



## TOWN OF AMHERST PLANNING DEPARTMENT

### ***Application for Rezoning***

#### For Official Use

File #: 7-2022-11

Acreage 52+/-

Fee \$ N/A

Address Verified by  
Assessor's Office

\_\_\_\_\_  
VERIFIED BY      DATE

Application Received  
by Planning Department

DJU 10/28/2022  
ACCEPTED BY      DATE

Materials Checked by  
Zoning Enforcement  
Officer

DJU 10/28/2022  
CHECKED BY      DATE

Materials & Fee Paid  
to Town Clerk

N/A  
ACCEPTED BY      DATE

#### Fill In Applicable Fees

**2 ACRES OR LESS**

**\$1,250.**

\_\_\_\_\_

**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.**

\_\_\_\_\_

**TOTAL FEE:**

**\$ N/A - Town Initiated**



7. Petitioner's interest in property

\_\_\_\_\_ Option to purchase
\_\_\_\_\_ Owner
\_\_\_\_\_ X Other (explain) Local Government

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)

\_\_\_\_\_
\_\_\_\_\_

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 Town desires to rezone the subject area to accommodate future large box retail development.

\_\_\_\_\_
\_\_\_\_\_

B. Rationale for rezoning request:

1. Why was this site chosen? \_\_\_\_\_

The current landowner has indicated that the sites have been selected for two large box retail buildings.

\_\_\_\_\_

2. Why cannot land be used with the existing zoning? \_\_\_\_\_

The center mixed use zoning designation does not accommodate large box retail development.

\_\_\_\_\_

3. How will this rezoning impact surrounding properties? \_\_\_\_\_

The rezoning is compatible with the surrounding zoning designations of RD, CTR-5 & CTR-8

\_\_\_\_\_

4. How will this rezoning impact the school system? \_\_\_\_\_

The rezoning to SC- Shopping Center will not create a demand on the school district.

\_\_\_\_\_

12. Quantitative Data:

A. Total # of dwelling units	0
B. Distribution of dwelling units by type	N/A
C. Gross Residential Density per acre	N/A
D. Total amount of Open Space	TBD at site plan review
E. Proposed Non-Residential Floor Area	277,000 +/- s.f.

13. Development Schedule:

Start TBD once a site plan is filed  
 Finish \_\_\_\_\_  
 Stages (# of) \_\_\_\_\_

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

The subject land is privately owned and its future disposition is unknown.

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

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unkown

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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](http://www.amherst.ny.us)). Add sheets as needed.

Figure 6 and Section 3.3.2 of the Town's Comprehensive Plan support the future use of the premises for a regional shopping center district. The proposed SC-Shopping Center zoning is compatible with the surrounding mixed use districts as it also allows attached dwelling units and upper story dwelling units. The premises being zoned is in excess of 50 acres and will serve a larger regional area for users outside of the Town of Amherst.

- 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.

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Amendments to the Comprehensive Plan are not necessary.

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- 3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:  
 The change allows for 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.

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

- 1. Sanitary Sewer adequate sewer capacity should exist for the intended retail uses
- 2. Storm Sewer/Drainage all drainage impacts will be mitigated for at site plan review
- 3. Water adequate public water will be available
- 4. Other \_\_\_\_\_

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

The proposed zoning is compatible with the CTR- 5, CTR-8 and RD zoning surrounding to the west and south.

**D. Suitability of the subject property for uses permitted by the current versus the proposed district:**

The subject property is currently zoned for mixed-use. The current zoning does not permit commercial retail development at a scale and form commensurate with this site.

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

The proposed zoning change is consistent with market demands for large box retail in proximity to the strong existing retail market contiguous to the premises on the west.

- 17. The petitioner encloses herewith the sum of \$ N/A 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 of Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public, Erie County, New York \_\_\_\_\_

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 officer or any officer 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.***

<b>Item No.</b>	<b>Item</b>	<b>Submitted</b>	<b>Official use</b>
<b>I Application Information</b>			
<b>1.0</b>	<b>Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)</b>	N/A	
1.1	Name, address, and contact information of the petitioner	X	
1.2	Name and address of property owners(s) – if different than petitioner	X	
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	N/A	
1.4	Identify existing and proposed zoning and acreage of area proposed to be rezoned	X	
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	X	
1.6	Statement of planning objectives to be achieved by the proposed rezoning, including the following: <ul style="list-style-type: none"> <li>• How the proposed zoning and development plan meets the objectives of the Comprehensive Plan</li> <li>• A description of the character of the proposed development</li> <li>• The rationale behind the assumptions that are presented</li> </ul>	X	
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.	X	
1.8	A general statement about how any proposed open space will be maintained (if applicable)	X	
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)	X	
1.10	A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development	X	
<b>II Survey and Legal Description</b>			
<b>1.0</b>	<b>Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor</b>	X	
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		
<b>2.0</b>	<b>Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)</b>	X	

Item No.	Item	Submitted	Official use
<b>III Concept Plan (if required by the Planning Board)</b>			
<b>1.0</b>	<b>Conceptual development plan drawn to scale (no larger than 24" x36" format and folded into 8 1/2" x 11" size)</b>		
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		
<b>V Other Required Information</b>			
<b>1.0</b>	<b>Completed and signed Environmental Assessment Form</b>	X	
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)		
<b>2.0</b>	<b>8 1/2" X 11" reduction of concept plan drawing (see appendix B)</b>		
<b>3.0</b>	<b>A CD containing a PDF of the complete submittal package, including all drawings.</b>		

For official use only:

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Approved/Date