



Town of Amherst Planning Department

Erie County, New York



Barry A. Weinstein, MD  
Supervisor  
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August 1, 2012

**CANCELLATION & RESCHEDULING OF PUBLIC HEARING**

**Due to a publication error with the legal notice, the public hearing scheduled for the Planning Board meeting of August 16, 2012 for the following rezoning has been cancelled and rescheduled for their meeting of September 20, 2012 as follows:**

Dear Resident:

PLEASE TAKE NOTE that the Planning Board will hold a regularly scheduled meeting in the Amherst Municipal Building, 5583 Main Street, Williamsville, NY on **Thursday, September 20, 2012 at 6:30 P.M.**

A public hearing has been scheduled to receive comments on the following petition:

**REQUEST TO REZONE AND, TO THE EXTENT THE PROPOSED REZONING IS NOT CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN, TO AMEND THE COMPREHENSIVE PLAN:**

**REQUEST TO REZONE: 3.591± ACRES OF LAND FROM OB (OFFICE BUILDING DISTRICT), NB (NEIGHBORHOOD BUSINESS DISTRICT) & GB (GENERAL BUSINESS DISTRICT) TO LW-1 (LIVE-WORK DISTRICT 1)**

**PROPERTIES LOCATED AT 101, 103& 104 ALLENHURST RD.; 3872, 3876, 3882, 3884, 3890, 3896, 3900, 3906, 3912, 3922, 3926, 3930, & 3934 BAILEY AVE.; 72& 80 CAPEN BLVD.; 95, 99, 135 & 143 KENMORE AVE.; AND 159, 165 & 171 NIAGARA FALLS BLVD.**

For further information please contact the Amherst Planning Department at **631-7051**.

**Petitioner:** Town of Amherst

MARJORY JAEGER  
AMHERST TOWN CLERK

July 27, 2011

**RE: Proposed Rezoning to Live - Work District-One (LW-1) for properties located at 101, 103& 104 Allenhurst Rd.; 3872, 3876, 3882, 3884, 3890, 3896, 3900, 3906, 3912, 3922, 3926, 3930, & 3934 Bailey Ave.; 72& 80 Capen Blvd.; 95, 99, 135 & 143 Kenmore Ave.; and 159, 165 & 171 Niagara Falls Blvd.**

Dear Property Owner:

As you may be aware, the Town has recently been reviewing its commercial zoning regulations in the Eggertsville area. The purpose of this review is to insure that the Town's regulations serve the interests of both the overall neighborhood and the affected property owners.

After reviewing existing zoning patterns and the recommendations of the Town Comprehensive Plan, and receiving input from both property owners and neighborhood residents, the Planning Department has submitted an application to the Town Board to rezone the subject properties from General Business (GB) or Office Building (OB) to Live – Work District-One (LW-1). A map showing the location of the properties proposed to be rezoned is on the reverse side of this letter.

The proposed district is new to the Town of Amherst Code and is consistent with recommendations in the Town's Comprehensive Plan. The district was created specifically for areas such as yours that were initially developed and continue to be used as residences, but are located on arterial roads in close proximity to more intensive commercial development. The Live – Work District- One intends to accomplish the following:

- Maintain residential use, scale and appearance
- Take advantage of location on arterial and collector roads
- Promote redevelopment and reuse of existing buildings
- Protect adjacent residential areas from intensive commercial development
- Support mixed-use development
- Make residences a permitted principal use, unlike the existing GB & OB districts

The entire text of the Live-Work District-One (LW-1) may be found on the Town's website at [www.amherst.ny.us](http://www.amherst.ny.us), Keyword: Eggertsville West. The existing GB and OB district regulations are also available on the website, keyword "zoning". Both districts may be found in Part 4 "Nonresidential Districts".

The rezoning process proceeds as follows:

- 1.) A public hearing will be held by the Planning Board at their August 16, 2012 meeting. You will receive a notice from the Town Clerk within the next few days confirming the date and time of the hearing. After the hearing is closed, the Planning Board will make a non-binding recommendation to the Town Board on the rezoning application.
- 2.) A public hearing is then held by the Town Board. Notices will also be mailed prior to this hearing. After the hearing is closed, the Town Board will make a final decision on the proposed zoning change.

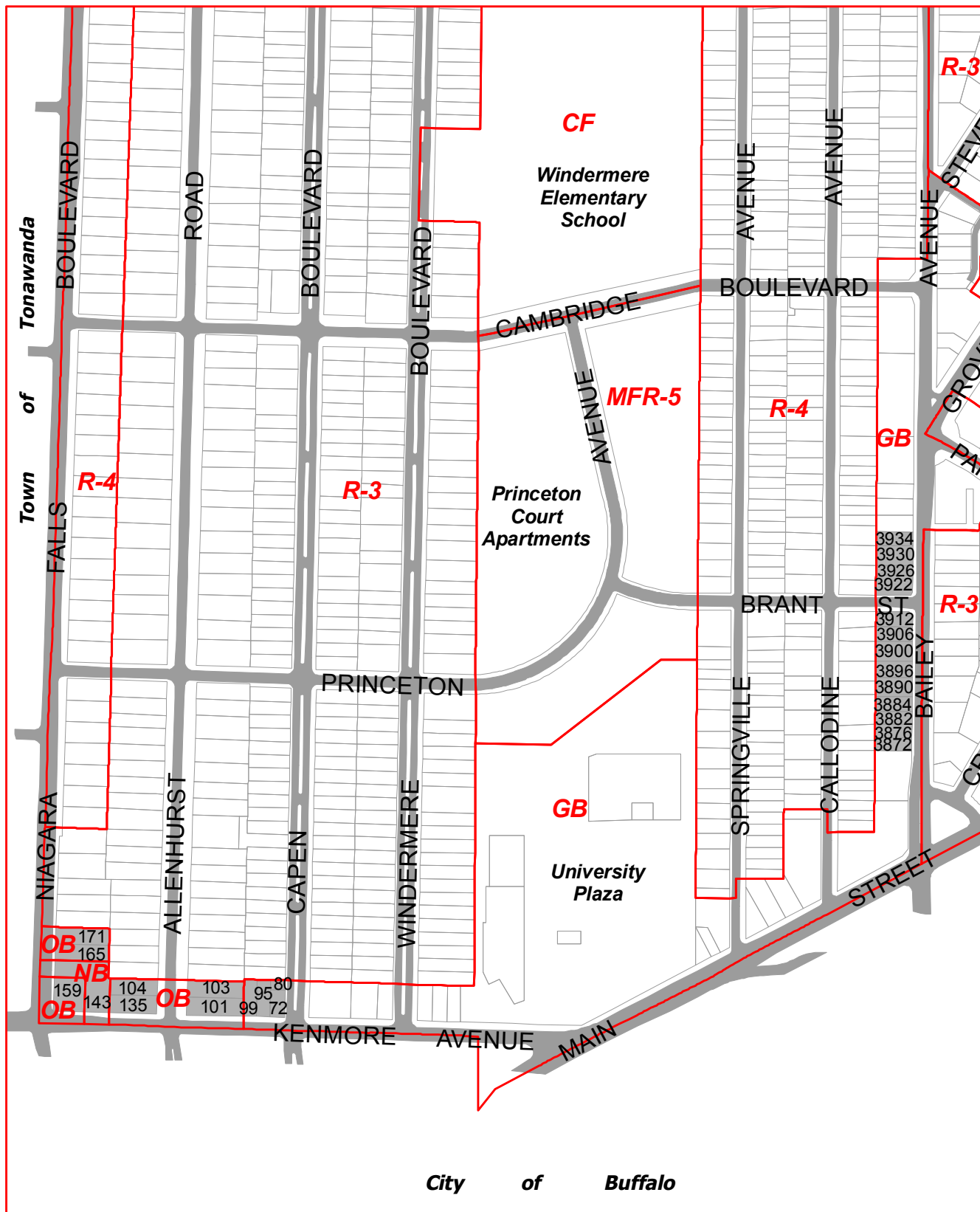
We continue to look forward to working with you to find the best zoning solution for your neighborhood. Please do not hesitate to contact me at (716) 631-7051 or e-mail at [gblack@amherst.ny.us](mailto:gblack@amherst.ny.us) if you have any questions or comments.

Very truly yours,

GARY BLACK, AICP  
Assistant Planning Director

S:\Current Planning Files\Rezoning\Z-2011-08A (Eggerstville Wst LW)\Letter to Residents July 27-12\_GB.doc

cc: Guy R. Marlette, Deputy Supervisor, Liaison to Planning  
Eric W. Gillert, Planning Director  
Steve Matisz, Eggertsville Community Organization  
David Mingoia, Deputy Director, AIDA



Z-2011-08A

Request to Rezone Land from OB, NB, & GB to LW-1  
 Property located along the Kenmore & Bailey Avenue Corridors

Town of Amherst, Petitioner

August 16, 2012



3872 - 3934 Bailey Avenue  
 95 - 143 Kenmore Avenue  
 159 - 171 Niagara Falls Boulevard  
 72 & 80 (portion) Capen Boulevard  
 101 - 104 Allenhurst Road



Prepared by the Town of Amherst Planning Department

# LIVE WORK DISTRICT 1

## Section 1. Title

This Local Law shall be referred to as, “A Local Law Making Amendments To Chapter 203 Of The Code Of The Town Of Amherst, The Zoning Ordinance As Adopted By Local Law 6-2006, Amending Section 1-11-1 and Adding Section 5-8 “Live-Work District One (LW-1)”.

## Section 2.

Section 1-11-1 of Chapter 203 of the Code of the Town of Amherst will be revised to add Live-Work 1 (LW-1) as a new district under the Special Purpose Districts category.

## Section 3.

Section 5.8 will add a new district as follows:

### §5-8 Live-Work District 1 (LW-1)

#### 5-8-1 Purpose

To provide areas along arterials and major collectors for live-work uses, which combine residential dwellings with limited on-site working / commercial space. Such uses can help support a mixed-use environment, promote redevelopment and the reuse of existing buildings, provide alternative space for small businesses, and protect adjacent residential areas from intensive commercial development.

#### 5-8-2 Principal and Special Uses

##### A. Permitted Uses and Structures

LW-1	Permitted	Special Use	Standards
<b>OPEN USES</b>			
No open uses allowed			
<b>RESIDENTIAL USES</b>			
Single-family detached	✓		
Attached dwelling	✓		§6-2-1
Upper-story dwelling unit	✓		
<b>PUBLIC AND CIVIC USES</b>			
Daycare center, nursery or other private school	✓		§6-3-2
Minor utilities	✓		

LW-1	Permitted Special Use		Standards
	Permitted	Special Use	
Place of worship	✓		§6-3-3
Public utility service structure or facility		✓	§6-3-5
Telecommunication facility		✓	§6-7
<b>COMMERCIAL USES</b>			
Advertising agency	✓		
Apparel repair and alterations and shoe repair	✓		
Art studio	✓		
Beauty or barber shop	✓		
Bed and breakfast		✓	§6-4-2
Office	✓		
Photography studio	✓		
Production and sale of arts and crafts made on-site	✓		
<b>INDUSTRIAL USES</b>			
<i>No industrial uses allowed</i>			

## B. Dimensional Standards

LW-1	Principal Use Dimensional Standards	Vehicle Use Area
Min. lot width	40 ft	
Min. yards		
Front yard	25 ft	5 ft
Rear yard (abutting residential/ nonresidential)	25 ft / 25 ft	15 ft / none required
Each side yard (abutting residential / nonresidential)	5 ft / 5 ft	15 ft / none required
Corner lot	See §2-5-2A(5)	
Through lot	See §2-5-2A(2)	
Max. height	2 stories (up to 35 ft)	
Max. building coverage	50%	
Min. floor area for detached dwelling units (dwelling only)		
Under 2 stories	1,000 sf	
2 or more stories	1,200 sf	
Min. floor area for attached dwelling units (dwelling only)		
0 bedroom	400 sf	
1 bedroom	640 sf	
2 bedroom	760 sf	
3 bedroom	1,000 sf	
4 bedroom	1,200 sf	

Note: For explanation of measurements, computations, and exceptions see §2-5.

### 5-8-3 Accessory Uses and Structures

#### A. Permitted Accessory Uses and Structures

The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of §6-8, Accessory Uses or Part 7, General Development Standards.

LW-1 Permitted Accessory Uses and Structures	Standards
Auxiliary housing units	§6-8-2
Detached private garages and parking areas	
Off-street parking, loading and stacking	§7-1, §5-8-4 B
Private gardens	
Rooming and boarding of not more than two persons only when the dwelling is occupied by the actual record owner thereof	
Signs	§7-8, §5-8-4 C
Swimming pools	§6-8-12
Other Uses and structures customarily incidental to the principal use	

#### B. Dimensional Standards

LW-1 Accessory Use Dimensional Standards	
Min. building separation	5 ft
Min. from lot line	3 ft
Max. height	20 ft
Max. building coverage (including principal structure)	55%

Note: For explanation of measurements, computations, and exceptions see §2-5.

### 5-8-4 General Development Standards

#### A. Mix of Uses

- (1) No more than two residential units and one commercial use shall be permitted per parcel.
- (2) Within each principal structure, the floor area devoted to commercial uses shall not exceed 50% of the total principal structure floor area, up to a maximum of 2,000 square feet.

#### B. Off-Street Parking, Loading, and Stacking Facilities

All off-street parking, loading and stacking requirements as stated in §7-1 shall apply as a maximum for properties within the LW-1 district.

#### C. Sign Regulations

All sign regulations of §7-8 shall apply to properties within the LW-1 district,

with the following modifications:

- (1) Permitted signs shall be limited to ground, wall and awning signs only. Internally-lit signs shall not be permitted.
- (2) A maximum of twelve square feet of total sign area shall be permitted. Signage shall be limited to one of the permitted sign types.

**D. Other Development Standards**

- (1) All new principal structures shall have a pitched roof, such as a hip, gable, or gambrel roof. Flat roofs shall not be permitted.
- (2) No equipment or process shall be used which creates vibration, glare, fumes, odors or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (3) All nonresidential activities shall be limited to the hours between 8 AM and 9 PM.
- (4) Except for signage and parking permitted under this Ordinance, no display pertaining to the commercial use shall be visible from outside the dwelling.
- (5) Development in the L-W district shall also comply with the requirements referenced in the table below.

<b>LW-1 General Development Standards</b>	
Off-Street Parking, Loading and Stacking	§7-1
Landscaping, Buffers and Screening	§7-2
Site Lighting	§7-3
Outdoor Storage and Display	§7-4
Fences and Walls	§7-5
Access and Circulation	§7-6
Provisions for Flood Hazard Reduction	§7-7
Sign Regulations	§7-8
Performance Standards	§7-9
Bulk Storage of Combustible or Flammable Liquids	§7-10

**Section 4.**

Section 7-8-7 will be revised to add a note to the table that ground, wall, and awning signs only are permitted in the LW-1 district.

**Section 5. 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 6. Effective Date**

This Local Law shall take effect immediately and be 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 and 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, New York