



TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: _____ Acreage _____ Fee \$ _____

Address Verified by
Assessor's Office

VERIFIED BY _____ DATE _____

Application Received
by Planning Department

ACCEPTED BY _____ DATE _____

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.

\$1,250.00

2 – 20 ACRES

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

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.

\$ 15.00

TOTAL FEE: \$ 1,265.00

TO BE COMPLETED BY APPLICANT**1. Petitioner:**Name: Eric BennettAddress: 76 Alran Dr.WilliamsvilleNY14221

City

State

Zip Code

Phone: 716-310-1809

Fax _____

E Mail: ebennett9873@gmail.com**2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**From: S-A DistrictTo: R-3 District**3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)**95 Snowberry LaSBL #: 28.00-2-46.111**4. Area of land to be rezoned (in acres): 1.00****5. Owner of Land:**Name: Richard JacobsAddress: 75 SnowberryEast AmherstNY14051

City

State

Zip Code

Phone: 716-628-1322**6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**Name: Eric BennettAddress: 76 Alran DrWilliamsvilleNY14221

City

State

Zip Code

Phone: 716-310-1809

Fax _____

E Mail: ebennett9873@gmail.com

7. Petitioner's interest in property

 X Option to purchase
 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)

None

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. See Exhibit "3"

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

Liber _____ Page _____

11. Information on proposed project:

A. Description of the character of the proposed development: _____

The proposed lot will consist of two single family residential dwellings

B. Rationale for rezoning request:

1. Why was this site chosen? Its proximity to existing neighborhoods and access to utilities make it ideal for splitting and building a single-family home, aligning with local housing needs

2. Why cannot land be used with the existing zoning? The land can not be used for residential development or lot splitting under its current agricultural zoning because it restricts such uses, requiring rezoning to a residential classification to permit building a house and dividing the lot

3. How will this rezoning impact surrounding properties? The surrounding properties consist of single family dwellings. The proposed rezoning to accommodate the project is consistent with the surrounding area.

4. How will this rezoning impact the school system? The project will generate annual school taxes for the school district with out creating a substantial demand for educational services

12. Quantitative Data:

- A. Total # of dwelling units 2
- B. Distribution of dwelling units by type Single Family
- C. Gross Residential Density per acre 2 dwellings per 20,000sq ft
- D. Total amount of Open Space .75 acres
- E. Proposed Non-Residential Floor Area None

13. Development Schedule:

Start Winter 2025

Finish Summer 2026

Stages (# of) 1

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

The lot after rezoned will be sold to Eric Bennett to build two single family homes

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

Landscaping will be owned by the Applicant and privately managed

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.

See Exhibit "4"

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.

See Exhibit "4"

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit "4"

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

1. Sanitary Sewer Property is within the Consolidated Sanitary Sewer District of Amherst
2. Storm Sewer/Drainage Storm sewer located in front of the property on Snowberry
3. Water Property is within ECWA Lease-Managed District
4. Other Gas, electric, and telecommunication utilities are all available on Snowberry

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit "4"

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit "4"

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit "4"

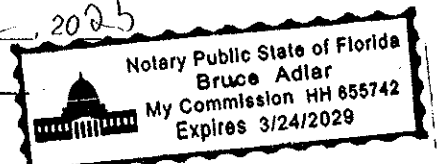
17. The petitioner encloses herewith the sum of \$ 1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
18. The undersigned certifies that all information required to be disclosed 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 16th day of September, 2025
 Notary Public, Palm Beach, Florida
Erie County, New York



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 office or any office 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

EXHIBIT 1

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: Eric Bennett			
Project Location (describe, and attach a location map): 95 Snowberry Lane (SLB No. 28.00-2-46.111) - Town Of Amherst- Erie County			
Brief Description of Proposed Action: The proposed project (“action”) consists of the development of the 1 acre project site at 95 Snowberry lane (“Project Site”) as a 2 story single family building. The proposed action has been defined broadly to include all required discretionary approvals and permits required from the Town’s municipals boards including rezoning of the Project site from RA to R-3 by the Town Board. The project will not result in any potential significant adverse environmental impacts and that the issuance of the negative declaration is both appropriate and justified.			
Name of Applicant or Sponsor: Eric Bennett		Telephone: 716-310-1809	
		E-Mail:	
Address: 76 Alran Dr			
City/PO: Williamsville		State: NY	Zip Code: 14221
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 type="checkbox"/>
			YES <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:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1 acres	
b. Total acreage to be physically disturbed?		.25 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" 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)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>There will be a storm drain receivers in the back of each property that connects to the main</u> <u>storm drain at the street on snowberry lane. The main drain pipe will divide the lot in half going to the street.</u>		
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)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <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? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. Applicant/sponsor/name: <u>Eric Bennett</u> Date: <u>7/27/25</u> Signature: <u></u> Title: _____		

PRINT FORM

28.10-5-1

28.10-5-2

Amherst

28.10-5-3

28.10-5-4

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

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 to confirm data provided by the Mapper or to obtain data not provided by the Mapper.

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

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]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
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
Cheektowaga fine sandy loam (Ch)	severe	severe	severe	severe	severe
Cosad loamy fine sand (Cv)	severe	severe	severe	severe	moderate

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:

95 Snowberry Lane - 1 acres

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 _____

Source: 2 - Trip Generation Rates- Federal Highway Administration

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:

400 average flow 600 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

95 Snowberry Lane FROM S-A TO R-3 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 (address) 95 Snowberry Lane from S-A to R-3 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 95 Snowberry Lane from S-A to (address) R-3 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 S-A to R-3 the zoning of 95 Snowberry Lane, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

See Exhibit #3

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 §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 2

Request for Rezoning Authorization

Subject: Authorization Letter for Rezoning

09/02/2025

Richard Jacobs

95 Snowberry Lane

Dear Richard,

I am writing to respectfully request your authorization to pursue the rezoning of the property located at 95 Snowberry Lane. As I am not the current owner of this property, your formal consent is required in order for me to proceed with the necessary rezoning application and related activities.

Please find the details of the property and the proposed changes below:

- Property Address: 95 Snowberry Lane, East Amherst, NY 14051
- Current Zoning: S-A
- Proposed Zoning: R-3

By signing below, you grant me authorization to act on your behalf in all matters pertaining to the rezoning of the property. This includes, but is not limited to:

- Submitting rezoning applications
- Attending meetings and hearings
- Communicating with municipal and governmental authorities

Your cooperation and support in this matter are greatly appreciated. Should you have any questions or require additional information, please feel free to contact me at your convenience.

Thank you very much for your attention to this request.

Sincerely,

Eric Bennett

716-310-1809

Property Owner's Signature

A handwritten signature in black ink, appearing to be 'Eric Bennett', written over a horizontal line.

Date: 15SEP25

EXHIBIT 3

LEGAL DESCRIPTION

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 53, Township 13, Range 7 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

Commencing at the point of intersection of the south line of Snowberry Lane (50 feet wide) with the west line of New Road (66 feet wide);

Thence westerly along the south line of said Snowberry Lane, 217.00 feet to the principal point of beginning;

Thence southerly along a line parallel to the west line of said New Road and bearing S 01° 28' 10" W, 201.00 feet to a point;

Thence westerly along a line parallel to the south line of said Snowberry Lane and bearing N 87° 59' 46" W, 218.01 feet to a point;

Thence northerly along a line parallel to the west line of said New Road and bearing N 01° 28' 10" E, 201.00 feet to a point in the south line of said Snowberry Lane;

Thence easterly along the south line of said Snowberry Lane and bearing S87° 59' 46" E, 218.01 feet to the point or place of beginning and containing 1.006 acres more or less.

SNOWBERRY (50' WIDE) LANE

S 87° 59' 46" E

218.01

217.00' TO WEST LINE
NEW ROAD

FD I.P.

FD REBAR
0.2' N

#95

1.006± ACRES

N 01° 28' 10" E
201.00201.00
S 01° 28' 10" W

PARALLEL WITH WEST LINE NEW ROAD

FD REBAR
0.1' NFD REBAR
0.5' N218.01
N 87° 59' 46" WFENCE
2.2' SFENCE
2.2' SPARALLEL WITH SOUTH LINE
SNOWBERRY LANE

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO
THIS SURVEY MAP IS A VIOLATION OF SECTION 7209,
PART 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF
AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF
FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

BISSELL & STONE

BISSELL, STONE ASSOCIATES**ENGINEERING AND LAND SURVEYING, P.C.**
 CIVIL ENGINEERING : LAND SURVEYING : SITE PLANNING : CONSULTING
 TELEPHONE: (716) 632-7000 FAX: (716) 632-7004

DATE: JUNE 24, 2025

JOB NO: 59947

FIELD BOOK: DC 53388

SCALE 1" = 40'

 SURVEY OF PART OF LOT 53
 TOWN OF AMHERST

SECTION -

 TOWNSHIP 13 RANGE 7
 - ERIE COUNTY, NEW YORK - HOLLAND LAND COMPANY

 FORMERLY GEO. DIEHL; SHEEHAN, FRETTS & TALLAMY; FRETTS & SENIOR; SENIOR, BISSELL & BRONKIE
 DESIGN SYSTEM COLLABORATIVE; THE BISSELL CO.

EXHIBIT 4

EXHIBIT 4
RESPONSES TO QUESTIONS 16 OF REZONING APPLICATION

REZONING OF 95 SNOWBERRY LA FROM S-A TO R-3

Question 16(A)(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.

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.¹ On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed residential project consisting of two single family homes is consistent with the adopted Comprehensive Plan and the land uses in the vicinity of multiple parcels zoned for residential purposes on Snowberry Lane.

Question 16(A)(2): Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.

Response to
Question 16(A)(2): The proposed project is consistent with the Comprehensive Plan and as such there is not a need to amend the Comprehensive Plan to accommodate the proposed multifamily project consisting of two residential homes.

¹ A copy of the resolution adopted by the Town Board for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to

Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled “Purpose” and it states as follows:

“The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance.”

The requested rezoning of the Project Site from S-A to R-3 to accommodate the proposed two single family projects on the Project Site is consistent with the “Purpose” of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

- A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;**

Response: The proposed project is consistent with the Comprehensive Plan and as such there is not a need to amend the Comprehensive Plan to accommodate the proposed single-family project consisting of two residential homes.

- B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;**

Response: The proposed rezoning of the Project Site from S-A to R-3 will not be inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land.

D. To prevent excessive concentration of population and to prevent sparse and uncoordinated development;

Response: The proposed rezoning of the Project Site will not result in excessive concentration of population, and the residential project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses above set forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The project will not increase the likelihood of damage and injury due to fire and flood. The proposed single-family houses will be constructed per the stringent requirements of the NYS Building Code, including the fire safety standards contained therein. Additionally, the project will incorporate modern flood mitigation measures to ensure the safety of residents and property. These measures will be designed to comply with local and state regulations, further enhancing the project's resilience to potential fire and flood hazards

- G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.**

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not significant natural features located on the Project Site.

- H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.**

Response: The development of the Project Site in a manner consistent with the Concept Site Plan submitted with this Rezoning Application will be aesthetically harmonious with nearby areas and structures.

- I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.**

Response: The proposed project will have a driveway connection to Snowberry Lane

- J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;**

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed multifamily project.

- K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.**

Response: The proposed rezoning of the Project Site is consistent with this objective since the proposed use is consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site is consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective.

² A reduced-size copy of the Concept Site Plan is attached as Exhibit “5”.

Question 16(C): Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Response to 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which includes numerous single-family projects on parcels zoned for single family uses.

Question 16(D): Suitability of the subject property for uses permitted by the current versus the proposed district:

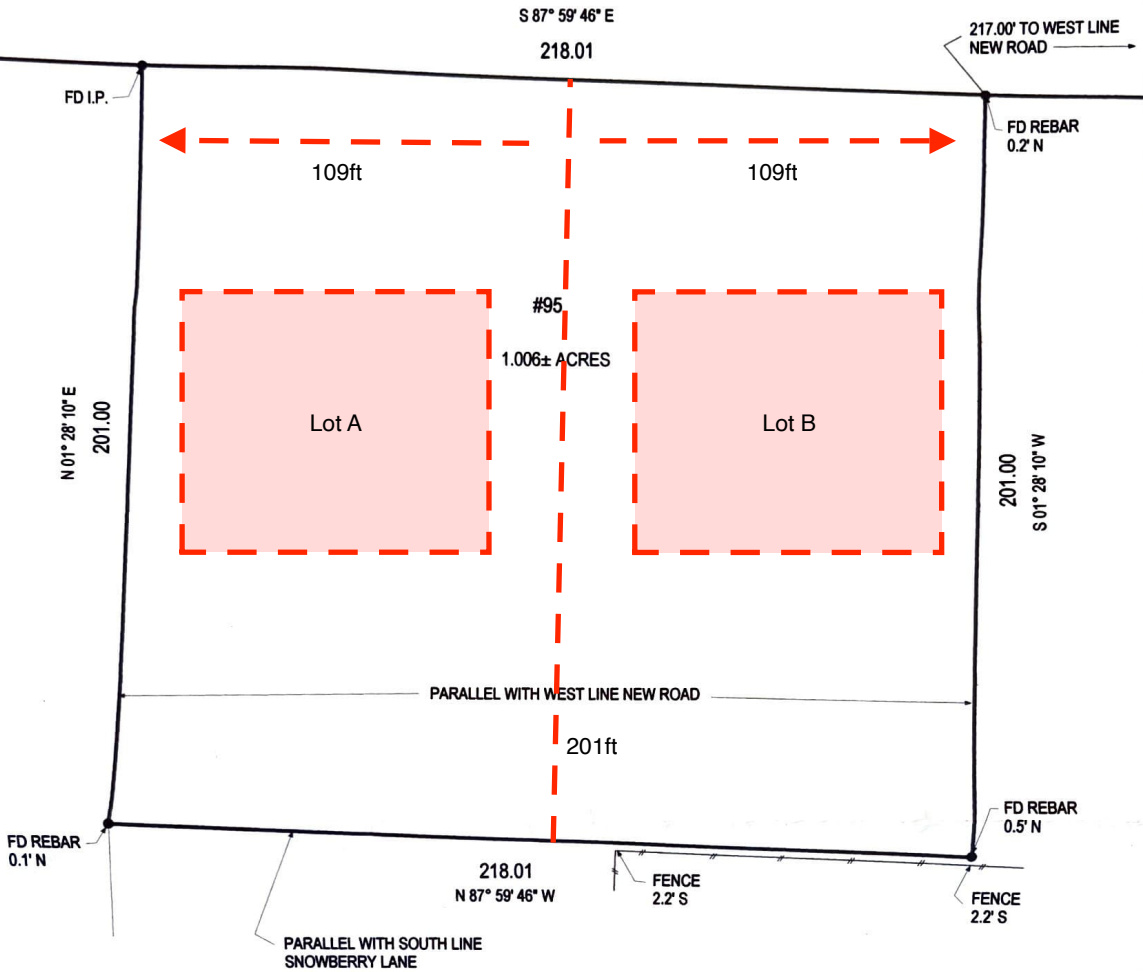
Response to 16(D): The proposed project to be developed in accordance with the R-3 zoning classification represents a suitable use of the Project Site.

Question 16(E): Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

Response to 16(E): The proposed rezoning from S-A to R-3 to accommodate the construction of two single-family homes will improve the balance of residential uses within the Town. This change aligns with the Town's Comprehensive Plan, which aims to promote diverse housing options and meet the growing demand for residential properties. The addition of these single-family homes will provide more housing opportunities for families, contributing to the overall residential development and enhancing the community's appeal.

EXHIBIT 5

SNOWBERRY (50' WIDE) LANE



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

BISSELL STONE

BISSELL, STONE ASSOCIATES
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 TELEPHONE: (716) 632-7000 FAX: (716) 632-7004

DATE: JUNE 24, 2025

JOB NO: 59947

FIELD BOOK: DC 53388

SCALE 1" = 40'

SURVEY OF PART OF LOT 53
 TOWN OF AMHERST

SECTION -

TOWNSHIP 13 RANGE 7
 - ERIE COUNTY, NEW YORK - HOLLAND LAND COMPANY

FORMERLY GEO. DIEHL; SHEEHAN, FRETTS & TALLAMY; FRETTS & SENIOR; SENIOR, BISSELL & BRONKIE
 DESIGN SYSTEM COLLABORATIVE; THE BISSELL CO.

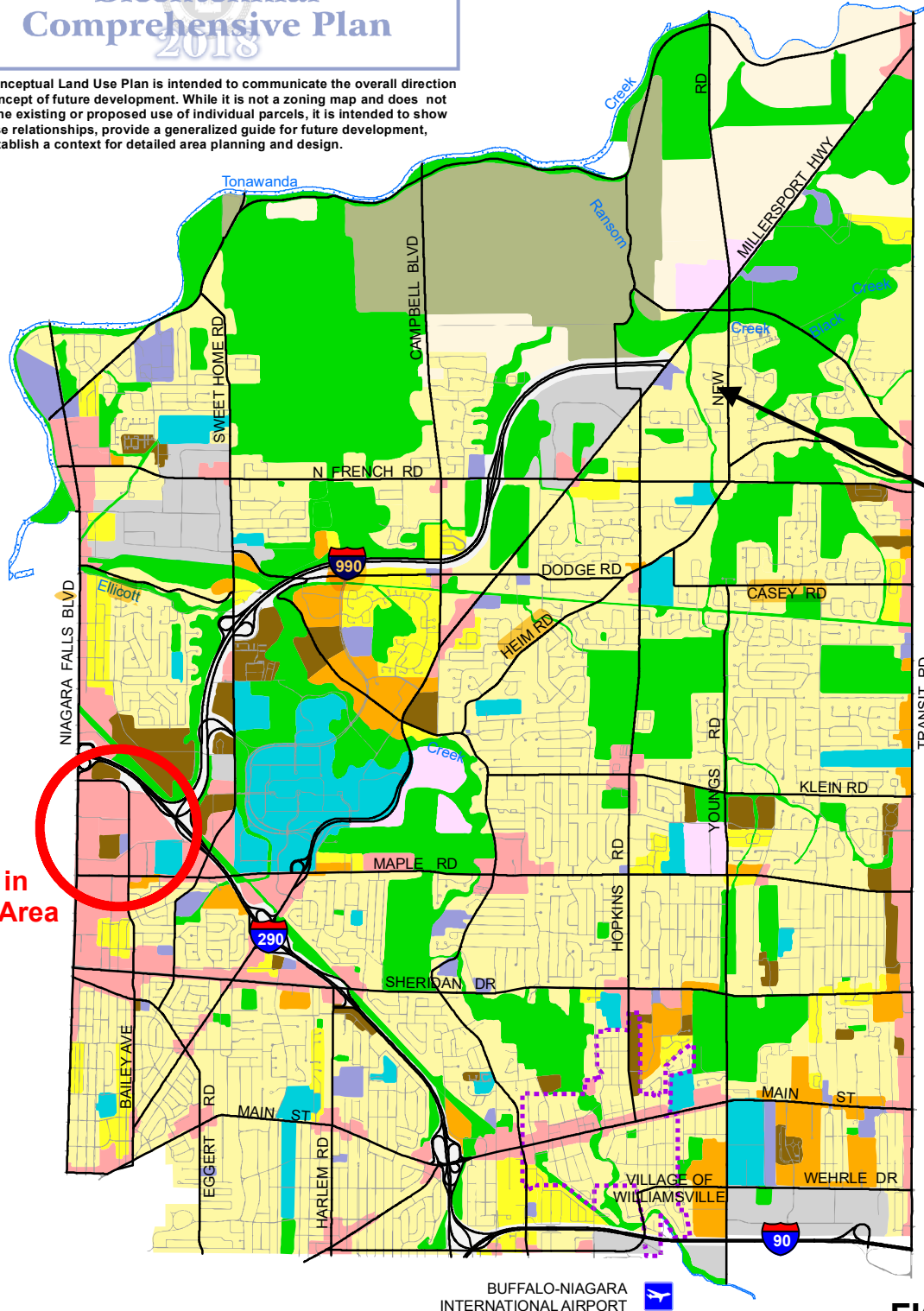
EXHIBIT 6

Town of Amherst Bicentennial Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.

**Increase in
Mixed-Use Area**

**Project
Site
Location**



Conceptual Land Use Plan

Rural Residential	Special Use Center	Recreation, Open Space & Greenways
Single Family Residential	Commercial - Office	Agriculture
Mixed Residential	Industrial - Office	Transportation
Medium Residential	Community Facilities	Surface Water
Commercial / Mixed Use*	Educational Campus	Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: June 2019

FIGURE 6

