

TO BE COMPLETED BY APPLICANT1. **Petitioner:**

Name: BULENT COSAN

Address: 5122 SHERIDAN DR.
AMHERST NY 14221
City State Zip Code

Phone: (716) 602-6233 Fax _____

E Mail: bcosan@gmail.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**

From: RESIDENTIAL-3 (R-3) District

To: NEIGHBORHOOD BUSINESS (NB) District

3. **Street address of land to be rezoned: (must be verified by Town Assessor's Office)**

5122 SHERIDAN DRIVE

SBL #: 69.09-2-10

4. **Area of land to be rezoned (in acres):** 0.695. **Owner of Land:**

Name: COSAN, MEHMET (BULENT)

Address: 5122 SHERIDAN DR.
WILLIAMSVILLE NY 14221
City State Zip Code

Phone: (716) 602-6233

6. **Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**

Name: DARYL MARTIN ARCHITECT. PC

Address: 3625 EGGERT RD, SUITE 201
ORCHARD PARK NY 1427
City State Zip Code

Phone: (716) 667-1436 Fax _____

E Mail: dmarchtecs@gmail.com

7. Petitioner's interest in property

☐ Option to purchase
☒ Owner
☐ Other (explain) _____

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)

NONE

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 10261

Page 150

11. Information on proposed project:

A. Description of the character of the proposed development: EXISTING HOUSE WITH ADDITIONS FOR THREE (3) TENANTS. OWNER WANTS TO CONVERT ONE ADDITION (APARTMENT) INTO A PIZZERIA (TAKE OUT ONLY)

B. Rationale for rezoning request:

1. Why was this site chosen? OWNER CURRENTLY OWNS AND CAN EASILY CONVERT TENANT SPACE.

2. Why cannot land be used with the existing zoning? CURRENT ZONING CANNOT ALLOW A BUSINESS/RESTAURANT.

3. How will this rezoning impact surrounding properties? USE WILL FIT IN WITH SURROUNDING NEIGHBORHOOD.

4. How will this rezoning impact the school system? NO IMPACT.

12. Quantitative Data:

- A. Total # of dwelling units 2
- B. Distribution of dwelling units by type EXISTING TYPE B APARTMENTS
- C. Gross Residential Density per acre 2.9 UNITS / ACRE
- D. Total amount of Open Space 0.49 ACRES OF 0.49 ACRES (71%)
- E. Proposed Non-Residential Floor Area 455 SQ. FT.

13. Development Schedule:

- Start JANUARY 2026
- Finish JULY 2026
- Stages (# of) 1 OF 1

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

NO.

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

N/A

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). Add sheets as needed.

AS PER SECTION 4-3-1, THE PURPOSE OF THE NEIGHBORHOOD BUSINESS DISTRICT IS TO WORK WITH EXISTING + PROPOSED MIXED USES FOR CONVENIENCE OF A NEIGHBORHOOD AREA W/ SURROUNDING RESIDENTIAL AREAS).

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.

THE PROPOSED NEIGHBORHOOD BUSINESS DISTRICT (N13)
WAS SUGGESTED TO THE TOWN BOARD BY JAMES QUINN, ASSI-
STANT PLANNER AT THE TOWN OF AMHERST.

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

THE NEIGHBORHOOD BUSINESS ZONE IS INTENDED FOR
MIXED USE IN AMONGST RESIDENTIAL AREAS. THIS
PROPERTY IS RESIDENTIAL AND WILL HAVE A PIZZERIA,
AND IS CURRENTLY SURROUNDED BY A RESIDENTIAL AREA.

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

1. Sanitary Sewer EXISTING TO BE MODIFIED FOR GREASE TRAP
2. Storm Sewer/Drainage T.B.D.
3. Water EXISTING IS SUFFICIENT.
4. Other _____

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

NO EXTERIOR MODIFICATIONS AND CONTAINS
RESIDENTS + A NEW PIZZERIA.

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

CURRENT ZONING CANNOT ALLOW FOR
A PIZZERIA/BUSINESS, PROPERTY CAN EASILY BE
MODIFIED TO ALLOW FOR A SMALL BUSINESS.

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

IT WILL OFFER A COMMUNITY TO OBTAIN A HAND-
CRAFTED PIZZA VS A CHAIN PIZZERIA.

17. The petitioner encloses herewith the sum of \$_____ 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.

Balot Cora

Signature of Petitioner

Subscribed and sworn to before me this 17th day of November, 2025

Notary Public, Erie County, New York Tyler Norman Fix

TYLER NORMAN FIX
Notary Public - State of New York
NO. 01F10015564
Qualified in Erie County
My Commission Expires Nov 3, 2027

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