

RESULT:	TABLED [UNANIMOUS]	Next: 2/23/2009 7:00 PM
MOVER:	Barry A. Weinstein, Councilmember	
SECONDER:	Satish B. Mohan, Supervisor	
AYES:	Mohan, Manna, Ward, Schratz, Marlette, Weinstein	

11. Resolution 2009-51

Recreation Commission Appointment

Consent

RESOLVED the Amherst Town Board appoints Robert Schreck to the Recreation Commission for a term to expire December 31, 2015.

RESULT:	WITHDRAWN
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12. Resolution 2009-53

Planning Board Appointment

RESOLVED the Amherst Town Board appoints Marjory Jaeger to the Planning Board for a term to expire December 31, 2015.

RESULT:	TABLED [UNANIMOUS]	Next: 2/23/2009 7:00 PM
MOVER:	Barry A. Weinstein, Councilmember	
SECONDER:	Satish B. Mohan, Supervisor	
AYES:	Mohan, Manna, Ward, Schratz, Marlette, Weinstein	

13. Resolution 2009-72

7:00 PM Rezoning: 5462 Sheridan Dr. from R-3 to OB, Arista Development, Petitioner.

A motion was made by Supervisor Mohan, seconded by Councilmember Schratz, to approve an issuance of a Negative Declaration. 6-0

A motion was then made by Supervisor Mohan, seconded by Deputy Supervisor Manna, to approve the resolution as amended. 5-1, Weinstein - no

A motion then was made by Supervisor Mohan, seconded by Councilmember Schratz, to approve the rezoning from R-3 to OB subject to the Planning Board conditions and Town Board condition. 5-1, Weinstein - no

Planning Board Conditions:

1. That no structure exceeding 1-story in height with a maximum elevation of 35 ft. from finished grade be permitted.
2. That a paved vehicle connection be provided to the east property line, with the exact location to be determined at site plan.
3. That a deed restriction be filed that limits use of the portion of the property to remain R-3 (Single Family Residential - Three) to accessory uses and structures as permitted in the that district.

Town Board Conditions:

1. Arista Development will transfer the remaining rear land to the neighborhood residents without charge. 5-1, Weinstein - no

LOCAL LAW NO. 3- 2009

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 5462 SHERIDAN DRIVE FROM R-3 TO OB AND TO AMEND THE ZONING MAP ACCORDINGLY

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending The Zoning Of 5462 Sheridan Drive."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 5462 Sheridan Drive from R-3 to OB zoning has been filed and is in proper order.

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 OB the zoning of 5462 Sheridan Drive; legally described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 48, Township 12 and Range 7 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

BEGINNING at a point in the north right of way line of Sheridan Drive (width varies) (originally 66 feet wide), 133.53 feet east of the east line of Belvoir Road, said point also being the northwest corner of lands acquired by the State of New York in a deed recorded in the Erie County Clerk's Office in Liber 10688 of Deeds at Page 297; Thence northerly along the east line of map filed in the Erie County Clerk's Office under Map Cover 2234 and bearing N 00° 58' 13" E, 375.00 feet to a point; Thence easterly along a line parallel to the south line of said Lot 48 and bearing S 89° 28' 03"E, 155.00 feet to a point in the west line of a map filed in the Erie County Clerk's Office under Map Cover 2256; Thence southerly along a line bearing S 00° 58' 13"W, 375.00 feet to a point in the north right of way of said Sheridan Drive and the north line of said Liber 10688 Page 297; Thence westerly along the north right of way line of said Sheridan Drive and the north line of said Liber 10688 Page 297 and bearing N 89° 28' 03" W, 155.00 to the point of place of beginning and containing 1.34 Acres more or less.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §264 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 Section 130 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby amends the Comprehensive Plan to the extent the rezoning is inconsistent with the Plan and approves the rezoning of the subject property as defined in the legal description attached hereto and made part of this resolution as stated above.

RESULT:	ADOPTED AS AMENDED [5 TO 1]
MOVER:	Satish B. Mohan, Supervisor
SECONDER:	Shelly Schratz, Councilmember
AYES:	Mohan, Manna, Ward, Schratz, Marlette
NAYS:	Barry A. Weinstein