

DRAFT

REQUEST TO REZONE 28.44± ACRES OF LAND
FROM CF & R-3 TO GB & MFR-6
218 & 330 Maple Road
(Z-3-07)

CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS documents, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. The requested General Business (GB) zoning district allows uses of a type and intensity that are inconsistent with the character of this portion of Maple Road and would extend commercial land uses in an area that is presently of a residential/recreational nature; and
3. There is presently no suitable zoning district in the Town that is appropriate for the proposed development; and
4. Retaining the Community Facilities (CF) zoning district on the subject property is consistent with the Conceptual Land Use Plan contained in the Comprehensive Plan; and
5. The Town is presently considering enacting a Local Law to limit the size of “big box” retail stores, which may affect the proposed development; and
6. The action is hereby **denied** for the above reasons.

TOWN OF AMHERST

Name of Agency

Signature of Responsible Official

SATISH B. MOHAN, Ph.D.

Name of Responsible Official

TOWN SUPERVISOR

Title of Responsible Official

Date

5583 MAIN STREET, WILLIAMSVILLE, NY 14221

Address of Agency

RESOLUTION

WHEREAS, following the February 2, 2007 submittal of a Draft Environmental Impact Statement (DEIS) prepared by Trowbridge & Wolf Landscape Architects on behalf of the petitioner Benderson Development Company, LLC, the DEIS was accepted by the Town Board on June 4, 2007. The DEIS was submitted for the proposed rezoning from CF and R-3 to GB and MFR-6 and development of 33.326± acres of land located at 218 & 330 Maple Road. On June 28, 2007, the Planning Board held a public hearing on the DEIS and the rezoning request and recommended approval of the subject petition. Subsequently, a public hearing on the DEIS and rezoning request was held by the Town Board on September 4, 2007. A Final Environmental Impact Statement (FEIS) was accepted by the Town Board on December 17, 2007, and a Notice of Completion of the FEIS was filed on December 26, 2007. The rezoning area was subsequently reduced in size to 28.44± acres to retain a CF zoned frontage and create a conservation project along Maple Road.

WHEREAS, the Planning Board and the Town Board have considered the content of the DEIS, the FEIS, and all other documents and comments and submissions made during and after the hearings.

NOW THEREFORE THE TOWN BOARD FINDS AND DETERMINES THAT:

1. The proposed General Business (GB) and Multi-Family Residential – Six (MFR-6) zoning as presented in the FEIS is not consistent with the Comprehensive Plan's Conceptual Land Use Plan which shows recreation and open space use on the subject property.
2. Adequate services and utilities would be available or proposed to be made available in the construction of the development.
3. The proposed development would not be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
4. The subject property may be suitable for other uses permitted by the current Community Facilities (CF) zoning district.
5. The proposed development does not improve the balance of uses, nor is there a specific demand for residential, retail, office or hotel use proposed in the development that is not currently met within the Town.

6. Potential impacts to the following areas have been examined during the environmental review of the project and discussed in the DEIS and FEIS. The various mitigation measures proposed by the Project Sponsor and discussed in the FEIS have been determined to adequately address the identified impacts related to:

- Traffic and Transportation
- Soils and Environmental Issues
- Wetland Issues
- Drainage and Stormwater Management
- Cultural / Archaeological Resources
- Economic Issues
- Lighting / Noise / Visual Impacts
- Building Height
- Air Quality
- Land Use
- Pedestrian / Bicycle Trails
- Infrastructure