



**TOWN OF AMHERST**  
**APPLICATION & REVIEW**  
**PROCEDURE**  
**MAJOR SITE PLAN**

**MATERIALS MUST BE PROVIDED IN AN ELECTRONIC FORMAT THAT CONTAINS PDF FILES OF THE APPLICATION, EAF, SITE PLAN DRAWING SET, SURVEY, LANDSCAPE PLAN, PRELIMINARY BUILDING FLOOR PLANS / ELEVATIONS & ANY OTHER SUPPORTING INFORMATION. THIS MUST BE SUBMITTED 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 & Checklist
- Stormwater Pollution Prevention Plan Checklist
- Appendix A Town of Amherst EAF Addendum
- Appendix B Criteria for Required 8½" x 11" Sketches
- Appendix C Erie Sewer District No. 5 – Commercial / Industrial New & Existing Buildings Requirements

**- IMPORTANT-**

1. A pre-submittal consultation with Planning Department staff is strongly recommended prior to submitting an application. The pre-submittal meeting gives the applicant an opportunity to discuss with staff such items as:
  - classifying the action as a major site plan, minor site plan, or minor site plan adjustment;
  - determining what specific information will be required to be submitted with the application;
  - identifying and discussing issues that must be addressed as part of the SEQR review;
  - identifying any potential variances required to implement the project as proposed.

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

2. This site plan petition is subject to the requirements of 6 NYCRR Part 617, State Environmental Quality Review Act (SEQR), and Chapter 104 of the Town of Amherst Code, as amended. The Planning Board cannot make a SEQR determination unless a complete Environmental Assessment Form (EAF), including Town of Amherst EAF Addendum, and any required supplementary information such as traffic impact studies, archaeological reports, wetland delineations or geotechnical reports, are submitted. SEQR issues may be discussed with Planning Department staff at a recommended pre-submittal meeting. Unlisted Actions require a Short EAF; Type I Actions require a Full EAF. The following is a link to the NYSDEC website and fillable forms with instructions:  
<http://www.dec.ny.gov/permits/6191.html>.
3. **Review by the Town Design Advisory Board (DAB) is required for Major Site Plans located in the following Mixed-Use zoning districts:**

**Traditional Infill 2.5 (TI-2.5)**  
**Traditional Infill 4 (TI-4)**  
**Shallow Corridor 3 (SC-3)**  
**Deep Corridor 3 (DC-3)**

**Deep Corridor 5 (DC-5)**  
**Center 2.5 (CTR-2.5)**  
**Center 5 (CTR-5)**  
**Center 8 (CTR-8)**

**The application for DAB review is required to be filed in conjunction with the major site plan application.**

4. The application shall be executed or consented to in writing by the owner of the property.
5. **Any variances from the Zoning Board of Appeals, or any decision from the Town Board (e.g. removal of deed restrictions) must be obtained prior to action by the Planning Board on a Site Plan application.**
6. Submittal of an application grants permission to Town staff and Planning Board members to access the parcel(s) under consideration.
7. All site plan drawings must be prepared by a Registered Architect, Professional Engineer, Landscape Architect, or Land Surveyor (as applicable) licensed to practice in New York State.
8. If you wish to include a Coordinated Sign Plan application with the site plan petition, a separate application must be completed. Contact the Planning Department for a copy of a Coordinated Sign Plan application package.
9. All drawings should be no larger than 24 in. x 36 in. If site characteristics warrant larger plan sheets, they may be accepted subject to Planning Department concurrence. All drawings must also reserve a 4 in. x 6 in. area in the lower right hand corner for official Town use.

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### APPLICATION PROCEDURES

1. Applicant secures application package from the Planning Department, 5583 Main Street, Williamsville, NY 14221. (716) 631-7051. Forms are also available online at: [www.amherst.ny.us](http://www.amherst.ny.us), (keyword: Planning).
2. Applicant prepares information as required on the Site Plan Submittal Checklist, attached. NOTE: Some proposals may not require all items on the checklist; please verify with the Planning Department.
3. Applicant schedules an appointment with the Planning Department to review the following:
  - a complete set of site plan drawings, preliminary building elevations and floor plans (no larger than 24" x 36" in size)
  - Environmental Assessment Form (EAF) & Town EAF Addendum
  - any supporting reports and materials
  - verification from the Town Assessor that the address in the application is correct
4. Applicant schedules an application submittal appointment with the Planning Department. NO SITE PLAN WILL BE ACCEPTED FOR REVIEW WITHOUT A PRE-SET SUBMITTAL APPOINTMENT.
5. At the submittal appointment, applicant provides fourteen (14) complete and collated sets of drawings and application information to the Planning Department (**materials will not be accepted unless folded into 9" x 12" in size**), including:
  - application form
  - Environmental Assessment Form (EAF)
  - supporting reports / materials
  - complete set of site plan drawings, preliminary building elevations and floor plans (**at least one (1) set of drawings must bear a raised or wet seal and signature of the design professional** who prepared the plans; the remaining copies may be submitted with a facsimile of the seal and signature)
  - digital files of all materials in pdf format
  - an 8½" x 11" reduction of the sketch plan or plat drawing (see Appendix B)

6. After approval for filing by the Planning Department, applicant submits all necessary fees to the Town Clerk. **(See Schedule of Fees on first page of application and make checks payable to: Town of Amherst.)**
7. The applicant returns a copy of the filing receipt to the Planning Department.
8. The Planning Department transmits remaining thirteen (13) copies of the application and supporting materials to:
  - Assessor
  - Commissioner of Building
  - Town Engineer
  - Superintendent of Highways
  - Traffic/Safety Board
  - Fire Chiefs' Association
  - Plumbing Division
  - Right-of-Way Agent
  - Police Department (if applicable)
  - Zoning Enforcement Officer
  - Other Town and outside agencies, as applicable
9. Within 30 days of its receipt of the complete application for Site Plan approval, each agency completes its review and notifies the Planning Department in writing of its comments or recommendations as required by Ordinance.
10. The applicant may be required to submit revised plans, reports, or materials to address review agency comments. The procedures for submittal of revised plans are as follows:
  - A cover letter addressing all comments received to date is required.
  - "Highlight" the area of change on the drawings and provide a notation describing the change.
  - Revised plans/materials are required. Planning staff should be contacted to determine the number of sets needed.
  - All revised plans and materials must also be provided in an electronic format that contains pdf files of the revised information.
11. The Planning Board reviews the EAF to determine whether a Draft Environmental Impact Statement (DEIS) is required. The petitioner will be advised in the event that a DEIS is required and afforded the opportunity to prepare it. If the petitioner declines, the Planning Board will prepare the DEIS at the petitioner's expense. The public hearing will be held on the DEIS concurrently with the Planning Board hearing on the application.
12. Planning Board Meeting Procedures:

The applicant or representative presents the project at the public hearing before the Planning Board and is available to answer any questions. The Planning Board may take any of the following actions:

- Adjourn the hearing to a future Planning Board meeting (hearing remains open).
- Close the hearing and table action on the site plan to a future Planning Board meeting. (The Planning Board may remove the item from the agenda until such time as all required information is provided.)
- Close the hearing and make a decision on the site plan.

All determinations on matters before the Planning Board are made after all public hearings on that meeting's agenda are completed.

13. A copy of the Planning Board's determination will be provided to the applicant, his / her representative, the Building Commissioner and the Town Clerk approximately 1 week following the Planning Board meeting at which it was heard.
14. If the Planning Board approves a Site Plan with conditions, the Planning Department will work with the applicant to ensure that all conditions of the approval are satisfactorily addressed. When all conditions are satisfied, the applicant submits **seven (7) final copies** of the complete set of all site plan drawings, folded into 9" x 12". For site plans in the Mixed-Use zoning districts, building elevations will also be required.  
  
**All 7 sets must have original wet seals and include the required 4 in. x 6 in area in the lower right hand corner for official Town use.** These drawings will be stamped and signed "Approved" by the Planning Director and transmitted to Town Departments for their files and use.
15. A building permit will not be issued by the Building Department until the stamped and signed Site Plan is issued by the Planning Director.

**NOTE:** Please check with the Planning Department to determine the deadline date for filing applications. Due to the public hearing notice requirements and department reviews, no site plan application will be placed on the Planning Board agenda after the deadline for filing has closed. Scheduling may be delayed if an application is incomplete.



## TOWN OF AMHERST PLANNING DEPARTMENT

### *Application for Major Site Plan Review*

#### For Official Use

File #: \_\_\_\_\_ Acreage \_\_\_\_\_ Fee \$ \_\_\_\_\_

Address Verified by  
Assessor's Office

\_\_\_\_\_  
VERIFIED BY DATE

Materials Received by  
Planning Department

\_\_\_\_\_  
RECEIVED BY DATE

Fee Paid to  
Town Clerk

\_\_\_\_\_  
RECEIVED BY DATE

#### Site Plan Review

#### Fill In Applicable Fees

1 acre or less	\$1,250.00	_____
Each additional acre or fraction thereof	\$ 650.00/acre	_____
Amendments to Site Plans	\$1,200.00	_____
Request for Relief of / Change to Conditions of Site Plan Approval	\$1,200.00	_____
Request for Extension of Site Plan Approval	\$ 450.00	_____

#### Stormwater Pollution Prevention Plan

1 - 4.99 Acres	\$ 500.00	_____
5 - 10 Acres	\$ 750.00	_____
>10 Acres	\$1,000.00	_____

#### Affidavit Fee for Public Hearing

\$ 15.00 \_\_\_\_\_

TOTAL FEE: \$ \_\_\_\_\_

#### *To Be Completed By Applicant*

**Petitioner:** Name: Benderson Development Company, LLC

Address: 570 Delaware Avenue

Buffalo , New York 14202  
city state zip code

Phone: 716-878-9626 Fax: \_\_\_\_\_

E Mail: \_\_\_\_\_

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

Name: James A. Boglioli

Address: 570 Delaware Avenue

\_\_\_\_\_

Buffalo, New York 14202  
city state zip code

Phone: 716-878-9626 Fax: \_\_\_\_\_

E Mail: jmb@benderson.com

**Project Location** (must be verified by Town Assessor's Office):

Address: 6000 - 6040 North Bailey Avenue

\_\_\_\_\_

SBL No(s): 54.14-1-12.211, 54.14-1-12.211/A, 54.14-1-12.211/B

**Project Name:** Two Building additions 5,441sf & 14,554sf

\_\_\_\_\_

**Project Description:** Please see the attached letter of intent

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**If this petition is an amendment to a previously approved site plan, please describe the proposed changes (include type and size of existing structures and number of existing parking spaces):**

Please see the attached letter of intent

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<b>Gross Floor Area (non-residential):</b>	<u>246,740</u> existing	<u>266,735</u> proposed	<u>+19,995</u> total
<b>Gross Floor Area Residential:</b>	<u>N/A</u> existing	<u>N/A</u> proposed	<u>N/A</u> total
<b>Number of Residential Units:</b>	<u>N/A</u> existing	<u>N/A</u> proposed	<u>N/A</u> total
<b>Number of Parking Spaces:</b>	<u>452</u> existing	<u>688</u> proposed	<u>+236</u> total

**Acreage of Parcel:** 17.43  
*(list each parcel separately)*

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**Frontage on Public Roads:** Romney: 945'  
*(list each road separately)* N. Bailey: 445.6'

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**Existing Zoning District(s)** R-D

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## **Site Plan Submittal Requirements and Checklist**

The following checklist outlines the information required by the Planning Department to accept a Site Plan application for review. ***It is strongly recommended that you make an appointment with Planning Staff to determine which items apply to your application.***

Item No.	Item	Submitted	Official use
<b>I Basic Drawing Information</b>			
1.0	Drawing size not to exceed 24" x 36"		
2.0	Title of Drawing		
3.0	Name and address of Applicant		
4.0	Name of person preparing drawing		
5.0	Wet seal/raised seal and signature of NYS licensed architect, engineer, landscape architect, or surveyor (as applicable)		
6.0	Project address		
7.0	Zoning of subject property and adjacent parcels		
8.0	North point, scale, date, and revision date(s)		
9.0	4" x 6" reserved area in lower right hand corner for official Town use		
<b>II Structures, Paved Areas, &amp; Open Space</b>			
1.0	<b>Existing and Proposed Streets</b>		
1.1	Names of all existing and proposed streets		
1.2	Width and radii of proposed curb-cuts		
1.3	Existing curb-cuts on adjacent and opposite properties		
1.4	Show ROW width, pavement dimensions, lane widths, pavement markings, and proposed signage on proposed streets		
1.5	Show proposed ROW consistent with planned NYSDOT, Erie County, or Town road projects (if applicable)		
1.6	Show location of proposed cross access to adjacent parcels along with a draft easement		
1.7	Designation of Fire Lanes (if applicable)		
1.8	Fire apparatus access roads		
1.9	Label any proposed roads as public or private		
1.10	Location and dimensions of sidewalks		
1.11	Typical cross sections and profiles of proposed streets, pedestrian walkways, and bikeways		
2.0	<b>Proposed Structures</b>		
2.1	Location and complete dimensions of proposed structures		
2.2	Setback dimensions of structure(s) to all property lines		
2.3	Proposed use of structures		
2.4	Gross square feet area of each structure		
2.5	Location of all building entrances		
2.6	Indicate type of roof construction/materials		
2.7	Location, height, and design detail of existing and proposed fences and walls		
2.8	Location of light standards and building mounted lights		
2.9	Location of dumpster and detail of dumpster enclosure with gate		
2.10	Layout and dimensions of the lot(s) proposed for development		



Item No.	Item	Submitted	Official use
<b>II Structures, Paved Areas, &amp; Open Space (cont'd)</b>			
3.0	<b>Floor Plans with individual rooms and spaces labeled</b> (fully dimensioned)		
4.0	<b>Building elevations with height dimensions from finished grade to the highest point of the roof and to midpoint of gable or hip of a pitched roof.</b> (fully dimensioned)		
4.1	Show screening of mechanical equipment		
5.0	<b>Parking/Loading/Stacking Areas</b>		
5.1	Location and complete dimensions of all paved areas		
5.2	Setback dimensions of all paved areas to property lines		
5.3	Dimension of typical parking space and drive aisles		
5.4	Location and layout of handicapped parking spaces & access aisles		
5.5	Detail of vertical signage for handicapped parking and access aisles		
5.6	Indicate minimum parking requirement & number of spaces provided		
5.7	Proposed signage for directing and guiding traffic		
5.8	Curb cut permits from NYS, Erie County, or Town (if applicable)		
5.9	Pedestrian connections (from proposed structures to public sidewalk network)		
6.0	<b>Location and proposed development of all open spaces, including parks, playgrounds, and open reservations</b>		
<b>III Utilities and Drainage</b>			
1.0	<b>Engineers Report</b> (bound separately from the Stormwater Pollution Prevention Plan [SWPPP])		
1.1	Stamped/sealed and signed by NYS licensed architect or professional engineer		
1.2	Proposed water service sizing, RPZ pressure and fire safety flow and pressure calculations		
1.3	Proposed sanitary sewer facility load calculations (avg. & peak flows) including calculation of the peaking factor		
1.4	Proposed storm drainage facility calculations (see information included with this application)		
2.0	<b>Grading Plan</b>		
2.1	Existing and proposed grades indicated (proposed grades may not exceed 1 on 3)		
3.0	<b>Water Service</b>		
3.1	Location, size and material of existing and proposed facilities		
3.2	Location of existing and proposed fire hydrant location(s)		
3.3	Indicate use of sprinklers, location of Fire Department connection, and proposed fire protection systems		
3.4	Existing and proposed meter/RPZ size and location		
3.5	Applicable construction details		
4.0	<b>Sanitary Sewers</b>		
4.1	Locations, sizes, slopes, inverts, and materials of all existing and proposed facilities		

Item No.		Submitted	Official use
<b>III Utilities and Drainage (cont'd)</b>			
4.2	Applicable construction details		
4.3	Proposed water/oil/grease interceptor sizing calculations by a professional engineer (if applicable)		
<b>5.0</b>	<b>Storm Drainage</b>		
5.1	Locations, sizes, slopes, inverts, and materials of existing and proposed storm drainage facilities		
5.2	Connection of roof drains to proposed drainage system		
5.3	Applicable Town Standard construction details		
5.4	Existing and proposed swales and ditches		
5.5	Detention area cross-section and high-level elevations		
5.6	County and State approval for tie-in to existing sewers		
<b>6.0</b>	<b>Stormwater Pollution Prevention Plan (SWPPP) as applicable</b> (bound separately from the Engineer's Report) <b>See attached checklist.</b>		
<b>7.0</b>	<b>Natural Gas Service</b>		
<b>8.0</b>	<b>Location of transformers, generators and other mechanical equipment; include detail drawings (if applicable)</b>		
<b>9.0</b>	<b>Downstream Sanitary Capacity Analysis (DSCA) Report</b> (must be submitted if proposed average flows are greater than 2,500 gallons per day)		
9.1	The DSCA Report must include a detailed downstream sewer capacity analysis and the calculations of and commitment to (via Developer commitment letter) the required financial contribution to the Town's I/I mitigation fund based on peak flow conditions. The contribution must be based on \$250 per gallon per minute of mitigated flow		
<b>IV Lighting Plan</b>			
<b>1.0</b>	<b>Photometric plan showing light spread in foot candles at property lines</b>		
1.1	Detail of all light standards, including dimension of height from finished grade		
1.2	Detail of all exterior lighting fixtures		
<b>V Landscape Plan</b>			
<b>1.0</b>	<b>Wet/raised seal and signature of a licensed Landscape Architect</b>		
<b>2.0</b>	<b>Provide a calculation of the total Parking area and a calculation of interior parking area in square feet and as a percentage</b>		
<b>3.0</b>	<b>Indicate location, size, number and type of proposed landscape materials</b>		
<b>4.0</b>	<b>Indicate location, type and size of <u>all</u> existing trees 4" caliper or larger and indicate which will be removed or retained</b>		
<b>VI Other Required Information/General Requirements</b>			
<b>1.0</b>	<b>Complete boundary survey that includes all existing structures, acreage, legal description with reference to a property line, street, or other known feature, and easements plotted to scale by a NYS licensed land surveyor</b>		

Item No.		Submitted	Official Use
<b>VI Other Required Information/General Requirements (cont'd)</b>			
1.1	Copies of all easements, reciprocal access agreement or similar leag documents		
2.0	<b>Topographic Survey with a 30 ft. buffer outside all property lines by a NYS licensed land surveyor</b>		
3.0	<b>Draft of any deed restrictions, covenants, provisions for home associations and common ownership, and reciprocal easement agreements (as applicable).</b>		
4.0	<b>For assessment purposes, state intent to apply for condominium status (if applicable).</b>		
5.0	<b><u>Completed and signed</u> Environmental Assessment Form</b>		
5.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)		
5.2	Traffic Impact Study (if applicable)		
5.3	Archaeological survey (if applicable)		
5.4	Wetland Delineation report (if applicable)		
6.0	<b>Show existing zoning(s) of both the subject property and adjacent parcels on the Site Plan and the Landscape Plan</b>		
7.0	<b>Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status</b>		
8.0	<b>Location of Floodway and floodplain (if applicable)</b>		
9.0	<b>Documentation pertaining to any conditions of zonings, including copies of required deed restrictions; indicate date of rezoning and the parcel address under which it was rezoned (if applicable)</b>		
10.0	<b>Documentation related to any required variances granted by the ZBA</b>		
11.0	<b>For residential site plans, provide a statement from the appropriate school district that adequate school sites and facilities are available.</b>		
12.0	<b>8 1/2" X 11" reduction of primary site plan drawing (see appendix "B" of application package for specifications)</b>		
13.0	<b>A CD containing a PDF of all site plan drawings (Must also be provided with revised drawings)</b>		
<b>VII Additional Required Information for Projects in the Mixed Use Districts</b>			
1.0	<b>Design Advisory Board Application</b>		
1.1	Required for Major Site Plan		
1.2	Required at the Planning Directors Discretion for Minor Site Plans		
2.0	<b>Block &amp; Street Network Plan</b>		
2.1	Designation of Core, Local & Alley streets		
2.2	Dimensions of Blocks		
3.0	<b>Block Usage Plan (as applicable)</b>		
3.1	Designation of site usage for each block including open space areas		
4.0	<b>Phasing Plan</b>		

For official use only:

\_\_\_\_\_  
Approved/Date

*X:\Current\_Planning\Application Forms 2013 Working Doc\Major Site Plan\Site Plan Submittal Requirements and Checklist (3).doc*



November 15, 2023

**VIA HAND DELIVERY**Robert J. Gilmour., Chair  
Members of the Planning Board  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221**Re: Application for Site Plan Approval  
6000 – 6040 North Bailey Ave, Amherst, New York (BDC: 1723)**

Dear Chair Gilmour and Members of the Planning Board:

In connection with the above-referenced property, Benderson Development Company, LLC and Delta Sonic Carwash Systems, Inc. is seeking to relocate its office from downtown Buffalo to Amherst. As part of this relocation, both companies are seeking to relocate approximately 250 employees to Amherst. In addition, Delta Sonic is proposing to locate its various warehouse locations in Western New York to the property which includes, research and development, warehousing, fabrication, and soap blending uses.

**The Subject Property**

As the Planning Board is aware, Amherst Development Park is a business park located in the Research and Development (RD) zoning district. It maintains frontage on North Bailey Ave. and Romney Road and is improved with five buildings. An aerial photograph of the property is attached as **Exhibit A**. To the north, across Romney Road, is the Boulevard, a large shopping center in the SC zoning district. To the west, abutting the Subject Property, is the Boulevard South, another shopping center in the SC zoning district. To the east, across N. Bailey Road will be another large development anchored by Costco and Dick's and located in the SC zoning district. To the south is an office building and the Boulevard towers, located within the CTR-5 and MFR-5 zoning districts, respectively. The properties located to the north, east and west of the Subject Property are all owned by Benderson Development.

**The Proposed Project**

In order to accommodate the new offices and the Delta Sonic warehouse, Benderson is proposing the following changes:

- A 5,441 s.f. building expansion to connect the existing 26,709 s.f. and 35,826 s.f. buildings located along Romney Road in the northwest corner of the Subject Property to accommodate the new offices.
- A 14,554 s.f. building expansion to connect the existing 34,632 s.f. and 59,591 s.f. buildings located along rear of the property in the southwest corner of the Subject Property to accommodate Delta Sonic's warehouse uses.
- The reconfiguration of the parking field along Romney Road to add an additional row of parking against Romney Road and the reconfiguration of the parking to the south to add an extra row of parking along the southern property line.

- The reconfiguration of the area between the two buildings (office and warehouse) to add outdoor greenspace, patio area and parking, as well as to re-work the loading docks to the southerly building.
- Additional site, utility, landscaping, sidewalk and other enhancements in connection with the above - referenced changes.
- Upgrading of the building façade to accommodate the new development.

**Conclusion**

We look forward to working with the Town on this project. We believe this project represents a great development opportunity for this area that is consistent with the previous development of the property. If there are any questions regarding this letter or the enclosed documentation, please feel free to contact me at (716) 878-9626 or [jamesboglioli@benderson.com](mailto:jamesboglioli@benderson.com).

Thank you,  
**BENDERSON DEVELOPMENT COMPANY, LLC**

*James A. Boglioli*

James A. Boglioli, Esq.  
Director, Right to Build – Northeast US

# ***Exhibit A***





1723 - Amherst Development Park

River Road

W. Main St

Kennedy Dr

Kennedy Dr

Kennedy Dr

W. Main St

W. Main St

CR

CR

CR

CR

CR