycle and pedestrian network (#8).

## **11.4 FISCAL IMPLICATIONS OF THE PLAN**

A number of the action programs described in this Section 11.2 will require increased funding to be successfully implemented. Action programs with significant capital implications include:

- #3 Implement a coordinated strategy to achieve a town-wide open space and greenway network, including a public acquisition program*
- #4 Initiate a community-wide tree planting and re-vegetation program (Greening Amherst)*
- #7 Develop a strategy to implement targeted improvements to roadways with identified level of service deficiencies*
- #8 Develop a strategy to implement a comprehensive bicycle and pedestrian network*

*#11 Initiate a Neighborhood Conservation Program, including a collaborative process to develop Neighborhood Improvement Plans*

While the combination of these programs may seem daunting given present fiscal constraints, it is important to put them in perspective by considering several points. First, the Town has already made substantial investments in excellent facilities and services for the benefit of residents, investments that have contributed to its reputation as a premier community in western New York. Second, there is a need for continued investment if Amherst is to retain its competitive advantage and the high quality of life its residents enjoy into the future. Finally, the Comprehensive Plan has a long-term (20-year) time horizon, meaning that it is intended to be accomplished not all at once, but through incremental action over a period of years to achieve the Vision Statement.

Given the above, a comprehensive and creative funding strategy is needed to implement the priority action programs. Several factors to be considered in developing this strategy include:

- ***Make maximum use of alternative revenue sources.*** The Town is already making good use of programs such as the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) to finance recreational trail projects. Federal and state funding sources to defray the costs of action programs should be pursued to the greatest extent possible. The private sector, including foundations, businesses, institutions, and individuals, is another potential source of funding for particular programs or projects.
- ***Set priorities among capital programs and projects.*** With many worthwhile projects competing for limited dollars, prioritization according to relative importance in achieving Comprehensive Plan goals and objectives is essential. Action Program #12 is intended to provide a rational basis for prioritizing capital programs and projects, including a long-term strategy to incrementally implement capital improvements over a period of 10 to 20 years.
- ***Consider operating and maintenance as well as capital costs.*** Planning for capital improvements needs to take into consideration future operating and maintenance costs to the Town. Revenue sources such as user fees and corporate sponsorships can defray some of these costs.
- ***Ensure that the Town maintains a strong tax base to help support the cost of Comprehensive Plan programs.*** Community Facilities and Services Policy 9-5 speaks to the need for continued growth of the nonresidential tax base, consistent with the Comprehensive (Land Use) Plan, to help subsidize the cost of providing community facilities and

services to town residents. A strong nonresidential (commercial retail, office, and industrial) tax base is essential if Amherst is to be in a fiscal position to implement Comprehensive Plan programs. This statement is not, however, an endorsement of indiscriminate nonresidential development, which would be counter productive by eroding the quality of life on which Amherst's economic prosperity depends. Rather, it supports quality development consistent with the goals, objectives, and policies of the Comprehensive Plan, which are designed to create and maintain "value" throughout the Town.

The final bullet raises an important issue for plan implementation: the economic impacts of the Comprehensive Plan. These impacts can be considered from two perspectives:

1. Is the plan *economically viable*? Does it provide adequate capacity for the residential and non-residential growth projected in Amherst over the 20-year time horizon?
2. Is the plan *fiscally beneficial*? Will the plan policies result in economic development that supports the community's goals as expressed in the Vision Statement?

The answer to both of these questions is yes. Projections of residential and non-residential (commercial retail and industrial) development over the next 20 years were conducted for the *Inventory and Analysis Report* as part of the comprehensive planning process. The Conceptual Land Use Plan designates sufficient land in the various land use categories to accommodate projected development over the next 20 years and beyond. Moreover, the plan sets the policy direction that much of the future non-residential (and higher-density residential) growth be accommodated in designated mixed-use centers. Additional policies promote infill development, redevelopment, and reuse of older commercial areas to accommodate a portion of the projected growth.

The Comprehensive Plan policies will also positively affect the Town's fiscal situation. The Plan's economic policies are designed to promote the types of *quality development* that will contribute to a healthy tax base to support community facilities, services, and other town investments. Equally important, the Plan's emphasis on *quality of life* will serve to strengthen Amherst's reputation as a premier community, enhancing residential property values while attracting the desirable types of business that are drawn to places with a high quality of life. While implementation of the Plan will require increased spending for certain programs, in essence what is proposed is an investment in the future of the community, one that enhances Amherst's intrinsic value as a place to live as well as its economic well being. As a well-defined guide to building the community that residents desire for the future, the Comprehensive

Plan sets the framework for fiscally responsible decision-making that will ultimately conserve fiscal resources through prudent management of town assets and of growth and development within Amherst.

## 11.5 PLAN MONITORING

The Comprehensive Plan should not be viewed as a static document, but rather as one that will evolve in response to changing circumstances. New York State Planning and Zoning law requires regular review of adopted Comprehensive Plans. Plan monitoring and assessment of progress should be conducted on an annual basis. Plan review should be performed when changes in internal and external forces affect the Town. A review of the Plan's overall goals, policies, and/or implementation programs should be undertaken when deemed necessary.

### *Plan Monitoring*

Plan monitoring involves:

- Measuring progress in meeting the Plan's goals; and
- Identifying trends that may influence planning objectives. Data related to these objectives should be collected and analyzed and indicators of demographic, economic, and planning trends should be monitored on an ongoing basis.

The Town Planning Department will develop an annual monitoring protocol so that Town departments capture and report relevant data. The indicators will be reviewed annually by the Planning Director and may be adjusted year-to-year as deemed necessary. A flow chart depicting a typical ongoing monitoring program and schedule may be found in Appendix A.

This analysis will form the basis of the annual "Comprehensive Plan Report" to the Town Board. The report will be completed at the end of each year and may include a recommendation to initiate a Plan Review that could result in proposed amendments to the Plan.

### *Comprehensive Plan Reviews*

Reviews may take one of two forms:

- ***Policy Reviews*** that consider trends and shifts affecting specified policies and actions
- ***Vision Statement Reviews*** that reconsider the fundamental guiding principles of the Plan such as the Key Initiatives or Vision Statement

***Policy Review:*** Each chapter of the Comprehensive Plan includes specific goals, policies, and recommended action programs that

guide implementation of the Plan. Based on the ongoing Plan monitoring program, the Planning Department will assess whether changes and trends have occurred that warrant review of any of these specific Plan policies.

The Planning Board may initiate a Policy Review based on its analysis of the annual “Comprehensive Plan Report.” They may solicit public input to assist with this review. The Planning Board then will provide its recommendation to the Town Board, which will determine if selected Plan amendments will be initiated. The Town Board may also solicit public input before making its final decision. The scope of a Policy Review and any associated budget must be approved by the Town Board.

***Vision Statement Review:*** This is the most comprehensive type of review and may include activities that emulate the Comprehensive Plan development process, albeit at a reduced level of effort and cost. Based upon its review of the annual Comprehensive Plan Report, the Planning Board may recommend, and the Town Board may authorize initiation of a Vision Statement Review based on any of the following criteria:

1. Eight years after adoption of the Plan or adoption of Vision Statement amendments.
2. When three or more Plan policies or Action Programs have been amended within a two year period and the Planning Board finds a need to recommend a higher level review.
3. When, in the judgment of the Planning Director with endorsement by the Planning Board, a review and amendment of the Vision Statement is warranted as a result of:
  - a. Emerging trends or new ideas regarding development, community services, or governance that were not considered or adequately captured in the Vision Statement;
  - b. Any significant national, regional, or local change that impacts the physical and/or economic development of the Town in such a manner that the Vision Statement, or portions thereof, are no longer applicable or relevant;
  - c. The adoption of a Comprehensive Plan or amendments by an adjacent community that could result in significant changes to the growth and land use policies of Amherst;
  - d. A significant number of requests for use variances or zoning changes that are inconsistent with the adopted Plan, as amended; and
  - e. Significant changes to policies or regulations by outside agencies such as the NYSDEC, NYSDOT or the University at Buffalo that have significant implications on land use or major infrastructure

systems in the Town. Examples include: alterations to wetland regulations; sewer service extended beyond the area recommended in the adopted Plan; or significant transportation improvements (for example, toll barrier relocation or transit extension).

If a Vision Statement Review is warranted or recommended, resource needs should be considered with the proposed Planning Department budget for the upcoming fiscal year.

(Amended 2-18-11; BCPA-10-2)

## **11.6 PLAN AMENDMENT PROCESS**

Conduct of the monitoring and review processes will result in possible amendments to respond to the ever changing social, physical, regulatory and environmental conditions in Amherst. Flexible amendment procedures are necessary to respond to these changes.

Recommended amendments resulting from a Policy Review or Vision Statement Review will be completed through a formal review and hearing process by the Town Board pursuant to New York State Town Law Section 272-a. The Planning Board is designated as the agency to oversee the review process and prepare proposed amendments to the Plan. At the completion of their review, the Planning Board may, by formal resolution, recommend Plan amendments to the Town Board for their consideration. The Town Board will conduct its required public hearing and act on the proposed amendments. The Planning Department will be responsible for incorporating any amendments into the text and mapping of the Comprehensive Plan.

(Amended 2-28-11; BCPA-10-2)



## ***Glossary of Terms***

**Access Management:** A process for providing access to land development while preserving traffic flow on surrounding roadways in terms of safety, capacity, and speed. This is achieved by managing the location and design of access to a roadway.

**Activity Centers:** A development area that provides a focus for surrounding neighborhoods and promotes land use objectives such as compact, pedestrian-friendly development. Such centers are higher in density and incorporate a wider range of uses than the lower density, predominantly residential areas surrounding them.

**Affordable Housing:** Housing where the occupants pay no more than 30 percent of their gross income for housing expenses, including utilities. Affordable housing programs are generally targeted to families earning 80 percent or less of the area's median income.

**Agricultural District:** An area where the continued use of farmland for agricultural production is encouraged through a combination of landowner incentives and protection that are intended to forestall the conversion of farmland to non-agricultural uses. Article 25-AA of the New York State Agriculture and Markets Law authorizes the creation of local agricultural districts pursuant to landowner initiative, county review, state certification, and county adoption.

**Airport Approach Zone:** An area surrounding an airport that must be kept free of obstructions to aircraft takeoff and landing.

**AIDA:** Amherst Industrial Development Agency.

**Amherst Tree Law:** The Town of Amherst Tree Law adopted in May 1992 as Chapter 179 of the Town Code. The focus of the Tree Law is to maintain and improve the aesthetics and ecological systems of the Town.

**Assisted Living Housing:** Housing for the elderly that offers services such as daily assistance with personal and household tasks. Also known as long-term care.

**Best Management Practices (BMPs):** Measures designed to minimize the impacts of stormwater runoff from land development on water quality. Examples include erosion control during construction, preservation of buffers of natural vegetation, and on-site detention of stormwater to filter out pollutants.

**Buffer:** Landscaping or land use designed to separate or provide a transition between incompatible land uses. See also “Screening.”

**Bumpout:** A bend in the curb line intended to narrow the travel lane and thereby reduce the speed of vehicles. See also “Traffic Calming.”

**Capital Improvements:** Permanent additions to the Town’s physical assets including structures, infrastructure (sewer and water lines, streets), and other facilities such as parks and playgrounds. May include new construction, reconstruction or renovation that extends the useful life of these assets.

**Capital Improvements Program (CIP):** A six-year schedule of major capital improvements based on studies of available fiscal resources. Capital Improvement Programs are an essential part of Amherst’s Debt Management Plan.

**Character Corridor:** A roadway designated in the Comprehensive Plan as having aesthetic characteristics appropriate to a specific land use and neighborhood pattern: traditional, suburban, commercial, or rural.

**Clearing Limits:** The maximum area of vegetation to be removed from a site being developed. Clearing limits are intended to minimize the loss of natural vegetation, thus contributing to erosion control, soil retention, and corresponding impacts on water quality.

**Cluster Development:** Refers to a residential development designed to preserve open space by grouping the homes on a portion of a property only, leaving the remainder as open space. Clustering also allows a developer to develop lots that are smaller than those specified in the zoning ordinance, provided that the land saved is reserved for permanent common uses such as open space or recreation.

**Collaborative Planning:** An approach to planning that involves numerous groups or individuals working together on planning issues or to prepare a plan.

**Collector:** A street that collects traffic from local streets and connects with arterials. Collector streets provide for both access and circulation within residential, commercial, and industrial areas. Their access function is more important than that of arterials.

**Community Character:** The distinguishing identity or elements of a place, neighborhood, or any other part of the Town. See also “Sense of Place.”

**Community Commercial Center:** An area of development and community activity located at intersections along suburban and commercial highways. These centers are automobile-oriented, serving several neighborhoods and usually providing goods and services that supplement those found in neighborhood centers. These centers are the preferred locations for moderately sized businesses that provide shoppers goods in addition to convenience goods and services, professional offices, and specialty items.

**Community Facilities:** Services or facilities provided by the Town of Amherst or other public agencies for the benefit of town residents. Examples include parks, police protection, and public schools.

**Comprehensive Plan:** Refers to this plan, or any portion thereof, as adopted by the Amherst Town Board to manage the quantity, type, cost, location, timing, and quality of development and redevelopment.

**Comprehensive Plan Advisory Committee (CPAC):** Committee comprised of Planning Board members and representatives of the various community systems that operate within the Town (neighborhood, business, environmental, and other civic interests) that provided overall policy direction for preparation of the Amherst Bicentennial Comprehensive Plan.

**Connectivity:** Term used to describe the number, quality and quantity of connections in the roadway network, which influences the accessibility of potential destinations in a community. Depending on how it is designed, a roadway network may provide one connection or many connections, direct connections or indirect connections, connections for all modes or for selected modes of travel.

**Conservation Development:** An innovative form of residential development that reduces lot sizes so as to set aside a substantial amount of the property as permanently protected open space.

Differs from Cluster Development in several ways, particularly in its higher standards for the quantity, quality and configuration of the resulting open space.

**Conservation Easement:** A voluntary legal agreement entered into between a landowner and a qualified conservation organization or a government entity. The easement permanently limits a property's uses in order to protect the land's natural resource values.

**Context-Sensitive Design:** An approach to urban design that emphasizes collaborative planning with stakeholders to develop solutions that are in keeping with the scale, massing, use, and location of existing conditions.

**Density:** Gross density refers to the number of families, persons or housing units allocated per gross unit measure of land. Net density is the maximum density permitted to be developed per unit of land after deducting any required open space, easements and publicly dedicated rights-of-way.

**Design Standards:** A set of criteria established to guide certain aspects of development such as site planning and building design, in order to protect and enhance the character of the area where the development is taking place, as well as of the Town as a whole.

**Development Pattern:** The configuration or organization of the built environment.

**Development Regulation:** Governmental regulation of the use and development intensity of land, including zoning, subdivision regulations, site plan, official map, or floodplain management.

**Development Review Process:** The process by which development regulations are applied to specific proposed development projects.

**Development Standards:** Site design regulations such as lot area, height limits, frontage, landscaping, and yards – as distinguished from use restrictions.

**Diverse Economy:** Economy in which employment is generated by multiple economic activities.

**Diversity:** Refers to the differences among groups in terms of age, gender, culture, race, ethnicity, income, religion or disability.

**Eggertsville Action Plan:** Plan prepared in 2000 that identifies short-term actions needed to revitalize commercial areas in Eggertsville. The Plan identifies barriers to redevelopment that have constrained investment and revitalization. Recommendations for code amendments, conceptual capital projects, and financing options are provided to encourage public and private investment. Many of these recommendations have been incorporated into the Comprehensive Plan.

**Expressway:** Roadway devoted entirely to traffic movement with little or no direct land service function. Expressways are multilane, divided roads with controlled access and few, if any, intersections at grade. Expressways serve large volumes of high-speed traffic and are primarily intended to serve commuters or long trips within and between metropolitan areas.

**Farmland Protection Program:** Program authorized under Article 25-AAA of the New York State Agriculture and Markets Law in which state assistance payments are available to municipalities to assist with the total costs for the purchase of development rights on viable farmland.

**Fill:** Soil that has accumulated or is disposed of at a site and has the effect of raising the ground elevation, or that is deliberately added to a site to improve its suitability for construction.

**Fiscal Impact Assessment:** An analytical technique used to determine the effects of a particular proposal on the local government's revenues and expenditures.

**Floodplain:** Low and generally flat land areas adjoining a body of water that often floods or has the potential of flooding. The 100-year floodplain is the area that has a one percent probability of flooding in any given year.

**Floodway:** The portion of a one hundred-year floodplain consisting of a river channel or other watercourse and any adjacent land area required by federal, state, or local requirements to remain open and unobstructed. In Amherst, floodways are designated by the Federal Emergency Management Agency (FEMA).

**Focal Area:** An area within the Town of Amherst that has been identified as in need of special attention due to a combination of unique characteristics, susceptibility to change, and importance to the future of the Town. The Comprehensive Plan identifies six

such areas: Northwest Amherst, North Amherst, University, Eggertsville, Snyder, and Williamsville.

**Focal Area Plan:** A plan prepared as a guide for public policy regarding land use and development in a specific planning area of the Town.

**Functional Classification:** The hierarchy of road classes that divides roads by purpose and design. The determination of classification is a combination of the function of the road, control of access, spacing of roads of a similar nature, length and linkages to other roads and major land uses. See “Expressway,” “Major Arterial,” “Minor Arterial,” “Collector,” “Local Collector,” and “Local Street.”

**Gateway:** Refers to any major points or course of arrival into the Town or into a particular area of the Town, such as a neighborhood or business district or coastal area. Gateways can mark the physical entrance to the area, or the location where most people would feel they have entered an area.

**Greater Buffalo Niagara Regional Transportation Council (GBNRTC):** Interagency transportation planning group that establishes policies and programs for Erie and Niagara Counties.

**Goal:** Refers to a concise but general statement of a community’s direction in addressing a problem or an opportunity, in terms of a desired state or process toward which implementation programs are oriented.

**Greenfield Development:** Development on land that has previously never been built on.

**Greenway:** A continuous linear corridor of open space that links recreational, cultural, and natural focal points and lands. Greenways may be undeveloped or may feature walking/biking paths or town and utilities rights-of-way. See also “Open Space.”

**Historic District:** An area defined by its historic, prehistoric, architectural and/or cultural significance. In Amherst, the term refers to a National Historic Register-listed district.

**Historic Resource:** Sites, structures, properties, or districts that are important to the cultural heritage of the community.

**Household:** A household includes all the persons who are current residents of a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or a group of related or unrelated persons who share living arrangements.

**Housing Choice:** Refers to the availability of a variety of types and locations of housing. Housing can vary according to size (e.g., number of rooms or stories), styles (e.g., construction frame, etc.), type (e.g., single-family versus duplex or multi-family), location, price, and other characteristics.

**Housing Unit:** A house, an apartment, a group of rooms or a single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

**Impervious Cover:** Surfaces such as concrete or asphalt-paved streets or parking lots that prevent rainfall from infiltrating the soil and can increase the amount of runoff.

**Incentive:** An inducement provided by the Town or other government agency to encourage development of a certain type or in a certain area. Examples include special status for processing applications, providing land, paying for infrastructure, density bonuses, etc.

**Indicator:** A measurement of particular conditions or specific actions that reflect the status of a larger system's operation. Commonly used to monitor progress in achieving plan development objectives.

**Infill Development:** Development of vacant or underutilized properties within a predominantly built-up neighborhood or commercial area.

**Infrastructure:** The basic facilities and equipment necessary for the effective functioning of the Town, such as the means of providing water service, sewage disposal, electric and gas connections, and the street network.

**In-Lieu Payment:** Refers to a regulatory provision whereby a developer of a project may make a financial contribution to meet the goals of certain Town programs, instead of constructing the project itself to meet these goals.

**Intensity:** The degree to which land is used, generally a ratio that measures the type and amount of land used by the total amount of land devoted to that use.

**Inventory and Analysis Report:** Report prepared in 2001 during Phase 2 of Comprehensive Plan development that documents and evaluates current conditions and trends that will affect Amherst's future. Available at: [www.amherst.ny.us](http://www.amherst.ny.us) (keyword: comprehensive)

**Joint Local Waterfront Revitalization Program (JLWRP):** Program that provides the Towns of Amherst and Pendleton with a coordinated plan for the future of the Erie Canal/Tonawanda Creek waterfront and its adjacent upland area. It will ensure protection of its natural, recreational, and historic resources and maximize waterfront opportunities for visitor use.

**Landscaping:** The practice of arranging plant materials – including ground cover, shrubs, and trees – along with other natural or man-made elements, such as rocks and fencing, as a means of enhancing some portion of the built or natural environment.

**Land Use:** A description and classification of how land is occupied or utilized, e.g., residential, office, parks, industrial, commercial, etc.

**Level of Service (LOS):** The quality and quantity of existing and planned public services and facilities, rated against an established set of standards to compare actual or projected demand with the maximum capacity of the public service or facility in question. Typically applied to highways.

**Local Collector:** Street that distributes lower volumes of traffic from predominantly residential developments to collector streets and arterials. A local collector carries through traffic, but at lower volumes than collectors.

**Local Street:** Streets that provide for local traffic with the highest level of property access and the lowest level of mobility.

**Low-Income Housing:** Housing which is affordable to households with incomes 50 percent or less of the median income of a given area, as determined by the Department of Housing and Urban Development (HUD).



**Low Impact Development:** An approach to managing stormwater runoff that minimizes disturbance of natural areas, reduces the amount of impervious surfaces (buildings and pavement), and, to the extent possible, infiltrates stormwater on site. See also “Stormwater Management.”

**Major Arterial:** High volume roadway that carries the major portion of daily trips to centers of activity in the metropolitan area. A major arterial places a greater emphasis on mobility rather than access to land and includes fully and partially controlled access facilities.

**Minor Arterial:** Street that connects and augments the major arterial system. Although its main function is still traffic mobility, a minor arterial performs this function at a somewhat lower level and places more emphasis on land access than does a major arterial.

**Median Family Income:** The median income of any group of two or more people who are related by birth, marriage, or adoption, and who reside together in one housing unit.

**Median Household Income:** The median income of an individual or a group of people, whether related or not, who share a housing unit.

**Median Income:** Income distribution that is divided into two exactly equal parts, one having incomes above the median and the other having incomes below the median. For households and families, the median income is based on the distribution of the total number of units including those with no income.

**Mitigation:** Actions or measures taken to lessen, alleviate or decrease the impacts or effects of certain development activities.

**Mixed-Use:** Refers to development projects or zoning classifications that provide for more than one use or purpose within a shared building or development area. Mixed-use development may allow the integration of commercial, retail, office, medium to high-density housing, and in some cases light industrial uses. These uses can be integrated either horizontally or vertically in a single building or structure.

**Mode:** Refers to each of the various forms of transportation, such as automobile, transit, ship, bicycle and walking.

**Multi-modal Transportation:** A transportation system that uses a variety of modes to transport people and goods. Components of the system may include vehicular roadways, transit (bus, rail), bikeways, pedestrian paths (sidewalks, trails), freight railways, and airplanes.

**Multi-Use Trail:** Improved, paved paths with amenities such as shelters, water fountains and signs. These paths are active recreational facilities that are regularly maintained and patrolled by public safety officials.

**Natural Trail:** Unimproved, publicly accessible corridors that traverse the Town and can serve as connections between public facilities such as schools and parks, and within recreation areas and neighborhoods.

**Neighborhood Commercial Center:** An area of development and activity located at highway intersections along traditional, suburban and commercial highways. These centers are primarily pedestrian-oriented with accommodations for automobiles and are the preferred locations for smaller businesses that provide goods and services to meet the daily needs of residents in one or more surrounding neighborhoods.

**Neighborhood Conservation:** Policies and actions taken to maintain or enhance the stability and viability of Amherst's neighborhoods and the important contributions they make towards the Town's quality of life.

**New Community District (NCD):** Town of Amherst land use classification established in the 1970s through a contract between the Town of Amherst and the New York State Urban Development Corporation (now Empire State Development Corporation (ESDC) to accommodate development supporting the New York State University at Buffalo North Campus.

**NYSDEC:** New York State Department of Environmental Conservation.

**NYSDOT:** New York State Department of Transportation.

**Open Space:** Publicly or privately owned land that is not intensively developed devoted to uses characterized by vegetative cover or water bodies, such as agricultural uses, pastures, meadows, parks, recreational areas, lawns, gardens, cemeteries, ponds, streams, etc.

**Peak Hour:** Morning and afternoon time periods when the highest number of vehicles found to be passing over a section of road or through an intersection during 60 consecutive minutes.

**Pedestrian-Friendly:** Term used to describe development patterns and roadway systems that are conducive to walking by providing safe and efficient accommodations for pedestrians. Also known as pedestrian-oriented.

**Permanent Open Space:** Undeveloped land protected from future development through dedication as open space or other legal mechanisms, such as conservation easements.

**Planned Residential District (PRD):** Town of Amherst residential zoning district intended to promote more creative, flexible design than is generally possible under conventional residential zoning districts, including variety in housing types, mixed uses, and open space preservation.

**Property Maintenance Code:** Amherst Town Code Chapter 151, Property Maintenance, which establishes a procedure for securing or removing damaged or deteriorated buildings and structures and ensuring property maintenance.

**Public Land:** Refers to land owned by the Town of Amherst, or any other governmental entity or agency thereof.

**Public Transportation:** Transportation by bus, rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis. Also known as “mass transportation,” “mass transit” and “transit.”

**Purchase of Development Rights (PDR):** A voluntary program typically used by governmental jurisdictions to maintain land in agricultural or conservation uses by compensating private landowners for the value of the development rights on the property. PDRs allow properties to remain in private ownership without being developed in the future.

**Quality of Life:** The total experience of community life consisting of a series of factors, both tangible and intangible, such as: economic vitality, public safety, education, housing, environment, recreation, arts and culture, and community character.

**Redevelopment:** Refers to public and/or private investment made to re-create the fabric of an area, replacing or rehabilitating old buildings or infilling development on vacant parcels. Redevelopment can help to meet market needs for residential and/or commercial development in older parts of the Town, but needs to be carefully managed.

**Regional:** Pertains to activities or economies beyond those of Amherst's borders, and affecting a broader geographic area which, for the purposes of the Comprehensive Plan, include all of the cities, towns, and villages in Erie and Niagara Counties.

**Regional Commercial Center:** Commercial center that provides retail goods and services in full range and variety, drawing from a large population base. Land uses in these centers are generally automobile-oriented, including full-line department stores, grocery stores, auto-oriented businesses, automobile sales and service, and other larger-scale single building businesses, and offices.

**Rezoning:** Process by which the Amherst Town Board changes or modifies the authorized zoning district designation of a property.

**Right-to-Farm Laws:** Laws intended to protect farmers from nuisance lawsuits. The statutes help support the economic viability of farming by discouraging neighbors from filing lawsuits against agricultural operations.

**Sanitary Sewer System:** A sewerage system designed to receive, carry, and treat wastewater from homes, businesses, and industry.

**Scale:** Term that describes the size of a project as it relates to its surrounding environment. Appropriately scaled development is consistent or complementary in terms of size and mass with the existing surroundings and highways.

**Screening:** The use of landscape planting, fences or other structures to obscure vision of an unsightly or undesirable land use, to prevent outdoor lighting from intruding on neighboring property or to create privacy. See also "Buffer."

**Sediment:** A solid material, such as dirt or minerals, that tends to collect in certain areas, particularly in water bodies, causing damage, pollution, or the need for expensive maintenance.

**Sense of Place:** The sum of attributes of a locality, neighborhood, or property that give it a unique and distinctive character. See also “Community Character.”

**Setback:** The required distance between the structure and each of the property/lot boundaries.

**Snyder Business District Plan:** Study undertaken in 2002 of the historic business area centered at the intersection of Harlem Road and Main Street. The Plan is intended to identify a number of key areas where stakeholders can focus their attention to obtain maximum results over the short term.

**Stormwater Management:** Refers to the natural and/or constructed features of a property which function to treat, collect, convey, channel, hold, inhibit, or divert the movement of surface water.

**Strategy:** The approach and/or methods through which problems are solved or minimized, and objectives are achieved.

**Tax Abatement:** A partial or total tax exemption for a particular development project for a specified number of years, aimed at providing indirect financial assistance to an organization or individual in order to gain a public benefit.

**Tax Base:** The total value of real property within the Town or other taxing district on which a property tax can be levied.

**Traditional Commercial Center:** An established commercial area that is pedestrian-oriented and defined by its close proximity to surrounding highways and residences.

**Traditional Neighborhood Development (TND):** An approach to design that is emerging as an alternative to single-use, automobile-oriented development. Based upon characteristics predominant in pre-World War II communities, typical features of TND design include: interconnected, pedestrian-oriented street systems; places to shop and work and public/institutional uses such as a school, park, or church within walking distance of residences; and coordination with transit service. Also known as neo-traditional design.

**Traffic Calming:** An integrated approach to traffic planning that seeks to maximize mobility, while reducing the undesirable effects of that mobility. To achieve this goal, Traffic Calming applies a

variety of techniques such as altering road design to change the psychological feel of the road and reduce travel speed; providing incentives for more people to use public transportation; and focusing planning on the creation of viable, compact communities.

**Transfer of Development Rights (TDR):** A regulatory technique designed to protect sensitive land areas by allowing the development rights on properties in such areas (“sending zones”) to be transferred to properties in designated “receiving zones,” which are allowed to be developed at a higher density than otherwise would be permitted by the underlying zoning.

**Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21):** Enacted by Congress in June 1998, TEA-21 continues and expands a wide range of federal-aid programs that have encouraged trails, as well as other elements of the transportation policies begun in the 1991 Intermodal Surface Transportation Equity Act (ISTEA).

**Urban Design:** A design process that treats the development of the built environment in a comprehensive manner as a means of achieving a unified, efficient and aesthetically appealing physical setting.

**Use:** The specific activity or function for which land, a building, or a structure is designated, arranged, occupied, regulated or maintained.

**Vision Statement:** A shared expression of community values and aspirations. The Comprehensive Plan’s Vision Statement provides a “word picture” that defines community expectations for the future, frames the mandate for Plan policies and action programs, and provides the benchmark to measure progress in implementing the Plan.

**Waterfront Activity Center:** Location along the Erie Canal and Tonawanda Creek where mixed-use development is encouraged that celebrates the waterfront and the area’s heritage, attracts local residents and visitors, and provides access to the water, including boating services. These locations are as defined in the Joint Local Waterfront Development Plan (JLWRP) for Amherst and Pendleton.

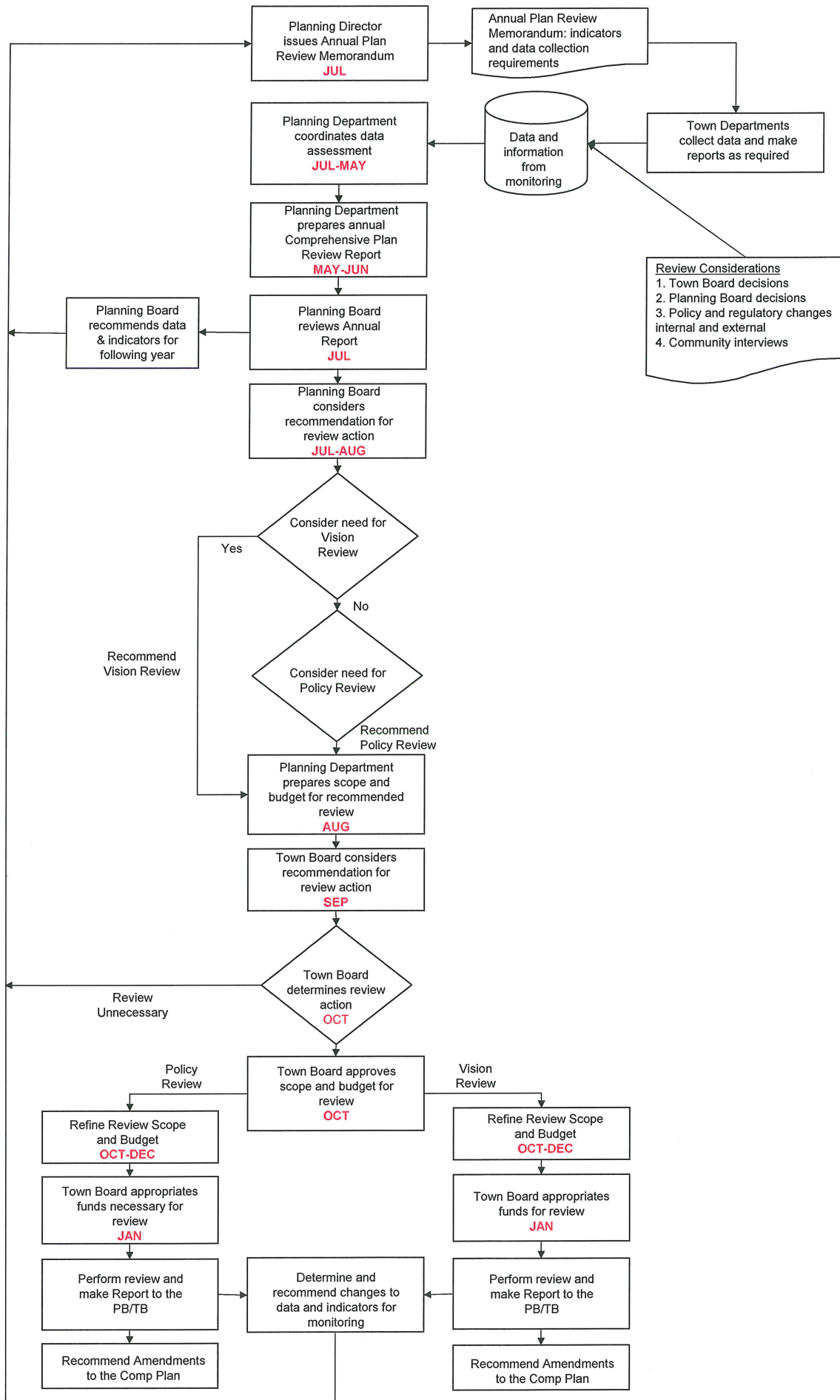
**Watershed:** A catchment area defined by the topography of the ground surface that drains to a watercourse or contributes flow to a body of water.

**Wetland:** Land area that is sufficiently saturated by surface water or groundwater as to be able to support vegetation or aquatic life requiring saturated soil conditions for at least part of the year. In Amherst, the NYSDEC has designated and regulates over 1,500 acres of wetland. In addition, Federal jurisdictional wetlands (U.S. Fish & Wildlife Service and U.S. Army Corps of Engineers) are delineated on a case-by-case basis.

**Wetland Mitigation:** Creation of a new wetland of equal or greater value when an existing wetland must be filled. This can either be done directly through the creation of a new wetland or by the purchase of credits from a party that has already established a wetland (referred to as a wetland mitigation bank).

**Zoning:** Regulatory mechanism through which the Town regulates the location, size, and use of properties and buildings. Zoning regulations are intended to promote the health, safety and general welfare of the community, and to lessen congestion, prevent overcrowding, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public services.

# Comprehensive Plan Monitoring Program and Schedule





**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
1. Promote the development / redevelopment of walkable higher density, mixed-use centers surrounded by lower density development.	Land Use and Development	3-1: Expand provisions and incentives for mixed-use development in designated activity centers. 3-2: Encourage compact, pedestrian-friendly development through Planned Residential options, including but not limited to neo-traditional design. 3-3: Modify provisions of the Suburban Agricultural District to reduce conversions of rural to suburban development patterns. 3-4: Reduce future new commercial development in North Amherst and along highway strips.	1	- Comprehensively revise the Town's development regulations, standards, and review/approval processes.
2. Implement context-sensitive standards and incentives to improve the quality and appearance of development.	Land Use and Development	3-5: Apply design standards to enhance community appearance and sense of place. 3-6: Apply context-sensitive design standards to designated roadways. 3-7: Protect and retain the identity of special places through design guidelines.	1	- Comprehensively revise the Town's development regulations, standards, and review/approval processes.
3. Encourage reinvestment in older neighborhoods and commercial corridors in Amherst.	Land Use and Development	3-8: Consider tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with less emphasis on new "greenfield" development. 3-9: Rezone and/or provide incentives for reuse of underutilized/obsolescent properties for economically viable uses. 3-10: Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization.	2	- Provide expanded incentives for reinvestment / revitalization
4. Target capital improvements to leverage private investment and enhance community appearance	Land Use and Development	3-11: Target capital investments to improve the aesthetic character of key locations within the Town. 3-12: Initiate public capital investment projects to encourage/support private investment.	2, 4	- Provide expanded incentives for reinvestment / revitalization - Initiate a community-wide tree planting and re-vegetation program.
5. Establish a town-wide network of parks, open spaces, and greenway corridors	Land Use and Development	3-13: Designate a town-wide open space and greenway network to be achieved through a variety of mechanisms. 3-14: Encourage conservation development with incentives for the dedication of open space in private developments. 3-15: Initiate a public open space acquisition program consistent with the	3, 9	- Implement a coordinated strategy to achieve a town-wide open space and greenway network - Implement a comprehensive stormwater management strategy.

**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
		open space, recreation, and greenway network.		
6. Improve the predictability and consistency of the development review and decision-making process	Land Use and Development	3-16: Improve the predictability and consistency of the rezoning and other development approval processes through the application of clear town-wide land use policies. 3-17: Set clear standards for development quality to increase the level of certainty in the development review and approval process. 3-18: Provide for periodic review and revision of the Comprehensive Plan and development regulations.	1	- Comprehensively revise the Town's development regulations, standards, and review/approval processes.
7. Establish an interconnected open space network that incorporates significant natural and cultural resources	Natural and Cultural Resources	4-1: Establish greenway corridors along streams as part of a town-wide open space system. 4-2: Provide conservation development options to encourage dedication of significant habitat as permanent open space. 4-3: Acquire land or development rights on land with environmental resources of local significance, consistent with an open space plan or determined to be in the public interest.	3	- Implement a coordinated strategy to achieve a town-wide open space and greenway network
8. Protect water resources and wetlands through improved regulations, policies, and management	Natural and Cultural Resources	4-4: Establish buffer/setback standards for new development to help protect streams of significance. 4-5: Adopt a town policy of no net loss of designated or jurisdictional wetlands within the town. 4-6: Initiate watershed management plans in cooperation with the County and other municipalities in the watershed. 4-7: Apply "best management practices" (BMPs) to reduce water quality impacts development. 4-8: Implement "low impact development" standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development.	1, 9	- Comprehensively revise the Town's development regulations, standards, and review/approval processes - Implement a comprehensive stormwater management strategy.
9. Protect air resources through improved regulations, policies, and management	Natural and Cultural Resources	4-9: Reduce air quality emissions by pursuing Comprehensive Plan strategies such as compact, mixed-use development patterns; tree planting; transit and other alternatives to automobile use, etc.	--	
10. Protect trees and woodland through improved regulations, policies, and	Natural and Cultural Resources	4-10: Support the Town of Amherst Tree Law. 4-11: Implement a "Greening Amherst"	4	- Initiate a community-wide tree planting and re-

**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
management		planting initiative consistent with a program of managing the “Town Landscape.”		vegetation program.
11. Protect historic and cultural resources through improved regulations, policies, and management	Natural and Cultural Resources	4-12: Encourage designation of historically significant resources for protection and provide incentives available through the Historic Preservation Ordinance. 4-13: Support the cultural, visual and performing arts as part of the Education Key Initiative.	--	
12. Protect sensitive environmental resources through improved management.	Natural and Cultural Resources	4-14: Develop management plans for public natural and historic resources of local significance.	--	
13. Maintain Amherst’s strong tax base and attract more high-paying jobs to the Town.	Economic Development	5-1: Target economic development policies, program, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment. 5-2: Build flexibility into non-residential zoning so that options are available for the various stages of business development. 5-3: Promote economic development through collaborations between government, educational institutions, health care organizations, and private industries. 5-4: Work with educational institutions on lifelong learning and other programs to train, attract, and retain a skilled workforce.	6	- Pursue collaborations with educational institutions, private businesses, and other partners to promote economic development.
14. Ensure that economic development and redevelopment respect the character and quality of life of Amherst’s residential communities.	Economic Development	5-5: Promote commercial development patterns that reduce neighborhood impacts. 5-6: Adopt commercial development standards for neighborhood compatibility with context-sensitive design guidelines.	1	- Comprehensively revise the Town’s development regulations, standards, and review/approval processes
15. Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities.	Economic Development	5-7: Work with UB to create mixed-use activity centers on the periphery of the campuses. 5-8: Work with UB to promote more educational, social, and cultural ties to the Town and to reinforce the role of both campuses as activity centers. 5-9: Establish an ongoing, collaborative planning structure with UB.	5	- Establish a collaborative planning structure with the University at Buffalo.
16. Build partnerships with	Economic	5-10: Work with area municipalities		

**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
development agencies, private industry, and educational and research institutions to promote economic development in Amherst and throughout the region.	Development	and economic development agencies to promote regional economic growth. 5-11: Position Amherst as a regional technology center.	--	
17. Create a roadway network that improves efficiency and connectivity while preserving neighborhood character.	Transportation	6-1: Designate roadway corridors for application of context-sensitive design standards to maintain their character. 6-2: Modify the Town’s engineering standards for roadways to reduce neighborhood impacts. 6-4: Enhance transportation system capacities through operational improvements, including improved access management and a comprehensive signal-timing plan. 6-5: Undertake a capital program to maintain or improve the efficiency of the existing road system. 6-6: Accept a certain level of traffic congestion as a “given” and expand investments in alternative transportation modes and compact, mixed-use development patterns.	7	- Develop a strategy to implement targeted improvements with identified level of service deficiencies.
18. Develop the existing bicycle / pedestrian system into a town-wide, interconnected network that facilitates connections between vehicular and non-vehicular transportation.	Transportation	6-7: Develop a comprehensive bicycle network, using a rating system to identify and prioritize improvements. 6-8: Develop a comprehensive pedestrian network of sidewalks, crosswalks, and trails.	8	- Develop a strategy to implement a comprehensive bicycle and pedestrian network.
19. Work with the NFTA to provide adequate public transit service, particularly to mixed-use activity centers identified in the Conceptual Land Use Plan.	Transportation	6-9: Work with NFTA to improve transit service and provide connections to activity centers (e.g., UB and Eggertsville).	--	
20. Establish a town traffic assessment and planning capability to manage and maintain local highways.	Transportation	6-3: Establish a town highway planning capability to manage the local road network.	1	- Comprehensively revise the Town’s development regulations, standards, and review/approval processes
21. Establish a town-wide program with plans and policies to effectively manage stormwater runoff, including flooding and stormwater quality.	Infrastructure	7-1: Develop a program to address flooding and other stormwater management issues in coordination with other responsible agencies. 7-2: Implement “low impact development” standards and techniques to reduce the quantity and improve the	9	- Implement a comprehensive stormwater management strategy to address flooding and water quality protection.

**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
		quality of stormwater runoff from development.		
22. Maintain and upgrade existing sanitary sewer infrastructure to support existing and projected needs. Limit future service extensions to those needed to serve development areas designated on the Conceptual Land Use Plan.	Infrastructure	7-3: Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development. 7-4: Redefine the boundaries of Sanitary Sewer District No. 16 in the northern part of the Town to exclude rural areas designated for protection and include areas designated for more intensive development. 7-5: Create a septic system maintenance district to ensure proper maintenance/operation of systems in areas where there are threats to public health.	10	- Limit future sewer service extensions to support the Conceptual Land Use Plan. Establish a septic system maintenance district for areas not designated for public sewer.
23. Ensure the availability of housing affordable to all socioeconomic groups in Amherst.	Housing and Neighborhoods	8-1: Continue existing housing policies that promote home ownership and affordability.	--	
24. Promote a diverse housing stock, with higher density housing focused on mixed-use activity centers.	Housing and Neighborhoods	8-2: Promote the development of a variety of housing types. 8-3: Encourage higher density residential uses in mixed-use development and other appropriate locations. 8-4: Work with UB to establish mixed-use centers around the periphery of both campuses. 8-5: Establish standards for multi-family housing to promote high quality design and neighborhood compatibility.	1, 5	- Comprehensively revise the Town's development regulations, standards, and review/approval processes - Establish a collaborative planning structure with the University at Buffalo.
25. Implement a coordinated program to conserve and revitalize Amherst's neighborhoods.	Housing and Neighborhoods	8-6: Provide incentives for residential property repairs and improvements on a town-wide basis. 8-7: Initiate a Neighborhood Conservation Program to promote revitalization of designated neighborhoods through measures such as code enforcement, capital improvement, and design standards. 8-8: Promote the revitalization of older commercial areas as a focus of neighborhood activity and include support for building and property maintenance code enforcement. 8-9: Encourage participation from residents when the Town is developing action/improvement plans for specific neighborhoods.	2, 11	- Provide expanded incentives for reinvestment / revitalization - Initiate a Neighborhood Conservation Program, including a collaborative process to develop Neighborhood Improvement Plans.
26. Establish standards or performance criteria to	Community Facilities and	9-1: Establish an ongoing system to identify and prioritize community		- Establish an objective system of

**Town of Amherst Bicentennial Comprehensive Plan  
Summary of Goals and Policies**

Goal/Objective	Element	Relevant Policies	Priority Action Program	Actions
determine community facility and service needs.	Services	facility and service needs. 9-2: Encourage transportation and outreach programs for persons who find it difficult to get to particular facilities.	12	planning for community facility and service needs. Link this system to a long-range capital programming process to reconcile needs with the Town's fiscal capacity.
27. Enhance the role of public facilities as centers of neighborhood and community activity.	Community Facilities and Services	9-3: Identify opportunities to strategically locate certain facilities to strengthen neighborhoods and serve local needs. 9-4: Integrate community facilities within mixed-use activity centers.	--	
28. Provide quality facilities and services cost effectively by managing expenses and diversifying revenue sources.	Community Facilities and Services	9-5: Allow continued growth of the nonresidential tax base consistent with the Comprehensive (Land Use) Plan. 9-6: Pursue cost efficiencies in the provision of public facilities and services through the sharing of resources and the elimination of service duplications. 9-7: Expand partnerships with other service providers, private organizations, and businesses to provide community facilities and services. 9-8: Reconcile needs for community facilities and services with the fiscal capacity of the Town through the capital programming process. 9-9: Re-evaluate funding of special purpose or "high level of service" programs or facilities.	12	- Establish an objective system of planning for community facility and service needs. Link this system to a long-range capital programming process to reconcile needs with the Town's fiscal capacity.

Town of Amherst, NY  
Wednesday, July 9, 2014

## Chapter 203. ZONING

### PART 3.. RESIDENTIAL DISTRICTS

#### § 3-13. Multifamily Residential District Seven (MFR-7)

3-13-1. **Purpose.** To provide areas within the Town for high-density development of adult care facilities, such as senior citizen housing, nursing homes, intermediate care facilities, and single-family detached dwellings not on individual lots.

**[Amended 8-20-2012 by L.L. No. 15-2012]**

3-13-2. **Principal and Special Uses.**

A. **Permitted Uses and Structures.**

<b>MFR-7</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Adult care facility	✓		§ 6-2-2
Hospice	✓		

<b>MFR-7</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Intermediate care facility	✓		
Nursing home	✓		
Residential care center for adults	✓		
Senior citizen housing <i>Editor's Note: The entry for "single-family detached," which immediately followed this entry, was repealed 8-20-2012 by L.L. No. 15-2012.</i>	✓		§ 6-2-2
Single-family detached, not on individual lots	✓		
<b>PUBLIC AND CIVIC USES</b>			
Minor utilities	✓		
Park or open space	✓		
Place of worship	✓		§ 6-3-3
Public utility service structure or facility		✓	§ 6-3-4
Telecommunication facility		✓	§ 6-7
<b>COMMERCIAL USES</b>			
Bed and breakfast		✓	§ 6-4-2



<b>MFR-7</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
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**INDUSTRIAL USES**

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*No industrial uses allowed*

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**B. Dimensional Standards.**

For parcels 30 acres in size or more as of (effective date), the Planned Unit Development Process is required. See § 6-9.

**[Added 5-20-2013 by L.L. No. 8-2013]**

**(1) Detached Dwelling Units Not On Individual Lots.**

**MFR-7 Principal Use Dimensional Standards**

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Min. lot area per dwelling <i>Editor's Note: The entry for "Max. Units per individual lot," which immediately followed this entry, was repealed 8-20-2012 by L.L. No. 15-2012.</i>	6,000 sf
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Min. lot width

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Interior	50 ft
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Corner	60 ft
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Min. Location & Separation

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Front to street	25 ft
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Side (building to building)	10 ft
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Rear	See § 2-5-4B(3)
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From lot line

**MFR-7 Principal Use Dimensional Standards**

	See § 2-5-4B(3)
Max. height	2 stories (up to 35 ft)
Max. building coverage	40%
Min. floor area (dwelling only)	
Under 2 stories	1,000 sf
2 or more stories	1,200 sf
<i>Note:</i> For explanation of measurements, computations, and exceptions see § 2-5.	

**(2) Attached Dwelling Units.****MFR-7 Principal Use Dimensional Standards**

Min. lot area (per dwelling)	
0 to 1 bedroom	725 sf
2 or more bedrooms	1,000 sf
Min. lot width	100 ft
Min. yards	See § 3-15-5
Min. building separation	30 ft
Max. height	65 ft

**MFR-7 Principal Use Dimensional Standards**

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Max. building coverage	40%
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Min. floor area (dwelling only)	
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0 bedroom	400 sf
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1 bedroom	580 sf
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2 bedroom	700 sf
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3 bedroom	800 sf
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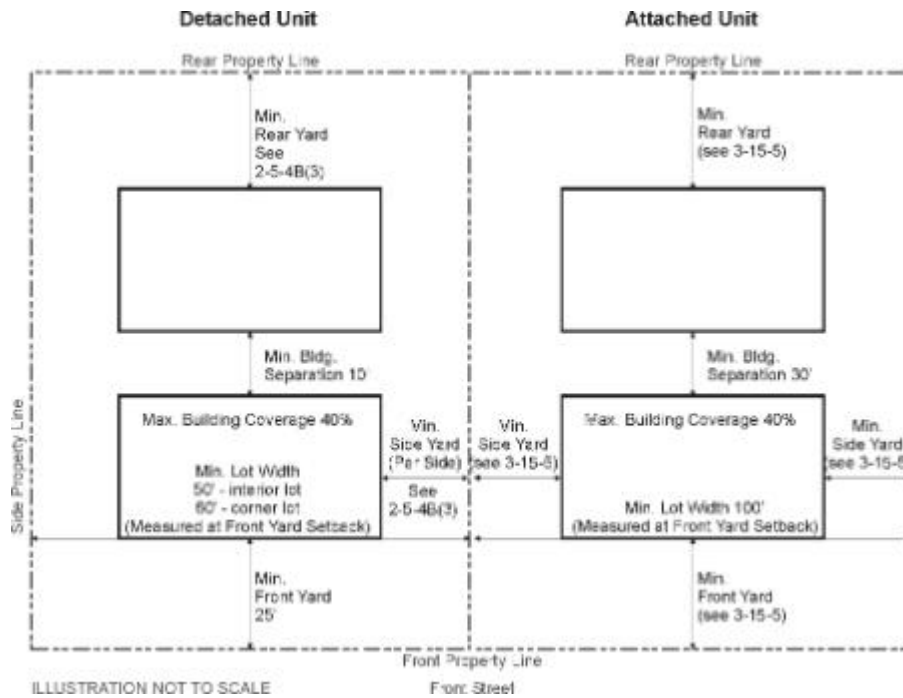
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4 bedroom	900 sf
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*Note:* For explanation of measurements, computations, and exceptions see § 2-5.

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**[Amended 4-12-2010 by L.L. No. 2-2010]**

**3-13-3. Accessory Uses and Structures.**

**A. Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses

**[Amended 12-12-2011 by L.L. No. 29-2011]**

<b>MFR-7 Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Convenience retail and service facility	§ 6-8-4
Dumpsters/refuse containers	§ 7-2-4D
<b>[Amended 12-12-2011 by L.L. No. 29-2011]</b>	
Garden, recreation and health care facility	
Off-street parking, loading and stacking	

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**MFR-7 Permitted Accessory Uses and Structures Standards**


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Small wind energy system	§ 6-8-14
<b>[Added 8-17-2009 by L.L. No. 12-2009]</b>	

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Other uses and structures customarily incidental to the principal use

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**B. Dimensional Standards.**
**MFR-7 Accessory Use Dimensional Standards.**


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Min. building separation	§ 3-15-6	
Min. from lot line	§ 3-15-6	<b>[Added 9-9-2013 by L.L. No. 17-2013]</b>
Max. height	20 ft	
Max. building coverage (including principal structure)	45%	

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*Note:* For explanation of measurements, computations, and exceptions see § 2-5.

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3-13-4. **General Development Standards.** Development in the MFR-7 district shall also comply with the requirements referenced in the table below.

**MFR-7 General Development Standards**


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Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3

**MFR-7 General Development Standards**

Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

Town of Amherst, NY  
Wednesday, July 9, 2014

## Chapter 203. ZONING

### PART 4.. NONRESIDENTIAL DISTRICTS

#### § 4-2. Office Building District (OB)

4-2-1. **Purpose.** To provide areas within the Town devoted exclusively to offices by regulating the land area, bulk and spacing of uses, particularly at common boundaries and promoting the most desirable land use and traffic patterns in accordance with the objectives of the comprehensive plan.

4-2-2. **Permitted and Special Uses.**

A. **Permitted Uses and Structures.**

<b>OB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Upper-story dwelling unit	✓		§ 6-2-6
<b>PUBLIC AND CIVIC USES</b>			
Day-care center	✓		§ 6-3-2

<b>OB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Minor utilities	✓		
Place of worship	✓		§ 6-3-3
Public utility service structure or facility		✓	§ 6-3-4
Public works construction yard <b>[Added 12-7-2009 by L.L. No. 19-2009]</b>		✓	§ 6-3-5
Telecommunication facility		✓	§ 6-7
<b>COMMERCIAL</b>			
Bank	✓		§ 4-8-4
Contracting or construction services	✓		§ 6-4-4
Office	✓		
Radio or television station <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
Recording studio <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
	✓		



<b>OB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
			Training schools, such as technical, trade, vocational or business

**INDUSTRIAL**

*No industrial uses allowed*

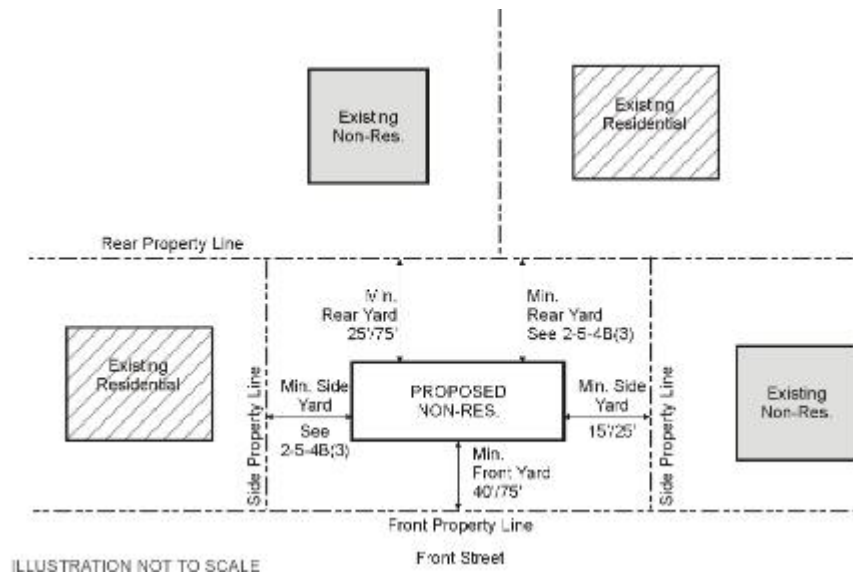
**B. Dimensional Standards.**

For parcels 30 acres in size or more as of (effective date), the Planned Unit Development Process is required. See § 6-9.

**[Added 5-20-2013 by L.L. No. 8-2013]**

<b>OB Principal &amp; Accessory Use/Structure Dimensional Standards</b>	<b>Vehicle Use Area</b>	
Min. lot area	None	
Min. lot width	None	
Min. front yard		
Height of structure up to 30 ft	40 ft	15 ft*
Height of structure 30 ft or more	75 ft	15 ft*
Min. rear yard (abutting residential/nonresidential)		
Height of structure up to 30 ft	See § 2-5-4B (3)/15 ft	25 ft*/10 ft*

<b>OB Principal &amp; Accessory Use/Structure Dimensional Standards</b>		<b>Vehicle Use Area</b>
Height of structure 30 ft or more	See § 2-5-4B (3)/25 ft	25 ft*/10 ft*
Min. side yard (abutting residential/nonresidential)		
Height of structure up to 30 ft	See § 2-5-4B (3)/15 ft	25 ft*/10 ft*
Height of structure 30 ft or more	See § 2-5-4B (3)/25 ft	25 ft*/10 ft*
Max. height	65 ft	
Max. building coverage	None	
Min. interior building separation	30 ft	
* The entire area must be landscaped.		



4-2-3. **Accessory Uses and Structures.**

A. **Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses or Part 7, General Development Standards.

<b>OB Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Commercial recreation	§ 6-8-3
Employee lunchroom	
Landscaping	§ 7-2
Maintenance facility and air-conditioning, heating and ventilating equipment	
Off-street parking, loading, and stacking	§ 7-1
Restaurant without drive-through or outdoor dining	

<b>OB Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Retail stores and services (may be manufactured or assembled on-premise)	§ 6-8-11
Signs	§ 7-8
Small wind energy system <b>[Added 8-17-2009 by L.L. No. 12-2009]</b>	§ 6-8-14
Storage garage	
Uses engaged primarily in research and development activities, including:	§ 6-5-1
Research, experimental and developmental laboratories and facilities;	
Communication, navigation control, transmission and reception equipment;	
Controls equipment and guidance systems;	
Data processing equipment and systems;	
Audio components, radio and television equipment;	
Scientific and medical instruments;	
Microfilming and record preparation;	
Assembly, testing and calibration of components, devices, systems and equipment, such as but not limited to electronic, scientific, medical, optical, biochemical, chemical, metallurgical and pharmaceutical.	

<b>OB Permitted Accessory Uses and Structures</b>	<b>Standards</b>
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Other uses and structures customarily incidental to the principal use

B. **Dimensional Standards.** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 4-2-2B.

4-2-4. **General Development Standards.**

A. Interior side or rear yards separating parking, loading and stacking area from lot lines are not required for unified developments.

B. Development in the OB district shall also comply with the requirements referenced in the table below.

**OB General Development Standards**

Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3
Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

Town of Amherst, NY  
Wednesday, July 9, 2014

## Chapter 203. ZONING

### PART 4.. NONRESIDENTIAL DISTRICTS

#### § 4-4. General Business District (GB)

4-4-1. **Purpose.** To provide community centers within existing and proposed commercial nodes and mixed use activity centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the comprehensive plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic and may generate large amounts of evening activity.

4-4-2. **Principal and Special Uses.**

A. **Permitted Uses and Structures.**

<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Upper-story dwelling unit	✓		§ 6-2-6

<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
<b>PUBLIC AND CIVIC USES</b>			
Ambulance service	✓		
Daycare center, nursery or other private school	✓		
Minor utilities	✓		
Place of worship	✓		§ 6-3-3
Public utility service structure or facility		✓	§ 6-3-4
Public works construction yard <b>[Added 12-7- 2009 by L.L. No. 19-2009]</b>	✓		§ 6-3-5
Telecommunication facility		✓	§ 6-7
<b>COMMERCIAL</b>			
Advertising agency	✓		
Animal grooming, cat boarding facility, hospital or veterinarian.	✓		§ 6-4-1

GB	Permitted	Special Use	Standards
<b>[Amended 2-4-2008 by L.L. No. 1-2008]</b>			
Antiques and second-hand merchandise store	✓		
Apparel and accessories store	✓		
Apparel repair and alterations and shoe repair shop	✓		
Archival center	✓		
Bakery or confectionary shop (retail)	✓		
Bank	✓		§ 4-8-4
Beauty or barber shop	✓		
Book and stationery store	✓		§ 6-4-7 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Commercial recreation activities, indoor	✓		



<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Commercial recreation activities, outdoor		✓	
Contracting or construction services	✓		§ 6-4-4
Department store	✓		
Dog day care facility <b>[Added 10-17-2011 by L.L. No. 25-2011]</b>	✓		§ <del>6-4-13</del> <b>[Amended 11-5-2012 by L.L. No. 17-2012]</b>
Drug store	✓		§ 4-8-4
Employment agency	✓		
Farm and garden supply store	✓		
Farm equipment sales or service	✓		
Food store	✓		
Funeral home	✓		
Gymnasium or health club <b>[Added 2-4-2008 by L.L. No. 1-2008]</b>	✓		

<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Hardware store	✓		
Home furnishing store	✓		
Home garden store	✓		
House and camping trailer sales, camping equipment and accessories and related repair and service	✓		
Household fixture and appliance sales or service	✓		
Jewelry store	✓		
Job printing or photography store	✓		
Ice store	✓		
Laundromat, cleaning and dyeing outlets and pickup	✓		
Liquor store	✓		
Motel or hotel	✓		
Motion picture theater or live theater	✓		

GB	Permitted	Special Use	Standards
<b>[Added 9-21-2009 by L.L. No. 14-2009]</b>			
Nurseries for sale of plants, shrubs, and trees	✓		
Office	✓		
Passenger terminal	✓		
Personal training facility	✓		
<b>[Added 2-4-2008 by L.L. No. 1-2008]</b>			
Photographic store	✓		
Photography studio <b>[Added 2-4-2008 by L.L. No. 1-2008]</b>	✓		
Printing and photocopying store	✓		
Plumbing store	✓		
Postal store or post office	✓		

<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Radio or television station <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
Recording studio <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
Restaurant with drive-through	✓		§ 4-8-4
Restaurant with outdoor dining	✓		§ 6-4-9 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Restaurant without drive-through or outdoor dining	✓		
Retail services	✓		
Sexually oriented cabaret or theater, or sexually oriented motion picture theater <b>[Added 7-7-2008 by L.L. No. 9-2008]</b>	✓		§ 6-6

GB	Permitted	Special Use	Standards
Sexually oriented media store, sex shop <b>[Added 7-7-2008 by L.L. No. 9-2008]</b>	✓		§ 6-6
Shops for custom work for the making of articles to be sold only at retail on the premises	✓		
Sporting goods and bicycle store	✓		
Tattoo parlor / body art studio <b>[Added 1-16-2007 by L.L. No. 2-2007]</b>	✓		
Variety store	✓		
Vehicle parts sales	✓		§ 6-4-11 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Vehicle sales (new), rental, leasing and related repair; used vehicle sales and	✓		§ 6-4-12 <b>[Amended 12-19-2011]</b>

<b>GB</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
vehicle rental in conjunction with new vehicle sales only			<b>by L.L. No. 34-2011]</b>
Wholesale store	✓		

**INDUSTRIAL**

*No industrial uses allowed*

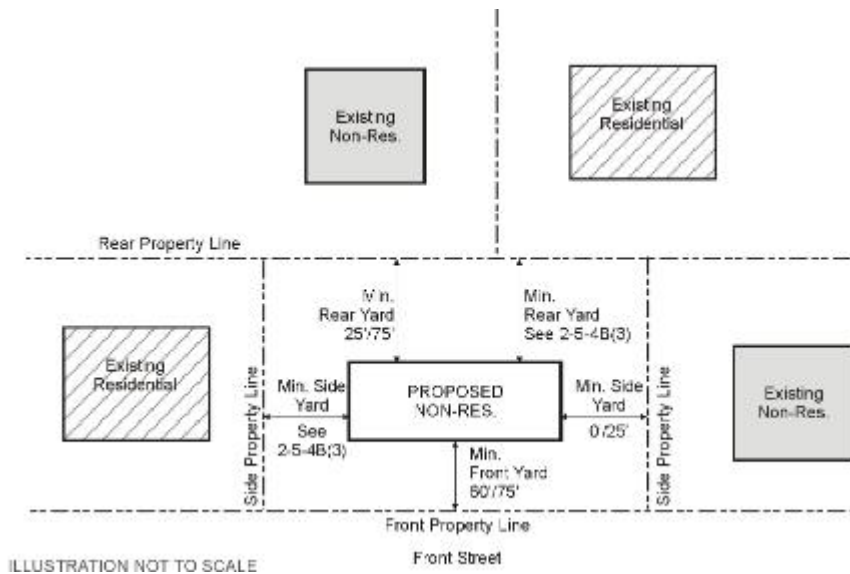
**B. Dimensional Standards.**

For parcels 30 acres in size or more as of (effective date), the Planned Unit Development Process is required. See § 6-9.

**[Added 5-20-2013 by L.L. No. 8-2013]**

<b>GB Principal &amp; Accessory Use/Structure Dimensional Standards</b>	<b>Vehicle Use Area</b>	
Min. lot area	None	
Min. lot width	None	
Min. front yard		
Height of structure up to 30 ft	60 ft	10 ft*
Height of structure 30 ft or more	75 ft	10 ft*

<b>GB Principal &amp; Accessory Use/Structure Dimensional Standards</b>	<b>Vehicle Use Area</b>
Min. rear yard (abutting residential/nonresidential)	
Height of structure up to 30 ft	See § 2-5-4B(3)/ 15 ft    15 ft* / 5 ft*
Height of structure 30 ft or more	See § 2-5-4B(3)/ 25 ft    15 ft* / 5 ft*
Min. side yard (abutting residential/nonresidential)**	
Height of structure up to 30 ft	See § 2-5-4B(3)/ None or 10 ft if not on lot line    15 ft* / 5 ft*
Height of structure 30 ft or more	See § 2-5-4B(3) / 25 ft    15 ft* / 5 ft*
Max. height	65 ft
Max. building coverage	None
Min. interior building separation	None required
*    The entire area must be landscaped.	
**    Accessory structures shall be setback a minimum of 10 feet <b>[Added 9-21-2009 by L.L. No. 14-2009].</b>	



4-4-3. **Accessory Uses and Structures.**

A. **Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses or Part 7, General Development Standards.

<b>GB Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Landscaping	§ 7-2
Off-street parking, loading, and stacking	§ 7-1
Signs	§ 7-8
Small wind energy system <b>[Added 8-17-2009 by L.L. No. 12-2009]</b>	§ 6-8-14
Other uses and structures customarily incidental to the principal use	



B. **Dimensional Standards.** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 4-4-2B.

4-4-4. **General Development Standards.**

A. Interior side or rear yards separating parking, loading and stacking area from lot lines are not required for unified developments.

B. Development in the GB district shall also comply with the requirements referenced in the table below.

**GB General Development Standards**

Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3
Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

Town of Amherst, NY  
 Wednesday, July 9, 2014

## Chapter 203. ZONING

### PART 5.. SPECIAL PURPOSE AND OVERLAY DISTRICTS

#### § 5-5. Community Facilities District (CF)

5-5-1. **Purpose.** To provide a special zoning classification for public and semipublic facilities, including governmental, religious, educational, protective and other civic facilities in order to insure the proper location of such facilities in relation to transportation and other land uses within the town, compatibility of such facilities with adjacent development and proper site design and land development.

5-5-2. **Principal and Special Uses.**

A. **Permitted Uses and Structures.**

**[Amended 2-4-2008 by L.L. No. 1-2008]**

CF	Permitted	Special Use	Standards
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Adult care facility	✓		§ 3-13-2B

<b>CF</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Hospice	✓		§ 3-13-2B
Intermediate care facility	✓		§ 3-13-2B
Nursing home	✓		§ 3-13-2B
Residential care center for adults	✓		§ 3-13-2B
Senior citizen housing	✓		§ 3-13-2B
<b>PUBLIC AND CIVIC USES</b>			
Airport <i>Editor's Note: The entry for basketball, baseball or football facility, which immediately followed this entry, was repealed 2-24-2014 by L.L. No. 5-2014, effective 8-1-2014.</i>	✓		
Cemetery or mausoleum	✓		§ 6-3-1
Civic association	✓		
College, university, technical or theological school	✓		

<b>CF</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Day-care center	✓		§ 6-3-2
Fraternal organization <i>Editor's Note: The entry for golf course or country club, which immediately followed this entry, was repealed 2-24-2014 by L.L. No. 5-2014, effective 8-1-2014.</i>	✓		
Government structure or use	✓		
Hospital <i>Editor's Note: The entry for ice-skating facility, which immediately followed this entry, was repealed 2-24-2014 by L.L. No. 5-2014, effective 8-1-2014.</i>	✓		
Library	✓		
Minor utilities	✓		
Museum	✓		
Non-profit institution providing care and protection of persons	✓		
	✓		

CF	Permitted	Special Use	Standards
Place for public assembly			
Place of worship	✓		§ 6-3-3
Private club	✓		
Private park <b>[Added 2-24-2014 by L.L. No. 5-2014</b> <i>Editor's Note: This amendment is effective 8-1-2014. ]</i>	✓		
Public or private school <i>Editor's Note: The entry for public recreation facility, which immediately followed this entry, was repealed 2-24-2014 by L.L. No. 5-2014, effective 8-1-2014.</i>	✓		
Public utility service structure or facility	✓		
Senior or youth center <i>Editor's Note: The entry for swimming facility, which immediately followed this entry, was repealed 2-24-2014 by L.L.</i>	✓		

CF	Permitted	Special Use	Standards
<i>No. 5-2014, effective 8-1-2014.</i>			
Telecommunication facility <i>Editor's Note: The entries for tennis, racquetball or handball facility; and wildlife reservation or conservation project, which immediately followed this entry, were repealed 2-24-2014 by L.L. No. 5-2014, effective 8-1-2014.</i>	✓	✓	§ 6-7
<b>COMMERCIAL</b>			
Human health care institutions providing in-patient care	✓		
Private parking facility	✓		§ 6-4-8 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
<b>INDUSTRIAL</b>			
<i>No industrial uses allowed</i>			

**B. Dimensional Standards.**

For parcels 30 acres in size or more as of (effective date), the Planned Unit Development Process is required. See § 6-9.

**[Added 5-20-2013 by L.L. No. 8-2013]**

<b>CF Principal Use Dimensional Standards</b>	<b>Vehicle Use Area</b>	
Min. lot width	None	
Min. front yard	50 ft	15 ft*
Min. rear yard (abutting residential/nonresidential)	See § 2-5-4B (3)/ 15 ft	10 ft* / 5 ft*
Min. side yard (abutting residential/nonresidential)	See § 2-5-4B (3)/ 15 ft	10 ft* / 5 ft*
Max. height	65 ft	

\* The entire area must be landscaped

C. **Minimum Lot Area.** The area or parcel of land for a permitted community facility shall be required to provide area adequate for the main and accessory buildings, off-street parking, loading and stacking and landscaping and other accessory uses, yards and open spaces.

D. **Maximum Building Coverage.** Maximum building coverage by structures shall be as use, yard, off street parking, loading and stacking and landscaping requirements permit.

5-5-3. **Accessory Uses and Structures.**

A. **Permitted Accessory Uses and Structures.**

<b>CF Permitted Accessory Uses and Structures</b>	<b>Standards</b>
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<b>CF Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Landscaping	§ 7-2
Off-street parking, loading, and stacking	§ 7-1
Private schools and day-care centers, accredited when required by NYS, when accessory to a place of worship	
Residence for staff	
Signs	§ 7-8
Small wind energy system <b>[Added 8-17-2009 by L.L. No. 12-2009]</b>	§ 6-8-14
Other uses and structures customarily incidental to the principal use	

B. **Dimensional Standards.** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 5-5-2B.

5-5-4. **General Development Standards.**

- A. Fences, walls or plantings or other screening materials may be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.
- B. Outdoor recreation activities shall not be permitted within 50 feet from an abutting residential district.
- C. Exterior wall surfaces of buildings shall be of masonry, wood, glass or metal or a combination facing of these materials. Exterior wall facings and mansard roofs shall not include asbestos or corrugated metal products. Any side or rear wall facing a street, residential district or public or semi-public area shall consist of the same facing materials as the building front.
- D. Interior side or rear yards separating parking, loading and stacking area from lot lines are not required for unified developments.



E. Development in the CF district shall also comply with the requirements referenced in the table below.

**CF General Development Standards**

Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3
Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

*Town of Amherst, NY  
Wednesday, July 9, 2014*

## Chapter 203. ZONING

### PART 5.. SPECIAL PURPOSE AND OVERLAY DISTRICTS

#### § 5-6. Traditional Neighborhood Development District (TND)

5-6-1. **Purpose.** To provide for new, greenfield development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation based on the following principles:

- A. Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood;
- B. Uses and housing types are mixed or in close proximity to one another;
- C. Density is highest in the center of the district and decreases with distance from the center;
- D. Serve as a foci of community activity in Amherst;
- E. Are designed to encourage walking, biking, and use of public transportation as alternatives to automobile trips;
- F. Streets are interconnected and blocks are small; and
- G. Civic buildings and community facilities are given prominent sites in the neighborhood.

5-6-2. **Principal and Special Uses.**A. **Permitted Uses and Structures.**

<b>TND</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Single-family detached	✓		§ 3-8-2B
Attached dwelling (up to four units)	✓		
Patio home	✓		§ 6-2-4
Upper-story dwelling	✓		§ 6-2-6
Zero lot line home	✓		§ 6-2-7
<b>PUBLIC AND CIVIC USES</b>			
Civic association (upper story only)	✓		
Daycare center, nursery or other private school	✓		
Fraternal organization (upper story only)	✓		

<b>TND</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Government structure or use	✓		
Library	✓		
Museum	✓		
Park or open space	✓		
Place for public assembly	✓		
Place of worship	✓		§ 6-3-3
Telecommunication facility		✓	§ 6-7
<b>COMMERCIAL</b>			
Advertising agency	✓		
Animal grooming, animal hospital or veterinarian		✓	§ 6-4-1
Antiques and second-hand merchandise store	✓		
Apparel and accessories store	✓		
	✓		

<b>TND</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Apparel repair and alterations and shoe repair shop			
Bank	✓		
Bakery or confectionary shop (retail)	✓		
Beauty or barber shop	✓		
Bed and breakfast	✓		§ 6-4-2
Book and stationery store	✓		§ 6-4-7 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Contracting or construction services	✓		§ 6-4-4
Drug store	✓		§ 4-8-4
Food store	✓		
Hardware store	✓		
Home furnishing store	✓		

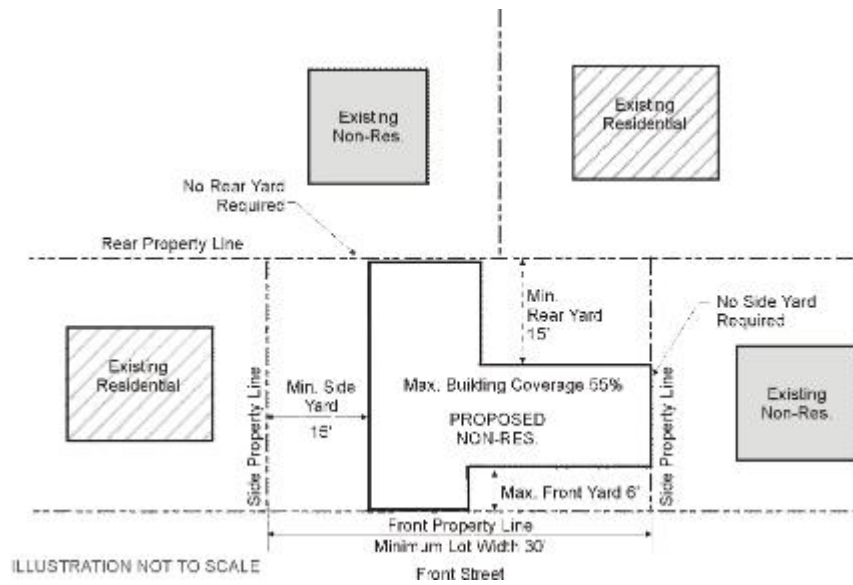
<b>TND</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Home garden store	✓		
Jewelry store	✓		
Job printing or photography store	✓		
Ice store	✓		
Laundromat, cleaning and dyeing outlets and pickup	✓		§ 6-4-6 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Liquor store	✓		
Office	✓		
Personal training facility <b>[Added 2-4-2008 by L.L. No. 1-2008]</b>	✓		
Photography studio <b>[Added 2-4-2008 by L.L. No. 1-2008]</b>	✓		
Printing and photocopying store	✓		

<b>TND</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Radio or television station <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
Recording studio <b>[Added 4-12-2010 by L.L. No. 2-2010]</b>	✓		
Restaurant with outdoor dining	✓		§ 6-4-9 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Restaurant without drive-through	✓		
Service station		✓	§ 6-4-10 <b>[Amended 12-19-2011 by L.L. No. 34-2011]</b>
Sporting goods or bicycle store	✓		
<b>INDUSTRIAL</b>			
<i>No industrial uses allowed</i>			

**B. Dimensional Standards.**

<b>TND Principal Use Dimensional Standards</b>		<b>Vehicle Use Area</b>
Minimum district area	40 acres	
Min. lot width	30 ft	
Min. front yard	None/see § 2-5-2A(2)	
Max. front yard	6 ft	
Min. rear yard (abutting residential/nonresidential)	15 ft/none required	25 ft/15 ft
Min. side yard (abutting residential/nonresidential)	15 ft/none required	25 ft/15 ft
Max. height	50 ft	
Min. height	26 ft	
Max. building coverage	55%	
Min. interior building separation	None required	





5-6-3. **Accessory Uses and Structures.**

A. **Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses and Structures or Part 7, General Development Standards.

<b>TND Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Landscaping	§ 7-2
Off-street parking, loading, and stacking	§ 7-1
Signs	§ 7-7
Small wind energy system <b>[Added 8-17-2009 by L.L. No. 12-2009]</b>	§ 6-8-14
Uses and structures customarily incidental to the principal use	

B. **Dimensional Standards.** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 5-6-2B.

**[Amended 8-20-2012 by L.L. No. 15-2012]**

5-6-4. **General Development Standards.**

A. **Mix of Uses.** The following table establishes the minimum and maximum land allocation that shall be devoted to various land uses in a TND District. The land use allocations in the table below may be applied to multi-story buildings and to unified developments.

<b>Use</b>	<b>Not Less Than</b>	<b>Not More Than</b>
<b>Residential</b>		
Upper-Story Dwelling	10% of floor area of nonresidential structures listed below	200% of total nonresidential floor area
All Other Residential	0% of floor area	10 units / acre
<b>Nonresidential</b>		
<b>Public and Civic</b>	5% of floor area	50% of floor area
<b>Commercial</b>		
Office Uses	30% of floor area	80% of floor area
All Commercial Uses (excluding office uses)	5% of floor area	15% of floor area

B. **Off-Street Parking, Loading and Stacking Facilities.**

(1) No drive-through facility shall be allowed to face any street within the TND District.

- (2) No vehicle use area shall be permitted between the front building line and any street except for alleys. Such areas shall be located to the interior side or rear of the lot.
- (3) No vehicle use area shall abut a public and civic use or open space nor shall such use terminate a vista.
- (4) The minimum parking requirements in § 7-1-6A shall apply. In addition, there shall be a maximum of one parking space per 300 square feet of gross floor area for all office uses and one parking space per 500 square feet of gross floor area for all other uses.

**C. Other Development Standards.**

- (1) Any particular acre of a TND development may contain a maximum of 30 dwelling units, provided that the average residential density of the entire TND development shall not exceed 15 dwelling units per acre.
- (2) A commercial tenant other than an office shall have a maximum gross floor area of 25,000 square feet.
- (3) The Planning Board may approve alternative landscape improvements in the TND District in lieu of strict compliance with the landscape standards in § 7-2-3A(2) and § 7-2-3A(3), provided that such improvements are in accord with the purpose of the TND District and the purpose of § 7-2.
- (4) All principal and accessory uses, except signs and off-street parking, loading and stacking, shall be conducted within completely enclosed structures.
- (5) Development in the TND District shall also comply with the requirements referenced in the table below.

**TND General Development Standards**

Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3

**TND General Development Standards**

Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

Town of Amherst, NY  
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## Chapter 203. ZONING

### PART 5.. SPECIAL PURPOSE AND OVERLAY DISTRICTS

#### § 5-9. Recreation Conservation District (RC)

**[Added 2-24-2014 by L.L. No. 5-2014]**

5-9-1. **Purpose** To provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation.

5-9-2. **Principal and Special Uses**

A. **Permitted Uses and Structures**

RC	Permitted	Special Use	Standards
<b>OPEN USES</b>			
<i>No open uses allowed</i>			
<b>RESIDENTIAL USES</b>			
<i>No residential uses allowed</i>			
<b>PUBLIC AND CIVIC USES</b>			
Indoor recreation facilities			

<b>RC</b>	<b>Permitted</b>	<b>Special Use</b>	<b>Standards</b>
Outdoor recreation facilities	✓		
Outdoor ice-skating facility	✓		
Outdoor tennis, racquetball or handball facility	✓		
Park or open space	✓		
Place of worship	✓		6-3-3
Public or private golf course and country club		✓	
Public utility service structure or facility		✓	6-3-4
Swimming facility	✓		
Telecommunication facility		✓	§ 6-7
Wildlife reservation or conservation area	✓		
<b>COMMERCIAL</b>			
<i>No commercial uses allowed</i>			
<b>INDUSTRIAL</b>			
<i>No industrial uses allowed</i>			

#### **B. Dimensional Standards**

<b>RC Principal Use Dimensional Standards</b>	<b>Vehicle Use Area</b>	
Min. lot width	None	
Min. front yard	50 ft.	15 ft*
Min. rear yard (abutting residential/nonresidential)	50 ft/15 ft	25 ft*/5 ft*
Min. side yard (abutting residential/nonresidential)	50 ft/15 ft	25 ft*/5 ft*
Max. height	65 ft	
Max. building coverage	10%	

\* The entire area must be landscaped

### 5-9-3. **Accessory Uses and Structures**

#### A. **Permitted Accessory Uses and Structures**

<b>RC Permitted Accessory Uses and Structures</b>	<b>Standards</b>
Landscaping	§ 7-2
Off-street parking, loading, and stacking	§ 7-1
Private schools and day-care centers, accredited when required by NYS, when accessory to a place of worship	
Residence for staff	
Signs	§ 7-8

**RC Permitted Accessory Uses and Structures Standards**

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Other uses and structures customarily incidental to the principal use

- B. **Dimensional Standards** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 5-9-2B.

5-9-4. **General Development Standards**

- A. Fences, walls or plantings or other screening materials may be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.
- B. Exterior wall surfaces of buildings shall be of masonry, wood, glass, stone or metal or a combination of these materials. Exterior wall facings and mansard roofs shall not include asbestos or corrugated metal products. Any side or rear wall facing a street, residential district or public or semi-public area shall consist of the same facing materials as the building front.
- C. Interior side or rear yards separating parking, loading and stacking area from lot lines are not required for unified developments.
- D. Development in the RC district shall also comply with the requirements referenced in the table below.

<b>RC</b>	<b>General Development Standards</b>
Off-Street Parking	§ 7-1
Landscaping and Buffering	§ 7-2
Site Lighting	§ 7-3
Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6



<b>RC</b>	<b>General Development Standards</b>
Flood Damage Prevention	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9

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## Chapter 203. ZONING

### PART 6.. USE REGULATIONS

#### § 6-9. Planned Unit Development Process (PUD).

**[Added 5-20-2013 by L.L. No. 8-2013]**

6-9-1. **Purpose.** The PUD process is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants.

The PUD process shall be required for development or redevelopment of a portion of any lot measuring 30 acres in size or larger as of (effective date of PUD), except for the following:

- A. Developments consistent with a site plan or subdivision preliminary plat approved prior to (effective date of PUD)
- B. Site plan modifications approved prior to (effective date of PUD) that result in changes to 50% or less of the total area of the lot.

The PUD process may run concurrently with the review of a zoning map amendment, if one is proposed.

6-9-2. **Use Regulations.**

- A. **Permitted Criteria, Standards and Regulations.** Criteria, standards and regulations are hereby established with respect to planning of land and the arrangements of buildings and open spaces for those areas which are included in a PUD and which require

development and site plan approval. The application of the criteria, standards and regulations set forth in this Section are intended to result in the optimum development and use of land in the Town. They are intended to insure full consideration of every planning element pertinent to the objectives of this Section and the Comprehensive Plan. Conditions placed on individual use areas of a PUD shall supersede regulations elsewhere in this Ordinance, unless otherwise noted.

- B. **Minimum District Size.** The minimum area required to qualify for a PUD shall be 30 contiguous acres of land. For purposes of this paragraph, lands separated by streams or drainage courses, highways, streets or other public or private rights of way shall be deemed contiguous. Boundaries should assume reasonably regular configurations, taking advantage of natural features, public rights of way and other clearly defined features as outer perimeters in order to facilitate buffering between the PUD and adjacent areas and in order to minimize the development obstacles created by sharply irregular boundaries resulting from noncontiguous ownership patterns.
- C. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted in a PUD as provided in this Section.
- (1) All permitted principal and accessory uses and operations which, as a result of not being enclosed, would constitute a nuisance or offense beyond the lot line, or which as a result of not being enclosed would conflict with any of the specific performance standards set forth in this subsection, shall be performed wholly within an enclosed building or buildings.
  - (2) Outside storage or parking of commercial or recreation vehicles, camper bodies, boats and trailers on lands occupied for residential purposes shall be prohibited.

6-9-3. **Development Standards.**

- A. **Off-Street Parking and Loading.** The design criteria set forth in this Section are intended to provide desirable latitude and freedom to encourage variety in the location and arrangement of uses, to encourage convenience in accessibility to these uses through

provision of pedestrian and bicycle pathways and public transportation services and to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards shall apply:

- (1) Pedestrian connection between parking areas and buildings shall be along walkways to the extent necessary to assure pedestrian safety.
- (2) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
- (3) Any above-grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness and should be separate from private vehicles and pedestrians where feasible.
- (4) The design of buildings and parking facilities shall take advantage of the topography of the site where appropriate to provide separate levels of access.
- (5) Off-street parking and loading spaces shall be provided for all new buildings at the time of erection and for all enlargements of existing buildings and shall be maintained in usable shape and good condition.
- (6) Off-street parking and loading spaces shall be provided so as to minimize overflow of parked or standing vehicles onto public or common vehicular or pedestrian rights of way.

**B. Landscaping, Buffering and Screening.**

- (1) **Landscape Features and Building Arrangements.** The design criteria set forth in this Section supercede those in § 7-2. They are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Buildings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the buildings so as to provide privacy and to form a unified

composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall, however, be assured in any PUD. Yards, building setback and spacing and building height and shape, landscape features and building arrangement shall be designed in a manner to assure:

- (a) Proper light, air and views for the residents, tenants and the public;
  - (b) Safety in accommodating pedestrian and vehicular circulation and vehicular storage and service;
  - (c) Usability of and convenient access to open space;
  - (d) Screening to minimize the unsightliness and monotony of parked cars;
  - (e) Availability of open land for landscaped features, recreation or other private uses;
  - (f) Privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas;
  - (g) The creation of a variety of common open spaces and private areas, through the planning of landscape features such as walls, fences, hedges and other features.
- (2) **Landscaping Standards.** Landscaping plans shall meet the following standards:
- (a) Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.
  - (b) Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.
  - (c) Landscape treatment for public and private plazas, roads, paths, service and parking areas shall be designed as an integral part of an entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other Town requirement for trees in public street rights of way.

- (d) The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must be not less than five percent of the total vehicular area in parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.
  - (e) Landscape materials shall be appropriate to the growing conditions on the site and the Town's environment.
  - (f) Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours and outstanding vegetational, topographical and geological features are encouraged to be preserved and incorporated in the open space areas and in the landscaping of the development.
  - (g) Plastic or other types of artificial plantings or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two and one half inch caliper, measured six inches above the ground, per residential unit, including existing trees on the site which are preserved. Trees to be planted throughout the district and along the vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year round benefit of such plantings.
  - (h) Trees shall be of numerous species as to minimize the impact and spread of disease.
- (3) **Aesthetics.**
- (a) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.
  - (b) The sides and rear of all buildings shall be designed in such manner as to avoid undue sacrifice of amenity and design values when viewed from side and rear vantage points.

- (4) **Screening.** Visual and noise screening devices shall be designed and maintained to serve their intended purposes set forth in this Section. Artificial planting materials shall not be allowed. Landscape screening should be given priority where effective, easily maintained and botanically feasible. Decorative masonry walls in conjunction with berms and plant materials are encouraged.

**C. Local Circulation System.**

(1) **Vehicular circulation.**

- (a) The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile safely and efficiently without allowing it to dominate and destroy the form of the area, and with screening and buffering as may be required to satisfy the environmental standards of this Section.
- (b) Dwellings and other buildings shall be served by streets, drives or emergency accessways planned to assure access by service and emergency vehicles.
- (c) Driveways and streets serving group and cluster developments shall be connected to collector and arterial streets at locations where traffic can be controlled and operated effectively and safely with minimum interference to the capacity of the arterial and collector streets, bicycle routes and pedestrian ways.
- (d) Streets may be either private or public.
- (e) Standards of design and construction for all roads to be dedicated shall meet applicable town standards unless specifically modified as part of the site plan approval. The right of way and pavement widths, locations and designs for private ways, roads and alleys shall conform to generally accepted planning and engineering practices, taking into account the estimated needs of the full proposed development.
- (f) There shall be provision of safe bicycling routes throughout the district which may be coincident with pedestrian ways

but which shall be separated from the motorized vehicle system wherever feasible.

(2) **Pedestrian Circulation.**

- (a) Pedestrian ways shall connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas and public transportation.
- (b) The system of pedestrian walks, malls and landscaped spaces shall be of such extent and the elements of such system shall be so distributed in location and number so as to assure safety of pedestrians from vehicular traffic and encourage pedestrian travel within such system instead of in vehicular rights of way, without restraints imposed by public, private or common ownerships.
- (c) Major pedestrian walks, malls and public transportation loading places where feasible shall be separated from general vehicle circulation.
- (d) Landscaped, paved and comfortably graded pedestrian walks shall be provided, particularly from building entrances to adjacent buildings, play areas, parking areas and streets.
- (e) Sidewalks, pathways and bikeways to be located within a public right of way shall meet town standards as to width, location and materials unless specifically modified as a part of the site plan approval.

D. **Topography and Site Appearance.** PUD's shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to provide for water storage and control of water runoff, to protect natural drainage courses, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. Significant natural features and other characteristics of the site shall be preserved and incorporated as distinctive features of the development.

E. **Open Space.**

(1) **Definition.**

- (a) Open space includes:



- (i) Uncovered and unpaved lands or water areas in public, common or private ownership, except lots under single family ownership;
  - (ii) Lands covered by structures or other improvements may also be deemed to constitute open space under the limited conditions specified in this Section;
  - (iii) Large areas of land in a natural state;
  - (iv) Areas for active and passive recreation;
  - (v) Parks and large landscaped or wooded areas;
  - (vi) Drainage, runoff areas and flood plain areas and areas for stormwater storage and protection of water quality;
  - (vii) Connectors between major open space areas;
  - (viii) Pedestrian and bicycle circulation systems;
  - (ix) Areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic;
  - (x) Areas for public or private recreation, public education, community and cultural facilities when approved by the Town Board;
  - (xi) Conservation facilities and areas.
- (2) **Scale and Character.** Such proposed uses must be appropriate to the scale and character of the new district, considering its size, density, expected population, topography and the number and types of dwelling units.
- (3) **Area and location.**
- (a) In any PUD a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, must be in open space.
    - (i) At least 70 percent of this total open space shall be in private ownership open to the public or in public or common ownership.
    - (ii) Any part of the total open space, either in a natural state or improved as permitted by and meeting the standards of this Section, may be offered for dedication or other disposition without cost to the Town or other public

entity for recreation and other open space uses for use by the public and acceptable to the Town Board and other public entity and to the owner and if accepted constitutes a credit to paragraph (a) above. Offers for dedication or other disposition of major open space for public use may be made at any time after approval of the development plan.

- (b) Any public or common open space shall be located and organized to be readily accessible by foot and bicycle to residential populations served thereby (preferably without their having to cross limited access and arterial roadways). In addition, access and parking for vehicles shall be provided where appropriate.
  - (c) The location, condition, size and configuration of the open space must be suitable for its use as proposed in the development plan and/or site plan. Lakes or other water areas may not occupy so large a proportion of the major common open space that other open space and recreational uses cannot be adequately provided for.
- (4) **Open Space Alterations.** The continued use of common open space for the purposes contemplated in this Section shall be assured through appropriate deed restrictions which shall include a provision that such open space use shall not be materially altered or abridged without the approval of the Town Board.
- (5) **Physical Improvements.**
- (a) Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved.
  - (b) The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

- (6) **Public Open Space.** The standards for the Planning Board's determination whether to recommend Town Board approval of an offer for the dedication or other disposition to the Town or other public entity of public open space lands shall, without excluding any other applicable requirements of this Section, include the following:
- (a) The need for public open space in the PUD. In determining the manner of public ownership, the usage by the Town's population outside the PUD shall be considered.
  - (b) The potential for an open space connection with other public open space areas.
  - (c) The desirability of public access due to the special physical and biological characteristics of the area which make it suitable for public open space uses.
  - (d) The desirability of public acquisition of floodways, drainageways and areas subject to flooding for water management and recreational uses.
  - (e) Review and acceptability of covenants or similar provisions proposed for inclusion in dedication instrument, intended to assure that public use remains consistent with the objectives of the development plan and site plan.
- (7) **Perimeter Treatment.** The design of improvements and landscaping along the boundaries of a PUD should be visually harmonious and functionally compatible with adjoining development. Extensive parking areas, service areas and other features likely to have adverse effects on surrounding property (due, e.g., to adverse views, lights, noise) shall be screened against viewing from first stories both inside and outside the district. Screening shall also be provided to protect against lights, noise or other undesirable conditions in the surroundings.

F. **Utilities.** New public and private utilities and those relocated or replaced shall be generally underground.

G. **Signs.**

- (1) Freestanding signs in a PUD shall be limited to traffic and pedestrian directional and control signs, street signs and signs identifying the development.
- (2) Pole signs shall be prohibited in a PUD.
- (3) One identification sign shall be permitted for each nonresidential use, identifying use on the premises as permitted on the site plan, of not more than 20 square feet, not projecting beyond the building to which it is attached more than 12 inches, not projecting more than 10 feet in height above grade. Signs shall be designed as an integral part of a Coordinated Sign Plan in accordance with § 8-11.
- (4) Any illuminated sign visible from any public street or from adjoining property used for residential purposes shall be so shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads or highways.

*Town of Amherst, NY  
Wednesday, July 9, 2014*

## Chapter 203. ZONING

### PART 7.. GENERAL DEVELOPMENT STANDARDS

#### § 7-1. Off-Street Parking, Loading and Stacking

- 7-1-1. **Purpose.** Off-street parking, loading and stacking requirements and regulations are established in order to achieve the following purposes:
- A. To relieve congestion so that streets can be utilized more fully for movement of vehicular traffic;
  - B. To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
  - C. To protect adjoining residential neighborhoods from on-street parking;
  - D. To promote the general convenience, welfare and prosperity of business, service, research, production and manufacturing developments which depend upon off-street parking facilities;
  - E. To insure that parking facilities are designed with careful regard to orderly arrangement, topography, landscaping and ease of access and developed as an integral part of an overall site design; and
  - F. To provide regulations and standards for the development of off-street parking, loading and stacking facilities in accordance with the objectives of the Comprehensive Plan.

7-1-2. **Scope of Regulations.** Off-street parking, loading and stacking facilities shall be provided as a condition precedent to occupancy of all buildings:

- A. Whenever a new building is constructed or new use established;
- B. Whenever an existing building is altered and there is an increase in the number of building units, seating capacity or floor area of the building; and
- C. Whenever an existing building is changed to a more intensive use requiring more off-street parking, loading or stacking facilities.

7-1-3. **Continuation of Facilities.** Off-street parking, loading and stacking facilities in existence on May 23, 2006 and those required shall be continued and maintained in operation and shall not be reduced below the requirements of this Ordinance during the period that the principal use is maintained, unless an equivalent number of spaces shall be provided for said use in another location. The Commissioner of Building shall review the provision of parking spaces, however the parking lot itself shall be reviewed in accordance with § 8-7.

7-1-4. **Rules for Computing Requirements.**

- A. **Fractional Requirements.** When units of measurement used in computing the number of required off-street parking, loading and stacking spaces result in the requirements of a fractional space, the nearest whole number of off-street parking spaces shall be required.
- B. **Employees.** Whenever parking requirements are based on the number of employees, it shall mean the maximum number of employees on duty on the premises at one time or any two successive shifts, whichever is greater.
- C. **Net Floor Area.** For the purpose of calculating the minimum requirements for off-street parking, net floor area shall be calculated according to the following:
  - (1) For a single story, single tenant building — 90 percent of gross floor area.
  - (2) For a multistory, single tenant building — 80 percent of gross floor area.

- (3) For a single story, multiple tenant building — 85 percent of gross floor area.
- (4) For a multistory, multiple tenant building — 75 percent of gross floor area.

D. **Seating Capacity.** The number of seating units installed or indicated on the plans, in restaurants and areas devoted to dining, shall not be less than one unit per 15 square feet of floor area; where units are not indicated on the plan, it shall be assumed that seating units will be provided at a ratio of one for each 10 square feet of floor area. Floor area constitutes the actual area of the assembly space not including accessory unoccupied space nor the thickness of walls.

E. **Parking for Single- and Multi-Use Buildings or Sites.**

- (1) A building occupied by one use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings occupied by two or more uses, operating normally during the same hours, shall provide spaces for not less than the sum of the spaces required for each use.
- (2) For a shopping center, parking spaces shall be provided for the total net floor area of the building or buildings as set forth in the Schedule of Parking Requirements below, instead of the requirements based on each separate use.

**[Amended 4-12-2010 by L.L. No. 2-2010]**

F. **Unlisted Uses.** Upon receiving a development permit application for a use not specifically listed in the Schedule of Parking Requirements, the Commissioner of Building shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with § 7-1-7, Alternative Parking Plan.

7-1-5. **No Reduction Below Requirement.** Existing parking and loading spaces may not be reduced below the requirements established in this Section without approval of an Alternative Parking Plan by the Commissioner of Building. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of

this Code unless parking and loading spaces are provided in accordance with the provisions of this Section.

7-1-6. **Schedule of Parking Requirements.**

A. **Minimum Parking Requirements.** Off-street parking facilities shall be provided in quantities not less than set forth in the following schedule:

**[Amended 2-4-2008 by L.L. No. 1-2008]**

**Schedule of Parking Requirements**

<b>OPEN USES</b>	<b>Required Parking Spaces</b>
Agricultural use	1 per 2 employees on maximum shift
Resource extraction	1 per 2 employees on maximum shift
<b>RESIDENTIAL USES</b>	<b>Required Parking Spaces</b>
Attached dwelling	2 per dwelling unit
Dormitory, fraternity, sorority house	1 per 2 occupants
Manufactured home	2 per dwelling unit
Single-family detached dwelling	2 per dwelling unit, plus 1 per auxiliary unit
Two-family	2 per dwelling unit
<b>PUBLIC AND CIVIC USES</b>	<b>Required Parking Spaces</b>
Adult care facility	1 per employee, plus 1 per 3 units



### Schedule of Parking Requirements

Auditoriums, gymnasiums, theaters, public assembly not otherwise listed	1 per 3 seats or per 3 persons of posted capacity if permanent seats are not installed
Boardinghouse	1 per employee, plus 1 per bed
Cemetery, columbaria, mausoleum, memorial park	1 per 50 internment plots
Community residential facility, group home	1 per employee (minimum of 2 spaces for community residences and 5 for intermediate care facility), plus 2 per facility vehicles, plus 1 per client vehicle, plus 4 visitor spaces
Community service	1 per 200 sf
Convalescent or nursing home, dwellings for elderly persons (65 or older)	1 per 3 beds, plus 1 per employee
Day care center, child	1 per employee plus 1 per 8 persons of licensed capacity
Hospital	1 per bed, including emergency room and ambulatory surgery, plus 1 per employee
Medical office or medical facility not otherwise listed	1 per 150 sf <b>[Amended 1-16-2007 by L.L. No. 2-2007]</b>
Parks or open space not otherwise listed	2 per acre, plus 1 per 250 sf of park building

### Schedule of Parking Requirements

Passenger terminal	1 per 300 sf
Place of worship	1 per 3 seats or per 3 persons of posted capacity if permanent seats are not installed
Public and semi-public buildings	1 per 200 sf floor area devoted to office use
School, nursery or primary	2 per classroom or as required for assembly areas, whichever is higher
School, post-secondary	1 per 2 classroom seats, plus spaces required for assembly area
School, secondary	1 per classroom, plus spaces required for assembly area
Social service institution	1 per 2 employees on maximum shift, plus 1 per 3 beds
Taxi dispatch center	1 per employee, plus 2 visitor spaces
Telecommunication facility	1 per service vehicle
Utility, minor	None
Utility not otherwise listed	1 per facility, plus 1 per 250 sf, plus 1 per fleet vehicle
<b>COMMERCIAL USES</b>	<b>Required Parking Spaces</b>
Athletic, swim or health club	1 per 2 persons of posted maximum capacity

### Schedule of Parking Requirements

Bowling alley	6 spaces per alley
Call center	1 per 100 sf
Car wash	1 space per 3 employees on maximum shift, plus 3 spaces per stall
Conservation, archery and gun clubs	Minimum 10 spaces
Dance, art, music or photo studio or classroom	1 per 75 sf of gross floor area devoted to activity
Funeral home or mortuary	20 per parlor
Go-cart track	2 per cart plus 1 per 60 sf of waiting area
Golf course	3 per hole, minimum 10 spaces
Golf driving range	1 per driving stall, plus spaces as required for retail activities
Hair, tanning, and other personal care services	2 per chair or operating station
Hotels, motels, tourist houses	1 space per room, plus 1 per 6 seats in restaurant/bar area, plus 1 per 5 persons of posted capacity in conference or meeting room
Indoor recreation not otherwise listed	1 per 250 sf of floor area devoted to activity, plus 1 per 3 seats or 3

### Schedule of Parking Requirements

	persons of posted capacity if there are no seats
Miniature golf	1 per hole, plus spaces required for assembly space
Office, professional or not otherwise listed	1 per 200 sf of net floor area
Outdoor recreation fields (Football, soccer, baseball, bocce ball, etc.)	1 per 3 seats or per 3 recreation participants
Parking, commercial	1 space per employee on the maximum shift
Restaurant, take-out only	1 per 10 sf of take-out floor area <b>[Amended 4-12-2010 by L.L. No. 2-2010]</b>
Restaurant, bar, banquet hall, and dining area	1 per 3 seats, plus 1 per 100 sf for customer area or takeout
Retail sales and service not otherwise listed, not exceeding 2,000 square feet	7 per 1,000 sf of net floor area, minimum 5 spaces
Retail sales and service not otherwise listed, over 2,000 but less than 25,000 square feet	5.5 per 1,000 sf of net floor area
Shopping center and retail sales and service not	5 per 1,000 sf of net floor area, plus 1 per 5 seats in sit-down restaurants and theaters

### Schedule of Parking Requirements

otherwise listed (25,000 to 200,000 square feet)	
Shopping center and retail sales and service not otherwise listed (200,000 to 600,000 square feet)	5 per 1,000 sf of net floor area, plus 1 per 5 seats in theaters
Shopping center and retail sales and service not otherwise listed (over 600,000 square feet)	5.5 per 1,000 sf of net floor area
Swimming pool, club or spa	1 per 50 sf of gross floor area and pool area devoted to activity
Tennis club	3 per court
Self-service storage	1 per 5,000 sf of area devoted to storage
Vehicle repair	5 spaces per bay plus 1 space per employee
Vehicles sales or rental	2 per 300 sf of gross floor area plus 1 per 2 employees on maximum shift
Vehicle service, limited (Automobile collision and repair shop)	2 spaces per bay, rack, stall or pit with a minimum of 6 spaces
Vehicle sales and service not otherwise listed	1 per employee, plus 1 per 200 sf

### Schedule of Parking Requirements

<b>INDUSTRIAL USES</b>	<b>Required Parking Spaces</b>
Automobile junkyard	1 space per 2 employees on the maximum shift plus 10 spaces for customer parking
Industrial, heavy	1 space per employee
Industrial service, light	1 space per employee
Warehouse and storage occupancies	1 per 1,000 sf of gross floor area or 1 space per employee, whichever is greater
Waste-related service not otherwise listed	1 space per 2 employees plus 1 space per vehicle used in operation
Wholesale trade	1 space per employee

7-1-7. **Alternative Parking Plan.** An alternative parking standard may be approved by the Commissioner of Building for specific developments or uses that are deemed to require a different amount of parking than the standards shown in the Schedule of Parking Requirements. The Commissioner of Building shall establish conditions necessary to assure the adequacy of future on site parking when approving an alternate parking standard. Potential alternative parking plan approaches and specific regulations are described below. In the event that the Commissioner of Building determines that one of the following alternative approaches produces an inadequate number of parking spaces, the Commissioner of Building may require the provision of additional parking or may limit the occupancy of the subject building to the extent that the existing number of parking spaces is adequate. The Commissioner of Building shall have the authority to require a revised

study and analysis should conditions change that may result in a change in site parking conditions.

A. **Parking Study Option.** Parking studies may be required for specific uses that have characteristics that reduce the accuracy of standard requirements. Additionally, as an alternative, petitioners for uses that appear on the requirements table may choose to conduct a parking study to determine appropriate parking requirements. Many uses have widely varying parking demand characteristics, making it difficult to specify a single off-street parking standard. This option is intended to allow development to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the Schedule of Parking Requirements.

(1) **Parking Study.** A petitioner may submit a parking study that provides justification for the number of off-street parking spaces proposed in a new development or expanded use if the proposed number does not meet the requirements of the Schedule of Parking Requirements above. A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Commissioner of Building, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(2) **Eligible Alternatives.** A number of specific parking and access alternatives may be considered, including off-site, shared or valet parking or the proximity of public transportation. The Commissioner of Building shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the petitioner demonstrates to the satisfaction of the Commissioner of Building that the proposed plan shall result in an equivalent or

better situation with respect to surrounding neighborhoods, town-wide traffic circulation or urban design than would strict compliance with otherwise applicable off-street parking standards.

- (3) **Review by Commissioner of Building.** The Commissioner of Building shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Commissioner of Building shall establish a minimum off-street parking standard for the proposed use.

B. **Off-Site Parking.** Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved by the Commissioner of Building and if the off-site parking complies with the all of following standards.

- (1) **Ineligible Activities.** Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking) or convenience stores. Required parking spaces reserved for persons with disabilities shall not be located off-site.
- (2) **Location.** No off-site parking space may be located more than 500 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area. The noncontiguous lot shall contain an allowable principal use for the zoning district in which it is located.
- (3) **Zoning Classification.** Off-site parking areas serving uses located in nonresidential zoning districts shall be located in nonresidential zoning districts, except for restricted parking lots per § 7-1-9B(2)(b). Off-site parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.



(4) **Agreement for Off-Site Parking.** In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record shall be submitted to the Commissioner of Building for recordation on forms acceptable to the Commissioner of Building. Recordation of the agreement with the Erie County Clerk's Office shall take place before issuance of a building permit for any use to be served by the off-site parking area. The agreement shall run with the land until terminated with the approval of the Commissioner of Building. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Section.

C. **Shared Use of Parking Facilities.** A nonresidential use may make arrangements with another nonresidential use that normally has different hours of operation to share off-street parking spaces if approved by the Commissioner of Building. The shared parking shall comply with all of following standards.

- (1) **Location.** Shared parking facilities shall be located within 500 feet from the primary entrance of all uses served.
- (2) **Zoning Classification.** Shared parking areas serving uses located in nonresidential zoning districts shall be located in nonresidential zoning districts, except for restricted parking lots per § 7-1-9B(2)(b). Shared parking areas serving uses located in residential zoning districts may be located in residential or nonresidential zoning districts.
- (3) **Shared Parking Study.** Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Commissioner of Building that clearly demonstrates the feasibility of shared parking. The study shall be provided in a format acceptable to the Commissioner of Building. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking

turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

- (4) **Agreement for Shared Parking.** A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the Commissioner of Building for recordation on forms acceptable to the Commissioner of Building. Proof of recordation of the agreement with the Erie County Clerk's Office shall be presented to the Commissioner of Building prior to issuance of a Building Permit. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to this Section. Should any of the uses be changed or the facilities discontinued, then the required spaces for the remaining use(s) shall be provided elsewhere as a condition precedent to the continuation of the subject use(s).

- D. **Valet Parking.** The Commissioner of Building may authorize valet parking as a means of satisfying otherwise applicable off-street parking standards, provided that the following conditions are met:
- (1) An automobile shall be retrievable from its parking space with the movement of a maximum of two additional vehicles;
  - (2) An equivalent number of valet spaces shall be available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles. All valet parking areas shall meet the applicable requirements of § 7-2, Landscaping, Buffers and Screening.
  - (3) Valet parking drop-off locations shall meet the requirements of § 7-1-10, Vehicle Stacking Areas.

- E. **Transportation Management Plan.** The Commissioner of Building may authorize a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintaining a transportation management program, in accordance with the standards of this Section.

- (1) **Required Study.** The petitioner shall submit a study to the Commissioner of Building that clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a format acceptable to the Commissioner of Building.
- (2) **Transportation Management Activities.** There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.
  - (a) **Transportation Coordinator.** The occupant of the development or use may appoint an employee to act as Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators shall be available to attend meetings and training sessions with the Town or transit providers.
  - (b) **Off-Peak Work Hours.** Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:00-9:00 a.m.
  - (c) **Preferential Parking.** The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.
  - (d) **Financial Incentives.** The provision of cash or in-kind financial incentives for employees commuting by car pool, van pool and transit may be cause for a reduction in otherwise applicable parking requirements.

**7-1-8. Parking, Stacking and Loading Area Design Requirements.**

Parking, stacking and loading areas and access driveways shall be designed, graded, constructed, altered and maintained as follows:

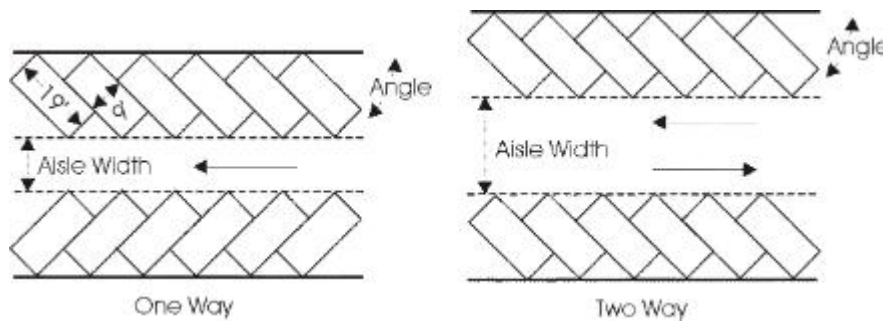
- A. **Grading and Paving.** Parking, stacking and loading areas and access driveways shall be graded and drained so that the surface water shall not be allowed to flow onto adjacent properties. Parking areas and driveways shall be constructed as required by the Building Construction Administration Code.
- B. **Features.** Parking, stacking and loading areas shall be arranged, marked and maintained as shown on the parking, loading and stacking plan approved as a part of the site plan in order to provide for orderly and safe parking, loading and storage of vehicles. The Planning Board may also require structural or landscape features, including, without limitation, bumper guards, curbs, walls or fences, to provide protection of property and persons and privacy and screening for adjacent land uses with visual, noise and air standards considered. A compact evergreen hedge, shrubs or other screening by a substantially solid fence between parking areas and the side or rear lot line of a residential district may also be required in accordance with the standards established in § 7-2.
- C. **Illumination.** Parking, loading and stacking areas shall be illuminated only to the extent necessary to insure the public safety and in accordance with § 7-3, Site Lighting.
- D. **Pedestrian Walks.** Pedestrian walks between parking areas and buildings shall be provided to assure pedestrians' safety.
- E. **Driveways to Parking, Loading and Stacking Areas.** Entrance and exit driveways serving parking, loading and stacking facilities, drive-in businesses, fee parking lots and public parking lots shall be provided in location, size and number so as to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect. Driveways located in nonresidential districts shall be located at least 10 feet from any residential zoning district.

**7-1-9. Off-Street Parking Space and Parking Lot Design.**

- A. **Parking Space Dimensions.**

- (1) Required off-street parking spaces shall have minimum dimensions of 9 feet in width by 19 feet in length. Parallel parking spaces shall have minimum dimensions of 9 feet by 22 feet.
- (2) Minimum aisle width shall be as follows:

Angle of Parking	Aisle Width (feet)	
	One Way	Two Way
Parallel	13 ft	
30 degrees	13 ft	
45 degrees	13 ft	24 ft
60 degrees	18 ft	
90 degrees	24 ft	



**B. Parking Area Location.**

- (1) **Residential Districts and Uses.** Enclosed or open parking facilities, as required, shall be provided on the same lot as the dwelling unit served.
- (2) **Business and Industrial Districts.**

- (a) **General.** Except for as provided in § 7-1-7C above, in all nonresidential districts, off-street parking, loading and stacking facilities shall be provided on the same lot as the principal use or on another nonresidentially zoned lot, the nearest point of which shall be within 200 feet from the nearest point of the building served or on another noncontiguous nonresidentially zoned lot when approved by the ZBA and located on a street classified as a major or minor arterial. The noncontiguous lot must contain an established allowable principal use for the zoning district in which it is located.
- (b) **Restricted Parking Lots Permitted Only in R-3, R-4, MFR-5 and MFR-6 Districts.** If the ZBA, after notice and public hearing in accordance with § 8-2-3 and after receiving a recommendation from the Planning Board, finds that the proposed parking, loading or stacking area in an R-3, R-4, MFR-5 and MFR-6 district to be accessory to a business use, it may authorize the Commissioner of Building to issue a permit for the parking, loading or stacking area in such residential districts, provided that the proposed parking, loading and stacking area:
- (i) Will not increase the congestion on adjoining residential streets in such a way as to promote a traffic hazard or a nuisance to adjoining residents;
  - (ii) Will be properly screened, lighted and designed so as to prevent nuisance to adjoining residents;
  - (iii) Will be landscaped as required by this Ordinance;
  - (iv) Will be suitable for the proposed use;
  - (v) Shall not provide more than 25 percent of the required parking, loading and stacking area;
  - (vi) At least 100 feet of said lot shall abut or be directly across the street or alley from the business use to which it is accessory;
  - (vii) Shall not extend more than 250 feet from the nearest property line of the business district;

- (viii) Shall be used for the purpose of passenger automobiles only, and no commercial repairs, sales or services shall be conducted thereon; and
- (ix) Shall be designed and constructed with driveways and parking areas that are located not less than 10 feet from any adjacent residential lot line.

C. **Parking Rooms.** Parking serving development over 100,000 square feet of gross floor area shall be visually and functionally segmented into several smaller parking areas. Each smaller parking area shall be approximately 180 or fewer parking spaces; the actual number of spaces required will be determined by the Commissioner of Building. Each smaller parking room shall be connected to an internal system of roadways. Outparcel and parking room access shall be taken from the internal system of roadways on the site.

**[Amended 2-4-2008 by L.L. No. 1-2008]**

D. **Parking Lot Walkways.** Parking Lot Pedestrian Medians with walkways leading to primary building entrances as designated by the Planning Director may be required by the Planning Board in parking lots containing more than 180 spaces in accordance with § 7-2-3A (3)(h).

7-1-10. **Vehicular Stacking Design Requirements.**

A. **Minimum Stacking Requirements.** In addition to minimum parking requirements established by § 7-1-6A above, the following stacking areas are required. The Commissioner of Building may require an analysis of stacking requirements be provided to determine if additional stacking spaces will be required for a specific use or location. The size of each stacking space shall be 20 feet in length by 9 feet in width.

Specific Use	Minimum Stacking Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller window

<b>Specific Use</b>	<b>Minimum Stacking Spaces</b>	<b>Measured From</b>
Car Wash, Coin	5 per stall	Entrance
Car Wash, Rapid	35 per stall	
Drive-In Photo Facilities	2 per service window	Service window
Gasoline pump island	2	Pump island
Restaurant, drive-through	6	Order box
	4	Order box to pick-up window
Other Drive-In Facilities	5, or as determined by Commissioner of Building	

B. **Location.** Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

C. **Design.** Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Planning Director for traffic movement and safety.

7-1-11. **Loading Facility Design Requirements.** Loading and unloading facilities shall be provided and maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Section.

A. **Allocation of Use.** Space required and allocated for any off-street loading facility shall not be used to satisfy the space requirements for off-street parking or stacking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.

B. **Location of Facility.** All required loading facilities shall be related to the building and use to be served to provide for loading and off



loading of delivery and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking or stacking facilities, public streets or sidewalks. A required loading space shall not face or be visible from the frontage street and shall not be located in a required front yard or a required side or rear yard if adjoining a residential district.

- C. **Access Driveways.** Each required off-street loading space shall be designed for vehicular access by means of a driveway or driveways to a public street in a manner which will least interfere with adjacent traffic movements and interior circulation.
- D. **Minimum Size Criteria.** A required off-street loading space shall be at least 12 feet wide by at least 20 feet in length. The above area shall be exclusive of the maneuvering space, and each loading facility shall have a vertical clearance of at least 14 feet.
- E. **Schedule of Required Loading Facilities.** Off-street loading spaces shall be provided as required below.

Use	Gross Floor Area (square feet)	Number of Loading Spaces
	Under 5,000	none
	5,000 — 50,000	1
Retail Sales and Service	50,000 — 100,000	2
	Each additional 100,000	1 additional space
Printing, warehouse and storage establishments	Under 40,000	2
	40,000 — 100,000	4

Use	Gross Floor Area (square feet)	Number of Loading Spaces
	Each additional 50,000	1 additional space
	Under 20,000	2
Industrial	20,000 — 40,000	4
	Each additional 25,000	1 additional space

F. **Unlisted Uses.** Any use not listed in § 7-1-11E may provide any number of loading spaces provided that such spaces are constructed in accordance with the standards of this subsection.

7-1-12. **Vehicle Parking and Storage on Parcels Used for Residential Purposes.**

A. Parking or storage of any vehicle or trailer being used for commercial purposes shall not be permitted on a residential parcel, except that one commercial vehicle, the rated capacity of which does not exceed 3/4-ton, may be parked inside or outside of a completely enclosed building. When parked outside of a completely enclosed building, the commercial vehicle shall not have any commercial advertisement affixed thereto.

B. In the S-A district, commercial vehicles shall be allowed only when directly associated with permitted principal uses on the same premises.

## § 7-2. Landscaping, Buffers and Screening

7-2-1. **Purpose.** It is the purpose of this Section to:

A. Protect and promote the public health, safety and general welfare by requiring the landscaping of all applicable development meeting the

criteria in § 8-7-1 including parking, stacking and loading areas (Vehicle Use Areas).

- B. Establish minimum standards and criteria for the landscaping of all applicable development to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of vegetation and to replace removed vegetation or plant new vegetation indigenous to the Western New York region.
- C. Reduce the effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights and parking area lights.
- D. Provide unpaved areas for the absorption of surface waters.
- E. Reduce the level of carbon dioxide and airborne pollutants and return oxygen to the atmosphere.
- F. Prevent soil erosion.
- G. Provide shade.
- H. Conserve and stabilize property values and to otherwise facilitate the creation of a convenient, attractive and harmonious community.
- I. Relieve the blighted appearance of parking areas.
- J. Generally preserve a healthful and pleasant environment.
- K. Implement the policies of the Comprehensive Plan.

7-2-2. **General Provisions.**

- A. All developments subject to site plan review in accordance with § 8-7 shall meet the requirements of this Section. A separate landscape plan shall be submitted and approved, approved with conditions or denied as a part of this review procedure.
- B. The landscape plan shall be prepared by a licensed landscape architect unless the landscape plan is submitted as part of a minor site plan as defined in § 8-7. The contents of the landscaping plan shall be established by the Planning Director.
- C. A revised site plan shall not diminish the landscaping of the site below the requirements of this section.

7-2-3. **Landscape Regulations.**

A. **Standards and Criteria.**

(1) **General Requirements.**

- (a) Required landscaped areas shall be designed as an integral part of the site development and shall be dispersed throughout the development site and VUA.
- (b) Landscaping shall provide screening for adjacent land uses in accordance with § 7-2-4 below, with visual, noise and air quality factors considered.
- (c) Vegetation shall be compatible with soil conditions on the development site and the regional climate.
- (d) Existing and natural features and vegetation shall be preserved and incorporated in the landscaped area wherever possible.
- (e) The primary emphasis of the landscape treatment shall be on trees. Shrubbery, hedges, grass and other vegetation may be used to complement the use of trees but shall not be the sole contribution to the landscape treatment.
- (f) Plastic or other types of artificial plantings or vegetation shall not be permitted.
- (g) All large and small deciduous trees planted shall have a minimum caliper of two and one-half inches, measured six inches above the ground. All large deciduous trees planted in multi-stem form shall have a minimum height of 12 feet above the finished grade. All small deciduous trees planted in multi-stem form shall have a minimum height of 10 feet above the finished grade. All coniferous trees planted shall have a minimum height of five feet above the finished grade. All ornamental trees planted shall have a minimum caliper of one and three-quarters inches measured six inches above the ground. All ornamental trees planted in multi-stem form shall have a minimum height of eight feet above the finished grade. All shrubs planted shall have a minimum height of 24 inches above the ground except when being used as a ground cover. All evergreen shrubs used for screening shall have a minimum height of 48 inches (4 feet) above the finished grade.

- (2) **Required Landscaped Area Adjacent to Buildings.** A landscaped area with a minimum average width of three feet shall be provided between the proposed principal use building and any off-street parking or internal access road with the exception of building entrances/exits, drive-throughs and covered pedestrian walkways. A minimum of 50 percent of this landscaped area shall be planted with small trees, shrubs, perennials or combinations thereof. The balance of the landscaped area not planted with trees, shrubs or perennials shall be lawn or groundcover (see subsection (3) below).

**[Amended 4-12-2010 by L.L. No. 2-2010; 8-1-2011 by L.L. No. 19-2011]**

- (3) **Interior Landscaped Area.**  
 (a) Minimum interior landscaped areas shall be provided in accordance with the following table.

<b>Parking Area</b>	<b>Minimum Interior Landscaped Area (percent of Parking Area)</b>
0 — 2,999 Square Feet	0%
3,000 — 7,500 Square Feet	5%*
7,501 — 43,560 Square Feet	5%
More than 43,560 Square Feet (one acre)	10%

\*

Parking Area	Minimum Interior Landscaped Area (percent of Parking Area)
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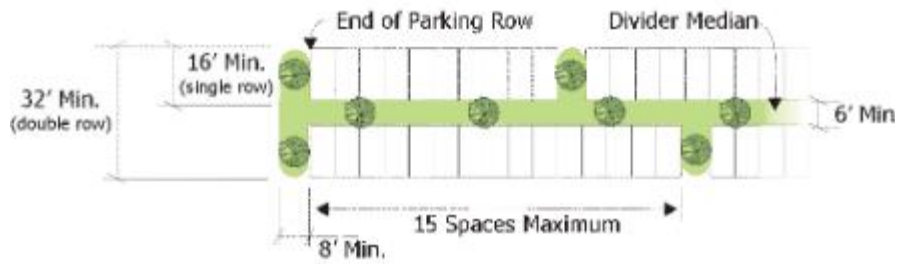
For Parking Areas of 7,500 square feet or less, where the configuration of the site permits, yard area at least 5 feet wide in excess of the minimum required yard in the district shall be credited to the interior landscaped area requirement.

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- (b) An interior landscaped island shall be provided for every 15 spaces. Each island shall have a minimum width of eight feet inside the curb and a minimum length of 16 feet for a single row and 32 feet for a double row. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees or facilitate snow plowing if approved by the Planning Board or Planning Director, as applicable.

**[Amended 4-12-2010 by L.L. No. 2-2010]**

- (c) All rows of spaces shall terminate in a landscaped island. Each island shall conform to the specifications described in (b) above. Terminal island intervals may be modified in order to preserve existing trees or facilitate snow plowing if approved by the Planning Board or Planning Director, as applicable.
- (d) Divider medians may be substituted for landscaped islands described in (b) above. Divider medians are landscaped areas located between rows of parking spaces, between parking spaces and driveways or between areas of parking. Divider medians shall have a minimum width of six feet.



- (e) A minimum of one large deciduous tree shall be provided for each landscaped island that exceeds 128 square feet. One additional large deciduous shade tree shall be provided within landscaped islands for each 100 square feet in excess of 128 square feet. The Planning Board or Planning Director may, permit the substitution of smaller ornamental trees within landscaped islands. A minimum of 2 small ornamental trees shall be provided for each landscaped island that exceeds 128 square feet. One additional small ornamental tree shall be provided within landscaped islands for each 90 square feet in excess of 128 square feet.
- (f) A minimum of one large deciduous shade tree shall be planted for every 200 square feet of landscaped area within any divider median, planted individually or in groups separated by a maximum of 40 feet. The Planning Board or Planning Director may, permit the substitution of smaller ornamental trees within divider medians. A minimum of one small ornamental tree shall be provided for every 90 square feet of landscaped area within any divider median.
- (g) When divider medians and mid row islands have a width of 10 feet or greater, evergreen trees may be provided in addition to large deciduous trees. Evergreen trees should be spaced a maximum of 10 feet on center.
- (h) Parking Lot Pedestrian Medians (as required by § 7-1-9D) shall have a minimum dimension of 16 feet and contain a

concrete walkway with a minimum width of six feet.

Planting areas with a minimum width of five feet shall be provided on both sides of the walkway. At each point the walkway crosses a parking lot or internal driveway, the walkway shall be clearly defined through a change in the texture, color or height of the paving materials.

- (i) In addition to trees, all landscaped islands and divider medians shall be landscaped with grass, groundcover, shrubs or other landscape material acceptable to the Planning Board or Planning Director.
- (j) All interior landscaped areas shall have a minimum planting soil depth of three feet and be free from all forms of construction debris and foreign material.
- (k) All islands and medians shall have six inch high concrete curbing as a minimum to protect plant materials from damage.
- (l) The dimensions of all islands and medians shall be measured from the landscaped side of the curb.

**B. Preservation of Existing Trees.**

- (1) Efforts shall be made to preserve trees in a manner consistent with the Town of Amherst Tree Law (also known as Chapter **179** of the Amherst Town Code, as amended) and subsections (2) through (4) of this Section.
- (2) An existing tree can qualify for credit in accordance with subsection (4) of this Section if it meets all of the following criteria:
  - (a) The tree is healthy, free from disease, damage or active insect infestation which is potentially lethal to the tree;
  - (b) The tree is not a variety that has weak or brittle wood, or one which has excessive or noxious seed, pollen or fruit;
  - (c) The tree is expected to live for a minimum of 10 years;
  - (d) The tree is not seriously deformed or contorted; and
  - (e) The tree is preserved in accordance with Section (3) below.
- (3) A root protection zone shall be established around any tree which is identified on the landscape plan as a tree to be



preserved. The root protection zone is identified by creating a circle around the tree, the size of which is determined by providing one foot of radius for every inch of diameter of the tree measured at breast height (DBH). The root protection zone shall be marked in the field with a physical barrier such as temporary fencing or other means which shall prevent construction activities from occurring within the tree root protection zone. Methods for preserving and protecting existing trees shall be included as part of the landscape plan.

- (4) Existing trees preserved in accordance with this Section will be credited towards the fulfillment of a portion of the requirements for tree planting contained in these regulations in accordance with the following schedule:

**Size of Existing Tree that is Preserved**

<b>Deciduous Trees (DBH)</b>	<b>Evergreen Trees (height)</b>	<b>Credits Toward Number of Required New Trees</b>
Less than 4 in.	Less than 5 ft.	0.5
4 in. or more but less than 6 in.	5 ft. or more but less than 10 ft.	1
6 in. or more but less than 12 in.	10 ft. or more but less than 15 ft.	2
12 in. or more	15 ft. or more	3

- (5) The diameter of a single-stem tree that has a crotch between two feet and four and one-half feet above the ground shall be measured at the narrowest point between the ground and the crotch. The size of multi-stem trees shall be determined by

adding together the diameter of the three largest stems as measured four and one-half feet above ground level.

7-2-4. **Buffers and Screening.**

A. **General**

**[Amended 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2001; 12-12-2011 by L.L. No. 29-2011; 12-12-2011 by L.L. No. 30-2011]**

- (1) The portion of the required front yard area which cannot be utilized for parking, loading, stacking or driveways shall be suitably landscaped and maintained by the owner in accordance with § 7-2-4A(2) of these regulations.

**[Amended 11-5-2012 by L.L. No. 17-2012]**

- (2) Vehicle Use Areas (VUAs) located adjacent to a public street shall be screened from the street with tree and shrub plantings, earthen berms, walls or a combination of these methods so as to establish an effective visual screen which is not less than 36 inches above the grade at the adjacent VUA within two years of installation. A minimum of one large deciduous tree, two small deciduous/ornamental trees or three evergreen trees or any combination thereof shall be planted within the required yard area for each 40 linear feet of frontage along a street.
- (3) Standards for dumpsters and other refuse collection container areas are provided in § 7-2-4D.

**[Amended 11-5-2012 by L.L. No. 17-2012]**

- (4) Standards for mechanical equipment, utility structures, multiple meter boards, generators, air conditioning units and Reduced Pressure Zone (RPZ) backflow preventor hot boxes are provided in § 7-2-4C.
- (5) Developments shall provide sufficient buffering and screening for the VUA. Buffering and screening may consist of trees and shrubs existing on the site prior to development. Supplemental plantings may be required in addition to the existing vegetation as determined by the Planning Board or Planning Director in order to improve the screening properties of the buffer. Buffering and screening may also consist of tree and shrub

plantings, earthen berms, fences, walls or a combination of these methods so as to establish an effective visual screen. When fences or walls are utilized for screening, trees and other plant materials (shrubs, vines, ground covers, perennials) shall also be used. Standards for landscaping are provided in § 7-2-4B.

**[Amended 11-5-2012 by L.L. No. 17-2012]**

(6) All fences provided or required shall have an attractive, finished appearance facing any public right-of-way or adjacent property.

**B. Minimum Impact of Screening Required.** The following table and criteria shall be used to determine the level of screening between adjoining land uses. Single Family Residential districts include the R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3 and R-4 districts. Multifamily Residential districts include the MFR-4A, MFR-5, MFR-6, MFR-7 and MHR-8 districts. For circumstances falling outside of these categories, the level of screening required will be determined during site plan review. For the RC district, the amount of screening required will be determined during site plan review.

**[Amended 2-4-2008 by L.L. No. 1-2008; 12-12-2011 by L.L. No. 30-2011; 2-24-2014 by L.L. No. 5-2014]**

**Existing Adjacent Zoning**

<b>Proposed Land Use</b>	<b>SF Res.</b>	<b>MF Res.</b>	<b>Office</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Com Faci</b>
<b>MF Res.</b>	High	Medium	High	High	High	High
<b>Office</b>	High	High	Low* Medium†	Medium	Medium	Medi
<b>Commercial</b>	High	High	Medium	Low* Medium†	Low* Medium†	Medi
<b>Industrial</b>	High	High	Medium	Low* Medium†	Low* Medium†	Medi

**Existing Adjacent Zoning**

<b>Proposed Land Use</b>	<b>SF Res.</b>	<b>MF Res.</b>	<b>Office</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Com Faci</b>
<b>Public and Civic</b>	High	High	Medium	Medium	Medium	Low* Medi

**Key:**\* = 0-3 acres † = 3+ acres (proposed use)

- (1) **High Impact Screening.** When the proposed development is considered to have a high impact on the existing adjacent zoning according to the table in § 7-2-4B, one of the following methods for buffering and screening shall be provided between the VUA and the nearest property line.

**[Amended 11-5-2012 by L.L. No. 17-2012]**

- (a) Buffering and screening may consist of healthy trees and shrubs existing on the site prior to development providing that they form an immediately effective visual screen at least 36 inches above the grade at the adjacent VUA and that the existing trees and shrubs are thoroughly protected from damage during construction by establishing a work limit line on all site plan drawings. The work limit line shall be delineated in the field prior to site clearing in the vicinity of the required yard area. Supplemental plantings may be required in addition to the existing vegetation as determined by the Planning Board or Planning Director in order to improve the screening properties of the buffer.
- (b) Buffering and screening may consist of an earthen berm, masonry/stone wall or opaque wooden/vinyl fence with a minimum height of 36 inches above the grade at the adjacent VUA and one medium impact landscape screen evenly distributed within the required yard area (refer to Medium Impact Screen table below).

- (2) **Medium Impact Screening.** When the proposed development is considered to have a moderate impact on the existing adjacent zoning according to the table in § 7-2-4B, one of the following methods for buffering and screening shall be provided between the VUA and the nearest property line.

**[Amended 11-5-2012 by L.L. No. 17-2012]**

- (a) Buffering and screening may consist of healthy trees and shrubs existing on the site prior to development, providing that they form an immediately effective visual screen at least 36 inches above the grade at the adjacent VUA and that the existing trees and shrubs are thoroughly protected from damage during construction by establishing a work limit line on all site plan drawings. The work limit line shall be delineated in the field prior to site clearing in the vicinity of the required yard area. Supplemental plantings may be required in addition to the existing vegetation as determined by the Planning Board or Planning Director in order to improve the screening properties of the buffer.
- (b) Buffering and screening may consist of either: (1) one medium impact landscape screen evenly distributed throughout the required yard area; or (2) an earthen berm, masonry/stone wall or opaque wooden/vinyl fence with a minimum height of 36 inches above the grade at the adjacent VUA and one low impact landscape screen evenly distributed throughout the required yard area (refer to Medium and Low Impact Screen tables below).

**Medium Impact Landscape Screen Options**

<b>Plant Type</b>	<b>Screen 1</b>	<b>Screen 2</b>	<b>Screen 3</b>	<b>Screen 4</b>
Large Deciduous Trees	1/25 L.F.	1/40 L.F.	1/50 L.F.	1/50 L.F.
	o	o	1/60 L.F.	1/60 L.F.

**Medium Impact Landscape Screen Options**

<b>Plant Type</b>	<b>Screen 1</b>	<b>Screen 2</b>	<b>Screen 3</b>	<b>Screen 4</b>
Small Deciduous/Ornamental Trees				
Evergreen (Coniferous) Trees	o	1/40 L.F	1/15 L.F	1/20 L.F
Evergreen & Deciduous Shrubs	1/5 L.F	1/5 L.F	o	1/15 L.F

- (c) Screen One shall be utilized only when yard area is less than 10 feet in width.
- (d) Trees and shrubs shall be provided based on number of linear feet per applicable side or rear yard.
- (e) Fractions of trees or shrubs shall be rounded to the nearest whole number.

(3) **Low Impact Screening.** When the proposed development is considered to have a low impact on the existing adjacent zoning according to the table in § 1-1-1B, one of the following methods for buffering and screening shall be provided within the required minimum rear and side yards for the VUA's (for yard dimensions, refer to the Dimensional Standards for each zoning district).

- (a) Buffering and screening may consist of healthy trees and shrubs existing on the site prior to development, providing that they form an immediately effective visual screen at least 36 inches above the grade at the adjacent VUA and that the existing trees and shrubs are thoroughly protected from damage during construction by establishing a work

limit line on all site plan drawings. The work limit line shall be delineated in the field prior to site clearing in the vicinity of the required yard area. Supplemental plantings may be required in addition to the existing vegetation as determined by the Planning Board or Planning Director in order to improve the screening properties of the buffer.

- (b) Buffering and screening may consist of one low impact landscape screen evenly distributed within the required yard area (refer to low impact screen table below).

**Low Impact Landscape Screen Options**

<b>Plant Type</b>	<b>Screen 1</b>	<b>Screen 2</b>	<b>Screen 3</b>	<b>Screen 4</b>
Large Deciduous Trees	1/40 L.F	1/60 L.F	1/80 L.F	1/75 L.F
Small Deciduous/Ornamental Trees	0	0	1/100 L.F	1/75 L.F
Evergreen (Coniferous) Trees	0	1/50 L.F	1/25 L.F	1/50 L.F
Evergreen & Deciduous Shrubs	1/10 L.F	1/10 L.F	0	1/20 L.F

- (c) Trees and shrubs shall be provided based on number of linear feet per applicable side or rear yard.
- (d) Fractions of trees or shrubs shall be rounded to the nearest whole number.

**C. Screening of Mechanical Equipment.**

- (1) Properties which may be viewed from residential uses, public streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (utility structures, multiple

meter boards, generators, air conditioning units, backflow preventor [RPZ] hot boxes, etc.) from view at ground level of the property line.

- (2) All mechanical equipment shall be limited to that area shown on an approved site and development plan.
- (3) Roof-mounted mechanical equipment shall be screened or arranged so as to not be visible from residential uses, public streets or park areas and be shielded from view on four sides. Screening shall consist of materials consistent with the principal building materials, and may include metal screening or louvers which are painted to blend with the principal building.
- (4) Wall or ground-mounted equipment screening shall be constructed of:
  - (a) Planting screens; or
  - (b) Brick, stone, reinforced concrete, or other similar masonry materials; or
  - (c) Redwood, cedar, preservative pressure treated wood, or other similar materials; and
  - (d) All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars, or an equivalent material as approved by the Commissioner of Building.

**D. Dumpsters and Other Refuse Containers.** The following standards shall apply to dumpsters and other refuse collection areas in the R-4, MFR-4A, MFR-5, MFR-6, MFR-7, MHR-8 and nonresidential districts.

**[Amended 12-12-2011 by L.L. No. 29-2011]**

- (1) All dumpster areas shall be limited to that area shown on an approved site and development plan. Such areas Dumpsters and other refuse containers may be located between the front face of the building and the adjacent roadway only with the approval of the Planning Board or Planning Director, as applicable.
- (2) Dumpster containers, other refuse containers, and all refuse shall be visually screened on all sides from adjacent properties and private or public rights of way with an opaque material,



which may include shrubs, walls, fences or berms. Materials and dumpsters stored in said areas shall not protrude above the screen.

- (3) Where vegetative material is used, said material shall form an opaque screen within two years from the time of first planting.
- (4) When dumpster enclosure gates are used to address (2) above, the gate shall consist of materials that visually conceal 100 percent of the contents of the enclosure. Gates shall remain in the closed position except when the dumpster is being loaded or unloaded or when access to the interior of the enclosure is needed for maintenance or other purposes.
- (5) Dumpster containers and other refuse containers in residential districts shall meet the setbacks established in § 3-15-6.
- (6) The setbacks for dumpsters in nonresidential districts shall be five (5) feet from the property line of adjacent nonresidential districts and ten (10) feet from the property line of adjacent residential districts.

7-2-5. **Parking Credits for Landscaping.** The Planning Board or Planning Director, as applicable, may reduce the minimum number of off-street parking spaces required in § 7-1-6 by not more than 25 percent, provided that the land area so removed is not used to meet the landscape area required in this Section and is used exclusively for landscaping in accordance with the standards and criteria of this Section. If, at any time thereafter, the applicable site plan approval authority determines that the land area so removed is suitable for and is needed to provide necessary off-street parking, it may order the installation of such parking. The issuance of any Certificate of Occupancy or Certificate of Compliance shall be deemed conditional upon the possible requirement for the future installation of the additional off-street parking, upon such order by the applicable site plan approval authority. Failure to comply with such order within the time fixed thereby shall constitute a violation of this Ordinance.

7-2-6. **Existing Development.** Where an existing development that requires site plan review proposes an increase in the Parking Area of 3,000 or more square feet, the proposed site plan shall provide interior

landscaped areas for the added Parking Area as required by § 7-2-3A(3). The proposed site plan shall also provide buffering and screening for the added Parking Area consistent with the standards in § 7-2-4.

7-2-7. **Enforcement and Maintenance.**

- A. All landscaped areas required and/or permitted by these regulations shall be maintained and preserved according to the approved landscape plan. Landscaped areas shall be kept free of trash, litter, weeds and other such materials.
- B. All plant materials provided for a development in accordance with the approved landscape plan shall be in a healthy and vigorous growing condition, exhibit good form, and display in excess of 75 percent leaf cover, as determined by the Division of Forestry, in order to be considered acceptable for the purposes of compliance with the site plan at the time of inspection for Certificate of Occupancy or Certificate of Compliance. All plant materials which are considered to be unacceptable for the purposes of compliance with these regulations shall be replaced with acceptable plant material prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance.
- C. Trees which existed on the site prior to development and are identified on the landscape plan as trees to be preserved cannot be removed during construction without first obtaining a Tree Removal Permit or an amendment to the site plan. The removal of existing trees to be preserved without Town approval shall be considered a violation of the Town of Amherst Tree Law, also known as Local Law 8-1992, as amended.
- D. After the issuance of a final Certificate of Occupancy or Certificate of Compliance, plant materials which die or are not maintained in a healthy and growing condition with at least 50 percent leaf cover shall be replaced within the next growing season with plantings of a similar nature. Plantings intended to serve as a visual screen which die or are not maintained in a healthy and growing condition after three years from the date of issuance of the final Certificate of Occupancy or Certificate of Compliance shall be replaced with

plantings of a size and nature sufficient to achieve the visual screen intended.

- E. All trees shall be planted in accordance with the methods illustrated by the planting details required to be shown on the approved landscape plan. Trees not planted in accordance with these methods will not be considered acceptable for the purposes of compliance with the Site Plan and shall be replanted in accordance with the methods illustrated in the details, or the method of planting otherwise corrected so as to be acceptable to the Town prior to the issuance of a final Certificate of Occupancy or Certificate of Compliance. Where tree stakes and guy wires are used, they shall be removed from newly planted trees no sooner than 12 months after planting and no later than 18 months after planting.
- F. Inspections required by this Section shall be the responsibility of the Division of Forestry.

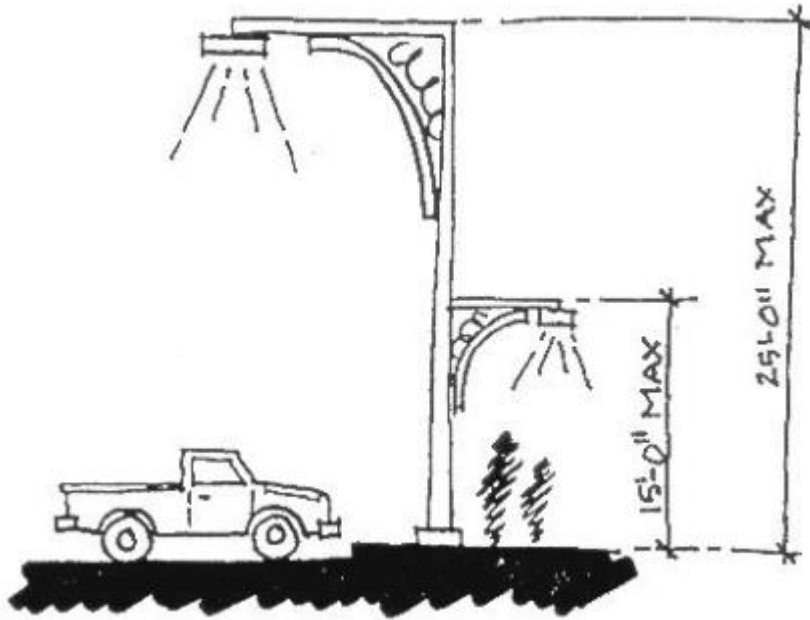
### § 7-3. Site Lighting

7-3-1. **Purpose.** Nonresidential and multifamily buildings and projects shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting fixtures shall be designed, sized and located so as not to cast direct rays of light upon adjoining premises or cause glare hazardous to pedestrians or persons using adjacent public streets. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use, except as permitted by § 7-8, Sign Regulations.

7-3-2. **Applicability.** A site lighting plan shall be required during review of any nonresidential or multifamily site and development plan. The contents of the site lighting plan shall be established by the Planning Director.

7-3-3. **Site Lighting Design Requirements.** Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

- A. **Fixture (Luminaire).** The light source shall be concealed and shall not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures. Only architectural lighting may be directed upward provided that all other provisions of this Section are met.
- B. **Fixture Height.** Lighting fixtures shall be a maximum of 25 feet in height within parking lots and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. For additional requirements, see § 7-3-5A.
- C. **Light Source (Lamp).** The same light source type shall be used for the same or similar types of lighting on any one site throughout any development. See § 7-3-6 for prohibited light sources.



- D. **Mounting.** Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.
- E. **Footing.** All footings for light poles shall have an attractive architectural treatment, as determined by the Commissioner of Building, or be located entirely below finished grade so as not to be visible.
- F. **Limit Lighting to Periods of Activity.** The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Commissioner of Building to conserve energy, provide safety, and promote compatibility between different land uses.

7-3-4. **Illumination Level.**

- A. Illumination levels shall be measured in footcandles.
- B. All site lighting shall be designed so that the level of illumination, as measured in footcandles at any one point, meets the standards in the table below.

C. Minimum and maximum levels are measured on the pavement within the lighted area. Average level is the overall, generalized ambient light level, and is measured as a not-to-exceed value. The average level shall be calculated using only the area of the site intended to receive illumination.

<b>Lighting Type</b>	<b>Lighting Level (footcandles)</b>		
	<b>Minimum</b>	<b>Average</b>	<b>Maximum</b>
Architectural	0.0	1.0	5.0
Canopy Area	2.0	10.0	15.0
Multifamily Parking Lots	0.20	1.0	8.0
Nonresidential and Multifamily Entrances and Exits	1.0	5.0	15.0
Nonresidential Parking Lots	0.2	1.5	10.0
Security	0.2	1.0	10.0
Vehicle Sales, Rental and Leasing	0.2	3.0	15.0
Walkways, Landscape or Decorative	0.2	0.8	5.0

D. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on adjacent residential use, and 0.5 on adjacent commercial sites and public rights-of-way.

E. No direct light source shall be visible at the property line at ground level or above.

F. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

7-3-5. **Lighting Required for Specific Uses.**

A. **Sites Adjacent to Residential Uses.**

**[Amended 1-16-2007 by L.L. No. 2-2007]**

- (1) All lights shall be shielded so as to deflect light away from any residential use.
- (2) Illumination at the public right-of-way line when a nonresidential use is across the public right-of-way from a residential use shall not exceed one footcandle.
- (3) All light fixtures located within 50 feet of any residential use shall not exceed 15 feet in height.
- (4) Unless properly shielded, security lighting fixtures such as wall packs shall not face a residential use.

B. **Canopy Area Lighting.** All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution. Areas under a vehicular canopy shall have an average of 10 foot candles as measured at ground level at the inside of the outside edge of the canopy.

C. **Automated Teller Machines.** An automated teller machine (ATM) shall be illuminated in accordance with the ATM Safety Act (NYS Banking Law, Article II-AA).

7-3-6. **Prohibited Light Sources.** Except as otherwise provided in this Section, the following light sources and light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas.

- A. Low-pressure sodium and mercury vapor light sources.
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources.
- C. Searchlights and other high-intensity narrow-beam fixtures.

D. Lighting fixtures that have flashing, rotating, moving, pulsing or alternating colored sources, except between Thanksgiving Day and January 15, as provided in § 7-8, Sign Regulations.

## § 7-4. Outdoor Storage and Display

7-4-1. **General.** Outdoor display and storage shall be allowed in nonresidential districts in accordance with this Section. Any merchandise, material or equipment situated outdoors in nonresidential districts shall be subject to the requirements of this Section.

7-4-2. **Allowed Outdoor Storage and Display.**

A. Three types of outdoor storage and display shall be allowed in the districts designated in the Table below.

**[Amended 4-12-2010 by L.L. No. 2-2010]**

Category	Districts			
	NB	GB, SC	CS, MS	RD, GI
Outdoor Display	✓	✓	✓	
Limited Outdoor Storage		✓	✓	✓
General Outdoor Storage			✓	✓

B. Allowed outdoor storage and display shall meet the vehicle use area setbacks provided in each district or a minimum of 20 feet from any lot line, whichever is greater.

C. In the NB district, all outdoor display shall be returned to a completely enclosed structure when the associated business is not open.

D. In the ST district, outdoor storage and display shall not be permitted except for the measurement of climatic effects on stored materials. No such storage area shall be located in any required front, side or rear yard.

7-4-3. **Categories of Outdoor Storage and Display.**

A. **Outdoor Display.**



- (1) Outdoor display constitutes the display of items actively for sale.
- (2) Outdoor display shall be allowed adjacent to a principal building wall and may only extend a distance no greater than five feet from the wall. Such display shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building and sidewalk.
- (3) Outdoor display may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.

**B. Limited Outdoor Storage.**

- (1) Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.
- (2) Limited outdoor storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater), except in the CS and GI districts where additional outdoor storage and display is allowed provided that the storage and display is completely screened from view outside the site by a solid opaque wall or fence at least six feet in height. Such area may extend from the principal building, but not for a distance greater than 50 feet.
- (3) Limited outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
- (4) Limited outdoor storage shall not be allowed in required off-street parking spaces.

**C. General Outdoor Storage.**

- (1) General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including the storage of combustible or flammable liquids, items stored in shipping containers, conexes and semi-trailers not attached to a truck.
- (2) General outdoor storage shall be allowed in unlimited quantity, provided that the storage area is completely screened from any

public right-of-way or adjacent residentially zoned property and meets the location restrictions below.

- (3) No general outdoor storage shall be permitted within the following areas:
  - (a) The public right-of-way;
  - (b) Any required landscape area;
  - (c) A required front or side setback;
  - (d) Between a front setback and the building front;
  - (e) Between a side setback along a public right-of-way and any structure; and
  - (f) Any required off-street parking areas.
- (4) Areas intended for general outdoor storage shall be paved, or have an alternate surface as approved by the Commissioner of Building.

#### 7-4-4. **Exceptions.**

- A. Vehicles for sale as part of a properly permitted vehicle sales use (including boats and manufactured housing) shall not be considered merchandise, material or equipment subject to the restrictions of this Section. Such vehicles shall be located and displayed on a paved vehicle use area, or on an alternate surface as approved by the Commissioner of Building, clearly indicated on the site plan, and screened under the same requirements for a parking lot.
- B. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.

## § 7-5. Fences and Walls

- 7-5-1. No fence or wall in a residential district shall exceed six feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight feet in height, provided, however, that a fence or wall not exceeding 12 feet in height enclosing a tennis court shall be permitted. For the purpose of screening, the Planning Board or Planning Director as applicable, may require fences, vegetation or other appropriate material in nonresidential districts where they abut residential districts

to assure privacy for adjacent land uses with visual, noise and air quality factors considered.

**[Amended 8-1-2011 by L.L. No. 19-2011]**

7-5-2. With the exception of those used for screening loading docks, dumpsters, refuse containers, outdoor storage and mechanical equipment as required by this Ordinance, no fence or wall in a nonresidential district shall exceed eight feet in height.

**[Amended 12-12-2011 by L.L. No. 29-2011]**

7-5-3. No fence or wall, other than a necessary retaining wall, over three feet in height shall extend into the front yard of any lot, except in an industrial district. For the purposes of administration of this Section, the front yard of a principal structure shall be the yard abutting the street that is directly associated with the primary entrance to the structure.

7-5-4. The height of all fences or walls shall be measured from the average finished grade as determined by the Commissioner of Building. Average height should generally follow the lay of the land.

## § 7-6. Access and Circulation

7-6-1. **Location of Existing and Planned Transit Routes.** Any proposed development shall take into account the location of existing and planned transit routes and provide vehicular and pedestrian connections to any transit points within or adjacent to the development.

7-6-2. **Street, Road and Highway Barricades.** Unless authorized by the Planning Board, the erection or maintenance of a barricade preventing access to or from a town highway or private road or street on or adjacent to such property shall not be permitted. Any barricade installed shall comply with the provisions of § 7-6-7B.

7-6-3. **Public Access.** No use shall be permitted to take direct access to a street except as permitted in this Section.

A. **Local Streets.** All residential uses may take direct access to local streets. Nonresidential uses shall not take direct access to local streets, except when no higher street classification is available.

- B. **Collector Streets.** No single-family dwelling shall take direct access to collector streets, except when no local street is available.
- C. **Arterial Streets.** No residential use, other than multifamily, shall take direct access to major or minor arterial streets. When uses take access to an arterial street, the point of access shall be directly across from another existing point of access, or spaced at least 200 feet from any intersecting street or other point of access to the arterial.

7-6-4. **Private Access.** Buildings and land shall either abut a dedicated street or be arranged in groups or clusters so that groups or clusters abut a dedicated street for the required lot width, provided that:

- A. Each building is accessible by means of a private street to service and emergency vehicles.
- B. The standards of design and construction for private streets shall meet applicable town specifications for public streets unless modified by the approved site plan.
- C. The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.
- D. The procedures for the preservation and maintenance of private streets, pedestrian ways and common open space comply with all applicable laws.

7-6-5. **Private Access Easements.**

- A. **Cross-Access.** Private cross-access easements may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The easement shall meet the following design requirements.
  - (1) If a parcel is to be developed for any nonresidential land use, a cross-access easement shall be provided to adjoining properties that front on the same street and that are, or may be, developed as nonresidential land uses. The easement shall be clearly identified on any site plan submitted pursuant to this Ordinance. The easement shall be filed with the Erie County Clerk's Office for recordation.

- (2) Cross-access easements shall have a minimum width of 24 feet and shall be generally parallel to the street right-of-way line abutting both parcels. Access easement facilities shall be maintained by the property owner.
- (3) The property owner shall provide appropriate documentation of a good faith effort to extend the access easement through all immediately abutting properties. If such an effort fails, the portion of the easement on the subject site shall be developed and designed to provide for future connection to the neighboring properties.
- (4) Where a cross-access easement is granted, no permanent structures that would interfere with the proposed access shall be permitted in the easement. Some improvements such as medians and parking islands may be constructed within an access easement if it has been demonstrated that adequate circulation and cross access has been accomplished, and that all applicable standards of this Ordinance have been met.
- (5) All cross-access improvements shown on a site plan shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
- (6) The Planning Board may waive the requirement for a cross-access easement required above in those cases where unusual topography or site conditions would render such an easement of no useable benefit to adjoining properties.
- (7) The Planning Board may approve the closure of a cross-access easement in those cases where adjoining parcels are subsequently developed with a residential use.

B. **Shared Access.** A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the Planning Board or Director, as applicable. *So in original.*

**[Amended 2-4-2008 by L.L. No. 1-2008]**

7-6-6. **Access Design Requirements.**

- A. **Minimum Access.** Each parcel of land which lawfully exists and which abuts a street right-of-way shall be permitted at least one access point, except where otherwise restricted by the Town.
  - B. **Additional Access.** The Planning Board may require more than one access point onto a collector or arterial street for a single parcel during site plan review provided that the number and location of access points onto local streets and the additional access points onto collector and arterial streets shall be approved by the highway authority having jurisdiction over the roadway from which access is being taken.
  - C. **Width of Access.** The width of access driveways shall be determined by the highway authority having jurisdiction over the roadway from which access is being taken. However, in no case shall an individual driveway width be greater than 45 feet, except that the width of a landscaped center median shall not count towards this standard.
  - D. **Closure or Relocation of Existing Access Points.** The Planning Board, in conjunction with the authority having jurisdiction over the roadway from which access is being taken, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.
  - E. **Curb Cuts at Intersections.** A curb cut for a corner parcel at the intersection of any streets shall be located the maximum practical distance from the intersection point of the rights-of-way of the intersecting streets, without intrusion into any required buffer. The number and location of the curb cuts shall be approved by the highway authority having jurisdiction over the street from which access is being taken.
- 7-6-7. **Fire Apparatus Access Road Requirements.** All developments shall be required at least one means of fire apparatus access. Developments exceeding the thresholds set forth in § 7-6-7C shall require at least two means of fire apparatus access. Access lanes shall be placed a distance apart equal to not less than one half of the maximum overall diagonal dimension of the property or area to be served (measured in a straight line between access points).

**A. Aerial Fire Apparatus Access Road Dimensions.**

- (1) **Height.** Where required, buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- (2) **Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.
- (3) **Proximity to Building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to the building. Such access shall be either paved as part of the sidewalk system or be part of the parking lot pavement. Required access routes shall not be used as snow storage areas that would impede emergency access. If such access is part of the parking lot pavement, these areas shall be striped or otherwise delineated with pavement markings and "No Parking" signs to prevent parked cars or delivery vehicles from impeding emergency access.

**B. Fire Apparatus Road Gates.**

- (1) The minimum gate width shall be 20 feet.
- (2) Gates shall be of the swinging or sliding type and of a triangular shape.
- (3) Construction of gates shall be of materials that allow manual operation by one person.
- (4) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- (5) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code

official. Locking device specifications shall be submitted for approval by the code official.

- C. Approval of a site plan or subdivision, including individual phases of a site plan or subdivision, shall not be granted where a cul-de-sac, dead-end or any street with only one point of access from an improved public right-of-way exceeds 800 feet in length as measured along the center line from the single point of access at the public right-of-way to the end of the proposed right-of-way. The length of an entrance island for the street shall be included in the overall length of the cul-de-sac, dead-end or street regardless of the width of the street on either side of the entrance island.

**[Added 4-21-2008 by L.L. No. 3-2008]**

## § 7-7. Provisions for Flood Hazard Reduction

7-7-1. **Findings.** The Town Board of the Town of Amherst finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Amherst and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Section is adopted.

7-7-2. **Purpose.** It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private illnesses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;



- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify and maintain for participation in the National Flood Insurance Program.

7-7-3. **Objectives.** The objectives of this Section are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To provide that developers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

7-7-4. **Definitions.**

**APPEAL**

A request for a review of the Local Administrator's interpretation of any provision of this Part or a request for a variance.

**AREA OF SHALLOW FLOODING**

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding

is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-30, A99, V, VO, VE or V1-30. It is also commonly referred to as the "base floodplain" or "100-year floodplain."

**BASE FLOOD**

The Flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT**

That portion of a building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUILDING**

See "structure."

**CELLAR**

The same meaning as "basement."

**COASTAL HIGH-HAZARD AREA**

Area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING**

A nonbasement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-30, \E or V, *So in original.* to have the bottom of the lowest horizontal structure member of the elevated floor elected above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X or D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-30, VE or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads, is complete before the effective date of the floodplain management regulations adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

The federal agency that administers the National Flood Insurance Program.

**FLOOD BOUNDARY AND FLOODWAY MAP (FHBM)**

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

**FLOOD ELEVATION STUDY**

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

**FLOOD OR FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from.

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD OR FLOODING**

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

**FLOOD HAZARD BOUNDARY MAP (FHBM)**

An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY**

See "Flood Elevation Study."

**FLOODPLAIN OR FLOOD-PRONE AREA**

Any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY**

Same meaning as "regulatory floodway."

**FUNCTIONALLY DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE**

Any structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a

registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior; or

Directly by the Secretary of the Interior in states without approved programs.

#### **LOCAL ADMINISTRATOR**

Is the person appointed by the community to administer and implement this Part by granting or denying development permits in accordance with its provisions.

#### **LOWEST FLOOR**

Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Part.

#### **MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

#### **NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation and includes any subsequent improvements to such structure.

**ONE-HUNDRED-YEAR FLOOD**

The same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND**

At least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

**RECREATIONAL VEHICLE**

A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOODWAY**

Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the federal emergency management agency in a flood insurance study or by other agencies as provided in 7-7-6C(2).

**SAND DUNES**

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**START OF CONSTRUCTION**

The initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of

streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

#### **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

#### **SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

#### **VARIANCE**

A grant of relief from the requirements of this Part which permits construction or use in a manner that would otherwise be prohibited by this Part.

#### **7-7-5. General Provisions.**

- A. **Lands to Which This Part Applies.** This Section shall apply to all areas of special flood hazard within the jurisdiction of the Town of Amherst.
- B. **Basis for Establishing the Areas of Special Flood Hazard.**



- (1) The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance study, Town of Amherst, New York, Erie County," dated October 16, 1992, with Flood Insurance Rate Maps as enumerated on Map Index No. 3602260001 through 0016, dated October 16, 1992, and the following Letters of Map Revision: (a) FEMA Case No. 95-02-15P, issued on August 17, 1995, which corrected an error in flood way mapping on Panel 0009; (b) FEMA Case No. 95-02-037P, effective May 8, 1996, which incorporates a revised hydraulic analysis of Ellicott Creek affecting Panel 0015.
- (2) The above documents are hereby adopted and declared to be a part of this Section and are filed at the Offices of the Town Clerk and the Building, Engineering, and Planning Departments.

**C. Interpretation, Conflict with Other Laws.**

- (1) This Section includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- (2) In their interpretation and application, the provisions of this Section shall be held to be minimum requirement, adopted for the promotion of the public health, safety and welfare. Whenever the requirement of this Section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

**D. Penalties for Noncompliance.**

- (1) No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this Section and any other applicable regulations. Any infraction of the provisions of this Section by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this

Section or fails to comply with any of its requirement shall be punished in accordance with the provisions of 8-16-1, Penalties of Violation, of this Ordinance.

- (2) Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Amherst from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Section for which the developer and/or owner has not applied for and received an approved variance under § 8-13 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

**E. Warning and Disclaimer of Liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town of Amherst, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

**7-7-6. Administration.**

- A. **Designation of Local Administrator.** The Commissioner of Building is hereby appointed Local Administrator to administer and implement this Section by granting or denying development permits in accordance with its provisions.
- B. **Establishment of the Development Permit.** A floodplain development permit shall be obtained before the start of construction or any other development, including the placement or replacement of manufactured homes or recreational vehicles, within the area of special flood hazard within the jurisdiction of the Town of Amherst as established in paragraph 7-7-5B(1) above.

Application for a development permit shall be made on forms furnished by the local Administrator and may include, but not be limited to: plans, in triplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

- (1) **Fees.** All applications for a floodplain development permit shall be accompanied by an application fee as specified in the Schedule of Fees. In addition, the Town of Amherst reserves the right to recover from the permittee all reasonable costs necessary for review, approval and inspection of this project.
- (2) **Application Stage.** The following information is required, where applicable:
  - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
  - (b) Elevation in relation to mean sea level to which any residential or nonresidential structure will be floodproofed;
  - (c) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 7-7-7C;
  - (d) Certificate from a licensed professional engineer or architect that the floodproofed structure will meet the floodproofing criteria where applicable in § 7-7-8; and
  - (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (3) **Construction Stage.** Upon placement of the lowest floor or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the Local Administrator a certificate of the elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or

architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

**C. Duties of the Local Administrator.** Duties of the Local Administrator shall include, but not be limited to:

**(1) Permit Application Review.**

- (a) Review of all development permit applications to determine that the requirements of this Section have been satisfied.
- (b) Review of all development permit applications to determine all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (c) Review of all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Section, "adversely affects" means physical damage to adjacent and other properties. An engineering study may be required of the petitioner for this purpose.
- (d) If there is no adverse affect, then the permit shall be granted consistent with the provisions of this Section.
- (e) If there is an adverse affect, then flood damage mitigation measures shall be made a condition of the permit.
- (f) Review all development permits for compliance with the provisions of § 7-7-7E, Encroachments.

**(2) Use of Other Base Flood and Floodway Data.** When base flood elevation data has not been provided in accordance with § 7-7-5B above, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 7-7-7D(4) in order to administer § 7-7-8, Specific Standards, and § 7-7-9, Floodways.

**(3) Information to be Obtained and Maintained.**

- (a) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
  - (b) For all new or substantially improved floodproofed structures:
    - (i) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
    - (ii) Maintain the floodproofing certifications required in § 7-7-4 and § 7-7-8.
  - (c) Maintain for public inspection all records pertaining to the provisions this Section including variances when granted and certificates of compliance or occupancy.
- (4) **Alteration of Watercourses.**
- (a) Notify adjacent communities and the NYS Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
  - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) **Interpretation of FIRM Boundaries.**
- (a) The Local Administrator shall have the authority to make interpretation when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
  - (b) Base flood elevation data established pursuant to § 7-7-5B or (1)(f) above, when available, shall be used to accurately delineate the areas of special flood hazard.
  - (c) The Local Administrator shall use flood information from any other authoritative source, including historical data, to

establish flood elevations within the areas of special flood hazard when base flood elevations are not available.

(6) **Stop-Work Orders.**

- (a) All floodplain development found ongoing without a floodplain development permit shall be subject to the issuance of a stop-work order by the Local Administrator. Disregard of a stop-work order shall subject the violator to the penalties described in subsection 7-7-5D of this Section.
- (b) All floodplain development found noncompliant with the provisions of this Section and/or the conditions of the floodplain development permit shall be subject to the issuance of a stop-work order by the Local Administrator.

(7) **Inspections.** The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of the development permit and/or any variance provisions.

(8) **Certificate of Compliance or Occupancy.**

- (a) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance or occupancy has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Section.
- (b) All other development occurring within the designated areas of special flood hazard will have upon completion a certificate of compliance or occupancy issued by the Local Administrator.
- (c) All certifications shall be based upon the inspections conducted subject to (7) above and/or any certified elevations, hydraulic information, floodproofing, anchoring

requirements or encroachment analysis which may have been required as a condition of the approved permit.

7-7-7. **General Standards.** In all areas of special flood hazard, the following standards are required:

**A. Anchoring.**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated in accordance with § 7-7-8B. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (3) All recreational vehicles placed on-site for longer than 180 consecutive days and not fully licensed and ready for highway use must be elevated and anchored to resist flotation, collapse or lateral movement. Recreational vehicles shall be elevated in accordance with § 7-7-8B.

**B. Construction Materials and Methods.**

- (1) All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.

**C. Utilities.**

- (1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When

- designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
  - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**D. Subdivision Proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided by the permit petitioner for subdivision proposals and other proposed developments, including proposals for manufactured home and recreational vehicle parks and subdivisions greater than either three lots or five acres.
- (5) In all areas of special flood hazard in which base flood elevation data are available pursuant to (4) or § 7-7-5 and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (6) In all areas of the special flood hazard where floodway data are provided or available pursuant to § 7-7-5, the requirements of § 7-7-9, Floodways, shall apply except as provided in (7) below.
- (7) Notwithstanding any other provisions of this Part, certain development in Zones A1-30, AE and AH may be permitted to increase the water surface elevation of the base flood (e.g.



dams, levees, etc.), provided that the Town of Amherst endorses application to the Federal Emergency Management Agency (FEMA), the permit petitioner provides all necessary data and analyses and pays all fees, and FEMA approval is received.

**E. Encroachments.**

- (1) All proposed development in riverine areas where no flood elevation data are available (unnumbered A Zones) shall be reviewed as set forth in § 7-7-6C(1), Permit Application Review, to determine the effects of the encroachment on the flood-carrying capacity of the stream. The Local Administrator may require submission of additional technical analyses and data necessary to complete the determination.
- (2) The Local Administrator shall require within Zones AH and AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

7-7-8. **Specific Standards.** In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 7-7-5, Basis for Establishing the Areas of Special Flood Hazard and § 7-7-6C(2), Use of Other Base Flood Data, the following standards are required:

**A. Residential Construction.** New construction and substantial improvements of residential structures shall be constructed in accordance with Paragraphs A or B as follows:

- (1) **Paragraph A.**
  - (a) In Zones A1-30, AE and AH, have the lowest floor (including basement or cellar) elevated to or above the base flood elevation.
  - (b) In all areas of special flood hazard, have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
  - (ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
  - (iii) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (c) Within any AO Zone, have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM [at least two feet if no depth number is specified].
- (d) Within any A Zone, when no base flood data are available, have the lowest floor elevated at least three feet above the highest adjacent grade.
- (2) **Paragraph B.** When the Local Administrator has determined that the flood depth, measured from the base flood elevation to the original grade, is five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots; and where the flood velocities are five feet per second or less; the local Administrator may issue building permits for residential structures containing basements in Zones A1-30, AH, AO or AE, provided that such structures shall:
- (a) Be designed and built so that any basement area together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that

minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the five-hundred-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet.

- (b) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood.
- (c) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover.
- (d) Have a registered professional engineer or architect develop or review the building's structural design specifications and plans, including consideration of the depths, velocity and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (e) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this Section which are verifiable.

**B. Manufactured Homes and Recreational Vehicles.**

- (1) A manufactured home that is placed or substantially improved on a site in an A1-30, AE or AH Zone that is either:
  - (a) Outside of a manufactured home park or subdivision;
  - (b) In a new manufactured home park or subdivision as herein defined in § 2-1;
  - (c) In an expansion to an existing manufactured home park or subdivision as herein defined; or
  - (d) In an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated

on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (2) A Manufactured home to be placed or substantially improved on a site located in an A1-30, AE or AH Zone, in a manufactured home park or subdivision, as herein defined, that is not subject to the provisions of paragraph (1) above, shall be elevated so that either:
  - (a) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system.
- (3) New construction or substantial improvements of manufactured homes in Zone A, where no base flood elevation data are available, shall be elevated at least three feet above the highest adjacent grade.
- (4) All recreational vehicles placed on-site for longer than 180 consecutive days and not fully licensed and ready for highway use must be elevated in accordance with (1), (2) or (3).
- (5) Manufactured homes and recreational vehicles, on-site for longer than 180 consecutive days, with fully enclosed areas below the lowest floor, must meet the requirement of either paragraphs A(1)(b)(ii) or A(2).

**C. Nonresidential Construction.**

- (1) In Zones A1-30, AE and AH, new construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either:
  - (a) Have the lowest floor (including basement or cellar) elevated to or above the base flood elevation; or

- (b) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) In an AO Zone, all new construction and substantial improvement shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM [at least two feet if no depth number is specified].
  - (3) In an A Zone, when no base flood data are available, have the lowest floor elevated at least three feet above the highest adjacent grade.
  - (4) If the structure is to be elevated, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically (without human intervention) equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
    - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
    - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
  - (5) If the structure is to be floodproofed: A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in

accordance with accepted standards of practice for meeting the provisions of paragraph § 7-7-8C(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

- (6) The Local Administrator shall maintain on record a copy of all such certificates noted in this Section.

7-7-9. **Floodways.** Located within areas of special flood hazard are areas designated as floodways (see § 2-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 7-7-5 or, when applicable, § 7-7-6C(2), all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

7-7-10. **Variance Procedure.**

**A. Appeals Board.**

- (1) The ZBA, as established by the Town of Amherst, shall hear and decide appeals and requests for variances from the requirements of this Section.
- (2) The ZBA shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Local Administrator in the enforcement or administration of this Section.
- (3) Those aggrieved by the decision of the ZBA may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing a floodplain variance, the ZBA shall consider all technical evaluations, all the relevant factors, all the standards specified in this Section and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;

- (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location, where applicable;
  - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and street and bridges.
- (5) Upon consideration of the factors of paragraph (4) above and the purposes of this Section, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- (6) The Local Administrator shall maintain the records of all appeal actions, including technical information, and report any

variances to the Federal Emergency Management Agency upon request.

**B. Conditions for Variances.**

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half of an acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in paragraph (4) above have been fully considered. As the lot size increases beyond the one-half of an acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
  - (a) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
  - (b) The variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by the Town for new construction and substantial improvement and for other development necessary for the conduct of a functionally dependent use, provided that:
  - (a) The criteria of paragraphs (1), (4), (5) and (6), of this subsection are met; and
  - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if an increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
  - (a) A showing of good and sufficient cause;



- (b) A determination that failure to grant the variance would result in exceptional hardship to the petitioner; and
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any petitioner to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

## § 7-8. Sign Regulations

Note: See § 8-10 and § 8-11 for additional sign regulations. **[Added 4-12-2010 by L.L. No. 2-2010]**

- 7-8-1. **Purpose.** Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance, are designed to achieve the following purposes:
- A. To protect property values, create a more attractive economic and business climate and protect the physical appearance of the community from the effects of inharmonious and out-of-scale signs.
  - B. To preserve the scenic and natural beauty of designated areas and provide a more enjoyable and scenic community.
  - C. To reduce signs or advertising distractions or obstructions that may contribute to traffic accidents.
  - D. To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type of establishment.
  - E. To control signs so that their appearance will be aesthetically harmonious with the overall design of the area.
  - F. To reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way.

G. To curb the deterioration of natural beauty in the community's environment.

7-8-2. **Prohibited Signs.** All signs not expressly permitted or exempt from regulation under this Section are prohibited in all districts. Such signs include, but are not limited to:

- A. Banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices or strings of lights are prohibited.
- B. Rotating or revolving signs;
- C. Beacons;
- D. Signage on motor vehicles that:
  - (1) Are inoperable; or
  - (2) Do not display a current vehicle inspection sticker or license plate; or
  - (3) Are not principally used as a mode of transportation for business purposes; or
  - (4) Are conspicuously parked or located on a lot or public right-of-way for 24 hours.
- E. Signs, as regulated by this Ordinance, used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located.
- F. Signs advertising or identifying a business which is no longer operating. Any sign accessory or incidental to a business shall be removed within 30 days after the business ceases to operate;
- G. Roof signs placed, inscribed or supported upon or above the highest part of the roofline except such directional devices as may be required by the FAA;
- H. Signs that create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape or other characteristics common to traffic control devices;
- I. Signs that encroach into the clear sight triangle as described in § 2-5-1; and
- J. Signs in the public right-of-way or on other public property.

7-8-3. **Signs Exempt from Regulation.**

A. **Exempt Signs.** The following signs shall be exempt from regulation under this Section and shall not require a building permit for a sign as described in § 8-10.

- (1) Signs erected and maintained pursuant to and in discharge of any governmental function;
- (2) Signs prohibiting trespassing;
- (3) Integral, decorative or architectural features of building, except letters or trademarks;
- (4) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

B. **Signs Not Requiring a Permit.** The following signs shall be exempt from regulation under this Section and shall not require a building permit for a sign as described in § 8-10, provided that the sign meets the additional standards given below.

## Sign

### Type/Definition/Standards Illustration

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#### ADDRESS SIGN

A sign that identifies the occupant and address of a residential structure.



#### Standards:

- (1) There shall be only one address sign indicating the name and address of the occupants of a dwelling.
- (2) Such sign shall not exceed two square feet in area.

**Sign****Type/Definition/Standards Illustration**

- (3) Such sign shall not be internally illuminated.

**CONSTRUCTION SIGN**

Any freestanding sign intended to provide information about current construction on a site and the parties involved in the project.

**Standards**

- (1) There shall be only one on-premises construction sign indicating the project name and the names of the architect, engineer, contractor and participating public and governmental agencies and officials.
- (2) Such sign shall not exceed 32 square feet in area.
- (3) Such sign shall be a maximum of 15 feet in height.

**Sign****Type/Definition/Standards Illustration**

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- (4) Such sign shall be located a minimum of 25 feet from the lot line and 75 feet from any dwelling not within the project.
- 

**FUEL PUMP SIGN**

A sign attached to a fuel pump advertising the cost of fuel.

**Standards:**

- (1) The total area of fuel pump signs shall not exceed one square foot per pump.
- (2) Operational and payment instructions on the face of the pump shall be exempt from this limitation.
- 

**HANGING SIGN**

A sign that hangs perpendicular to a building wall and is supported by or attached to the underside of a structure canopy, covered

**Sign****Type/Definition/Standards Illustration**

entrance or walkway, awning or marquee.

**Standards:**

- (1) Only one hanging sign shall be permitted per customer entrance.
- (2) The bottom edge of such signs shall be located a minimum of eight feet above the finished grade.
- (3) Such sign shall not exceed two square feet in area.
- (4) Such sign shall have a maximum vertical dimension of 18 inches.

**HOME OCCUPATION SIGN**

A sign attached to the wall of a permitted home-based business.

**Standards:**

- (1) There shall be only one non-illuminated home

**Sign****Type/Definition/Standards    Illustration**

occupation sign that is physically attached to the exterior wall of the dwelling.

- (2) Such sign shall not exceed two square feet in area.
- (3) The home occupation with which the sign is associated shall meet the requirements of § 6-8-6.

**INCIDENTAL SIGN**

A sign that includes information assisting in the flow of vehicular traffic.

**Standards:**

- (1) Incidental signs shall not exceed two square feet in area.
- (2) Such sign shall be used to direct and guide traffic and parking on private property.
- (3) Such sign shall not bear any advertising.



**Sign****Type/Definition/Standards    Illustration**

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**MENU BOARD SIGN**

A permanently mounted sign displaying the bill of fare for a drive-through or drive-in restaurant.

**Standards:**

- (a) The text of the sign shall not be legible from the public right-of-way or any adjacent residential district.
- (b) There shall be a maximum of two menu board signs per drive through lane.
- (c) Each menu board sign shall not exceed 36 square feet in area.

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**POLITICAL SIGN**

A temporary sign that supports or opposes any political candidate, political issue, political referendum or political party.

**Standards:**



**Sign****Type/Definition/Standards Illustration**

- (1) Political signs shall be placed only on private property.
- (2) Such signs shall not block any intersection clear sight triangle.
- (3) Such signs shall be removed within seven days after an election.

**REAL ESTATE SIGN**

A temporary sign that advertises the sale or lease of the premises on which it is located.

**Standards:**

- (1) There shall be only one on-premises real estate sign for each building or lot advertising the sale, rental or lease of the premises on which the sign is displayed.
- (2) Such sign shall not be illuminated.
- (3)



**Sign****Type/Definition/Standards    Illustration**

Such sign shall be removed within 15 days after property closing or lease signing.

- (4) Such sign shall not exceed eight square feet per face in residential districts.
- (5) Such sign shall not exceed 32 square feet in area in nonresidential districts.
- (6) One additional real estate sign shall be allowed on a site abutting more than one roadway.

**WINDOW SIGN**

A temporary, non-structural sign affixed to the interior of a window or door or any other sign inside the building containing a message legible from the public right-of-way or adjacent property clearly intended for public recognition outside the building.



**Sign****Type/Definition/Standards Illustration**

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**Standards:**

No window sign or advertising poster shall occupy more than 20 percent of the area of an individual window area.

7-8-4. **Signs Requiring a Permit.** Upon issuance of a building permit for a sign in accordance with § 8-10, Building Permit for Signs, the following signs are shall be permitted subject to the following requirements.

**Sign****Type/Definition/Standards Illustration**

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**BUILDING SIGNS**

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**AWNING SIGN**

A sign painted on, attached to or otherwise displayed on an awning. This sign type does not include canopies over gas pumps.

**Standards:**

- (1) No such signs shall exceed 20 percent of the area of each awning or canopy (top plus all sides).
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**FASCIA SIGN**

**Sign****Type/Definition/Standards Illustration**

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**BUILDING SIGNS**

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A sign attached to the soffit or under the fascia of a building.

**Standards:**

- (1) A maximum of one sign for each establishment or enterprise shall be permitted.
- (2) The bottom edge of such signs shall be located a minimum of eight feet above the finished grade.
- (3) Such signs shall not exceed 18 square feet in area.

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**MARQUEE SIGN**

A sign attached to the face of a marquee and not projecting above or beneath said marquee face. A marquee is a permanent roof-like structure that projects from the wall of a



**Sign****Type/Definition/Standards    Illustration**

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**BUILDING SIGNS**

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building and may overhang the public way.

**Standards:**

- (1) No more than one marquee sign shall be permitted for each building frontage that includes an entrance serving the general public.
- (2) Such sign shall not extend beyond the top or sides of the building.
- (3) Such sign shall not be oriented toward any residential district.
- (4) Such signs shall not project into any adjacent right-of-way, unless approved by the appropriate federal, state, county, or local highway official.
- (5) The bottom of such signs shall be a

**Sign****Type/Definition/Standards Illustration**

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**BUILDING SIGNS**

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minimum of eight feet  
above the walkway.

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**PROJECTING SIGN**

A sign attached  
perpendicular to a building  
or other structure. This  
definition shall not include  
hanging signs.

**Standards:**

- (1) Only one projecting sign is permitted per building frontage with an entrance available to the general public.
- (2) Such sign shall not exceed 16 square feet in area.
- (3) Such signs shall not project into any adjacent right-of-way, unless approved by the appropriate federal, state, county, or local highway official.
- (4)

**Sign****Type/Definition/Standards Illustration**

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**BUILDING SIGNS**

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The bottom of such signs shall be a minimum of eight feet above the walkway.

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**WALL SIGN**

A sign integral with or attached to and supported by the exterior wall of a building.

**Standards:**

- (1) A wall sign shall not project above or beyond the ends of the building or its parapet or the highest point of the roof, whichever is higher.
- (2) Such sign shall not project more than 12 inches from the exterior supporting wall.
- (3) On a multi-occupancy building, each occupant with an outside entrance serving the



**Sign****Type/Definition/Standards    Illustration**

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**BUILDING SIGNS**

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general public may have a separate wall sign. Corner tenants with a second outside entrance in a side wall shall be allowed one additional wall sign.

- (4) Such sign shall have a maximum area in accordance with the table in § 7-8-8A.
- (5) In the R-R, S-A and AG districts, a wall sign may be used in connection with a roadside stand to advertise the sale of produce on farms within this district, provided that the produce being sold is produced on the farm or by the occupant of the farm. The sign face area shall not exceed 32 square feet. The sign shall be removed when the roadside stand is not in use.
-



**Sign****Type/Definition/Standards Illustration****FREESTANDING SIGNS****GROUND SIGN**

A sign supported by uprights or braces placed upon or in the ground and not attached to any building.

**Standards:**

- (1) One ground sign shall be permitted for each individual building not a part of a multiple development.
- (2) For properties with multiple non-local street frontage where a pole sign is permitted, a ground sign may be placed along each other non-local street frontage.  
**[Amended 2-4-2008 by L.L. No. 1-2008]**
- (3) Such sign shall be no higher than eight feet above the average finished grade and



**Sign****Type/Definition/Standards    Illustration**

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**FREESTANDING SIGNS**

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- shall be permanently attached to the ground.
- (4) Such sign shall not exceed 100 square feet in total face area.
- (5) Such sign shall be located a minimum of 25 feet from any nonresidential lot or 50 feet from any residential lot and 15 feet from a street right-of-way.
- (6) At each location where motor vehicle fuels are sold at retail, 32 square feet of additional face area limited to advertising the brand name and price of the fuel shall be permitted. This area may be used for a separate ground sign or as an addition to the face area of a ground sign otherwise permitted in this

**Sign****Type/Definition/Standards    Illustration**

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**FREESTANDING SIGNS**

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Section. In no event shall more than 16 square feet of this allowed area be displayed or added to any single face area.

- (7) In the R-R, S-A and AG districts, a ground sign may be used in connection with a roadside stand to advertise the sale of produce on farms within this district, provided that the produce being sold is produced on the farm or by the occupant of the farm. The sign face area shall not exceed 32 square feet. The sign shall be removed when the roadside stand is not in use.
- 

**MESSAGE CENTER SIGN**

**[Amended 7-6-2010 by  
L.L. No. 9-2010]**

**Sign****Type/Definition/Standards Illustration****FREESTANDING SIGNS**

Any sign which contains an illuminated, programmable message or graphic, whether fixed or moving.

**Standards:**

- (1) Message center signs may only be included as a part of a permitted freestanding sign.

**[Amended 8-1-2011 by L.L. No. 19-2011]**

- (2) The information displayed on a message center sign for advertisement purposes shall remain static for a period of no less than ten minutes. The display of time and temperature information may change at no less than one minute intervals.
- (3) The transition between successive

**Sign****Type/Definition/Standards    Illustration****FREESTANDING SIGNS**

messages shall be instantaneous and shall not contain such visual effects as fading, dissolve, flashing, or animation.

- (4) Each message displayed shall be complete in itself, without continuation in content to the next message or to any other sign.

**POLE SIGN**

A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is a minimum of eight feet above the finished grade of a paved walk, drive, or parking area.

**Standards:**

- (1) One pole sign for each individual building not part of a multiple development shall be



**Sign****Type/Definition/Standards    Illustration**

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**FREESTANDING SIGNS**

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permitted in the General Business (GB), Commercial Service (CS) and Motor Service (MS) districts; or one pole sign for each multiple development in the General Business (GB) or Shopping Center (SC) districts.

**[Amended 9-21-2009 by L.L. No. 14-2009]**

- (2) Such sign shall not exceed 25 feet in height.
- (3) Such sign shall be located a minimum of 50 feet from an adjacent residential lot line.
- (4) Such sign shall not project over any public right-of-way or lot line.
- (5) The pole support for such signs shall be fully

**Sign****Type/Definition/Standards    Illustration****FREESTANDING SIGNS**

encased or skirted. A sign with a single support shall have a minimum support width of 30 percent and a maximum support width of 50 percent of the width of the sign face. Each support for a sign with double supports shall be a minimum of 15 percent of the width of the sign.

**[Amended 4-12-2010 by L.L. No. 2-2010]**

- (6) For properties with multiple non-local street frontage, one pole sign is permitted. A ground sign may be placed along each other non-local street frontage.
- (7) One identification pole sign not exceeding 160 square feet in face area and only

**Sign****Type/Definition/Standards    Illustration****FREESTANDING SIGNS**

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- advertising the name of the multiple development itself may be erected in the SC district.
- (8) The size of a single face area for the pole sign in the SC district shall not exceed 96 square feet.
- (9) The face area of the pole sign in the SC district shall be in addition to the maximum face area otherwise allowed.
- (10) At each location where motor vehicle fuels are sold at retail, 32 square feet of additional face area limited to advertising the brand name and price of the fuel shall be permitted. This area may be used for a separate ground sign or as an addition to the face area of a



**Sign****Type/Definition/Standards    Illustration****FREESTANDING SIGNS**

ground or pole sign otherwise permitted in this Section. In no event shall more than 16 square feet of this allowed area be displayed or added to any single face area.

**SUBDIVISION IDENTIFICATION SIGN**

A sign indicating the name of the subdivision or residential development.

**Standards:****All Permitted Districts**

- (1) A subdivision or residential development identification sign shall be maintained in good repair by a homeowners association.
- (2) Such sign shall be located a minimum of 10 feet from any lot



**Sign****Type/Definition/Standards    Illustration****FREESTANDING SIGNS**

line and not in a clear vision triangle.

**[Amended 2-4-2008 by L.L. No. 1-2008; 4-12-2010 by L.L. No. 2-2010]**

**Single-Family Districts**

- (1) One non-internally illuminated permanent subdivision identification sign may be permitted for each side of a subdivision or residential development entryway.
- (2) Such sign shall not exceed 32 square feet in area and eight feet in height.

**Multifamily Districts**

- (1) One non-internally illuminated permanent identification sign may be permitted at each

**Sign**

**Type/Definition/Standards Illustration**

**FREESTANDING SIGNS**

entrance to the development.

- (2) Such sign shall not exceed 20 square feet in area and six feet in height.

**Sign Type/Definition/Standards**

**Illustration**

**MISCELLANEOUS SIGNS**

**DIRECTORY SIGN**

A sign or group of signs attached to a building or freestanding which identifies or directs traffic to the business, owner, address, or occupation of a group of businesses.

**Standards:**

- (1) Only one directory sign shall be permitted at each entrance, and one additional directional sign elsewhere on the premises.
- (2) No such sign shall exceed 16 square feet in area.
- (3)



Sign Type/Definition/Standards	Illustration
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### MISCELLANEOUS SIGNS

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Additional internal directory signs not visible from the street may be permitted as part of a master sign plan.

- (4) Such sign may contain business names with arrows or other directional information.
- (5) Such signs shall be permitted in the SC district provided that the property shall be a maximum of 12 acres in land area.

#### 7-8-5. **Sign Lighting Standards.**

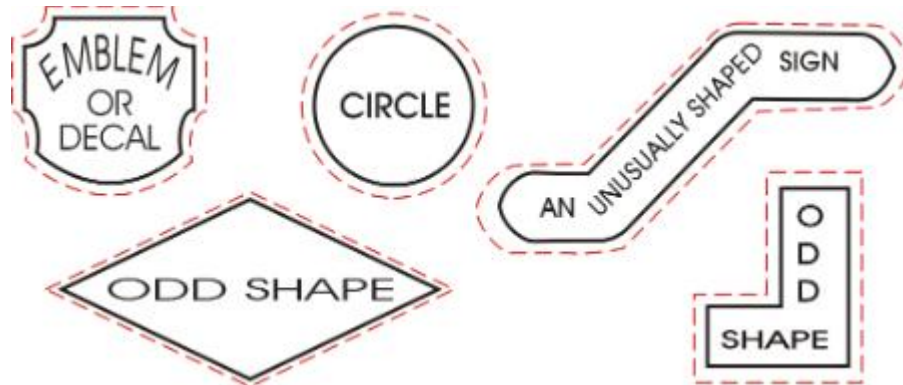
- A. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
- B. In no event shall any illuminated sign or lighting device be placed so as to permit its beams and illumination to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- C. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced.

#### 7-8-6. **Sign Area Computation.** The following principles shall control the computation of sign area and sign height.

##### A. **Computation of Area of Individual Signs.**

- (1) The area of a sign face shall be computed as the area of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation,

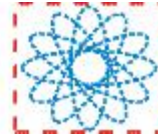
emblem, or other display, together with any material or color determined by the Commissioner of Building to form an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.



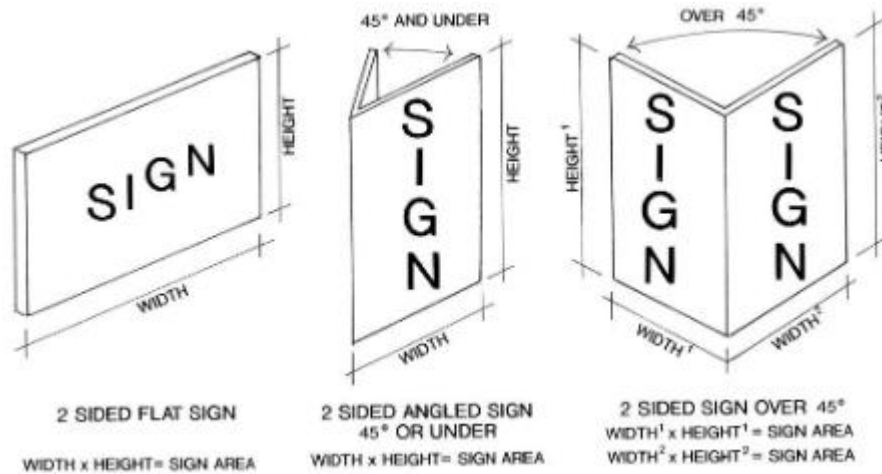
- (2) Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall.



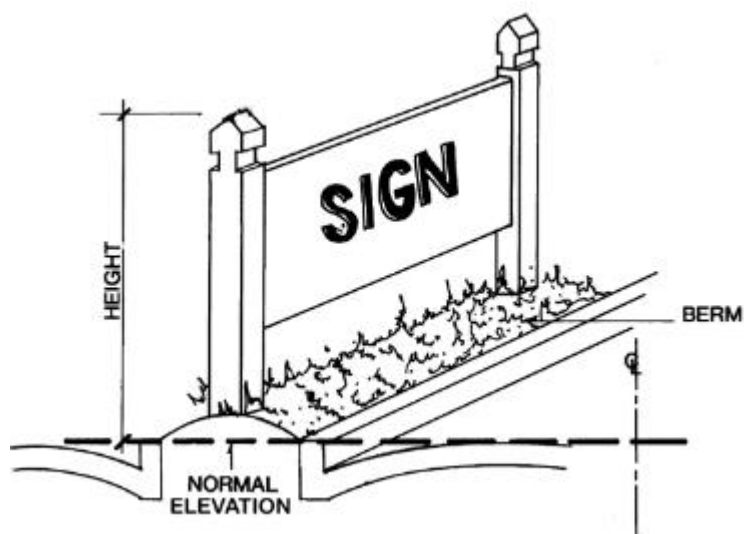
## CHANNEL LETTERS



- B. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back or at an angle of less than 45 degrees and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.



- C. **Computation of Height.** The height of a sign shall be computed as the mean distance from the base(s) of the sign at finished grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.



7-8-7. Permitted Signs Table.

<b>Sign Type</b>	<b>Residential Districts</b>	<b>Business Districts*</b>	<b>Industrial Districts</b>	<b>All Other Districts</b>
<b>Signs Not Requiring a Permit</b>				
Address sign	✓	✓	✓	✓
Construction sign	✓	✓	✓	✓
Incidental sign		✓	✓	✓
Fuel pump sign		✓	✓	✓
Home occupation sign	✓			✓
Political sign	✓	✓	✓	✓

<b>Sign Type</b>	<b>Residential Districts</b>	<b>Business Districts*</b>	<b>Industrial Districts</b>	<b>All Other Districts</b>
Real estate sign	✓	✓	✓	✓
Window sign		✓	✓	✓
<b>Signs Requiring a Permit</b>				
<b>Building Signs</b>				
Awning sign		✓	✓	✓
Fascia sign		✓	✓	✓
Hanging sign		✓	✓	✓
Marquee sign		✓	✓	✓
Projecting sign		✓	✓	✓
Wall sign		✓	✓	✓
<b>Freestanding Signs</b>				
Ground sign		✓	✓	✓
Message center sign		✓ ***		✓
<b>[Amended 8-1-2011 by L.L.]</b>				



Sign Type	Residential Districts	Business Districts*	Industrial Districts	All Other Districts
<b>No. 19-2011]</b>				
Pole sign <b>[Amended 8-1-2011 by L.L. No. 19-2011]</b>		✓ **		✓ **
Subdivision identification sign	✓			
<b>Miscellaneous Signs</b>				
Directory sign		✓	✓	✓
* In the SC district, in addition to the pole sign described in § 7-8-4, only wall, ground, hanging, fascia, and permanent changeable letter signs shall be permitted.				
** Pole signs are not permitted in the OB, NB, or TNB overlay districts.				
*** Message center signs are not permitted in the -TNB overlay district. <b>[Added 8-1-2011 by L.L. No. 19-2011]</b>				
Ground, wall and awning signs only are permitted in the LW-1 District. <b>[Added 6-4-2012 by L.L. No. 13-2012]</b>				

7-8-8. **Permitted Sign Area.**

A. **All Signs.** The maximum area of all signs, excluding those that are exempt, shall be related to the height of the building above the finished grade and the length of the wall of the building facing the nearest street. The total maximum face area for all signs shall not exceed X square feet per linear foot of building frontage where X equals the values in the following table. Lots fronting on two or more streets are allowed to calculate all street frontages into the allowable allocation. The allowance included in the prior sentence shall not be applicable to any Controlled Access Highway as detailed in § 120-5 of the Code of the Town of Amherst or any other street where vehicular access is not permitted including, but not limited to, the New York State Thruway (I-90), the Youngmann Expressway (I-290) and the Lockport Expressway (I-990).

**[Amended 12-12-2011 by L.L. No. 31-2011]**

**Sign Area (square feet) per Linear Foot**

<b>District</b>	<b>Under 2 Stories</b>	<b>2 Stories</b>	<b>Over 2 Stories</b>
RD, ST, GI	1.00	1.25	1.50
GB, SC	2.00	2.00	2.00
MS, CS	1.50	1.75	2.00
NB, OB	0.75	1.00	1.25
CF, RC	0.50	0.50	0.50

**[Amended 2-24-2014  
by L.L. No. 5-2014]**

B. **Pole Signs.** The maximum total face area for a pole sign shall be determined by the street frontage of the lot. Where the lot fronts on more than one street, the frontage shall be the length of the

longest side. The size of any single face shall not exceed 50 percent of the total area permitted. Total face area in excess of 32 square feet shall be charged against the maximum face area.

<b>Street Frontage (feet)</b>	<b>Total Face Area (square feet)</b>
Under 200	64
200 to 349	96
350 to 499	128
500 to 750	160
Over 750	192

C. A permitted public and civic use located in a residential district shall be allowed a maximum of 32 square feet of total sign area. Ground and wall signs shall be permitted and shall not contain a message center sign. Such signs shall be located a minimum of 25 feet from any lot line.

**[Amended 4-12-2010 by L.L. No. 2-2010]**

**7-8-9. Coordinated Sign Plan.**

- A. Coordinated Sign Plans shall be required for all existing and newly proposed multiple developments in accordance with § 8-11.
- B. The purpose of this Plan is to detail the standards for uniformity which the development proposes to live up to, and to state the manner in which the design criteria and standards for uniform sign set forth in this Section shall be met.
- C. Building permits for signs for individual businesses within the development (and therefore subject to the Coordinated Sign Plan) shall be approved by the Commissioner of Building, following Coordinated Sign Plan approval.
- D. All signs shall conform to the approved Coordinated Sign Plan on file with the Town. It shall be the responsibility of the owner of the

development to ascertain that the most updated version is on file for purposes of this Ordinance.

**7-8-10. Temporary Signs.**

A. Exterior portable or temporary signs shall be limited to a maximum sign area of 32 square feet per face and erected, used or maintained only after obtaining a temporary building permit for a sign in accordance with § 8-10. A temporary building permit for a sign shall be issued for the following purposes only:

- (1) New business enterprises for a period not exceeding 30 days;
- (2) Celebration of the first anniversary date of a new business enterprise for a period not exceeding 30 days;
- (3) Business enterprises which have lost the use of an existing sign by reason of fire or other catastrophe, for a period not exceeding 30 days;
- (4) To replace a conforming or legally nonconforming sign during construction activities related to public improvements that has been removed in order to improve the public right-of-way, the time limitation of which shall be established by the Commissioner of Building;
- (5) Limited activities in connection with the principal use or activity on the premises, for a period not exceeding seven days; or
- (6) Signs advertising the price of merchandise displayed outdoors, not exceeding 24 square feet in face area.

B. No more than two temporary building permits for signs shall be issued within any calendar year for any business on the premises.

Temporary signs shall not be allowed within multiple developments as defined in § 2-4, except as provided in 7-8-10A(1), (2) and (3).

**[Amended 1-16-2007 by L.L. No. 2-2007]**

**7-8-11. Construction and Maintenance of Signs.** Every sign shall at all times be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Commissioner of Building shall require compliance with all standards of this Ordinance. If the sign does not comply with adequate safety standards, it shall be removed.

- A. **Abandoned Signs.** Except as otherwise provided in this Ordinance, any sign which is located on property which becomes vacant and unoccupied for a period of three consecutive months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. Failure to remove an abandoned sign shall be a violation of this Ordinance.
- B. **Dangerous or Hazardous Signs.**
- (1) No person shall maintain or permit to be maintained on any premises owned, occupied or controlled by such person any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.
  - (2) Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- C. **Unlawful Signs.** No person shall erect on any premises owned or controlled by such person or use any sign which does not comply with the provisions of this Ordinance.
- D. **Street Improvement Projects.** Any sign projecting over a public right-of-way which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the town, shall be removed by the owner or altered at the owner's expense to comply with the regulation of this Ordinance if, as the result of or after completion of a street improvement project, the sign does not or would not comply with the provisions of this Section.

## § 7-9. Performance Standards

Any use shall comply with the performance standards set forth below. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with, or further conflict with, the

performance standards set forth below for the district in which such use is located. The Town may select and arrange for an independent survey by a person qualified in the particular field to determine whether or not any structure or use complies with the performance standards and the costs for the services shall be paid by the owner or user.

- 7-9-1. **Incineration Facilities.** All incineration facilities shall be enclosed within an approved structure and shall be provided with devices for prevention of emission of smoke, odors, chemical or particulate matters and shall conform to the regulations of Part III, § 3.1 to and including § 3.15 of Bulletin 82, National Board of Fire Underwriters, or any applicable federal, state or county requirements. No garbage, rubbish, waste matter or empty containers shall be permitted outside of buildings.
- 7-9-2. **Dust-Smoke.** The emission of smoke, soot, fly ash fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited shall not be detrimental to or endanger the public health, safety, comfort, welfare or adversely affect property values.
- 7-9-3. **Glare and Heat.** Any operation producing intense glare or heat shall be conducted in such a manner so that the glare or heat shall be completely imperceptible from any point along a lot line.
- 7-9-4. **Fissionable, Radioactive or Electrical Disturbance.** No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground or sewerage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance.
- 7-9-5. **Odorous Matter.** The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.
- 7-9-6. **Toxic or Noxious Matter.** The emission of toxic, noxious or corrosive fumes or gases which would be injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

7-9-7. **Vibration.** Every use shall be so operated that the ground vibration inherently and recurrently generated by said use is not perceptible without instruments, at any point along any property line of the lot on which the use is located.

7-9-8. **Bird Hazards.** In order to reduce bird hazards to air traffic in the vicinity of the Greater Buffalo Niagara International Airport, all buildings hereafter constructed in the area of the town east of the Village of Williamsville and south of Wehrle Drive shall be designed so as to eliminate water standing on the roofs. No roof shall be colored black.

## § 7-10. Bulk Storage of Combustible or Flammable Liquids

All bulk combustible liquids over 660 gallons in residential districts, and 1,000 gallons in all other districts; or flammable liquids over a temporary portable tank storage of 660 gallons, shall be stored underground per the National Fire Protection Association Pamphlet #30. Any above ground tank installed shall be protected from leaks and or spills by a double wall storage tank or proper diking, per the national Fire Protection Association Pamphlet #30. The Commissioner of Building shall have discretionary authority to approve larger aboveground storage facilities in accordance with National Fire Protection Association standards. In accordance with the requirements of § 7-4-3C, all tanks installed above ground shall be completely screened from any public right-of-way.

*Town of Amherst, NY  
Wednesday, July 9, 2014*

## Chapter 203. ZONING

### PART 8.. ADMINISTRATION AND ENFORCEMENT

#### § 8-4. Planned District Rezoning and Planned Unit Development (PUD) Process Application.

**[Amended 5-20-2013 by L.L. No. 8-2013]**

**8-4-1. Applicability.**

- A. This Section shall apply to applications requesting a zoning map amendment to the PRD, PDD, or TND planned districts and for the Planned Unit Development Process (PUD), as applicable.  
**[Amended 9-9-2013 by L.L. No. 17-2013]**
- B. A conceptual development plan shall be required to petition to rezone to a planned district or apply for a PUD in an applicable district. The development plan shall become part of the petition for rezoning or the application for a PUD and shall be reviewed concurrently.
- C. The conceptual development plan procedure is established to assure that the proposed petition for rezoning or application for a PUD is consistent with this Ordinance and generally consistent with the policies of the Comprehensive Plan.
- D. A request for rezoning to a planned district or a PUD application may be initiated by the Town Board, the property owner of the property to be rezoned or an authorized agent of the owner.



**8-4-2. Application Requirements and Development Plan.**

- A. An application for planned district rezoning or a PUD application shall be submitted in accordance with § 8-2-2, Application Requirements.
- B. All applications shall be complete in accordance with § 8-2-2D before the Planning Director is required to review the application. An application shall not be considered complete until a SEQR determination under Town Code, Chapter 104, Environmental Quality Review, can be made.
- C. A conceptual development plan shall be included with the application. The precise contents of the development plan shall be established by the Planning Director.

**8-4-3. Action by the Planning Director.**

- A. Upon receipt of a petition for planned district rezoning or an application for a PUD, the Town Clerk shall transmit the application and the associated conceptual development plan to the Planning Director for distribution to officials and agencies as deemed appropriate for their review, report and recommendation. Such officials and agencies shall each, within 30 days from receiving the petition, furnish the Planning Director a report pertinent to their respective jurisdictions.
- B. The Planning Director shall prepare a report that reviews the planned district rezoning request or PUD application and the associated conceptual development plan in light of any reports, recommendations, applicable plans and the general requirements of this Zoning Ordinance. A copy shall be provided to the Planning Board.

**8-4-4. Action by the Planning Board.**

- A. The Planning Board shall schedule a public hearing and give notice in accordance with § 8-2-3, Notice and Public Hearings. The Planning Board shall review the rezoning petition or PUD application and the associated development plan and evaluate the report received from the Planning Director.
- B. Within 62 days following receipt of the petition by the Planning Director, the Planning Board shall furnish to the Town Board and petitioner either its findings that the proposed planned district

rezoning or PUD application is generally consistent with the policies of the Comprehensive Plan and the regulations, standards and purpose of this Ordinance or a finding of any failure of such compliance and a recommendation that the rezoning be approved, disapproved or modified.

- C. The Planning Board may include in a favorable report a recommendation that the Town Board establish conditions as a part of any resolution approving the application in order to protect the public health, safety, welfare and environmental quality of the community and is generally consistent with the policies of the Comprehensive Plan and this Ordinance.
- D. An unfavorable report shall state clearly the reasons therefore and, if appropriate, point out to the petitioner what changes might be necessary in order to receive a favorable report.

8-4-5. **Review Criteria for a Planned District.** In recommending a favorable report to approve a rezoning to a Planned District or a PUD application, the Planning Board shall consider and make findings on the following matters in addition to those specified in § 8-3-5:

- A. The proposed conceptual development plan meets the purpose and objectives of the PRD, PDD, TND or the district in which the PUD is located.
- B. For a Planned District rezoning, the proposed conceptual development plan shall meet all the use regulations of Part 6. The dimensional requirements of the PRD, PDD, or TND districts must also be met.
- C. A PUD development plan must be consistent with all the applicable use regulations in Part 6 and the purpose statement of the zoning district in which it is located.

8-4-6. **Action by the Town Board.**

- A. Following completion of Planning Board review and upon written request by the petitioner, the Town Board shall schedule a public hearing and give notice in accordance with § 8-2-3, Notice and Public Hearings. A further public notice shall be published and paid for by the petitioner when a hearing postponement is requested by the petitioner.

- B. If the petitioner does not request a public hearing before the Town Board as provided for by this Ordinance within six months after the Planning Board makes its report, the petition shall be deemed withdrawn.
- C. Upon request, the Town Board shall hold the public hearing and render a decision within 62 days thereafter. The time within which the Town Board shall render a decision may be extended by mutual consent of the petitioner and the Town Board.
- D. If the Town Board approves a planned district rezoning the Zoning Map shall be amended after publication as required by § 265 of NYS Town Law.
- E. Amending the Zoning Map or approval of a PUD application does not constitute recording of a subdivision plat nor authorize the issuance of building permits. Such actions can only be taken after site plan approval in accordance with § 8-7 or subdivision approval in accordance with the Town of Amherst Subdivision Regulations.
- F. The determination by the Town Board of whether to approve rezoning to a planned district or a PUD application to adjust any regulations, standards or criteria of this Ordinance shall be based on its review of the proposed conceptual development plan, the report of the Planning Board and the Planning Director and any matters brought forth at the hearing and approval or rejection of a development plan where the Town Board has acted on its own initiative. Such approval shall include the making of the findings specified in § **8-3-5** and § **8-4-5**.
- G. The Town Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving an application additional conditions or requirements consistent with this Ordinance and generally consistent with the policies of the Comprehensive Plan.
- H. If such additional conditions or requirements are proposed, the petitioner shall be given notice by the Town Clerk in writing of such additional conditions or requirements within 15 days of the filing of the Town Board's decision. The Zoning Map shall not be amended or the PUD application shall not be deemed approved until the

petitioner has filed with the Town Clerk written consent to the development plan as modified. If additional conditions or requirements are imposed by the Town Board, a restriction stating those requirements or conditions shall be noted on the deed. Failure of the petitioner to file consent with the Town Clerk within 62 days of the Town Board's action shall constitute a rejection of the conditions, and the application shall be null and void. Extensions of this period may be granted by the Town Board.

8-4-7. **Notice of Decision.** The decision of the Town Board shall be filed in the Office of the Town Clerk within five business days after the decision is rendered, and a copy mailed to the petitioner.

8-4-8. **Subsequent Amendment of Development Plan.**

A. Amendments to conditions and restrictions shall be resubmitted and reviewed for development plan approval as if it were a new application. Any changes subject to the requirements as defined above shall be reviewed first by the Planning Board. The Town Board shall be responsible for final review and action.

B. Amendments to any other conditions and restrictions for the development plan shall be reviewed and approved in accordance with § 8-7-3

8-4-9. **Resubmittal of Withdrawn or Denied Applications.** When a petition has been filed and processed within 10 days prior to the scheduled public hearing of the Town Board and is thereafter withdrawn, or is withdrawn or denied after the hearing, a petition seeking substantially the same relief shall not be considered or voted on by the Town Board, except for a vote to table or to receive and file, within one year from the date of such previous filing, unless the Planning Board shall first find that there have been substantial changes which would merit a hearing or rehearing, in which case the Planning Board shall in its recommendation set forth the grounds for its determination. This restriction shall not apply where the Town Board has not finally determined the proceeding within 62 days following the public hearing.

8-4-10. **Development Plan Phasing.** If the development is to be implemented in phases, each phase shall have adequate provision for

access, parking, open space, recreation areas and stormwater management and other public improvements to serve the development in the event that other phases are not constructed. All proposed phasing of infrastructure and utilities shall be shown in the development plan. Where the overall development will require more than 24 months to complete, such development shall be required to be phased. Each phase shall be provided with temporary or permanent transitional features, buffers or protective areas in order to prevent damage to completed phases, to future phases and to adjoining property.

8-4-11. **Action Following Development Plan Approval.** No construction or site improvement work may commence until subdivision approval has been granted, or site plan approval has been granted and all applicable permits or approvals are obtained in accordance with § 8-7, Site Plan Review.