

AMENDED APPLICATION
APRIL 4 2025



TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: Z-2025-01

Acreage 2.4

Fee \$ 1,515.00

Address Verified by
Assessor's Office

VERIFIED BY _____ DATE _____

Application Received
by Planning Department

[Signature]
ACCEPTED BY _____ DATE 2/5/2025

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.

2 – 20 ACRES

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

\$1,500

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

TOTAL FEE:

\$ 1,515.00

TO BE COMPLETED BY APPLICANT

1. Petitioner:

Name: South Linden, LLC

Address: 493 Kennedy Rd

Cheektowaga NY 14227
City State Zip Code

Phone: (716) 432-6947 Fax _____

E Mail: john@kimilco.com

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

From: R-3 District

To: MFR-5 District

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

46, 54, 60, 68, 74 & 84 South Linden Street

SBL #: 80-16-4-7, 80-16-4-6, 80-16-4-5, 80-16-4-4, 80-16-4-3, 80-16-4-2

4. Area of land to be rezoned (In acres): 2.4

5. Owner of Land:

Name: South Linden, LLC

Address: See above

City State Zip Code

Phone: See above

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

Name: Jeffery D. Palumbo

Address: 9276 Main St.

Clarence NY 14031
City State Zip Code

Phone: (716) 308-7211 Fax _____

E Mail: jpalumbo@blockandlongo.com

7. Petitioner's interest in property

Option to purchase
X 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)

N/A

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.

10. Said property has the following deed restrictions or covenants: (attach copy)

Liber N/A Page

11. Information on proposed project:

A. Description of the character of the proposed development:

2 separate buildings, one containing 16 townhomes and one containing 12 townhomes

B. Rationale for rezoning request:

1. Why was this site chosen? Provides a transition from single family homes to the adjacent George F. Lamm American Legion Post 622

2. Why cannot land be used with the existing zoning? Existing residential, single family zoning is not conducive to the area given the immediately adjacent Youngman Highway

3. How will this rezoning impact surrounding properties? Positively, as it adds new upscale housing.

4. How will this rezoning impact the school system? Increase in tax revenue, and minor impact, if any, as townhomes typically attract empty nesters and young professionals without children.

12. Quantitative Data:

- A. Total # of dwelling units 28 units
- B. Distribution of dwelling units by type Townhomes
- C. Gross Residential Density per acre 11 2/3 units per acre
- D. Total amount of Open Space 1 acre +/-
- E. Proposed Non-Residential Floor Area 0 sq. ft.

13. Development Schedule:

- Start Summer 2025
- Finish Spring 2026
- Stages (# of) 1

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

Townhouse units may be sold or leased.

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

Potential homeowners association.

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.

The Town Board, on November 12, 2024, determined the proposed land use is

consistent with the Comprehensive Plan.

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.
The Town Board has determined the land use meets the intent and objective of the
comprehensive plan.

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:
See relevant sections of the comprehensive plan amendment application attached
hereto as Exhibit A.

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

1. Sanitary Sewer Available on site.
2. Storm Sewer/Drainage ""
3. Water ""
4. Other _____

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:
Yes, this provides a diversity of residential uses.

D. Suitability of the subject property for uses permitted by the current versus the proposed district: Rezoning to Multi-Family is a more natural transition than single family, given the location of the property.

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:
Yes, as it fulfills the need for diversity of housing options.

- 17. The petitioner encloses herewith the sum of \$1,515.00 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 3rd day of Feb. 2025
Notary Public, Erie County, New York _____

SUZANNE M GASKILL NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01GA4844709 Qualified in Erie County Commission Expires March 30, 2027
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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 Petition and Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information

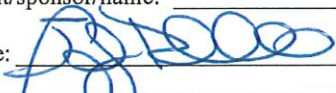
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: South Linden Townhomes			
Project Location (describe, and attach a location map): South Linden Street, a paper street			
Brief Description of Proposed Action: Rezoning to MFR-6 to allow the development of 28 townhome units			
Name of Applicant or Sponsor: South Linden, LLC		Telephone: 716-308-7211	
		E-Mail:	
Address: c/o Jeffery D. Palumbo, 9276 Main St.			
City/PO: Clarence		State: NY	Zip Code: 14031
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Site plan approval - Amherst Planning Board			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.4 acres			
b. Total acreage to be physically disturbed? _____ 2.0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.4 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. 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? b. 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Stormwater management system will discharge to the Town of Amherst system on McIntire Road		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater management, size TBD		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Jeffery D. Palumbo as attorney</u> Date: <u>2-3-05</u></p> <p>Signature:  Title: <u>Attorney</u></p>		

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.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENTAL P, CAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, NGA, USGS, NPS

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	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
URBAN LAND - CHATELAIN COMPLEX	N/R	—————	—————	—————	→
URBAN LAND - LIMA COMPLEX	N/R	—————	—————	—————	→

N/R - NOT RATED

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

_____ Geotechnical report attached

 X Not applicable

3. 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.

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

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

 2.4 AC +/-

6. 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.)

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project 17 PM PEAK
Source: ITE

8. Will blasting occur during construction? Yes No

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

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
 61,100 GPD average flow 24,100 GPD 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.)

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

LOCAL LAW NO. _____-201__

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST
CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE
46, 54, 60, 68, 74 & 84 South Linden Street FROM R-3 TO MFR-5 AND TO
(address) AMEND THE ZONING MAP ACCORDINGLY.

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 46, 54, 60, 68, 74 & 84 South Linden Street from R-3 to MFR-5 and to Amend The Zoning Map Accordingly."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 46, 54, 60, 68, 74 & 84 South Linden St. from R-3 to
(address)
MFR-5 zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from R-3
to MFR-5 the zoning of 46, 54, 60, 68, 74 & 84 South Linden St. subject to any conditions imposed by the authorizing resolution; legally described as follows:

Section 4. Validity.

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

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

Section 5. Effective Date.

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

**Francina Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York**

EXHIBIT A

Comprehensive Plan Amendment Analysis

As set forth in the Town of Amherst Bicentennial Comprehensive Plan (“Plan”) amendment application form, Petitioner must provide information on the prospective action in relation to the plan. The application form questions are outlined below in bold with Petitioner’s response noted.

A. Description of Prospective Actions:

Petitioner’s Response: Petitioner is proposing to build four (4) buildings, each containing seven (7) two (2) story townhomes, for a total of 28 townhome units.

B. Rationale for Request of Amendment:

1. How will the requested amendment be consistent with Section 22 (Vision Statement)

Petitioner’s Response: The requested amendment will enhance the livability of the area in offering a lifestyle option not readily available in the immediate area. In addition, it will serve to enhance community character by investing in and revitalizing older neighborhoods. Further, the requested amendment and subsequent development will present a very high standard for quality development while respecting appropriate buffers in existing neighborhoods. Finally, this is consistent with the Shared Direction as set forth in the plan as it enhances the diverse economy of the Town, strengthening the tax base and attraction to the community by carefully using vacant land with an infill development.

2. How will the requested amendment be consistent with Section 2.3 (Key Initiatives)

Petitioner’s Response: Regarding “Aesthetic/Community Character” as set forth in the plan, the amendment will only add to the renowned beauty, character and environmental quality of the Town. A first-class townhome community seeks to “raise the bar” by adding a new lifestyle choice in an underserved area.

Regarding the “Revitalization” initiative in the plan, again, this proposal injects new life and new investment into an older area of the Town, by providing a diverse choice of living for empty nesters, young professionals, or others seeking limited maintenance obligations.

Finally, the amendment is consistent with the “Governance” initiative as the proposed townhomes do not introduce inconsistency or unfairness in zoning and land use.

C. How is the requested amendment aligned with the defined policies in sections:

1. 3.0. Land Use and Development?

Petitioner’s Response: The requested amendment adds new diverse housing and an investment to the established community and does so with a context-sensitive architectural and site design. Ultimately, the Properties call for residential dwellings and the requested

amendment and development result in residential dwellings. Specifically, the requested amendment seeks to have the Properties classified as "Mixed Residential." Mixed Residential is appropriate for residences along roads like Wehrle Drive and as a buffer to more traditional single-family neighborhoods. The Properties and Development perfectly capture Mixed Residential as set forth in the Comprehensive Plan.

2. 4.0 Natural and Cultural Resources:

Petitioner's Response: As set forth in the Plan, "best management practices" will be employed to retain stormwater on site, thus reducing downstream flooding and allowing pollutants to filter out over time. Additionally, silt fences and various other techniques will be employed to prevent sediment from leaving this site during construction.

3. 5.0 Economic Development:

Petitioner's Response: As stated in the Plan, "A healthy tax and employment base are essential not only to Amherst's economy, but also the Town's quality of life." Further, the amendment, by introducing new housing, meets the town's objective of maintaining Amherst's strong tax base. Additionally, the proposed townhomes will respect the character and quality of life in the area.

4. 6.0 Transportation:

Petitioner's Response: The plan defines the area as "Traditional Character" which describes a corridor located within higher intensity centers and other neighborhoods. Traffic from the proposed townhome will not significantly alter any traffic patterns in the area.

5. 7.0 Infrastructure:

Petitioner's Response: The proposed amendment will not stress existing storm or waste water service. Other utilities such as water, electric and gas are available on site.

6. 8.0 Housing and Neighborhoods:

Petitioner's Response: The proposed amendment furthers the Comprehensive Plan objective to achieve a diversity of housing options. The Petitioner will ensure that the diverse housing option will be well managed and contribute to the surrounding neighborhood's health and stability. While the proposed amendment changes the Comprehensive Plan conceptual land use plan, Figure 6, by making the Properties mixed residential, the change allows Amherst residents to remain in Amherst by downsizing into a maintenance free environment.

7. 9.0 Community Facilities & Services:

Petitioner's Response: The proposed townhomes are not far from the Main Street corridors. This will allow the residents to visit nearby businesses, restaurants, movie theaters, etc.

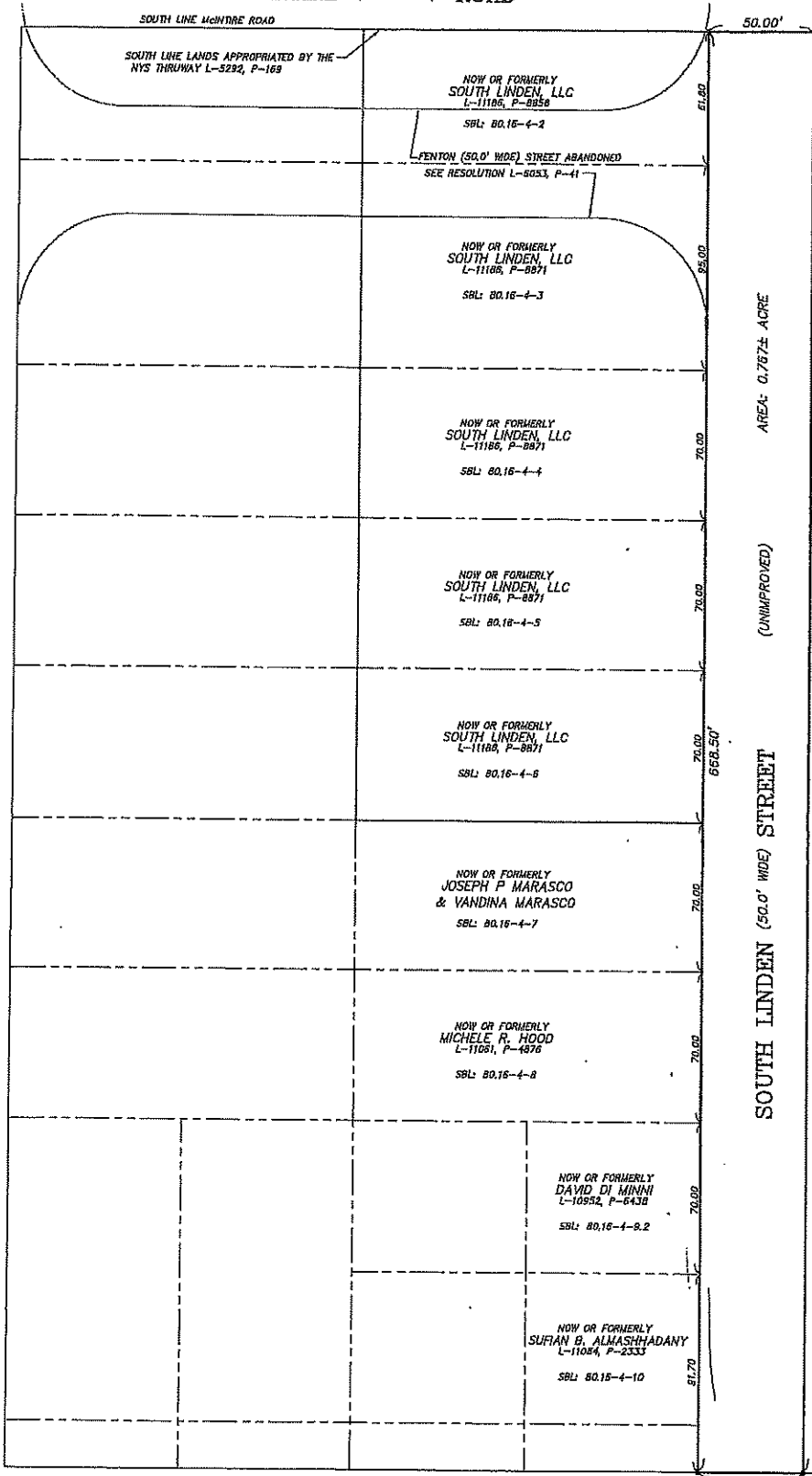
Survey and Legal Description

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7208 PROVISION 2.
 * SET OR EX. 5/8" REBAR

McINTIRE (50.0' WIDE) ROAD

SOUTH HARVEST (50.0' WIDE) STREET



AREA: 0.767± ACRE

(UNIMPROVED)

SOUTH LINDEN (50.0' WIDE) STREET

WEHRLE (WIDTH VARIES) DRIVE

SURVEY OF
 PART OF LOT 22, TOWNSHIP 11, RANGE 7
 HOLLAND LAND SURVEY
 TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE

M. J. [Signature]

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
 ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
 4950 CONVERSE STREET, SUITE 100
 BUFFALO, NEW YORK 14225
 (716) 833-1844 FAX 833-4940

Job No. 9394
 Scale 1" = 50'

Date: JULY 14, 2021
 Tax No.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Amherst, County of Erie and State of New York, being part of Lot 22, Township 11 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the west line of Linden Street (AKA South Linden Street) (50.0 feet wide) as shown on a subdivision map of Cayuga Heights filed in the Erie County Clerk's Office under Map Cover 898 and the north line of Wehrle Drive (width varies), said point being the southeast corner of lands conveyed to Sufian B. Almashhadany by deed recorded in the Erie County Clerk's Office in Liber 11084 of Deeds at Page 2333:

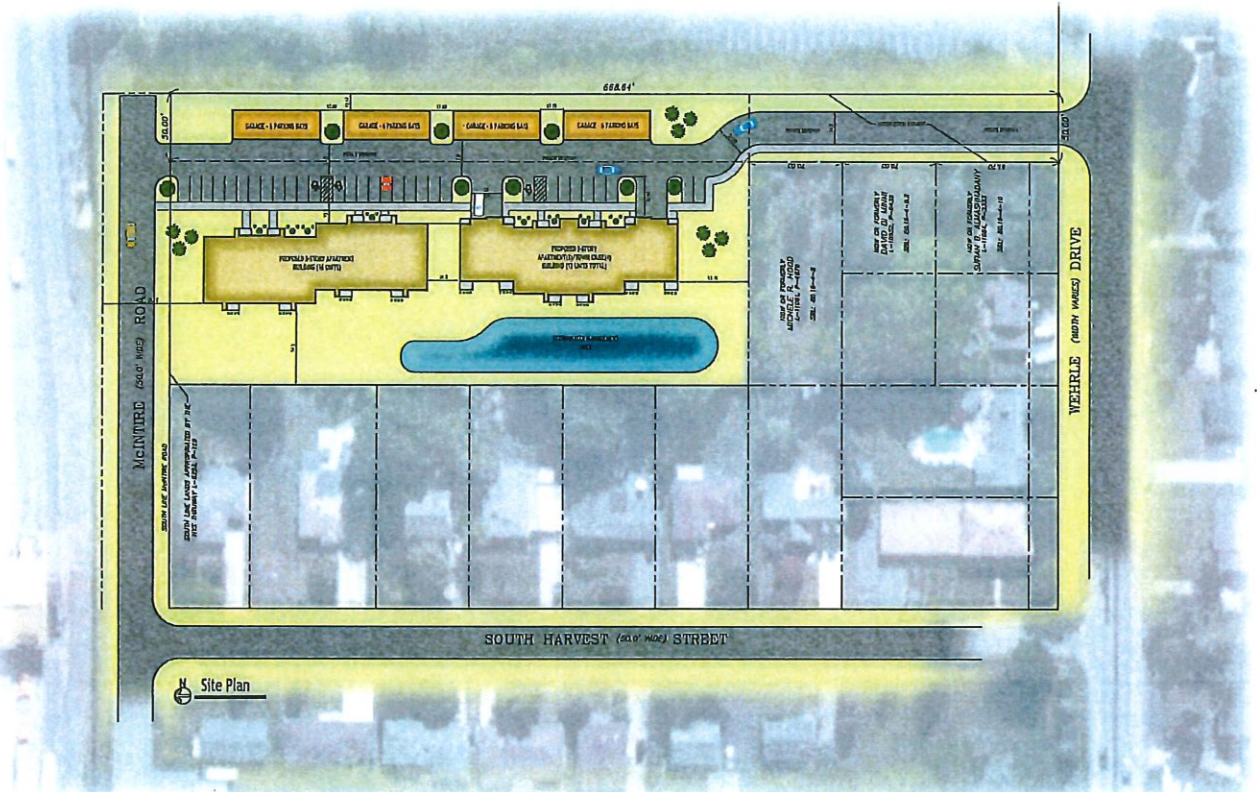
THENCE: Northerly, along the west line of Linden Street, a distance of 668.50 feet to the south line of McIntire Road (50.0 feet wide) as appropriated by the NYS Thruway and recorded in the Erie County Clerk's Office in Liber 5292 of Deeds at Page 169;

THENCE: Easterly, along the said south line of McIntire Road, a distance of 50.00 feet to the east line of Linden Street;

THENCE: Southerly, along the said east line of Linden Street, a distance of 668.64 feet to the aforementioned north line of Wehrle Drive;

THENCE: Westerly, along the said north line of Wehrle Drive, a distance of 50.00 feet to the POINT OF BEGINNING containing 0.767 acre be the same more or less.

Preliminary Site Plan



Owner Authorization

AUTHORIZATION

John Militello, as Member of South Linden LLC, record property owner of property located at South Linden Street, a paper street in the Town of Clarence, New York (SBL No. TBD), hereby authorize Block, Longo, LaMarca & Brzezinski, P.C. to file any and all applications along with any necessary supporting documentation, with the Town of Amherst in connection with the approvals sought for the properties referenced above.

SOUTH LINDEN LLC

By: *Militello, John*
John Militello, Member
Dated: 08 / 21 / 2023

Renderings



