

LOCAL LAW NO. _____-2016

**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 772 NORTH FOREST ROAD
FROM RECREATION CONSERVATION DISTRICT (RC) TO TRADITIONAL
NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), MULTIFAMILY RESIDENTIAL
DISTRICT SEVEN (MFR-7), AND GENERAL BUSINESS DISTRICT (GB) AND TO
AMEND THE ZONING MAP ACCORDINGLY.**

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 772 North Forest Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) 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 772 North Forest Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) 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 Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) the zoning of 772 North Forest Road, **subject to any conditions imposed by the authorizing resolution;** legally described as follows:

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TND")
131.71+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lots 60 & 66 & 67, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 100.00 feet to the POINT OF BEGINNING;

Thence west forming an angle in the southwest quadrant of $89^{\circ}41'26''$, a distance of 100.00 feet north and parallel with the north line of Sheridan Drive, a distance of 615.00 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence west measured at right angles, a distance of 50.00 feet north and parallel with the north line of Sheridan Drive, a distance of 1027.55 feet to a point;

Thence northwest at an interior angle of $172^{\circ}32'21''$ along a line 50.00 feet north and parallel with the north line of Sheridan Drive, a distance of 15.45 feet to a point;

Thence west forming an exterior angle of $173^{\circ}05'26''$ to the chord of a curve having a radius of 11359.16 feet and an arc length of 213.23 feet to a point;

Thence north forming an interior angle of $88^{\circ}17'48''$ from the chord of the previous curve, a distance of 1520.0 feet to a point;

Thence east measured at right angles, a distance of 488.52 feet to a point;

Thence north along a curve to the right having a radius of 350.00 feet and an arc length of 114.43 feet to the point of tangency;

Thence continuing north tangent with the aforementioned curve, a distance of 305.00 feet to the point of curvature;

Thence north along a curve to the left having a radius of 750.00 feet and an arc length of 542.25 feet to a point;

Thence west, a distance of 739.03 feet to a point 65.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982;

Thence north measured at right angles and 65.00 feet east and parallel with the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 1979.27 feet to a point;

Thence east at an interior angle of $94^{\circ}02'21''$, a distance of 50.00 feet south and parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 492.92 feet to a point;

Thence north measured at right angles, a distance of 269.02 feet to the south line of Maple Road;

Thence east measured at right angles along the south line of Maple Road, a distance of 110.00 feet to a point;

Thence south measured at right angles, a distance of 219.02 feet to a point;

Thence east measured at right angles, a distance of 541.16 feet to a point;

Thence south at an interior angle of $87^{\circ}54'21''$, a distance of 1624.08 feet to a point;

Thence southeast exterior angle of $136^{\circ}21'59''$, a distance of 622.67 feet to a point;

Thence southwest measured at right angles, a distance of 480.00 feet

Thence south at an exterior angle of $133^{\circ}38'01''$ a distance of 144.05 feet to a point;

Thence east measured at right angles, a distance of 192.33 feet to a point;

Thence south measured at right angles, a distance of 835.00 feet to a point;

Thence east measured at right angles, a distance of 290.00 feet to a point;

Thence south measured at right angles along a line 50.00 feet west and parallel with the east line of Lot 66, a distance of 311.00 feet to a point;

Thence southwest at an interior angle of $124^{\circ}36'17''$, along a line 50.00 feet northwest and parallel with the northwest line of North Forest Road, a distance of 30.07 feet to a point;

Thence south at an exterior angle of $124^{\circ}36'17''$ along a line 50.00 feet west and parallel with the west line of North Forest Road, a distance of 382.96 feet to a point;

Thence southeast at an exterior angle of $162^{\circ}41'54''$ along a line 50.00 feet southwest and parallel with the southwest line of North Forest Road, a distance of 61.50 feet to a point;

Thence southeast at an exterior angle of $170^{\circ}01'58''$ along a line 50.00 feet southwest and parallel with the southwest line of North Forest Road, a distance of 326.07 feet to a point;

Thence west at an interior angle of $63^{\circ}02'26''$, a distance of 92.93 feet to the point of beginning, containing 133.11 acres more or less.

EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 100.00 feet to a point;

Thence west forming an angle in the southwest quadrant of $89^{\circ}41'26''$, a distance of 100.00 feet north and parallel with the north line of Sheridan Drive, a distance of 615.00 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence west measured at right angles, a distance of 50.00 feet north and parallel with the north line of Sheridan Drive, a distance of 704.55 feet to a point;

Thence north forming an angle in the northeast quadrant of $90^{\circ}58'31''$, a distance of 505.0 feet to the POINT OF BEGINNING;

Thence continuing north, a distance of 240.00 feet to a point;

Thence east measured at right angles, a distance of 255.00 feet to a point;

Thence south measured at right angles, a distance of 240.00 feet to a point;

Thence west measured at right angles, a distance of 255.00 feet to the point of beginning, containing 1.40 acres more or less.

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO MULTI-FAMILY RESIDENTIAL DISTRICT ("MFR-7")
13.59+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the southwest corner of subdivision lot 17 as shown on map filed in the Erie County Clerk's office under cover 1784, said point also being the southwest corner of lands described by deed filed in the Erie County Clerk's office in Liber 8577 of deeds at page 531;

Thence southerly along the east line of map cover filed in the Erie County Clerk's office under cover 1982, a distance of 2025.00 feet to a point;

Thence easterly measured at right angles, a distance of 100.00 feet to the POINT OF BEGINNING;

Thence running southerly parallel with and 100.00 feet easterly the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 911.47 feet to a point;
Thence easterly measured at right angles, a distance of 488.52 feet to a point;

Thence running northeasterly along a non-tangent curve to the right having a radius of 350.00 feet and an arc length of 114.43 feet to a point;

Thence continuing northeasterly and tangent with the aforementioned curve, a distance of 305.00 feet to a point;

Thence northerly along a tangent curve to the left having a radius of 750.00 feet and an arc length of 542.25 feet to a point;

Thence westerly, a distance of 704.03 feet to the point of beginning, containing 13.59 acres more or less.

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT
("RC") TO GENERAL BUSINESS DISTRICT ("GB")
1.40+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1318.16 feet to a point;

Thence north forming an angle in the northeast quadrant of $90^{\circ}58'31''$, a distance of 555.0 feet to the POINT OF BEGINNING;

Thence continuing north on the pervious course, a distance of 240.00 feet to a point;

Thence easterly measured at right angles, a distance of 255.00 feet to a point ;

Thence southerly measured at right angles, a distance of 240.00 feet to a point;

Thence westerly measured at right angles, a distance of 255.00 feet to the point of beginning, containing 1.40 acres more or less.

**LANDS TO REMAIN ZONED RECREATION CONSERVATION DISTRICT (“RC”) TO
BE PRESERVED AS A PERMANENT OPEN SPACE BUFFER
23.84+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company’s Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of $172^{\circ}32'21''$ a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of $173^{\circ}12'12''$ to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwesterly forming an interior angle of $141^{\circ}12'39''$ from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of $127^{\circ}12'55''$ along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of $143^{\circ}08'48''$, a distance of 39.87 feet to a point;

Thence northerly at an interior angle of $143^{\circ}07'48''$ along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of $94^{\circ}02'21''$ along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 554.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running westerly parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 492.92 feet;

Thence running southerly parallel with and 65.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 1979.27 feet to a point;

Thence easterly measured at right angles, a distance of 35.00 feet to a point;

Thence running southerly parallel with and 100.00 feet east of the east line of said Map Cover 1982, 2431.47 feet to a point, said point being 50 feet north of the north line of Sheridan Drive;

Thence running easterly along a line 50.00 feet north and parallel with the north line of Sheridan Drive, 1256.23 feet to a point;

Thence northerly measured at right angles, a distance of 50.00 feet;

Thence running easterly parallel with and 100.00 feet north of the north line of Sheridan Drive, a distance of 707.93 feet to a point;

Thence running northwesterly at an exterior angle of $63^{\circ}02'26''$ along a line 50.00 feet southwest and parallel with the southwest line of North Forest Road, a distance of 326.07 feet to a point;

Thence northwest at an interior angle of $170^{\circ}01'58''$ along a line 50.00 feet southwest and parallel with the southwest line of North Forest Road, a distance of 61.50 feet to a point;

Thence northerly at an interior angle of $162^{\circ}41'54''$ along a line 50.00 feet west and parallel with the west line of North Forest Road, a distance of 382.96 feet to a point;

Thence northeast at an interior angle of $124^{\circ}36'17''$, along a line 50.00 feet northwest and parallel with the northwest line of North Forest Road, a distance of 30.07 feet to a point;

Thence north at an exterior angle of $124^{\circ}36'17''$, along a line 50.00 feet west and parallel with the east line of Lot 66, a distance of 311.00 feet to a point;

Thence westerly measured at right angles, a distance of 290.00 feet to a point;

Thence northerly measured at right angles, a distance of 835.00 feet to a point;

Thence westerly measured at right angles, a distance of 192.33 feet ; to a point

Thence northerly measured at right angles, a distance of 144.05 feet to a point;

Thence northeasterly at an interior angle of $133^{\circ}38'01''$, a distance of 480.00 feet to a point;

Thence northwesterly measured at right angles, a distance of 405.00 feet to a point;

Thence easterly at an interior angle of $49^{\circ}18'33''$, a distance of 465.00 feet to the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 75.00 feet to a point;

Thence south along the centerline of Ellicott Creek, a distance of 580 feet more or less to a point;

Thence east, a distance of 160 feet more or less to the northeasterly corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwesterly corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence southwesterly at an interior angle of $79^{\circ}06'00''$, a distance of 283.40 feet to a point;

Thence westerly at an interior angle of $100^{\circ}54'00''$, a distance of 40.00 feet more or less to a point in the centerline of Ellicott Creek;

Thence southerly and easterly along the centerline of Ellicott Creek, a distance of 780 feet more or less to a point in the east line of Lot 66;

Thence southerly along the east line of Lot 66, a distance of 427 feet more or less to a point in the northwest line of North Forest Road;

Thence southwest at an interior angle of $124^{\circ}36'17''$, along the northwest line of North Forest Road, a distance of 30.07 feet to a point;

Thence south at an exterior angle of 124°36'17", along the west line of North Forest Road, a distance of 349.10 feet to a point;

Thence southeast at an exterior angle of 162°41'54", along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of 170°01'58", along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of 126°44'10", a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 23.84 acres more or less.

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.

**Marjory Jaeger
Town Clerk
Town of Amherst
County of Erie, State of New York**