



Town Of Amherst Planning Department

Application for Rezoning

For Official Use

File #: _____ Acreage _____ Fee \$ _____

Address Verified by
Assessor's Office

VERIFIED BY DATE

Application Received
by Planning Department

ACCEPTED BY DATE

Materials Checked by
Zoning Enforcement
Officer

CHECKED BY DATE

Materials & Fee Paid
to Town Clerk

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: \$ _____

TO BE COMPLETED BY APPLICANT**1. Petitioner:**

Name: _____

Address: _____

City State Zip Code

Phone: _____ Fax _____

E Mail: _____

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

From: _____ District

To: _____ District

3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)_____
SBL #: _____**4. Area of land to be rezoned (in acres):** _____**5. Owner of Land:**

Name: _____

Address: _____

City State Zip Code

Phone: _____

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

Name: _____

Address: _____

City State Zip Code

Phone: _____ Fax _____

E Mail: _____

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)

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: _____

B. Rationale for rezoning request:

1. Why was this site chosen? _____

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

3. How will this rezoning impact surrounding properties? _____

4. How will this rezoning impact the school system? _____

12. Quantitative Data:

- A. Total # of dwelling units _____
- B. Distribution of dwelling units by type _____
- C. Gross Residential Density per acre _____
- D. Total amount of Open Space _____
- E. Non-Residential Floor Area _____ (existing)

13. Development Schedule:

Start _____

Finish _____

Stages (# of) _____

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

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

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.

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.

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

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

1. Sanitary Sewer _____
2. Storm Sewer/Drainage _____
3. Water _____
4. Other _____

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

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

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

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.

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 office or any office 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.

<https://amherstnyusgcc.sharepoint.com/sites/plndept/Shared Documents/Common/Administrative/Forms & Template/Current Planning Forms & Templates/Applications/Rezoning Application Form 2026.docx>

REVISED February 2021

11. Information on proposed project:

A. Description of the character of the proposed development:

The property is a 1.2 acres corner lot with 450 LF of frontage along Bailey Avenue and 112 LF of frontage along Oxford Street. The property contains one large structure built in 1959 originally as a church, roughly 12,800 sf with an adjoining side parking lot. A small shed is located on the west side of the property. The property is surrounded by single family residential properties zoned R-4 to the west and residential properties zoned R-3 to the east across Bailey. Properties north along Bailey Avenue, with few exceptions, are zoned GB to Eggert Road, and the property south across Oxford Avenue is also zoned GB.

B. Rationale for rezoning request:

1. Why was the site chosen?

The property is the site of the former Town of Amherst Eggertsville Avenue Community Center. The center will be moving to another location, leaving the property vacant and under-utilized. The Town seeks to divest the property located at 4110 Bailey Avenue to allow it to gain new use and lessen future maintenance for the Town. The location supports commercial uses or other complementary uses allowed under GB zoning to blend into the neighborhood and provide additional in-fill development in the area.

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

The current building is aging, and maintenance costs are such that the building is no longer sustainable for the Town. The current CF zoning allows limited other uses therefore rezoning the property is needed to expand opportunities for reuse by the private sector. In addition, the Town does not wish to allow the demolition of the structure. With zoning updated, the building can accommodate multiple tenants and retain its presence as a unique property in the neighborhood.

3. How will this rezoning impact surrounding properties?

The rezoning will have minimal impact. GB zoned commercial uses already exist along Bailey Avenue to both the north and south of the site. Rezoning to GB will provide a cohesive commercial corridor along Bailey Avenue and allow for the building to offer opportunities for some new businesses and neighborhood scale services into the area.

4. How will this rezoning impact the school system?

GB zoning does allow for some opportunities for second floor residential units. However, the building as it is configured now would not retrofit easily for residential use. Without

being able to demolish the existing structure, new residential construction is most likely not a viable option. Therefore the rezoning will have little to no impact on the school system.

16. Basis for Findings

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.**

Section 3 of the Bicentennial Comprehensive Plan -Figure 6 shows the parcel to be located within the Commercial/Mixed Use land use category. Section 3.3.2 Commercial and Mixed-Use emphasizes the need to strengthen commercial and mixed-use opportunities to help revitalize and complement their surroundings. Existing commercial activity, zoned GB already exists along Bailey Avenue that has evolved overtime. The existing building is ideally located close to the sidewalk providing pedestrian access and includes a dedicated parking lot at the side of the building.

- 2. Cite all text, maps or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

The property is located within the commercial/mixed use land use category as shown in Figure 6. GB zoning district allows many of these land uses by-right, therefore no amendments are anticipated.

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

A. To protect the character and values of residential and institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development; and

K. To guide the future development of the town so as to bring about the gradual conformity of land, structures and used generally consistent with the policies of the Comprehensive Plan

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

Both the adjacent parcel to the north and the parcel directly across Oxford Street to the south are currently zoned GB. All parcels (with few exceptions) north along the west side of

Bailey Avenue to Eggert Road are zoned GB. This is an existing mixed use/commercial corridor. While the neighborhood is largely residential, commercial business and other services already exist along this corridor.

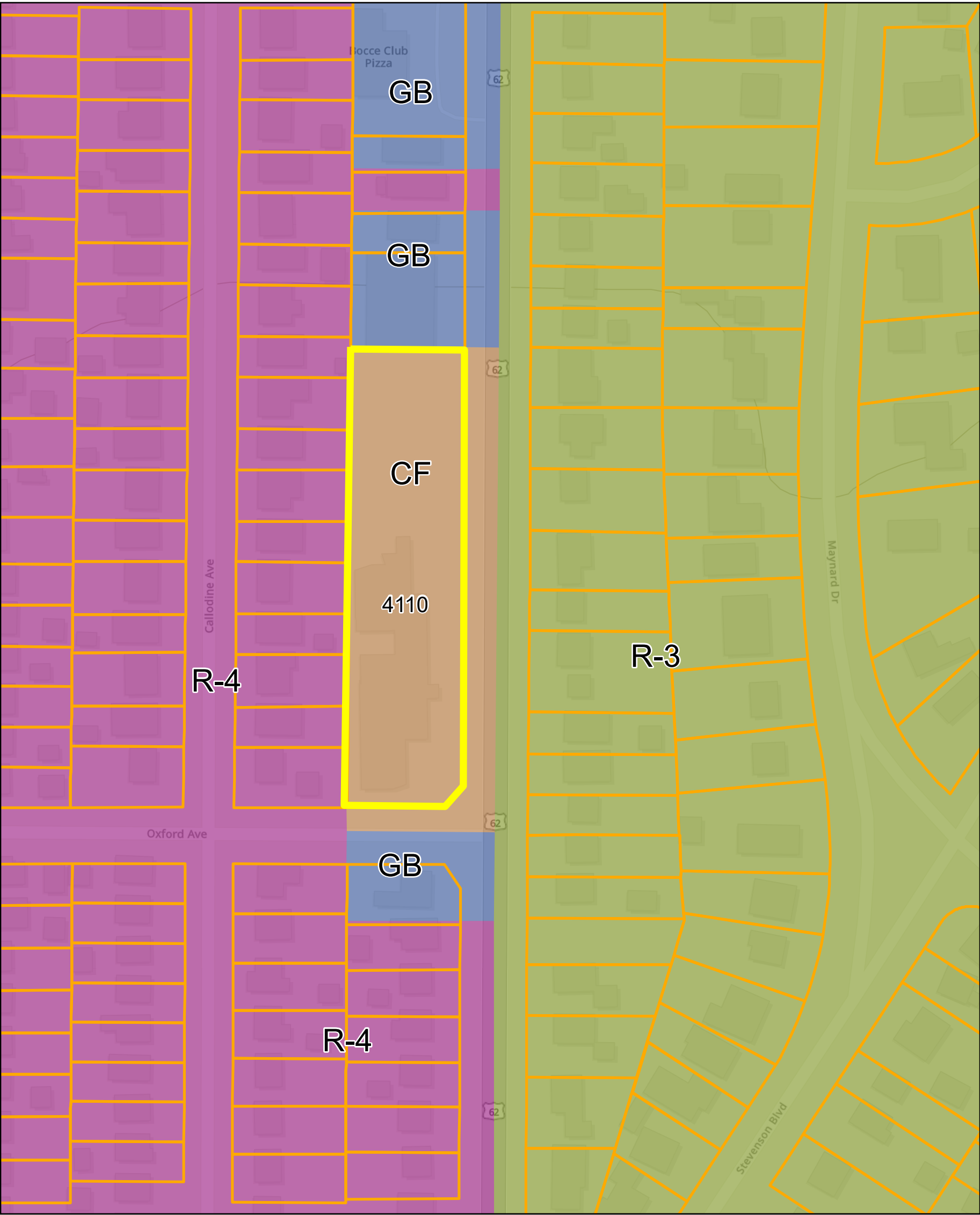
D. Suitability of the subject property for uses permitted by the current versus the proposed district:

Allowable uses included under the CF zoning district are limited to public facilities or semi-public facilities. The Town determined the property is aging and the maintenance is costly. The building may be suitable for private development with a multi-tenant occupancy. The location and configuration of the building on a corner lot make it an ideal location for a mixture of commercial activities, such as retail, restaurant, professional services, office, bank. All allowed by GB.

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

The proposed zoning change will allow for a contiguous commercial/mixed use corridor along the west side of Bailey Avenue, closing a small gap in the zoning along this portion of Bailey Avenue. The reuse of the property will also allow for new business and services to move into the area.

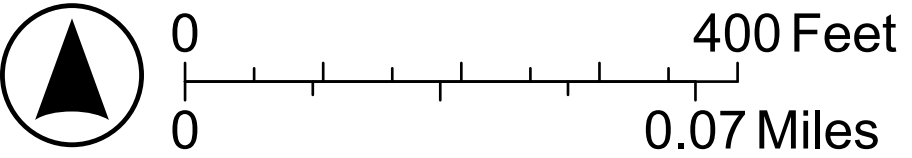
4110 Bailey Ave. - Rezoning CF to GB



Date Printed: 7/13/2026 9:55 AM



- Legend
- Village of Williamsville
 - Town of Amherst
 - Parcels



TOA Planning Department, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, CNES/Airbus DS, InterMap, NASA/METI, NASA/NGS and the GIS User Community, NYS ITS, TOA Planning Department

Produced by: Town of Amherst GIS
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LOCAL LAW NO. _____-2026

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST
CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE
4110 Bailey Avenue FROM Community Facilities (CF) TO General Business
(GB) AND TO AMEND THE ZONING MAP ACCORDINGLY.

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 4110 Bailey Avenue from CF to GB and to Amend The Zoning Map Accordingly."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 4110 Bailey Avenue from CF to GB zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from CF to GB the zoning of 4110 Bailey Avenue, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

All that Tract or Parcel of Land, situate in the Town of Amherst County of Erie and State of New York, being part of Lot Number 20, Township 12, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots Numbers 46 to 60 inclusive in Block "J" as shown on map filed in Erie County Clerk's Office under Cover Number 419.

EXCEPTING THEREFORM lands appropriated by the State of New York for highway purposes by Notice of Appropriation dated March 23, 1999 and recorded March 23, 1999 in Liber 10948 of Deeds at page 8294, being Parcel 9, Map 9, Project CR 152, Bailey Avenue.

Section 4. 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 5. 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.

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