

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Agenda – 559th Meeting

Friday, August 15, 2025-8:30 am

James J. Allen Boardroom

Agency Offices – 4287 Main Street, Amherst, NY 14226

1. Roll Call of Members
2. Reading and Approval of Minutes
3. Bills & Communications
4. Treasurer's Report
5. Public Comment
 - I. Speakers Limited to Three (3) Minutes
6. Executive Director's Report
7. Committee Reports
8. Unfinished Business
9. New Business
 - I. Authorization Resolution – 1760 Maple Road, LLC
10. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Minutes of the 558th Meeting

Friday, June 20, 2025 – 8:41 am

James J. Allen Boardroom

Agency Offices, 4287 Main Street

PRESENT: Carlton N. Brock, Jr
William Tuyn
Hon. Timothy Drury
Frank LoTempio, III
Nicole Gavigan
David S. Mingoia, Executive Director
Kevin J. Zanner, Hurwitz & Fine PC

EXCUSED: Anthony Agostino
Hadar Borden

GUESTS : AIDA Staff
Carly D. Brown, Hurwitz Fine PC
Jacqui Berger
Dave Tytko, Uniland Development
Andy Jackson, EDS
JJ Siepierski, EDS
Matt Kielich, Allient, Inc.

Vice Chairman William Tuyn called the meeting to order and reminded everyone the meeting was being video recorded and live-streamed.

MINUTES

Upon a motion by Anthony Agostino, seconded by Nicole Gavigan and unanimously carried, the minutes of the June 5, 2025 meeting were approved as presented.

BILLS & COM

The board was provided a copy of the Town of Amherst 2025 PILOT Exemption Report which found that the PILOTs collected in 2025 were in order and that there were no reportable findings other than one payment being outstanding. Executive Director Mingoia noted that the Agency had received the payment after the report was issued and that all PILOTs are current. There were no comments.

TREASURER'S REPORT

Executive Director Mingoia reviewed the highlights of the Treasurer's Report for April and May 2025.

Upon a motion by Frank LoTempio, seconded by Nicole Gavigan and unanimously carried, the Treasurer's Reports for April and May 2025 were approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director's Report is attached to these minutes.

COMMITTEE REPORTS

There were no Committee Reports at this meeting.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

I. Authorization Resolution – Allient, Inc.

Since 2014, Allient (formerly known as Allied Motion Technologies Inc.) has maintained its headquarters at 495 Commerce Drive, Amherst. Due to steady growth of operations, the company requested Agency authorization for an Installment Sale Transaction in the amount of \$1,679,676 to relocate its headquarters to 6400 Main Street, which will provide enough space for the company to continue to expand its headquarters and would include a new state of the art, 1,500 square feet engineering lab.

Frank LoTempio made a motion to approve the Allient, Inc. request for AIDA assistance. Nicole Gavigan seconded the motion. Votes of aye were cast by Brock, Tuyn, Drury, LoTempio and Gavigan. Motion to approve passed by a vote of 5-0.

II. Authorization Resolution – Evolution Dental Science, LLC

EDS is proposing to expand its operations by purchasing 150 Essjay Road and developing a new state of the art laboratory facility and headquarters that will replace leased space at 125 Lawrence Bell Drive. The company will keep its leased space in Cheektowaga which functions as a storage and workforce training facility. 150 Essjay is currently owned by Independent Health and is not subject to property taxes. EDS's investment creates a state-of-the-art facility including next-generation AI systems for design, manufacturing and 3D printing of dental prosthetics and collaborative areas designed to host dental practitioners and perform research and development.

Frank LoTempio made a motion to approve the Evolution Dental Science, LLC request for AIDA assistance. Nicole Gavigan seconded the motion. Votes of aye were cast by Brock, Tuyn, Drury, LoTempio and Gavigan. Motion to approve passed by a vote of 5-0.

8:59 am – Frank LoTempio made a motion to adjourn the meeting. Nicole Gavigan seconded the motion. Motion to adjourn passed unanimously.

PROJECT PROFILE:
1760 MAPLE ROAD MIXED-USE & WORKFORCE HOUSING
\$37,500,000
August 15, 2025



ELIGIBILITY

- Commercial Project under NYS Law
- Eligible Project under Countywide Eligibility Policy

COMPANY INCENTIVES (EST.)

- Property Tax = \$2,324,480
- Sales Tax = \$1,330,000
- Mortgage Tax = \$211,500

PROJECT BENEFITS (EST.)

- Property Taxes = \$1,443,460
- Income Taxes = \$1,449,624
- Sales Taxes = \$637,444

EMPLOYMENT

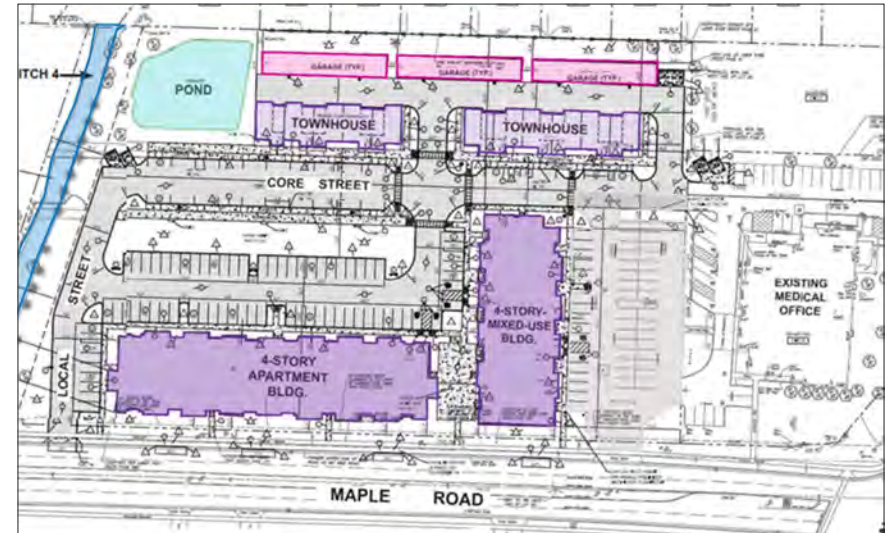
- 182 Construction and Supply Related Jobs Created
- 2 Full-Time Direct Position Created
- 28 Full-Time Indirect Positions Created from Household Spending

PROJECT SCHEDULE (EST.)

- Work begins September 2025
- Project completion March 2027

Project Address:
 1760 Maple Road
 Amherst, New York 14221
 (Williamsville School District)

Investment:
 Acquisition: \$1,500,000
 Construction: \$32,000,000
 Soft/Other Costs: \$4,000,000



Project Description:

The applicant is requesting assistance to construct 118 units and 7,000 square feet of commercial space across four (4) buildings. In addition to the investment in constructing the buildings, the project includes off-site sanitary improvements and the installation of pedestrian improvements at the intersection of Maple and Ayer Roads. The project includes a workforce housing component consisting of 20% of the units (24 total units) that will be leased at 80% of area median income (AMI). The applicant is committing to an additional community benefit consists of a \$250,000 financial contribution towards construction of a restroom facility at Willowdale Park. AIDA benefits are limited to the construction of the project and will not include equipping and build out of the commercial space.

The project is constructed on an infill parcel that has sat vacant for several decades along a major arterial that was originally zoned for commercial office development. The Town Board approved a modification to the Comprehensive Plan in 2022 and rezoned the property to allow for this development in 2023. Agency assistance is necessary to complete the project due to additional off site infrastructure improvements and inability to secure financing without AIDA assistance. The Reasonableness Assessment prepared by Camoin Associates notes the low return on investment even with the project incentives. Additionally, the requested assistance will enable the applicant to include the 24 requested workforce housing units.

**PROJECT PROFILE:
1760 MAPLE MIXED USE & WORKFORCE
HOUSING
\$37,500,000**

AIDA COMPANY HISTORY:

In January 2025, the AIDA Board approved incentives for a \$14,370,000 Mixed Use and Workforce Housing project at 6812 Main Street.

In October 2023, the AIDA Board approved incentives for a \$52,500,000 Workforce Housing and Pedestrian Improvement Project at North Forest Road.

In May 2022, the AIDA Board approved incentives for a \$18,700,000 Mixed Use & Workforce Housing project at 6842 Main Street.

In August 2020, the AIDA Board approved incentives for a \$5,600,000 Mixed Use project at 6770 Main Street.

MATERIAL TERMS:

1. Investment of not less than \$31,875,000 at the project location as noted in the application.
2. Creation of 2 direct full-time equivalent job and maintenance of employment throughout the PILOT term.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project.
4. Maintenance of 20% of total units as Workforce Housing for 12-years.
5. Community Contribution, with an accompanying written certification from the Town of Amherst that such requirement has been satisfied.

AIDA Project Evaluation Criteria - Neighborhood Redevelopment

Distressed Census Tracts	No
Designated Enhancement Area	No
Age of Structure	Vacant Infill Property
Building Vacancy	N/A
Redevelopment Supports Local Community Development Plan	The Town rezoned the property to permit this type of development in February 2023, which followed a Comprehensive Plan Amendment approved in July 2022.
Environmental or Safety Issues	None
LEED/Renewal Resources	None
Building has Historic Designation	N/A
Site or Structure has Delinquent Property or Other Local Taxes	No
Impediments to Conventionally Finance Project	Lending Requirements are more stringent, such as increased equity, along with interest rates not seen in decades. Camoin report lists marginal return on investment.
Transit Oriented Development	The project supports density on the site and includes workforce housing on bus routes.
Increased Property Value	The project maintains the existing taxes collected and provides a significant increase in taxes over the 10-Year PILOT, including a four-fold increase in Year 1.
Provides Workforce and/or Affordable Housing	Workforce Housing is defined as pricing for 80-120% of Area Median Income. This project provides 20% of the units at approximately 80%.

Town of Amherst Industrial Development Agency

MRB Cost Benefit Calculator

Date: July 30, 2025
Project Title: 1760 Maple Road Mixed-Use Workforce Housing
Project Location: 1760 Maple, 14221



Economic Impacts

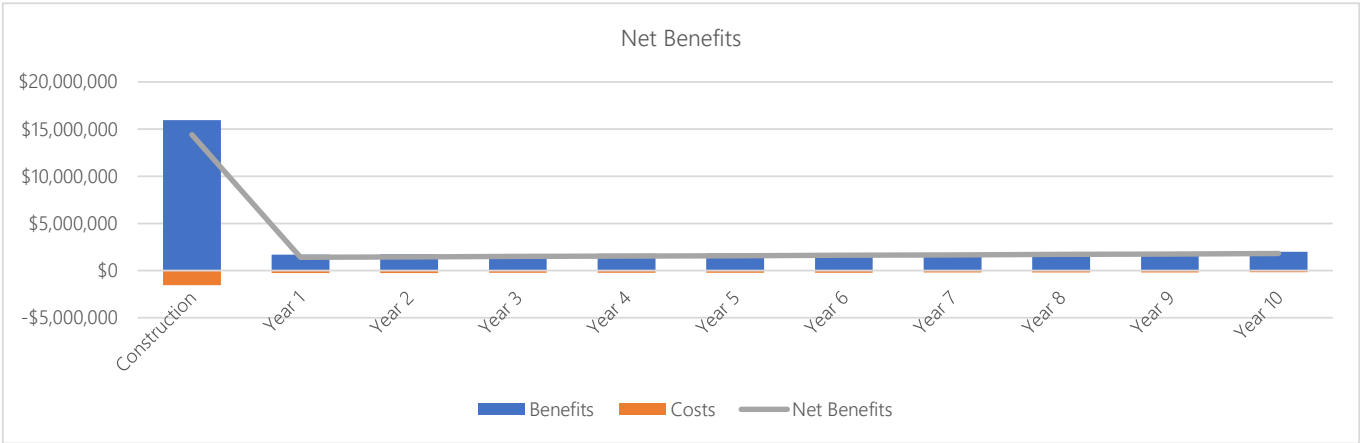
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
\$37,500,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	138	44	182
Earnings	\$12,329,656	\$2,713,679	\$15,043,335
Local Spend	\$32,000,000	\$7,335,647	\$39,335,647

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	23	7	30
Earnings	\$12,216,095	\$4,954,435	\$17,170,530

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

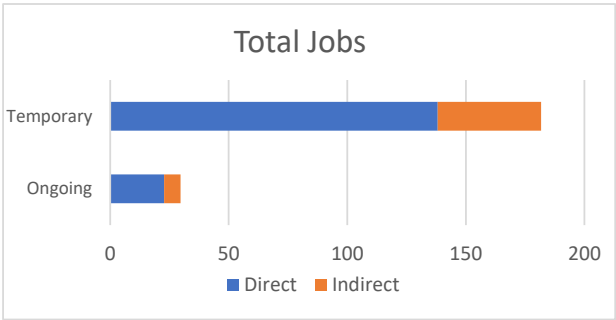
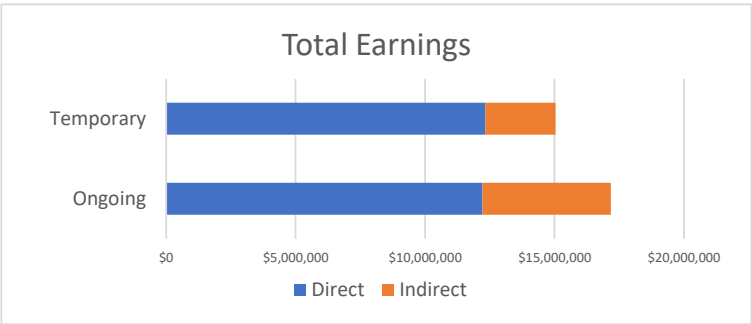


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,324,480	\$2,100,639
Sales Tax Exemption	\$1,330,000	\$1,330,000
Local Sales Tax Exemption	\$722,000	\$722,000
State Sales Tax Exemption	\$608,000	\$608,000
Mortgage Recording Tax Exemption	\$211,500	\$211,500
Local Mortgage Recording Tax Exemption	\$70,500	\$70,500
State Mortgage Recording Tax Exemption	\$141,000	\$141,000
Total Costs	\$3,865,980	\$3,642,139

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$34,003,366	\$32,025,045
To Private Individuals	\$32,213,865	\$30,418,175
Temporary Payroll	\$15,043,335	\$15,043,335
Ongoing Payroll	\$17,170,530	\$15,374,840
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,789,501	\$1,606,869
Increase in Property Tax Revenue	\$1,443,460	\$1,283,945
Temporary Jobs - Sales Tax Revenue	\$125,048	\$125,048
Ongoing Jobs - Sales Tax Revenue	\$220,993	\$197,876
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,741,027	\$1,640,754
To the Public	\$1,741,027	\$1,640,754
Temporary Income Tax Revenue	\$676,950	\$676,950
Ongoing Income Tax Revenue	\$772,674	\$691,868
Temporary Jobs - Sales Tax Revenue	\$105,303	\$105,303
Ongoing Jobs - Sales Tax Revenue	\$186,100	\$166,633
Total Benefits to State & Region	\$35,744,394	\$33,665,799

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$32,025,045	\$2,893,139	11:1
State	\$1,640,754	\$749,000	2:1
Grand Total	\$33,665,799	\$3,642,139	9:1

*Discounted at 2%

Additional Comments from IDA

Prepared by DM

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

PREPARED FOR:

Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, New York 14226

Reasonableness Assessment for Financial Assistance

1760 MAPLE ROAD LLC

JULY 2025

PREPARED BY:



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EXECUTIVE SUMMARY

Project Description

The Town of Amherst Industrial Development Agency (Agency) received an application from 1760 Maple Road, LLC (Applicant) for financial assistance to construct a four story mixed-use building, a four-story multifamily building, and two two-story townhome buildings (Project) in Amherst, NY, featuring 7,000 square feet of commercial office space and 118 multifamily apartments with a portion reserved for workforce housing. The Project represents a \$37,500,000 investment. To support this project, the Applicant requests financial assistance in the form of a Payment In Lieu of Taxes (PILOT) agreement, sales tax exemption, and mortgage recording tax exemption.

The Applicant has committed to setting aside 20% of the units for workforce housing for 12 years and will make a \$250,000 community benefit investment in the Town of Amherst.

Purpose of this Analysis

An objective, third-party review of a project's assumptions and estimated operating and financial performance helps Industrial Development Agencies perform a complete evaluation of a proposed project. Camoin Associates was engaged to analyze the Project and deliver an analysis and opinion to answer three questions:

- ◆ Are the operating assumptions such as rent, vacancy, and expenses within norms for the region?
- ◆ Is the assistance necessary for the Project to be financially feasible, and therefore undertaken by the Applicant?
- ◆ If assistance is awarded, will the Applicant's rate of return on investment be similar to market expectations for similar projects in the region, and therefore reasonable?

Findings: This analysis concludes that the answer to each of these questions is as follows:

- ***Assumptions are generally in line with local and regional benchmarks except for stated operating expenses, which are lower than the benchmarks.***
- ***Over the life of the proposed PILOT, the Project has a positive cash flow and adequate debt service coverage.***
- ***A PILOT is required to meet minimum industry benchmarks for expected equity dividend rates.***

1. REVENUE ASSUMPTIONS

The Applicant's operating revenue assumptions are compared to CoStar estimates for rent in the Town of Amherst. Overall, the rent assumed for the market rate units is within range (20%) of the current median rent in Amherst, except for the Studio that is 34% lower than median. The workforce units are above the 2023-2024 income limits set by the Amherst IDA, however they may be within limits once the project is complete. Office rent is 1.30 times higher than benchmark asking rates for office space in Amherst.

Section 2 of this report, Operating Performance, assesses other assumptions made by the Applicant, including expenses, vacancy rates, and income and expense escalation.

Apartment Unit Type, Rent, and Household Income							
Type of Apartment (1)	Number of Units in Project(1)	Average Rent per Month (1)	Rent per Year	Household Income Required (2)	Median Rent for Amherst (3)	Benchmarks	
Market	Studio	3	\$1,300	\$15,600	\$52,000	\$1,973	Rent is 0.66 times the benchmark for a studio apartment in Amherst.
	1BR	32	\$1,900	\$22,800	\$76,000	\$1,602	Rent is 1.19 times higher than the benchmark for a one bedroom in Amherst.
	2BR	43	\$2,300	\$27,600	\$92,000	\$1,914	Rent is 1.20 times higher than the benchmark for a two bedroom in Amherst.
	3BR	16	\$2,600	\$31,200	\$104,000	\$2,403	Rent is 1.08 times higher than the benchmark for a three bedroom in Amherst.
Workforce	Studio	1	\$1,300	\$15,600	\$52,000	\$1,973	Rent will align with the requirements of the Amherst Industrial Development Agency and will adjust annually.
	1BR	8	\$1,415	\$16,980	\$56,600	\$1,602	Rent will align with the requirements of the Amherst Industrial Development Agency and will adjust annually.
	2BR	11	\$1,616	\$19,392	\$64,640	\$1,914	Rent will align with the requirements of the Amherst Industrial Development Agency and will adjust annually.
	3BR	4	\$1,819	\$21,828	\$72,760	\$2,403	Rent will align with the requirements of the Amherst Industrial Development Agency and will adjust annually.

(1) Source: Applicant

(2) Income needed to pay no more than 30% on rent

(3) Median monthly rent for properties built in 2000 or later in the Town of Amherst, NY; Source: CoStar

Commercial and Retail Rent

Use Type	Rent is 1.3 times higher than the benchmark for office space in Amherst (2)	\$/sf (1)	Rent per Month (1)	Rent Per Year (1)	Average Rent for Amherst (2)	Benchmarks
Office	7,000	\$ 25.00	\$ 14,583	\$ 175,000	\$19.35	Rent is 1.3 times higher than the benchmark for office space in Amherst.

(1) Source: Applicant

(2) Median office asking rent for properties built in 2000 or later in the Town of Amherst, NY; Source: CoStar

2. OPERATING PERFORMANCE

The operating performance of the Project is measured using Year 5 of the Applicant's Pro Forma (five years of full operations, year 5 of the pro forma provided). The Applicant assumes that gross revenue will escalate at 2% per year and expenses will grow by 2% per year. The Applicant assumes there will be a 5% vacancy for residential units once stabilized, and that the commercial office will have a 0% vacancy once stabilized. Operating expenses are lower than benchmarks, and both scenarios deliver high net operating income as a percentage of gross income. If actual operating expenses are higher, the need for financial assistance would be greater.

Operations Snapshot, Year 5 of Full Operation

	10 Year PILOT				10 Year No PILOT			
	Share of Gross				Share of Gross			
	Project Performance (1)	Operating Income	Benchmark Performance (2)	Evaluation	Project Performance (1)	Operating Income	Benchmark Performance (2)	Evaluation
<u>Calculation of Net Operating Income Residential</u>								
Gross Operating Income	\$3,154,710	93%	n/a	n/a	\$3,154,710	93%	n/a	n/a
Vacancy Rate and Concessions	5%	n/a	4%	Within range	5%	n/a	4%	Within range
<u>Calculation of Net Operating Income, Non-Residential</u>								
Gross Operating Income	\$247,877	7%	n/a	n/a	\$247,877	7%	n/a	n/a
Vacancy Rate	0%	n/a	8%	More efficient	0%	n/a	8%	More efficient
Effective Gross Income (EGI), All Uses (3)	\$3,244,851	95%	96%	Within range	\$3,244,851	95%	96%	Within range
Less: Operating Expenses and Reserve	(\$569,089)	17%	53%	More efficient	(\$569,089)	17%	53%	More efficient
Less: <u>Real Property Taxes</u>	<u>(\$144,346)</u>	<u>4%</u>	<u>n/a</u>	<u>n/a</u>	<u>(\$376,794)</u>	<u>11%</u>	<u>n/a</u>	<u>n/a</u>
Net Operating Income	\$2,531,416	74%	45%	More efficient	\$2,298,968	68%	45%	More efficient
Less: Debt Service	<u>(\$2,138,918)</u>	63%	n/a	n/a	<u>(\$2,138,918)</u>	63%	n/a	n/a
Cashflow after Operating Costs, Taxes, Debt	\$392,498	12%	n/a	n/a	\$160,050	5%	n/a	n/a

(1) Source: Applicant

(2) Source: RealtyRates Q2 2025 for Northeast Region

(3) Net of vacancy and concessions

Note: National Apartment Association 2020 Survey of Operating Income and Expenses in Rental Apartment Communities was also reviewed and similar results were observed.

Note: Real property taxes adjusted for No PILOT from Applicant's pro forma based on information from the Agency.

3. FINANCING PLAN

- ◆ The Sources and Uses of Funds show the total project costs and capital structure of debt and equity.
- ◆ The Terms of the Senior (Long Term) Debt are within the range of the benchmarks.

Sources and Uses of Funds

<u>Sources of Funds</u>	<u>Amount (1)</u>	<u>Share</u>
Bank Financing	\$28,200,000	75%
Equity and Working Capital	\$9,300,000	25%
Total Sources	\$37,500,000	100%
<u>Uses of Funds</u>		
Acquisition and Transaction Costs	\$2,142,223	6%
Construction Costs	\$35,357,777	94%
Total Uses	\$37,500,000	100%

(1) Source: Applicant

Terms of the Senior (Long Term) Debt

	<u>Terms (1)</u>	<u>Benchmark (2)</u>	<u>Evaluation</u>
Amount Borrowed	\$28,200,000	n/a	n/a
Loan to Total Project Cost	75%	55% - 90%	Within Range
Annual Interest Rate	6.50%	4.82% - 9.12%	Within Range
Maturity in Years	30	15 - 40	Within Range

(1) Source: Applicant

(2) Source: RealtyRates Q2 2025

4. RATE OF RETURN

An estimated return on investment is calculated using the Applicant's operating pro forma and capital structure. This analysis measures whether financial assistance is necessary and reasonable. Financial performance is estimated over the full PILOT period (10 years) and compared to a no PILOT scenario, which starts in the first year of full operation.

Three metrics are used to evaluate outcomes:

- ♦ **The Equity Dividend Rate** is net cashflow for each year, divided by the initial equity investment. Equity Dividend Rates are benchmarked using current market information from RealtyRates.com for similar projects in the region. Equity Dividend Rates close to the benchmarks indicate an outcome in line with the current market, meaning the Applicant is earning a reasonable return.

Very low or negative rates indicate the Project is unlikely to be undertaken when compared to other possible investments. Equity Dividend Rates are based on an initial equity investment of \$9,300,000 and are included over the life of the PILOT.

The Project does not achieve this benchmark without PILOT assistance.

- ♦ **Cash Flow** is the income stream to the Applicant over time. There are currently no cash flow benchmarks available.

Cumulative Cash Flow and average cash flow are positive, but the initial investment is not recouped over the 10-year period in either scenario.

- ♦ **Debt Service Coverage** estimates how well the Project's net income, after taxes, supports the repayment of debt.

Debt Service Coverage meets benchmarks in year 1 under both scenarios.

Comparison of Return on Investment

	<u>10 Year PILOT (1)</u>	<u>10 Year No PILOT (1)</u>	<u>Benchmarks (2)</u>
<u>Equity Dividend Rates</u>			
Average	5.21%	2.71%	4.73% to 13.51%
Minimum	3.26%	0.60%	
Maximum	6.75%	4.72%	
Year Benchmarks Met	1	NA	
<u>Cash Flow</u>			
Average	\$484,680	\$252,232	n/a
Minimum	\$303,123	\$56,147	
Maximum	\$627,410	\$438,546	
Cumulative	\$4,846,804	\$2,522,324	
Year Investment Recouped	NA	NA	
<u>Debt Service Coverage</u>			
Average	1.24	1.12	1.00 to 1.86
Minimum	1.14	1.03	
Maximum	1.31	1.21	
Years Benchmarks Met	1	1	

(1) See Attachment 1

(2) Source: RealtyRates for Q2 2025 for Apartments

ATTACHMENT 1: PRO FORMAS

1760 Maple Road	Date		7/17/2025									
Annual Cashflows (Pro Forma) - No PIOT												
	Construction		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Operating Cash Flow												
Residential Income												
Gross Operating Income	\$	-	\$ 2,914,464	\$ 2,972,753	\$ 3,032,208	\$ 3,092,853	\$ 3,154,710	\$ 3,217,804	\$ 3,282,160	\$ 3,347,803	\$ 3,414,759	\$ 3,483,054
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$ (145,723)	\$ (148,638)	\$ (151,610)	\$ (154,643)	\$ (157,735)	\$ (160,890)	\$ (164,108)	\$ (167,390)	\$ (170,738)	\$ (174,153)
Net Rental Income, Residential	\$	-	\$ 2,768,741	\$ 2,824,116	\$ 2,880,598	\$ 2,938,210	\$ 2,996,974	\$ 3,056,914	\$ 3,118,052	\$ 3,180,413	\$ 3,244,021	\$ 3,308,902
Commercial/Industrial Income												
Gross Operating Income	\$	-	\$ 175,000	\$ 178,500	\$ 182,070	\$ 185,711	\$ 189,426	\$ 193,214	\$ 197,078	\$ 201,020	\$ 205,040	\$ 209,141
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Rental Income, Commercial/Industrial	\$	-	\$ 175,000	\$ 178,500	\$ 182,070	\$ 185,711	\$ 189,426	\$ 193,214	\$ 197,078	\$ 201,020	\$ 205,040	\$ 209,141
Other Income												
Parking Income	\$	-	\$ 54,000	\$ 55,080	\$ 56,182	\$ 57,305	\$ 58,451	\$ 59,620	\$ 60,813	\$ 62,029	\$ 63,270	\$ 64,535
Other Income	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Income	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Income, Other	\$	-	\$ 54,000	\$ 55,080	\$ 56,182	\$ 57,305	\$ 58,451	\$ 59,620	\$ 60,813	\$ 62,029	\$ 63,270	\$ 64,535
Effective Gross Income (EGI)	\$	-	\$ 2,997,741	\$ 3,057,696	\$ 3,118,850	\$ 3,181,227	\$ 3,244,851	\$ 3,309,748	\$ 3,375,943	\$ 3,443,462	\$ 3,512,331	\$ 3,582,578
Operating Expenses (enter positive numbers)												
Salaries and Wages	\$	-	\$ 125,000	\$ 127,500	\$ 130,050	\$ 132,651	\$ 135,304	\$ 138,010	\$ 140,770	\$ 143,586	\$ 146,457	\$ 149,387
Maintenance	\$	-	\$ 120,000	\$ 122,400	\$ 124,848	\$ 127,345	\$ 129,892	\$ 132,490	\$ 135,139	\$ 137,842	\$ 140,599	\$ 143,411
Deposit to replacement reserve	\$	-	\$ 30,750	\$ 31,365	\$ 31,992	\$ 32,632	\$ 33,285	\$ 33,950	\$ 34,629	\$ 35,322	\$ 36,029	\$ 36,749
Insurance	\$	-	\$ 80,000	\$ 81,600	\$ 83,232	\$ 84,897	\$ 86,595	\$ 88,326	\$ 90,093	\$ 91,895	\$ 93,733	\$ 95,607
Other	\$	-	\$ 170,000	\$ 173,400	\$ 176,868	\$ 180,405	\$ 184,013	\$ 187,694	\$ 191,448	\$ 195,277	\$ 199,182	\$ 203,166
Operating Expenses	\$	-	\$ 525,750	\$ 536,265	\$ 546,990	\$ 557,930	\$ 569,089	\$ 580,470	\$ 592,080	\$ 603,921	\$ 616,000	\$ 628,320
Pre-Tax Operating Income (Revenue less Operating Expenses)	\$	-	\$ 2,471,991	\$ 2,521,431	\$ 2,571,859	\$ 2,623,296	\$ 2,675,762	\$ 2,729,278	\$ 2,783,863	\$ 2,839,540	\$ 2,896,331	\$ 2,954,258
Real Property Taxes (assuming no PILOT)	\$	-	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794	\$ 376,794
Net Operating Income (NOI) after Taxes	\$	-	\$ 2,095,197	\$ 2,144,637	\$ 2,195,065	\$ 2,246,502	\$ 2,298,968	\$ 2,352,484	\$ 2,407,069	\$ 2,462,746	\$ 2,519,537	\$ 2,577,464
Loan or Mortgage (Debt Service)												
Interest Payment	\$	-	\$ 1,833,000	\$ 1,833,000	\$ 1,833,000	\$ 1,813,115	\$ 1,791,938	\$ 1,769,384	\$ 1,745,365	\$ 1,719,784	\$ 1,692,540	\$ 1,663,525
Principal Payment	\$	-	\$ -	\$ -	\$ 305,918	\$ 325,803	\$ 346,980	\$ 369,534	\$ 393,553	\$ 419,134	\$ 446,378	\$ 475,393
Debt Service	\$	-	\$ 1,833,000	\$ 1,833,000	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918
Cash Flow After Financing and Reserve	\$	-	\$ 262,197	\$ 311,637	\$ 56,147	\$ 107,584	\$ 160,050	\$ 213,565	\$ 268,151	\$ 323,828	\$ 380,619	\$ 438,546
Debt Service Coverage Ratio (DSCR)			1.14	1.17	1.03	1.05	1.07	1.10	1.13	1.15	1.18	1.21
Equity Dividend Rate			2.82%	3.35%	0.60%	1.16%	1.72%	2.30%	2.88%	3.48%	4.09%	4.72%

Reasonableness Assessment for 1760 Maple Road, LLC – Town of Amherst Industrial Development Agency

1760 Maple Road	Date		7/17/2025									
Annual Cashflows (Pro Forma) - PILOT												
	Construction	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
Operating Cash Flow												
Gross Operating Income	\$ -	\$ 2,914,464	\$ 2,972,753	\$ 3,032,208	\$ 3,092,853	\$ 3,154,710	\$ 3,217,804	\$ 3,282,160	\$ 3,347,803	\$ 3,414,759	\$ 3,483,054	
Less: Vacancy Allowance (enter as a negative number)	\$ -	\$ (145,723)	\$ (148,638)	\$ (151,610)	\$ (154,643)	\$ (157,735)	\$ (160,890)	\$ (164,108)	\$ (167,390)	\$ (170,738)	\$ (174,153)	
Net Rental Income, Residential	\$ -	\$ 2,768,741	\$ 2,824,116	\$ 2,880,598	\$ 2,938,210	\$ 2,996,974	\$ 3,056,914	\$ 3,118,052	\$ 3,180,413	\$ 3,244,021	\$ 3,308,902	
Commercial/Industrial Income												
Gross Operating Income	\$ -	\$ 175,000	\$ 178,500	\$ 182,070	\$ 185,711	\$ 189,426	\$ 193,214	\$ 197,078	\$ 201,020	\$ 205,040	\$ 209,141	
Less: Vacancy Allowance (enter as a negative number)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Net Rental Income, Commercial/Industrial	\$ -	\$ 175,000	\$ 178,500	\$ 182,070	\$ 185,711	\$ 189,426	\$ 193,214	\$ 197,078	\$ 201,020	\$ 205,040	\$ 209,141	
Other Income												
Parking Income	\$ -	\$ 54,000	\$ 55,080	\$ 56,182	\$ 57,305	\$ 58,451	\$ 59,620	\$ 60,813	\$ 62,029	\$ 63,270	\$ 64,535	
Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Net Income, Other	\$ -	\$ 54,000	\$ 55,080	\$ 56,182	\$ 57,305	\$ 58,451	\$ 59,620	\$ 60,813	\$ 62,029	\$ 63,270	\$ 64,535	
Effective Gross Income (EGI)	\$ -	\$ 2,997,741	\$ 3,057,696	\$ 3,118,850	\$ 3,181,227	\$ 3,244,851	\$ 3,309,748	\$ 3,375,943	\$ 3,443,462	\$ 3,512,331	\$ 3,582,578	
Operating Expenses (enter positive numbers)												
Salaries and Wages	\$ -	\$ 125,000	\$ 127,500	\$ 130,050	\$ 132,651	\$ 135,304	\$ 138,010	\$ 140,770	\$ 143,586	\$ 146,457	\$ 149,387	
Maintenance	\$ -	\$ 120,000	\$ 122,400	\$ 124,848	\$ 127,345	\$ 129,892	\$ 132,490	\$ 135,139	\$ 137,842	\$ 140,599	\$ 143,411	
Deposit to replacement reserve	\$ -	\$ 30,750	\$ 31,365	\$ 31,992	\$ 32,632	\$ 33,285	\$ 33,950	\$ 34,629	\$ 35,322	\$ 36,029	\$ 36,749	
Insurance	\$ -	\$ 80,000	\$ 81,600	\$ 83,232	\$ 84,897	\$ 86,595	\$ 88,326	\$ 90,093	\$ 91,895	\$ 93,733	\$ 95,607	
Other	\$ -	\$ 170,000	\$ 173,400	\$ 176,868	\$ 180,405	\$ 184,013	\$ 187,694	\$ 191,448	\$ 195,277	\$ 199,182	\$ 203,166	
Operating Expenses	\$ -	\$ 525,750	\$ 536,265	\$ 546,990	\$ 557,930	\$ 569,089	\$ 580,470	\$ 592,080	\$ 603,921	\$ 616,000	\$ 628,320	
Pre-Tax Operating Income (Revenue less Operating Expenses)	\$ -	\$ 2,471,991	\$ 2,521,431	\$ 2,571,859	\$ 2,623,296	\$ 2,675,762	\$ 2,729,278	\$ 2,783,863	\$ 2,839,540	\$ 2,896,331	\$ 2,954,258	
Real Property Taxes (assuming PILOT)	\$ -	\$ 100,762	\$ 115,290	\$ 129,818	\$ 129,818	\$ 144,346	\$ 144,346	\$ 158,874	\$ 158,874	\$ 173,402	\$ 187,930	
Net Operating Income (NOI) after Taxes	\$ -	\$ 2,371,229	\$ 2,406,141	\$ 2,442,041	\$ 2,493,478	\$ 2,531,416	\$ 2,584,932	\$ 2,624,989	\$ 2,680,666	\$ 2,722,929	\$ 2,766,328	
Loan or Mortgage (Debt Service)												
Interest Payment	\$ -	\$ 1,833,000	\$ 1,833,000	\$ 1,833,000	\$ 1,813,115	\$ 1,791,938	\$ 1,769,384	\$ 1,745,365	\$ 1,719,784	\$ 1,692,540	\$ 1,663,525	
Principal Payment	\$ -	\$ -	\$ -	\$ 305,918	\$ 325,803	\$ 346,980	\$ 369,534	\$ 393,553	\$ 419,134	\$ 446,378	\$ 475,393	
Debt Service	\$ -	\$ 1,833,000	\$ 1,833,000	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	\$ 2,138,918	
Cash Flow After Financing and Reserve	\$ -	\$ 538,229	\$ 573,141	\$ 303,123	\$ 354,560	\$ 392,498	\$ 446,013	\$ 486,071	\$ 541,748	\$ 584,011	\$ 627,410	
Debt Service Coverage Ratio (DSCR)		1.29	1.31	1.14	1.17	1.18	1.21	1.23	1.25	1.27	1.29	
Equity Dividend Rate		5.79%	6.16%	3.26%	3.81%	4.22%	4.80%	5.23%	5.83%	6.28%	6.75%	

Appendix A: Scope of Services

To assist with its evaluation of the Applicant's request for financial assistance, Camoin was commissioned by the Town of Amherst Industrial Development Agency to conduct the above analyses. The analyses are comprised of four tasks:

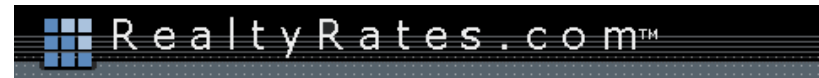
- ♦ *Test Assumptions* by comparing rents, operating costs, and vacancy rates to real estate benchmarks for similar projects and noting any significant differences. Operating performance and net income are also evaluated.
- ♦ *Review the Financing Plan* and perform an objective third-party evaluation of the estimated return on investment (ROI) to the Applicant with and without a PILOT agreement. We also analyze whether the capital structure and terms of the long-term debt are within market benchmarks for obtaining bank financing.
- ♦ *Evaluate the effects of one or more PILOTs* recommended by the Agency and determine whether the PILOT would result in a return that is within what would normally be anticipated in the current market for a similar project.
- ♦ *Provide an objective, third-party opinion* about the need for and reasonableness of the financial assistance.

Sources Consulted

- ♦ Project financing and annual cashflow workbook submitted by the Applicant in July 2025.
- ♦ Real estate tax information and estimates received from the Agency, including anticipated future assessed value of the Project.
- ♦ CoStar
- ♦ RealtyRates.com
- ♦ National Apartment Association 2020 Survey of Operating Income and Expenses in Rental Apartment Communities



CoStar is the leading source of commercial real estate intelligence in the U.S. It provides a full market inventory of properties and spaces—available as well as fully leased—by market and submarket. Details on vacancy, absorption, lease rates, inventory, and other real estate market data are provided, as well as property-specific information including photos and floor plans. More at www.costar.com.



RealtyRates.com™ is a comprehensive resource for real estate investment and development news, trends, analytics, and market research that supports real estate professionals involved with more than 50 income producing and sell-out property types throughout the US. RealtyRates.com™ is the publisher of the award-winning Investor, Developer and Market Surveys, providing data essential to the appraisal, evaluation, disposition and marketing of investment and development real estate nationwide.

APPENDIX B: DEFINITIONS

Equity Dividend Rate: This is calculated as the rate of return on the equity component of a project. It is calculated as follows: (Source: RealtyRates.com)

$$\text{Equity Dividend} / \text{Equity Investment} = \text{Equity Dividend Rate, where Equity Dividend} = \text{Net Operating Income} - \text{Debt Service.}$$

Debt Service Coverage Ratio (DSCR): The ratio of annual debt repayment, including principal and interest, to total Net Operating Income (NOI). (Source: RealtyRates.com)

Net Operating Income (NOI): Income net of all operating costs including vacancy and collection loss but not including debt service. Appraisers also typically expense reserves for repairs and replacements. However, because reserves are not usually reported along with other transaction data, RealtyRates.com tracks lender requirements but does not include them in calculations. (Source: RealtyRates.com)

ABOUT CAMOIN ASSOCIATES

Camoin Associates has provided economic development consulting services to municipalities, economic development agencies, and private enterprises since 1999. Through the services offered, Camoin Associates has had the opportunity to serve EDOs and local and state governments from Maine to California; corporations and organizations that include Lowes Home Improvement, FedEx, Amazon, Volvo (Nova Bus) and the New York Islanders; as well as private developers proposing projects over \$6 billion. Our reputation for detailed, place-specific, and accurate analysis has led to projects in 32 states and garnered attention from national media outlets including Marketplace (NPR), Crain's New York Business, Forbes magazine, The New York Times, and The Wall Street Journal. Additionally, our marketing strategies have helped our clients gain both national and local media coverage for their projects to build public support and leverage additional funding. To learn more about our experience and projects in all of our service lines, please visit our website at www.camoinassociates.com.

THE PROJECT TEAM

Rachel Selsky
CEO

Dawn Hammond
Analyst

RESOLUTION OF THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE CONSTRUCTION AND EQUIPPING OF A MIXED-USE PROJECT AND RELATED IMPROVEMENTS BY 1760 MAPLE ROAD, LLC TO BE LOCATED IN THE TOWN OF AMHERST, NEW YORK, FOR LEASE TO THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AND SUBSEQUENT LEASE OR RECONVEYANCE TO 1760 MAPLE ROAD, LLC, THE EXECUTION OF LEASE AGREEMENTS, MORTGAGE AGREEMENTS, A PILOT AGREEMENT AND THE TAKING OF OTHER ACTIONS.

WHEREAS, the Town of Amherst Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, 1760 Maple Road, LLC, a New York limited liability company, for itself and/or for related individuals or entities (the “Company”), has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition of a leasehold interest in certain property located at 1760 Maple Road in Amherst, New York (SBL No. 56.19-1-5.11) (the “Premises”); (ii) the construction and equipping of a mixed use project including a four-story mixed use building, a four-story multifamily building and two (2) two-story townhome buildings (including an aggregate of one hundred eighteen (118) residential units, twenty percent (20%) of which will be designated for workforce housing) and related site improvements (collectively, the “Improvements”); and (iii) the acquisition and installation therein, thereon, or thereabout of certain machinery, equipment and related personal property (the “Equipment”); and

WHEREAS, the Company submitted an application and other materials and information (collectively, the “Application”) to the Agency to initiate the accomplishment of the above; and

WHEREAS, based on the information set forth in the Application, the Project includes facilities or property which will be primarily used in making retail sales (as defined in Section 862(2) of the New York General Municipal Law) to customers who personally visit such facilities, and the Company has represented in the Application that the retail elements of the Project will constitute less than one-third (1/3) of the total project cost; and

WHEREAS, the Agency may provide financial assistance to projects that include retail elements if the retail elements do not constitute more than one-third (1/3) of the total project cost; and

WHEREAS, the Application sets forth certain information with respect to the Company and the Project, including the following: that the Company desires Agency financing for the construction

of a mixed-use building, a multifamily buildings and two (2) townhome buildings consisting of one hundred eighteen (118) total units that will include a workforce housing component applicable to twenty percent (20%) of units, and related on-site improvements located at 1760 Maple Road in Amherst, New York for commercial purposes, all at a cost of approximately Thirty-Seven Million Five Hundred Thousand and No/100 Dollars (\$37,500,000.00); that the Company anticipates that two (2) new full-time equivalent jobs will be created as a result of the Project at the end of two (2) years of operation thereof; that the Project will result in substantial capital investment; that if Agency financing is disapproved, the Company would likely not proceed with the Project; and that, therefore, Agency financing is necessary to encourage the Company to proceed with the Project; and

WHEREAS, the Company has submitted additional information to the Agency regarding the Project, including the following: that there is a lack of multifamily housing in the Town of Amherst; that the Project will promote and maintain job opportunities, health, general prosperity and economic welfare of residents in the Town of Amherst and improve their standard of living; and that the Project will generate substantially more annual property taxes than current annual taxes for the Premises as a vacant and unused site; and

WHEREAS, in Opinion of the State Comptroller Number 85-51 (“OSC Op. 85-51”), the State Comptroller opined that the determination of whether a project consisting of the construction of an apartment complex constitutes a commercial activity within the meaning of the Act is to be made based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act to promote employment opportunities and prevent economic deterioration; and

WHEREAS, the Agency has reviewed the Application and prepared a written cost-benefit analysis that identifies the extent to which the Project will create permanent, private-sector jobs, the estimated value of any tax exemptions to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the proposed Project in a timely fashion, the extent to which the proposed Project will provide additional sources of revenue for the municipalities and school district and any other public benefits that might occur as a result of the Project; and

WHEREAS, the Company has agreed, at its sole cost and expense, to provide an off-site community benefit in the form of a financial contribution in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) toward the construction of a restroom facility to be located in Westwood Park in the Town of Amherst (the “Community Facility”); and

WHEREAS, the Agency retained Camoin Associates (“Camoin”) to prepare an independent reasonableness assessment to evaluate whether the financial assistance to be provided by the Agency is necessary for the Project to be financially feasible, and Camoin concluded in its written report that a PILOT is required to meet minimum industry benchmarks for expected equity dividend rates; and

WHEREAS, after the giving of all required notices (including published notice), the Agency held a public hearing on the Project on August 7, 2025, and has considered all oral and written presentations made at or in connection with said public hearing; and

WHEREAS, the Agency desires to encourage the Company with respect to the consummation of the Project, if by doing so it is able to induce the Company to proceed with the Project; and

WHEREAS, the Company will complete the Project by obtaining one or more conventional loans of financing from a third party, and the Company has requested that the Agency execute any and all documents required by the parties, including any collateral mortgages on the Project given to secure a loan(s) obtained by the Company to finance the cost of the Project; and

WHEREAS, the Company has completed and submitted to the Agency Part 1 of an Environmental Assessment Form (“EAF”) in accordance with the provisions of the State Environmental Quality Review Act and regulations adopted pursuant thereto (collectively, “SEQRA”); and

WHEREAS, the Agency has completed Part 2 of the EAF and has considered the proposed Project and reviewed the EAF and the criteria set forth in SEQRA in order to determine whether the Project will have a significant effect on the environment and wishes to make the findings required of an agency under SEQRA.

NOW, THEREFORE, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency hereby resolves that the proposed Project will not have a significant impact on the environment for the reasons more particularly set forth in the negative declaration prepared by the Agency and, in accordance with SEQRA, adopts such negative declaration with respect to the Project. A copy of the EAF and negative declaration are attached hereto as Exhibit A.

Section 2. The Project is described in the recitals to this Resolution. The financial assistance to be provided by the Agency in connection with the Project includes: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed Thirty-Seven Million Five Hundred and No/100 Dollars (\$37,500,000.00); (ii) a mortgage recording tax exemption for one or more mortgages in the aggregate principal amount not to exceed Twenty-Eight Million Two Hundred Thousand and No/100 Dollars (\$28,200,000.00); and (iii) a ten (10) year abatement from real property taxes in accordance with the standard payment in lieu of tax schedule (the “Financial Assistance”). The payment in lieu of tax arrangement shall be set forth in a Payment in Lieu of Real Estate Taxes Agreement to be entered into between the Agency and the Company (the “PILOT Agreement”). In addition to any other covenants, obligations and agreements which may be contained in the Project Documents (as hereinafter defined), the provision by the Agency of the Financial Assistance is made subject to the agreement by the Company to comply with the following covenants and agreements, each of which shall constitute a “Material Factor”:

- (a) Investment of no less than Thirty-One Million Eight Hundred Seventy-Five and No/100 Dollars (\$31,875,000.00) at the Project location as noted in the Application;

- (b) Achievement of two (2) full-time equivalent jobs within two (2) years after Project completion and maintenance of those jobs throughout the term of the PILOT Agreement;
- (c) Compliance with the Agency's Local Labor Policy in connection with the construction of the Project;
- (d) Maintaining twenty percent (20%) of the total housing units as workforce housing for a period of twelve (12) years; and
- (e) Community Contribution, with an accompanying written certification from the Town of Amherst that such requirement has been satisfied.

Section 3. The Agency hereby determines that the Project and the financing thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act. The Agency further determines that the Project is consistent with the Countywide Industrial Development Agency Uniform Tax Exemption Policy. The Agency has reviewed OSC Op. 85-51 and specifically finds that the Project is for a commercial purpose within the meaning of the Act and will promote employment opportunities and prevent economic deterioration in the Town of Amherst. The Project is generally consistent with the policies of the Town of Amherst Bicentennial Comprehensive Plan. The construction of the Project will promote employment opportunities by designating twenty percent (20%) percent of the units for workforce housing to attract and retain residents to live within the Town, which will promote economic growth and improve the neighborhood. The Project will create temporary construction jobs and two (2) full-time equivalent jobs, increase the availability of affordable, multifamily housing in the Town of Amherst, and help prevent economic deterioration through the development of a currently vacant and unused site. A portion of the Project is expected to include facilities or property that are primarily used in making retail sales to customers who personally visit such facilities within the meaning of Section 862(2) of the General Municipal Law. However, based on representations of the Company in the Application, such facilities or property constitute less than one-third (1/3) of the total project cost.

Section 4. Reserved.

Section 5. The Agency hereby authorizes the Company, as agent for the Agency, to proceed with the Project as herein authorized. The Agency is hereby authorized to acquire an interest in the Project site and the buildings thereon, if any, and to make renovations or additions thereto. The Company is authorized to proceed with the acquisition and construction of the Project as set forth in the Project Agreement, the Agency Lease Agreement or Installment Sale Contract (as hereinafter defined).

Section 6. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary of the Agency, the CEO/CFO and other appropriate officials of the Agency and its agents and employees, are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and to complete the Project in cooperation with the Company.

Section 7. The Company is authorized, as agent of the Agency, to initiate the construction of the Project, and the acquisition of machinery and equipment which will be a part thereof or will be

used in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. The designation of the Company as agent hereunder is limited to purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total cost of Fifteen Million Two Hundred Thousand and No/100 Dollars (\$15,200,000.00) and shall not apply to any other purchase by the Company or any operating expenses of the Company. The Company shall report to the Agency, at such times as the Agency shall require, or as may otherwise be prescribed by the Commissioner of the New York State Department of Taxation and Finance (the "Commissioner"), the value of all sales and use tax exemptions claimed by the Company or agents of the Company or any operators of the Project, including, but not limited to, consultants or subcontractors of such agents or Project operators under the authority granted pursuant to this Resolution. A failure to report may result in the revocation of the designation of the Company as agent and repayment of any sales and use tax exemptions claimed.

Section 8. The Agency is hereby authorized to enter into a project agreement with respect to the provision of the Financial Assistance authorized herein (the "Project Agreement"), to acquire an interest in the Project site and construct a facility thereon, and execute and deliver a lease by the Company to the Agency (the "Company Lease"), an Agency Lease Agreement (the "Agency Lease Agreement") or Installment Sale Contract (the "Installment Sale Contract") between the Agency and the Company, the PILOT Agreement, and such other documents as may be necessary to fulfill the intent of the parties to the transaction (collectively, the "Project Documents"), in a form satisfactory to Agency counsel. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or any Assistant Secretary are each authorized to execute such documents and to make or approve such amendments or modifications to the Project Agreement, Company Lease, the Agency Lease Agreement, Installment Sale Contract, the PILOT Agreement and such other documents executed and delivered in connection therewith as they deem necessary under the circumstances provided, however, that such modifications do not materially alter the risk to the Agency.

Section 9. The Agency is hereby authorized to execute and deliver to the lender(s) one or more collateral mortgages on the Project given to secure conventional loans to finance the cost of the Project, and such other documents as may be necessary to fulfill the intent of the parties to the transaction in a form satisfactory to Agency counsel provided that the aggregate amount of such mortgages subject to the Agency exemption shall not exceed Twenty-Eight Million Two Hundred Thousand and No/100 Dollars (\$28,200,000.00). The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary are each authorized to execute such collateral mortgages and to make or approve such amendment(s) or modifications to such collateral mortgages and other documents executed and delivered in connection therewith as they may deem necessary under the circumstances, provided, however, that such modifications do not materially alter the risk to the Agency.

Section 10. Any such action heretofore taken by the Company initiating the acquisition, installation and construction of the Project is hereby ratified, confirmed and approved.

Section 11. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any

expenses or damages incurred as a result of action taken by or on behalf of the Agency with respect to the Project and the financing thereof.

Section 12. In the event a lease is not executed between the Company and the Agency by the expiration date of this Resolution (as such date may be extended as provided herein) or the termination of this Resolution, the Company shall then be required to pay all sales taxes which would have been levied in connection with the acquisition, construction and installation of all improvements to the real property and the machinery and equipment which constitute the Project, as if the Agency did not have an interest in the Project from the date the Company commenced its acquisition, construction and installation. In addition, in the event, because of the involvement of the Agency, the Company claims an exemption from state sales or use tax in connection with the Project, and such exemption is claimed with respect to property or services not authorized hereunder, or which exemption is in excess of the amounts authorized hereunder, or is otherwise not permitted under this Resolution, or if the Company shall fail to comply with a material term or condition regarding the use of property or services acquired by the Company as agent for the Agency as set forth in this Resolution or in any document authorized hereunder, then the Company shall be required to remit to the Agency an amount equal to the amount of state sales and use taxes for which such exemption was improperly claimed. A failure to remit such amounts may result in an assessment against the Company by the Commissioner of state sales and use taxes, together with any relevant penalties and interest.

In addition to the foregoing, in the event the Agency determines that Company is in violation of a Material Factor, or in the event that the Company closes the Project or relocates its operations to a location outside of the Town of Amherst within the time period during which the Company is receiving Financial Assistance from the Agency or in the event the Agency determines, in its judgment, that the Company knowingly and intentionally submitted false or intentionally misleading information in its application to the Agency or in any report or certification submitted to the Agency for the purpose of obtaining or maintaining any Financial Assistance from the Agency (each referred to herein as a “Recapture Event”), the Agency may, in accordance with its policies and procedures then in effect, (i) revoke the designation of the Company and any agents of the Company (including, but not limited to, consultants, sub-contractors or equipment lessors of the Company) as agents for the Agency in connection with the Project and terminate the exemption from New York State and local sales and use taxes conferred with respect to the Project and/or (ii) require that the Company, commencing with the tax fiscal year next following such Recapture Event make payments in lieu of taxes on the Project with respect to all applicable taxing authorities in such amounts as would be payable as real estate taxes levied on the Project if the Agency did not have an interest in the Project or otherwise modify the amount or terms of any Financial Assistance being provided by the Agency in connection with the Project and/or (iii) require that the Company pay to the Agency an amount equal to all or a portion (as determined by the Agency in its discretion) of the total value of (x) all sales tax exemptions claimed by the Company and any agents of the Company, including, but not limited to, consultants, sub-contractors, or any equipment lessors of the Company under the authority granted under this Resolution and the Project Agreement, (y) any exemption from mortgage recording tax received by reason of the Agency’s involvement with the Project, and/or (z) any exemption from real property taxes received by reason of the Agency’s leasehold interest in the Project. If the Agency makes any of the foregoing determinations and requires a repayment of all or a portion of the Financial Assistance received by the Company, the Company shall (i) cooperate with the Agency

in its efforts to recover or recapture any or all Financial Assistance obtained by the Company and (ii) promptly pay over any or all such amounts to the Agency that the Agency demands in connection therewith. Upon receipt of such amounts, the Agency shall then redistribute such amounts to the appropriate affected tax jurisdiction(s) unless otherwise agreed to by any affected tax jurisdiction.

Section 13. The Agency has not made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Company's purposes or needs. The Company is satisfied that the Project is suitable and fit for its purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Company hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 14. Should the appropriate officers of the Agency determine, in their absolute discretion, that there is reason to believe that the activities of any past or present owner or operator of the Premises have resulted in the generation of any "hazardous substance" (as the term has been defined from time to time in any applicable federal or state law, rule or regulation), or that any party has stored, disposed or released any such substance on the Premises or within a one (1) mile radius thereof, the Agency shall be under no obligation to enter into a lease as contemplated by this Resolution.

Section 15. No covenant, stipulation, obligation or agreement herein contained or contained in the Project Documents, or other documents, nor the breach thereof, shall constitute or give rise to or impose upon the Agency a pecuniary liability or a charge upon its general credit, nor shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity.

Section 16. Should the Agency's participation in the Project be challenged by any party, in the courts or otherwise, the Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from any such challenge including, but not limited to, the fees and disbursements of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect (except for the obligations in this Section 16), and the Agency shall have no liability to the Company hereunder or otherwise.

Section 17. This Resolution shall take effect immediately and shall continue in full force and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Company pursuant to Sections 11, 12 and 16 of this Resolution which shall survive any expiration or termination) or (b) allow the Company additional time in which to close the

transactions contemplated by this Resolution based upon affirmative actions taken by the Company to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the Company an extension fee in accordance with the Agency's fee schedule.

Section 18. Certain construction work done under contract in connection with financial assistance from the Agency may be subject to the requirements of Section 224-a of the Labor Law of the State, including without limitation the requirement that such construction be subject to the prevailing wage requirements of Sections 220 and 220-b of the Labor Law. In addition, such construction work may be required by Section 224-a of the Labor Law to comply with the objectives and goals of minority and women-owned business enterprises pursuant to Article 15-A of the Executive Law and service-disabled veteran-owned business pursuant to Article 17-B of the Executive Law. The Company acknowledges receipt of notice pursuant to Section 224-a(8)(d) of the Labor Law that the sales and use tax exemption benefit amount referred to in Section 8.5(d) and real property tax benefit amount referred to herein are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. The Company represents and warrants that it understands the requirements of Section 224-a of the Labor Law and the applicability of such requirements to the Project and shall comply therewith.

Section 19. This Resolution is subject to the Company's receipt of all necessary municipal approvals in connection with the Project and compliance with all local building and zoning requirements.

ADOPTED: August 15, 2025

ACCEPTED AND AGREED TO: [____, 2025]

1760 MAPLE ROAD, LLC

By: _____

Name:

Title:

EXHIBIT A

EAF AND NEGATIVE DECLARATION

See attached.

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>i.</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 <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> 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):

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):

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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
<i>i.</i> Total number of structures _____ [one mixed-use building that includes 7,000 sq. ft. 1st floor commercial space] <i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length <i>iii.</i> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
<i>i.</i> Purpose of the impoundment: _____ <i>ii.</i> If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ <i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____ <i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres <i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length <i>vi.</i> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
<i>i.</i> What is the purpose of the excavation or dredging? _____ <i>ii.</i> How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? <div style="margin-left: 20px;"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ </div> <i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ <i>iv.</i> Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ <i>v.</i> What is the total area to be dredged or excavated? _____ acres <i>vi.</i> What is the maximum area to be worked at any one time? _____ acres <i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet <i>viii.</i> Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>ix.</i> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
<i>i.</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: _____

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"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<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>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</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? _____</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>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> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<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? _____</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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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 _____. 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? Yes <input type="checkbox"/> No <input type="checkbox"/></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 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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)? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <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"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

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

E.1. Land uses on and surrounding the project site			
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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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: <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. [Note: There are not any wetlands located on the Project Site. The majority of the Project Site has previously been disturbed.] iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

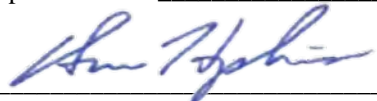
Attach any additional information which may be needed to clarify your project.

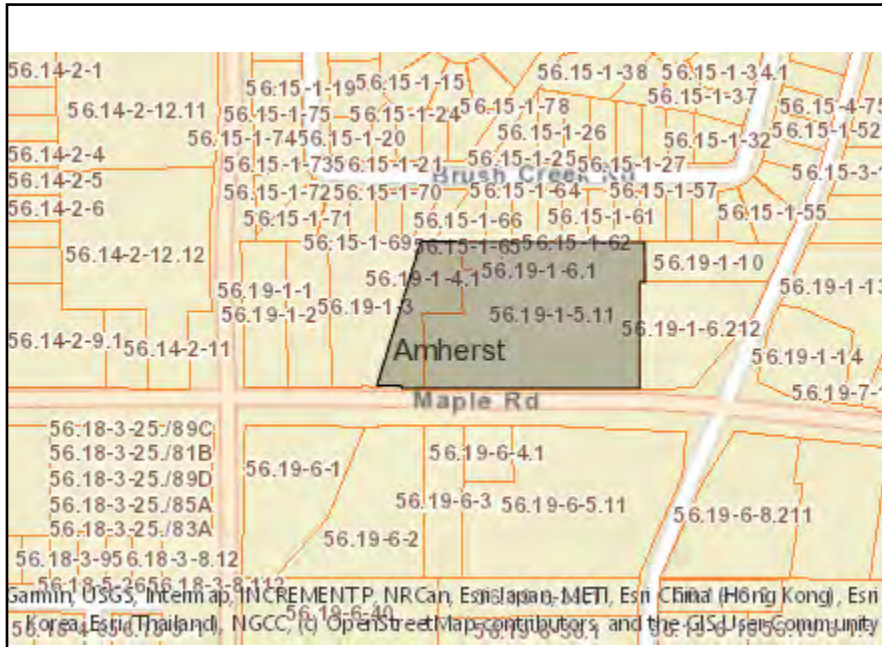
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

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.



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



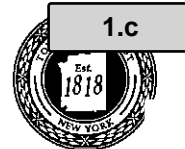
B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal 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



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Director

Daniel J. Ulatowski,
Assistant Planning Director

**SEQR
Negative Declaration**

OCT26'23 4:10:17 PM

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

Attachment: SP-2023-06 signed neg dec 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

REASONS SUPPORTING THIS DETERMINATION

OCT25/23 11:10:17 ROWD

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.

Attachment: SP-2023-06 signed neg dec 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

OPTIONAL - 10-19-23 (11)

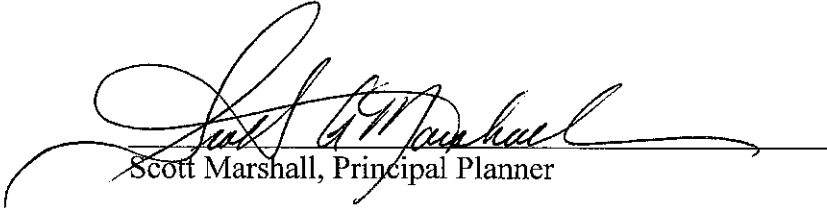
6. The proposed subject development includes two four-story mixed use buildings totaling 139,680± and 107 apartment units, and 11 townhomes which will not cause a major change in the use of either the quantity or type of energy.
7. The project will not create any hazard to human health. The Fire Chief's 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.

Attachment: SP-2023-06 signed neg dec 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

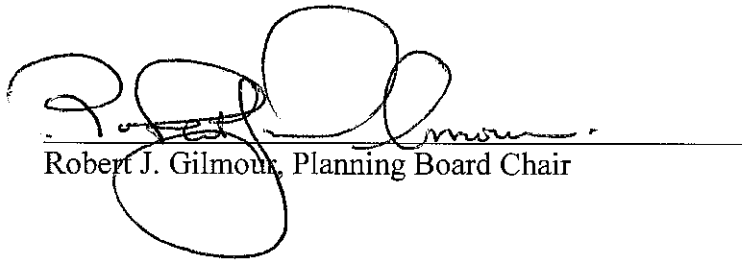
Negative Declaration, SP-2023-06
 October 19, 2023
 Page 4

SP-2023-06 - 10/19/2023

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

Attachment: SP-2023-06 signed neg dec 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

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.

Attachment: SP-2023-06 signed resolution 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

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.

Attachment: SP-2023-06 signed resolution 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

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

07/25/2023

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

Attachment: SP-2023-06 signed resolution 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)

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

10/18/2023

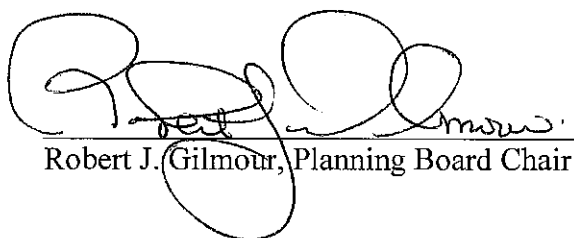
PETITIONER

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

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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

Attachment: SP-2023-06 signed resolution 101923 (27916 : SP-2023-06 - 1720, 1740, 1760 Maple Road)