



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: Benderson Development Company, LLCAddress: 570 Delaware AvenueBuffaloNY14202CityStateZip CodePhone: 716-878-9626Fax E Mail: jmb@benderson.com**2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**From: NB - Neighborhood Business DistrictTo: GB - General Business District**3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)**1640 Hopkins RoadSBL #: 42.09-1-1.1**4. Area of land to be rezoned (in acres): 1.38****5. Owner of Land:**Name: 93 NYRPT, LLCAddress: 570 Delaware AvenueBuffaloNY14202CityStateZip CodePhone: 716-878-9626**6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**Name: James BoglioliAddress: 570 Delaware AvenueBuffaloNY14202CityStateZip CodePhone: 716-878-9626Fax E Mail: jmb@benderson.com

7. Petitioner's interest in property☐ Option to purchase☐ Owner☒ Other (explain) Affiliate company**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)**N/A**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 N/APage N/A**11. Information on proposed project:****A. Description of the character of the proposed development:**Please see attached Letter of Intent.**B. Rationale for rezoning request:****1. Why was this site chosen?**Please see attached Letter of Intent.**2. Why cannot land be used with the existing zoning?**Please see attached Letter of Intent.**3. How will this rezoning impact surrounding properties?**Please see attached Letter of Intent.**4. How will this rezoning impact the school system?**Please see attached Letter of Intent.

12. Quantitative Data:

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

13. Development Schedule:

Start 6 months after approvals

Finish 6 months after start

Stages (# of) 1

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

N/A

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

Owned by 93 NYRPT, LLC, maintained by owner and affiliated companies.

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.

Please see attached Letter of Intent.

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.

N/A

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

Please see attached Letter of Intent.

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

1. Sanitary Sewer existing

2. Storm Sewer/Drainage existing

3. Water existing

4. Other existing

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

Please see attached Letter of Intent.

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

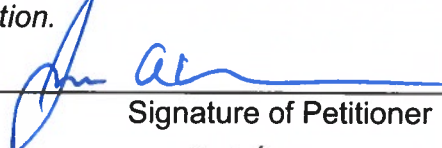
Please see attached Letter of Intent.

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

Please see attached Letter of Intent.

17. The petitioner encloses herewith the sum of \$ 1,265.00 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 15 day of October, 20 26

Notary Public, Erie County, New York

James A. Baggioli

COURTNEY L. ADAMO
Notary Public-State of New York
No. 01AD6413282
Qualified in Niagara County
Commission Expires January 25, 2029

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

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 1640 HOPKINS ROAD FROM NB to 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 the Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 4252-4256 North Baily Ave. from CTR-8 to RD 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 1640 Hopkins Road from NB 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 NB to GB the zoning of 1640 Hopkins Road, 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 58, Township 12, Range 7 of the Holland Land Company’s Survey and being bounded and described as follows:

Commencing at the intersection of the centerlines of Dodge Road, being 66 feet wide and also known as County Route 45 and Hopkins Road, being 66 feet wide and also known as County Route 26, said centerline of Hopkins Road also being the east line of said Lot 58;

Thence southerly along said centerline of Hopkins Road, also being the east line of lot 58 a distance of 84.52 feet to the Point of Beginning, said point also being the southeast corner of lands acquired by the County of Erie by deed filed in the Erie County’s Clerks office in Liber 7995 of deeds at page 247;

Thence westerly at right angles to said Hopkins Road and along the south line of said County of Erie’s acquisition a distance of 33.00 feet to the westerly line of Hopkins Road;

Thence northwesterly at an interior angle of 211° 59' 51" and continuing along the said south line of the Erie County acquisition, a distance of 35.73 feet to the southerly line of Dodge Road;

Thence westerly at an interior angle of 123° 17' 00" and along the south line of Dodge Road a distance of 253.72 feet to the westerly line of Randall Benderson 1993-1 Trust by deed filed in the Erie County Clerk's office in Liber 10908 of deeds at page 6887;

Thence southerly along the westerly line of said Ronald Benderson 1993-1 Trust and at an interior angle of 107° 59' 04", a distance of 130.67 feet to an angle point;

Thence continuing along the westerly line of said Ronald Benderson 1993-1 Trust at an exterior angle of 173° 15' 55", a distance of 51.12 feet;

Thence easterly at an exterior angle of 89° 28' 27", a distance of 56.17 feet;

Thence northerly at right angles a distance of 35.17 feet;

Thence easterly at right angles a distance of 221.99 feet to the centerline of Hopkins Road also being the easterly line of Lot 58;

Thence northerly along said east line of Lot 58 at an exterior angle of 90° 29' 17" a distance of 235.29 feet to the true point or place of beginning;

Containing 1.38 acres of land more or less, including the highway.

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 the 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 immediate 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.

Town Clerk
Town of Amherst
County of Erie, State of New York

Proposed description of Rite- Aid Parcel-- 2/15/16

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