

**DECLARATION OF RESTRICTIONS**  
**(05/23/08)**

**WHEREAS**, the undersigned Buffalo-Maple Road LLC and Buffalo-Anderson Associates, LLC (hereinafter referred to as “Petitioners”) are the owners of two parcels of land commonly known as 218 Maple Road and 330 Maple Road, respectively, located in the Town of Amherst, County of Erie and State of New York and more particularly described in **Schedule “A”** attached hereto (the “Property”); and

**WHEREAS**, Petitioners by their agent Benderson Development Company, LLC, applied to the Town of Amherst, New York Town Board for rezoning of the Property; and

**WHEREAS**, on the \_\_\_ day of \_\_\_, 2008, the said Amherst Town Board approved the requested rezonings from CF to GB, and R-3 to MFR-6 on the condition Petitioners, their successors and assigns, agree to restrict the Property as follows:

1. The creation of a 4.5 acre conservation project area, fronting Maple Road on property described on **Schedule “B”**.
2. The Brownfield Cleanup Program will be instituted in a manner that results in the project site being cleaned to New York State Department of Environmental Conservation residential standards
3. No single retail user shall be greater than 50,000 square feet in size.
4. A maximum building height limitation of 50 feet for any structure.
5. No freestanding drive-thru fast food restaurants.
6. No freestanding drive-thru pharmacies.
7. Petitioners, their successors and assigns agreed to be bound by all provisions of the Adult Use Code of the Town of Amherst as currently adopted or as amended or modified in the future. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

**NOW THEREFORE**, Petitioners agree to abide by the above enumerated restrictions. The above restrictions shall be binding on the Petitioners, their successors and assigns and all parties claiming thereunder and shall run with the land and the above described restrictions can only be changed, modified or eliminated by a vote of the Town of Amherst Town Board. In the event, however, the Town of Amherst Town Board has subsequently passed the appropriate legislation requiring a vote of greater than a majority vote to change zoning restrictions, Petitioners, their successors and assigns and all parties claiming thereunder shall be bound by said greater than majority vote requirement.

