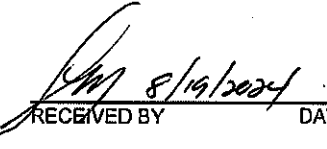
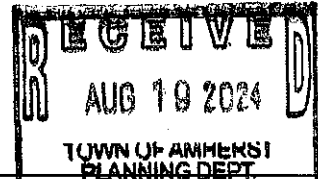




Applicant: Joe Rubinsco
 Sketch Plan Application -
 18 Lot Subdivision [15 Lots
 for Detached Single-Family Homes
 1789 Dodge Road

Not Named
TOWN OF AMHERST PLANNING DEPARTMENT
Application Subdivision Review

<u>For Official Use</u>		
SUB-2024-02 SK File # _____	Acreage <u>6.7±</u>	Fee \$ <u>1165-</u>
Type of Subdivision Application (check one):	Sketch Plan <input checked="" type="checkbox"/>	
	Preliminary Plat <input type="checkbox"/>	
	Final Plat <input type="checkbox"/>	
Address Verified by Assessor's Office		
Verified By _____	Date _____	
		<u>Fill In</u> <u>Applicable Fees</u>
<u>Sketch Plan</u>	\$1,150.00	<u>\$1,150.00</u>
<u>Preliminary Plat</u>		
1 acre or less	\$1,250.00	_____
Each Additional acre or fraction thereof	\$ 650.00/acre	_____
Amendments to Subdivisions	\$1,150.00	_____
Request for Relief of / or Change to Conditions of Subdivision Approval	\$1,150.00	_____
Request for Extension of Subdivision Approval	\$ 450.00	_____
<u>Stormwater Pollution Prevention Plan</u>		
1-4.99 Acres	\$ 500.00	_____
5-10 Acres	\$ 750.00	_____
>10 Acres	\$1,000.00	_____
Affidavit Fee for Public Hearing	\$ 15.00	<u>\$15.00</u>
<u>Final Plat</u>	\$ 450.00	_____
	TOTAL FEE:	<u>\$ 1,165.00</u>
Materials Received by Planning Department	 RECEIVED BY _____ DATE _____	
Materials Accepted by Town Clerk & Fee Paid	RECEIVED BY _____ DATE _____	

To Be Completed By Applicant

Petitioner: Name: Joe Rubino c/o Sean Hopkins, Esq.
 Address: 5500 Main Street, Suite 343
Williamsville, NY 14221
 city state zip code
 Phone: 510-4338 Fax: 427-6501 E Mail: shopkins@hsmlegal.com

Subdivision Name: Dodge Road Subdivision

Subdivision Location & Address: 1789 Dodge Road

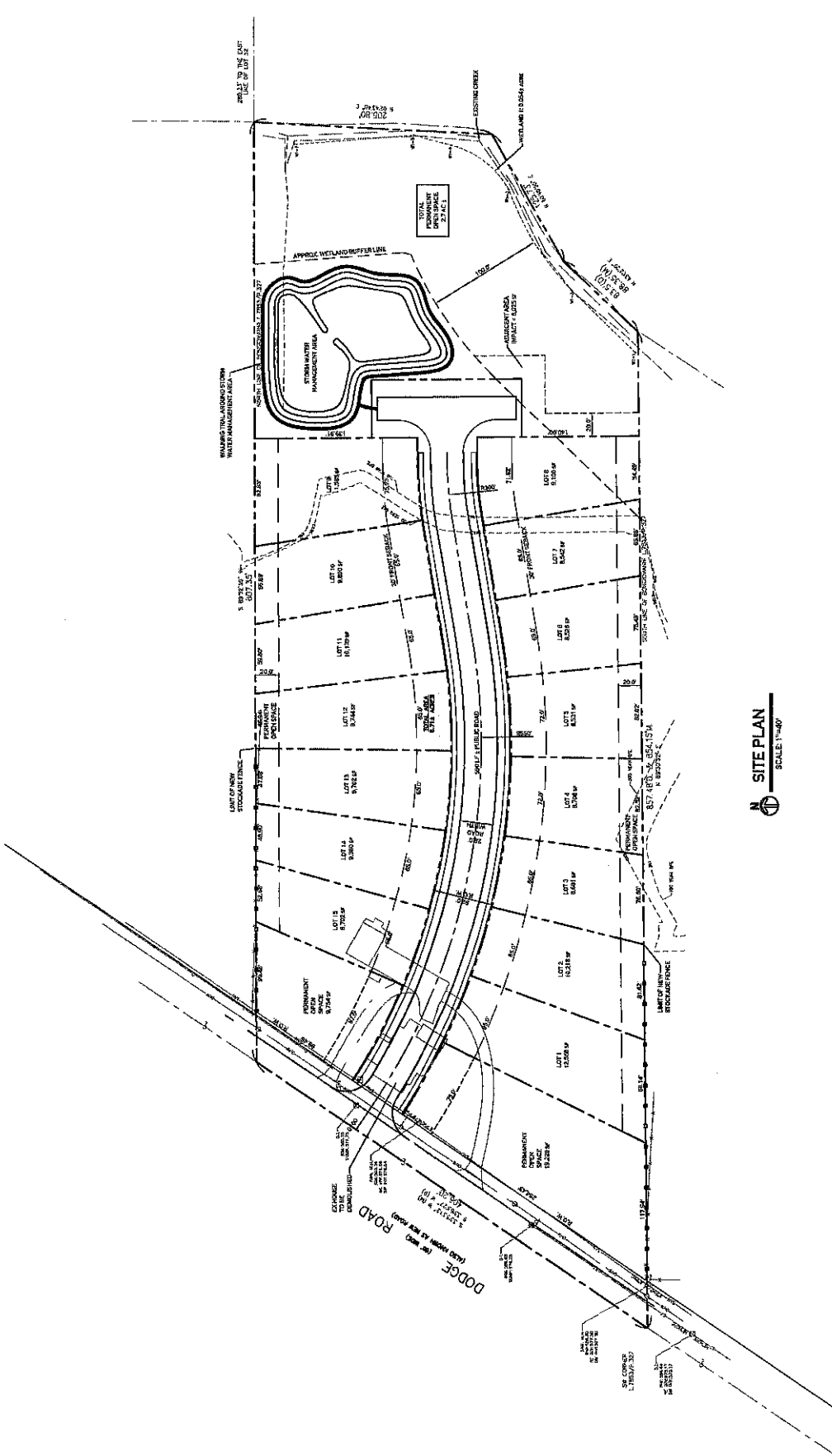
Town of Amherst, Erie County, New York

Number of Sublots: 18 Sublots [15 lots for detached single-family homes along with 3 lots consisting of Permanent Open Space and storm water detention basin.

Land is Presently Zoned Residential District Three ("R-3")

A reduced size copy of the Concept Plan prepared by Carmina Wood Design depicting the layout of the proposed residential subdivision is attached as Exhibit "1" and full size copy is also attached to this Sketch Plan Application. Attached as Exhibit "2" are copies of the Negative Declaration issued by the Town Board pursuant to SEQRA on July 22, 2024 and Resolution No. 2024-538 as adopted by the Town Board on July 22, 2024 approving the rezoning of 1789 Dodge Road from SA to R-3 subject to six (6) conditions. Attached as Exhibit "3" is a copy of the Topographic Survey of the Project Site as prepared by Nussbaumer & Clarke, Inc. dated December 30, 2020.

Exhibit 1



N SITE PLAN
SCALE: 1" = 40'

SITE DATA (TOTAL) (S)	
AREA	6.2 ACRES
MIN. LOT AREA	8,427 SQ FT (MINIMUM LOT)
MIN. LOT WIDTH	77 FT (MINIMUM LOT)
MIN. LOT AREA	8,427 SQ FT (MINIMUM LOT)
MIN. LOT AREA	8,427 SQ FT (MINIMUM LOT)
FRONT SETBACK	20 FT (EDGE OF PAVT)
REAR SETBACK	20 FT
MAXIMUM LOT COVERAGE	20%
MAXIMUM FLOOR AREA	1,000 SQ FT (STORY)
MAXIMUM FLOOR AREA	1,000 SQ FT (STORY)

© CARMINWOOD DESIGN. ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF CARMINWOOD DESIGN 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 CARMINWOOD DESIGN.

DATE: 10/10/17
SCALE: 1" = 40'
PROJECT NO. 2017-07

Exhibit 2



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	Project:	Z-2020-15
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	Date:	July 22, 2024

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Rezoning Request.

SEQR Status: Type I.

Description of Action: Rezoning of 6.7± acres of land from SA to R-3 to allow for a proposed 16-lot residential subdivision that will consist of 15 detached single-family home lots and a stormwater management lot located in the eastern most portion of the property. A public roadway and a single curb cut onto Dodge Road are proposed. Seventy-five feet of frontage along Dodge Road is proposed to remain as greenspace with the exception of the access roadway. Approximately 2.7± acres of the 6.7± acre site will remain as permanent open space along the north, south, eastern and western boundaries of the parcel.

Location: 1789 Dodge Road, Town of Amherst, Erie County, New York

Petitioner: Joe Rubino

Reasons Supporting This Determination

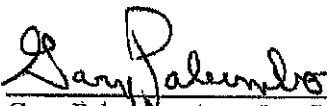
Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1 and Part 2, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 6.7± acres of land from Suburban Agriculture (SA) to Residential District Three (R-3) for a proposed 16-lot residential subdivision (for 15 detached single-family homes) and related site improvements will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on August 24, 2021 reviewed the application and EAF submitted on August 16, 2021 and had no objection or comments on the proposed rezoning.
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. Permanent open space buffers, including 75 feet along Dodge Road will preserve and enhance natural vegetation. A Landscape Plan shall be required of the applicant upon submittal of a subdivision application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met. This determination is also based on review of the NYSDEC Environmental Resource Mapper, which shows the site does not contain any significant natural communities, or habitat for rare, threatened or endangered plants or animal species¹.
3. The project is not expected to create any material conflict with the Town of Amherst Bicentennial Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before the final subdivision plat is approved. The Town Building Department on August 26, 2021 reviewed the application and EAF submitted on August 16, 2021, and has no objection or comments on the proposed rezoning. As described in the Bicentennial Comprehensive Plan, the new development is generally consistent with section 3.3.1 of the Bicentennial Comprehensive Plan for Residential Uses, and in character with the surrounding single-family residential areas.
4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.

¹ <https://glsservices.dec.ny.gov/gis/erm/>, last accessed January 14, 2022


5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character because the proximate land uses within an approximately ¼ mile radius are also single-family detached homes located in the S-A District, R-3 District and CR-3A District; therefore, the project is compatible with surrounding land use.
6. The proposed rezoning to Residential District Three (R-3) for a proposed 16-lot residential subdivision will result in an increase in the use and type of energy. However, the required utilities will be in place to adequately handle the anticipated increase. In addition, development of new single-family dwellings, under either the existing or proposed zoning districts are required to meet the NYS Energy Code for new construction. Therefore, the proposed R-3 rezoning will not cause a significant adverse change in the use of either the quantity or type of energy.
7. A search of NYSDEC data bases (Spill Incidents Database, Remedial Site Database, Bulk Storage Database) did not result in evidence of any known contamination concerns, the rezoning to Residential District Three (R-3) for the proposed 16-lot residential subdivision will not create any hazard to human health.
8. The rezoning from S-A to Residential District Three (R-3) will increase the intensity of use from one single-family dwelling to a total of 15 dwellings. The proposed residential subdivision will be consistent with the scale of surrounding land uses and approximately 1.5 acres of the 6.7-acre site will remain as permanent open space. In addition, there will be no change to existing agricultural, public-open space or recreational resources, as the current land use is not agricultural, or publically-owned open space, or publically-owned recreation resources.
9. The rezoning to Residential District Three (R-3) for the proposed 16-lot residential subdivision will increase the number of people using the site over its previous level of use. However, based on inter-departmental reviews, the existing water, sewer, storm water and street infrastructure have or will have sufficient capacity to serve the proposed 15 single-family dwellings to adequately handle the anticipated increase without significant adverse impact to those existing systems.
10. The rezoning of the subject site will allow for the construction of approximately 15 single-family dwellings, contrasted with 4-6 single-family dwellings that could be allowed under the current S-A zoning designation.
11. Dodge Road is a County collector roadway as stated in the Town's Bicentennial Comprehensive Plan. The Town Traffic Safety Board on September 7, 2021 reviewed the application and EAF submitted on August 16, 2021, and concluded that significant negative traffic impacts are not expected to result from the proposed project.

12. Coordinated reviews of the project have been undertaken by Town Departments including Building on August 26, 2021, Engineering on August 24, 2021, Highway on May 11, 2021, Traffic/Safety Board on September 7, 2021, Assessor on August 19, 2021, Fire Chiefs' Council on September 10, 2021, and Right-of-Way Agent on August 19, 2021 along with outside agencies including Erie County Department of Environment & Planning on September 23, 2021. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
13. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.



Gary Palumbo, Associate Planner

7.23.2024
date



Brian J. Kulpa, Supervisor

7/29/24
date

GP/ac

X:\Current_Planning\Files\Rezoning\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_TB Neg Dec__072224.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
NYSDOT

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Joe Rubino, Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Robert C. Walter, 2765 Dodge Rd., E. Amherst, NY 14051



TOWN OF AMHERST

TOWN CLERK'S OFFICE

6583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7021
FAX (716) 631-7152
www.amherst.ny.us

Francina J. Spoth
Town Clerk

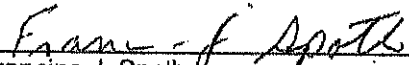
Timothy Koller
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2024-539 "Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on July 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 2nd day of August, 2024.


Francina J. Spoth
Town Clerk
Town of Amherst, Erie County, NY

Sworn to before me
This 2nd day of August, 2024

Notary Public

TIMOTHY J. KOLLER
No. 01K06263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2028



Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29162

RESOLUTION 2024-539

ROLL CALL VOTE (ADOPTED)

Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board does not concur with the findings of the Planning Board as stated in their resolution of September 23, 2021 that the proposed Single Family Residential District Three (R-3) zoning at 1789 Dodge Road is generally inconsistent with the policies of the adopted Bicentennial Comprehensive Plan, and is not compatible with the present zoning and conforming use of nearby property and with the character of the neighborhood, and be it further

RESOLVED, that the Town Board does find that the proposed Residential District Three (R-3) zoning at 1789 Dodge Road is consistent with the adopted Bicentennial Comprehensive Plan because the proposal provides single-family residential density within the target range (2-4 units/acre) as established by Section 3.3.1 of the Bicentennial Comprehensive Plan for single family residential uses and further depicted by Figure'6 of the Plan and is consistent in character with the other single-family subdivisions in the vicinity, which are predominantly single family homes, and be it further

RESOLVED, that the Town Board does find that the proposal is consistent with the adopted Bicentennial Comprehensive Plan because the proposal will incorporate design changes that reflect a mutually beneficial transition between the R-3 zoning to the surrounding S-A zoning by utilizing perimeter open spaces, a 75-foot natural buffer / no build area along the Dodge Road frontage, and be it further

RESOLVED, that in accordance with Chapter 203, Section 8-3-6 of the Town Code (Zoning), the Town Board adopts Local Law () to amend the Town Zoning map from Suburban Agriculture (SA) to Residential District Three (R-3) subject to the following conditions:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.
2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.
3. That a protective covenant/conservation easement shall be placed on all proposed open space and confirm total acreage to be under the control of a home owners association.
4. That the final plat design shall include a right-of-way access to a potential

- future Youngs Road extension.
- 5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.
- 6. Any future Preliminary Plat that shall be submitted to the Planning Board shall consider provisions for future access to the north and south of the subject property.

6/24/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:27 PM.

Sean Hopkins, Esq. and Joe Rubino presented and answered questions.

The following speakers addressed the Board:

- William Pitz, 1815 Dodge Rd
- Cheryl Anastasia, 1860 Dodge Rd
- Nancy Fender, 101 Main St
- John Hamsik, 1820 Dodge Rd
- Pam Curcio, 1745 Dodge Rd
- Jina Gentry, 65 Bissell Dr
- Merja Kenola, 1800 Dodge Rd
- Sandy Mack, 1790 Dodge Rd
- Nick Rockwell, 1765 Dodge Rd
- Bob Drdul, 92 Chateau Ter
- Don Smith, 201 N Long St

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 8:38 PM.

7/22/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and was approved via Roll Call vote 4-1 (nay, Kulpa).

RESULT:	ROLL CALL VOTE (ADOPTED) [4 TO 1]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Lavin, Berger, Szukala, Marinucci
NAYS:	Kulpa

Exhibit 3
