



**Block, Longo, LaMarca
& Brzezinski, P.C.**

ATTORNEYS | SINCE 1933

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TRACY A. MURRAY, PARALEGAL
ERIKA L. HOLLIS, PARALEGAL

September 25, 2023

Via Hand Delivery and Electronic Mail

dhoward@amherst.ny.us & dulatowski@amherst.ny.us

Town of Amherst
Town Board
c/o Planning Department, Dan Howard
5583 Main Street
Williamsville, NY 14221

**Re: 2360-2370 Wehrle Drive - *ARISTA I, LLC*
 *Bicentennial Comprehensive Plan Amendment***

Dear Supervisor Kulpa and Honorable Members of the Town Board:

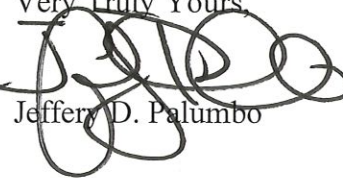
Block, Longo, LaMarca & Brzezinski, P.C. represent Arista I, LLC. ("Petitioner") in connection with the above-referenced parcel. Petitioner is seeking a rezoning of the property for the development of a series of commercial warehouse type buildings. Currently, the property is zoned OB and the request is to rezone it to RD.

The property measures 22.78 acres in size. As a first step in the rezoning process, Petitioner respectfully requests an amendment to Figure 6 of the Comprehensive Plan to classify the property as Industrial-Office.

Enclosed please find the following:

1. Town Comprehensive Plan Amendment Application Form
2. Comprehensive Plan Amendment Analysis
3. Preliminary Site Plan
4. Map Graphic depicting requested Comprehensive Plan change
5. Survey and Legal Description of the Property
6. Environmental Assessment Form
7. Owner Authorization

We look forward to discussing this amendment request and Development with the Town. If we can provide anything additional or answer any questions, please do not hesitate to reach out. Thank you for your consideration.

Very Truly Yours,

Jeffery D. Palumbo

JPD:elh
cc: Robert Nuchereno
Dan Ulatowski

**Town Comprehensive Plan Amendment
Application Form**



TOWN OF AMHERST PLANNING DEPARTMENT
Request for Bicentennial Comprehensive Plan Amendment

For Official Use

File #: _____ Acreage _____ Fee \$ _____

Address Verified by
Assessor's Office _____
VERIFIED BY DATE

Application Received
by Planning Department _____
ACCEPTED BY DATE

Materials & Fee Paid to Town Clerk _____
ACCEPTED BY DATE

Fill In
Applicable Fees

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

Fee schedule subject to change by future Town Board action

TOTAL FEE: \$ _____

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: Arista I, LLC

Address: 1330 Niagara Falls Boulevard

Tonawanda NY 14150
City State Zip Code\

Phone: (716)867-0700 Fax _____

Email: robertnuch@gmail.com

Owner of Land (if different than above):

Name: Same.

Address: _____

_____ City State Zip Code

Phone: _____ Fax _____

E Mail: _____

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

Name: Jeffrey D. Palumbo

Address: 9276 Main Street

Clarence NY 14031
City State Zip Code

Phone: (716) 308-7211 Fax _____

E Mail: jpalumbo@blockandlongo.com

Petitioner's interest in property

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

The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

N/A

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

2360-2370 Wehrle Drive

SBL #(s): 81.02-2-12.1

INFORMATION ON REQUEST

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

Section(s) #/page(s): N/A

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

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

FROM:

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

***Additional Designations in Figure 6-A:**

- Suburban Center
- Suburban Corridor
- Traditional Areas

TO:

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

***Additional Designations in Figure 6A:**

- Suburban Center
- Suburban Corridor
- Traditional Areas

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

Figure # or Name: Figure 6 Conceptual Land Use Plan

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

A. Description of any prospective action:

B. Rationale for request of amendment:

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

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

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

SECTION 809 CERTIFICATION


The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.



Signature of Petitioner

Subscribed and sworn to before me this 25th day of September, 2023

Notary Public, Erie County, New York 

TRACY A. MURRAY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MU5077295
Qualified in Genesee County
Commission Expires May 5, 2024

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
 - (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.



Town of Amherst
Application & Review Procedure
Bicentennial Comprehensive
Plan Amendment

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

APPLICATIONS WILL NOT BE TRANSMITTED WITHOUT THIS ELECTRONIC INFORMATION.

THIS ALSO APPLIES TO REVISED MATERIALS THAT ARE SUBMITTED.

This application package includes the following:

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

- INSTRUCTIONS -

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

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

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

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

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

APPLICATION PROCEDURES

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

PLANNING BOARD PROCEDURES

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

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

TOWN BOARD PROCEDURES

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

Comprehensive Plan Amendment Analysis

Comprehensive Plan Amendment Analysis 2360-2370 Wehrle Drive

As set forth in the Town of Amherst Bicentennial Comprehensive Plan (“Plan”) amendment application form, Petitioner must provide information on the prospective action in relation to the plan. The application form questions are outlined below in bold with Petitioner’s response noted.

A. Description of Prospective Actions:

Petitioner’s Response: The Town of Amherst has identified a need for industrial/warehouse type of development as there exists virtually no research development land (RD) available in the town. As there exists a glut of office buildings with high vacancy rates, Petitioner has set forth a request to rezone the property from Office Building (OB) and Residential 3 (R3) to RD. A preliminary Site Plan from DiDonato Engineering showing 7 buildings totaling 310,000 square feet is attached.

B. Rationale for Request of Amendment:

1. How will the requested amendment be consistent with Section 2.2 (Vision Statement)

Petitioner’s Response: Section 3.32 of the Comprehensive Plan references the nearby Wehrle Industrial Park as exhibiting “desirable site characteristics necessary for location of industrial uses.” As the infrastructure for the proposed site is readily available, this infill proposal is in compliance and harmony with the plan vision.

2. How will the requested amendment be consistent with Section 2.3 (Key Initiatives)

Petitioner’s Response: The existing buildings on George Karl and Wehrle are prime examples of the aesthetic/community character envisioned in the plan. The proposed buildings will further exhibit similar design and character in the type of buildings ultimately constructed. As presently proposed, of the 22.83 acres involved, approximately 9.98 will constitute green space.

As far as the Education Initiative, Section 2.3 references “research-based technology” as an area of “potential focus.”

In terms of Revitalization, sections 3-9 speaks to “Rezoning and/or provide incentives for reuse of underutilized obsolescent land for economically viable uses.” Given the high vacancy rate for offices and over abundance of office land, a rezone to RD complies fully with the stated vision.

How is the requested amendment aligned with the defined policies in sections:

1. 3.0. Land Use and Development?

Petitioner’s Response: According to Section 3.1, only 7.4% of the Town land is used as commercial, office or industrial land. The trend recently has been the need for, and the development of, warehouse and other research and design space.

2. 4.0 Natural and Cultural Resources:

Petitioner's Response: Concerns as expressed in Section 4.0 include the loss of wetlands, protections of woodlands and attention to soils and drainage. As this site has been partially developed with offices, these considerations have already been addressed.

3. 5.0 Economic Development:

Petitioner's Response: Section 5.1 importantly, and significantly pointed out correctly that the Town's industrial sector would now grow "more modestly" than the office employment sectors. As a result, office parks are oversaturated and industrial space is scarce. Section 5.1 further points out that the Town's existing inventory of industrial space must be kept up to date, including "construction of new space that allows flexibility for tenants."

4. 6.0 Transportation:

Petitioner's Response: Issues such as levels of safety of nearby intersections have been evaluated as part of the initial zoning of the property to office use. It is not anticipated that traffic counts and levels of service will vary significantly as a result of a change to research and development.

5. 7.0 Infrastructure:

Petitioner's Response: The proposed amendment will not stress existing storm sewer or waste water service. The Properties are within the Town of Amherst Consolidated Sanitary Sewer District, so the development will not be on septic. Capacity exists for the anticipated sewage increase. Additionally, other utilities such as water, electric and gas are available on site.

6. 8.0 Housing and Neighborhoods:

Petitioner's Response: Section 8.8 of the Plan states, business centers are of major importance to the health of Amherst's neighborhoods. It is extremely important for the business areas to be kept up in appearance as not to detract from nearby neighborhoods. Here, the major investment into the development of a technology center only adds to the value of nearby developments.

7. 9.0 Community Facilities & Services:

Petitioner's Response: The proposed warehouses and related businesses are very close to the Transit and Main Street Corridors. This will provide employees with ample opportunities to visit local shops, theaters, restaurants, and other businesses in the area, creating tax revenue to the Town.

Preliminary Site Plan

**PRELIMINARY
CONCEPT
NOT FOR
CONSTRUCTION**

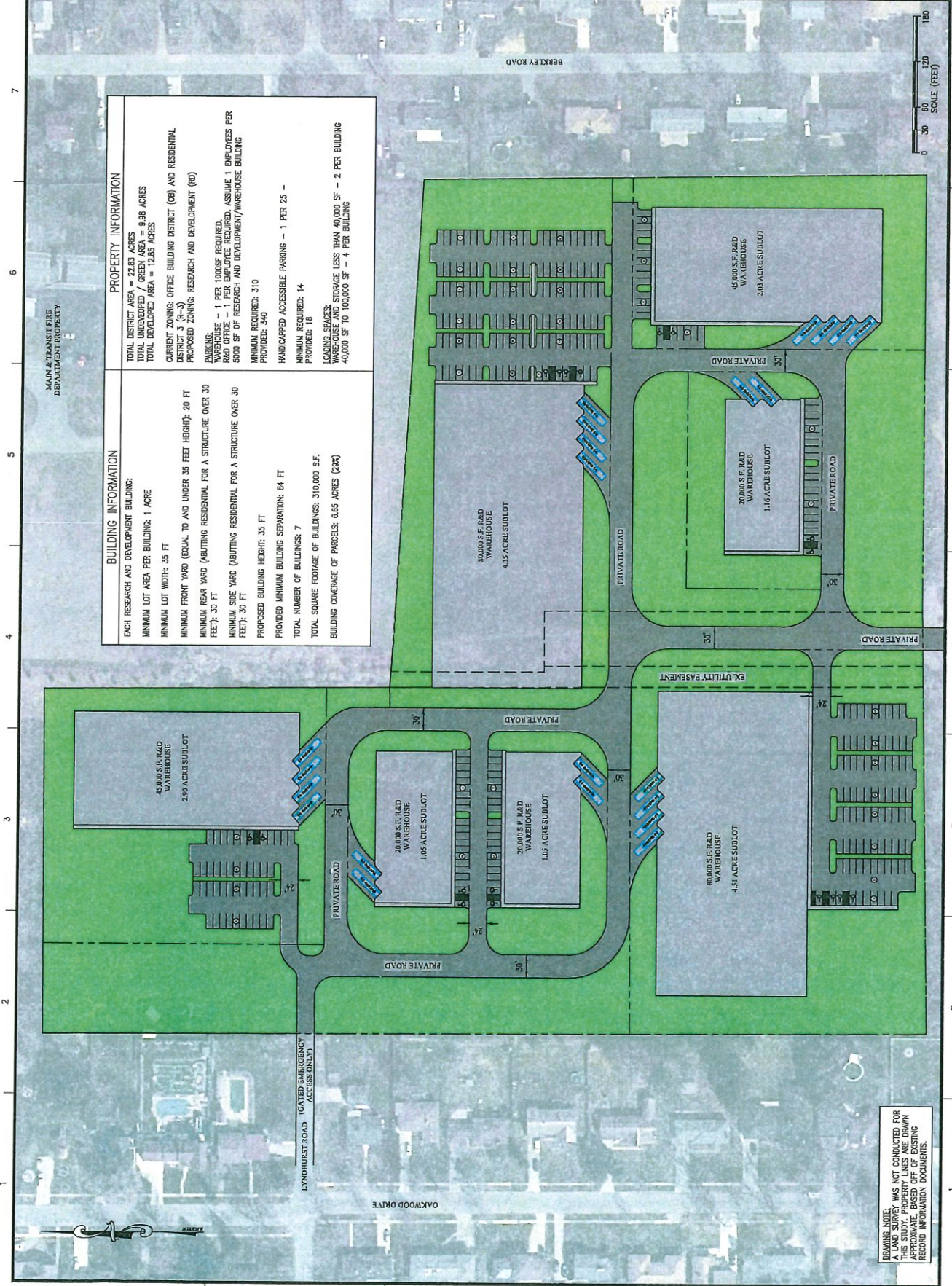
ARISTA DEVELOPMENT
GEORGE KARL
BOULEVARD
RESEARCH AND
DEVELOPMENT
WAREHOUSE COMPLEX

MARK	DATE	DESCRIPTION
1		PRELIMINARY CONCEPT PLAN
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SHEET TITLE
**PRELIMINARY
CONCEPT PLAN
FOR RESEARCH AND
DEVELOPMENT WAREHOUSE
COMPLEX**

DRAWING#
C-101

SHEET
01 OF 01



BUILDING INFORMATION	PROPERTY INFORMATION
<p>EACH RESEARCH AND DEVELOPMENT BUILDING:</p> <p>MINIMUM LOT AREA PER BUILDING: 1 ACRE</p> <p>MINIMUM LOT WIDTH: 35 FT</p> <p>MINIMUM FRONT YARD (EQUAL TO AND UNDER 35 FEET HEIGHT): 20 FT</p> <p>MINIMUM REAR YARD (ABUTTING RESIDENTIAL FOR A STRUCTURE OVER 30 FEET): 30 FT</p> <p>MINIMUM SIDE YARD (ABUTTING RESIDENTIAL FOR A STRUCTURE OVER 30 FEET): 30 FT</p> <p>PROPOSED BUILDING HEIGHT: 35 FT</p> <p>PROVIDED MINIMUM BUILDING SEPARATION: 84 FT</p> <p>TOTAL NUMBER OF BUILDINGS: 7</p> <p>TOTAL SQUARE FOOTAGE OF BUILDINGS: 310,000 S.F.</p> <p>BUILDING COVERAGE OF PARCELS: 6.65 ACRES (20%)</p>	<p>TOTAL DISTRICT AREA = 22.83 ACRES</p> <p>TOTAL UNDEVELOPED / GREEN AREA = 9.98 ACRES</p> <p>TOTAL DEVELOPED AREA = 12.85 ACRES</p> <p>CURRENT ZONING: OFFICE BUILDING DISTRICT (OB) AND RESIDENTIAL DISTRICT 3 (R-3)</p> <p>PROPOSED ZONING: RESEARCH AND DEVELOPMENT (RD)</p> <p>PARKING:</p> <p>WAREHOUSE - 1 PER 1000SF REQUIRED. ASSUME 1 EMPLOYEE PER 5000 SF OF RESEARCH AND DEVELOPMENT/WAREHOUSE BUILDING</p> <p>MINIMUM REQUIRED: 310</p> <p>PROVIDED: 340</p> <p>HANDICAPPED ACCESSIBLE PARKING - 1 PER 25 -</p> <p>MINIMUM REQUIRED: 14</p> <p>PROVIDED: 18</p> <p>LOADING DOCKS:</p> <p>WAREHOUSE - STORAGE LESS THAN 40,000 SF - 2 PER BUILDING</p> <p>40,000 SF TO 100,000 SF - 4 PER BUILDING</p>

DRAWING NOTE:
THIS STUDY WAS NOT CONDUCTED FOR
THIS STUDY. PROPERTY LINES ARE DRAWN
APPROXIMATE, BASED OFF OF EXISTING
RECORD INFORMATION DOCUMENTS.

NOTE: UNIMPROVED AIRBORNE PHOTOGRA-
 PHY USED IN THIS DRAWING IS IN ACCORDANCE WITH
 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**PRELIMINARY
 CONCEPT
 NOT FOR
 CONSTRUCTION**

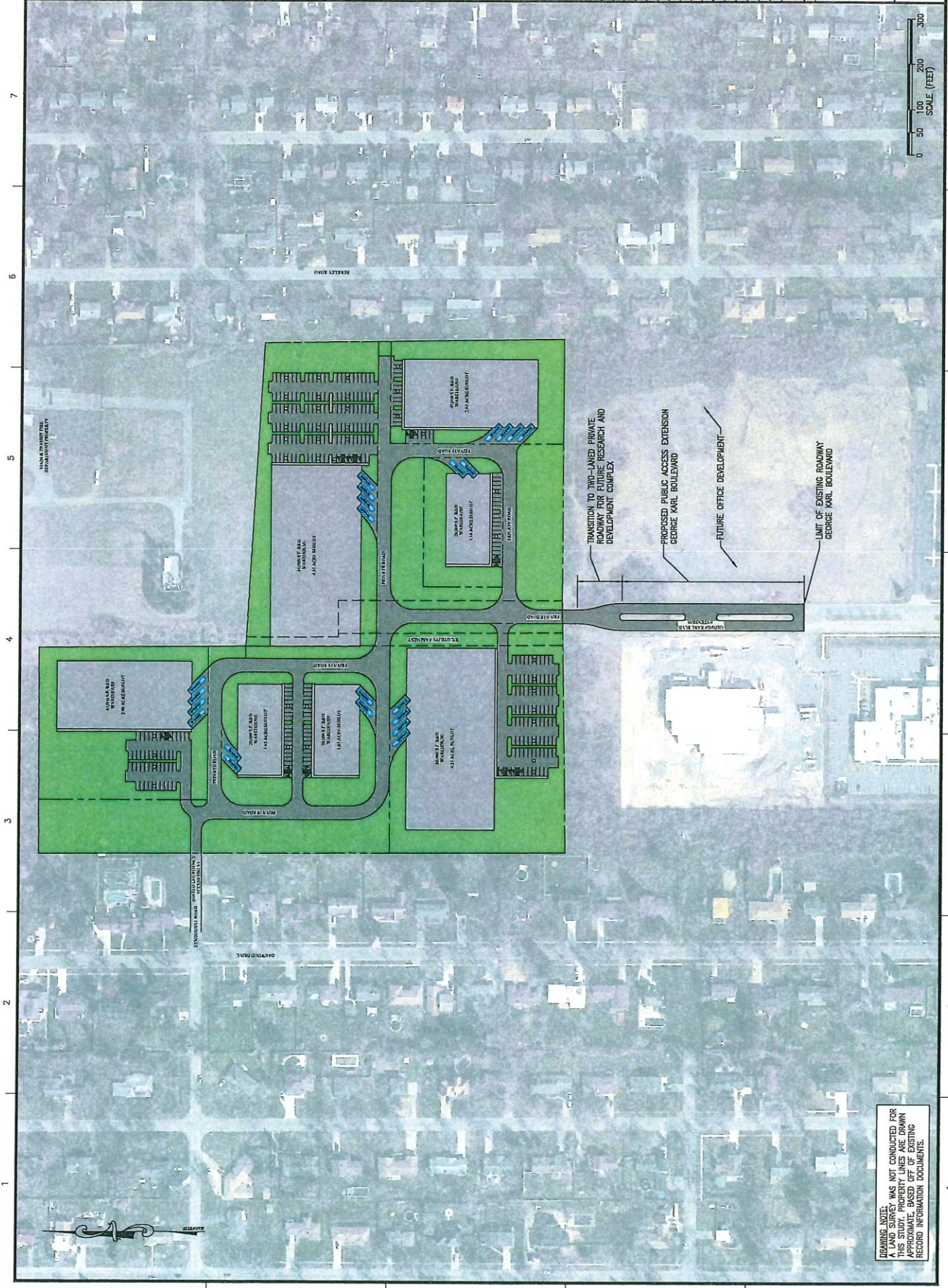
ARISTA DEVELOPMENT
 GEORGE KARL
 BOULEVARD
 RESEARCH AND
 DEVELOPMENT
 WAREHOUSE COMPLEX

MARK	DATE	DESCRIPTION
		PRELIMINARY CONCEPT PLAN
		ISSUE
		DESIGNER PROJECT NO:
		2023PCP-0103
		DATE OF ISSUE:
		MAY 2023
		SCALE:
		1" = 100'
		COPYRIGHT:

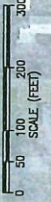
GEORGE KARL
 BOULEVARD
 EXTENSION

C-102

DRAWING SHEET
 01 OF 01

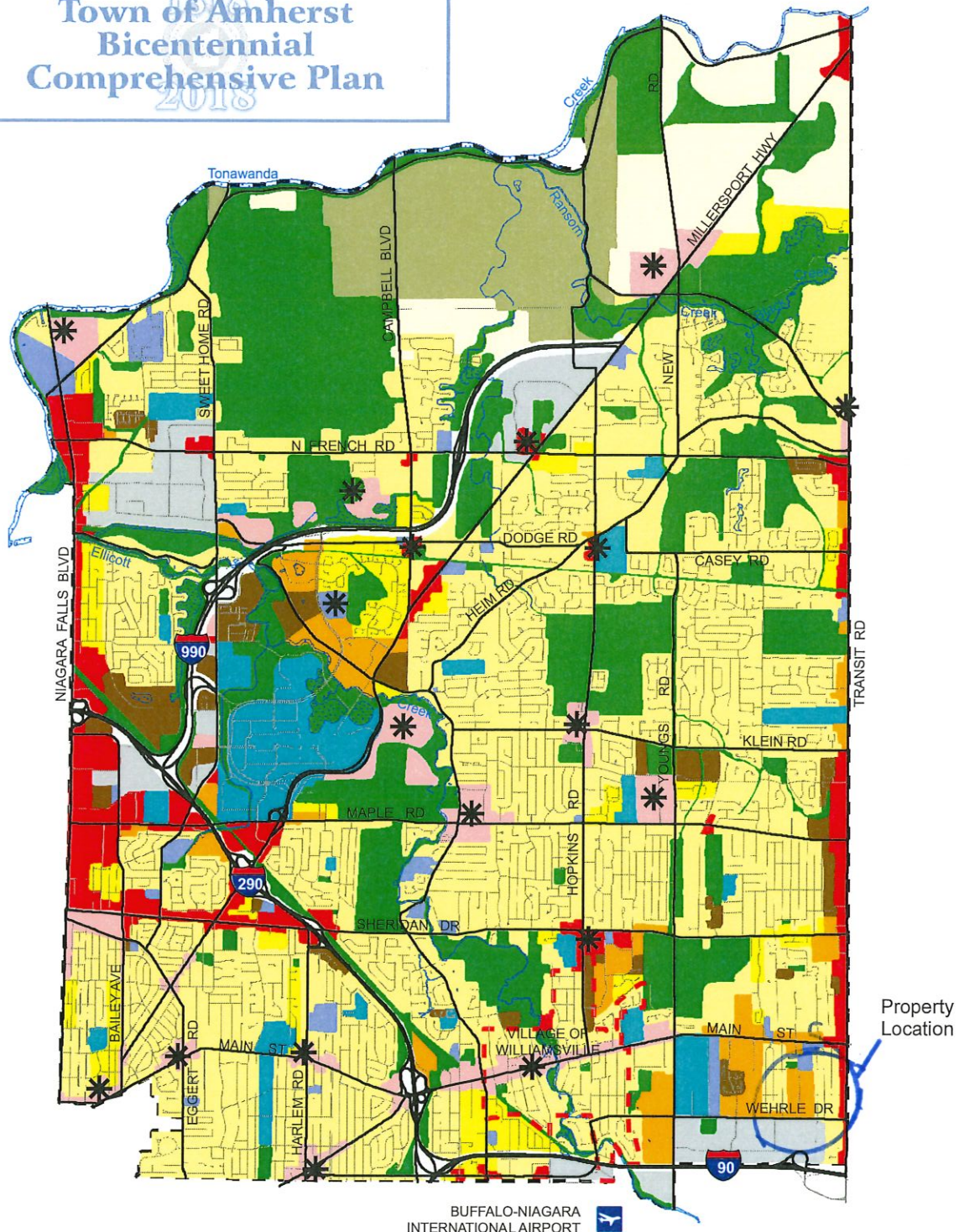


DRAWING NOTES:
 1. THIS DRAWING WAS NOT CONDUCTED FOR
 THIS STUDY. PROPERTY LINES ARE DRAWN
 APPROXIMATE, BASED OFF OF EXISTING
 RECORD INFORMATION DOCUMENTS.



**Map Graphic
depicting requested Comprehensive Plan Change**

Town of Amherst Bicentennial Comprehensive Plan 1818 2018



Requested Classification

CONCEPTUAL LAND USE PLAN

<ul style="list-style-type: none"> Rural Residential Single Family Residential Mixed Residential Medium Residential Commercial - Retail 	<ul style="list-style-type: none"> Commercial - Office Industrial - Office Mixed Use Community Facilities Educational Campus 	<ul style="list-style-type: none"> Recreation, Open Space & Greenways Agriculture Transportation Surface Water
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- Mixed Use / Activity Centers
- Municipal Boundary
- Village of Williamsville Boundary

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: March, 2009

N

0 0.25 0.5 0.75 1 1.25
Miles

FIGURE 6

Survey and Legal Description

(Suggested Description)

East Parcel
13.522[±] Acres

Job No. 8858-1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, and being part of Lot 104, Township 12, Range 7 of the Holland Land Company Survey (so-called), bounded and described as follows:

COMMENCING AT A POINT on the north line of Wehrle Drive at the northeast corner of Parcel No. 120A as shown on Map No. Sk 374-117 of lands conveyed to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 11136 of Deeds at Page 6650; said point being also on the east line of Lot 104;

RUNNING THENCE: N-89°-08'-00"-W, along the north line of Wehrle Drive as now laid out, a distance of 50.02 feet to a point;

RUNNING THENCE: N-01°-07'-53"-W, a distance of 522.68 feet to a point on the north line of lands conveyed to Union Building Corp. by deed recorded in the Erie County Clerk's Office in Liber 11005 of Deeds at Page 6405;

RUNNING THENCE: S-89°-30'-58"-W, along the north line of said Union Building Corp. lands, a distance of 538.79 feet to a point on the east line of George Karl Boulevard;

RUNNING THENCE: N-00°-29'-02"-W, along the east line of George Karl Boulevard and its extension northerly, a distance of 475.63 feet to the Point or Place of Beginning of the parcel herein described;

CONTINUING THENCE: N-00°-29'-02"-W, along the northerly extension of the east line of George Karl Boulevard, a distance of 807.23 feet to a point;

RUNNING THENCE: S-89°-30'-58", a distance of 81.00 feet to a point;

RUNNING THENCE: N-00°-29'-02"-W, a distance of 206.49 feet to a point on the south line of lands conveyed to Main Transit Volunteer Fire Company, Inc. by deed recorded in the Erie County Clerk's Office in Liber 8926 of Deeds at Page 402;

RUNNING THENCE: S-86°-54'-51"-E, along the south line of said Main Transit Volunteer Fire Company, Inc. lands and its extension westerly and along the south line of lands conveyed to Main Transit Volunteer Fire Company, Inc. by deed recorded in the Erie County Clerk's Office in Liber 8067 of Deeds at Page 361, a distance of 654.70 feet to a point on the east line of Lot 104;

RUNNING THENCE: S-01°-07'-53"-E, along the east line of Lot 104, a distance of 973.01 feet to a point;

RUNNING THENCE: S-89°-30'-58"-W, a distance of 583.41 feet to the POINT OR PLACE OF BEGINNING, containing 13.522 Acres, be the same, more or less.

SUBJECT to easements, rights of way and restrictions of record.

(suggested description)

East Parcel 13.522 Acres

Page 2

BEING AND INTENDED TO BE a portion of lands conveyed to Arista I, LLC by deed recorded in the Erie County Clerk's Office in Liber 11112 of Deeds at Page 5762.

8858-1 east parcel 13.522 acres.wpd

(Suggested Description)

West Parcel
12.153± Acres

Job No. 8858-1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, and being part of Lot 104, Township 12, Range 7 of the Holland Land Company Survey (so-called), bounded and described as follows:

COMMENCING AT A POINT on the west line George Karl Boulevard at the northeast corner of Parcel No. 120 as shown on Map No. SK 374-117 of lands conveyed to County of Erie, New York for Wehrle Drive, C.R. 290 by deed recorded in the Erie County Clerk's Office in Liber 11136 of Deeds at Page 6650;

RUNNING THENCE: The following three (3) courses and distances along the north line of Wehrle Drive as now laid out;

1. N-89°-08'-00"-W, a distance of 22.26 feet to a point;
2. S-00°-52'-00"-W, a distance of 16.40 feet to a point;
3. N-89°-08'-00"-W, a distance of 387.38 feet to a point;

RUNNING THENCE: N-00°-25'-36"-W, parallel with the east line of Oakwood Heights Subdivision as filed in the Erie County Clerk's Office under Map Cover No. 1276 and 70.0 feet easterly therefrom as measured at right angles thereto, a distance of 140.26 feet to a point;

RUNNING THENCE: N-89°-06'-01"-W, a distance of 70.0 feet to a point on the east line of said Oakwood Heights Subdivision;

RUNNING THENCE: N-00°-25'-36"-W, along the east line of said Oakwood Heights Subdivision, a distance of 1141.96 feet to THE Point or Place of Beginning of the parcel herein described;

CONTINUING THENCE: N-00°-25'-36"-W, along the east line of said Oakwood Heights Subdivision, a distance of 918.73 feet to a point;

RUNNING THENCE: N-89°-34'-24"-E, parallel with Lyndhurst Road, a distance of 50.00 feet to a point;

RUNNING THENCE: N-00°-25'-36"-W, parallel with Oakwood Drive, a distance of 100.00 feet to a point;

RUNNING THENCE: S-89°-34'-24"-W, parallel with Lyndhurst Drive, a distance of 50.00 feet to a point on the east line of said Oakwood Heights Subdivision;

RUNNING THENCE: N-00°-25'-36"-W, along the east line of said Oakwood Heights Subdivision, a distance of 148.90 feet to a point;

RUNNING THENCE: N-89°-31'-31"-E, a distance of 456.83 feet to a point;

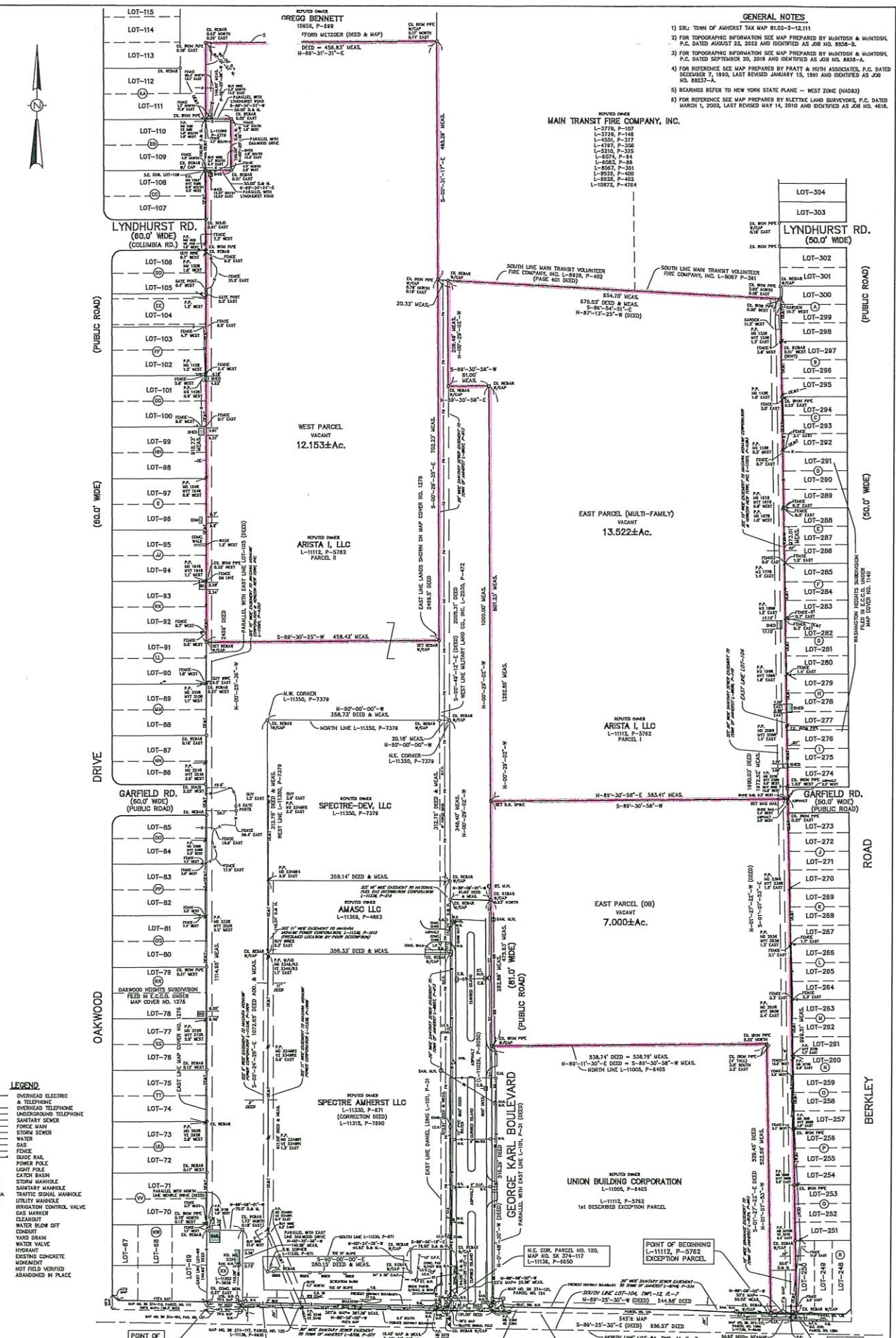
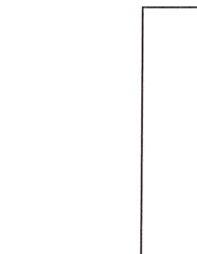
RUNNING THENCE: S-00°-31'-17"-E, a distance of 465.26 feet to a point on the south line of lands conveyed to Main Transit Volunteer Fire Company, Inc. by deed recorded in the Erie County Clerk's Office in Liber 8926 of Deeds at Page 402;

RUNNING THENCE: S-00°-29'-35"-E, a distance of 702.23 feet to a point;

RUNNING THENCE: S-89°-30'-25"-W, a distance of 458.42 feet to the POINT OR PLACE OF BEGINNING, containing 12.153 Acres, be the same, more or less.

SUBJECT to easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE a portion of lands conveyed to Arista I, LLC by deed recorded in the Erie County Clerk's Office in Liber 11112 of Deeds at Page 5762.



GENERAL NOTES

- 1) SRC TOWN OF AMHERST TAX MAP 81.02-2-12.111
- 2) FOR TOPOGRAPHIC INFORMATION SEE MAP PREPARED BY MONTOSH & MONTOSH, P.C. DATED AUGUST 22, 2022 AND IDENTIFIED AS JOB NO. 8858-A.
- 3) FOR TOPOGRAPHIC INFORMATION SEE MAP PREPARED BY MONTOSH & MONTOSH, P.C. DATED SEPTEMBER 20, 2018 AND IDENTIFIED AS JOB NO. 8438-A.
- 4) FOR REFERENCE SEE MAP PREPARED BY FRANK & HEATH ASSOCIATES, P.C. DATED DECEMBER 7, 1990, LAST REVISED JANUARY 13, 1991 AND IDENTIFIED AS JOB NO. 8823-A.
- 5) BEARINGS REFER TO NEW YORK STATE PLANE - WEST ZONE (NAD83)
- 6) FOR REFERENCE SEE MAP PREPARED BY KLETTEK LAND SURVEYORS, P.C. DATED MARCH 1, 2002, LAST REVISED MAY 14, 2010 AND IDENTIFIED AS JOB NO. 4618.

- LEGEND**
- HEAT
 - OVERHEAD ELECTRIC & TELEPHONE
 - OVERHEAD TELEPHONE UNDERGROUND TELEPHONE
 - SANITARY SEWER
 - FORCE MAIN
 - STORM SEWER
 - WATER
 - GAS
 - FENCE
 - DRIVE
 - DRAIN
 - CATCH BASIN
 - STORM MANHOLE
 - SANITARY MANHOLE
 - TRAFFIC SIGNAL MANHOLE
 - UTILITY MANHOLE
 - VALVE
 - WATER CONTROL VALVE
 - CLEANOUT
 - WATER BLOW OFF CONDUIT
 - YARD DRAIN
 - WATER VALVE
 - HYDRANT
 - DISTING CONCRETE
 - SIGNMENT
 - NOT FIELD VERIFIED
 - ABANDONED IN PLACE

POINT OF BEGINNING
L-11112, P-5782
PARCEL II

POINT OF BEGINNING
L-11112, P-5782
PARCEL I

GRAPHIC SCALE
1 inch = 80 feet

LANDS ACQUIRED BY COUNTY OF ERIE, NEW YORK FOR WEHRLE DRIVE, C.R. 290

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NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN INSPECTION OF THE LAND AND IS BASED ON THE BEST OF THE INFORMATION AVAILABLE TO THE SURVEYOR AT THE TIME OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE RESULTS THEREOF.

REVISION	DATE	BY	DESCRIPTION

Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
2360-2370 Wehrle Drive				
Name of Action or Project:				
Project Location (describe, and attach a location map): 2360-2370 - Wehrle Drive - George Karl Blvd.				
Brief Description of Proposed Action: Rezoning from office building (OB) to research development.				
Name of Applicant or Sponsor: Arista I, LLC		Telephone: (716) 867-0700		
		E-Mail: robertnuch@gmail.com		
Address: 1330 Niagara Falls Blvd.				
City/PO: Tonawanda		State: NY	Zip Code: 14150	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Board Approval of rezoning Planning Board - Site Plan			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 33 +/- acres		
b. Total acreage to be physically disturbed?		_____ 26 +/- acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 7 +/- acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. 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? b. 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater detention and existing storm sewers _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
Stormwater detention _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p style="text-align: center;">I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Jeffery D. Palumbo - As Attorney</u> Date: <u>09/25/2023</u></p> <p>Signature: <u></u> Title: <u>Attorney</u></p>		

Town Environmental Assessment Form Addendum

TOWN OF AMHERST
 State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305*):

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Wassaic Silt Loam	Severe	Moderate	Severe	Moderate	Moderate
Farmington Channery Loam	Severe	Severe	Severe	Severe	Severe
Ovid Silt Loam	Severe	Severe	Severe	Severe	Severe

2. If the Soil survey indicates either “severe” or “moderate” suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

Geotechnical report attached Not applicable

3. Is your property located: On Youngs Road between Dodge and Klein Roads? Yes No
 On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? Yes No

If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

4. Are there alternative locations on the site for this project? Yes No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
N/A

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: Yes No

Describe _____

(Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project _____
 Source: AM Peak 236 Trips -- PM Peak 214 Trips

8. Will blasting occur during construction? Yes No (TBD - Depending on Rock Hardness)

9. Does the project propose to connect and be tributary to the public sanitary sewer system? Yes No

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
3,720 GPD average flow 14,880 GPD peak flow.

(Average flows of 2,500 gpd or greater will require an Engineer’s Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)


11. Based on the Town’s 2011 Reconnaissance Level Survey of Historic Resources, is your property ‘blue-rated’ for historic significance? Yes No

Owner Authorization

AUTHORIZATION

Robert Nucherenno, Managing Member of ARISTA I, LLC, record property owner of 2360-2370 Wehrle Drive, SBL No. 81.02-2-12.1 in the Town of Amherst, hereby authorizes Block, Longo, LaMarca & Brzezinski, P.C. to file any and all applications along with any necessary supporting documentation, with the Town of Amherst in connection with the approvals sought for the above referenced property.

ARISTA I, LLC

By: 
Robert Nucherenno, Managing Member

Dated: 9-25-23