

Town Of Amherst Planning Department

Application for Rezoning

For Official Use

File #: Z-2026-07

Acreage 50.849

Fee \$ 8490

Address Verified by
Assessor's Office

VERIFIED BY _____ DATE _____

Application Received
by Planning Department

Jim 8/24/26
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)

\$8,475 OK

Request for Relief of / Change to Conditions
of Zoning Approval

\$1,200.

AFFIDAVIT FEE FOR PUBLIC HEARING

\$15.

\$15 OK

TOTAL FEE:

\$ 8,490

TO BE COMPLETED BY APPLICANT**1. Petitioner:**Name: SBLC Development Corp. c/o Jeffery D. Palumbo, Esq.Address: 9276 Main Street

<u>Clarence</u>	<u>NY</u>	<u>14031</u>
City	State	Zip Code

Phone: 716-308-7211 Fax E Mail: jpalumbo@blockandlongo.com**2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**From: S-A (Suburban Agricultural) DistrictTo: R-3 and MFR-5 District**3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)**1790, 1860 & 1920 North French Rd.; portion of 999 Campbell Blvd. - See Ex. ASBL #: 27.04-1-12; 27.04-1-16.1; 27.04-1-20; portion of 27.00-2-29**4. Area of land to be rezoned (in acres):** 50.849**5. Owner of Land:**Name: See Exhibit A - multiple property ownersAddress: See Exhibit A

<u></u>	<u></u>	<u></u>
City	State	Zip Code

Phone: **6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**Name: Jeffery D. Palumbo, Esq.Address: 9276 Main Street

<u>Clarence</u>	<u>NY</u>	<u>14031</u>
City	State	Zip Code

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7. Petitioner's interest in property

_____ Option to purchase

☒ _____ Owner☒ _____ Other (explain) Project sponsor/authorized applicant for remaining parcel - see Ex. A.

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)

Anthony Cimato - owner of 1790 North French Road. See Exhibit A and attached owner authorization/joiner.

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: _____

An 88-unit residential development consisting of 64 detached single-family lots and 12 two-family buildings containing 24 dwelling units, together with private roadways, stormwater management facilities, pedestrian/recreational improvements, wetland mitigation, and approximately 33.71 acres of permanent open space. The current C-100 shows the 36-lot R-3 area, the 28-lot MFR-5 single-family area, and the 24-unit duplex component.

B. Rationale for rezoning request:

1. Why was this site chosen? _____

The Project Site is well situated for residential development due to its location adjacent to I-990 and the Cross Pointe Business Park, access from North French Road, availability of existing infrastructure, and the Town's adopted Medium Residential land-use designation.

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

The existing S-A zoning does not accommodate the proposed residential development and is inconsistent with the Town's amended Medium Residential land-use designation for the Project Site. The requested R-3 and MFR-5 districts implement the residential development contemplated by the amended Comprehensive Plan.

3. How will this rezoning impact surrounding properties? _____

The rezoning will allow compatible residential development in an area containing residential, business-park, and transportation uses. Approximately 33.71 acres will remain permanent open space, and the project incorporates substantial setbacks, stormwater management, landscaping, wetland protection and mitigation, and limited roadway access to reduce impacts on surrounding properties.

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

The 88-unit project may result in some additional school enrollment while also adding substantial taxable residential value. The Project Sponsor anticipates a positive net tax impact for the school district and other taxing jurisdictions.

12. Quantitative Data:

- A. Total # of dwelling units 88
- B. Distribution of dwelling units by type 64 detached single-family dwelling units and 24 dwelling units in 12 two-family buildings
- C. Gross Residential Density per acre Approximately 1.41 dwelling units per acre
- D. Total amount of Open Space Approximately 33.71 acres of permanent open space
- E. Proposed Non-Residential Floor Area 0 square feet

13. Development Schedule:

Start Fall 2026

Finish Fall 2028

Stages (# of) 2

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

Individual detached single-family lots are intended to be sold. The 12 two-family buildings containing 24 dwelling units are intended to be sold or leased.

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

The approximately 33.71 acres of permanent open space will be owned and maintained by a homeowners association, subject to any dedication or other arrangement subsequently approved by the Town.

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.

The proposed R-3 and MFR-5 zoning is consistent with the Town's amended Bicentennial Comprehensive Plan because the Project Site has been designated for Medium Residential use. The requested zoning districts implement that adopted land-use policy and accommodate the 88-unit residential development previously reviewed by the Town.

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.

None. Figure 6 of the Bicentennial Comprehensive Plan has already been amended to designate the Project Site as Medium Residential. No further Comprehensive Plan amendment is requested.

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

The proposed zoning provides for orderly residential development consistent with the adopted land-use plan, preserves substantial permanent open space and sensitive natural resources, provides coordinated access, stormwater management and utilities, and allows residential development at a scale and density compatible with the surrounding area.

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

1. Sanitary Sewer Yes
2. Storm Sewer/Drainage Yes
3. Water Yes
4. Other Other utilities and infrastructure will be provided as required by final engineering and agency review

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

The requested residential zoning is consistent with the amended Medium Residential designation and with the surrounding mixture of residential development, the Cross Pointe Business Park, and the I-990/North French Road corridor. The project uses substantial permanent open space, setbacks, landscaping, and preserved or mitigated wetland areas to provide appropriate transitions.

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

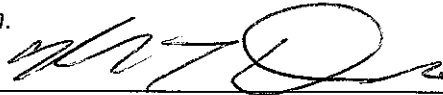
The existing S-A zoning is not suited to the residential development contemplated by the amended Comprehensive Plan. The requested R-3 and MFR-5 districts correspond to the current 88-unit layout and allow appropriate residential development while retaining approximately 33.71 acres as permanent open space.

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

The project will provide additional housing choices, including new detached single-family lots and two-family housing, at a site designated Medium Residential and conveniently located near I-990 and major employment areas, while preserving more than half of the overall Project Site as permanent open space.

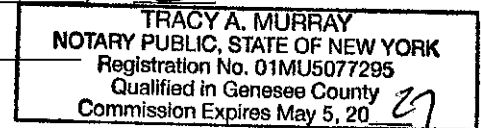
17. The petitioner encloses herewith the sum of \$ 8,490 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
18. The undersigned certifies that all information required to be disclosed pursuant 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 17 day of AUGUST, 20 26

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