



## 1760 Maple Road

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information- Company Receiving Benefit

<b>Project Name</b>	Mixed-Use Project- 1760 Maple Road
<b>Project Summary</b>	Mixed-use project consisting of a four-story mixed-use building, a four-story multifamily building, 2 two-story townhome buildings with attached garages and all related site improvements. The project also includes off-site sanitary sewer improvements and the installation of pedestrian related improvements at the intersection of Maple Road and Ayer Road as required by the Erie County Department of Public Works. The proposed mixed-use project also includes a workforce housing component that will consist of 20% of the residential units for lease for a term of 10 years. The Applicant will also be providing an off-site community benefit consisting of a financial contribution in the amount of \$250,000.00 towards the construction of a restroom facility to be located at the proposed Westwood Park per input received from the Town Supervisor and as discussed during a project meeting with IDA staff on June 26, 2025.
<b>Applicant Name</b>	1760 Maple Road, LLC
<b>Applicant Address</b>	6790 Main Street
<b>Applicant Address 2</b>	Suite 100
<b>Applicant City</b>	Williamsville
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14221
<b>Phone</b>	(716) 204-2921
<b>Fax</b>	(716) 204-2911
<b>E-mail</b>	rcavallari@blissco.net
<b>Website</b>	www.blissco.net
<b>NAICS Code</b>	531110

#### Business Organization

##### **Type of Business**

Limited Liability Company

##### **Year Established**

2023

##### **State**

New York

**Indicate if your business is 51% or more (Check all boxes that apply)**

[No] Minority Owned

[No] Woman Owned

**Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)**

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

**Name** Rob Cavallari  
**Title** CFO  
**Address** 6790 Main St  
**Address 2** Suite 100  
**City** Williamsville  
**State** New York  
**Zip** 14221  
**Phone** (716) 204-2921  
**Fax** (716) 204-2911  
**E-Mail** rcavallari@blissco.net

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** Yes  
**Name** Sean Hopkins, Esq.  
**Title** Attorney  
**Address** 35 California Drive  
**Address 2** Suite 100  
**City** Williamsville  
**State** New York  
**Zip** 14221  
**Phone** (716) 510-4338  
**Fax**  
**E-Mail** shopkins@hsmlegal.com

Company Counsel

**Name of Attorney** Sean Hopkins, Esq.  
**Firm Name** Hopkins Sorgi & McCarthy PLLC  
**Address** 35 California Drive  
**Address 2** Suite 100  
**City** Williamsville  
**State** New York  
**Zip** 14221  
**Phone** (716) 510-4338  
**Fax**  
**E-Mail** shopkins@hsmlegal.com

Benefits Requested (select all that apply).

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	No

\* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

The project consists of 118 apartments and 7,000 square feet of first commercial/office space to be located in the front portion of the eastern four-story mixed-use building.

<b>Estimated % of sales within Erie County</b>	100 %
<b>Estimated % of sales outside Erie County but within New York State</b>	0 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*Percentage to equal 100%)

**For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?**

80

**Describe vendors within Erie County for major purchases**

Concrete, stone, steel, asphalt, landscaping, plants, metal panels, siding, brick, roofing, electrical supplies, plumbing supplies, heating & air conditioning supplies, elevator, metal studs, insulation, drywall, paint, wood, aluminum railings, wood fence, windows, doors, frames, kitchen cabinets, countertops, appliances, blinds, tile, and signage.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### Address of Proposed Project Facility

1760 Maple Road

#### Town/City/Village of Project Site

Town of Amherst

#### School District of Project Site

Williamsville Central School District

#### Current Address (if different)

#### Current Town/City/Village of Project Site (if different)

#### SBL Number(s) for proposed Project

56.19-1-4.11

#### What are the current real estate taxes on the proposed Project Site

20,890

#### If amount of current taxes is not available, provide assessed value for each.

Land

\$ 1,379,900

Building(s)

\$ 0

If available include a copy of current tax receipt.

#### Are Real Property Taxes current at project location?

Yes

#### If no please explain

#### Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

#### If No, indicate name of present owner of the Project Site

#### Does Applicant or related entity have an option/contract to purchase the Project site?

No

#### Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Vacant Land.

#### Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

Proposed construction of a four-story mixed-use buildings consisting of a total of 7,000 square feet of first floor commercial/office space and 32 apartments, a four-story multifamily building consisting of 75 apartments, 2 two-story townhomes buildings consisting of units for lease [total of 11 units], detached garages and all related site improvements including parking spaces, lighting, landscaping, storm water management, and utility improvements and connections. The mixed-use project includes a total of 118 multifamily units for lease. The project also includes off-site sanitary sewer improvements as required by the Town's Engineering Department and the installation of pedestrian related improvements at the intersection of Maple Road and Ayer Road as required by the Erie County Department of Public Works. The proposed project also includes a workforce housing component that will consist of 20% of the residential units for lease for a term of 10 years.

#### Municipality or Municipalities of current operations

Town of Amherst

#### Will the Proposed Project be located within a Municipality identified above?



Yes

**Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?**

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

No

**If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available**

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:**

Not Applicable.

**Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

See the Project Narrative provided at Exhibit "1" of this Application. The Agency's financial assistance is necessary for the mixed-use project to be economically feasible based on a wide range of factors including increased construction costs for both labor and materials and stringent lending requirements including increased interest rates and equity contribution requirements as well as required off-site sanitary sewer improvements and pedestrian safety improvements at the intersection of Maple Road and Ayer Road. The Agency's financial assistance is also necessary in order for the project to include the proposed workforce housing component which will consist of 20% of the residential units for lease for a term of 10 years.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

If the Applicant is unable to obtain Financial Assistance from the AIDA, the mixed-use project will not be able to be constructed at this time due to the inability to obtain necessary project financing due to interest rate, required equity contribution and construction costs including materials and labor. The impact to taxing jurisdictions including Erie County, the Town of Amherst and the school district will be they will not receive the substantial annual property tax payments that would result from the construction of the mixed-use project which has received Site Plan Approval from the Town of Amherst Planning Board.

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

Lifts, generators and other construction equipment.

### Site Characteristics

**Is your project located near public transportation?**

Yes

**If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)**

NFTA Bus Route 49.

**Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?**

Yes

**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**

The Project Site is properly zoned DC-5 pursuant to Resolution 2022-1172 as adopted by the Town Board on February 13, 2023. The Town Board also adopted Resolution 2022-607 on July 25, 2022 for the purpose of amending the Comprehensive Plan to designate the Project Site as appropriate for "Commercial/Mixed Use". The Planning Board granted Site Plan Approval for the mixed-use project during its meeting on October 19, 2023. Copies of approval documentation for the mixed-use project is attached to this Application as referenced in the Project Narrative provided at Exhibit "1".

**Describe required zoning/land use, if different**

Not applicable.

**If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements**

Not Applicable.

**Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

No

**If yes, please explain**

**Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?**

No

If yes, please provide a copy.

**Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

No

If yes, please provide copies of the study.

**If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?**

Yes

**If yes, describe the efficiencies achieved**

All improvements will comply with the requirements of the NYS Energy Code. This will be confirmed during the building permit application review process to be completed by the Town of Amherst Building Department.

You may also attach additional information about the machinery and equipment at the end of the application.

**Does or will the company or project occupant perform research and development activities on new products/services at the project location?**

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

**Will onsite child daycare facilities be available on the project site?**

<BLANK>

If yes, please describe.

Select Project Type for all end users at project site (you may check more than one).

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

**Retail Sales**      Yes

**Services**      Yes

Please check any and all end uses as identified below.

<b>No Acquisition of Existing Facility</b>	<b>No Assisted Living</b>	<b>No Back Office</b>
<b>No Civic Facility (not for profit)</b>	<b>Yes Commercial</b>	<b>No Equipment Purchase</b>
<b>No Facility for the Aging</b>	<b>No Industrial</b>	<b>No Life Care Facility (CCRC)</b>
<b>Yes Market Rate Housing</b>	<b>Yes Mixed Use</b>	<b>Yes Multi-Tenant</b>
<b>Yes Retail</b>	<b>No Senior Housing</b>	<b>No Manufacturing</b>
<b>No Renewable Energy</b>	<b>Yes Other</b>	
	<b>Worforce Housing</b>	

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

		<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$ 0	0%
<b>Warehouse</b>	square feet	\$ 0	0%
<b>Research &amp; Development</b>	square feet	\$ 0	0%
<b>Commercial</b>	square feet	\$ 0	0%
<b>Retail</b>	3,500 square feet	\$ 870,000	3%
<b>Office</b>	3,500 square feet	\$ 870,000	3%
<b>Specify Other</b>	121,800 square feet	\$ 30,260,000	94%

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

**If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

9/1/2025

**End date : Estimated completion date of project**

3/1/2027

**Project occupancy : estimated starting date of occupancy**

3/1/2027

Capital Project Plan / Budget

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 1,500,000

square feet

5 acres

**2.) New Building Construction**

\$ 32,000,000

128,800 square feet

**3.) New Building addition(s)**

\$ 0

square feet

**4.) Reconstruction/Renovation**

\$ 0

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

**7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 0

**8.) Soft Costs: (Legal, architect, engineering, etc.)**

\$ 4,000,000

**9.) Other Cost**

\$ 0

**Explain Other  
Costs****Total Cost** \$ 37,500,000Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 32,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 16,000,000
<b>% sourced in Erie County</b>	95%

Sales and Use Tax:

**Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit**

\$ 15,200,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):**

\$ 1,330,000

\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

**Project refinancing estimated amount, if applicable (for refinancing of existing debt only)**

\$ 0

**Have any of the above costs been paid or incurred as of the date of this Application?**

No

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 9,300,000

**Bank Financing:**

\$ 28,200,000

**Tax Exempt Bond Issuance (if applicable):** \$ 0

**Taxable Bond Issuance (if applicable):** \$ 0

**Public Sources (Include sum total of all state and federal grants and tax credits):** \$ 0

**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)**

**Total Sources of Funds for Project Costs:** \$37,500,000

**Have you secured financing for the project?** No

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 28,200,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$211,500

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):**

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

Lifts, generators and other construction equipment.

Employment Plan (Specific to the proposed project location).

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

**Current # of jobs at proposed project location or to be**

**If financial assistance is granted – project the**

**If financial assistance is granted – project the number of FT and PT**

**Estimate number of residents of the Labor Market Area in which**

	relocated at project location	number of FT and PT jobs to be retained	jobs to be created upon 24 months (2 years) after Project completion	the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	2	2
Part time	0	0	0	0
Total	0	0	2	

If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)

The estimated job growth is based on the employees required to service the apartments and commercial square footage. The positions specifically are for a property manager and related maintenance staff.

#### Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	1	\$ 70,000	\$ 0	0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	1	\$ 50,000	\$ 0	0	\$ 0	\$ 0
Total	2			0		

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

#### Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

125,000

**Estimated average annual salary of jobs to be retained (Full Time)**

2

**Estimated average annual salary of jobs to be retained (Part Time)**

0

**Estimated average annual salary of jobs to be created (Full Time)**

0

**Estimated average annual salary of jobs to be created (Part Time)**

0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	50,000	<b>To (Full Time)</b>	75,000
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	0

## Section III: Facility Type - Single or Multi Tenant

**Is this a Single Use Facility or a Multi-Tenant Facility?**

Single Use Facility

For Single Use Facility.

**Occupant Name**

**Address**

**Contact Person**

**Phone**

**Fax**

**E-Mail**

**Federal ID #**

**SIC/NAICS Code**

SS



## Section V: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?**

Yes

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

**What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?**

5 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

**Will the project be operated by a not-for-profit corporation?**

<BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?**

<BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?**

<BLANK>

If yes, please provide a market analysis supporting your response.

**Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?**

<BLANK>

**If yes, explain**

**Is the project located in a Highly Distressed Area?**

<BLANK>

## Section VI: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

No

## Section VII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

### Current Address

City/Town

State

Zip Code

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

## Section VIII: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

**Are you applying for tax incentives under the Senior Rental Housing policy?**

No

## Section IX: Tax Exempt Bonds

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

**Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?**

No

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# **EXHIBIT 1**

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## **EXHIBIT 1**

### **NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE PROPOSED MIXED-USE PROJECT AT 1760 MAPLE ROAD**

#### **I. DESCRIPTION OF THE PROJECT:**

The proposed mixed use project is to be located 760 Maple Road, which consists of approximately 5.18 acres (the “Project Site”) that is properly zoned DC-5 pursuant to a decision issued by the Town Board for the purpose of rezoning of the Project Site from R-3 and OB to DC-5 during its meeting on February 13, 2023. A copy of the resolution adopted by the Town Board rezoning the Project Site from R-3 to OB is provided at **Exhibit “3”** and a copy of the Negative Declaration issued by the Town Board pursuant to the State Environmental Quality Review Act (“SEQRA”) on February 13, 2023 is provided at **Exhibit “4”**.<sup>1</sup> The mixed-use project includes the following components:

- 2 Four-Story Buildings as follows:
  - Building 1: 20,300 sq. ft. footprint [17 units per floor]
  - Building 2: 7,000 sq. ft of 1st floor commercial space [4 1st floor apartment on northern side and 10 units on upper floors]
  - 107 total apartments in the two mixed-use buildings
- Courtyard feature between the two mixed-use buildings
- Two 2-story Townhome Buildings on the northern portion of the Project Site with rear load garages [11 units]
- Twenty-four (24) of the attached residential units [20.3% of the 118 units] will consist of workforce housing

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<sup>1</sup> Prior to approving the rezoning of the Project Site from OB and R-3 to DC-5, the Town Board adopted a resolution on July 25, 2022 to designate the Project Site as appropriate for Commercial – Mixed Use. A copy of the resolution adopted by the Town Board on July 25, 2022 is provided at **Exhibit “5”**.

- Extensive sidewalks and large amount of greenspace
- 150 surface spaces and 49 garage spaces
- Off-site pedestrian safety improvements at the intersection of Maple Road and Ayer Road anticipated to cost approximately \$130,000.00<sup>2</sup>
- Off-site downstream sanitary sewer improvements on Hershey Court as required by the Town of Amherst Engineering Department anticipated to cost approximately \$250,000.00<sup>3</sup>

Copies of the Site Plan and Landscape Plan for the mixed-use project as prepared by Carmina Wood Design are provided at **Exhibit “8”** and **Exhibit “9”**. A complete description of the mixed-use project is included in the completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) provided at **Exhibit “2”**.

The mixed-use project was reviewed by the Town’s Design Advisory Board over the course of several meetings. A copy of the resolution adopted by the Design Advisory Board during its meeting on September 28, 2023 recommending approval of the mixed-use project is attached as **Exhibit “10”**.

The Planning Board granted Site Plan Approval for the mixed-use project during its meeting held on October 19, 2023. A copy of the PowerPoint presentation given to the Planning Board in support of the request for Site Plan Approval is attached as **Exhibit “11”**. A copy of the Negative Declaration issued by the Planning Board pursuant to SEQRA on October 19, 2023 is provided at **Exhibit “12”** and a copy of the resolution adopted by the Planning Board granting Site Plan Approval is attached as **Exhibit “13”**. Copies of resolutions adopted by the Zoning Board

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<sup>2</sup> A copy of the Pedestrian Signal Improvement Plans prepared by Passero Associates for the intersection of Maple Road and Ayer Road are provided at **Exhibit “6”**.

<sup>3</sup> An aerial photograph depicting the scope of the off-site sanitary sewer improvements is provided at **Exhibit “7”**.



of Appeals issuing requested area variances during its meetings held on October 17, 2023 and November 14, 2023 are provided at **Exhibit “14”** and **Exhibit “15”**.

The mixed-use project will not result in any potentially significant adverse environmental impacts. Both the Town Board and the Planning Board have previously completed environmental reviews of the project. A copy of the Negative Declaration issued by the Town Board pursuant to the SEQRA on February 13, 2023 is provided at **Exhibit “4”**. A copy of the Negative Declaration issued by the Planning Board pursuant to SEQRA on October 19, 2023 is provided at **Exhibit “12”**. A copy of the No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation (“SHPO”) dated September 22, 2023 is provided at **Exhibit “16”**.<sup>4</sup>

## **II. THE PROJECT IS CONSISTENT WITH THE ADOPTED BICENTENNIAL COMPREHENSIVE PLAN:**

On July 25, 2022, the Town Board adopted a resolution to designate the Project Site as appropriate for “Commercial – Mixed Use”. A copy of the resolution adopted by the Town Board on July 25, 2022 is provided at **Exhibit “5”**. In connection with decision granted Site Plan Approval on October 19, 2023, the Planning Board also determined that the mixed-use project is consistent with the Comprehensive Plan.

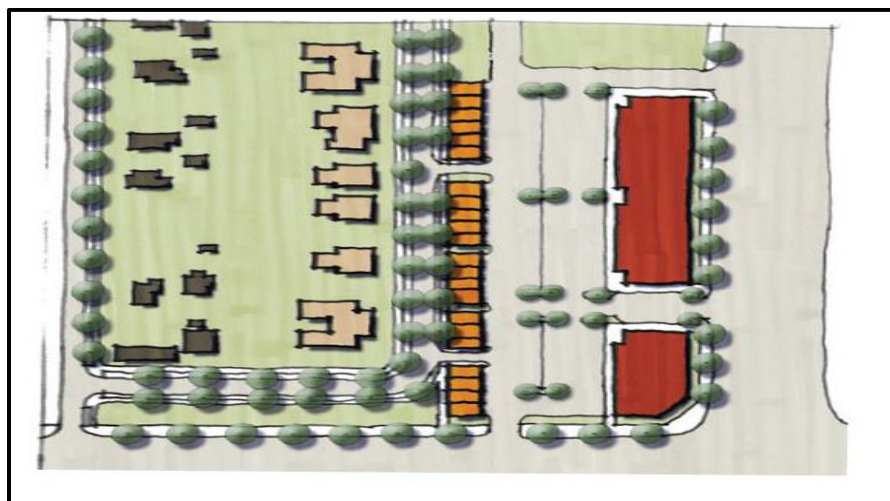
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<sup>4</sup> The No Impact Letter issued by SHPO stated as follows: We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617). Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

Chapter 3 of the Comprehensive Plan is titled “Land Use and Development” and the Goal for Land Use and Development as set forth on Page 3-4 is “An interconnected mix of land that includes revitalized older neighborhoods and commercial centers and corridors, quality new developments, vibrant activity centers, agriculture, and green spaces throughout the community.” The project will be located on an infill site that was previously approved for commercial development more than a decade ago consisting of an office building project that did not proceed due to the lack of demand for new office space.

The land use designation of the Project Site per the Comprehensive Plan amendment approved by the Town Board on July 20, 2025 is Commercial – Mixed Use. The text on Page 3-42 of the Comprehensive Plan states as follows:

“For large and deep parcels, the best strategy is to create a gradual change in the intensity of land uses. As shown in the model above, the single-family detached homes (low density) could abut townhouses (a denser residential use) which screen the parking and loading areas of the center from view, and can decrease noise and light impacts. Where appropriate, buildings and parking on larger parcels can be pushed as far away as possible from residential uses, creating more green and landscaping space. However, this transition option requires parcels to be at least 200 feet deep.”<sup>5</sup>



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<sup>5</sup> A copy of the image showing an appropriate mixed-use transition is provided below.

The layout of the mixed-use project was deliberately designed based on the image on Page 3-42 of the Comprehensive Plan since the layout consists of larger buildings along the Maple Road frontage with townhomes on the northern portion of the Project Site adjacent to the residential homes located on the property directly north of the Project Site.

Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.” The redevelopment of parcels in the vicinity of the northern segment of Audubon Parkway is a planning goal that has been established by the Town that will be fulfilled by the Project.

Policy 5-6 of the Comprehensive Plan consists of “[A]dopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.” The Project has deliberately designed based on consideration of neighborhood compatibility as well as the Applicant’s commitment at the request of the Erie County Department of Public Works to make pedestrian improvements at the intersection of Maple Road and Ayer Road. Color renderings of the proposed building are included in the PowerPoint presentation given to the public hearing held by the Planning Board in connection with its review of the Site Plan Approval provided at **Exhibit “11”**.

### **III. CONCLUSION:**

The Applicant respectfully requests that the IDA Board of Directors approve the requested incentives for the eligible mixed-use project for the reasons described within the Application including this supporting narrative.

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## **EXHIBIT 2**

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### Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

#### A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ [one mixed-use building that includes 7,000 sq. ft. 1st floor commercial space] ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

*d.* Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>_____</li> <li>_____</li> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <span style="float: right;">[Note: There are not any wetlands located on the Project Site. The majority of the Project Site has previously been disturbed.]</span> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Name of aquifer: _____	





<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

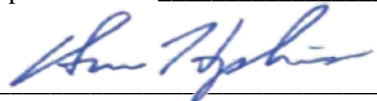
Attach any additional information which may be needed to clarify your project.

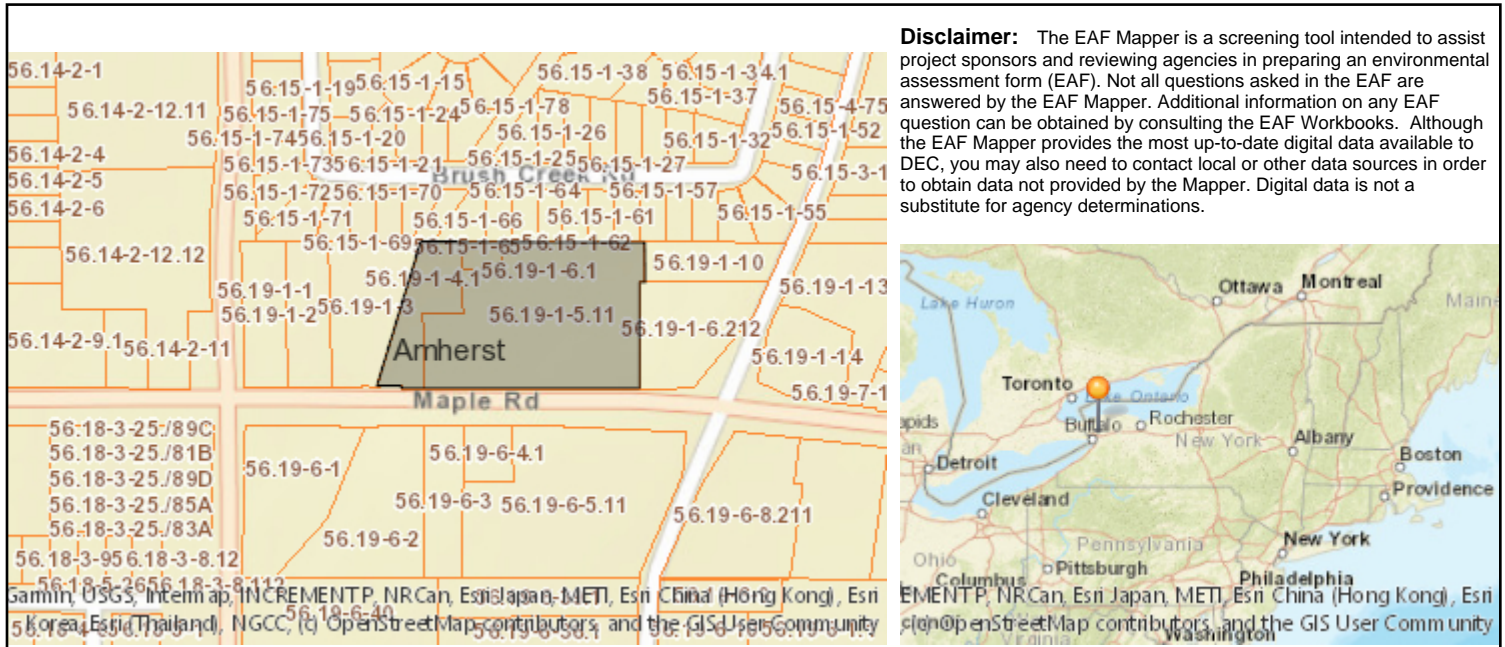
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature  \_\_\_\_\_ Title \_\_\_\_\_  
 Sean Hopkins, Esq.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Ransom Creek, Lower, and tribs – Pathogens; D.O./Oxygen Demand – Recreation; Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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## **EXHIBIT 3**

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## **Adoption of Local Law to Amend the Zoning Map 1720, 1740 & 1760 Maple Road (Z-2022-08)**

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of November 17, 2022 that the proposed Deep Corridor 5 District (DC-5) zoning at 1720, 1740 and 1760 Maple Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (\_\_\_\_\_)# to amend the Town Zoning map subject to the conditions as recommended by the Planning Board

1. That smaller scale residential uses 1 to 2 stories in height, a maximum of 35 feet in height above finished grade be provided between any proposed buildings along Maple Road and the detached single family homes located to the north of the subject parcels.
2. That any proposed buildings be designed to achieve a harmonious transition with surrounding uses and the overall neighborhood. Such design shall be reviewed by the Design Advisory Board.
3. That any mixed-use buildings be located no closer than 150 feet to the residential properties to the north, not exceed 4 stories and a maximum of 60 feet in height from finished grade.
4. That accessory drive-thru facilities be prohibited.
5. That cannabis dispensaries and cannabis consumption cafes be prohibited.

### 12/12/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was opened at 7:20 PM.

Attorney Sean Hopkins presented.

The following speakers addressed the Town Board and spoke in opposition:

Bob Divita, 1725 Maple Rd  
David Saia, 70 Hamlin Sq Unit 5  
Erie County Legislator Jeanne Vinal  
Debra Norton, 145 Northington Dr

Joanne Wylie, 1683 Maple Rd Unit C  
Karen Serman, 1689 Maple Rd Unit Unit B

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the January 17<sup>th</sup> Town Board meeting, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was closed at 8:27 PM.

2/13/2023

A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Berger. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berger and approved 4-1 (nay, Bucki).

RESULT:	ROLL CALL VOTE (ADOPTED AS AMENDED) [4 TO 1]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala
NAYS:	Bucki

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## **EXHIBIT 4**

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Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

## SEQR

### NEGATIVE DECLARATION

#### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

<b>Lead Agency:</b>	Town of Amherst Town Board	<b>Project:</b>	Z-2022-03
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>	July 25, 2022

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

**Title of Action:** Amendment to the Audubon Development Plan.

**SEQR Status:** Type I Action.

**Description of Action:** Reclassification of 2691 North Forest Road (1.37± acres) to New Community District General Commercial (NCD-GC).  
Reclassification of the subject parcel will allow its subsequent inclusion in the larger development of 2691, 2675 and 2635-2655 North Forest Road for a potential multifamily residential development on a total of 8.20± acres in four five-story multifamily buildings (totaling 220 units) and 368 parking spaces along with all required site improvements.

**Location:** 2691 North Forest Road, Town of Amherst, Erie County, New York

**Petitioner:** PB Investors, LLC c/o Sean Hopkins

AUG01'22 4:17:15 PM (C/D)

### **Reasons Supporting This Determination**

Based on information submitted by the applicant, including a Full Environmental Assessment Form (FEAF) - Part 1, a complete Audubon Development Plan amendment application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed reclassification of 1.37± acres of land from NCD-SA to NCD-GC will not have a significant impact on the environment, as described below. Reclassification of the subject parcel will allow its subsequent inclusion in a larger development for a potential a multi-family residential development consisting four 5-story buildings, associated parking and stormwater management facilities. Should the potential project be applied for reestablishment of lead agency and a full SEQR review will be completed during the site plan review process.

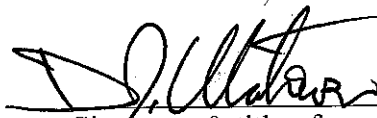
1. Reclassification of the subject parcel is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on May 10, 2022 has reviewed the application and FEAF submitted on March 22, 2022, and has no objection or comments on the proposed reclassification.
2. Reclassification of the subject parcel will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The concept plan for the potential subsequent multi-family development indicates 2.1 acres of the 8.2-acres overall development site will remain as natural vegetation or proposed landscaping. A Landscape Plan shall be required of an applicant upon submittal of a site plan application for any proposed development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.
3. Reclassification of the subject parcel is not expected to create any material conflict with the Town Comprehensive Plan. The potential for the subsequent multi-family development will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on May 17, 2022 has reviewed the application and FEAF submitted on March 22, 2022, and has no objection or comments on the proposed rezoning.
4. The subject parcel is within an area identified by the State as having potential archaeological or historical significance. A Phase I Cultural Resource Investigation was prepared in 2002. The New York State Office of Parks, Recreation and Historic Preservation stated in their April 18, 2022 review letter that no archaeological and/or historical resources listed in or eligible for the State or National Registers of Historic Places will be impacted by this project

5. Reclassification of the subject parcel will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. Neighboring uses include a mix of single-family, multifamily, commercial and institutional land uses.
6. The reclassification of 1.37± acres of land to NCD-GC will not cause a major change in the use of either the quantity or type of energy that cannot be accommodated by existing utilities, and would be reassessed when SEQR is reopened for any subsequent site plan for development.
7. The reclassification of 1.37± acres of land to NCD-GC will not create any hazard to human health, and would be reassessed when SEQR is reopened for any subsequent site plan for development.
8. The reclassification of 1.37± acres of land to NCD-GC will allow a change in the use and the intensity of land use at this location, since the subject parcel is presently occupied by a single-family home. The potential multifamily residential development will serve the intent of the NCD to provide a mix of housing types.
9. The reclassification of 1.37± acres of land to NCD-GC for a potential multifamily residential development will increase the number of people using the site over its previous level of use. All required road and utility infrastructure will be in place to accommodate the multifamily residential development.
10. Review by the Town Traffic/Safety Board on May 11, 2020 indicates that significant negative traffic impacts are not expected to result from the proposed reclassification. Appropriate pedestrian access and traffic signage will be addressed at site plan review stage for any proposed development.
11. Coordinated reviews of the project have been undertaken by Town Departments including Building on May 17, 2022, Engineering on May 10, 2022, Traffic/Safety Board on May 11, 2020, Assessor on March 29, 2022, along with outside agencies including Erie County Department of Environment and Planning on May 20, 2022, New York State Department of Environmental Conservation April 25, 2022, and New York State Office of Parks, Recreation and Historic Preservation on April 18, 2020. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Negative Declaration, Z-2022-03

July 25, 2022

Page 4

 ASST. PLANNING DIR. 7/25/2022  
Signature & title of preparer date

 Brian J. Kulpa, Supervisor 7/28/22  
date

SM/ac

X:\Current\_Planning\Files\Rezoning\2022\Z-2022-03\_(2691\_N\_Forest\_Rd\_NCD)\_2022\Z-2022-03 TB Neg Dec 072522.docxcc:

Cc: Amherst Town Clerk  
Amherst Building Department  
ECDEP  
NYSDEC

Paul Bliss, PB Investors LLC, 6790 Main St., Suite 100, Williamsville, NY 14221  
Sean Hopkins, Esq. 5500 Main Street, Suite 343, Williamsville, New York 14221  
Chris Wood, Carmina Wood Morris, 487 Main St., Suite 500, Buffalo, NY 14203

AUG01'22 7:12:13 PM

---

## **EXHIBIT 5**

---



# TOWN OF AMHERST

## TOWN CLERK'S OFFICE

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
(716) 631-7021  
FAX (716) 631-7152  
[www.amherst.ny.us](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

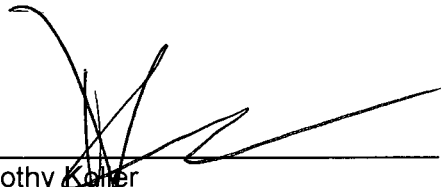
Timothy Koller  
Deputy Town Clerk

### CERTIFICATE OF TOWN CLERK

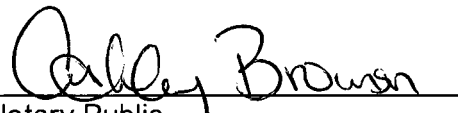
I, Timothy Koller, Deputy Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2022-607 "1720, 1740 & 1760 Maple Road – Amendment to Bicentennial Comprehensive Plan" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on July 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 26th day of July, 2022.

  
\_\_\_\_\_  
Timothy Koller  
Deputy Town Clerk  
Town of Amherst, Erie County, NY

Sworn to before me  
This 26th day of July, 2022

  
\_\_\_\_\_  
Notary Public

ASHLEY BROWNSON  
NOTARY PUBLIC STATE OF NEW YORK  
ERIE COUNTY  
LIC. #01BR6412344  
COMM. EXP. 12/28/2024



**Amherst Town Board**

5583 Main Street  
Williamsville, NY 14221  
[www.amherst.ny.us](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

Meeting: 07/25/22 07:00 PM  
Department: Town Clerk  
Initiated by: **Timothy Koller**  
Co-Sponsored by:

DOC ID: 26032

**RESOLUTION 2022-607**

**ROLL CALL VOTE (ADOPTED)**

**1720, 1740 & 1760 Maple Road - Amendment to Bicentennial Comprehensive Plan**

Adoption of an action to Amend the Bicentennial Comprehensive Plan  
(1720, 1740 & 1760 Maple Road, BCPA-2022-02)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of May 19, 2022 that the proposed designation of 5.1 ± acres of land in the Bicentennial Comprehensive Plan from Commercial-Office to Commercial/Mixed Use for a proposed mixed use project is consistent with the goals and objectives of the Bicentennial Comprehensive Plan, and be it further

RESOLVED, that in accordance with NYS Town Law Sec.272-a, the Town Board amends the Bicentennial Comprehensive Plan for 5.1 ± acres of land from Commercial-Office to Commercial Mixed-Use for property located at 1720, 1740 and 1760 Maple Road.

**6/27/2022**

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 8:03 PM.

Attorney Sean Hopkins presented.

The following speakers addressed the Town Board and spoke in opposition:

Bob Divita, 1725 Maple Rd  
Karen Sterman, 1689 Maple Rd  
Beverlee Hill (letter), 46 Brush Creek Rd  
Randy Clark, 126 Brush Creek Rd  
Robert Divita, 1735 Maple Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the July 25th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 9:08 PM.

**7/25/2022**

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:06 PM.

Attorney Sean Hopkins presented.

The following speakers addressed the Town Board and spoke in opposition:

Bob Divita, 1725 Maple Rd

Joanne Wylie, 1683 Maple Rd Unit C

Thomas Divita, 1735 Maple Rd

Randy Clark, 126 Brush Creek Rd

Rosemary Spano, 88 Shade Tree Ct

Karen Sterman, 1689 Maple Rd Unit B

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 7:55 PM.

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 4-1 (nay, Bucki). A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 4-1 (nay, Bucki).

<b>RESULT:</b>	<b>ROLL CALL VOTE (ADOPTED) [4 TO 1]</b>
<b>MOVER:</b>	Brian J. Kulpa, Supervisor
<b>SECONDER:</b>	Jacqueline Berger, Deputy Supervisor
<b>AYES:</b>	Kulpa, Berger, Lavin, Szukala
<b>NAYS:</b>	Bucki



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## **EXHIBIT 6**

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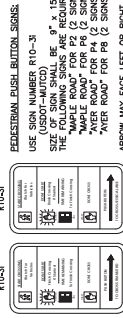
PASSERO ASSOCIATES  
engineering architecture

GENERAL NOTES:

1. ALL WORK PERFORMED AND MATERIALS SUPPLIED SHALL BE IN ACCORDANCE WITH THE LATEST MSDOT STANDARDS AND SPECIFICATIONS, AND THE NATIONAL MUTCD WITH NEW YORK STATE SUPPLEMENT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND UTILITIES LOCATIONS PRIOR TO THE START OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES ENCOUNTERED IN HIS EXCAVATING AND TRENCHING OPERATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES CAUSED BY HIS OPERATION AND THE NATURE OF THE DAMAGE IS SUCH THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES ENCOUNTERED IN HIS EXCAVATING AND TRENCHING OPERATIONS.
4. THE LOCATION OF THE STOP LINES SHOWN HERE ARE APPROXIMATE.
5. ALL SIGNALS AND SIGNAL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH NEW YORK STANDARD SHEETS 680-1 THRU 680-17 AND REGION 9.
6. THE CONTRACTOR SHALL NOTIFY THE TOWN OF ANHEIST HIGHWAY DEPT. THREE (3) WORKING DAYS PRIOR TO WORKING ON ANY PORTION OF THE EXISTING TRAFFIC SIGNAL.
7. TRAFFIC SIGNAL IMPROVEMENTS SHOWN ON THE PLANS, INCLUDING LANE DESIGNATION SIGNALS, TURNING LANES, CHANNELIZATION, PAVEMENT MARKINGS, ETC., SHALL BE IN PLACE AND ACCEPTED BY THE TOWN OF ANHEIST PRIOR TO THE ADJUSTED SIGNAL SYSTEM BEING PLACED INTO OPERATION.
8. CONTRACTOR IS RESPONSIBLE TO REPLACE ALL CONCRETE SIDEWALK, CURB RAMPS, CURB, AND PAVEMENT IF NECESSARY TO ACCOMMODATE THE INSTALLATION OF ALL TRAFFIC SIGNAL EQUIPMENT.

SPECIAL NOTES:

1. NEW PEDESTRIAN POLES PB1, PB2, PB3, PB4, PB5, PB6, PB7, AND PB8 SHALL BE INSTALLED AS SHOWN.
2. INSTALL NEW PULLBOXES (PB4, PB5, AND PB6) AS SHOWN.
3. INSTALL NEW CONDUIT CONNECTING PB3 TO PB5, PB5 TO PB6, PB6 TO PB7, AND PB7 TO PB8.
4. INSTALL NEW CONDUIT CONNECTING NEW PEDESTRIAN POLES TO EXISTING AND/OR NEW PULLBOXES AS SHOWN.
5. ALL TRAFFIC CAMERA EQUIPMENT AND PLATFORM CONFIGURATIONS SHALL BE RE-CONFIGURED AS NECESSARY TO ACHIEVE APPROPRIATE DETECTION ZONES.



AUDIBLE WIRING NOTE:

THE COST TO FURNISH AND INSTALL WIRING BETWEEN THE AUDIBLE PEDESTRIAN SIGNAL (APS) UNITS AND THEIR RESPECTIVE PULLBOXES SHALL BE INCLUDED UNDER PROVISIONS OF ITEM 680.8130010.

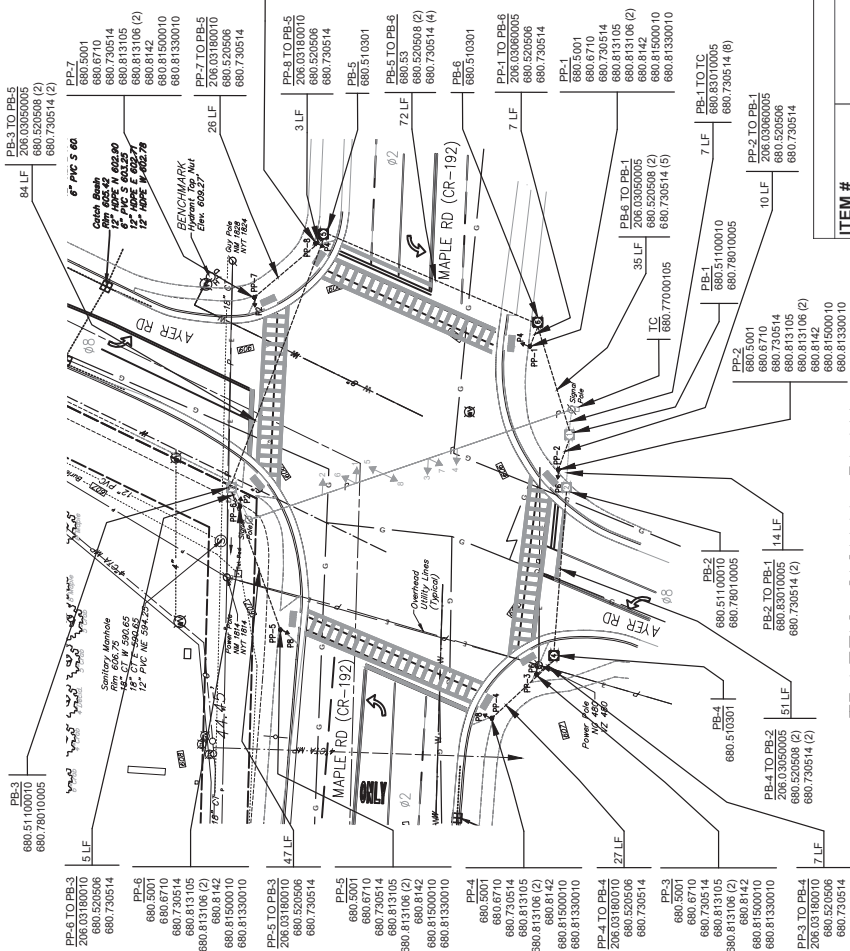
THE MANUFACTURER'S SUGGESTED CABLES FOR USE WITH AUDIBLE PEDESTRIAN SIGNAL UNITS ARE BULDED 8489 FOR ABOVE GROUND.

BULDED 8489, OR EQUIVALENT, SHALL BE USED WITH 680.8130010. THE MANUFACTURER'S A WIRE MARKING APS SYSTEM INSTALLATION MANUAL, FOR MANUFACTURER'S INSTALLATION DETAILS AND PROCEDURES.

TRAFFIC SIGNAL ESTIMATE OF QUANTITIES

ITEM #	DESCRIPTION	UNIT	QUANTITY
206.03050005	CONDUIT EXCAVATION AND BACKFILL IN EXISTING ROADWAY	LF	170
206.03060005	CONDUIT EXCAVATION AND BACKFILL NOT IN ROADWAY	LF	17
208.03180010	CONDUIT EXCAVATION AND BACKFILL AT CONCRETE SIDEWALK AND DRIVEWAYS	LF	115
619.1613	MAINTAIN TRAFFIC SIGNAL EQUIPMENT (REQ. C)	INTMO	3
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION	CY	12
680.510301	PULLBOX - CIRC., 24 INCH DIA., REINF. CONC.	EA	3
680.51100010	CLEAN EXISTING PULLBOX	EA	3
680.520506	CONDUIT, RIGID PLASTIC, CLASS 1, 2 NPS	LF	295
680.520508	CONDUIT, RIGID PLASTIC, CLASS 1, 3 NPS	LF	484
680.53	CONDUIT JACKING OR BORING	LF	72
680.6710	TRAFFIC SIGNAL POLE - POST TOP MOUNT 10 FEET MOUNTING HEIGHT	EA	8
680.730514	SIGNAL CABLE 05-CONDUCTOR, 14 AWG.	LF	1395
680.77000105	MODIFY TRAFFIC SIGNAL INSTALLATION	ELOC	1
680.78010005	ALTER PULLBOX FOR CONDUITS	EA	3
680.813105	PED. SIG. MODULE - 12 INCH BI-MODAL HAND/MAN SYMBOL, LED	EA	8
680.813106	PEDESTRIAN SIGNAL SECTION-POLYCARBONATE, TYPE 1, 12 INCH	EA	16
680.81330010	AUDIBLE PEDESTRIAN SIGNAL	EA	8
680.8142	PEDESTRIAN SIGNAL POST TOP MOUNT ASSEMBLY	EA	8
680.81500010	PEDESTRIAN COUNT-DOWN TIMER MODULE	EA	8
680.83010005	CLEAN AND PREPARE EXISTING CONDUIT	LF	21

TRAFFIC SIGNAL PLAN





SDLC CHANNEL	FUNCTION	DETECTION ZONE	SIZE	REMARKS
33	Ø2	33	6' X 12'	EB RIGHT RADIUS
34	Ø2	34	6' X 6'	EB THRU COUNT
35	Ø2	35	6' X 6'	EB THRU COUNT
36	Ø2	36	6' X 6'	EB LEFT COUNT
37	Ø2	37	6' X 40'	EB THRU
38	Ø2	38	6' X 40'	EB THRU
39	Ø2	39	6' X 40'	EB LEFT
40	Ø8	40	6' X 6'	SB RIGHT RADIUS
41	Ø8	41	6' X 6'	SB THRU COUNT
42	Ø8	42	6' X 6'	SB LEFT COUNT
43	Ø8	43	6' X 40'	SB THRU COUNT
44	Ø8	44	6' X 40'	SB LEFT
45	Ø2	45	6' X 12'	WB RIGHT RADIUS
46	Ø2	46	6' X 6'	WB THRU COUNT
47	Ø2	47	6' X 6'	WB THRU COUNT
48	Ø2	48	6' X 6'	WB LEFT COUNT
49	Ø2	49	6' X 40'	WB THRU
50	Ø2	50	6' X 40'	WB THRU
51	Ø2	51	6' X 40'	WB LEFT
52	Ø8	52	6' X 6'	NB RIGHT RADIUS
53	Ø8	53	6' X 40'	NB THRU COUNT
54	Ø8	54	6' X 40'	NB LEFT COUNT
55	Ø8	55	6' X 40'	NB THRU COUNT
56	Ø8	56	6' X 40'	NB LEFT
57		57		
58		58		
59		59		
60		60		
61	N/A	61	N/A	WEST LEG PED COUNT
62	N/A	62	N/A	NORTH LEG PED COUNT
63	N/A	63	N/A	EAST LEG PED COUNT
64	N/A	64	N/A	SOUTH LEG PED COUNT

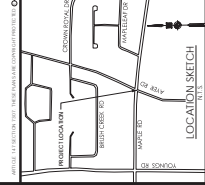
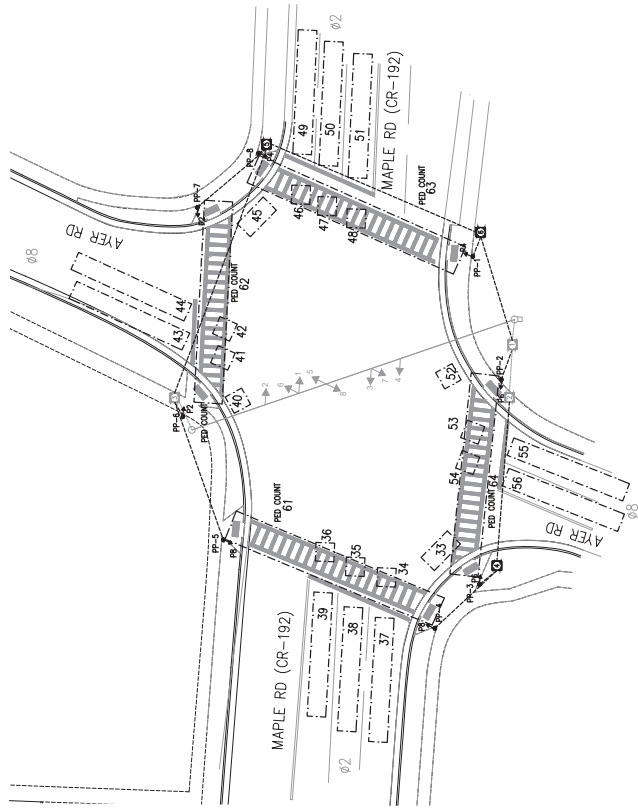
1. THE VIDEO DETECTION SYSTEM INSTALLED UNDER ITEM 680.050100007 SHALL BE CONNECTED TO THE CONTROLLER THROUGH THE SDC CONNECTOR (INPUTS 33 TO 64).
2. CONTRACTOR SHALL PROGRAM THE VIDEO DETECTION ZONES AS SHOWN ON THE PLANS.
3. THE VIDEO DETECTION SYSTEM MUST BE INSTALLED AND ENABLED PRIOR TO DISABLING THE EXISTING DETECTION SYSTEM. THE VIDEO DETECTION SYSTEM MUST BE USED TO ACTIVATE THE SIGNAL DURING CONSTRUCTION STAGES. IF THIS CANNOT BE ACHIEVED, ALTERNATIVE METHOD OF VIDEO DETECTION MUST BE ESTABLISHED AT THE CONTRACTOR'S EXPENSE. THE INTERSECTION SHALL NOT REMAIN WITHOUT DETECTION FOR MORE THAN TWO WEEKS.
4. THE MANUFACTURER OF THE VIDEO DETECTION SYSTEM OR THEIR REPRESENTATIVE SHALL DESIGN VIDEO DETECTION SYSTEM LAYOUT/PLACEMENT AND SUPERVISE THE INSTALLATION AND TESTING OF THE VIDEO DETECTION EQUIPMENT.

CAMERA NOTES

1. VIRTUAL LOOPS PLACEMENT SHOWN ONLY FOR DETECTION CAMERA ILLUSTRATION PURPOSES.

**SPECIAL NOTES**

1. THE CONTRACTOR SHALL CONTACT THE TOWN OF AMHERST HIGHWAY DEPARTMENT A MINIMUM OF TWO WEEKS PRIOR TO START OF WORK TO SCHEDULE THE FINAL DETECTION WIRING AND SYSTEM TESTING. DURING FINAL TESTING, THE TOWN MAY DIRECT THE CONTRACTOR TO MAKE ADJUSTMENTS TO THE SYSTEM CAMERA(S) TO OPTIMIZE THE DETECTION ZONES AS PART OF THE SYSTEM ACCEPTANCE.



Client: 1760 MAPLE ROAD LLC  
6790 MAIN ST, SUITE 100  
WILLIAMSVILLE, NY 14221

**PASSERO ASSOCIATES**  
242 West 44th Street, Suite 1100  
Brooklyn, New York 11214  
Tel: (212) 335-1000  
Fax: (212) 335-1691

Amy C. Deke, PE, PTOE  
Principal in Charge  
Amy C. Deke, PE, PTOE  
Project Manager  
Amy C. Deke, PTOE  
Designed by



Revisions

TRAFFIC SIGNAL  
DETAILS - 1  
MAPLE & AYER  
PEDESTRIAN SIGNALS

Town/City:	Amherst	State:	New York
County:	Erie		

Project No. 20243760.0001

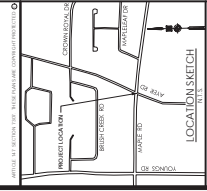
Drawing No.	Sheet No.
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Scale: 1" = 20'

Date \_\_\_\_\_ JAN 14 2006

NOT FOR CONSTRUCTION





CLIENT  
1740 MAPLE ROAD LLC  
6790 MAIN ST SUITE 100  
WILLIAMSVILLE, NY 14221

PASSERO ASSOCIATES  
200 WEST 10TH STREET  
ALBANY, NY 12206  
518.263.1111  
www.passeroassociates.com  
Project Manager: Amy C. D'Amico, P.E., P.T.O.C.  
Designed by: Amy C. D'Amico, P.E., P.T.O.C.



REVISED	DATE	BY	REASON
1	12/11/2023	AD	ISSUED FOR PERMIT

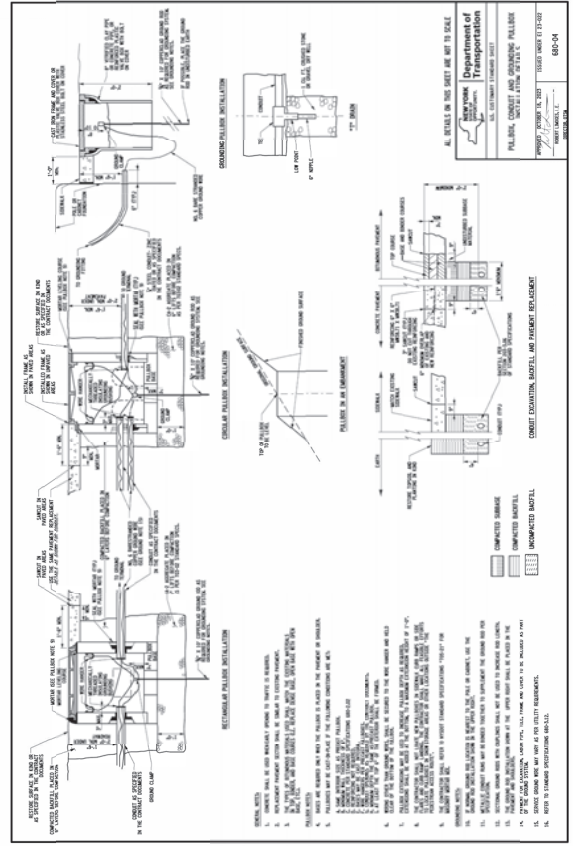
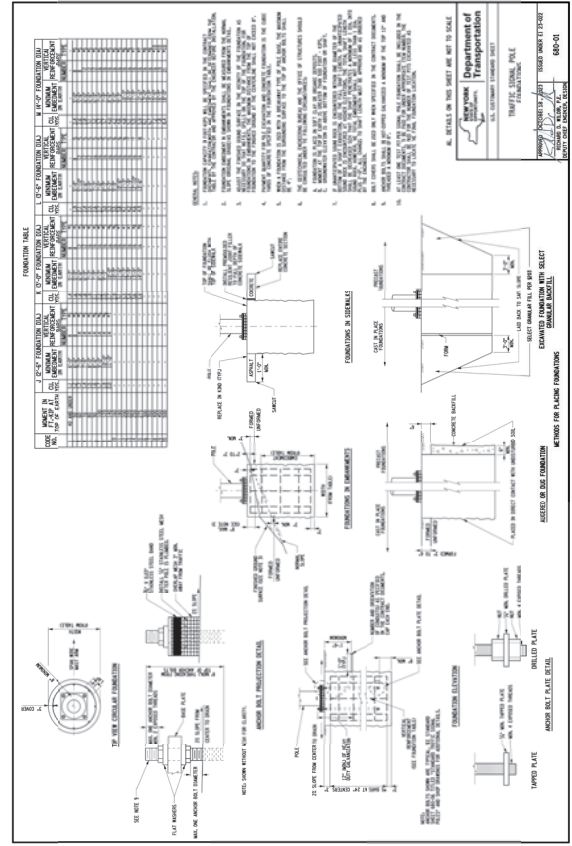
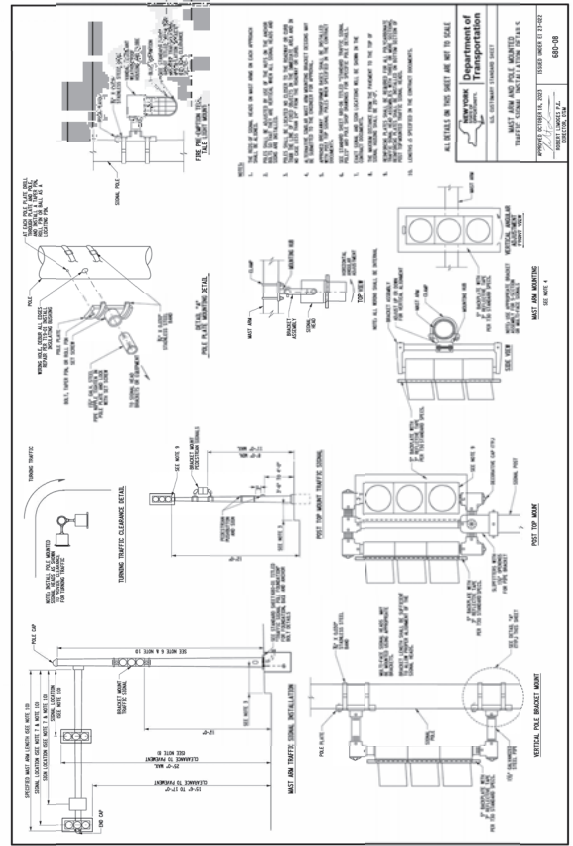
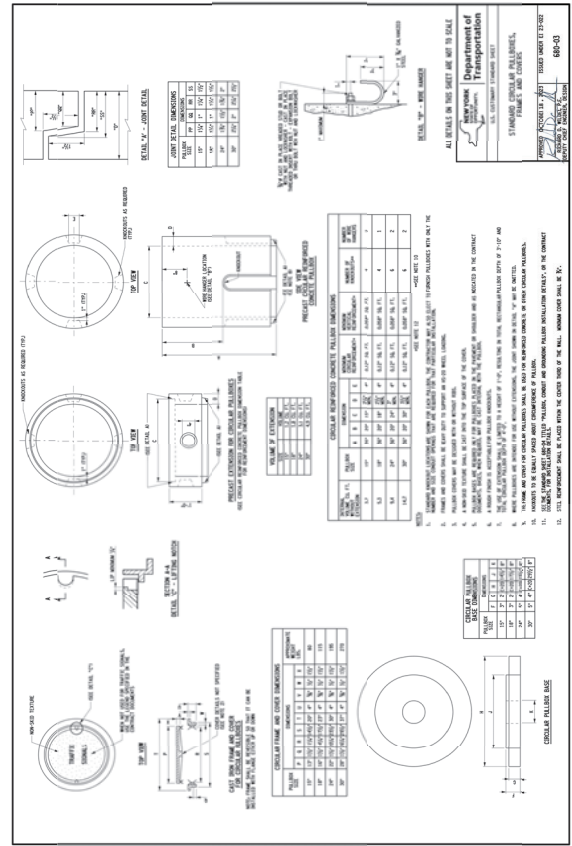
## TRAFFIC SIGNAL DETAILS - 3 MAPLE & AYER PEDESTRIAN SIGNALS

PROJECT NO.  
20243760.0001

DRAWING NO.  
TSP-4

DATE  
JANUARY 2025

NOT FOR CONSTRUCTION





	Revisions	Comments

TRAFFIC SIGNAL  
DETAILS - 4  
MAPLE & AYER  
PEDESTRIAN SIGNALS

Town/City	Amherst	State	New York
County	Essex		

Project No. 20243760 00001

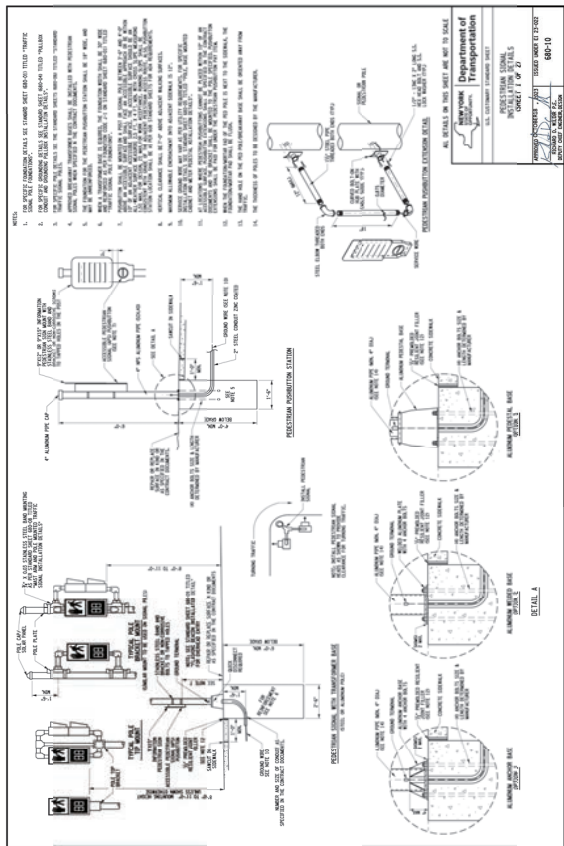
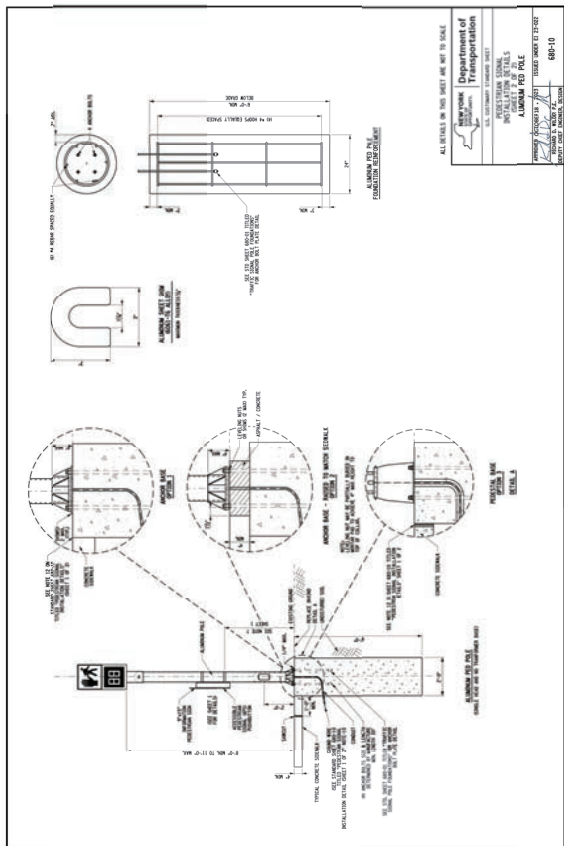
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CSP-5 7 of 7

NTS

JANUARY 2025

NOT FOR CONSTRUCTION

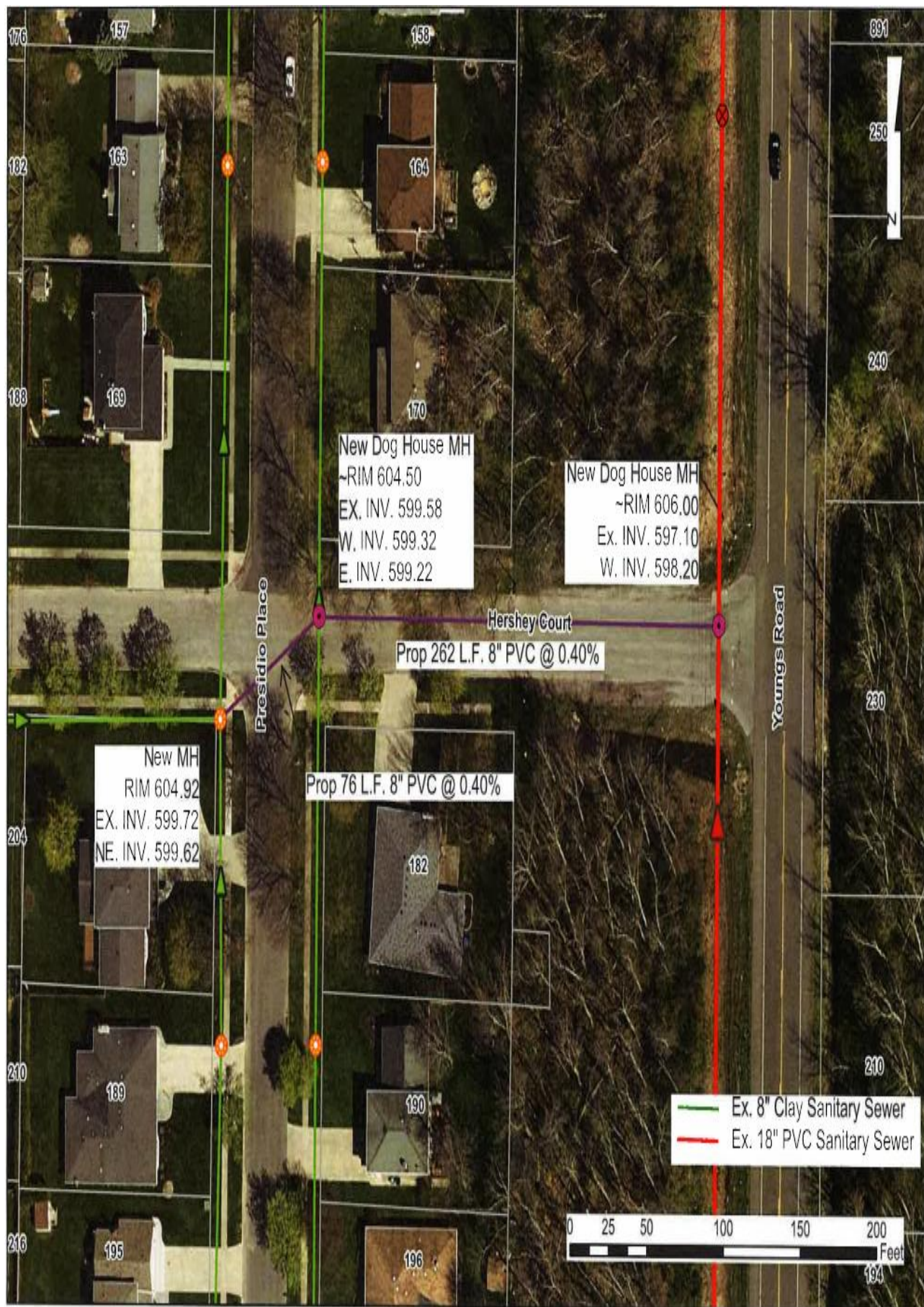




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## **EXHIBIT 7**

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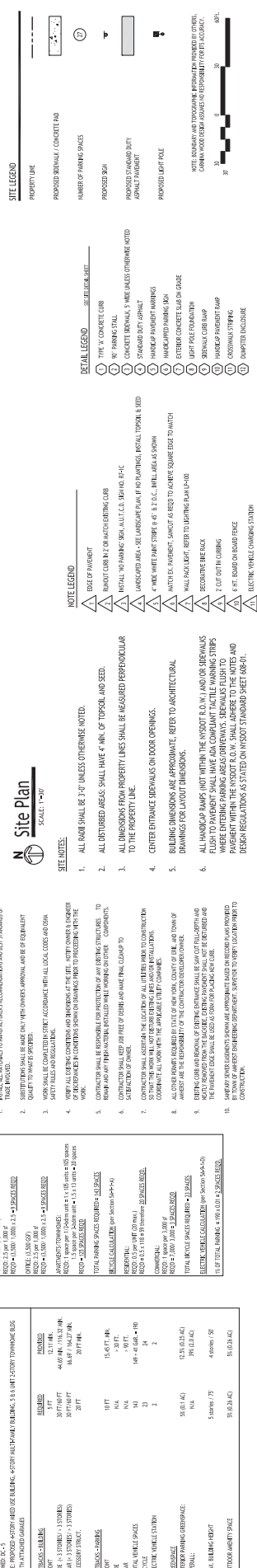


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# **EXHIBIT 8**

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GENERAL NOTES:

[illegible]

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## **EXHIBIT 9**

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## **EXHIBIT 10**

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TOWN OF AMHERST  
DESIGN ADVISORY BOARD  
DESIGN REVIEW FINDINGS  
SP 2023-06

PETITIONER

PB Investors, LLC.  
5500 Main Street, Suite 343  
Williamsville, NY 14221

PROPERTY LOCATION

1720, 1740, 1760 Maple Road

WHEREAS, the Town of Amherst Design Advisory Board on Thursday, September 28, 2023, held a public meeting to conduct a design review in accordance with Local Law 18-2019, for a mixed-use development consisting of a 4-story multi-family building, a 4-story mixed use building (ground floor commercial), and two 2-story townhouse buildings with attached garages, and

The Design Advisory Board makes the following findings on said Site Plan and/or Building Design for the Planning Board's consideration:

1. That final site plan identify furnishings for outdoor amenity spaces.
2. That final site plan include bicycle rack(s) on the east side of the mixed-use building.
3. That final plan indicate proposed locations and nature of public art.
4. That the final site plan be revised to replace the proposed white vinyl fence with a high quality wood fence.
5. That the final site plan include streetscape amenities along the proposed local street.

The foregoing findings were adopted by the Town of Amherst Design Advisory Board, September 28, 2023; moved by - Talty; seconded by – Conhiser-Uy; ayes 5, noes 0; absent 0.



Dal Giuliani, Chair

10-5-2023

Date

Reviewed Plan Date: August 21, 2023  
Reviewed Plan Preparer: Carmina Wood  
Received Plan Date: September 19, 2023 and September 26, 2023

GP/rb

X:\Current\_Planning\Files\Site Plans\2023\SP-2023-06\_(1720\_1740\_&\_1760\_Maple\_Rd)\_2023\DAB\SP-2023-06\_DAB\_Blurb\_09282023.doc

cc: Town of Amherst Planning Board  
Sean Hopkins, Esq., 5500 Main Street, Suite 343, Williamsville, NY 14221  
Paul Bliss, PB Investors, LLC., 6790 Main Street, Suite 100, Williamsville, NY 14221  
Patrick Sheedy Jr., PE, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203  
Brian Sleva, AIA, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203



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## **EXHIBIT 11**

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# AGENDA ITEM #1– SITE PLAN

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## Proposed Mixed-Use Project

Address: 1720, 1740 & 1760 Maple Road

Petitioner: PB Investors, LLC

(SP-2023-06)

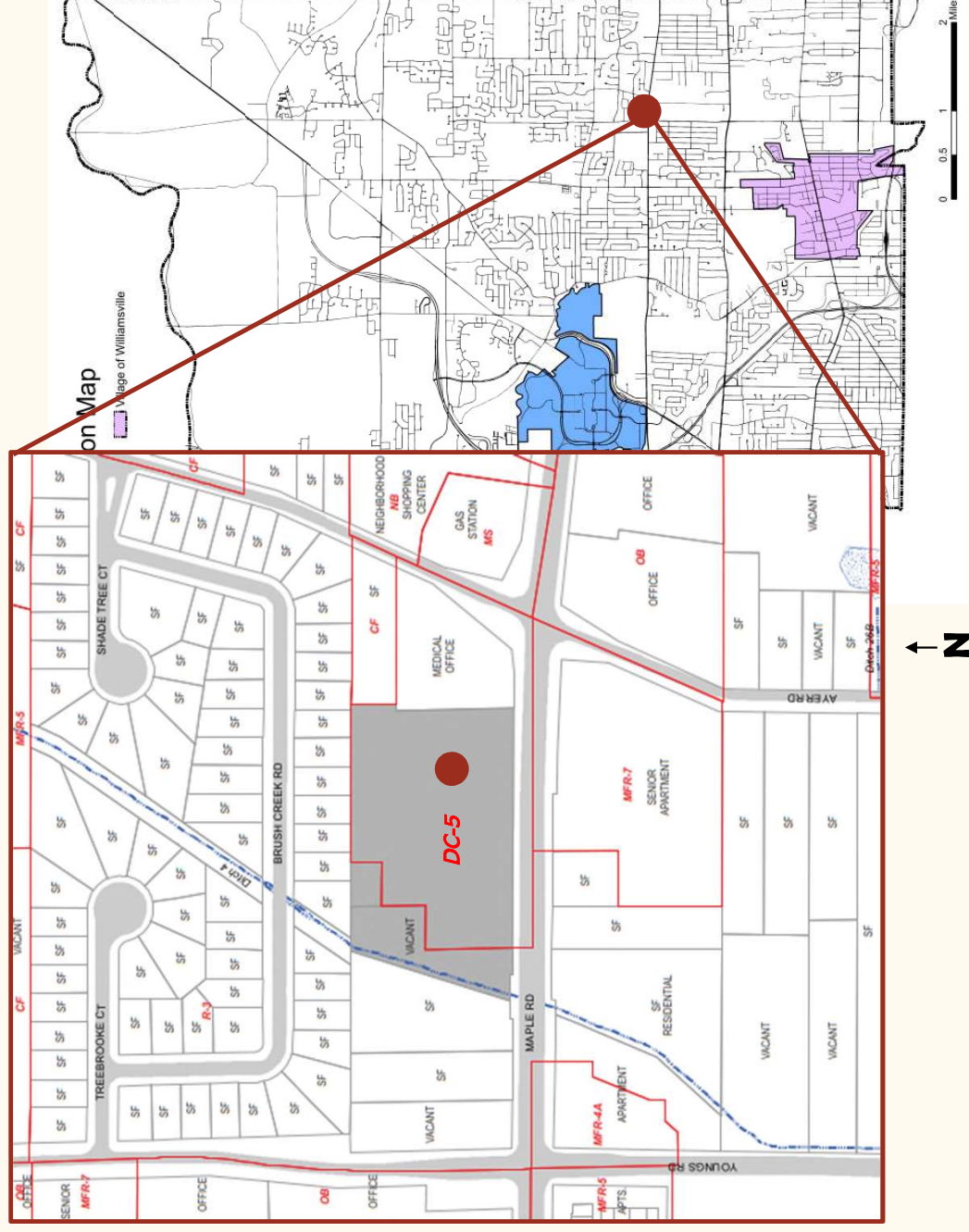


## Location:

- The subject site is located on the north side of Maple Road approximately 210± feet west of the intersection of Maple Road and Ayer Road

## Current Zoning:

- Deep Corridor 5 (DC-5)



## Existing Development:

- The site is currently a largely vacant lot with scattered trees and a parking field that services the existing adjacent office building to the east.

## Development Size:

- 5.1 ± acres
- 550± feet of frontage on Maple Road

## Neighboring Uses:

- North: Single Family Residential
- South: Single Family Residential/ Multi-Family Residential
- East: Medical Office/ Single Family Residential
- West: Single Family Residential



## Project Description

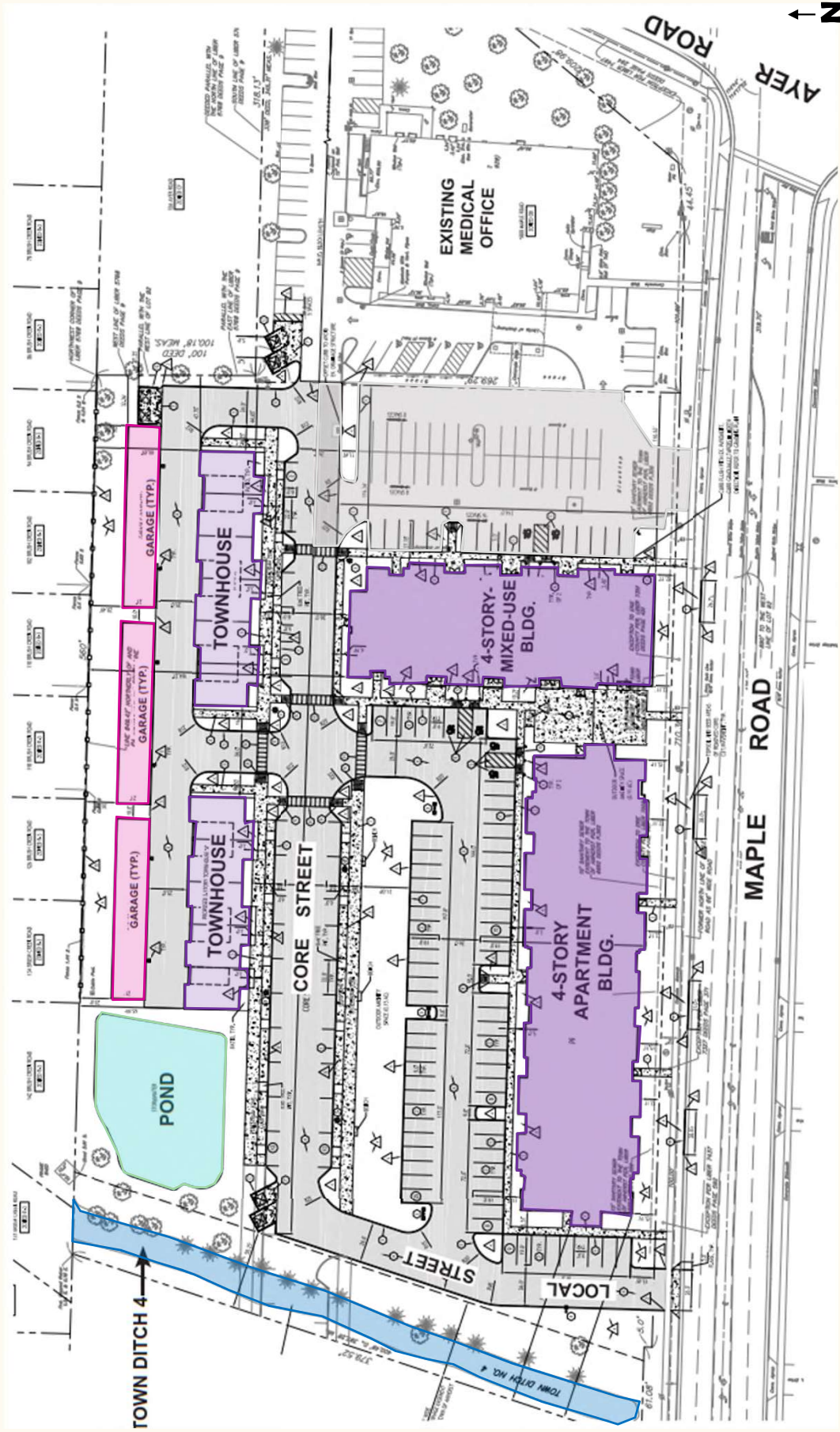
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- To allow for the development of a mixed use project consisting of two four-story mixed use buildings totaling 139,680± square feet (westerly building 84,820± sq. ft., easterly building 54,860± sq. ft.) with 7,000 sq. ft. of commercial space on the first floor of the easterly building and 107 total apartment units (75 units in western building and 32 units in easterly building) for lease in the two buildings, two two-story townhome buildings with attached garages (5 units in the west building and 6 units in the east building) to the north of the mixed use buildings and three ten car garage structures north of the townhomes adjacent to residences to the north.
- Parking is proposed for 188 vehicles (142 surface spaces and 41 in garages) with two curb cuts to Maple Road (the easterly driveway is shared with the pediatric medical building to the east) and a shared access with the pediatric medical building along Ayer Road.





# Site Plan



# Elevations- Multi-Family Buildings



1 MAPLE ROAD ELEVATION  
A-501 / SCALE: 3/32" = 1'-0"

Total Upper: 12551sf x 20% = 2510.20sf Required Upper Floor Transparency = 3904.42sf or 31.11% Provide  
Total Ground: 2876sf x 20% = 575.20sf Required Ground Floor Transparency = 1079.56sf or 37.54% Provide



3 WEST ELEVATION  
A-501 / SCALE: 3/32" = 1'-0"

Total Upper: 2972sf x 20% = 594.40sf Required Upper Floor Transparency = 345.00sf or 11.61% Provided  
Total Ground: 681sf x 20% = 136.20sf Required Ground Floor Transparency = 115.00sf or 16.89% Provided



2 COURTYARD ELEVATION  
A-501 / SCALE: 3/32" = 1'-0"





# Elevations- Townhome Buildings



1 PARKING LOT ELEVATION

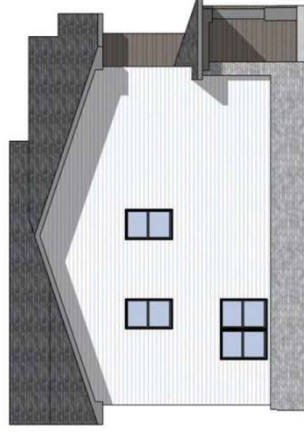
A-503 SCALE: 3/32" = 1'-0"

Total Upper: 1570sf x 20% = 314.00sf Required Upper Floor Transparency = 421.84sf or 26.87% Provided  
Total Ground: 1570sf x 20% = 314.00sf Required Ground Floor Transparency = 421.80sf or 26.87% Provided



3 NORTH ELEVATION

A-503 SCALE: 3/32" = 1'-0"



2 END ELEVATIONS

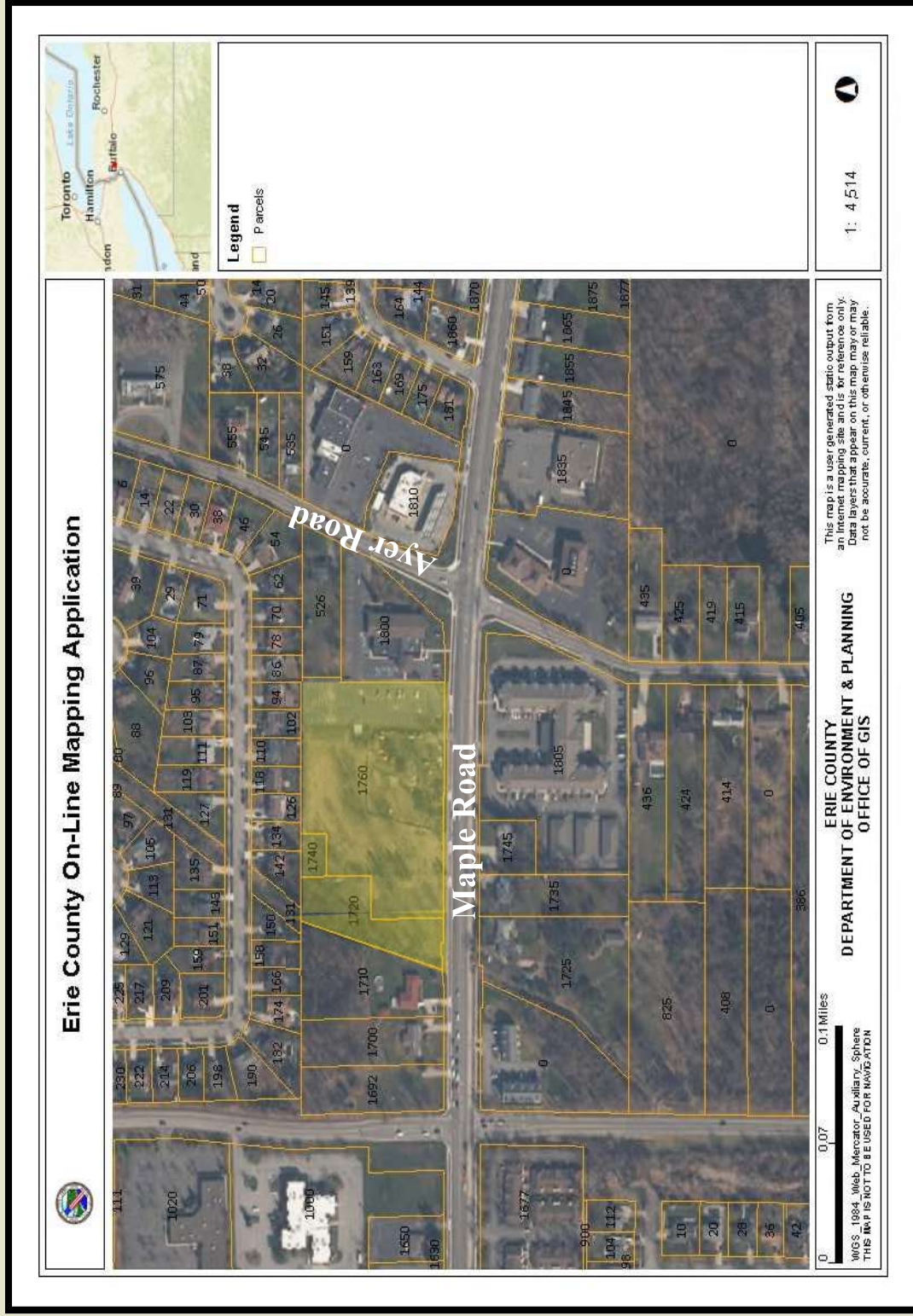
A-503 SCALE: 3/32" = 1'-0"

Total Upper: 332sf x 20% = 66  
Total Ground: 332sf x 20% = 66





# Aerial Photograph of Project Site & Surrounding Vicinity:







- 45,000 sq. ft. building
- 273 parking spaces



## **Project Review Process:**

- Review process began on March 21, 2022 with the filing of a BCPA Application and supporting documentation.
- On May 19, 2022, the Planning Board adopted a resolution by a unanimous vote recommending issuance of a negative declaration pursuant to SEQRA and the Town Board's approval of the Comprehensive Plan Amendment
- On July 25, 2022, the Town Board issued a negative declaration pursuant to SEQRA and approved amendment of the Comprehensive Plan to designate the Project Site as appropriate for Commercial/Mixed Use.
- On November 17, 2022, the Planning Board adopted a resolution by a unanimous recommending issuance of a negative declaration and approval of the rezoning of the Project Site to DC-5.
- On February 13, 2023, the Town Board issued a negative declaration pursuant to SEQRA and approved the rezoning of the Project Site to DC-5 subject to five conditions as follows:
  - 1. That smaller scale residential uses 1 to 2 stories in height, a maximum of 35 feet in height above finished grade be provided between any proposed buildings along Maple Road and the detached single-family homes located to the north of the subject parcels.
  - 2. That any proposed buildings be designed to achieve a harmonious transition with surrounding uses and the overall neighborhood. Such design shall be reviewed by the Design Advisory Board.
  - 3. That any mixed-use buildings be located no closer than 150 feet to the residential properties to the north, not exceed 4 stories and a maximum of 60 feet in height from finished grade.
  - 4. That accessory drive-thru facilities be prohibited.
  - 5. That cannabis dispensaries and cannabis consumption cafes be prohibited.

## **Project Review Process:**

- The Design Advisory Board recommended approval of the Site Plan by a unanimous vote on September 28<sup>th</sup> subject five conditions as follows:
  - 1. That final site plan identify furnishings for outdoor amenity spaces.
  - 2. That final site plan include bicycle rack(s) on the east side of the mixed-use building.
  - 3. That final plan indicate proposed locations and nature of public art.
  - 4. That the final site plan be revised to replace the proposed white vinyl fence with a high quality wood fence.
  - 5. That the final site plan include streetscape amenities along the proposed local street.

### TOWN OF AMHERST DESIGN ADVISORY BOARD DESIGN REVIEW FINDINGS SP 2023-06

#### PETITIONER

PB Investors, LLC.  
5500 Main Street, Suite 343  
Williamsville, NY 14221

#### PROPERTY LOCATION

1720, 1740, 1760 Maple Road

WHEREAS, the Town of Amherst Design Advisory Board on Thursday, September 28, 2023, held a public meeting to conduct a design review in accordance with Local Law 18-2019, for a mixed-use development consisting of a 4-story multi-family building, a 4-story mixed use building (ground floor commercial), and two 2-story townhouse buildings with attached garages, and

The Design Advisory Board makes the following findings on said Site Plan and/or Building Design for the Planning Board's consideration:

1. That final site plan identify furnishings for outdoor amenity spaces.
2. That final site plan include bicycle rack(s) on the east side of the mixed-use building.
3. That final plan indicate proposed locations and nature of public art.
4. That the final site plan be revised to replace the proposed white vinyl fence with a high quality wood fence.
5. That the final site plan include streetscape amenities along the proposed local street.

The foregoing findings were adopted by the Town of Amherst Design Advisory Board, September 28, 2023; moved by - Talty; seconded by – Conhiser-Uy; ayes 5, noes 0; absent 0.

Dai Giuliani, Chair

10-5-2023

Date

Reviewed Plan Date: August 21, 2023

Reviewed Plan Preparer: Carmina Wood

Received Plan Date: September 19, 2023 and September 26, 2023

GP/rb

X:\Current Planning Projects\Site Plans\2023\SP-2023-06\_1720\_1740\_A\_1760\_Maple\_Rd\_2023\DAISP-2023-06\_DAI\_Book\_09282023.doc

cc:

Town of Amherst Planning Board  
Sean Hopkins, Esq., 5500 Main Street, Suite 343, Williamsville, NY 14221  
Paul Bliss, PB Investors, LLC., 6790 Main Street, Suite 100, Williamsville, NY 14221  
Patrick Sheedy Jr., PE, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203  
Brian Slevar, AIA, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203

## Consistency with Comprehensive Plan:

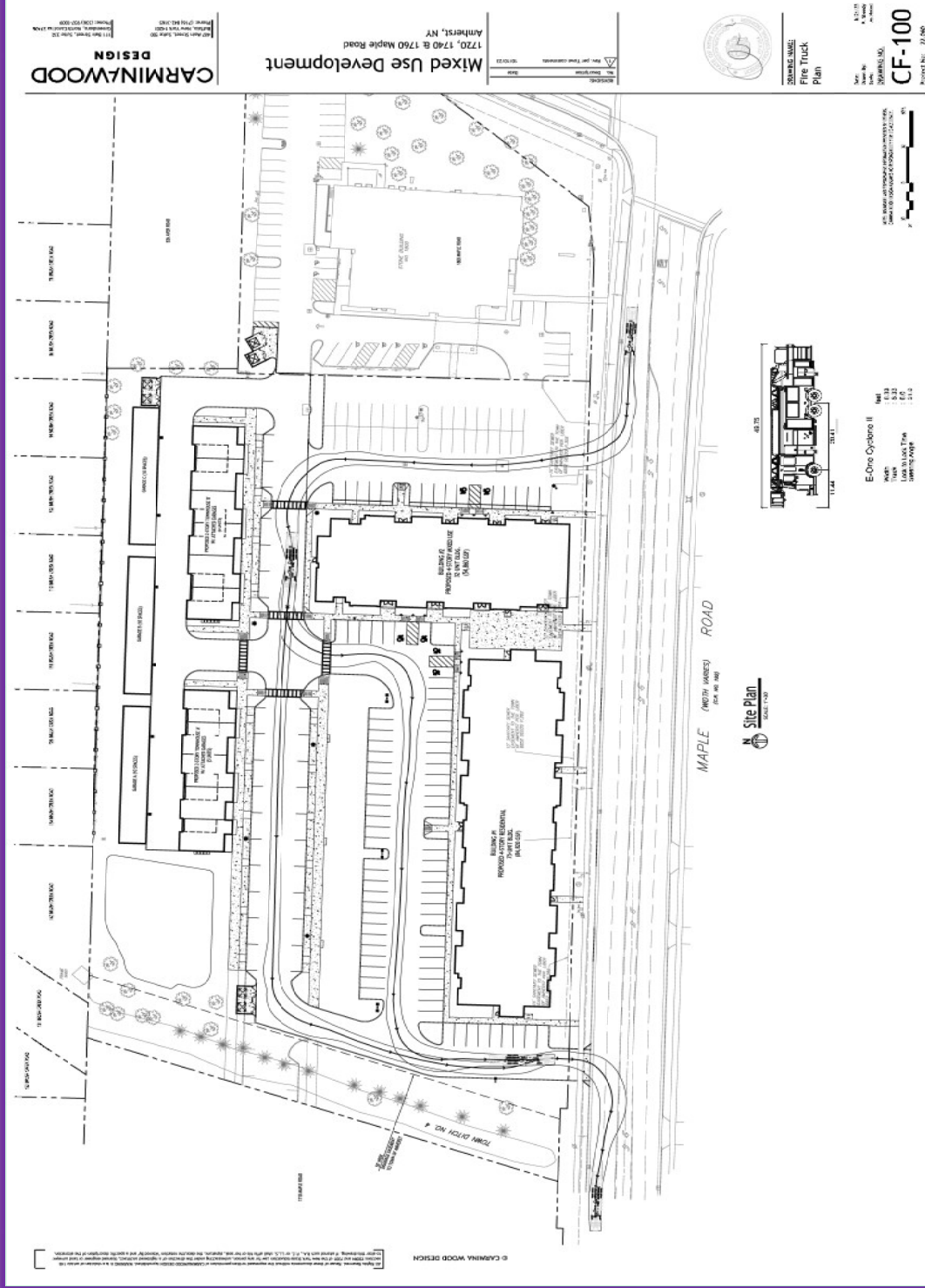
A land use transition illustrating the siting of townhouses (orange) to create a land use change, hiding commercial center parking and loading from view from adjacent residential properties.





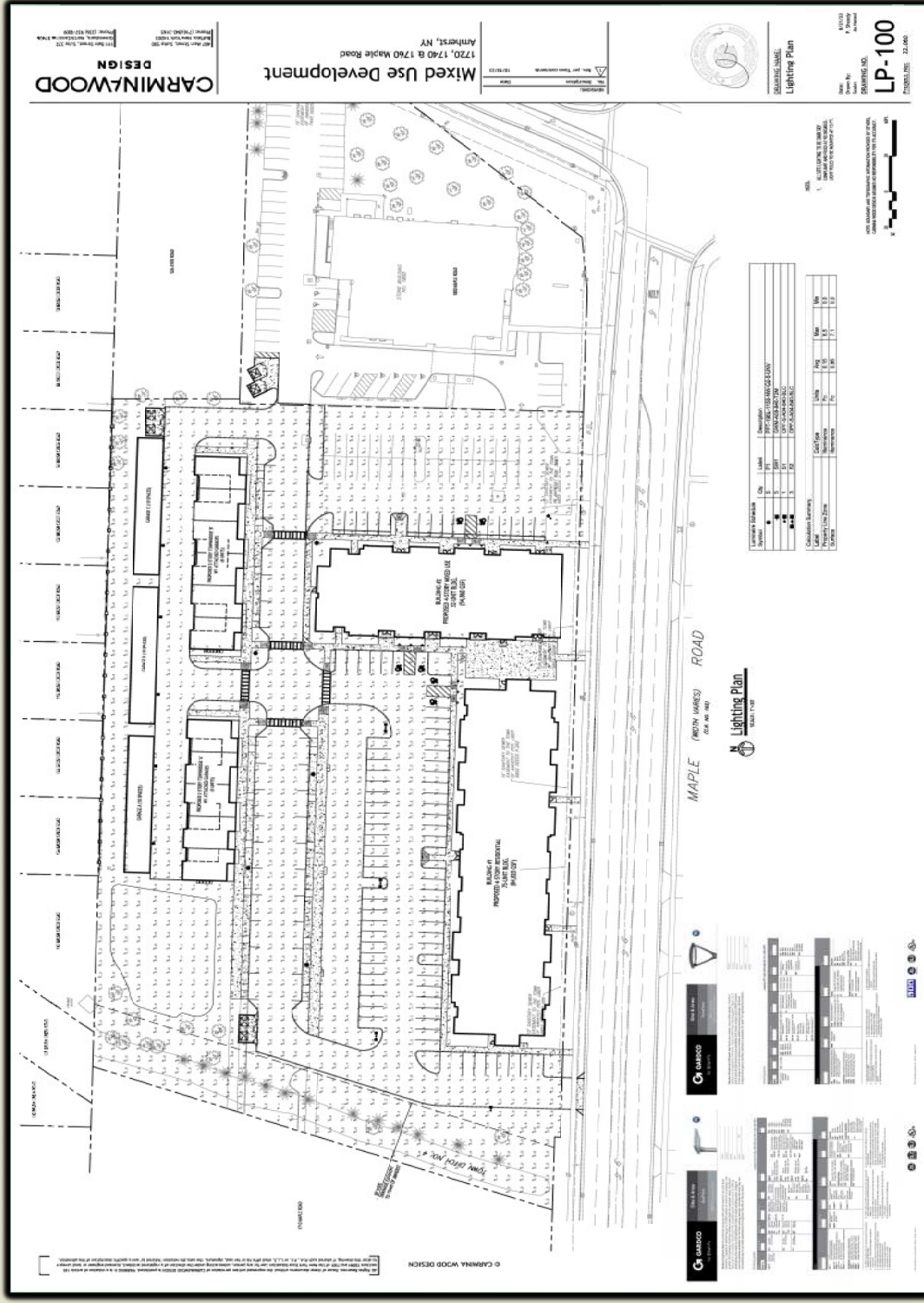


# Fire Truck Plan [Drawing CF-100]:



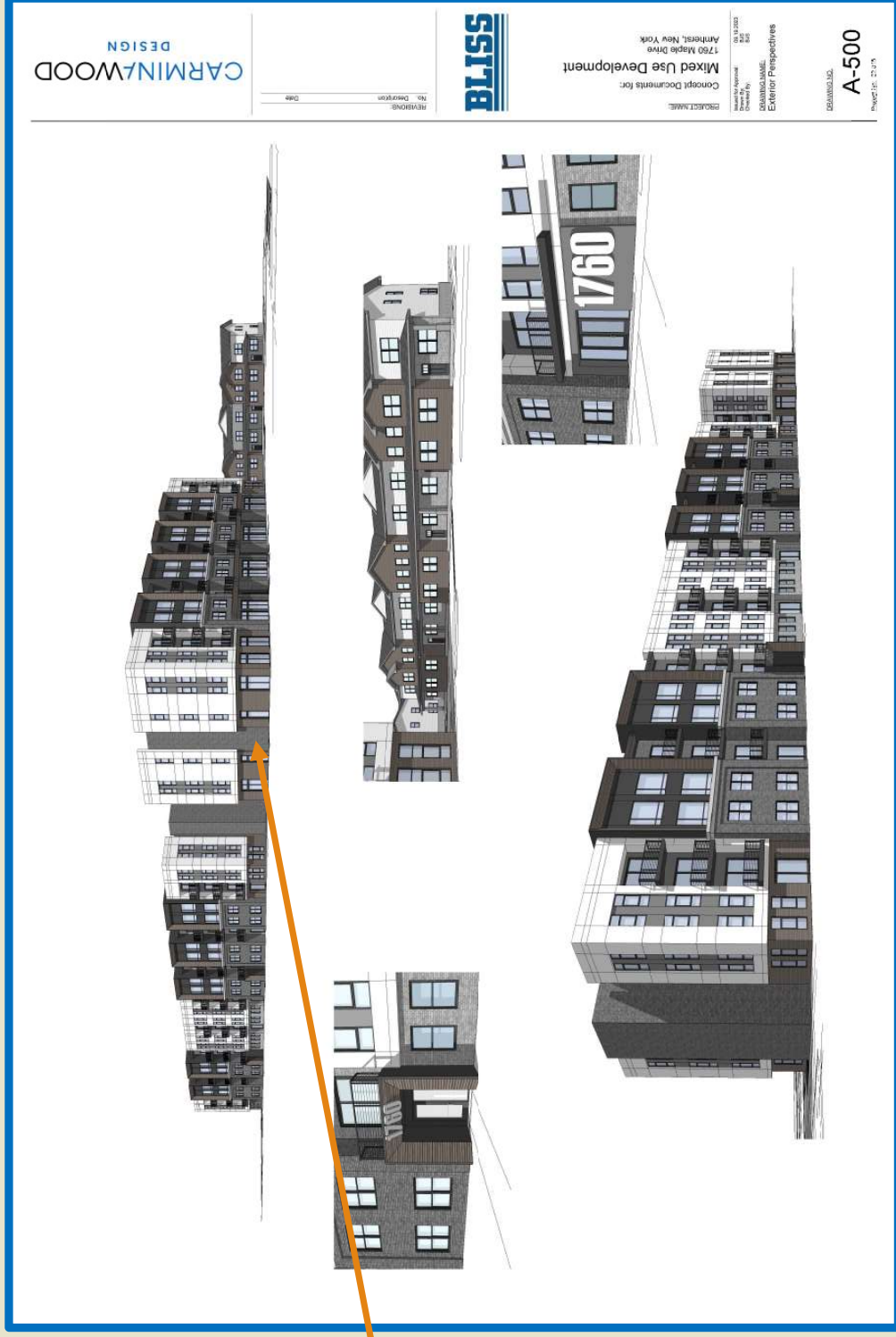


- # Lighting Plan
- ## [Drawing LP-100]:
- Compliance with the Town's stringent lighting standards
  - No lighting spillover onto adjacent properties



Color Building  
Renderings:

7,000 1<sup>st</sup> floor  
commercial space

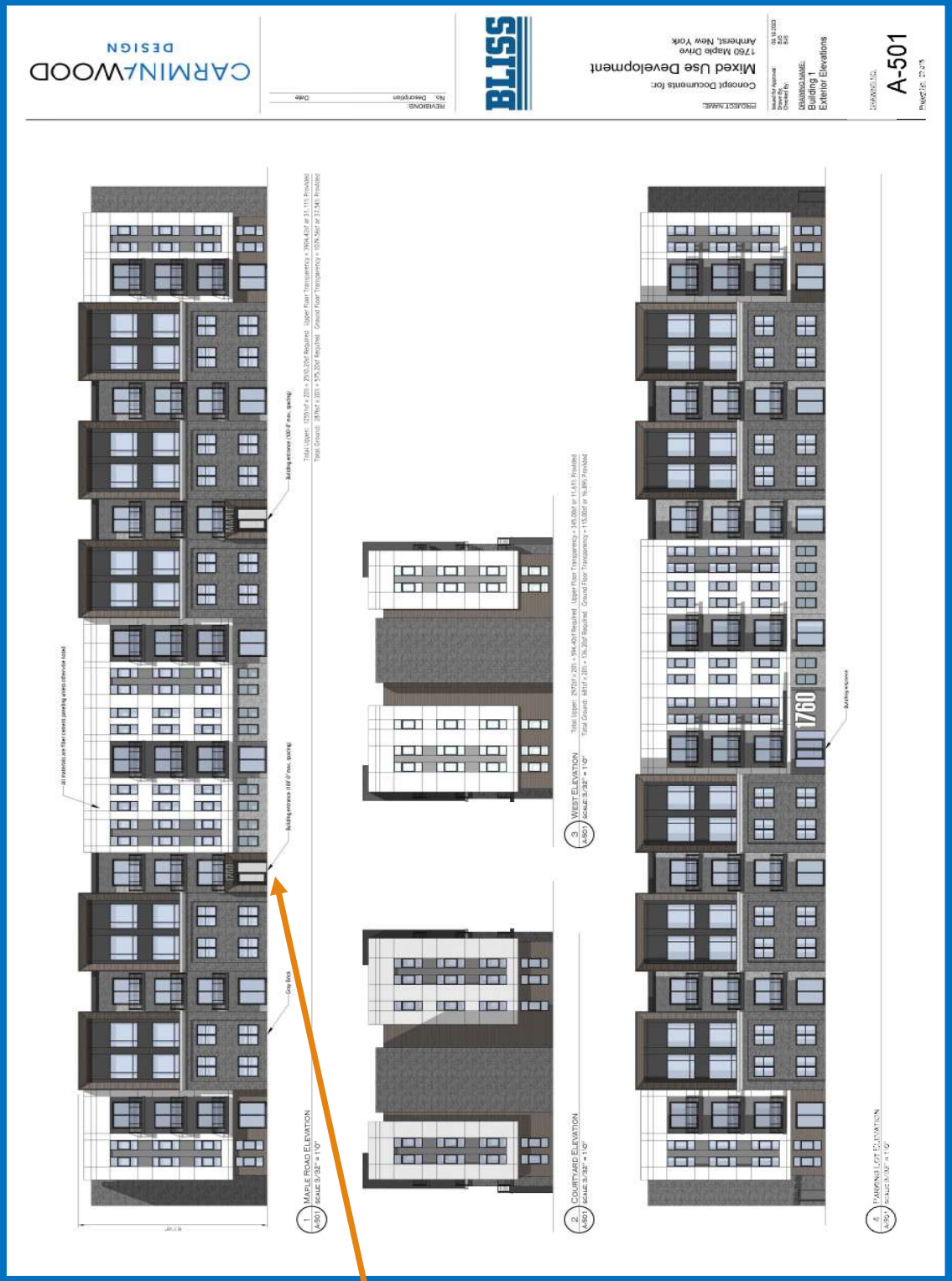


Planning Board Meeting

May 19, 2022

Building No. 1  
Renderings:

Maple Road Elevation



Building No. 2  
Renderings:

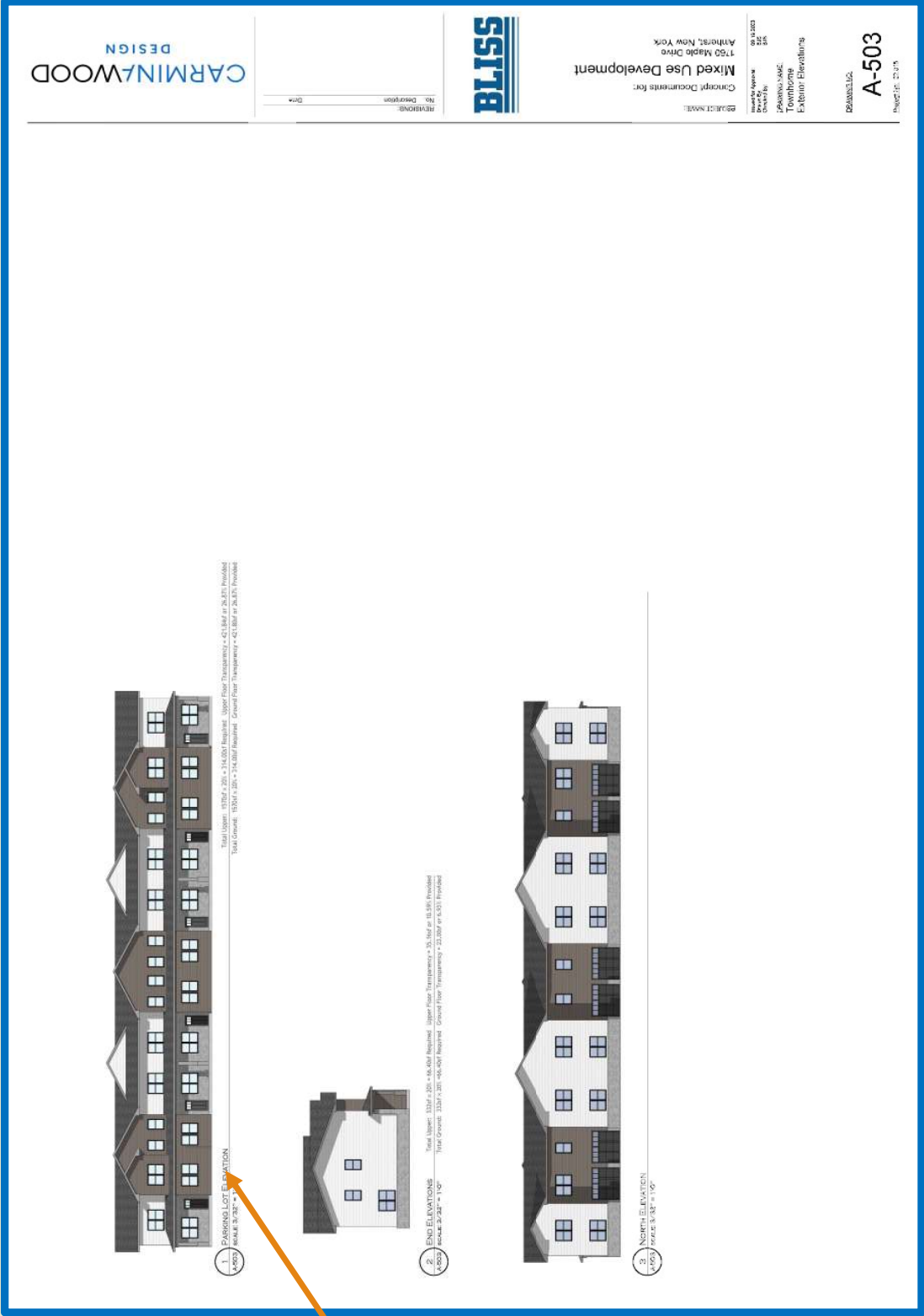
Maple Road Elevation





Townhome  
Renderings:

Front Elevation



CARMIN/WOOD  
DESIGN

REVISIONS  
No. Description  
Date

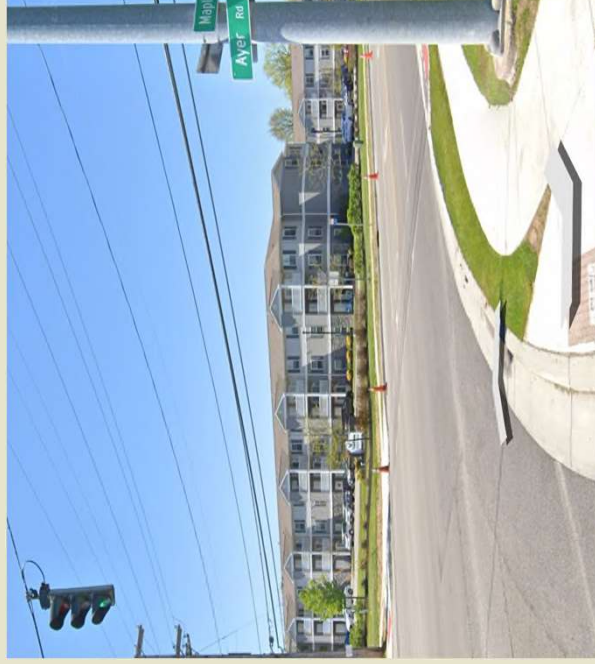


PROJECT NAME:  
Mixed Use Development  
1753 Maple Drive  
Annapolis, New York

Drawn By: J. Smith  
Checked By: J. Smith  
Date: 06.10.2023  
Project: 1753 Maple Drive  
Townhome  
Exterior Elevations

DATE: 06.10.2023  
PROJECT: 1753 Maple Drive  
TOWNHOME  
EXTERIOR ELEVATIONS  
A-503  
PAGE 1 OF 1

**Fayebrooke Senior Apartments --  
1805 Maple Road - Completed in  
2015 - 99 units.**



**BLISS**

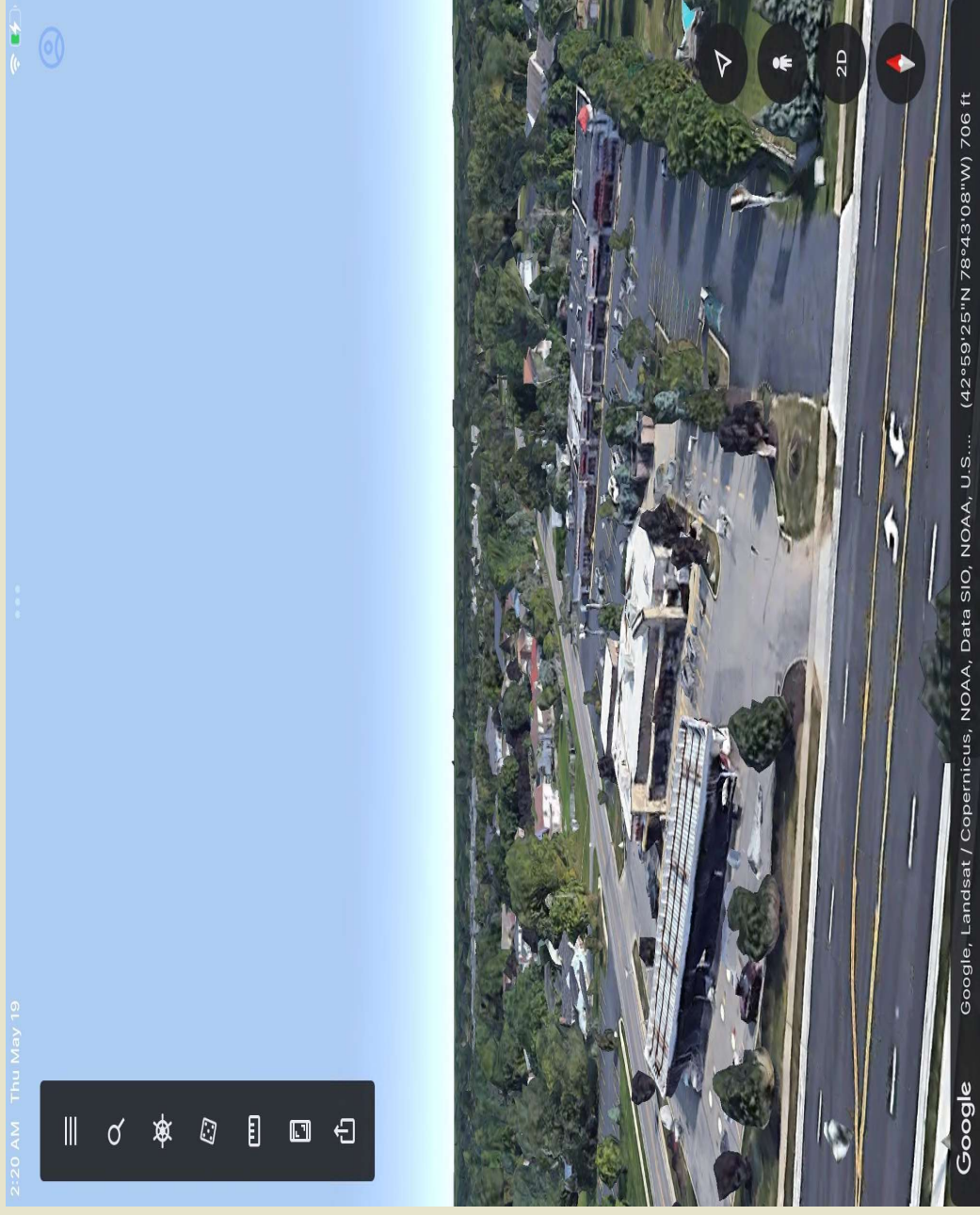


**1800 Maple Road -  
Pediatric & Adolescent  
Urgent Care of WNY**



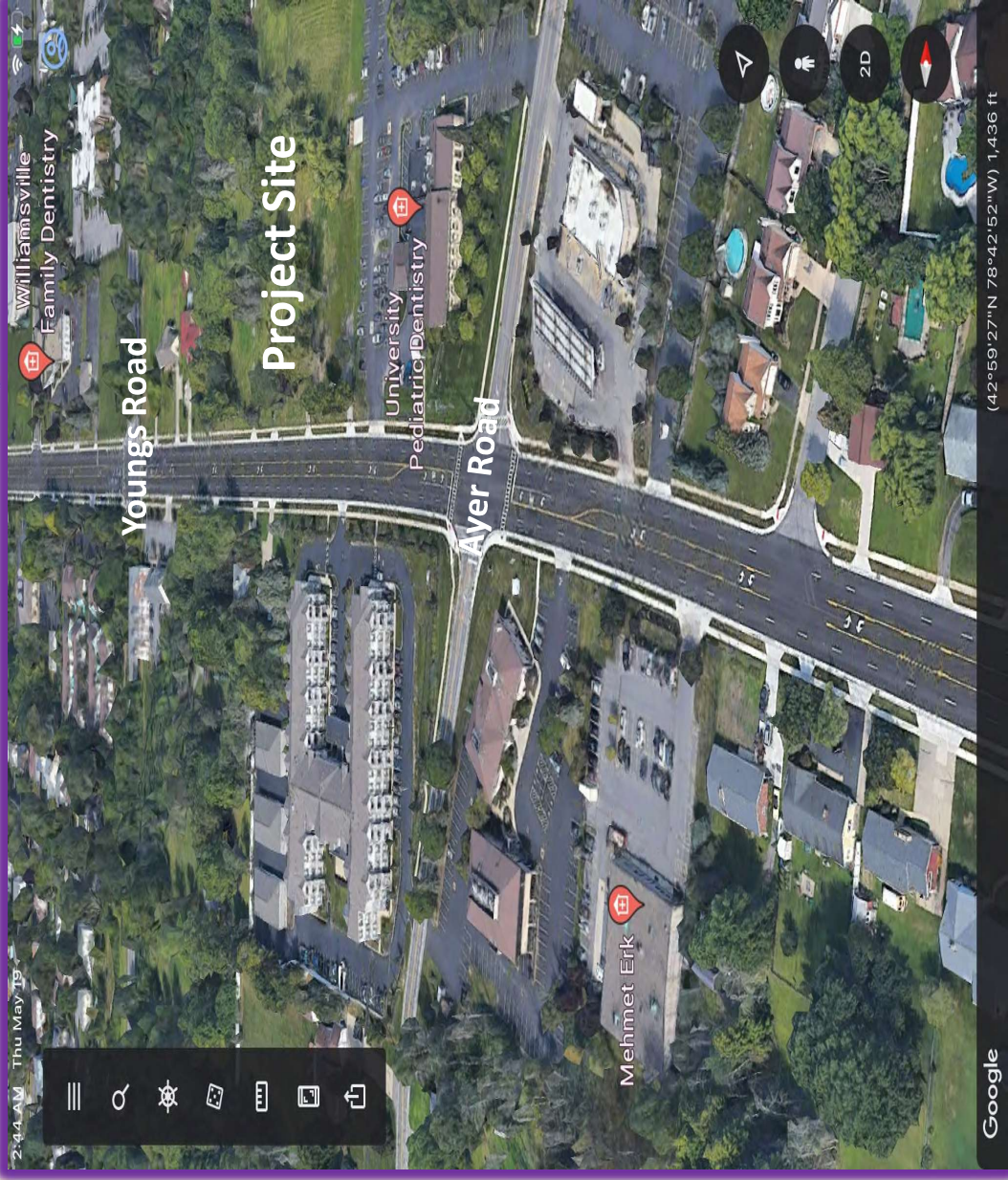


**Convenience Store and Gas  
Station & Retail Plaza at 1810  
and 1820 Maple Road – Zoned  
Motor Services District and  
Neighborhood Business District**





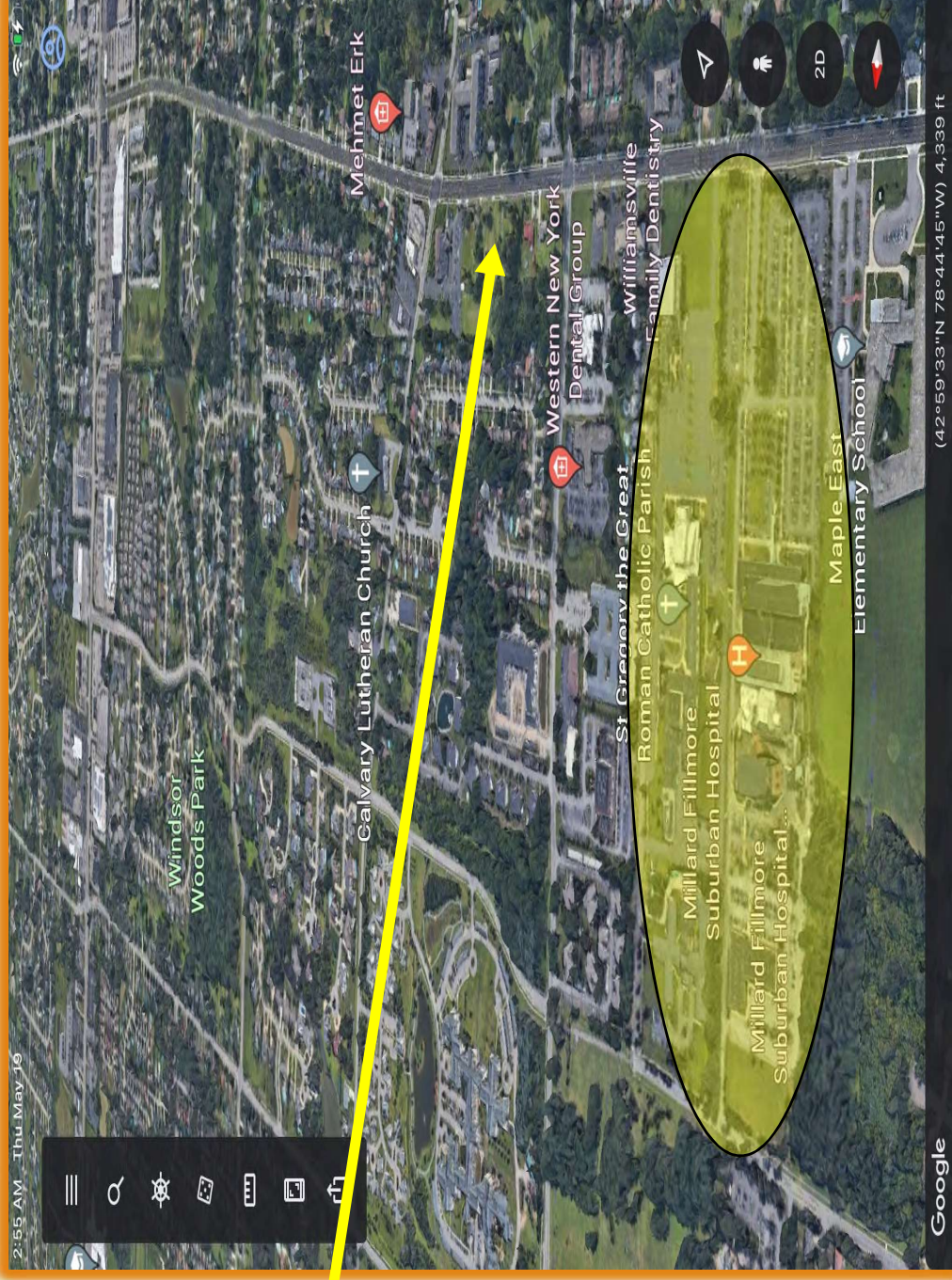
## Aerial Photograph of Maple Road





## Aerial Photograph to the West of the Project Site:

Project Site



## **State Environmental Quality Review Act (“SEQRA”):**

- Completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) submitted with the Site Plan Application
- Traffic Impact Study prepared by Passero Associates dated August 23, 2022 – “The detailed analysis contained in this Traffic Impact Study demonstrates the proposed project will not result in any potentially significant adverse environmental impacts for the purpose of the environmental review of the project pursuant to the State Environmental Quality Review Act (“SEQRA”).
- Only one new curb cut onto Maple Road - Benefits of mixed-use in terms of traffic during weekday peak travel period and parking demand
- No Impact Determination Letter issued by SHPO on September 22, 2023
- Design Advisory Board recommended approval by a unanimous vote during its meeting on September 28, 2023

### **State Environmental Quality Review Act (“SEQRA”):**

- Screening to be provided along the northern property boundary
- Height of the two proposed mixed-use buildings is less than permitted in previously existing OB zoning classification
- Project designed to comply with technical standards for stormwater quality and quantity of the NYSDEC and Town of Amherst including handling 100 yr. storm event
- Review and approval by numerous Town Departments and Committees
- Applicant will be making off-site sanitary sewer improvement per input received from the Engineering Department
- Upscale architecture and high-quality building materials and screening to be provided along the northern property boundary
- The mixed-use redevelopment project will not result in any potentially significant environmental impacts

## **Mixed-Use Project is Consistent with Site Plan Criteria Contained in Section 8-7-9 of the Zoning Code:**

- In rendering a final decision, the Planning Director or Planning Board, as applicable, shall consider and make findings that:
  - A. The proposed site plan is consistent with the development plan if one is required.
  - B. The proposed site plan is consistent with the purpose and specific requirements of this Ordinance and generally consistent with the policies of the Comprehensive Plan;
  - C. Adequate services and utilities will be available prior to occupancy; and
  - D. The site plan is consistent with all other applicable laws

## **CONCLUSION:**

- Requesting that the Planning Board issue a Negative Declaration and approve the Site Plan subject appropriate conditions
- Questions...

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## **EXHIBIT 12**

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Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

## SEQR Negative Declaration

00725'23 & 1017 RD

### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**Lead Agency:** Town of Amherst  
Planning Board

**Project:** SP-2023-06

**Address:** 5583 Main Street  
Williamsville, NY 14221  
(716) 631-7051

**Date:** October 19, 2023

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

**Title of Action:** Site Plan Review

**SEQR Status:** Unlisted Action

**Description of Action:** A mixed use project consisting of two four-story mixed use buildings totaling 139,680± square feet with 7,000 sq. ft. of commercial space on the first floor of the easterly building and 107 total apartment units for lease in the two buildings, two two-story townhome buildings with attached garages totaling 11 units and three ten car garage structures. Parking is proposed for 188 vehicles with two curb cuts to Maple Road. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

**Location:** 1720, 1740 & 1760 Maple Road, Amherst, Erie County

**Petitioner:** PB Investors, LLC



### REASONS SUPPORTING THIS DETERMINATION

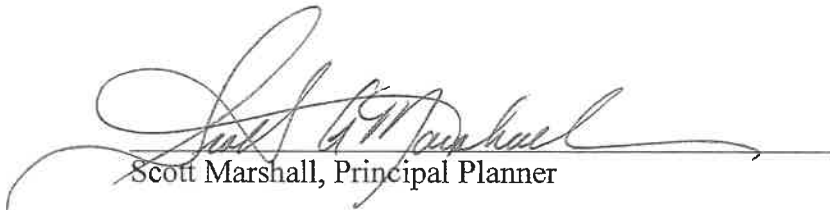
Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department (Assistant Town Engineer, Engineering Services Division and Stormwater Management Officer) on October 17, 2023, October 16, 2023, and October 18, 2023 reviewed the Grading, Drainage and Utility Plans submitted on October 10, 2023, Engineer's Report submitted on October 10, 2023, Erosion Control Plan submitted on October 10, 2023 and Geotechnical Report prepared by Barron & Associates, PC dated January 9, 2009. The Stormwater Pollution Prevention Plan (SWPPP) submitted on August 21, 2023 was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on October 10, 2023 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Town amended its Comprehensive Plan on July 25, 2022 to permit mixed uses, and subsequently rezoned the subject property to permit the subject project.
4. The project is within an area identified by the State as having potential archaeological or historical significance. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of September 22, 2023 determined that there will be no impact on these resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Deep Corridor 5 (DC-5) zoning district; neighboring uses are, Office, Multi-family and single family and zoned Office Building District (OB), Community Facilities District (CF), Multi-family Residential district Seven (MFR-7) and Residential District Three (R-3); therefore, the project is consistent with surrounding land use.

6. The proposed subject development includes two four-story mixed use buildings totaling 139,680± and 107 apartment units, and 11 townhomes which will not cause a major change in the use of either the quantity or type of energy.
7. The project will not create any hazard to human health. The Fire Chief's Association on October 19, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
8. The project will not cause a change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The two four-story mixed use buildings totaling 139,680± square feet with 7,000 sq. ft. of commercial space on the first floor of the easterly building and 107 total apartment units for lease in the two buildings which are located along the Maple Road frontage of the parcel with two, two-story townhome buildings with attached garages and three ten car garage structures located on the northerly portion of the site between the four story building and adjacent residential district and therefore will be consistent with the scale of surrounding land uses.
9. The function of the proposed 7,000 sq. ft. of commercial space and 118 leased units will increase the number of people using the site over its previous level of use.
10. Review of the Traffic Impact Study (TIS) prepared by SRF Associates dated August 23, 2022 and submitted to the Planning Department on August 21, 2023 and reviewed by the Town Traffic/Safety Board on September 7, 2023 indicates that significant negative traffic impacts are not expected to result from the proposed project.
11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on September 25, 2023, Assessor on August 30, 2023, Plumbing Division on October 12, 2023, and Right-of-Way Agent on August 28, 2023 along with outside agency New York State Office of Parks, Recreation and Historic Preservation on September 22, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval

Moved by Giuliani; Seconded by Kahn; Ayes 6; Noes 0; Absent 1 (Chmiel).



Scott Marshall, Principal Planner

10/24/2023  
Date



Robert J. Gilmour, Planning Board Chair

10/26/2023  
Date

SM/ac

X:\Current\_Planning\Files\Site Plans\2023\SP-2023-06\_(1720\_1740\_&\_1760\_Maple\_Rd)\_2023\SP-2023-06\_neg dec\_101923.doc.docx

cc: Commissioner of Building  
Town Engineer  
Fire Chiefs'  
Highway  
Traffic/Safety  
ECDEP

Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Patrick Sheedy Jr., Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203

Paul Bliss, 6790 Main St., Suite 100, Williamsville, NY 14221

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## **EXHIBIT 13**

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TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-06

PETITIONER

PB Investors LLC  
c/o Sean Hopkins, Esq.  
Hopkins Sorgi and McCarthy  
5500 Main Street, Suite 343  
Williamsville, NY 14221

PROPERTY LOCATION

1720, 1740 & 1760 Maple Road

WHEREAS, the Town of Amherst Planning Board on Thursday, October 19, 2023 held a public hearing on a Site Plan for a mixed use project consisting of two four-story buildings totaling 139,680±, 11 townhomes and 107 apartment units, and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, the site and building plans were reviewed by the Town's Design Advisory Board and their recommendations were provided, and

WHEREAS, in accordance with Section 8-7-8 of the Zoning Ordinance, the Planning Board finds that:

- A. The site plan includes usable space for active and passive recreation, including pedestrian connections.
- B. The site plan does not include open space lands for public ownership and use offered for dedication or other disposition to the Town or other public entity.
- C. School sites and facilities are adequate to accommodate the proposed site plan.
- D. The site plan includes the extension of private streets to adjacent properties.

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-06

PETITIONER

PB Investors LLC

PROPERTY LOCATION

1720, 1740 & 1760 Maple Road

- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.
- F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived as no potential regulated wetlands were identified on the project site as stipulated in the Earth Dimensions, Inc. letter dated October 12, 2022.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance approves said Site Plan subject to the following conditions:

1. That the consideration of signs is specifically excluded from this approval as they require a separate review and approval by the Town.
2. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
3. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
4. That the rezoning of the subject site from R3 and OB to DC-5 (Z-2022-08 be finalized prior to issuance of an approved site plan drawing set by the Planning Department.
5. That the properties located at 1720, 1740 and 1760 Maple Road be merged into a single parcel as stipulated in the Assessor's Office letter dated August 30, 2023 prior to issuance of an approved site plan drawing set by the Planning Department.
6. That the 50 foot wide drainage easement to the Town of Amherst along the western portion of the subject site be approved and filed copies be provided to the Planning Department prior to issuance of an approved site plan drawing set by the Planning Department.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-06

00025700 11

PETITIONER

PROPERTY LOCATION

PB Investors LLC

1720, 1740 & 1760 Maple Road

7. That the reciprocal agreement for the shared use of common and or shared facilities between the subject site and the site located at 1800 Maple Road be approved and filed copies be provided to the Planning Department prior to issuance of an approved site plan drawing set by the Planning Department.
8. That a minor site plan be submitted and approved for changes to the site located at 1800 Maple Road shown to be implanted as part of the subject site plan prior to issuance of an approved site plan drawing set by the Planning Department.
9. That an address plan for the development be submitted and approved and incorporated into the approved site plan drawing set issued by the Planning Department.
10. That the concerns raised in the Traffic Safety Board's letter dated September 7, 2023 be addressed to the satisfaction of that board.
11. That the requirements in the Town's Stormwater Managements Officer's letter dated October 18, 2023 be addressed to the satisfaction of that officer.
12. That the revisions requested in the Amherst Fire Chiefs' Association letter dated October 19, 2023 be made to the satisfaction of the association.
13. That the concerns and requirements raised in the Engineering Department letter dated October 17, 2023 relating to sanitary sewer service be address to the satisfaction of the Town Engineer.
14. That the requirements in the Engineering Services Division letter dated October 16, 2023 are complied with.
15. That the Zoning Enforcement Officer's comments in the Planning Department letter dated October 18, 2023 be addressed to the satisfaction of that officer.
16. That the departmental comments in the Planning Department letter dated October 18, 2023 be addressed to the satisfaction of that department.
17. That the Town's Landscape Architect's comments in the Planning Department letter dated October 18, 2023 be addressed to the satisfaction of the architect.
18. That the recommendations of the Design Advisory Board relative to building design be incorporated into the approved site plan drawing set issued by the Planning Department



TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2023-06

PETITIONER

PB Investors LLC

PROPERTY LOCATION

1720, 1740 & 1760 Maple Road

The foregoing resolution was adopted by the Town of Amherst Planning Board, October 19, 2023; moved by Giuliani; seconded by Kahn; ayes 6; noes 0; absent 1 (Raffaele).



Robert J. Gilmour, Planning Board Chair

10/26/2023  
Date

SM/ac

X:\Current\_Planning\Files\Site Plans\2023\SP-2023-06\_(1720\_1740\_&\_1760\_Maple\_Rd)\_2023\SP-2023-06\_resolution\_101923.doc

cc: Commissioner of Building  
Town Engineer  
Fire Chiefs  
Traffic/Safety  
Highway Superintendent  
ECDEP

Approved Plan: Carmina Wood Design  
Received: October 10, 2023

Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221  
Patrick Sheedy Jr., Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203  
Paul Bliss, 6790 Main St., Suite 100, Williamsville, NY 14221

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## **EXHIBIT 14**

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## Zoning Board of Appeals

5583 Main Street  
Amherst, NY 14221  
www.amherst.ny.us

Francina J. Spoth  
Town Clerk

Meeting: 10/17/23 06:30 PM

DOC ID: 28085

**ZBA ITEM (ID # 28085)**

**APPROVED**

## 1720,1740 &1760 Maple Road - Area Variance

WHEREAS, **PB Investors, LLC** have made application for an Area Variance(s), under

**1.) SECTION: 5A-4-9(ground story height)**

**2.) SECTION: 5A-6-5D (local street parking)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

### **1720,1740 &1740 Maple Road a DC-5 Zoning District**

The petitioner's proposed **buildings 1 and 2** will have a ground floor elevation of **zero feet** from the ground, whereas, the zoning ordinance requires a minimum height of **2 feet**, and whereas, the petitioner's local road will have parking which is **90 degrees** to the curb, whereas, the zoning ordinance requires **parallel parking** along such roads, AND

WHEREAS, a public hearing was held on **October 17, 2023** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

- ) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
- ) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
- ) **whether the requested area variance is substantial,**
- ) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
- ) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b)

of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ronald Shubert, Member
<b>SECONDER:</b>	Kelly J. Philips, Member
<b>AYES:</b>	Nichols, Shubert, Philips, Bray, Parker

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## **EXHIBIT 15**

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## 1720,1740 &1760 Maple Road - Area Variance

WHEREAS, PB Investors, LLC have made application for an Area Variance(s), under

1.) SECTION: 5A-3-5 B

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

1720,1740 &1760 Maple Road a DC-5 Zoning District

The petitioner's proposed core street will be 214 feet from the south property line, whereas, the zoning ordinance requires 200 feet maximum, AND

WHEREAS, a public hearing was held on November 14, 2023 after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

- ) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
- ) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
- ) whether the requested area variance is substantial,
- ) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- ) whether the alleged difficulty was self-created; AND

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance

that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital **format is available in the Town Clerk's Office;**

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ann M. Nichols, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Nichols, Shubert, Philips, Bray, Parker



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## **EXHIBIT 16**

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**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

September 22, 2023

Daniel Howard  
Planning Director  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

Re: SEQRA  
Mixed Use Development  
1720, 1740 and 1760 Maple Road , Amherst, NY 14221  
23PR07852

Dear Daniel Howard:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation  
Division for Historic Preservation

rev: B. Russell