



Town of Amherst Application & Review Procedure

Bicentennial Comprehensive Plan Amendment

MATERIALS MUST BE PROVIDED IN AN ELECTRONIC FORMAT THAT CONTAINS PDF FILES OF THE APPLICATION, EAF, CONCEPTUAL DEVELOPMENT PLAN, SURVEY, ANY OTHER SUPPORTING INFORMATION WITH YOUR APPLICATION.

APPLICATIONS WILL NOT BE TRANSMITTED WITHOUT THIS ELECTRONIC INFORMATION.

THIS ALSO APPLIES TO REVISED MATERIALS THAT ARE SUBMITTED.

This application package includes the following:

- Application Procedures
- Application Form
- Town of Amherst EAF Addendum (Appendix A)

- INSTRUCTIONS -

1. Applicant obtains application from the Planning Department at 5583 Main Street, Williamsville, NY 14221, by phoning (716) 631-7051 or on-line at www.amherst.ny.us (keyword: Planning).

The application shall be executed or consented to, in writing by persons having legal standing to do as defined in Section 8-2-2 of the Zoning Ordinance.

2. A pre-submittal consultation with Planning Department staff is *required* prior to applying. The pre-submittal meeting gives the applicant an opportunity to discuss with staff such items as:
 - intent of the requested amendment as it relates to the adopted Town of Amherst Bicentennial Comprehensive Plan and consistency with its vision and policies,
 - determining what specific information will be required to be submitted with the application,
 - identifying and discussing issues that must be addressed as part of a SEQR review, and
 - a brief overview of a development process that could follow the requested amendment.

An appointment is required for all meetings with Planning Department staff.

3. A Bicentennial Comprehensive Plan amendment is subject to the requirements of 6 NYCRR Part 617, State Environmental Quality Review Act (SEQRA), and Chapter 104 of the Town of Amherst Code, as amended. An Environmental Assessment Form (EAF) must assess the cumulative impacts associated with the Bicentennial Comprehensive Plan amendment. The Town Board cannot make a SEQR determination unless a complete EAF is submitted along with the Town of Amherst EAF Addendum (attached Appendix A) and any required supplementary information, such as traffic impact studies, archaeological reports, wetland delineations or geotechnical reports. Potential SEQR issues may be discussed with Planning Department staff at the required pre-submittal meeting. All requests for a Bicentennial Comprehensive Plan amendment require at least a Short EAF Part 1. Fillable forms with instructions can be found on the NYSDEC website: <http://www.dec.ny.gov> by searching for "SEQR".
4. Submittal of an application grants permission to Town Staff and Board members to access the parcel(s) under consideration.

APPLICATION PROCEDURES

1. Applicant contacts the Planning Department to schedule a pre-submittal meeting.
2. Applicant prepares and submits **one (1)** complete application with attachments to the Planning Department for review for completeness prior to filing.
3. After approval for filing by the Planning Department, the applicant files **ten (10)** copies of the completed application and attachments with the Planning Department. The application must be accompanied by a digital submittal (PDF format) of all materials as well as the required fee (See Schedule of Fees on first page of application and make checks payable to: Town of Amherst). Each package must be collated, with larger sheets (if applicable) folded into no larger than 9" x 12" size. The following information must be included in each application package:
 - A completed, signed application form with all required attachments. One (1) application must be notarized.
 - A map graphic that depicts the requested change and/or any necessary text amendments identifying the proposed changes using strikethrough and bold text.
 - If the request will be followed by a subsequent application for a development project, provide a conceptual plan of the subject property, drawn to scale (no smaller than 11" X 17" in size).
 - An 8 ½" X 11" reduction of the conceptual plan, if one is provided.
 - A completed and signed Short Environmental Assessment Form (SEAF) Part 1, including any supporting reports (e.g. archaeological surveys, wetland delineation reports, etc.).
4. The applicant returns a copy of the filing receipt from the Town Clerk's Office to the Planning Department.
5. The Planning Department transmits copies of the application and materials for a review by:
 - Commissioner of Building
 - Town Engineer
 - Superintendent of Highways
 - Town Attorney
 - Zoning Enforcement Officer
 - Other Town and outside Agencies, as applicable
6. Each agency completes its review and notifies the Planning Department in writing of its comments or recommendations as may be required.
7. The Town makes an environmental assessment of the requested amendment to determine whether a Draft Environmental Impact Statement (EIS) is required. The applicant will be advised in the event that a Draft EIS is required and afforded the opportunity to prepare it. If he/she declines, the Town will prepare the Draft EIS at the applicant's expense, pursuant to the provisions of SEQRA.

PLANNING BOARD PROCEDURES

1. The application will be placed on the next available Planning Board agenda for consideration once the application is determined complete by the Planning Department. The Planning Department will provide timely notice to the applicant confirming their placement on the scheduled Planning Board meeting.
2. The applicant or representative must present the requested amendment at the public hearing before the Planning Board and be available to answer any questions at the meeting. The Planning Board may take any of the following actions:
 - Adjourn the public hearing to a future Planning Board meeting (hearing remains open).

- Close the public hearing and set a decision date to the next Planning Board meeting or to a later date.
 - Close the public hearing and make a recommendation to the Town Board on the request to amend the Bicentennial Comprehensive Plan.
3. After the Planning Board issues its recommendation, it is the applicant's responsibility to submit a written request to the Town Clerk that a public hearing on the proposed amendment be scheduled before the Town Board. A copy of the request should also be submitted to the Planning Department.

TOWN BOARD PROCEDURES

1. The applicant or representative must present the requested amendment at the public hearing before the Town Board and be available to answer any questions at the meeting. The Town Board may take any of the following actions:
- Adjourn the public hearing to a future Town Board meeting (hearing remains open).
 - Close the public hearing and set a decision date to the next Town Board meeting or to a later date.
 - Close the public hearing and make a decision on the request to amend the Bicentennial Comprehensive Plan consistent with the requirements of SEQRA and New York State Town Law.
2. After the final approval by the Town Board to amend the Bicentennial Comprehensive Plan a petitioner may begin the rezoning and/or site plan review process for their perspective development.



TOWN OF AMHERST PLANNING DEPARTMENT
Request for Bicentennial Comprehensive Plan Amendment

For Official Use

File #: _____ **Acreage** _____ **Fee \$** _____

Address Verified by Assessor's Office _____
VERIFIED BY _____ DATE _____

Application Received by Planning Department _____
ACCEPTED BY _____ DATE _____

Materials & Fee Paid to Town Clerk _____
ACCEPTED BY _____ DATE _____

Fill In
Applicable Fees

COMPREHENSIVE PLAN AMMENDMENT	\$0*	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	\$15	_____

Fee schedule subject to change by future Town Board action

TOTAL FEE: \$_____

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: _____

Address: _____

City

State

Zip Code\

Phone: _____ **Fax** _____

Email: _____

Owner of Land (if different than above):

Name: _____

Address: _____

_____ City State Zip Code

Phone: _____ Fax _____

E Mail: _____

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

Name: _____

Address: _____

_____ City State Zip Code

Phone: _____ Fax _____

E Mail: _____

Petitioner's interest in property

- Option to purchase
- Owner
- Other (explain) _____

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)

Street address(es) of land subject to Bicentennial Comprehensive Plan Amendment:

SBL #(s): _____

INFORMATION ON REQUEST

1. **The undersigned hereby requests the Honorable Town Board to amend the following text sections of the Bicentennial Comprehensive Plan:**

Section(s) #/page(s): _____

Note: If the requested amendment does not involve a map change, skip #2 and #3.

2. The undersigned hereby requests the Honorable Town Board to amend the Conceptual Land Use Map (Figure 6) and/or Commercial and Mixed-Use Designations (Figure 6A) as follows:

FROM:

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial/ Mixed Use*
- Special Use Center
- Commercial-Office
- Industrial-Office
- Community Facilities
- Educational Campus
- Recreation, Open Space, & Greenways
- Agriculture
- Transportation

*Additional Designations in Figure 6-A:

- Suburban Center
- Suburban Corridor
- Traditional Areas

TO:

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial/ Mixed Use*
- Special Use Center
- Commercial-Office
- Industrial-Office
- Community Facilities
- Educational Campus
- Recreation, Open Space, & Greenways
- Agriculture
- Transportation

*Additional Designations in Figure 6A:

- Suburban Center
- Suburban Corridor
- Traditional Areas

3. Other Bicentennial Comprehensive Plan Map Amendments (if applicable):

Figure # or Name: _____

4. Information on prospective action (to be provided in separate attachment):

A. Description of any prospective action:

B. Rationale for request of amendment:

1. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.2 (Vision Statement)*?
2. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.3 (Key Initiatives)*?

C. How is the requested amendment align with the defined policies in Sections;

1. *3.0 Land Use and Development?*
2. *4.0 Natural and Cultural Resources?*
3. *5.0 Economic Development?*
4. *6.0 Transportation?*
5. *7.0 Infrastructure?*
6. *8.0 Housing & Neighborhoods?*
7. *9.0 Community Facilities & Services?*

SECTION 809 CERTIFICATION

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.

X:\Current_Planning\Files\Miscellaneous\Development Review Process\BCPA_application 03092022.docx

