



MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
April 18, 2024
6:30 PM

The Planning Board will hold a public work session at 6:00PM in the Amherst Municipal Building, 5583 Main Street, Williamsville, NY 14221 on the same date.

This meeting is being video recorded.

ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Michael Chmiel	Town of Amherst	Chair	Present	
John B. Davis	Town of Amherst	Board Member	Present	
Harbinder Gill	Town of Amherst	Board Member	Present	
Dal Giuliani	Town of Amherst	Board Member	Present	
Carrie H. Kahn	Town of Amherst	Board Member	Present	
Brittany Lee Penberthy	Town of Amherst	Board Member	Present	
Joseph P. Raffaele Jr.	Town of Amherst	Board Member	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Scott Marshall	Town of Amherst	Principal Planner	Present	
James Quinn	Town of Amherst	Assistant Planner	Present	
Amy Carrato	Town of Amherst	Community Development Assistant	Present	

Samuel A Alba	Town of Amherst	Sr. Deputy Town Attorney	Present	
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Note: There will be no public hearing or opportunity to speak for the projects listed under the Unfinished Business section of this agenda.

Please note the following time limits for speakers at public hearings:

- **Presentation by Petitioner:** 15 minutes
- **Rebuttal by neighborhood/resident spokesperson:** 15 minutes
- **Individual speakers:** 3 minutes

PUBLIC HEARINGS

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

None

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

1. REQUEST TO REZONE 0.41± ACRES OF LAND FROM RESIDENTIAL DISTRICT THREE (R-3) TO MULTI-FAMILY RESIDENTIAL DISTRICT 4A (MFR-4A), Z-2024-01
Property located at 2280 Wehrle Drive
Michael Keller, Petitioner

To allow for the construction of a multi-family two (2) story apartment building consisting of four (4) units.

Jeffery Palumbo, Esq., Block, Longo, LaMarca & Brzezinski, P.C., represented the petitioner, explained the proposal and was available to answer questions from the Board. Michael Keller was also present.

In response to the Board's questions, Mr. Palumbo stated he incorrectly stated the current zoning as Office Building District and the correct current zoning district is Residential District Three, none of the neighbors Mr. Keller spoke to were opposed to the proposed project but there were some concerns regarding noise and lighting. Mr. Keller stated he spoke to the neighbors within 5-6 houses to the east and west of the site and the adjacent neighbor prefers the proposed building to the current vacant lot.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Ms. Kahn and carried. Ayes 7, Noes 0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Carrie H. Kahn, Board Member
AYES:	Chmiel, Davis, Gill, Giuliani, Kahn, Penberthy, Raffaele Jr.

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

All public hearings are completed and closed at the termination of public discussion for each agenda item unless otherwise specified by the Chair.

UNFINISHED BUSINESS

Note: All public hearings have been completed. There will be no public hearings for items listed under this section.

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

None

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

MINUTES APPROVAL

March 21, 2024

Ms. Penberthy moved to approve the minutes. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Abstain 2 (Davis, Kahn).

ADJOURNMENT

Ms. Penberthy moved to adjourn the meeting. The motion was seconded by Mr. Raffaele and carried. Ayes 7, Noes 0. The Planning Board meeting of April 18, 2024 was adjourned at 6:48 pm.



Amherst Planning Board

5583 Main Street
Williamsville, NY 14221

Meeting: 04/18/24 06:30 PM
Department: Planning
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:

ADOPTED

PLANNING BOARD ITEM (ID # 28671)

DOC ID: 28671

Request to Rezone 0.41± Acres of Land from Residential District Three (R-3) to Multi-Family Residential District 4A (MFR-4A), Z-2024-01

Property located at 2280 Wehrle Drive
Michael Keller, Petitioner

To allow for the construction of a multi-family two (2) story apartment building consisting of four (4) units.

Jeffery Palumbo, Esq., Block, Longo, LaMarca & Brzezinski, P.C., represented the petitioner, explained the proposal and was available to answer questions from the Board. Michael Keller was also present.

In response to the Board's questions, Mr. Palumbo stated he incorrectly stated the current zoning as Office Building District and the correct current zoning district is Residential District Three, none of the neighbors Mr. Keller spoke to were opposed to the proposed project but there were some concerns regarding noise and lighting. Mr. Keller stated he spoke to the neighbors within 5-6 houses to the east and west of the site and the adjacent neighbor prefers the proposed building to the current vacant lot.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Ms. Kahn and carried. Ayes 7, Noes 0.

ATTACHMENTS:

- Z-2024-01_application_041824 (PDF)
- Z-2024-01_drawings_041824 (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Carrie H. Kahn, Board Member
AYES:	Chmiel, Davis, Gill, Giuliani, Kahn, Penberthy, Raffaele Jr.



TOWN OF AMHERST
APPLICATION & REVIEW
PROCEDURE
REZONING

MATERIALS MUST BE PROVIDED IN AN ELECTRONIC FORMAT THAT CONTAINS PDF FILES OF THE APPLICATION, EAF, CONCEPTUAL DEVELOPMENT PLAN, SURVEY, ANY OTHER SUPPORTING INFORMATION, AND A WORD DOCUMENT OF THE LOCAL LAW. THIS MUST BE SUBMITTED WITH YOUR APPLICATION.

APPLICATIONS WILL NOT BE TRANSMITTED WITHOUT THIS ELECTRONIC INFORMATION.

THIS ALSO APPLIES TO REVISED MATERIALS THAT ARE SUBMITTED.

This application package includes the following:

- Application Procedures
- Application Form & Checklist
- Appendix A Town of Amherst EAF Addendum
- Appendix B Criteria for Required 8½" x 11" Sketches
- Appendix C Erie Sewer District No. 5 – Commercial / Industrial New & Existing Buildings Requirements
- Appendix D Draft Local Law Form
- Appendix E Submittal of Revised Survey & Legal Description Form

- IMPORTANT -

1. Applicant obtains application from the Planning Department, 5583 Main Street, Williamsville, NY 14221, by phoning (716) 631-7051 or on-line at www.amherst.ny.us (keyword: Planning).

The application shall be executed or consented to in writing by persons having legal standing as defined in Section 8-2-2 of the Zoning Ordinance.

2. A pre-submittal consultation with Planning Department staff is strongly recommended prior to submitting an application. The pre-submittal meeting gives the applicant an opportunity to discuss with staff such items as:
 - consistency of the proposed rezoning with the adopted Bicentennial Comprehensive Plan
 - determining what specific information will be required to be submitted with the application
 - identifying and discussing issues that must be addressed as part of the SEQR review.

An appointment is required for all meetings with Planning Department staff.

3. The rezoning petition is subject to the requirements of 6 NYCRR Part 617, State Environmental Quality Review Act (SEQR), and Chapter 104 of the Town of Amherst Code, as amended. The Environmental Assessment Form (EAF) must assess the cumulative impacts associated with the rezoning (and the Comprehensive Plan amendment, if applicable). The Town Board cannot make a SEQR determination unless a complete EAF is submitted along with the Town of Amherst EAF Addendum (attached Appendix A) and any required supplementary information, such as traffic impact studies, archaeological reports, wetland delineations or geotechnical reports. SEQR issues may be discussed with Planning Department staff at a recommended pre-submittal meeting. Unlisted and Type I Actions require a Full EAF. The following is a link to the NYSDEC website and fillable forms with instructions:
<https://gisservices.dec.ny.gov/eafmapper/>.
4. Submittal of an application grants permission to Town staff and Board members to access the parcel(s) under consideration.

5. The rezoning request must be put in the form of a Local Law **and submitted both as a paper copy and in electronic form as a Microsoft Word document.** See Appendix D, attached.

APPLICATION PROCEDURES

1. Applicant prepares and submits one complete application with attachments to the Planning Department for review prior to filing.
2. After approval for filing by the Planning Department, the applicant files **thirteen (13)** copies of the completed application and attachments with the Planning Department and submits the required fee and one copy of the application package to the Town Clerk. (See Schedule of Fees on first page of application and make checks payable to: Town of Amherst.) Each package must be collated, with larger sheets folded into no larger than 9" x 12" size. The following information must be included in each application package:
 - A completed, signed and notarized application form with all required attachments
 - A conceptual development plan, drawn to scale (no larger than 24" X 36" in size)
 - An 8 ½" X 11" reduction of the conceptual development plan
 - Boundary survey prepared by a NYS licensed land surveyor that shows the acreage of the parcel, acreage of the area to be rezoned, zoning of adjacent properties and all other typical survey data
 - A legal description of the area proposed to be rezoned
 - The legal description in the form of a draft local law (see Appendix D) and provided **as a Word document**
 - A completed and signed Environmental Assessment Form (EAF), including any required supplementary reports such as traffic studies, geotechnical reports, archaeological surveys, or wetland delineation reports
3. The applicant returns a copy of the filing receipt to the Planning Department.
4. The Planning Department transmits copies of the application and materials for a review by:

• Commissioner of Building • Town Engineer • Superintendent of Highways • Traffic / Safety Board	• Fire Chiefs' Association • Town Attorney • Zoning Enforcement Officer • Other Town and outside Agencies, as applicable
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5. Each agency completes its review and notifies the Planning Department in writing of its comments or recommendations as required by the Zoning Ordinance.
6. The Town makes an environmental assessment of the project to determine whether a draft Environmental Impact Statement (EIS) is required. The applicant will be advised in the event that a draft EIS is required and afforded the opportunity to prepare it. If he/she declines, the Planning Board will prepare the draft EIS at the applicant's expense. A public hearing will be held concurrently with all public hearings on the application itself.
7. The following procedures are established for submittal of revised documents: **All such documents must be provided in electronic format in addition to hard copies.**
 - A. Revised Survey / Legal Description. **Thirteen (13)** copies of any proposed revisions to the Survey or Legal Description must be approved and submitted to the Planning Department. The Planning Department will transmit one copy of the revised Survey/Legal Description to the Town Clerk and to review agencies as required. The corresponding local law must also be updated and provided.

APPENDIX "E", "Revised Survey / Legal Description submittal form" must accompany the revised documents.

B. Other Revised Materials. The applicant must provide **thirteen (13)** complete sets of revised plans, reports, or materials as required to address review agency comments (recommend the applicant contact Planning staff to determine if fewer sets are needed). The revised submission should include, but is not limited to, the following:

- A cover letter addressing all comments received to date.
- Revised conceptual development plan drawings with the area of change "highlighted", along with a notation describing the change.

8. Planning Board Meeting Procedures. The applicant or representative must present the project at the public hearing before the Planning Board and be available to answer any questions at the meeting. The Planning Board may take any of the following actions:

- Adjourn the hearing to a future Planning Board meeting (hearing remains open).
- Close the public hearing and adjourn action on the rezoning petition to the next Planning Board meeting.
- Close the public hearing and make a recommendation on the rezoning.

All determinations on matters before the Planning Board are made after all public hearings on that meeting's agenda are completed.

The Planning Board will hold both a hearing on the proposed action and a concurrent SEQR hearing. Upon receipt of all required SEQR materials, the Planning Board will make a SEQR recommendation and a recommendation on the proposed rezoning to the Town Board per the requirements of Sections 8-1, 8-2, and 8-3 of the Zoning Ordinance.

9. After the Planning Board issues its recommendation, it is the applicant's responsibility to submit a written request to the Town Clerk that a public hearing be scheduled before the Town Board. A copy of the request should also be submitted to the Planning Department.
10. A final determination on SEQR and the rezoning request will be made by the Town Board per the requirements of the Zoning Ordinance.

NOTE: Please check with the Planning Department to determine the deadline dates for filing applications. Because of the public hearing notice and departmental reviews, no zoning change application will be placed on the Planning Board agenda after the deadline for filing has closed.

X:\Current_Planning\Application Forms 111523\Rezoning Application Procedures_2023.docx

REVISED November 2023



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: Michael Keller

Address: 5391 Thompson Road

<u>Clarence</u>	<u>NY</u>	<u>14031</u>
City	State	Zip Code

Phone: (716) 566-8853 Fax: _____

E Mail: michael55@gmail.com

2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:

From: Office Building District

To: MFR 4A District

3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)

2280 Wehrle Drive, Amherst, NY 14221

SBL #: 81.12-3-16

4. Area of land to be rezoned (in acres): 0.41**5. Owner of Land:**

Name: James O'Connell

Address: 81 Oakwood Drive

<u>Amherst</u>	<u>NY</u>	<u>14221</u>
City	State	Zip Code

Phone: (716) 310-1100

6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Jeffery D. Palumbo, As Attorney

Address: 9276 Main Street, Suite 3

<u>Clarence</u>	<u>NY</u>	<u>14031</u>
City	State	Zip Code

Phone: (716) 308-7211 Fax: _____

E Mail: jpalumbo@blockandlongo.com

7. Petitioner's interest in property

 Option to purchase Owner x Other (explain) Contingent Contract

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)

James O'Connell - Current Owner

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

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 development will include an attractive, high end four (4) unit luxury townhome style apartment structure.

Each unit will be two (2) stories in height.

B. Rationale for rezoning request:

1. Why was this site chosen? The site was chosen because of its proximity to local amenities and flourishing neighborhood.

2. Why cannot land be used with the existing zoning? The site is currently zoned Commercial Office which is inconsistent with the nearby properties. The nearby properties on Wehrle Drive include mixed business and multi-family residential use.

3. How will this rezoning impact surrounding properties? The requested re-zoning would not adversely impact the surrounding properties. As mentioned above, the re-zoning would be more compatible with the surrounding properties.

4. How will this rezoning impact the school system? The proposed multi-unit structure will assist in increasing the current property tax of the property. This will provide additional funds for the local school district.

12. Quantitative Data:

A. Total # of dwelling units Four (4)

B. Distribution of dwelling units by type Luxury Townhome Style Apartments

C. Gross Residential Density per acre 9.75

D. Total amount of Open Space +/- 0.20

E. Proposed Non-Residential Floor Area Not Applicable

13. Development Schedule:

Start Summer 2024

Finish Winter 2024

Stages (# of) One (1)

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

Owner occupied or rented.

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

Not Applicable

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 attached Exhibit A

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 attached Exhibit A

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

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

1. Sanitary Sewer Available
2. Storm Sewer/Drainage Available
3. Water Available
4. Other

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

See attached Exhibit A

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

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

See attached Exhibit A

APPLICATION FOR REZONING (con't)**Page 6**

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]
Signature of Petitioner

Subscribed and sworn to before me this 20th day of February, 2024

Notary Public, Erie County, New York *Pierce V. Young*

Pierce V. Young
Notary Public, State of New York
Qualified in Erie County
My Commission Expires: March 2, 2024

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

Rezoning Application Requirements and Checklist

The following checklist outlines the information required by the Town of Amherst to accept a Rezoning application. ***It is strongly recommended that you make an appointment with Planning Staff to discuss what information will be needed to address the items shown on the checklist.***

Item No.	Item	Submitted	Official use
I Application Information			
1.0	Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)		
1.1	Name, address, and contact information of the petitioner		
1.2	Name and address of property owners(s) – if different than petitioner		
1.3	If petitioner is different than property owner, provide statement describing interest in property and a letter from the property owner authorizing the application		
1.4	Identify existing and proposed zoning and acreage of area proposed to be rezoned		
1.5	Parcel addresses and Section, Block, and Lot (SBL) numbers of all properties proposed to be rezoned. Indicate if a portion of any parcel is involved, if applicable		
1.6	Statement of planning objectives to be achieved by the proposed rezoning, including the following: - How the proposed zoning and development plan meets the objectives of the Comprehensive Plan - A description of the character of the proposed development - The rationale behind the assumptions that are presented		
1.7	Cite specific maps and / or figures in the Comprehensive Plan that must be amended to support the proposed zoning and provide suggested amendments.		
1.8	A general statement about how any proposed open space will be maintained (if applicable)		
1.9	A development schedule indicating the approximate date when construction is expected to begin and be completed. Identify schedule of any proposed phasing of the development (attach pages as necessary)		
1.10	A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development		
II Survey and Legal Description			
1.0	Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor		
1.1	Raised/wet seal and signature of licensed surveyor		
1.2	Clear delineation and acreage of area to be rezoned if different than property boundary		
2.0	Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)		

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

Item No.	Item	Submitted	Official use
III Concept Plan (if required by the Planning Board)			
1.0	Conceptual development plan drawn to scale (no larger than 24" x 36" format and folded into 8 1/2" x 11" size)		
1.1	North arrow		
1.2	Scale of drawing		
1.3	Property lines (existing and proposed)		
1.4	Unique natural features and tree cover		
1.5	Information on land controlled by the applicant located within 500 feet of the perimeter of the area proposed to be rezoned		
1.6	Location of all proposed structures and other improvements		
1.7	Number and type of dwelling units (if applicable)		
1.8	Gross square feet of commercial space (if applicable)		
1.9	Maximum structure heights		
1.10	Architectural sketches		
1.11	Existing and proposed contours		
1.12	Existing utility systems (sanitary sewers, water, storm drainage)		
1.13	Location of proposed storm water detention or retention facilities		
1.14	Proposed land use arrangement		
1.15	Location of all parking, loading, stacking and interior circulation drives		
1.16	Location of proposed curb cuts		
1.17	Location of cross access drives to adjacent parcels		
1.18	Pedestrian circulation system		
1.19	Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status		
1.20	Location of floodway and 100-year floodplain (if applicable)		
1.21	Location and purpose of any proposed easements		
1.22	Location and proposed development of all open spaces, including parks, playgrounds, conservation areas, and dedicated open space; indicate intended ownership of such areas		
1.23	Additional data as required by the Planning Board		
V Other Required Information			
1.0	Completed and signed Environmental Assessment Form		
1.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)		
1.2	Traffic impact study (if applicable)		
1.3	Archaeological assessment (if applicable)		
1.4	Wetland Delineation report (if applicable)		
2.0	8 1/2" X 11" reduction of concept plan drawing (see appendix B)		
3.0	A CD containing a PDF of the complete submittal package, including all drawings.		

For official use only:

Approved/Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

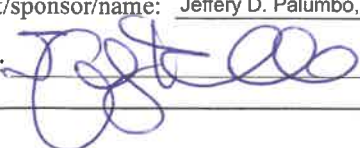
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
2280 Wehrle Drive - Michael Keller			
Name of Action or Project: 2280 Wehrle Drive Townhomes			
Project Location (describe, and attach a location map): 2280 Wehrle Drive - Corner of Ridge Court South			
Brief Description of Proposed Action: Four (4) two (2) story luxury townhome style apartments			
Name of Applicant or Sponsor: Michael Keller		Telephone: (716) 566-8853	
		E-Mail: michael55@gmail.com	
Address: 5391 Thompson Road			
City/PO: Clarence		State: NY	Zip Code: 14031
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 ☐
			YES ☒
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: Erie County Health Department/Amherst Planning Board			NO ☐
			YES ☒
3. a. Total acreage of the site of the proposed action?		0.41 acres	
b. Total acreage to be physically disturbed?		0.41 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.41 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
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?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
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?	NO	YES	
	☒	☐	
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?	☒	☐	
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?	NO	YES	
	☒	☐	
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: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ 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 ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe: <u>Existing Storm Drainage System</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 ☒	YES ☐
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 ☒	YES ☐
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 ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jeffery D. Palumbo, As Attorney</u> Date: <u>02/20/24</u> Signature: <u></u> Title: <u>Attorney</u>		

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

CRITERIA FOR THE REQUIRED 8½" X 11" REQUIRED DRAWING REDUCTIONS

Graphic Standards:

- This BLACK and WHITE drawing will be used as an overhead presentation displayed during the Planning Board's monthly meeting as well as copied for distribution to each Planning Board member, and filed for public review. Clarity and legibility of this graphic are essential.
- Two (2) copies of an 8½" x 11" Concept or Site Plan are required for ALL Site Plan, Subdivision, and Open Development Area submittals in addition to the standard size copies of plans required by the application.
- Site Plan submittals shall also include 8½" x 11" reductions of the Landscape Plan and building elevations.
- Each time a revision is made to standard size Concept or Site Plan drawings submitted for approval, two (2) revised 8½" x 11" graphics must also be submitted.
- Two (2) copies of an 8½" x 11" Concept Plan are required for Rezoning submittals which include standard size Concept Plans.
- The Town of Amherst Planning Department reserves the right to require additional information or modify the submitted drawing for presentation purposes.
- Each submitted drawing becomes the property of the Town of Amherst.
- Illegible 8½" x 11" graphics may result in rejection of the submittal by the Planning Department or may result in removal from the Planning Board agenda.

Information to be provided and clearly labeled:

- ALL labels, dimensions, and other notations must be clear and legible at 8 ½ x 11" size.
- ALL existing and proposed building footprints.
- Significant natural and man-made site and building features.
- ALL existing and proposed street names.
- Property lines.
- North arrow, date of preparation, and latest revision date for each sheet.
- Retention/Detention ponds.
- State and Federal wetlands.
- Berms

Additional information to be provided but not labeled:

- Parking, loading, and stacking layouts (directional arrows – optional).
- Curb cuts for developed properties on opposite sides of street.
- Landscaping should be included in a manner not to interfere with presentation clarity.
- ALL existing and proposed sidewalks, paths, and bikeways.

Information NOT to be provided on 8½" x 11" graphic unless specifically requested:

- Utility information/data.
- Contour lines/elevation data.
- Dimension lines.
- Shading for any site feature(s).
- Site data/calculations.
- Plant lists.
- Building elevations, drainage profiles, sign graphics, etc.



TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY NEW YORK

PAUL M. BOWERS, P.E., TOWN ENGINEER

September 24, 1999

TO: TECHNICAL STAFF

FROM: Paul M. Bowers, P.E. *Paul M. Bowers*

RE: ERIE SEWER DISTRICT NO. 5 - COMMERCIAL/INDUSTRIAL
NEW AND EXISTING BUILDINGS

Attached is a copy of the letter from ECSD #5 regarding the above subject. This would apply to all site plan reviews and construction which might occur on the Amherst side of ECSD #5.

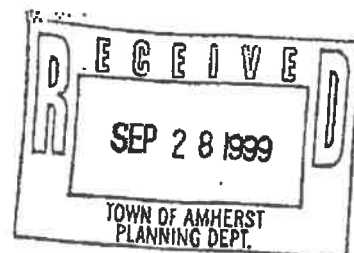
The essence of their request is to make sure that petitioners apply as early as possible (earliest rezoning stage), but certainly as early as the site plan review stage, to the Erie County's Division of Sewerage Management (DSM). By submitting building and plumbing plans early in the review process to the County (DSM), petitioners will not be denied nor delayed in seeking access while current reviews are being held.

If you review any rezonings and site plans for those areas along Transit Road within ECSD #5, petitioners should be advised that early submittal (of building and plumbing plans) to the DSM is necessary.

PMB:rb

Att.

Cc & Att: Thomas C. Ketchum, P.E., Building Commissioner
Richard Gillert, Planning Director



ENGINEERING OFFICE - SEWER MAINTENANCE
110 N. FOREST ROAD
WILLIAMSVILLE, NY 14221

(716) 631-7154 • FAX: (716) 631-7222

WASTEWATER TREATMENT FACILITY • ENVIRONMENTAL CONTROL
455 TONAWANDA CREEK ROAD
AMHERST, NY 14228

(716) 691-9771 • FAX: (716) 691-4496



Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)



TOWN OF AMHERST
ENGINEERING
DEPARTMENT

JUL 12 2 04 PM '99

County of Erie

DENNIS T. GORSKI
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND PLANNING

RICHARD M. TOBE
COMMISSIONER

CHARLES J. ALESSI, P.E.
DEPUTY COMMISSIONER
Sewerage Management

July 9, 1999

Amherst Town Board
5583 Main Street
Williamsville, New York 14221

RE: Erie County Sewer District No. 5
Commercial/Industrial New and Existing Building
Construction and Change in Existing Establishments

Honorable Town Board:

This letter is written to remind you that any new commercial and/or industrial buildings or a change in use of an existing building within your service area requires the submittal of an Industrial Waste Survey (IWS), complete with detailed plans, to Erie County's Division of Sewerage Management (DSM) for review and approval.

Your community, as a member of the Erie County Sewer District No. 5 (ECSD #5), is required to participate in the District's EPA Approved Pretreatment Program. This program, mandated under federal law, requires review and inventory of all new non-residential facilities in the service area to determine if they fall under the pretreatment program. This review will also determine if the new facilities require an Industrial Wastewater Discharge Permit. Furthermore, as part of ECSD #5, your community must comply with The Rules and Regulations for Erie County Sewer Districts. These Rules and Regulations include additional requirements for non-residential facilities connecting to the sanitary sewer within the service area. The review of the plans for new facilities will insure compliance.

While there has not been a problem with new buildings incorporating new sewer connections, it is becoming more of a problem with existing commercial establishments that have changed ownership, expanded, and/or been renovated for a different use, without any review by the DSM. This includes such projects as:

- (a) where a building is demolished and a new facility is built at

Amherst Town Board
July 9, 1999
Page Two

the same location; and (b) establishments that change their use such as a store turned into a bakery or a gas station turned into a restaurant.

A specific problem that tends to reoccur is the question of grease traps. The District requires all food serving establishments to have exterior grease traps installed. Some Towns only require the under the sink traps. However, the District has found them to be generally inadequate in most situations.

The District suggests that in the future, completion of the Industrial Waste Survey and review of plans be done by the DSM prior to approval and issuance of building permits for non-residential buildings. Currently, there is no fee required by the DSM for this review. The review is vital for the District's Industrial Waste section to maintain the proper inventory of non-residential facilities in the service area pursuant to federal regulations. Failure to do so could result in substantial costs to property owners to bring their facilities into compliance if construction occurs prior to plan approval.

In a related matter, it is extremely important that where existing sewer laterals are not being reused, they are properly capped and sealed. It has been our experience that if the old sewers are not properly capped, it allows excessive inflow and infiltration into the sewers and unwanted debris. This can cause problems such as unnecessary surcharging and/or plugging of sewers and flooded basements or the undermining of paved areas such as sidewalks, roads and parking areas. Proper capping of sanitary sewer laterals is also required under the District's Rules and Regulations. If the existing sewer laterals are to be reused by a new building, they need to be inspected and tested to see that they are still structurally sound.

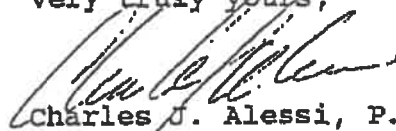
It is the District's hope that by working in a cooperative manner, the integrity of the entire sewerage system will ultimately improve, thereby reducing inflow and infiltration, and thus saving money for both your community and the District.

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

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Page Three

If you have any questions, please feel free to contact
me at 858-7537.

Very truly yours,



Charles J. Alessi, P.E.
Deputy Commissioner

CJA/ss

cc: ECSD #5 Board of Managers
Susan Grelick, Supervisor, Amherst
✓ Paul Bower, Tn. Engineer, Amherst
Town of Amherst Building Inspector
L. Pohl
G. Absalom
G. Devlin/L. Sedita/File

SS006

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

The proposed zoning map amendment must be submitted in the form of a local law and must be provided both as a paper copy and in electronic form as a Microsoft **Word** document. The electronic copy may be submitted with the application on a CD ROM or e-mailed to the Planning Department. The form may be downloaded from the Town's website at:

http://www.amherst.ny.us/pdf/planning/applications/application_rezoning.pdf

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**

_____ FROM _____ TO _____ 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 2280 Wehrle Drive _____ from OB _____ to MFR 4A _____ 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 2280 Wehrle Drive _____ from Office Building _____ to _____ (address) _____ MFR 4A _____ 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 Office Building _____ to MFR 4A _____ the zoning of 2280 Wehrle Drive _____, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

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.

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

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**

X:\Current_Planning\Files\Rezoning\Forms\Local Law (Master).doc

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)



**TOWN OF AMHERST PLANNING DEPARTMENT
SUBMITTAL OF REVISED SURVEY & LEGAL DESCRIPTION**

For Official Use

File # (SAME Z# AS ORIGINAL FILE)	Materials Checked by Building Dept.	RECEIVED BY: _____ DATE: _____
Materials Received by Planning Dept.	Materials Accepted by Town Clerk	RECEIVED BY: _____ DATE: _____

TO BE COMPLETED BY APPLICANT

1. Petitioner: ONLY IF LEGAL DESCRIPTION HAS BEEN REVISED

Name: Michael Keller

Address: 5391 Thompson Road

Clarence, NY 14031

City State Zip Code

Phone: (716) 566-8853 Fax: _____

E Mail michael55@gmail.com

2. Street address of land to be rezoned:

2280 Wehrle Drive

Amherst, NY 14221

3. Submitted by:

Name: Jeffery D. Palumbo, As Attorney

Address: 9276 Main Street, Suite 3, Clarence, NY 14031

Required Materials:

- ☒ Revised Survey and Legal Description
- ☒ Legal Description in the form of a Local Law
- ☒ Legal Description in a Microsoft Word Document

P/Currplan/Applications Working Docs/Revised Survey Submittal Form

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

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
Ovid Silt Lorn	Severe and wet	Severe and wet	Severe and wet	N/A	Severe and frost action
Ilion Silt Lorn	Severe and wet	Severe and wet	Severe and wet	N/A	Severe and frost action

2. 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.

3. Are there alternative locations on the site for this project? ☐ Yes ☒ No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
 N/A

5. 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.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 8
 Source: ITE Manual

7. Will blasting occur during construction? ☐ Yes ☒ No

8. Does the project propose to connect and be tributary to the public sanitary sewer system? ☒ Yes ☐ No

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
1,300 average flow 5,200 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.)

10. Based on the Town's 2011 Reconnaissance Level Survey of Historic Resources, is your property 'blue-rated' for historic significance? ☐ Yes ☒ No

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

Exhibit A

Paragraph 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.

The requested amendment to allow four (4) luxury townhouse style apartment units provides a diversity of choice of property units in the area. The Wehrle Drive corridor from Transit to Youngs is characterized by a combination of medical and other office buildings, commercial development, recreational facilities, and some residential development. In addition, it will serve to enhance the community character by investing in the revitalization of an area that has not seen new housing in some time. This is consistent with the Shared Direction as set forth in Section 2.2 of the Comprehensive Plan as it enhances the diverse economy of the Town, strengthening the tax base, and using infill development as set forth therein.

Regarding “Aesthetic/Community Character” as set forth in the Comprehensive Plan, the rezoning will only add to the renowned beauty, character, and environmental quality of the Town. A first-class townhome style development seeks to “raise the bar” by adding a new lifestyle choice in an underserved area.

The “Revitalization” section of the Comprehensive Plan will also be enhanced as this proposal injects new life and new investment into the Town by providing a diverse choice of living for “empty nesters,” young professionals, or others seeking limited maintenance options.

This amendment is also consistent with the “Governance” section as the townhome style apartments do not introduce inconsistency or unfairness in zoning and land use.

Paragraph 16(A)(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.

The proposed rezoning is consistent with the Comprehensive Plan.

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

(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.

The proposed rezoning is consistent with the objective of protecting the character and value of the existing land uses. The project adds a new, diverse housing option that will match the surrounding area and is an orderly and beneficial development.

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

The proposed rezoning is consistent with this objective.

(C) To prevent overcrowding of the land.

The proposed rezoning will not result in overcrowding of the land.

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

The proposed rezoning will not cause excessive concentration of population and the project is a coordinated development effort.

(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.

Please see the answer to Paragraph 16(A)(1) above regarding consistency with the Comprehensive Plan.

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

The project will not increase the likelihood of damage and injury due to fire or flood. The townhomes will be constructed in accordance with New York State Building Code including the fire and flood standards included therein.

(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.

The proposed rezoning is consistent with this objective.

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

The proposed rezoning will enhance the beauty and character of the area. The project calls for high end townhome style apartments that will match the sophistication of the surrounding buildings in a residential structure.

(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.

The project will have direct access to Wehrle Road, and no additional traffic congestion is anticipated.

(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.

The property has access to sanitary sewers and water lines along with public utilities to service the project.

(K) To guide the future development of the town so as to bring about the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Please see the answer to Paragraph 16(A)(1) above regarding consistency with the Comprehensive Plan.

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

The proposed rezoning is consistent with this objective.

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

The proposed rezoning will not result in pollution from the unregulated use of signs and other advertising devices.

(N) Based upon evaluation by the State of New York, the Town Board declares that the use of land for hydrofracking would endanger the health, safety, and general welfare of the community.

Not Applicable.

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

The proposed rezoning adds diverse housing and investment to the established neighborhood and does so with a context sensitive architectural and site design. The current Commercial Office designation is unworkable in today's environment. There are a multitude of empty office buildings in the immediate area. The proposed rezoning seeks to have the property classified as Mixed Residential. Mixed Residential is appropriate for roads like Wehrle Drive and as a buffer to more traditional single-family neighborhoods. This project coincides with the Mixed Residential classification as defined in the Comprehensive Plan.

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

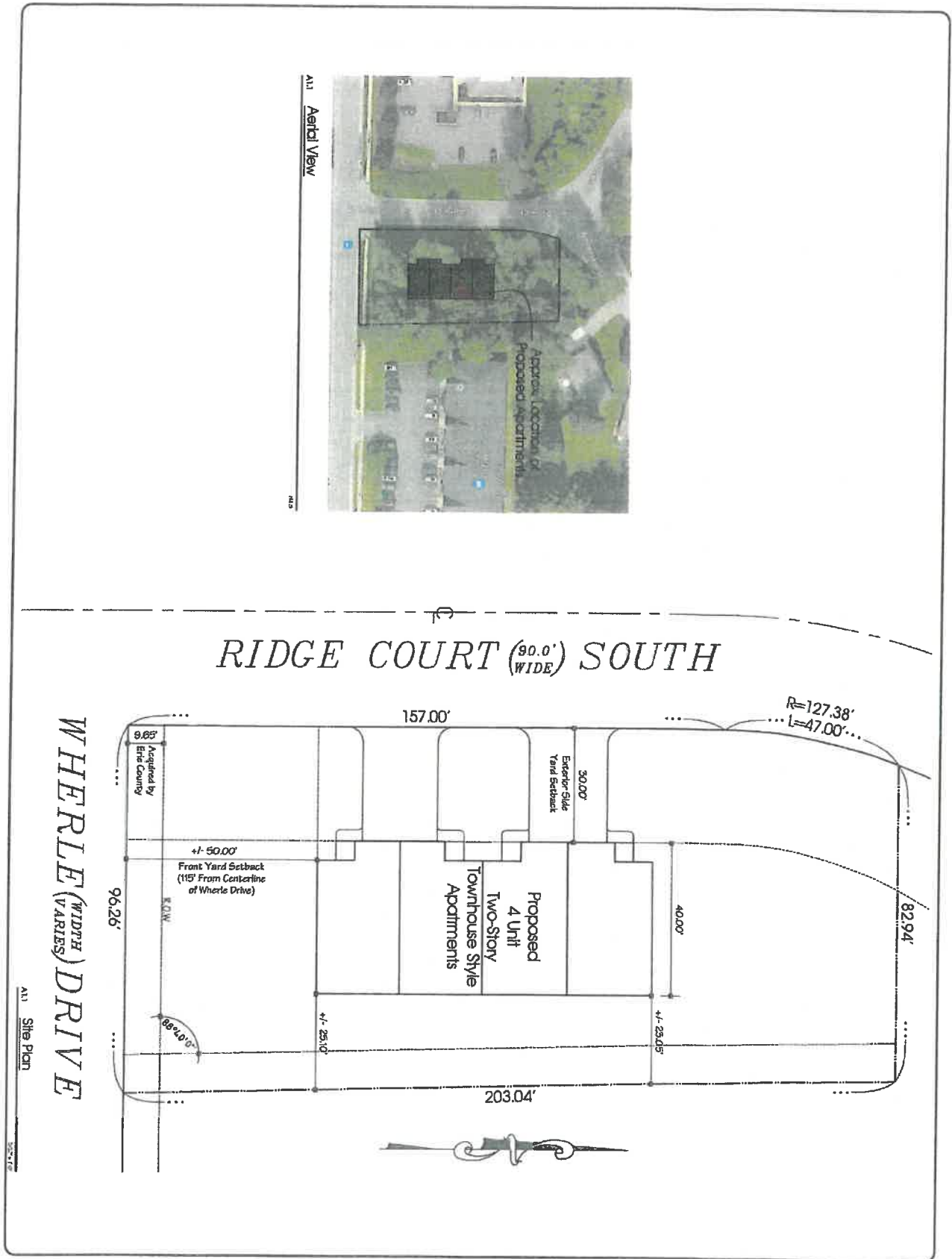
The property is suitable for uses allowed under the Commercial Office designation and the proposed Mixed Residential classification.

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

The proposed rezoning will have positive impacts on the balance of uses in the Town and meets a specific demand. The four (4) townhouse style apartment units will offer diversity of choice and provide much needed housing options in the area. Moreover, there will not be another empty office building in the immediate vicinity.

PRELIMINARY SITE PLAN

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)



Site Plan

Scale: 1" = 20'-0"

North Arrow

Project Information

Project Name: 2280 Wehrle Drive, Ardsley, NY

Project Number: 23-000

Project Date: 08/28/2023

Project Status: Pending

Client Information

Client Name: Mike Keller

Client Address: 2280 Wehrle Drive, Ardsley, NY

Client Phone: (914) 432-7979

Client Email: mkeller@keller.com

Architect Information

Architect Name: Sutton Architect

Architect Address: 1000 Main Street, Suite 200, Ardsley, NY

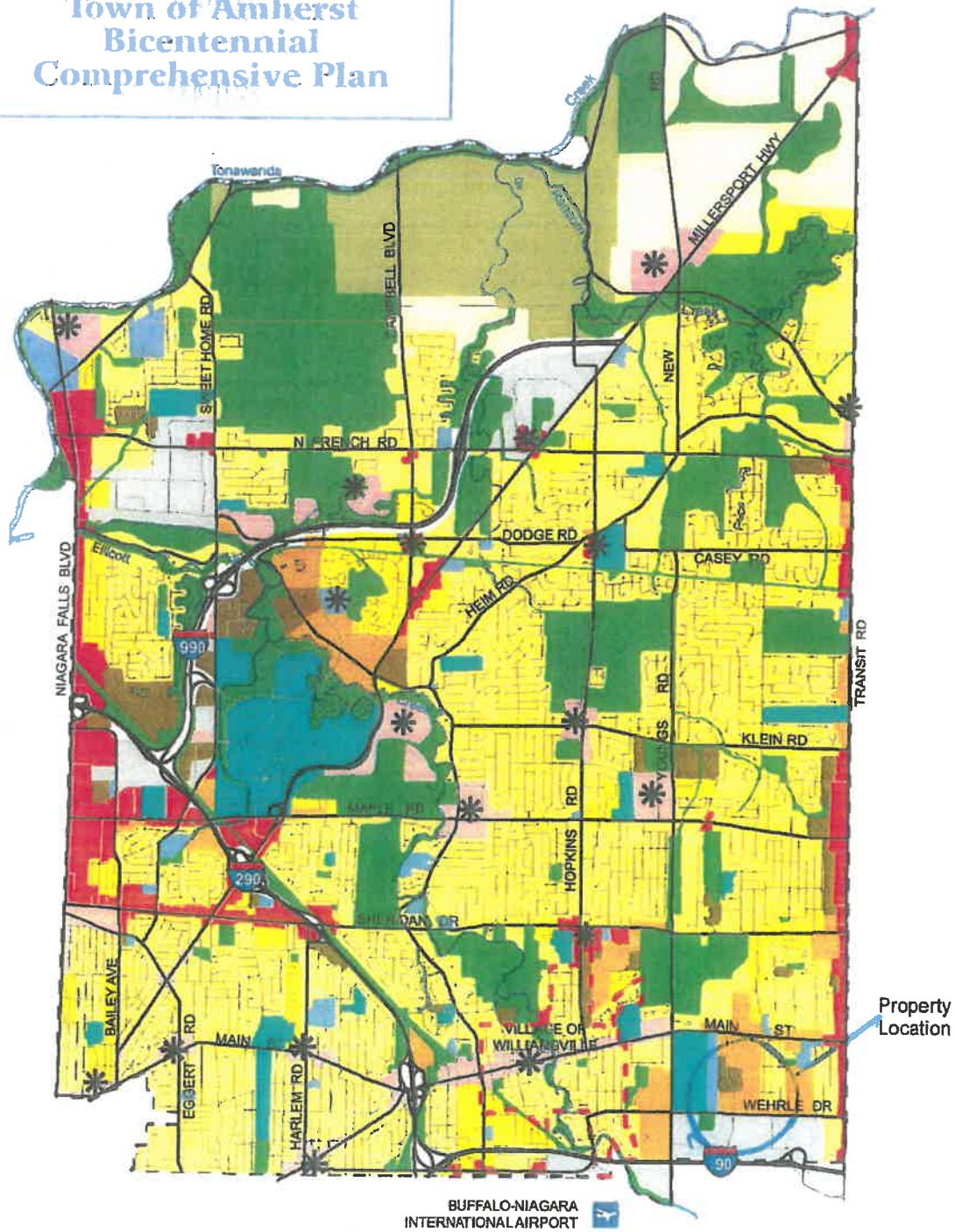
Architect Phone: (914) 432-7979

Architect Email: info@suttonarchitect.com

REQUESTED COMPREHENSIVE PLAN CHANGE

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

Town of Amherst Bicentennial Comprehensive Plan



Requested Classification



SURVEY & LEGAL DESCRIPTION



Suggested Legal Description:

All That Tract or Parcel of Land, situate in the Town of Amherst, County of Erie, State of New York, being part of Lot No. 105, Township 12, Range 7 of the Holland Land Company's Survey, and according to a map filed in the Erie County Clerk's Office under Map Cover number 2059 is known as subdivision Lot number 62.

EXCEPTING lands conveyed to the County of Erie for highway purposes filed in the Erie County Clerk's office in Liber 6414 at Page 25.

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

OWNER AUTHORIZATION

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

JUSTIN S. WHITE
ATTORNEY AT LAW
5662 MAIN STREET
WILLAMSVILLE, NY 14221

Tel: (716) 631-9100
Fax: (716) 631-7546

e-mail: jsw@shwattorneys.com

August 20, 2023

TO WHOM IT MAY CONCERN

Re: REZONING APPLICATION 2280 Wehrle Drive, Amherst, NY

Dear Sir/Madam:

On behalf of my client, Mr. James O'Donnell, Mr. Michael Keller is authorized to submit a rezoning application relative to the above property.

Mr. O'Donnell's address is 81 Oakwood Drive. Williamsville, NY. His telephone # is (716) 310-1100..

Thank you for your attention to this matter.

Very truly yours,

Justin S. White

JSW/ams
enclosure

Attachment: Z-2024-01_application_041824 (28671 : Z-2024-01 2280 Wehrle Drive)

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
Ovid Silt Lorn	Severe and wet	Severe and wet	Severe and wet	N/A	Severe and frost action
Ilion Silt Lorn	Severe and wet	Severe and wet	Severe and wet	N/A	Severe and frost action

2. 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.

3. Are there alternative locations on the site for this project? ☐ Yes ☒ No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
 N/A

5. 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.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 8
 Source: ITE Manual

7. Will blasting occur during construction? ☐ Yes ☒ No

8. Does the project propose to connect and be tributary to the public sanitary sewer system? ☒ Yes ☐ No

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
1,300 average flow 5,200 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.)

10. Based on the Town's 2011 Reconnaissance Level Survey of Historic Resources, is your property 'blue-rated' for historic significance? ☐ Yes ☒ No

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

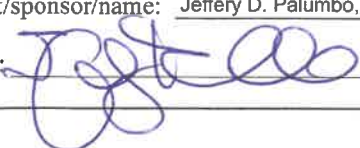
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
2280 Wehrle Drive - Michael Keller			
Name of Action or Project: 2280 Wehrle Drive Townhomes			
Project Location (describe, and attach a location map): 2280 Wehrle Drive - Corner of Ridge Court South			
Brief Description of Proposed Action: Four (4) two (2) story luxury townhome style apartments			
Name of Applicant or Sponsor: Michael Keller		Telephone: (716) 566-8853	
		E-Mail: michael55@gmail.com	
Address: 5391 Thompson Road			
City/PO: Clarence		State: NY	Zip Code: 14031
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 ☐
			YES ☒
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: Erie County Health Department/Amherst Planning Board			NO ☐
			YES ☒
3. a. Total acreage of the site of the proposed action?		0.41 acres	
b. Total acreage to be physically disturbed?		0.41 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.41 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
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?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
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?	NO	YES	
	☒	☐	
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?	☒	☐	
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?	NO	YES	
	☒	☐	
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: _____ _____ _____			

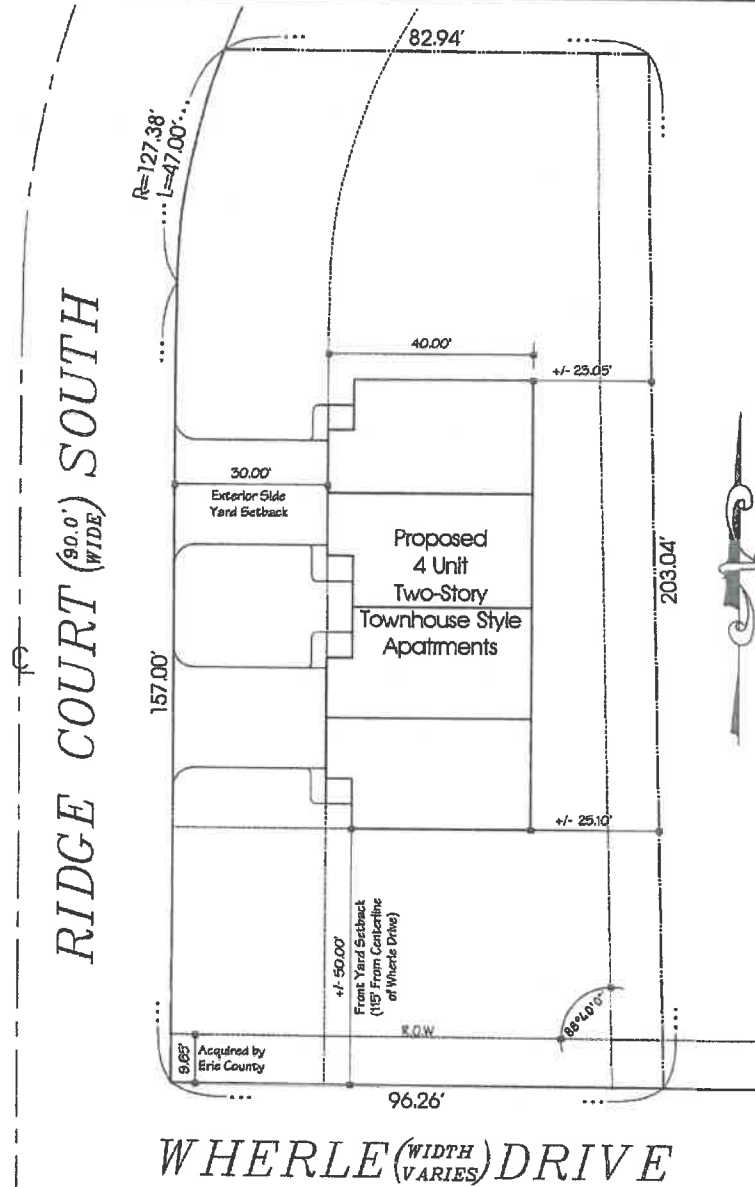
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe: <u>Existing Storm Drainage System</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 ☒	YES ☐
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 ☒	YES ☐
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 ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jeffery D. Palumbo, As Attorney</u> Date: <u>02/20/24</u> Signature:  Title: <u>Attorney</u>		

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A1.1 Aerial View

A1.2



A1.1 Site Plan

1/8" = 1'-0"

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architecture
"Design is Better"

2400 Main Street
(Second Floor)
Williamsville, NY 14221
(716) 632-7100 Fax (716) 632-7172

Job Number
23-000

Proposed
Project For:

**Mike
Keller**

2280 Wehrle Drive
Amherst, NY

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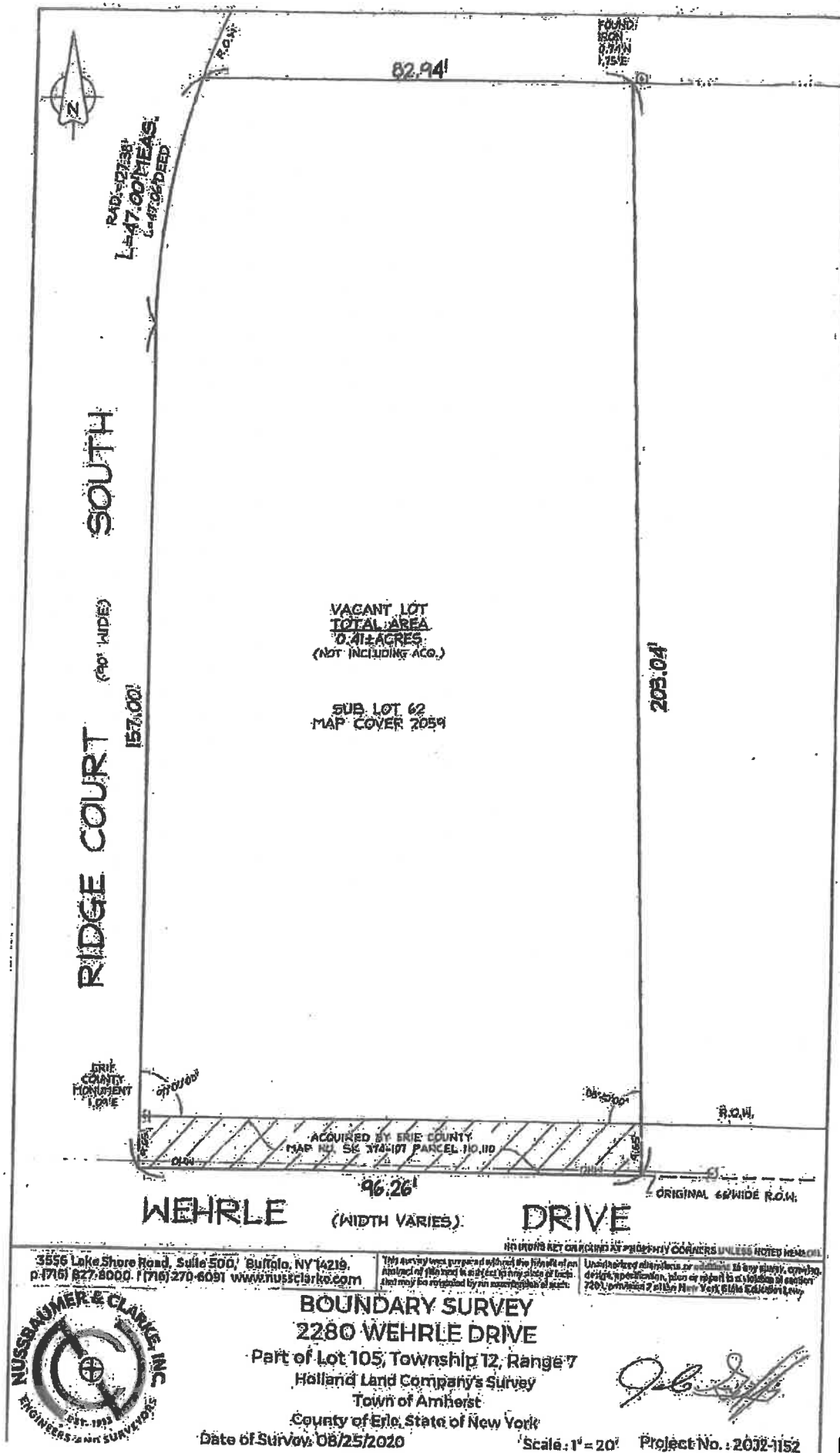
Rev.	Date	By	Notes

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Site Plan

Drawn By	Checked By
Jonathan M.	
8-25-23	
D. Sutton	
As Noted	

A-1



Attachment: Z-2024-01_drawings_041824 (28671 : Z-2024-01 2280 Wehrle Drive)