

# AMHERST TOWN BOARD MEETING

## this Monday Evening at 7 PM

### (April 21, 2008)

The Fairways Group

April 20, 2008

#### RECENT UPDATES

Benderson asks for time...

Ward Resolution: 2008-417

It's AGAINST THE LAW!

Dear Fairways Group Supporter

This Monday evening the Amherst Town Board will once again meet at 7 PM at Town Hall on Main St.

Your support is needed to help "remind" the politicians of our Town why they were elected. (see Dr. Mohan's quote at the bottom) Sincerely,

The Fairways Group

### Benderson Development asks for MORE time.

The Benderson Development Company has asked for more time (again) and received an additional two weeks. This request is for one reason only folks, to buy time for the developer to continue to convince the public that this proposal "fits" within the Town's Comprehensive Plan.

The Town Board has allowed this and has postponed the vote until May 5, 2008. However Councilman Dan Ward has a resolution on the agenda to deny the rezoning application once and for all (see below). This resolution can be voted on with a minimal of 4 votes from the Town Board. Please attend and ask the Board to vote on Resolution 2008-417.

**SAVE OUR  
NEIGHBORHOOD**  
[www.FAIRWAYSBLVD.com](http://www.FAIRWAYSBLVD.com)

### Denial of Proposed Rezoning for 218 & 330 Maple Road

RESEOLVED, the Amherst Town Board hereby moves to deny the proposed rezoning for 218 and 330 Maple Road, 28.114 acres, from CF to GB, and 5.212 acres from CF & R-3 to MFR-6, Benderson Development Company, LLC,

**VOTE THIS  
DOWN  
ON MONDAY  
APRIL 21st !**

#### Where & When

Amherst Town Board Meeting  
Amherst, New York 14221  
April 21, 2008 @ 7PM

### It is AGAINST THE LAW TO IGNORE THE TOWN'S (\$700,000) COMPREHENSIVE PLAN

Town Law Section 272(a)-11 provides that where a Town has adopted a formal comprehensive plan, the Town's zoning decisions must be consistent with that plan.

This is STATE MANDATE and it is called TOWN LAW, just like Penal Law, Health Law, Vehicle and Traffic Law, etc. It CAN NOT not be ignored.

This is EXACTLY why the developer is asking for more time to "tweak" the plan in an attempt to allow it to "fit" within the Comprehensive Plan.

Town Law § 272-a(11) provides that where a town has adopted a formal comprehensive plan, the town's zoning decisions must be consistent with that plan.

The Master Plan elaborates that the project area, in particular, is not to be used for commercial development. That the residential portions of Maple Rd. should be PROTECTED FROM FURTHER COMMERCIAL DEVELOPMENT OR REDEVELOPMENT (sections 3-58)

It is not just a plan  
**IT'S THE LAW**

- The "linear park" (with a tree orchard) was an attempt to circumvent the TOWN LAW regarding super majority. We find it puzzling how the developer doesn't disregard or ignore the section of the Town Law pertaining to super majority requirements, however chooses to disregard the other sections of the law. YOU CAN'T PICK AND CHOOSE what sections of the law to obey and what sections to ignore.
- Presenting deed restrictions on what can be built there is worthless and are lifted and ignored all the time. Plus, it is AGAINST THE LAW. Don't allow the Town Board to be "tricked" with deed restrictions. Once General Business is allowed, all bets are off.
- The facts are simple, NO GENERAL BUSINESS ZONING IS ALLOWED.
- The Amherst Chamber of Commerce supports the butchering of the Comprehensive Plan for this project. Interestingly, they were strong supporters of adhering to the CP when opposing the Rensch Road Development? Could Bender\$on Development be the factor?
- Stand up Amherstonians, control the destiny of your neighborhood by supporting the Fairways Group.

#### Where & When

Fairways Blvd. (and beyond)  
Amherst, New York 14221  
Month, Year  
8:00AM-5:00PM

"Today I challenge the business leaders and I challenge the Amherst citizens to take back their government and tell elected officials what their needs are and for what they elected them."

Dr. Satish Mohan - Town Supervisor

The Fairways Group  
[www.fairwaysblvd.com](http://www.fairwaysblvd.com)  
[www.amhersth homeowners.com](http://www.amhersth homeowners.com)  
Amherst, New York