

Rezoning Application & Supporting Documentation
 3230 & 3238 Millersport Highway from
 R-3 to MFR-4A
 Applicant: Emily's Gardens Estates Inc.
 c/o Sean Hopkins, Esq.
 Date: November 25, 2024



TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: _____ **Acreege** _____ **Fee \$** _____

**Address Verified by
Assessor's Office**

VERIFIED BY DATE

**Application Received
by Planning Department**

ACCEPTED BY DATE

**Materials Checked by
Zoning Enforcement
Officer**

CHECKED BY DATE

**Materials & Fee Paid
to Town Clerk**

ACCEPTED BY DATE

**Fill In
Applicable Fees**

2 ACRES OR LESS

\$1,250.

\$1,250.00

2 – 20 ACRES

**\$1,250 + \$250/acre or fraction
thereof over 2 acres** (fractions of an acre
to be counted as 1 acre)

21 – 30 ACRES

**\$5,700+ \$150/acre or fraction
thereof over 21 acres** (fractions of an acre
to be counted as 1 acre)

OVER 30 ACRES

**\$6,900 + \$75/acre or fraction
thereof over 30 acres** (fractions of an acre
to be counted as 1 acre)

**Request for Relief of / Change to Conditions
of Zoning Approval**

\$1,200.

AFFIDAVIT FEE FOR PUBLIC HEARING

\$15.

\$15.00

TOTAL FEE:

\$ \$1,265.00

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
 (716) 631-7051 Fax (716) 631-7153 Web www.amherst.ny.us

[Note: A completed Part 1 of the Full Environmental Assessment Form with Page 5[a] is attached as Exhibit "1".] Reduced-size copies of the Concept Plan and color Concept Plan are attached as Exhibits "5" and "6". A color aerial photograph of the Project Site and surrounding area is provided at Exhibit "7". A marked-up copy of Figure "8" of the Comprehensive Plan is provided at Exhibit "9".

TO BE COMPLETED BY APPLICANT

1. Petitioner:

Name: Emily's Garden Estates, Inc.

Address: 2217 Sweet Home Road

<u>Amherst</u>	<u>NY</u>	<u>14228</u>
City	State	Zip Code

Phone: 716.688.2526 Fax 888.636.4409

E Mail: kjwyse58@gmail.com

2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:

From: R-3 District

To: MFR-4A District

3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)

3230 Millersport Highway & 3238 Millersport Highway

SBL #: 27.20-2-41 & 27.20-2-40

4. Area of land to be rezoned (in acres): 0.861 acres

5. Owner of Land:

Name: Emily's Garden Estates, Inc.

Address: 2217 Sweet Home Road

<u>Amherst</u>	<u>NY</u>	<u>14228</u>
City	State	Zip Code

Phone: 716.688.2526

6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Sean Hopkins, Esq., Hopkins, Sorgi & McCarthy PLLC.

Address: 35 California Drive - Suite 100

<u>Williamsville</u>	<u>NY</u>	<u>14221</u>
City	State	Zip Code

Phone: 716.510-4338 Fax _____

E Mail: shopkins@hsmlegal.com

7. Petitioner's interest in property

- Option to purchase
- Owner
- Other (explain) _____

8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

None

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. Surveys of the property to be rezoned from R-3 to MFR-4A are attached as Exhibit "2" and legal description rezoned from R-3 to MFR-4A attached as Exhibit "3".

10. Said property has the following deed restrictions or covenants: (attach copy) Not Applicable

Liber _____ Page _____

11. Information on proposed project:

A. Description of the character of the proposed development: The proposed development will consist of a 3-story multi-family residential dwelling consisting of nine upscale units for lease..

B. Rationale for rezoning request:

1. Why was this site chosen? The owner owns three contiguous parcels addressed at 3260, 3238 & 3230 Millersport Highway. The parcel at 3260 Millersport Highway consists 2 multifamily buildings. The proposed project at 3238 & 3230 Millersport Highway will expand upon the existing multifamily development at 3260 Millersport Highway. It should be noted the property at 3260 Millersport Highway is zoned as MFR-4A.

2. Why cannot land be used with the existing zoning? The proposed MFR-4A zoning is suitable for the Project Site. structure or use". Multi-family residential uses are not allowed in the R-3 zoning district.

3. How will this rezoning impact surrounding properties? The surrounding properties consist of multifamily dwelling units, small commercial businesses and single family dwellings. The proposed rezoning to accommodate the project is consistent with the surrounding area.

4. How will this rezoning impact the school system? The project will generate annual school taxes for the school district without creating a substantial demand for educational services.

12. Quantitative Data:

- A. Total # of dwelling units 9 dwelling units.
- B. Distribution of dwelling units by type Apartments for lease
- C. Gross Residential Density per acre 1 dwelling unit per 4,300 sq. ft.
- D. Total amount of Open Space .25 acres
- E. Proposed Non-Residential Floor Area None

13. Development Schedule:

Start Spring 2025
 Finish Fall 2025
 Stages (# of) 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The current owner will own manage the project. The apartments will be leased to residential tenants.

15. Open Space ownership and maintenance provisions (if applicable):

Landscaping will be owned by the Applicant and privately maintained.

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.

- 1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the Plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit "4".

- 2. Pursuant to NYS Town Law Section 272a(11), "All Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Amherst Town Board adopted the Bicentennial Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, maps, or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit "4"

- 3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit "4"

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

- 1. Sanitary Sewer Property is within the Consolidated Sanitary Sewer District of Amherst
- 2. Storm Sewer/Drainage Open drainage ditches located adjacent to property along Millersport Hwy.
- 3. Water Property is within ECWA Lease-Managed district
- 4. Other Gas, electric and telecommunication utilities are all available along Millersport Hwy.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit "4"

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit "4"

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit "4"

- 17. The petitioner encloses herewith the sum of \$1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
- 18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Signature of Petitioner

Subscribed and sworn to before me this 25th day of _____, 20____

Notary Public, Erie County, New York _____

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

- 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- 2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
 - (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
- 3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
- 4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- 5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

Current Planning/Files/Application Forms 2019/Rezoning Application Form 2019

REVISED February 2021

Rezoning Application Requirements and Checklist

The following checklist outlines the information required by the Town of Amherst to accept a Rezoning application. *It is strongly recommended that you make an appointment with Planning Staff to discuss what information will be needed to address the items shown on the checklist.*

Item No.	Item	Submitted	Official use
I Application Information			
1.0	Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)	x	
1.1	Name, address, and contact information of the petitioner	x	
1.2	Name and address of property owners(s) – if different than petitioner	x	
1.3	If petitioner is different than property owner, provide statement describing interest in property and a letter from the property owner authorizing the application	n/a	
1.4	Identify existing and proposed zoning and acreage of area proposed to be rezoned	x	
1.5	Parcel addresses and Section, Block, and Lot (SBL) numbers of all properties proposed to be rezoned. Indicate if a portion of any parcel is involved, if applicable	x	
1.6	Statement of planning objectives to be achieved by the proposed rezoning, including the following: <ul style="list-style-type: none"> • How the proposed zoning and development plan meets the objectives of the Comprehensive Plan • A description of the character of the proposed development • The rationale behind the assumptions that are presented 	x	
1.7	Cite specific maps and / or figures in the Comprehensive Plan that must be amended to support the proposed zoning and provide suggested amendments.	x	
1.8	A general statement about how any proposed open space will be maintained (if applicable)	x	
1.9	A development schedule indicating the approximate date when construction is expected to begin and be completed. Identify schedule of any proposed phasing of the development (attach pages as necessary)	x	
1.10	A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development	x	
II Survey and Legal Description			
1.0	Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor	x	
1.1	Raised/wet seal and signature of licensed surveyor		
1.2	Clear delineation and acreage of area to be rezoned if different than property boundary	x	
2.0	Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)	x	

Item No.	Item	Submitted	Official use
III Concept Plan (if required by the Planning Board)			
1.0	Conceptual development plan drawn to scale (no larger than 24" x36" format and folded into 8 1/2" x 11" size)	x	
1.1	North arrow	x	
1.2	Scale of drawing	x	
1.3	Property lines (existing and proposed)	x	
1.4	Unique natural features and tree cover	x	
1.5	Information on land controlled by the applicant located within 500 feet of the perimeter of the area proposed to be rezoned	x	
1.6	Location of all proposed structures and other improvements	x	
1.7	Number and type of dwelling units (if applicable)	x	
1.8	Gross square feet of commercial space (if applicable)	n/a	
1.9	Maximum structure heights	x	
1.10	Architectural sketches	n/a	
1.11	Existing and proposed contours	n/a	
1.12	Existing utility systems (sanitary sewers, water, storm drainage)	n/a	
1.13	Location of proposed storm water detention or retention facilities	x	
1.14	Proposed land use arrangement	x	
1.15	Location of all parking, loading, stacking and interior circulation drives	x	
1.16	Location of proposed curb cuts	x	
1.17	Location of cross access drives to adjacent parcels	n/a	
1.18	Pedestrian circulation system	x	
1.19	Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status	n/a	
1.20	Location of floodway and 100-year floodplain (if applicable)	n/a	
1.21	Location and purpose of any proposed easements	n/a	
1.22	Location and proposed development of all open spaces, including parks, playgrounds, conservation areas, and dedicated open space; indicate intended ownership of such areas	n/a	
1.23	Additional data as required by the Planning Board	n/a	
V Other Required Information			
1.0	Completed and signed Environmental Assessment Form	x	
1.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)	n/a	
1.2	Traffic impact study (if applicable)	n/a	
1.3	Archaeological assessment (if applicable)	n/a	
1.4	Wetland Delineation report (if applicable)	n/a	
2.0	8 1/2" X 11" reduction of concept plan drawing (see appendix B)	x	
3.0	A CD containing a PDF of the complete submittal package, including all drawings.	emailed	

For official use only:

Approved/Date

EXHIBIT 1

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No [Note: The Town has an adopted Waterfront Revitalization Program.]</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p><i>i.</i> During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p><i>ii.</i> During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
---	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

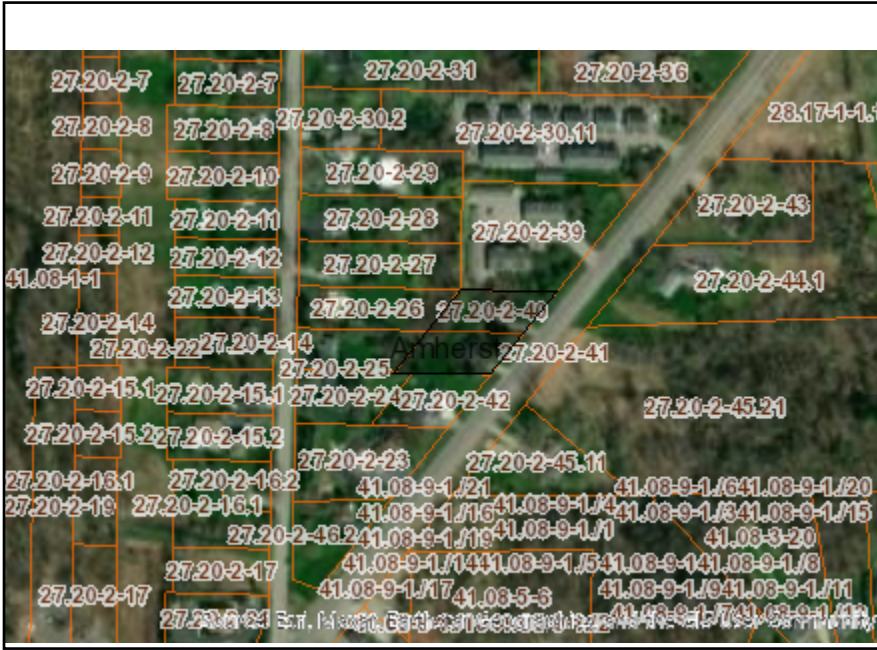
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature Sean Hopkins _____ Title _____

EAF Mapper Summary Report



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

TOWN OF AMHERST
 State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305*):

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Niagara silt loam (NfA)	Severe	Severe	Severe	Severe	Severe
Cosad (Cv)	Severe	Severe	Severe	Severe	Moderate

2. Is your property located: On Youngs Road between Dodge and Klein Roads? Yes No
 On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? Yes No

If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

3. Are there alternative locations on the site for this project? Yes No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:

3160 Millersport Highway - 0.66 acres
240 Miller Road - 0.65 acres

5. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: Yes No

Describe _____

(Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 7

Source: Trip Generation Rates - Federal Highway Administration

7. Will blasting occur during construction? Yes No

8. Does the project propose to connect and be tributary to the public sanitary sewer system? Yes No

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:

3,300 average flow 13,200 peak flow.

(Average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

10. Based on the Town's 2011 Reconnaissance Level Survey of Historic Resources, is your property 'blue-rated' for historic significance? Yes No

EXHIBIT 2

EXHIBIT 2 OF REZONING APPLICATION

**LEGAL DESCRIPTION OF PROPERTY TO
BE REZONED FROM R-3 TO MFR-4A**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie, State and New York, and being part of Lot 58, Township 12, Range 7 of the Holland Land Company's Survey (so-called), bounded and described as follows:

BEGINNING AT A POINT on the northwest line of Millersport Highway, distant 347.43 feet northeasterly from the point of intersection of the northwest line of Millersport Highway with the south line of lands conveyed by a certain deed recorded in the Erie County Clerk's Office in Liber 2661 of Deeds at Page 341;

RUNNING THENCE: Westerly, parallel with the north line of Lot 58, a distance of 204.14 feet to a point;

RUNNING THENCE: Northeasterly, parallel with the northwest line of Millersport Highway, a distance of 229.67 feet to a point;

RUNNING THENCE: Easterly, parallel with the north line of Lot 58, a distance of 204.14 feet to a point on the northwest line of Millersport Highway;

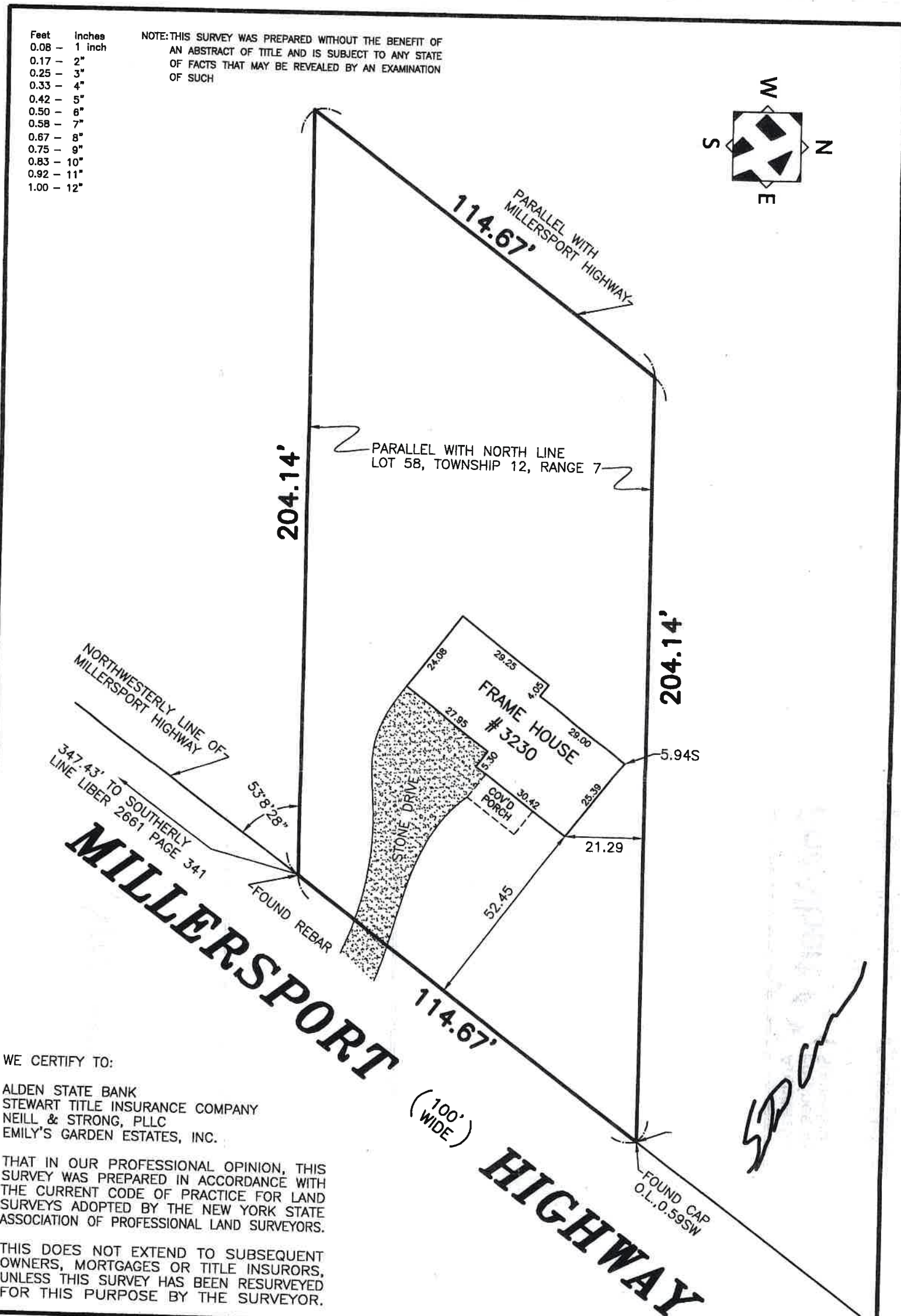
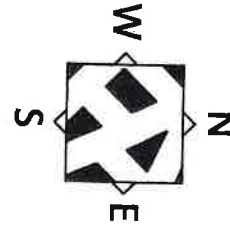
RUNNING THENCE: Southwesterly, along the northwest line of Millersport Highway, a distance of 229.67 feet to the POINT OR PLACE OF BEGINNING, be the same, more or less. SUBJECT to easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE lands conveyed to Emily's Garden Estates, Inc. by deeds recorded in the Erie County Clerk's Office in Liber 11212 of Deeds at Page 4724 and Liber 11259 of Deeds at Page 611.

EXHIBIT 3

Feet inches
 0.08 - 1 inch
 0.17 - 2"
 0.25 - 3"
 0.33 - 4"
 0.42 - 5"
 0.50 - 6"
 0.58 - 7"
 0.67 - 8"
 0.75 - 9"
 0.83 - 10"
 0.92 - 11"
 1.00 - 12"

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH




WE CERTIFY TO:

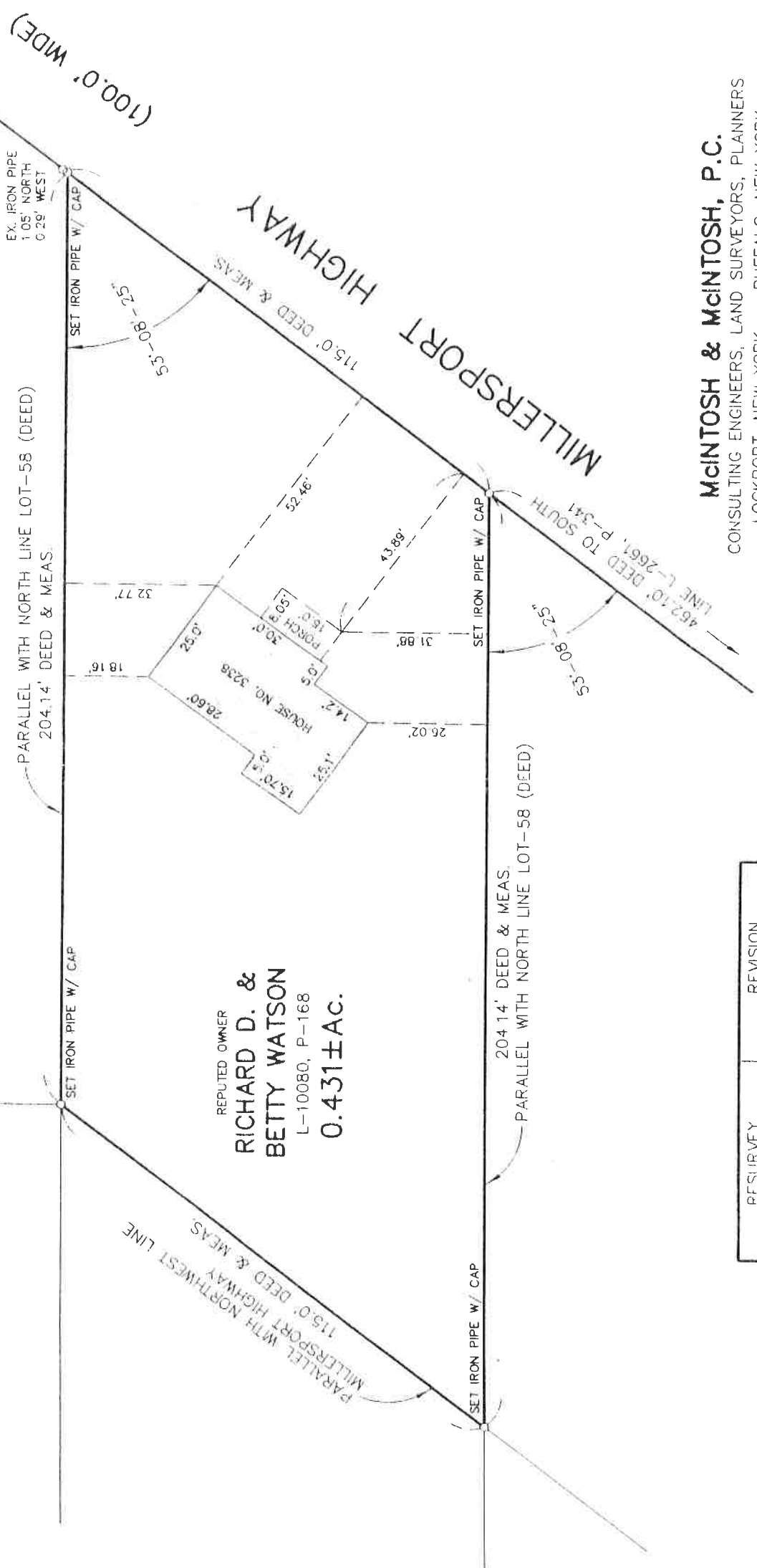
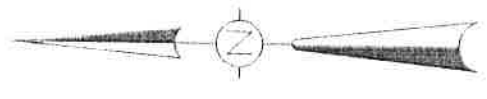
ALDEN STATE BANK
 STEWART TITLE INSURANCE COMPANY
 NEILL & STRONG, PLLC
 EMILY'S GARDEN ESTATES, INC.

THAT IN OUR PROFESSIONAL OPINION, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

THIS DOES NOT EXTEND TO SUBSEQUENT OWNERS, MORTGAGES OR TITLE INSURORS, UNLESS THIS SURVEY HAS BEEN RESURVEYED FOR THIS PURPOSE BY THE SURVEYOR.

LOCATION: TOWN OF AMHERST		SCALE: 1"=30'	 FoitAlbert ASSOCIATES Architecture, Engineering, Surveying 763 Main Street Buffalo, New York 14203 T 716.856.3933 F 716.856.3961 W foit-albert.com SUCCESSOR TO THE RECORDS OF CHARLES E. DENVER
COUNTY OF ERIE, STATE OF NEW YORK			
PART OF LOT 58, TOWNSHIP 12, RANGE 7		DRAWN BY: S. CARVER	
OF THE HOLLAND LAND COMPANY'S SURVEY		CHECKED BY: S. CARVER	
MAP COVER:		RESURVEY:	
SUBLOT(S):		Unauthorized alteration or addition to any survey, drawing, design, specification, plan or report is a violation of Section 7209, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.	
REVISIONS:		Copyright Foit-Albert Associates, all reserved. No portion of this drawing reproduced, stored or transmitted in any form or by any means without prior written permission of the architect, engineer or surveyor.	
ADDED CERTIFICATION 11/25/13			
DATE: NOVEMBER 14, 2013	JOB No.: 13-37367	NO COR. MON. SET	

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH



REPUTED OWNER
**RICHARD D. &
 BETTY WATSON**
 L-10080, P-168
0.431±AC.

McINTOSH & McINTOSH, P.C.
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
 LOCKPORT, NEW YORK BUFFALO, NEW YORK
 PHONE 434-9138 PHONE 625-8360

RESURVEY	REVISION

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**SURVEY OF PART OF LOT-58, TWP.-12, R.-7, HOLLAND PURCHASE
 TOWN OF AMHERST, ERIE COUNTY, NEW YORK**

LOCATION

DATE: AUGUST 21, 2006

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 ALL RIGHTS RESERVED

JOB No. 7411 SCALE: 1" = 30'

DATE: AUGUST 21, 2006

EXHIBIT 4

EXHIBIT 4

RESPONSES TO QUESTIONS 16 OF REZONING APPLICATION

**REZONING OF 3230 MILLERSPORT HIGHWAY & 3238 MILLERSPORT
HIGHWAY FROM R-3 TO MFR-4A**

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to

Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.¹ On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed residential project consisting of nine multifamily units for lease is consistent with the adopted Comprehensive Plan and the land uses in the vicinity of multiple parcels zoned for multifamily purposes along Millersport Highway.

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to

Question 16(A)(2): The proposed project is consistent with the Comprehensive Plan and as such there is not a need to amend the Comprehensive Plan to accommodate the proposed multifamily project consisting of nine residential units for lease.

¹ A copy of the resolution adopted by the Town Board for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to

Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled “Purpose” and it states as follows:

“The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance.”

The requested rezoning of the Project Site from R-3 to MFR-4A to accommodate the proposed multifamily project on the Project Site is consistent with the “Purpose” of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses and represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed rezoning of the Project Site from R-3 to MFR-4A will not be inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land.

D. To prevent excessive concentration of population and to prevent sparse and uncoordinated development;

Response: The proposed rezoning of the Project Site will not result in excessive concentration of population and the residential project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses above set forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The Project Site is not located in a regulated floodway or 100 yr. floodplain. The Site Plan Application review process will trigger the need for an Engineer's Report to be prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The project will not increase the likelihood of damage and injury due to fire and flood. The proposed multifamily building will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not significant natural features located on the Project Site.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner consistent with the Concept Site Plan prepared by Metzger Civil Engineering PLLC submitted with this Rezoning Application will be aesthetically harmonious with nearby areas and structures.²

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The proposed project will have a driveway connection to Millersport Highway.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed multifamily project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The proposed rezoning of the Project Site is consistent with this objective since the proposed use is consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site is consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective.

² A reduced-size copy of the Concept Site Plan is attached as Exhibit "6".

Question 16(C): **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

Response to

Question 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which includes numerous multifamily projects on parcels zoned for multifamily uses.

Question 16(D): **Suitability of the subject property for uses permitted by the current versus the proposed district:**

Response to

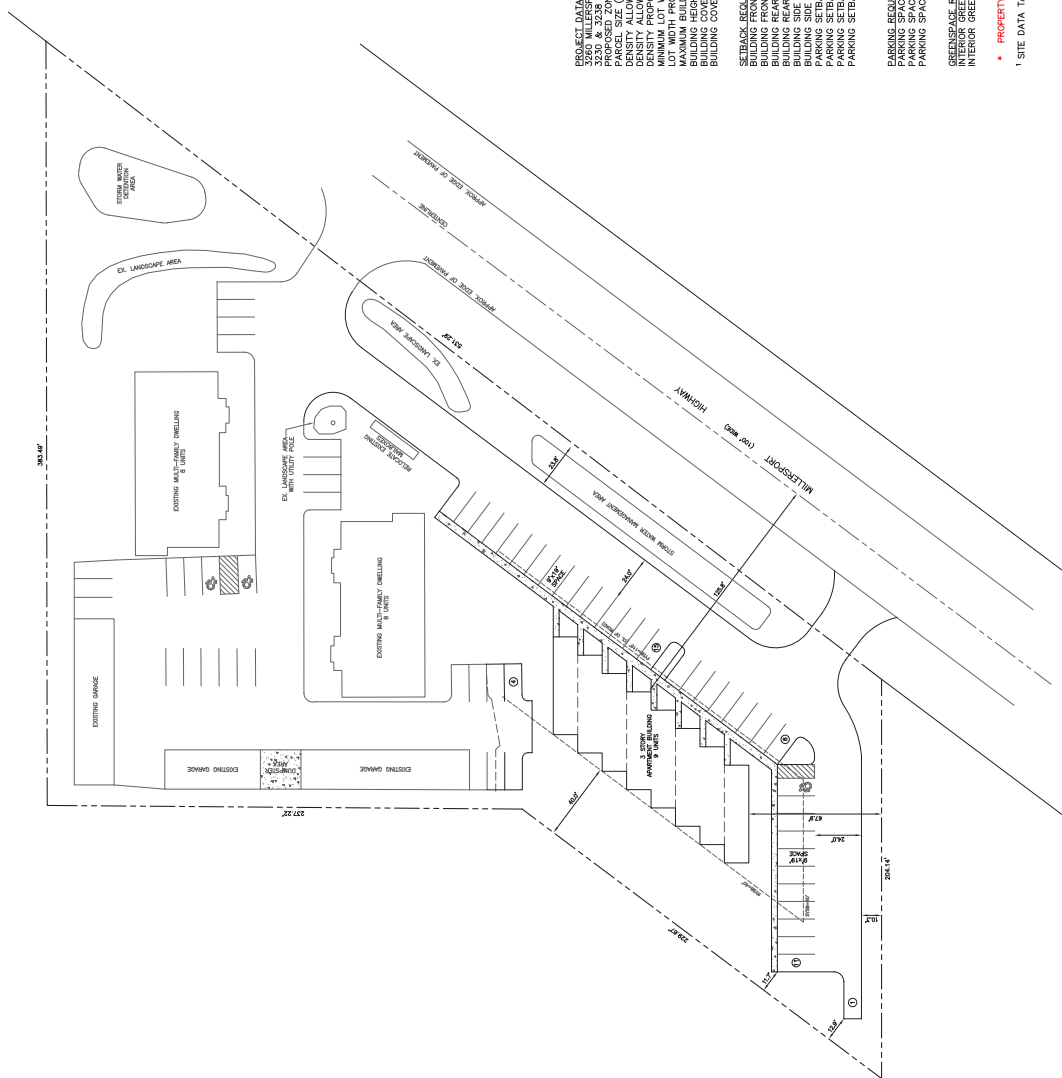
Question 16(D): The proposed project to be developed in accordance with the MFR-4A zoning classification represents a suitable use of the Project Site.

Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to

Question 16(D): The proposed change in the zoning classification of the Project Site from R-R-3 to MFR-4A to accommodate the proposed project will have positive impacts on the balance of uses in the Town by providing new apartments at a suitable location which will be attractive to young professionals, empty nesters and seniors. The Comprehensive Plan recognizes the need for a diverse range of residential housing choices including those that are attractive to seniors.

EXHIBIT 5



PROJECT DATA:
 MFR-4A
 R-3
 3230 & 3238 MILLERSPORT ZONING:
 PROPOSED ZONING: MFR-4A
 PROPOSED ZONING PARCELS COMBINED = 1 DU / 4,300 SF
 DENSITY ALLOWED = 24 UNITS
 DENSITY ALLOWED = 24 UNITS (16 EXISTING & 8 PROPOSED)
 MINIMUM LOT WIDTH ALLOWED = 120.0'
 LOT WIDTH PROVIDED = 337'± (PARCELS TO BE COMBINED)
 BUILDING HEIGHT PROVIDED = < 35'
 BUILDING COVERAGE ALLOWED = 17%
 BUILDING COVERAGE PROVIDED = 17%

SETBACK REQUIREMENTS:
 BUILDING FRONT YARD SETBACK REQUIRED = 115.0' FROM CL OF MILLERSPORT HWY
 BUILDING REAR YARD SETBACK REQUIRED = 40.0'
 BUILDING REAR YARD SETBACK PROVIDED = 40.0'
 BUILDING SIDE LOT SETBACK REQUIRED = 40.0'
 BUILDING SIDE LOT SETBACK PROVIDED = 67.9'
 BUILDING SIDE LOT SETBACK PROVIDED = 67.9'
 BUILDING SIDE LOT SETBACK PROVIDED = 67.9'
 BUILDING SIDE LOT SETBACK PROVIDED = 67.9'
 PARKING SETBACK REQUIRED TO ROW = 20.0'
 PARKING SETBACK PROVIDED TO ROW = 10.0'
 PARKING SETBACK PROVIDED TO ROW = 10.0'
 PARKING SETBACK PROVIDED TO ROW = 11.7'

PARKING REQUIREMENTS:
 2 SPACES / DU
 50 SPACES REQUIRED
 42 SPACES PROVIDED (23 EXISTING & 19 PROPOSED)

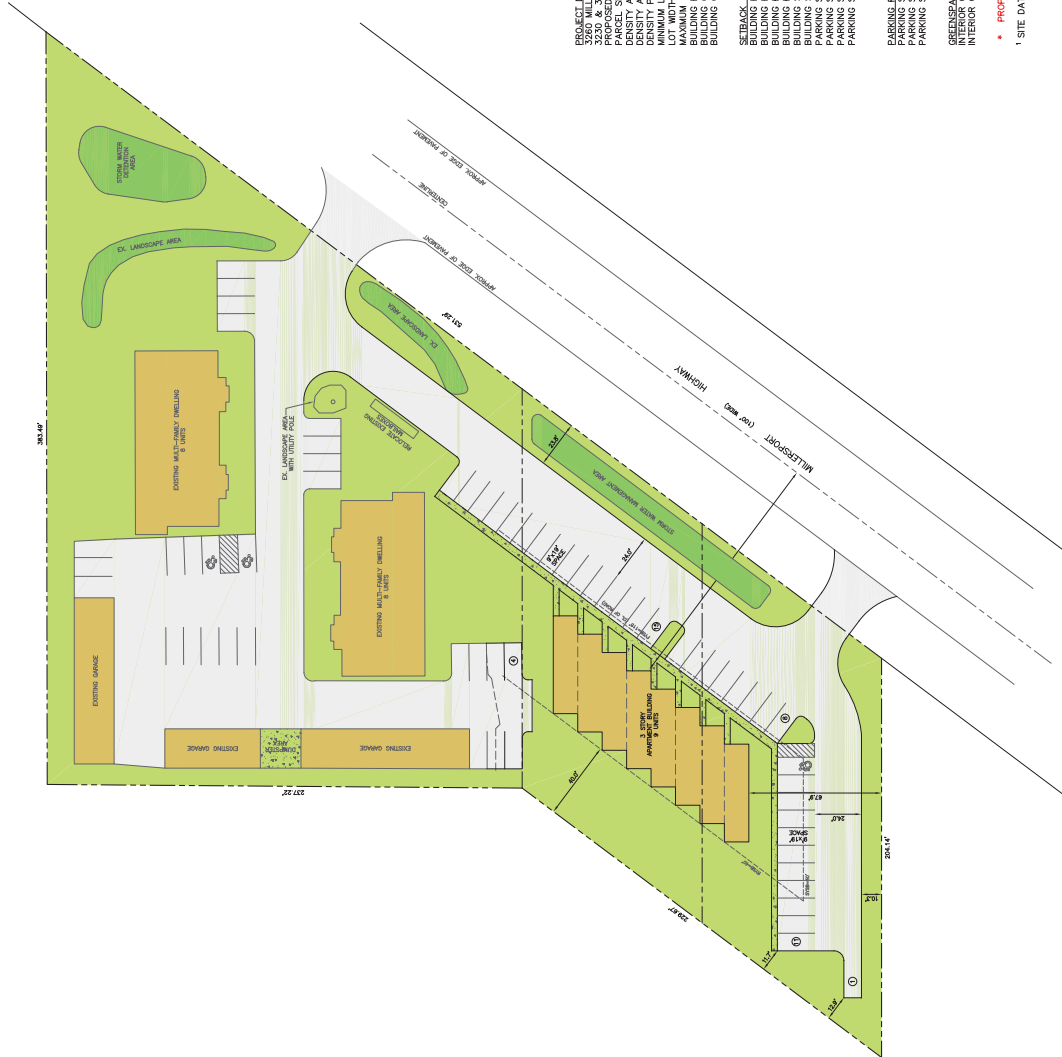
GREENSPACE REQUIREMENTS:
 INTERIOR GREENSPACE REQUIRED = 5%
 INTERIOR GREENSPACE PROVIDED = 7%

• PROPERTY TO BE REZONED

1. SITE DATA TABLE IS BASED ON 3 PARCELS COMBINED (3230, 3238 & 3260 MILLERSPORT)

		MULTI-FAMILY HOUSING DEVELOPMENT 3230-3238 MILLERSPORT HIGHWAY TOWN OF AMHERST, ERIE COUNTY, NEW YORK		SCALE: 1" = 20' DATE: FEBRUARY 2, 2024 JOB NO: 24-011 DRAWING NO:
CONCEPT PLAN		CP-1		
NOTES: 1) BASED ON BOUNDARY SURVEY BY HARTSHORN & METZGER, INC. DATED AUGUST 7, 2020. THE SURVEY IS LOCATED AT THE INTERSECTION OF MILLERSPORT HIGHWAY AND SHERBORN DRIVE, TOWN OF AMHERST, ERIE COUNTY, NEW YORK. THIS IS A PRELIMINARY PLAN.				
DESIGNED BY:	CHECKED BY:	DATE:	PROJECT NO:	SHEET NO:
DRAWN BY:	DATE:	PROJECT NO:	SHEET NO:	SHEET NO:
METZGER CIVIL ENGINEERING, PLLC 8245 SHERBORN DR. WILLIAMSVILLE, NY 14221 TEL: 716-433-2700 FAX: 716-433-2704	CIVIL ENGINEERING SITE DESIGN MUNICIPAL ENGINEERING	DATE: 02/27/24 BY: JMM	DATE: 02/27/24 BY: JMM	DATE: 02/27/24 BY: JMM
© 2024 METZGER CIVIL ENGINEERING, PLLC				

EXHIBIT 6



PROJECT DATA:
 MFR-4A
 R-3
 3230 & 3238 MILLERSPORT ZONING:
 PROPOSED ZONING PARCELS COMBINED = 1 DU / 4,300 SF
 DENSITY ALLOWED = 24 UNITS
 DENSITY PROVIDED = 24 UNITS (16 EXISTING & 8 PROPOSED)
 MINIMUM LOT WIDTH ALLOWED = 120.0'
 LOT WIDTH PROVIDED = 337'± (PARCELS TO BE COMBINED)
 BUILDING HEIGHT PROVIDED = < 35'
 BUILDING COVERAGE ALLOWED = 37%
 BUILDING COVERAGE PROVIDED = 17%

SETBACK REQUIREMENTS:
 BUILDING FRONT YARD SETBACK REQUIRED = 115.0' FROM CL OF MILLERSPORT HWY
 BUILDING REAR YARD SETBACK REQUIRED = 40.0'
 BUILDING REAR YARD SETBACK PROVIDED = 40.0'
 BUILDING SIDE LOT SETBACK REQUIRED = 40.0'
 BUILDING SIDE LOT SETBACK PROVIDED = 67.9'
 PARKING SETBACK REQUIRED TO ROW = 20.0'
 PARKING SETBACK PROVIDED TO ROW = 10.0'
 PARKING SETBACK REQUIRED TO SF PROP. = 10.0'
 PARKING SETBACK PROVIDED TO SF PROP. = 11.7'

PARKING REQUIREMENTS:
 2 SPACES / DU
 50 SPACES (03 EXISTING & 39 PROPOSED)
 42 SPACES PROVIDED

GREENSPACE REQUIREMENTS:
 INTERIOR GREENSPACE REQUIRED = 5%
 INTERIOR GREENSPACE PROVIDED = 7%

• **PROPERTY TO BE REZONED**

1. SITE DATA TABLE IS BASED ON 3 PARCELS COMBINED (3230, 3238 & 3260 MILLERSPORT)

SCALE: 1" = 20' DATE: FEBRUARY 2, 2024 JOB NO: 14-011 DRAWING NO:		MULTI-FAMILY HOUSING DEVELOPMENT 3230-3238 MILLERSPORT HIGHWAY ERIE COUNTY, NEW YORK	
METZGER CIVIL ENGINEERING, PLLC CIVIL ENGINEERING 8245 SHERBORN DR. WILLIAMSVILLE, NY 14221 TEL: 716-433-2700 FAX: 716-433-2704 WWW.METZGERENGINEERING.COM		CONCEPT PLAN	
DESIGNED BY: [] DRAWN BY: [] CHECKED BY: [] DATE: 10/18/24	JOB NO: 14-011 DATE: 10/18/24	PROJECT NAME: MULTI-FAMILY HOUSING DEVELOPMENT PROJECT ADDRESS: 3230-3238 MILLERSPORT HIGHWAY PROJECT CITY: WILLIAMSVILLE, NY PROJECT STATE: NY PROJECT COUNTY: ERIE PROJECT ZIP: 14221	CLIENT: [] DATE: 10/18/24

EXHIBIT 7

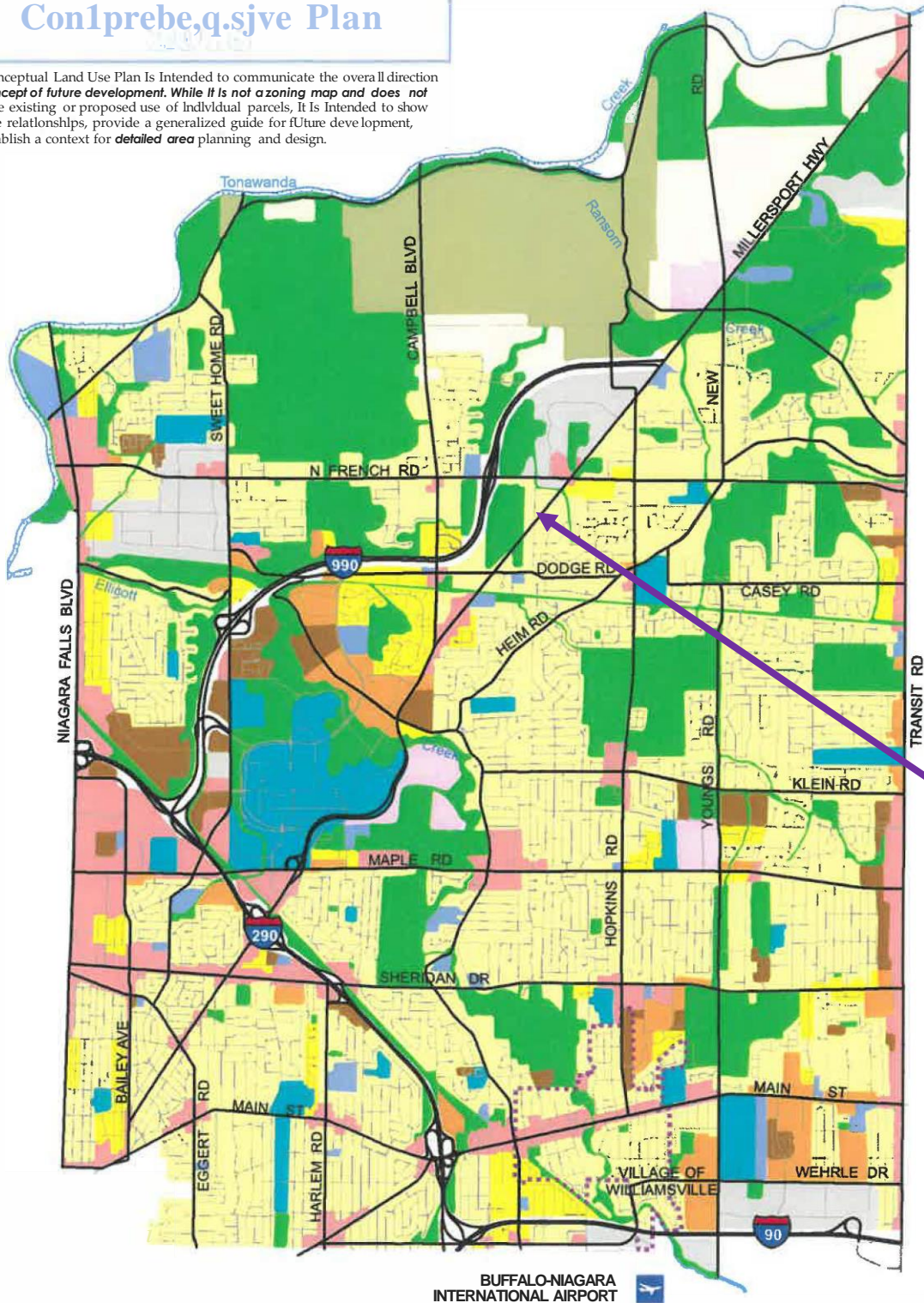


<p>PROJ. DATA: 3230 MILLERSPORT ZONING: 3230 & 3238 MILLERSPORT ZONING: R-1-S-44* PARCEL SIZE (3 PARCELS COMBINED) = 100,137 SF (2.31 ACRES) DENSITY ALLOWED = 1 DU / 4,000 SF DENSITY PROPOSED = 25 UNITS (16 EXISTING & 9 PROPOSED) MINIMUM LOT WIDTH ALLOWED = 120.0' (PARCELS TO BE COMBINED) MAXIMUM BUILDING HEIGHT ALLOWED = 35' ± BUILDING HEIGHT PROVIDED = 5-35' BUILDING COVERAGE PROVIDED = 17%</p>		<p>SETBACK REQUIREMENTS: BUILDING FRONT YARD SETBACK REQUIRED = 115.0' FROM CL OF MILLERSPORT HWY BUILDING FRONT YARD SETBACK PROVIDED = 125.8' BUILDING REAR YARD SETBACK REQUIRED = 40.0' BUILDING REAR YARD SETBACK PROVIDED = 40.0' BUILDING SIDE LOT SETBACK REQUIRED = 40.0' BUILDING SIDE LOT SETBACK PROVIDED = 40.0' BUILDING SIDE LOT SETBACK PROVIDED = 67.9' BUILDING SIDE LOT SETBACK PROVIDED = 23.18' BUILDING SIDE LOT SETBACK PROVIDED = 23.18' BUILDING SIDE LOT SETBACK PROVIDED = 10.0' BUILDING SIDE LOT SETBACK PROVIDED TO SF PROP. = 11.7'</p>	
<p>PARKING REQUIREMENTS: 2 SPACES / DU PARKING SPACES REQUIRED = 50 SPACES (23 EXISTING & 27 PROPOSED) PARKING SPACES PROVIDED = 62 SPACES (23 EXISTING & 39 PROPOSED)</p>		<p>GREENSPACE REQUIREMENTS: 1% INTERIOR GREENSPACE REQUIRED = 4% INTERIOR GREENSPACE PROVIDED = 7%</p>	
<p>* PROPERTY TO BE REZONED 1 SITE DATA TABLE IS BASED ON 3 PARCELS COMBINED (3230, 3238 & 3290 MILLERSPORT)</p>			
<p>NOTES: 1) BASED ON BOUNDARY SURVEY BY METZGER & METZGER, P.C., DATED AUGUST 21, 2024 (CONTRACT NUMBER 14, 2013, 0200 MILLERSPORT). THIS IS NOT A PROFESSIONAL OPINION. 2) THIS PLAN IS THE PROPERTY OF METZGER & METZGER, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF METZGER & METZGER, P.C.</p>		<p>OWNER: NAME: [] ADDRESS: [] CITY: [] STATE: [] ZIP: [] PHONE: [] FAX: []</p>	
<p>DESIGNED BY: NAME: [] ADDRESS: [] CITY: [] STATE: [] ZIP: [] PHONE: [] FAX: []</p>		<p>DATE: []</p>	
<p>PROJECT: MULTI-FAMILY HOUSING DEVELOPMENT 3230-3238 MILLERSPORT HIGHWAY TOWN OF AMHERST, ERIE COUNTY, NEW YORK</p>		<p>SCALE: 1" = 100'</p>	
<p>DATE: OCTOBER 18, 2024</p>		<p>DRAWING NO.: AD-1</p>	
<p>ENGINEER: METZGER & METZGER, P.C. CIVIL ENGINEERING 8245 SHERBORN DR. WILLIAMSVILLE, NY 14221 PHONE: 716-433-2700 FAX: 716-433-2704</p>		<p>BY: [] TITLE: []</p>	

EXHIBIT 8

Town of Amherst Bicentennial Conceptual Land Use Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



**Project
Site
Location**

BUFFALO-NIAGARA
INTERNATIONAL AIRPORT

FIGURE 6

Conceptual Land Use Plan		
Rural Residential	Special Use Center	Recreation, Open Space & Greenways
Single Family Residential	Commercial - Office	Agriculture
Mixed Residential	Industrial - Office	Transportation
Medium Residential	Community Facilities	[ITJ] surface Water
Commercial/Mixed Use	Educational Campus	Village of Williamsville Boundary

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: December 2020

• See Map Figure 6-A for Additional Designations

0 0.25 0.5 0.75 1 1.25
Miles

N