

LOCAL LAW NO. ___ - 2008

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 PORTIONS OF 218 & 330 MAPLE ROAD 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 Portions Of 218 Maple Road and 330 Maple Road."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone portions of 218 Maple Road from R-3 to MFR-6 and 330 Maple Road from CF to MFR-6 and GB 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 CF to GB the zoning of a portion of 330 Maple Road; legally described as follows:

All that tract or parcel of land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Commencing at the southwest corner of lands conveyed by deed recorded in the Erie County Clerk's office in Liber 11111 of deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 +/- east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 330.00 feet, said point being 220.0 feet east of the southwest corner of lands now or formerly conveyed to Buffalo Maple Road, LLC;

Thence northerly through lands now or formerly of said Buffalo Maple Road, LLC, at right angles a distance of 101.00 feet to the point or place of beginning;

Thence continuing northerly through lands now or formerly of said Buffalo Maple Road, LLC. A distance of 587.00 feet to a point in the northerly line of said Buffalo Maple Road, LLC.;

Thence easterly along the northerly line of said Buffalo Maple Road, LLC, at right angles parallel to the northerly line of Maple Road a distance of 1780.00 feet to the northeast corner of said Buffalo Maple Road, LLC.;

Thence southerly along the easterly line of said Buffalo Maple Road, LLC, at right angles at distance of 587.00 feet to a point;

Thence westerly through lands now or formerly of said Buffalo Maple Road, LLC. at right angles a distance of 1780.00 feet to the point or place of beginning containing 23.99 acres of land, more or less.

The Town Board further amends its Zoning Map, which is incorporated by reference in the Town of Amherst Zoning Code by amending from CF and R-3 to MFR-6 the zoning of a portion of 218 Maple Road and a portion of 330 Maple Road; legally described as follows:

All that tract or parcel of land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Commencing at the southwest corner of lands conveyed by deed recorded in the Erie County Clerk's office in Liber 11111 of deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 +/- east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 330.00 feet, said point being 220.0 feet east of the southwest corner of lands now or formerly conveyed to Buffalo Maple Road, LLC.;

Thence northerly through lands now or formerly of said Buffalo Maple Road, LLC. at right angles a distance of 101.00 feet to the point or place of beginning;

Thence continuing northerly through lands now or formerly of said Buffalo Maple Road, LLC. a distance of 587.00 feet to a point in the northerly line of said Buffalo Maple Road, LLC.;

Thence westerly along the northerly line of Maple Road of said Liber 11111 of deeds at page 7971 and a portion of the northerly line of lands now or formally conveyed to Buffalo Maple Road, LLC. at right angles and parallel to Maple Road a distance of 330.00 Feet to a point;

Thence southerly through the said lands of Buffalo Maple Road, LLC. at right angles a distance of 587.00 feet to a point;

Thence easterly through lands now or formerly of said Buffalo Maple Road, LLC. at right angles a distance of 330.00 feet to the point or place of beginning containing 4.45 acres of land, more or less.

Section 4. Conservation Project Area.

Notwithstanding the foregoing rezoning, there shall be created on the site a conservation project area described as follows:

All That Tract or Parcel of Land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Beginning at the Southwest corner of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 feet more or less east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 2,110 feet to the easterly line of lands now or formerly owned by Buffalo Shooting Club, Inc.;

Thence northerly at right angles and along the easterly line of said Buffalo Shooting Club, Inc. a distance of 101 feet to a point;

Thence westerly parallel with the northerly line of Maple Road a distance of 2,110 feet to the west line of said lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971;

Thence southerly along the westerly line of said lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971 a distance of 101 feet to the Point or Place of Beginning containing 4.89 acres of land, more or less.

Section 5. Additional Restrictions.

Cleanup of the brownfields on the site shall be instituted in a manner that results in the project site being cleaned to New York State Department of Environmental Conservation residential standards.

No single retail user shall be greater than 50,000 square feet in size.

No structure on the site shall exceed fifty (50) feet in height.

There shall be no freestanding drive-thru fast food restaurants or pharmacies on the site.

All provisions of the Zoning Code of the Town of Amherst, as currently

adopted, or as amended or modified, shall apply at the site. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

Development of the site shall additionally conform to the following documents:

- **Development Agreement and Architectural Guidelines**
- **Development Plan dated April 2008**
- **SEQR Statement of Findings**

Section 6. 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 7. 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.

EllenK/Gun Club/Local Law 5.30.08