

LOCAL LAW NO. 14-2023

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

**A Local Law Amending Chapter 121 of the Code of the Town of Amherst,
Historic Preservation**

Be it enacted by the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 121 of the Code of the Town of Amherst, Historic Preservation."

Section 2. Purpose.

This Local Law will amend various sections of Chapter 121 of the Code of the Town of Amherst.

Section 3.

Chapter 121 of the Code of the Town of Amherst is hereby amended as follows:

§ 121-1. Designation; title.

This chapter shall be Chapter **121** of the Code of the Town of Amherst and may be cited as the "Historic Preservation Law of the Town of Amherst."

§ 121-2. Authority.

[Amended 5-16-2018 by L.L. No. 10-2018]

In accordance with Section 96-a of the General Municipal Law of the State of New York entitled "Protection of historical places, buildings and works of art," and Article 5-K of the General Municipal Law of the State of New York, entitled "Historic Preservation," the Town Board of the Town of Amherst has the authority to provide, by local law, regulations, special conditions and restrictions for the protection, enhancement, perpetuation and the use of places, districts, sites, buildings, structures, works of art and other objects having special character or special historical or other aesthetic interest or value. Pursuant to that authority, the Town Board has prepared and adopted this Chapter setting forth standards to be followed in historic preservation.

§ 121-3. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded in its past and inasmuch as Amherst has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

A. Protect and enhance the landmarks and historic districts which represent distinctive elements of Amherst's historic, architectural and cultural heritage.

B. Foster civic pride in the accomplishments of the past.

C. Protect and enhance Amherst's attractiveness to visitors and support and stimulate the Town's economy.

D. Ensure the harmonious, orderly and efficient growth and development of the Town.

§ 121-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADAPTIVE REUSE

Conversion of a building originally designed for a certain purpose to a different purpose.

ALTER

To change one or more exterior architectural features of a landmark, an improvement on a landmark site or a structure within an historic district.

BUILDING

Any structure or part thereof having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING COMMISSIONER

The Commissioner of Building of the Town of Amherst.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Preservation Commission approving plans for the alteration, construction, removal, improvement or demolition of all or part of the exterior of a landmark, a landmark site or a structure within an historic district.

CONSTRUCTION

Building an addition or making an alteration to an existing structure or building a new principal or accessory structure.

DEMOLITION

Destruction of a building, structure or improvement.

DEMOLITION PERMIT

A permit issued by the Building Commissioner allowing the applicant to demolish and remove all or part of a building, structure or improvement.

EXTERIOR

Architectural style, design, general arrangement and components of the outer surfaces of an improvement, building or structure as distinguished from the interior surfaces, including but not limited to the kind and texture of building material and the type and style of windows, doors, signs and other such exterior fixtures.

FACADE

The exterior of a building or structure that can be viewed.

HISTORIC DISTRICT

A geographically definable area so designated pursuant to this code.

IMPROVEMENT

Any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment or any part thereof.

LANDMARK

Property, object, structure or natural feature or any part thereof so designated pursuant to this code.

LANDMARK SITE

A significant historical or cultural site(s) where buildings or structures no longer exist, so designated pursuant to this code.

OWNER

A person, firm or corporation which owns the fee of property or a lessor state therein, a mortgagee or vendee in possession, a receiver, an administrator, an executor, a trustee or any other person, firm or corporation in control of property.

PRESERVATION

Retention of essential character of an improvement, object, building, natural feature or structure as embodied in its existing form, integrity and material. This term includes the retention of trees, landscaping and vegetative cover of a site. This term may include temporary stabilization work, as well as ongoing maintenance of historic building materials.

PRESERVATION COMMISSION or COMMISSION

The Town of Amherst Historic Preservation Commission.

PROPERTY

Land and improvements thereon.

RECONSTRUCTION

Reproduction of the exact form and detail of a vanished building, structure, improvement or part thereof as it appeared at a specific time.

REHABILITATION

Repair or alteration that enables buildings, structures or improvements to be efficiently utilized while preserving those features of buildings, structures or improvements that are significant to their historic, architectural or cultural values.

RESTORATION

Recovery of the form and details of a building, structure or improvement and its site during a particular time.

SCENIC LANDMARK

Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalk, clocks and trees.

SECRETARY OF THE INTERIOR’S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Principles developed by the National Park Service (36 CFR 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to the historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this local law as “Secretary of the Interior Standards”.

SITE

The location of a significant event, a prehistoric or historic occupation of activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing buildings, structures or other objects. Examples of a site are a battlefield, designed landscape, trail or campsite.

STRUCTURE

Anything constructed or erected which requires permanent or temporary location on the ground. This term shall include but not be limited to buildings, walls, fences, signs, billboards, lighting fixtures, screen enclosures and works of art.

TOWN

The Town of Amherst, County of Erie, State of New York.

TOWN BOARD

The Town Board of the Town of Amherst, Erie County, New York.

TOWN CLERK

The Town of Amherst Town Clerk.

§ 121-5. Historic Preservation Commission.

[Amended 5-16-2018 by L.L. No. 10-2018]

A. There is hereby created a commission to be known as the "Town of Amherst Historic Preservation Commission."

B. The Commission shall consist of seven (7) members. The Town of Amherst shall be the primary residence of each Commission member. Commission members shall serve terms of

four years, with the exception of the initial term, in which four (4) members shall serve terms of four (4) years and three (3) members shall serve terms of two (2) years.

C. Appointment of Commissioners shall be made by the Town Board.

D. To the extent available in the Town of Amherst, the Commission should consist of the following:

(1) At least one (1) shall be an architect.

(2) At least one (1) shall be an historian.

(3) At least one (1) shall be a licensed real estate broker.

(4) At least one (1) shall be a licensed professional engineer.

(5) All members shall have demonstrated significant interest and commitment to the field of historic preservation.

(6) The Director of the Buffalo Niagara Heritage Village, or his/her designee shall be a nonvoting, *ex officio* member of the Commission and the designee shall be a resident of the Town of Amherst.

E. The Chairperson and the Vice Chairperson shall be elected by and from voting members of the Commission. The terms of office shall be two (2) years. If the Chairperson or Vice Chairperson cannot fulfill his or her term of office, a Chairperson or Vice Chairperson shall be elected by and from the membership to fulfill the remainder of the term until the next regular election.

F. If any Commissioner resigns or otherwise cannot fulfill his or her term of office, the Town Board shall appoint an interim member to serve the remainder of the term.

G. The Vice Chairperson shall ensure that minutes of all Commission meetings are suitably recorded, prepared and distributed.

H. The powers and duties of the Commission shall include:

(1) To recommend to the Town Board landmarks, sites and historic districts for the designation and adoption by local law.

(2) To advise and recommend to the Town Board on matters of employment of staff and professional consultants as necessary to carry out the duties of the Commission.

(3) To promulgate rules and regulations as necessary for the conduct of its business.

(4) To adopt criteria for the identification of significant historic architectural and cultural landmarks and historic districts.

(5) To conduct surveys of significant historic, architectural and cultural landmarks within the Town.

(6) To make recommendations to the Town Board on the acceptance or donation of facade easements and development rights, the acquisition of facade easements and development rights or other interests in real property as necessary to carry out the purposes of this chapter.

(7) To increase public awareness of the value of historic, cultural and architectural preservation and the understanding of the value of historic preservation, the history and resources of the town by developing and participating in education programs.

(8) To make recommendations to the Town Board concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Town.

(9) To recommend acquisition of a landmark or structure by the Town where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.

(10) To approve, approve with modifications, or deny applications for certificates of appropriateness, subject to review by the Building Commissioner pursuant to this Chapter.

(11) To maintain an inventory of locally designated historic resources and districts within the Town and publicize the inventory.

I. The Commission shall meet at least monthly if any business is pending. Meetings may be held at any time on the written request of any two Commission members.

J. A quorum for the transaction of business shall consist of a majority of the Commission members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness.

§ 121-6. Criteria and Designation of Landmarks, Sites or Historic Districts.

The commission shall delineate landmarks or historic districts and recommend them to the Town Board for designation under local law.

A. Individual Landmark: The commission may recommend an individual property as an individual landmark if it:

(1) exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Town;

(2) is identified with persons or events significant in local, state, or national history;

(3) embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;

(4) represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or

(5) has yielded or may be likely to yield information important in prehistory or history.

B. Historic District: The commission may recommend a group of properties within the Town as an historic district if it:

(1) contains properties which meet one or more of the criteria for designation as a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and

(2) constitutes a unique section of the Town by reason of possessing those qualities that would satisfy such criteria.

C. Interior Landmark: The commission may recommend the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the town, and:

(1) it is customarily open or accessible to the public; or

(2) it is an interior into which the public is customarily invited.

D. Scenic Landmark: The commission may recommend a landscape feature or group of features. Recommendations for designation must be accompanied by such historical and architectural information as is required by the commission to make an informed recommendation concerning the application.

E. The boundaries of each proposed landmark, interior landmark, scenic landmark, or historic district designated henceforth shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the Town Clerk's office for public inspection.

F. Notice for a public hearing for a proposed designation shall be sent by the Town Clerk thirty (30) days prior to a public hearing to the owner(s) of any property(ies). The notice shall describe the property proposed for designation, summarize the proposed action and announce the date, time and location of the public hearing. A copy of the notice of proposed designation shall also be sent to the Town Board.

G. Once the Historic Preservation Commission has issued a notice of a proposed designation, no building permits shall be issued by the Building Commissioner except for emergency repairs until a final determination on the proposed designation has been reached. The Historic Preservation Commission shall provide a copy of any notice of proposed designation to the Building Commissioner.

H. The notice of proposed designation shall also be sent to the Town of Amherst Highway Department, the Town of Amherst Engineering Department, the Town of Amherst Planning Department, the Town of Amherst Assessor's Department, the Buffalo Niagara Heritage Village and any other Town department and/or county or state agency as appropriate. Each department/agency shall be given thirty (30) days from the date of transmission to provide comments on the proposed designation to the Historic Preservation Commission.

I. The Commission shall hold a public hearing prior to recommending designation of any landmark, historic site or historic district. The Commission, the property owner and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing. A public hearing notice must be published by the Town Clerk in the Town's designated official newspaper at least fifteen (15) days prior to the hearing date.

J. The Commission will recommend to the Town Board the designation of a historic landmark, site or district. The Town Board will also conduct a public hearing prior to acting on the recommendation.

K. The Commission shall file notice of each property designated as a landmark and of the boundaries of each designated historic district with the Erie County Clerk's office, the Town of Amherst Clerk's office, the Town of Amherst Building Department, the Town of Amherst

Planning Department, the Town of Amherst Highway Department, the Town of Amherst Engineering Department and the Town of Amherst Assessor's Department.

L. Minutes of any business conducted by the Historic Preservation Commission shall be placed on file in the Town of Amherst Clerk's office and will be posted to the Town's website.

§ 121-7. Certificate of Appropriateness for Alteration, Demolition, or New Construction Affecting Individual Landmarks or Historic Districts.

(a) The Town of Amherst Historic Preservation Commission is responsible for the approval or disapproval of proposals for exterior changes to a historic property designated under this local law. No person shall carry out any exterior alteration, excavation, grading, restoration, reconstruction, demolition, new construction, or move of a designated historic landmark or property within a historical district nor shall any person make any change within such property, it's light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements which affect the appearance or cohesiveness of the landmark or a designated historic district without first obtaining a Certificate of Appropriateness that authorizes such work from the Town of Amherst Historic Preservation Commission.

(b) All changes to Town owned property affecting an individual landmark or within a historic district shall be subject to the provisions of this local law.

(c) The building department shall receive and file all applications issued for any individual landmark, interior or landmark, scenic landmark, or historic district to which this local law applies. The building department shall transmit a copy of any such application to the Planning Department which shall review same, and when the application is complete, forward said application to the Historic Preservation Commission.

(d) The commission may require that the application for certificate of appropriateness be supplemented by such additional information and/or materials as may be necessary for a complete review by the commission. The commission may impose such conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this local law.

§ 121-8. Criteria for Issuing a Certificate of Appropriateness.

A. Certificate of appropriateness; general criteria: The commission shall approve the issuance of a certificate of appropriateness only if it determines that the proposed work will not have any adverse impact on the aesthetic, historical, or architectural significance and value of the individual landmark or if the proposed work is within a historic district, proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance of the property itself, the district or neighboring properties in such district.

B. In making this determination, the commission's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an individual landmark, interior landmark, scenic landmark or property within a historic district will be guided by the current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as general criteria.

(1) the commission's decision to approve, approve with modification(s), or deny an application for a certificate of appropriateness for an improvement to property located within a historic district shall be based on the following principles:

- i. properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
- ii. any alteration of existing properties shall be compatible with the surrounding historic district; and
- iii. new construction shall be compatible with the historic district in which it is located;

C. In applying the principle of compatibility set forth in paragraph (b) of this Section, the commission shall consider the following factors:

(1) the general design and character of the proposed alteration or new construction relative to existing features of the property or improvement;

(2) the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;

(3) texture, materials and color and their relation to similar features of the property and other properties in the neighborhood;

(4) visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback, and;

(5) the importance of historic physical and visual features to the significance of the property.

D. In approving an application for a certificate of appropriateness, the commission shall find that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this local law, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent an appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community. In addition the Commission's decision shall be guided by the current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as general criteria.

E. Where the commission grants a certificate of appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the commission shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the commission shall nonetheless impose appropriate and reasonable conditions to ensure that the archaeological resource is made accessible for a reasonable period to qualified persons. In cases where the owner is a government entity and thereby the lead agency, the New York State SEQR regulations shall apply.

F. The liaison in the Planning Department for the Commission will forward a draft of the application of the certificate of appropriateness to the Commission. The commission may require that the application for certificate of appropriateness be supplemented by such additional information or materials as may be necessary for a complete review by the Commission. The Commission may impose reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purposes of this chapter.

§ 121-9. Application for certificate of appropriateness.

A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such certificate with the Historic Preservation Commission. The application shall contain, but not be limited to:

- (1)** The name, address, ~~and~~ telephone number and/or email of the applicant.
- (2)** The location and photographs of the property.
- (3)** Elevation drawings of proposed changes, if available.
- (4)** Perspective drawings of proposed changes, if available.
- (5)** Samples of color and/or materials to be used.
- (6)** Where the proposal includes signs or lettering, a scale drawing showing the type(s) of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination and a plan showing the sign's proposed location on the property.
- (7)** Any other information which the Commission may deem necessary in order to visualize the proposed work.

B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Historic Preservation Commission. The Commission shall act to approve, approve with modifications, or deny a certificate of appropriateness within 65 days of the date upon which a completed application is filed with the Historic Preservation Commission. If the application is not acted upon within 65 days, the application shall be deemed approved. The applicant may request an extension of the decision deadline date if so desired. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Town of Amherst.

§ 121-10. Hardship criteria.

A. An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return regardless of whether that return represents the most profitable return possible.

(2) The property cannot be adapted for any other use permitted by Chapter **203**, Zoning, which would result in a reasonable return.

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

B. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return regardless of whether that return represents the most profitable return possible;

(2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or the neighborhood;

(3) The requested relief, if granted, will not alter the essential character of the neighborhood; and

(4) The alleged hardship has not been self-created.

§ 121-11. Hardship application procedure.

A. After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship application process.

B. The Commission shall hold a public hearing on the hardship application, at which time an opportunity will be provided for proponents and opponents of the application to present their views.

C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail, and a copy shall be filed with both the Town Clerk's office and with the Building Department. The Commission's decision shall state the reasons for granting or denying the hardship application.

E. No building permit or demolition permit shall be issued while the hardship application is pending. The Commission shall make a determination on whether a hardship exists. Building and demolition permits shall be issued in accordance with that determination.

§ 121-12. Affirmative Maintenance and repair required.

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any architectural feature of a landmark or property within an historic district which does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

(1) Deterioration of exterior walls or other vertical supports.

(2) Deterioration of roof or other horizontal members.

(3) Deterioration of exterior chimneys.

(4) Deterioration or crumbling of exterior stucco or mortar.

(5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.

(6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

§ 121-13. Administration and enforcement; display of certificate.

A. Administration. The Building Commissioner shall administer and enforce the provisions of this chapter. In connection with overseeing this responsibility, the Building Commissioner shall provide a permit procedure coordinated with the established building permit procedure.

B. Enforcement. All work performed pursuant to this chapter shall conform to any requirements included herein. It shall be the duty of the Building Commissioner to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness, the Building Commissioner shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as the stop-work order is in effect.

C. The certificate of appropriateness shall be displayed on the building in a location conspicuously visible to the public while work pursuant to the certificate is being done.

§ 121-14. Penalties for offenses.

A. Any person who violates any provision of this chapter or any regulation adopted hereunder is guilty of an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate violation.

B. Failure to comply with any of the provisions of this chapter shall result in the termination of any permits issued or any proceedings commenced under provisions of this chapter.

C. Any person(s) who demolishes, alters, constructs or permits a landmark to fall into a serious state of disrepair which results in a violation of this chapter shall be required to

restore the property and its site to an appearance acceptable to the Historic Preservation Commission. Any action to enforce this subsection shall be brought by the Town Attorney upon authorization by the Town Board. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

D. Failure to comply with any of the provisions of this chapter may result in the application of penalties and/or fines issued by the Building Commissioner of the Town of Amherst as provided for in Chapter 151 of the Town Code, Property Maintenance.

§ 121-15. Appeals.

[Amended 6-20-2011 by L.L. No. 18-2011; 5-16-2018 by L.L. No. 10-2018]

Any person aggrieved by a decision of the Historic Preservation Commission relating to designation, hardship, demolition permit application (see Chapter **151**, Section 56 for related regulations) or a certificate of appropriateness may, within thirty (30) days of the filing of the decision in the Town Clerk's office, file a written application with the Town Board for review of the decision. The Town Board shall schedule a public hearing on the matter without unnecessary delay. The appeal of the Commission's decision may be based only upon the record and criteria utilized by the Commission to render its decision. If new information becomes available subsequent to the Commission's decision, a new application must be submitted to the Commission. The Town Board's decision on the appeal shall be considered final.

§ 121-16. Conflict with other provisions.

Where this chapter imposes greater restrictions than are imposed by the provisions of any law, ordinance or regulation, the provisions of this chapter shall apply. Where greater restrictions are imposed by any law, ordinance or regulation, such greater restrictions shall apply.

§ 121-17. Compliance required prior to action.

No decision to carry out or approve an action subject to the provisions of this chapter shall be rendered by any department, board, commission, officer or employee of the Town of Amherst until there has been full compliance with all requirements of this chapter. This shall not prohibit environmental, engineering, economic feasibility or other studies, preliminary planning or budgetary processes, nor the granting of an application relating only to technical specifications and requirements, but not authorizing commencement of action until full compliance with this chapter has been met.

§ 121-18. Applicability.

This chapter shall apply to the entire area of the Town of Amherst, excluding that area within the corporate limits of the Village of Williamsville.

§ 121-19. Severability.

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and, to this end, the various sections, clauses or provisions of this chapter are declared to be severable.

§ 121-20. When effective.

This chapter shall take effect immediately.

Section 4. 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. Tax year 2023-24 will be the first year of eligibility for the above referenced exemptions.

**Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York**

Adopted: December 18, 2023