



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. Proposed Non-Residential Floor Area _____

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