



Site Plan Application & Supporting
Documentation
Proposed Sports Complex & Hotel
Location: 330 Maple Road
Applicant: 716 Sports Complex, LLC

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	\$1,250.00
Each additional acre or fraction thereof	\$ 650.00/acre	\$13,000
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	\$1,000.00

Affidavit Fee for Public Hearing

\$ 15.00	\$15.00
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TOTAL FEE: \$ 15,265

To Be Completed By Applicant

Petitioner: Name: 716 Sports Complex, LLC

Address: c/o Sean Hopkins, Esq., Hopkins Sorgi and McCarthy, PLLC

35 California Drive, Suite 100

Williamsville NY 14221

city state zip code

Phone: 716-510-4338 Fax: _____

E Mail: shopkins@hmslegal.com

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

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street

Suite 343

Williamsville NY
city state zip code

Phone: 716-510-4338 Fax: _____

E Mail: shopkins@hsmlegal.com

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

Address: Portion of 330 Maple Road

SBL No(s): 55.03-1-10

Project Name: 716 Sports Complex and Hotel

Project Description: The proposed project consists of two (2) indoor dome sports complexes
each 275 ft x 500 ft totalling 275,000 sf, a 2-story, 50,000 sf commercial/retail building and a 75,000 sf
five (5) story hotel. Development includes associated parking, internal roadways, pedestrian walkways,
lighting, landscaping, and utility infrastructure. The action has been defined broadly to include all proposed
site improvements and all required discretionary approvals and permits needed from municipal boards of the
Town of Amherst and involved agencies. A more detailed project description is provided at Exhibit "2". A completed
Part 1 of the Full Environmental Assessment Form with Attachments "A" and "B" dated October 1, 2025 is provided
at Exhibit "3".

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):

N/A

Gross Floor Area (non-residential):	<u>0</u> existing	<u>400,000</u> proposed	<u>400,000</u> total
Gross Floor Area Residential:	<u>0</u> existing	<u>0</u> proposed	<u>0</u> total
Number of Residential Units:	<u>0</u> existing	<u>0</u> proposed	<u>0</u> total
Number of Parking Spaces:	<u>0</u> existing	<u>439</u> proposed	<u>439</u> total

Acreage of Parcel: 21.3 acres
(list each parcel separately)

Frontage on Public Roads: 1350 feet on Maple Road
(list each road separately)

Existing Zoning District(s) General Business District ("GB") and Recreation Conserveation District ("RC")

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
I Basic Drawing Information			
1.0	Drawing size not to exceed 24" x 36"	X	
2.0	Title of Drawing	X	
3.0	Name and address of Applicant	X	
4.0	Name of person preparing drawing	X	
5.0	Wet seal/raised seal and signature of NYS licensed architect, engineer, landscape architect, or surveyor (as applicable)	X	
6.0	Project address	X	
7.0	Zoning of subject property and adjacent parcels	X	
8.0	North point, scale, date, and revision date(s)	X	
9.0	4" x 6" reserved area in lower right hand corner for official Town use	X	
II Structures, Paved Areas, & Open Space			
1.0	Existing and Proposed Streets	X	
1.1	Names of all existing and proposed streets	X	
1.2	Width and radii of proposed curb-cuts	X	
1.3	Existing curb-cuts on adjacent and opposite properties	X	
1.4	Show ROW width, pavement dimensions, lane widths, pavement markings, and proposed signage on proposed streets	X	
1.5	Show proposed ROW consistent with planned NYSDOT, Erie County, or Town road projects (if applicable)	X	
1.6	Show location of proposed cross access to adjacent parcels along with a draft easement	N/A	
1.7	Designation of Fire Lanes (if applicable)	X	
1.8	Fire apparatus access roads	X	
1.9	Label any proposed roads as public or private	N/A	
1.10	Location and dimensions of sidewalks	X	
1.11	Typical cross sections and profiles of proposed streets, pedestrian walkways, and bikeways	X	
2.0	Proposed Structures		
2.1	Location and complete dimensions of proposed structures	X	
2.2	Setback dimensions of structure(s) to all property lines	X	
2.3	Proposed use of structures	X	
2.4	Gross square feet area of each structure	X	
2.5	Location of all building entrances	X	
2.6	Indicate type of roof construction/materials	X	
2.7	Location, height, and design detail of existing and proposed fences and walls	N/A	
2.8	Location of light standards and building mounted lights	Pending	
2.9	Location of dumpster and detail of dumpster enclosure with gate	X	
2.10	Layout and dimensions of the lot(s) proposed for development	X	

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

Item No.		Submitted	Official use
III Utilities and Drainage (cont'd)			
4.2	Applicable construction details	X	
4.3	Proposed water/oil/grease interceptor sizing calculations by a professional engineer (if applicable)	X	
5.0	Storm Drainage		
5.1	Locations, sizes, slopes, inverts, and materials of existing and proposed storm drainage facilities	X	
5.2	Connection of roof drains to proposed drainage system	X	
5.3	Applicable Town Standard construction details	X	
5.4	Existing and proposed swales and ditches	X	
5.5	Detention area cross-section and high-level elevations	X	
5.6	County and State approval for tie-in to existing sewers	Pending	
6.0	Stormwater Pollution Prevention Plan (SWPPP) as applicable (bound separately from the Engineer's Report) See attached checklist.	X	
7.0	Natural Gas Service		
8.0	Location of transformers, generators and other mechanical equipment; include detail drawings (if applicable)	X	
9.0	Downstream Sanitary Capacity Analysis (DSCA) Report (must be submitted if proposed average flows are greater than 2,500 gallons per day)	Pending	
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	Pending	
IV Lighting Plan			
1.0	Photometric plan showing light spread in foot candles at property lines	Pending	
1.1	Detail of all light standards, including dimension of height from finished grade	Pending	
1.2	Detail of all exterior lighting fixtures	Pending	
V Landscape Plan			
1.0	Wet/raised seal and signature of a licensed Landscape Architect	X	
2.0	Provide a calculation of the total Parking area and a calculation of interior parking area in square feet and as a percentage	X	
3.0	Indicate location, size, number and type of proposed landscape materials	X	
4.0	Indicate location, type and size of <u>all</u> existing trees 4" caliper or larger and indicate which will be removed or retained	X	
VI Other Required Information/General Requirements			
1.0	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	X	

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

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

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
Odessa Silt Loam	X			X	

2. 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.

3. Are there alternative locations on the site for this project? ☐ Yes ☒ No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:

None

5. 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.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project See TIS
Source: _____

7. Will blasting occur during construction? ☐ Yes ☒ No

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

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
30,000 average flow 120,000 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.)

10. Based on the Town's 2011 Reconnaissance Level Survey of Historic Resources, is your property 'blue-rated' for historic significance? ☐ Yes ☒ No

EXHIBIT 1



TOWN OF AMHERST

TOWN CLERK'S OFFICE

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

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

Ashley Brownson
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2025-849 "716 Sports Complex, LLC" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on September 30, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 2nd day of October, 2025.

Francina J. Spoth
Town Clerk
Town of Amherst, Erie County, NY

Sworn to before me
This 2nd day of October, 2025

Notary Public

TIMOTHY J. KOLLER
No. 01KO6263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2028



Amherst Town Board

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

Francina J. Spoth
Town Clerk

Meeting: 09/30/25 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 30969

RESOLUTION 2025-849

ADOPTED

716 Sports Complex, LLC

Suspension to Town Board Agenda of September 30, 2025

TO: The Honorable Town Board
FROM: Brian J. Kulpa, Town Supervisor
DATE: September 30, 2025
RE: 716 Sports Complex, LLC

Please authorize the Supervisor to sign an authorization letter for the purpose of allowing 716 Sports Complex, LLC and/or its consultants to file land use applications for the purpose of a proposed project to be developed on land owned by the Town of Amherst consisting of a portion of 330 Maple Road (SBL 55.03-1-10).

9/30/2025

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

n/a

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Lavin, Berger, Szukala
ABSENT:	Marinucci

EXHIBIT 2



EXHIBIT 2 OF SITE PLAN APPLICATION

Statement of Use – Project Description

I, Project Overview:

Approximately 21.3 acres of the property located at 330 Maple Road (“Project Site” that is owned by the Town of Amherst is proposed to be developed into the **716 Sports Complex**, a landmark sports, recreation, and hospitality destination designed to meet a critical need in Western New York: a comprehensive, year-round facility where athletes of all ages can safely train, compete, and play full-scale games. A copy of the survey of the Project Site is provided at Exhibit “4” and a legal description of the Project Site is provided at Exhibit “5”.

An aerial photograph of the Project Site is provided at Exhibit “6” and it is important to mention that the Project Site is properly zoned General Business District (“GB”) and Recreation Conservation District (“RC”). A color excerpt of the Town’s Zoning Map is provided at Exhibit “7”. Detailed information regarding the project is provided on the engineering plans prepared by LaBella. The project layout is depicted on the Overall Site Plan [Drawing C200 – Date: 10/08/25]. A copy of the Overall Site Plan is provided at Exhibit “8”. Reduced-size copies of the Landscape Plans [Drawings L100 to L104 – Date: 10/08/24] are provided at Exhibit “9”. A reduced-size copy of the Elevation Plan [Drawing C200 – Date: 10/08/25] for the proposed sport complex building is provided at Exhibit “10”.

The Project Sponsor has previously submitted an Application for Relief of Rezoning Conditions imposed by the Town Board in connection with the rezoning of the Project Site to GB and RC. A copy of the Declaration of Restrictions recorded at the Erie County Clerk’s Office on September 2, 2018 is provided at Exhibit “11” and a draft of the Amended Declaration of Restrictions is provided at Exhibit “12”. The proposed zoning conditions are as follows:



1. There shall be a 101 ft. wide conservation area located along the Maple Road frontage of the Project Site (“Conservation Area”). There shall not be any buildings or parking spaces located in the Conservation Area. The only development permitted in the Conservation Area shall consist of driveway connections to Maple Road and utility improvements necessary to provide required utility services for the development of the Project Site.
2. The Declarant shall comply with the requirements imposed by the NYS Department of Environmental Conservation relative to the Brownfield Clean Up Program in connection with the development of the Project Site.
3. No freestanding drive-thru fast food restaurants shall be permitted on the Project Site.
4. No freestanding drive-thru pharmacies shall be permitted on the Project Site.
5. The Declarant agrees 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.

It is important to mention that the proposed project is consistent with the Town’s planning goals and objectives as set forth in the adopted the Bicentennial Comprehensive Plan and other relevant planning documents which repeatedly encourage athletic facilities that will assist in promoting the health of the Town’s residents. The Project Site is properly zoned for the proposed project and the proposed use is consistent with Figure 6 of the adopted Comprehensive Plan, which designates the portion of the Project Site to be developed as appropriate for “Commercial-Mixed-Use”. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit “13”.

The project will transform a long-vacant, environmentally remediated Project Site¹ into a vibrant, high-impact community asset that will generate substantial and lasting economic

¹ A copy of the Certificate of Compliance issued by the New York State Department of Environmental Conservation (“NYSDEC”) on May 12, 2012 confirming that previous contamination on the Project Site has been remediated per the requirements of the NYSDEC Brownfield Cleanup Program is provided at Attachment “A” of the completed Part 1 of the Full Environmental Assessment Form provided at Exhibit “3” of this Site Plan Application. A copy of



benefits for Amherst and Western New York. Once completed, the development will include two state-of-the-art, climate-controlled indoor sports domes, an approximately 50,000 square-foot multi-use commercial building, and a 120-room hotel that will be Phase 2 of the project and will be located on a separate parcel to be created for financing purposes. Together, these components will create a premier year-round destination for youth, high school, collegiate, adult, and senior athletes that will establish Amherst as the hub of sports, recreation, and wellness in the WNY region.

II. Facility Components & Sports Programming:

Indoor Sports Domes:

The two climate-controlled domes will form the centerpiece of the 716 Sports Complex, providing Western New York with a true year-round destination for competitive sports, training, and recreation. Together, they will offer flexible, tournament-grade space capable of serving youth, high school, collegiate, adult, and senior athletes alike.

Dome A (Track & Court Dome):

Dome A will feature a 200-meter banked competition track designed and engineered to meet collegiate and national meet standards, positioning the 716 Sports Complex as one of the premier indoor track venues in the Northeast. The dedicated sprint lanes are located outside of the exterior perimeter of the 200-Meter track, an advanced layout that enhances safety by removing the need for crash pads while freeing the infield for

the No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation is provided at Attachment “B” of the Part 1 of the Full Environmental Assessment Form. Additionally, a copy of the letter from Alex Molik of LaBella to the NYSDEC requesting confirmation that the Project Site is not subject to potential wetland constraints is provided at Exhibit “14”.



expanded field event areas, including long jump, pole vault, shot put, and other throwing disciplines.

The dome's design will enable it to host NCAA-level, regional, and national track and field competitions, drawing teams and spectators from across the country. Separate from the track, the dome will also feature three multi-purpose courts for basketball, volleyball, pickleball, cheer, and gymnastics, allowing the facility to seamlessly transition between track meets, tournaments, and community programs throughout the year.

- **Dome B (Turf & Multipurpose Dome):**

Dome B will feature a full-size indoor turf field that meets regulation standards for soccer, lacrosse, flag football, rugby, and other turf-based sports. Retractable divider systems will allow multiple games or training sessions to occur simultaneously. The dome's height and clear-span design are critical features, providing the vertical clearance necessary for football punts, lacrosse clears, and baseball or softball training, ensuring that every sport can be played at full scale without limitation.

Beyond traditional team sports, this dome will also serve as a home for performance and strength training, physical therapy, and rehabilitation programs that use turf for safe, functional movement. The turf dome will be equipped with spectator seating and advanced technology infrastructure, including scoreboards, sound systems, and broadcast capabilities, enabling it to host full-scale indoor games, tournaments, and showcases year-round. The space will regularly accommodate youth and collegiate competitions, combines, and clinics, as well as community recreation programs and adult fitness leagues.



Additionally, three full-size courts within the dome will accommodate basketball, volleyball, and pickleball, creating a flexible layout that supports both turf-based and court-based programming throughout all seasons.

Multi-Use Building

The multi-use building will anchor the complex and serve as its central hub. It will include:

- Wellness, medical, and performance tenants, such as physical therapy, sports medicine, recovery, nutrition, and athletic training uses.
- Retail, entertainment, and concessions areas, offering food, beverage, merchandise, and family-friendly gathering space.
- Community and education areas that can host meetings, clinics, and local programming.

This building will create a true “village center” within the complex, bringing together health, recreation, and social activity under one roof and ensuring continuous community engagement beyond tournament play.

Hotel

A 120-room hotel will complete the project, offering convenient on-site accommodations for athletes, families, and visitors attending multi-day tournaments and regional events. The hotel will strengthen Amherst’s reputation as a premier destination for sports and hospitality, while generating sustained economic activity for local restaurants, shops, and service providers. The hotel will be located on a separate parcel to be created for financing purposes.

III. A New Standard for Safety in Sports:

A defining feature of the 716 Sports Complex is its commitment to becoming “the safest place to play sports in the United States.” Unlike traditional facilities that focus solely on space and scheduling, this project is being developed by orthopedic surgeons and leaders in the sports medicine field who have dedicated their careers to protecting athletes and advancing best practices in sports health. Key initiatives will include:



- Comprehensive Emergency Preparedness: Facility staff and coaches will be trained in CPR, AED use, and on-site emergency protocols, ensuring immediate response capabilities.
- Injury Prevention Programs: Evidence-based programs, including ACL tear prevention training and concussion awareness, will be built directly into programming for youth and student-athletes.
- Strength & Performance Training: Certified trainers will provide age-appropriate, sport-specific conditioning to build safer athletes and reduce the risk of overuse injuries.
- Wellness Integration: Partnerships with health, nutrition, and recovery experts will make the facility a resource for lifelong athletic development and safe recreation.

This vision ensures that the 716 Sports Complex will not just be a place to play, it will be a place to play smarter, stronger, and safer. Families will know that when they come here, their athletes are in an environment designed from the ground up to prioritize health and safety.

IV. Meeting a Critical Regional Need:

Western New York is home to a proud sports culture but has long lacked the infrastructure to support it. Youth leagues struggle to find practice time, colleges cannot host regulation meets or games locally, adult leagues face waitlists, and seniors lack dedicated recreational opportunities.

The 716 Sports Complex solves these challenges by bringing every sport under one roof, serving:

- Youth athletes, who will finally have safe, consistent access to world-class facilities.
- Collegiate programs, who will gain a home venue for regulation track meets, tournaments, and competitions.
- Adults and seniors, who will benefit from fitness, wellness, and recreation opportunities designed for long-term health and community connection.

V. Community Integration & Conservation Design:

The project will be integrated thoughtfully into Amherst's existing recreation corridor, complementing the Northtown Center, town-supported fields, the Audubon golf course, and the University at Buffalo. To protect neighborhood character, the project layout incorporates a 101-foot conservation buffer along Maple Road that will include trees and landscaping, and a berm



to reduce visibility, filter sound, and create a natural green edge for nearby residential uses.

Reduced-size copies of the Landscape Plans [Drawings L100 to L104 – Date: 10/08/24] are provided at Exhibit “9”.

In addition to this extensive buffer, the design team has prioritized architectural quality and visual sensitivity. The domes will feature a premium gray and silver exterior finish, selected specifically to blend more naturally with the surrounding environment and minimize visual contrast. The decision to utilize a premium gray and silver exterior finish was made based on input received from the Town’s Planning Department.

While the scale of the structures is substantial, this upgraded color palette and design approach reflect the project’s commitment to being as visually unobtrusive and contextually appropriate as possible within the corridor. The goal is to create a clean, modern appearance that complements nearby recreational uses and respects the character of the neighborhood.

VI. Positive Economic & Community Impacts:

Once stabilized, the sports complex alone is projected to generate more than \$20 million annually in economic impact, driven by tournaments, training camps, and extended events, exclusive of the additional benefits that will result from the proposed hotel. This impact will be felt through increased business for Amherst restaurants, shops, and local services.

The project will also create hundreds of construction jobs and permanent positions in operations, hospitality, and retail. More importantly, it will establish Amherst as the regional center for sports and recreation, driving tourism, supporting local businesses, and strengthening the community’s long-term economic foundation.

VII. Conclusion:

The development of the Project Site into the 716 Sports Complex represents a once-in-a-generation opportunity to provide Western New York with the safe, world-class, year-round



sports facility it has long needed. By combining state-of-the-art infrastructure with the leadership of orthopedic surgeons and sports medicine experts, this project will deliver on its promise to be the safest place to play sports in the United States. At the same time, the project will enhance Amherst's economy, enrich community life, and cement the Town's reputation as the regional leader in sports, recreation, and wellness.

EXHIBIT 3

Part 1 of Full EAF with Attachments *Full Environmental Assessment Form*
A and B - Date: October 1, 2025 *Part 1 - Project and Setting*

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: 716 Sports Complex and Hotel		
Project Location (describe, and attach a general location map): Portion of 330 Maple Road [SBL No. 55.03-1-10]		
Brief Description of Proposed Action (include purpose or need): The proposed project consists of two (2) indoor dome sports complexes, each 275 ft x 500 ft totalling 275,000 sf, a 2-story, 50,000 sf commercial/retail building and a 75,000 sf five (5) story hotel. Development includes associated parking, internal roadways, pedestrian walkways, lighting, landscaping, and utility infrastructure. The action has been defined broadly to include all proposed site improvements and all required discretionary approvals and permits needed from municipal boards of the Town of Amherst and involved agencies. The proposed action is a Type I action pursuant to SEQRA and as such the Project Sponsor is requesting that the Town of Amherst conduct a coordinated environmental review pursuant to SEQRA.		
Name of Applicant/Sponsor: 716 Sports Complex, LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338	
	E-Mail: shopkins@hsmlegal.com	
Address: 35 California Drive, Suite 100		
City/PO: Williamsville	State: NY	Zip Code: 14221
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): Town of Amherst	Telephone:	
	E-Mail:	
Address: 5583 Main Street		
City/PO: Williamsville	State: NY	Zip Code: 14221

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, ☒ Yes ☐ No or Village Board of Trustees	Application for Relief of Zoning Conditions	October 2, 2025
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Planning Board - Site Plan Approval	October 2025
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	Zoning Board of Appeals - Area Variances	October 2025
d. Other local agencies ☒ Yes ☐ No	IDA - PILOT	To be Determined
e. County agencies ☒ Yes ☐ No	ECDPW - Highway Work Permit	To be Determined
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☒ Yes ☐ No	NYSDEC - SPDES and DSCA	October 2025
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ 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):

Remediation Sites:C915207, NYS Heritage Areas:West Erie Canal Corridor

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?
A 100-foot width of property frontage along Maple Road is zoned Recreation Conservation District (RC), while the remainder of the property is General Business (GB).
- 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? Amherst Central School District
- b. What police or other public protection forces serve the project site?
Town of Amherst Police Department
- c. Which fire protection and emergency medical services serve the project site?
Volunteer Fire Department
- d. What parks serve the project site?
There are various parks that are accessible from 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)? Sports complex, retail space and hotel
- b. a. Total acreage of the site of the proposed action? 21.3 acres
b. Total acreage to be physically disturbed? 19.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 21.3 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 2
 - Anticipated commencement date of phase 1 (including demolition) March month 2026 year
 - Anticipated completion date of final phase Sep month 2027 year
 - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
Phase 1 includes the domes and commercial buildings, scheduled to be substantially complete by May of 2027. The hotel will be developed in Phase 2 and constructed by the hotel developer under a separate project schedule, unknown at this time.

f. Does the project include new residential uses? ☐ Yes ☒ 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)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>4</u> ii. Dimensions (in feet) of largest proposed structure: <u>100'</u> height; <u>275'</u> width; and <u>500'</u> length iii. Approximate extent of building space to be heated or cooled: <u>400,000</u> 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? ☒ Yes ☐ No If Yes,	
i. Purpose of the impoundment: <u>Stormwater management</u> ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: <u>Runoff from impervious surfaces</u> iii. If other than water, identify the type of impounded/contained liquids and their source. <u>Not Applicable</u> iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: <u>.57</u> acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

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

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>USACE Non-Jurisdictional wetlands mapped by Earth Dimensions, Inc. dated August 12, 2021</u> _____ _____	

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: _____ 44750 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: Erie County Water Authority
- 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: _____ 44750 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): _____
Sanitary wastewater

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

- Name of wastewater treatment plant to be used: Town of Amherst Sewer Treatment Plant
- Name of district: Town of Amherst Consolidated Sewer 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

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☒ Yes ☐ No ☐ Yes ☒ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No	
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): _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
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? If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ 15.3 acres (impervious surface) _____ Square feet or _____ 21.3 acres (parcel size) ii. Describe types of new point sources. _____ 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)? Directed to on-site stormwater management facility for treatment and detention then directed to existing off-site underground municipal stormwater main on Maple Road.	☒ Yes ☐ No	
• If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☒ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?		
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? If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☒ No	
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? If Yes: 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) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ 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)		☐ Yes ☒ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
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? ☒ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☒ Evening ☒ Weekend ☐ 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): _____ 0 iii. Parking spaces: Existing <u>0</u> Proposed <u>500</u> Net increase/decrease <u>+500</u> iv. Does the proposed action include any shared use parking? ☒ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: New full movement driveway on Maple Road vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☒ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ TBD ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Local grid iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>7:00 to 5:00</u> • Saturday: <u>As needed</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>7:00 to 10:00</u> • Saturday: <u>7:00 to 10:00</u> • Sunday: <u>7:00 to 10:00</u> • Holidays: <u>TBD</u> </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>7:00 to 5:00</u> • Saturday: <u>As needed</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u>	ii. During Operations: • Monday - Friday: <u>7:00 to 10:00</u> • Saturday: <u>7:00 to 10:00</u> • Sunday: <u>7:00 to 10:00</u> • Holidays: <u>TBD</u>
i. During Construction: • Monday - Friday: <u>7:00 to 5:00</u> • Saturday: <u>As needed</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u>	ii. During Operations: • Monday - Friday: <u>7:00 to 10:00</u> • Saturday: <u>7:00 to 10:00</u> • Sunday: <u>7:00 to 10:00</u> • Holidays: <u>TBD</u>		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Dark sky compliant lighting that complies with the requirements contained in the Zoning Code.</u> _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
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? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ TBD tons per _____ TBD (unit of time) • Operation : _____ TBD tons per _____ TBD (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: TBD. Recycle Materials to the greatest extent possible _____ • Operation: TBD _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: TBD _____ • 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.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Athletic fields and golf course

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	15.3	+15.3
• Forested	1.7	0	-1.7
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	19.6	6	-13.6
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	21.3	21.3	0

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	☐ Yes ☒ No
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? If Yes, <i>i. Identify Facilities:</i> _____	☐ Yes ☒ No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____	☐ Yes ☒ No ☐ Yes ☐ No
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? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> ☐ Yes – Spills Incidents database ☒ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): C915207 <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ <u>The contamination on the Project Site has previously been remediated per the NYSDEC BCP Program requirements. A copy of the Certificate of Completion issued by the NYSDEC on May 7, 2012 is provided at Attachment "A".</u> <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): C915207, C915291 <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____	☒ Yes ☐ No ☒ Yes ☐ No ☒ Yes ☐ No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No													
- 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? ☐ Yes ☐ No - Explain: _____ _____													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ 8 feet													
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Od - Odessa silt loam (D)</td> <td style="width: 20%; text-align: right;">79.0 %</td> <td style="width: 20%;"></td> </tr> <tr> <td>SaA - Schoharie silt loam (D)</td> <td style="text-align: right;">21.0 %</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		Od - Odessa silt loam (D)	79.0 %		SaA - Schoharie silt loam (D)	21.0 %			%				
Od - Odessa silt loam (D)	79.0 %												
SaA - Schoharie silt loam (D)	21.0 %												
	%												
d. What is the average depth to the water table on the project site? Average: _____ 1.75 feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">☐ Well Drained:</td> <td style="width: 30%; text-align: right;">0 % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td>☐ Moderately Well Drained:</td> <td style="text-align: right;">0 % of site</td> <td></td> </tr> <tr> <td>☒ Poorly Drained</td> <td style="text-align: right;">100 % of site</td> <td></td> </tr> </table>		☐ Well Drained:	0 % of site		☐ Moderately Well Drained:	0 % of site		☒ Poorly Drained	100 % of site				
☐ Well Drained:	0 % of site												
☐ Moderately Well Drained:	0 % of site												
☒ Poorly Drained	100 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">☒ 0-10%:</td> <td style="width: 30%; text-align: right;">100 % of site</td> <td style="width: 30%;"></td> </tr> <tr> <td>☐ 10-15%:</td> <td style="text-align: right;">0 % of site</td> <td></td> </tr> <tr> <td>☐ 15% or greater:</td> <td style="text-align: right;">0 % of site</td> <td></td> </tr> </table>		☒ 0-10%:	100 % of site		☐ 10-15%:	0 % of site		☐ 15% or greater:	0 % of site				
☒ 0-10%:	100 % of site												
☐ 10-15%:	0 % of site												
☐ 15% or greater:	0 % of site												
g. Are there any unique geologic features on the project site? ☐ Yes ☒ 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)? ☒ Yes ☐ No													
ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No													
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name Federal Waters	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name Federal Waters	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? ☐ Yes ☒ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____													
i. Is the project site in a designated Floodway? ☐ Yes ☒ No													
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No													
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes:													
i. Name of aquifer: _____													

m. Identify the predominant wildlife species that occupy or use the project site: _____ Typical suburban species _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
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? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
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? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
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? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

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? ☐ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ 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? ☒ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ 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? ☐ Yes ☒ 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? ☐ Yes ☒ 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? ☐ Yes ☐ No	

F. Additional Information

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

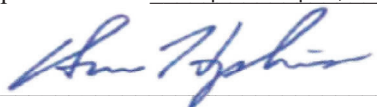
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

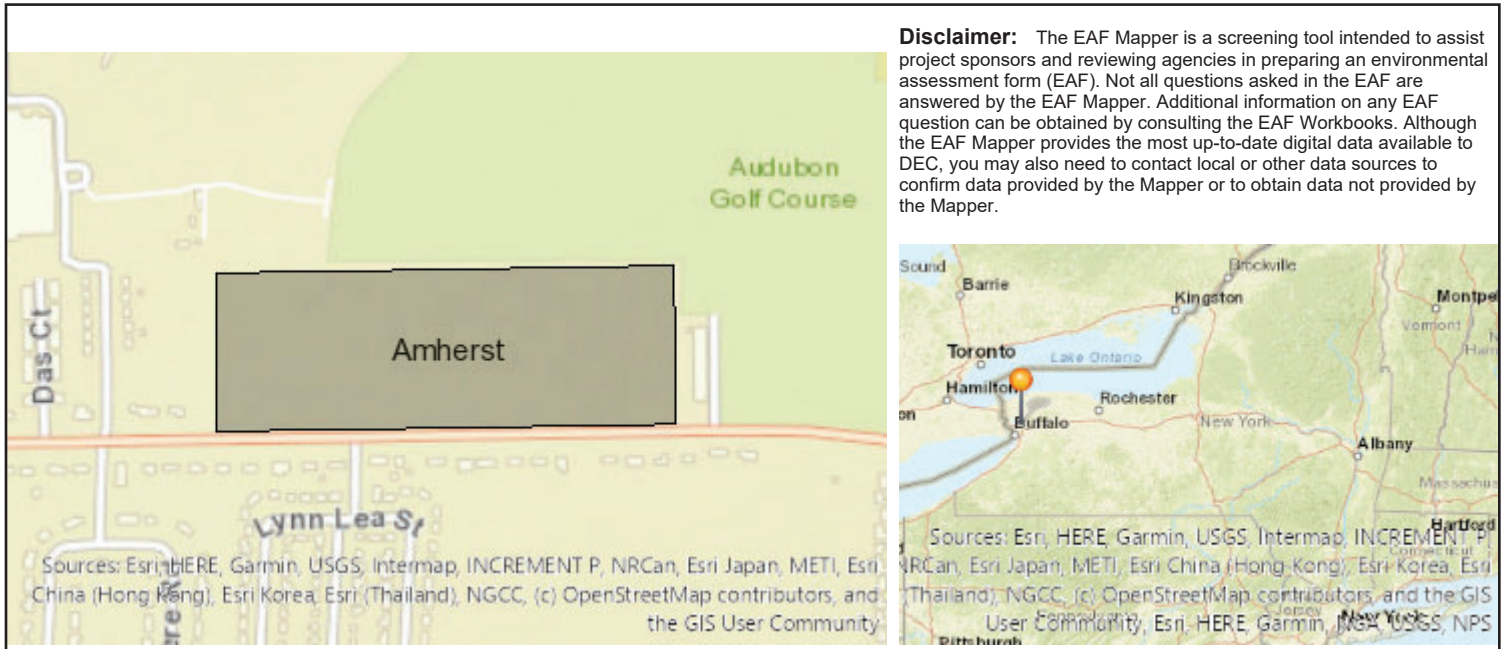
A copy of the No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation on September 24, 2025 is provided at Attachment "B".

G. Verification

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

Applicant/Sponsor Name 716 Sport Complex, LLC Date October 1, 2025

Signature  Title Project Engineer



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]	Remediation Sites:C915207, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C915207
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C915207, C915291
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v [Impaired Water Bodies]	No
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

**ATTACHMENT A OF PART 1 OF
FULL EAF**

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

BUFFALO-MAPLE ROAD, LLC AND MAPLE
ROAD LODGING, LLC

Address

570 Delaware Avenue, Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/26/12 Agreement Execution: 9/22/06 Agreement Index No.: B9-0724-06-07

Application Approval Amendment: 5/9/07

Agreement Execution Amendment: 6/18/07

SITE INFORMATION

Site No.: C915207 Site Name: 330 Maple Road Site

Site Owner: Buffalo-Maple Road, LLC

Street Address: 330 Maple Road

Municipality: Williamsville County: Erie DEC Region: 9

Site Size: 26.000 Acres

Tax Map Identification Number(s): Portion of 55-03-1-10

Percentage of site located in an EnZone: 0 - 49%

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Residential, Restricted Residential, Commercial, and Industrial
Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.
Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.
Tangible Property Credit Component Rate is 10 %.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375.1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375.1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Acting Director
Division of Environmental Remediation

Date: MAY 7, 2012

**ATTACHMENT B OF PART 1 OF
FULL EAF**



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

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

September 24, 2025

Joseph Bognanno
300 State Street
Rochester, NY 14614

Re: DEC
716 Sports
Town of Amherst, Erie County, NY
25PR08945

Dear Joseph Bognanno:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

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

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Sydney Snyder at the following email address:

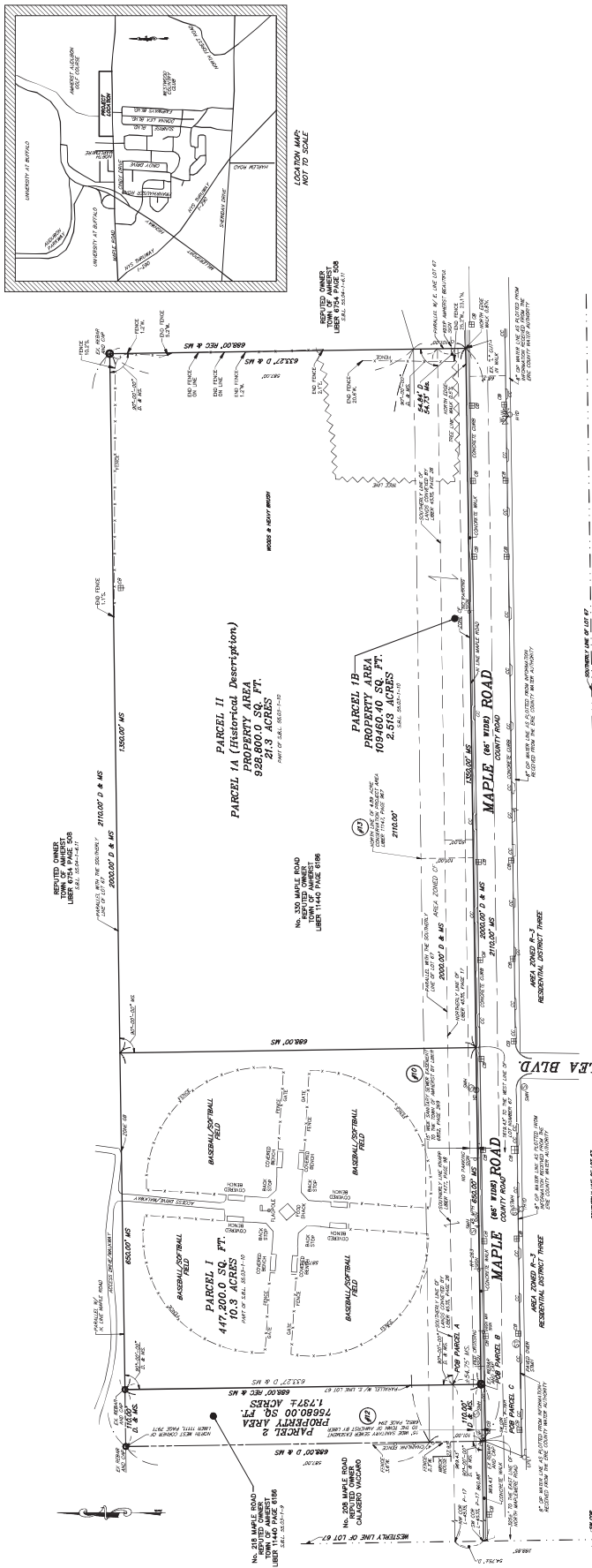
Sydney.Snyder@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

EXHIBIT 4



Proposed Subdivision Descriptions

[illegible][illegible]

EXCEPTIONS FROM TITLE.

#10 15' wide easement granted by the Buffalo Shooting Club to Town of Amherst, dated November 1, 1982 and recorded January 9, 1983 in Liber 6852 of Deeds, case 269 (shown and plotted).

#11 Temporary Easement to the County of Erie for re-construction of Maple Road, OR 192, dated 4-2-1968, in Liber 7564 of Deeds at page 635, unable to plot with information from the record Liber & page, therefore temporarily easement may or

#12 15' wide easement granted by Helen W. Joy to Town of Amherst, dated October 13, 1962 and recorded January 9, 1963 in Liber 6852 of Deeds, none may-not affect subject premises.

#13 Declaration of restrictions made by Buffalo-Maple Road, LLC and Buffalo
Industries Association, LLC dated July 3, 2006 and recorded by the Erie County
Recorder on 07/13/2006.

Conservation Associates, LLC dated July 1, 2008 and recorded in the Erie County Clerk's Office on July 21, 2008 in Liber 11147 of Deeds at page 067. (Conservation Project Area shown and plotted)

LEGEND

	= CATCH BASIN	OR	= CATCH BASIN
			= CATCH PIT

○	= CLEANOUT	CO	= COND. OUT
⊗	= FINE HYDRAUNT	CD	= CLEANOUT
		D	= DEAD
		E	= EAST
		EX	= EXTERIOR

= LAMP
 = PROPERTY CORNER MARKER
 (TIME WORD)
 = PRE-ADJUNCT
 = USER
 = MEASURED
 = NORTH

= SANTARY MANNOLE P = PAGE
ASTC = RECORD
S = SIZE IN
 = STONY MANNOLE SNH = SANTARY MANNOLE

= STORM MANHOLE
 = 6 IN. IR POLE
 = URILITY POLE W/ LIGHT
 = MIST
 =

[illegible]


 $\text{AVERAGE COYLA} =$
 $= \text{UTILITY POLE W/ LIGHT}$

 2001 McGraw-Hill, Inc.

Historical Description

SCHEDULE A
STEWART TITLE INSURANCE COMPANY
ENDORSED FROM
TITLE NUMBER #R037507.000208
DATED 12/13/2024
REVISED 12/16/2024

[illegible]

PARCEL 1E. The parcel of land situated in the Town of Ashmont, County of Erie and State of New York, being part of Lot Number 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded as follows:

Beginning at a point in the north line of Maple Road, 904.43 feet distant westerly from the westerly line of said Lot Number 67; thence said along the north line of Maple Road, 100.00 feet; thence said along the north line of the extension of Henry Knapp by Deed recorded in the Erie County Clerk's Office in Liber 1477 of Deeds at page 38; thence said westerly parallel with the south line of Lot Number 67 and along the north line of said Lot Number 67, 548.46 feet; thence said along the north line of said Lot Number 67, 547.52 feet; to the place of beginning.

PART "7"
of
the
County of Erie,
State of New York,
being part of Lot Number 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded as follows:

0 50 100 200 400

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

File: N:\2024\000 Residential Surveys\24NY105.01 - Hodgson Russ - 218 & 330 Maple Road - 218 & 330 Maple Road - 59503\4 - Technical Data\CAD Drawings\Autocad\218 MAPLE-59503.dwg

EXHIBIT 5

EXHIBIT 5

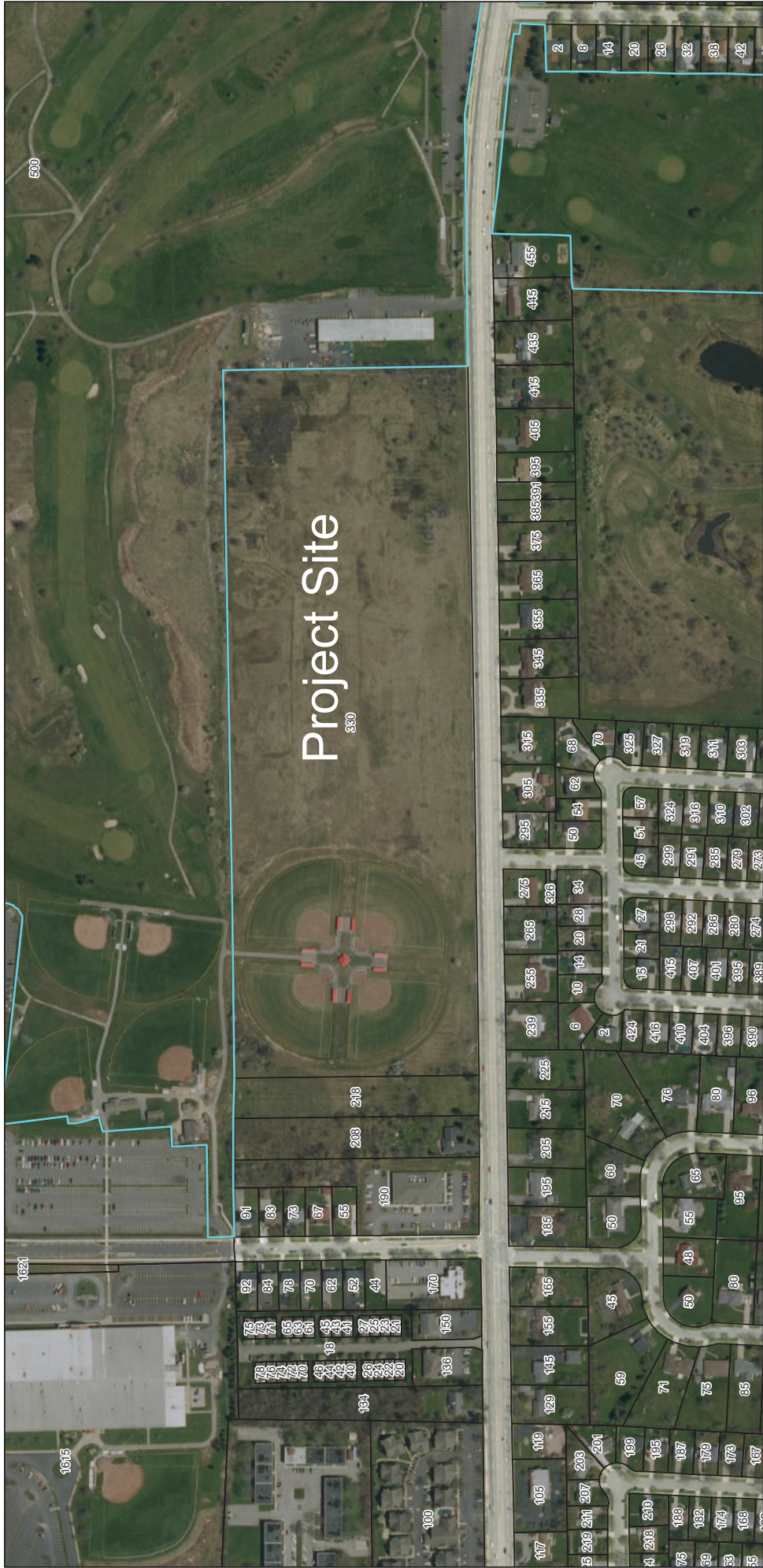
LEGAL DESCRIPTION OF PORTION OF 330 MAPLE ROAD

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot Number 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the north line of Maple Road, 1619.43 feet distant easterly from the westerly line of said Lot Number 67; thence northerly at right angles and parallel with the east line of Said Lot Number 67, a distance of 688.00 feet; thence easterly at right angles and parallel with the southerly line of said Lot Number 67 also being parallel with the north line of Maple Road, a distance of 1350.00 feet; thence southerly at right angles and parallel with the east line of said Lot Number 67, a distance of 688.00 feet to the said north line of Maple Road; thence westerly along the northerly line of Maple Road, a distance of 1350.00 feet to the place of beginning, containing 21.3 acres of land, more or less.

EXHIBIT 6

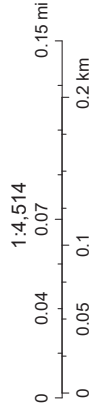
ArcGIS Web Map



10/2/2025, 8:54:29 AM

Town Boundary

Parcels



Maxar

EXHIBIT 7

ArcGIS Web Map



10/2/2025, 8:57:46 AM

EXHIBIT 8



EXP. 02-28-26

CERTIFICATE OF AUTHORIZATION NUMBER:
PROFESSIONAL ENGINEERING: 0021272
LAND SURVEYING: 0021271

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way, if an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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**ARC BUILDING
PARTNERS**
100 S. ELMWOOD AVE.
SUITE 100
BUFFALO, NY 14202



7'6 SPORTS COMPLEX
330 MAPLE ROAD
AMHERST NY 14221

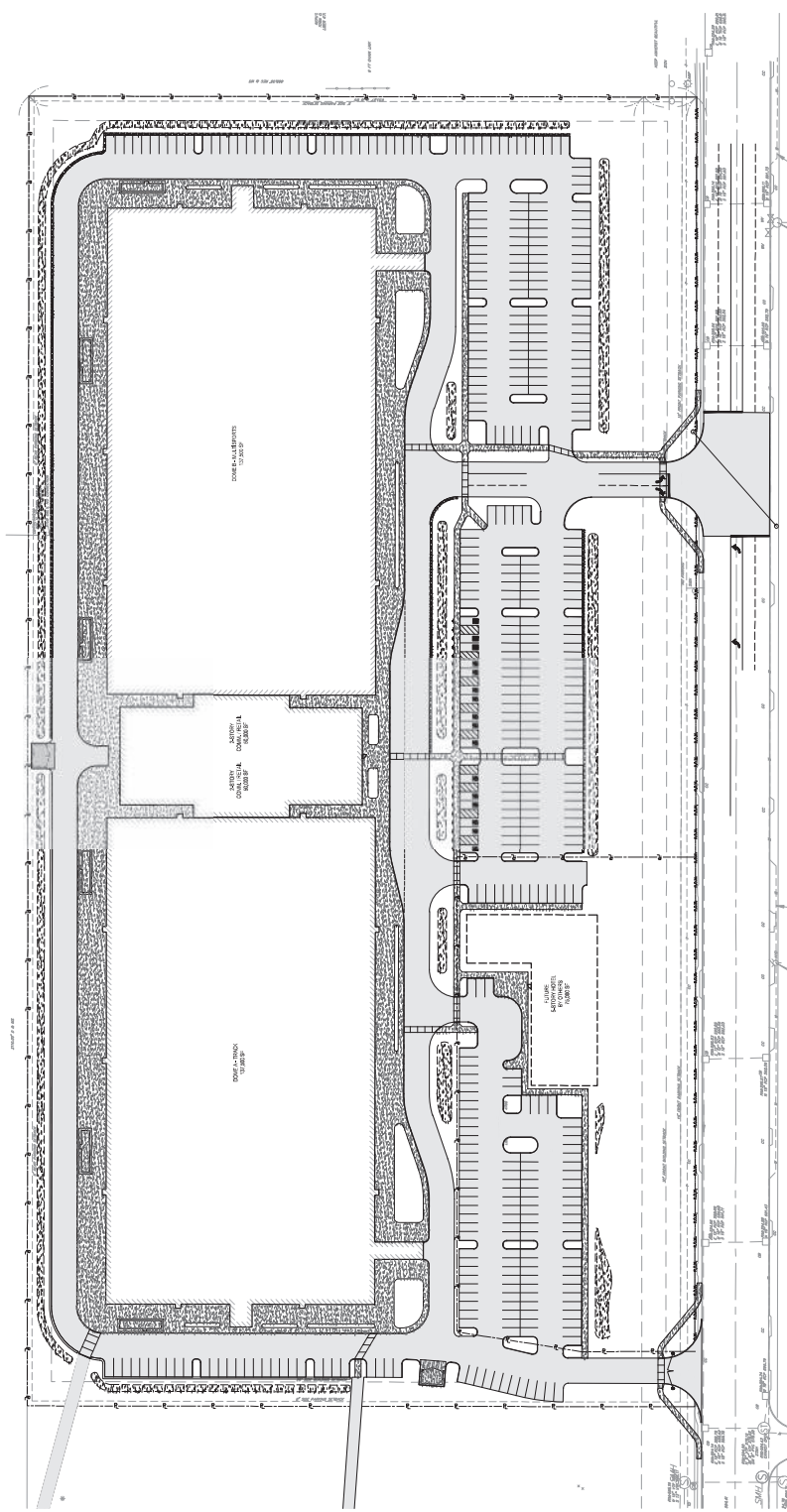
NO.	DATE	DESCRIPTION
Revisions		

PROJECT NUMBER	
2254561	
DRAWN BY:	SCHUBB
REVIEWED BY:	RUS
ISSUED FOR:	PERMIT
DATE:	OCTOBER 8, 2025
DRAWING NAME:	

OVERALL SITE PLAN

DRAWING NUMBER:

C200

[illegible]

TOWN OF AMHERST

EXHIBIT 9



EXP. 02-28-08

It is a violation of New York Education Law, Art. 142, Sec. 7202 & Art. 147, Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way, if an item bearing the seal of an architect, engineer, or land surveyor is altered. The altering architect, engineer, or land surveyor shall affix to the item their seal and notation, "altered by," followed by their signature and date of such alteration, and a specific description of the alteration.

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**ARC BUILDING
PARTNERS**
100 S ELMWOOD AVE
SUITE 100
BUFFALO, NY 14202



716 SPORTS COMPLEX
330 MAPLE ROAD
AMHERST NY, 14221

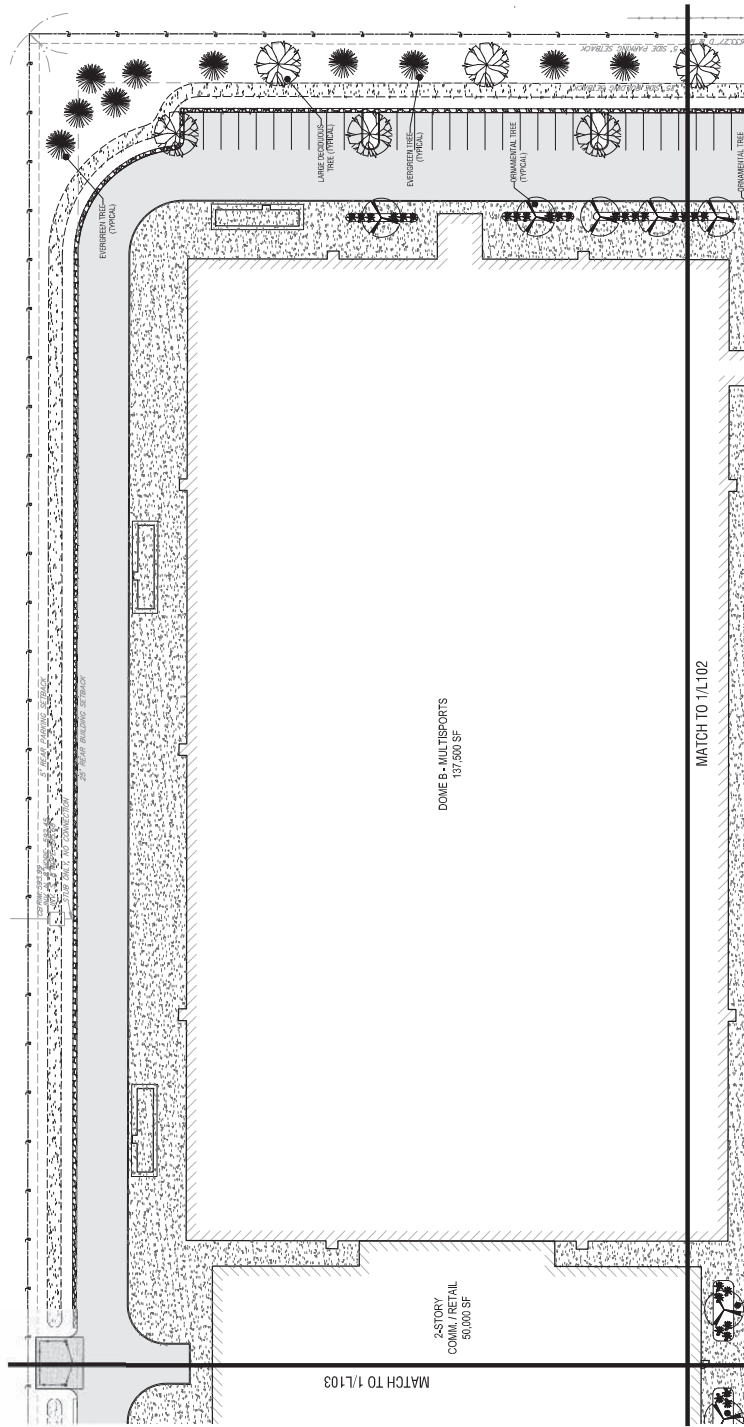
NO.	DATE	DESCRIPTION
Revisions		

PROJECT NUMBER		225-4561
DRAWN BY:	SCL/JBB	
REVIEWED BY:	RJS	
ISSUED FOR:	PERMIT	
DATE	OCTOBER 8, 2025	
DRAWING NAME:		

LANDSCAPE PLAN

DRAWING NUMBER:

L104



TOWN OF AMHERST



LANDSCAPE PLAN

-37-

EXHIBIT 10



CERTIFICATE OF AUTHORIZATION NUMBER:
PROFESSIONAL ENGINEERING: 007072
EXPIRATION DATE: 12/15/2021
ISSUANCE DATE: 12/15/2019

It is a violation of New York Education Law Art. 145, Sec. 7209 & Art. 147, Sec. 7207, for any person, who shall under the authority of this license, to be licensed as a Professional Engineer, to practice as such, or to hold himself out as being so licensed, or to use the title of "Professional Engineer" or "Engineer" in any way, if an act involving the field of an architect, engineer, or land surveyor is involved, without first obtaining the approval of the State Board of Architectural Education, and without first obtaining the approval of the State Board of Architectural Education, and without first obtaining the approval of the State Board of Architectural Education, and without first obtaining the approval of the State Board of Architectural Education.

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**ARC BUILDING
PARTNERS**
100 S ELMWOOD AVE
SUITE 100
BUFFALO, NY 14202



**716 SPORTS FIELDHOUSE
COMPLEX**
330 MAPLE ROAD
AMHERST, NY, 14201

NO. DATE DESCRIPTION	
Revisions	
PROJECT NUMBER: 2254661	
DRAWN BY: DJ	
REVIEWED BY: JK/JJA	
ISSUED FOR: SITE PLAN APPROVAL	
DATE: 10/08/2025	
DRAWING NAME:	

ELEVATIONS

DRAWING NUMBER:

A201

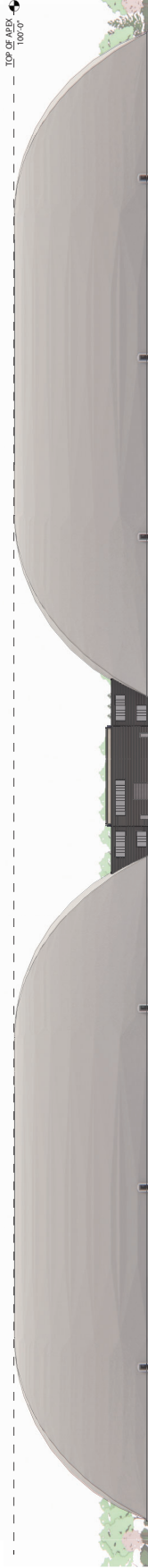
BUILDING HEIGHT

Per New York State Building Code 2020 Table 504.3, "Allowable Building Height in Feet Above Grade Plane":
MAX. ALLOWED HEIGHT: 2 STORIES, 55 FEET (type IIB)
PROPOSED HEIGHT: 1 STORY, AVERAGE HEIGHT 50' (100' FEET TO RIDGE)
Per New York State Building Code 2020 - Section 3502.8, "Maximum Height":
Members of structures shall not exceed one story nor shall such structures exceed the height limitations in
limitations in
feet specified in Section 504.3.



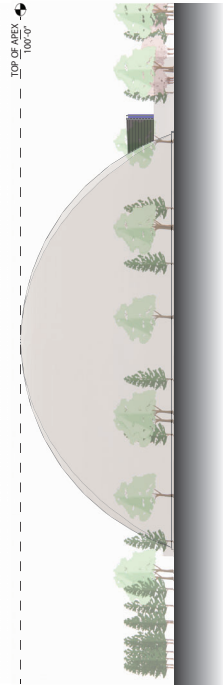
SOUTH ELEVATION

SCALE: 1"=40'



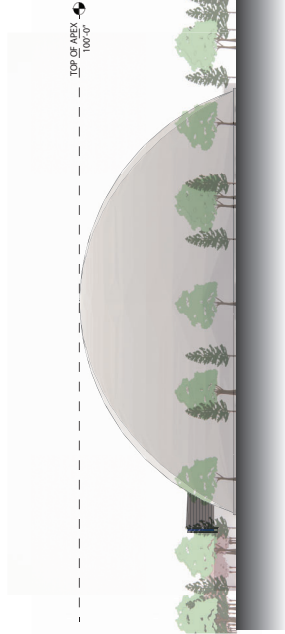
NORTH ELEVATION

SCALE: 1"=40'



WEST ELEVATION

SCALE: 1"=40'



EAST ELEVATION

SCALE: 1"=40'

EXHIBIT 11

FILED

Box 104 JP

JUL 02 2008

- FAK -

ERIE COUNTY
CLERK'S OFFICE

DECLARATION OF RESTRICTIONS

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 2nd day of June, 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, 101 feet in depth, fronting Maple Road on property described in 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.

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be executed
on the 1st day of July, 2008.

BUFFALO-MAPLE ROAD, LLC

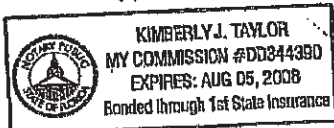
By: [Signature]
David H. Baldauf, Manager

BUFFALO-ANDERSON ASSOCIATES, LLC

By: [Signature]
David H. Baldauf, Manager

STATE OF FLORIDA }
 }ss.:
COUNTY OF MANATEE }

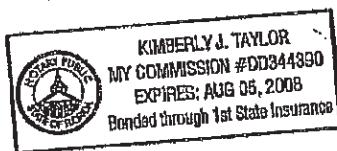
On this 1st day of July, in the year 2008, before me, the undersigned, a
Notary Public in and for said State, personally appeared DAVID H. BALDAUF,
personally known to me or proved to me on the basis of satisfactory evidence to be the
individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s) or the person upon behalf of which the
individual(s) acted, executed the instrument.



[Signature]
Notary Public

STATE OF FLORIDA }
 }ss.:
COUNTY OF MANATEE }

On this 1st day of July, in the year 2008, before me, the undersigned, a
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me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s) or the person upon behalf of which the
individual(s) acted, executed the instrument.



[Signature]
Notary Public

SCHEDULE A

The Town Board hereby amends its zoning map which is incorporated by reference in the town zoning code by amending from CF to GB the zoning of a portion of 330 Maple Road; legally described as follows:

All that tract or parcel of land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Commencing at the southwest corner of lands conveyed by deed recorded in the Erie County Clerk's office in Liber 11111 of deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 +/- east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 330.00 feet, said point being 220.0 feet east of the southwest corner of lands now or formerly conveyed to Buffalo Maple Road, LLC;

Thence northerly through lands now or formerly of said Buffalo Maple Road, LLC, at right angles a distance of 101.00 feet to the point or place of beginning;

Thence continuing northerly through lands now or formerly of said Buffalo Maple Road, LLC. A distance of 587.00 feet to a point in the northerly line of said Buffalo Maple Road, LLC;

Thence easterly along the northerly line of said Buffalo Maple Road, LLC, at right angles parallel to the northerly line of Maple Road a distance of 1780.00 feet to the northeast corner of said Buffalo Maple Road, LLC;

Thence southerly along the easterly line of said Buffalo Maple Road, LLC, at right angles at distance of 587.00 feet to a point;

Thence westerly through lands now or formerly of said Buffalo Maple Road, LLC, at right angles a distance of 1780.00 feet to the point or place of beginning containing 23.99 acres of land, more or less.

The Town Board further amends its Zoning Map, which is incorporated by reference in the Town of Amherst Zoning Code by amending from CF and R-3 to MFR-6 the zoning of a portion of 218 Maple Road and a portion of 330 Maple Road; legally described as follows:

All that tract or parcel of land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Commencing at the southwest corner of lands conveyed by deed recorded in the Erie County Clerk's office in Liber 11111 of deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 +/- east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 330.00 feet, said point being 220.0 feet east of the southwest corner of lands now or formerly conveyed to Buffalo Maple Road, LLC.;

Thence northerly through lands now or formerly of said Buffalo Maple Road, LLC. at right angles a distance of 101.00 feet to the point or place of beginning;

Thence continuing northerly through lands now or formerly of said Buffalo Maple Road, LLC. a distance of 587.00 feet to a point in the northerly line of said Buffalo Maple Road, LLC.;

Thence westerly along the northerly line of Maple Road of said Liber 11111 of deeds at page 7971 and a portion of the northerly line of lands now or formally conveyed to Buffalo Maple Road, LLC. at right angles and parallel to Maple Road a distance of 330.00 Feet to a point;

Thence southerly through the said lands of Buffalo Maple Road, LLC. at right angles a distance of 587.00 feet to a point;

Thence easterly through lands now or formerly of said Buffalo Maple Road, LLC. at right angles a distance of 330.00 feet to the point or place of beginning containing 4.45 acres of land, more or less.

SCHEDULE B

Notwithstanding the foregoing rezoning, there shall be created on the site a conservation project area described as follows:

All That Tract or Parcel of Land situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey further described as follows:

Beginning at the Southwest corner of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971, said point being in the northerly line of Maple Road, distant 325 feet more or less east of the easterly line of North Maplemere Road;

Thence easterly along the northerly line of Maple Road a distance of 2,110 feet to the easterly line of lands now or formerly owned by Buffalo Shooting Club, Inc.;

Thence northerly at right angles and along the easterly line of said Buffalo Shooting Club, Inc. a distance of 101 feet to a point;

Thence westerly parallel with the northerly line of Maple Road a distance of 2,110 feet to the west line of said lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971;

Thence southerly along the westerly line of said lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at page 7971 a distance of 101 feet to the Point or Place of Beginning containing 4.89 acres of land, more or less.

Honorable Kathleen C. Hochul
County Clerk
Erie County
92 Franklin Street
Buffalo, NY 14202
(716) 858-8865

DATE:07/02/2008
TIME:04:07:25 PM
RECEIPT:556521

DAMON & MOREY

ITEM -01 781 04:07:25 PM
CTRL #:2008137304 BK/PQ:D11147/0967
BUFFALO-MAPLE ROAD LLC
TOWN OF AMHERST
RECORDING FEE 55.00
MARKOFF FEE 0.00
Sub. Total 55.00

AMOUNT DUE: \$55.00
PAID CHECK: \$55.00
Check #:0400 \$55.00
TOTAL PAID: \$55.00

REC BY:JOANNE
County Clerk
Have a nice day!

Honorable Kathleen C. Hochul
County Clerk
Erie County
92 Franklin Street
Buffalo, NY 14202
(716) 858-8865

DATE:07/02/2008
TIME:04:07:25 PM
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DAMON & MOREY

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RECORDING FEE 55.00
MARKOFF FEE 0.00
Sub. Total 55.00

AMOUNT DUE: \$55.00
PAID CHECK: \$55.00
Check #:0400 \$55.00
TOTAL PAID: \$55.00

REC BY:JOANNE
County Clerk
Have a nice day!

EXHIBIT 12

AMENDED DECLARATION OF RESTRICTIONS

THIS AMENDED DECLARATION OF RESTRICTIONS (“Amended Declaration”) is made as of the ____ day of _____, 2025 by **716 SPORTS COMPLEX, LLC**, a limited liability company formed pursuant to the laws of the State of New York, with an address of _____ under facts and circumstances summarized by the following recitals:

WHEREAS, Declarant is the owner of real property consisting of a portion of 330 Maple Road in the Town of Amherst as described in the attached Scheule “1” (the “**Project Site**”);

WHEREAS, during its meeting held on _____, 2025, the Town of Amherst Town Board (“**Town Board**”) adopted Resolution Number 2025-____ (“**Resolution**”) for the purpose of granting relief for zoning conditions imposed by the Town Board on June 2, 2008 in connection with the rezoning of 218 and 330 Maple Road from CF to GB and R--3 to MFR-6, subject to conditions as set forth in the Resolution;

WHEREAS, this Amended Declaration has been executed by Declarant for the purpose of modifying and amending the Declaration of Restrictions as it pertain to the Project Site that was recorded at the Erie County Clerk’s Office on June 2, 2008 at Liber 11147 of Deeds at Page 0967.

WHEREAS, the content of this Amended Declaration has been reviewed and approved by the Amherst Town Attorney’s Office and the Town’s Zoning Enforcement Officer.

NOW, THEREFORE, in exchange for good and valuable consideration the sufficiency of which is acknowledged, the Declarant, its successors and assigns, agrees to restrict the future use of the real property described in the attached Schedule “1” as follows:

1. There shall be a 101 ft. wide conservation area located along the Maple Road frontage of the Project Site (“Conservation Area”). There shall not be any buildings or parking spaces located in the Conservation Area. The only development permitted in the Conservation Area shall consist of driveway connections to Maple Road and utility improvements necessary to provide required utility services for the development of the Project Site.
2. The Declarant shall comply with the requirements imposed by the NYS Department of Environmental Conservation relative to the Brownfield Clean Up Program in connection with the development of the Project Site.
3. No freestanding drive-thru fast food restaurants shall be permitted on the Project Site.
4. No freestanding drive-thru pharmacies shall be permitted on the Project Site.
5. The Declarant agrees 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.

Notary Public

SCHEDULE 1

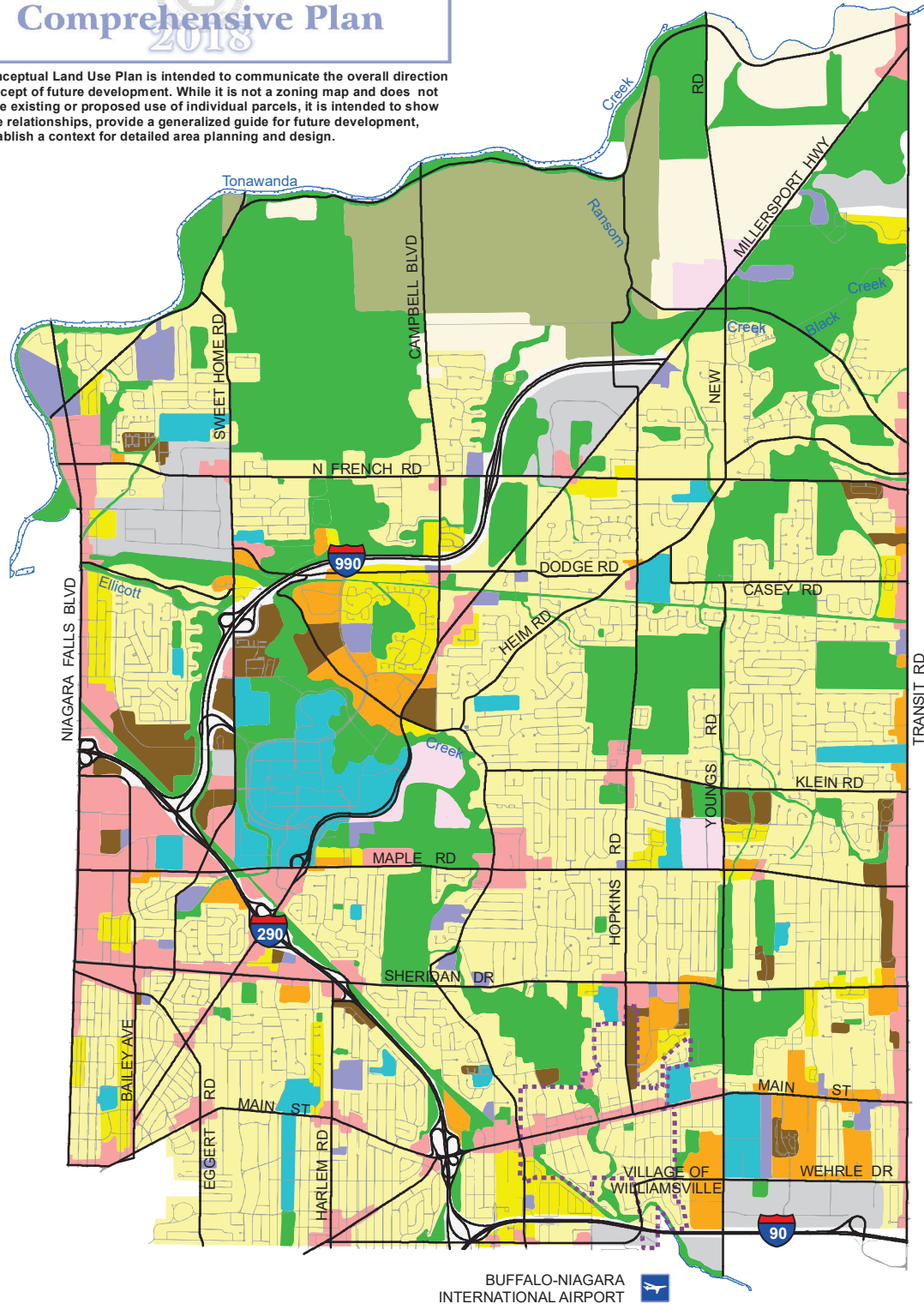
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot Number 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the north line of Maple Road, 1619.43 feet distant easterly from the westerly line of said Lot Number 67; thence northerly at right angles and parallel with the east line of Said Lot Number 67, a distance of 688.00 feet; thence easterly at right angles and parallel with the southerly line of said Lot Number 67 also being parallel with the north line of Maple Road, a distance of 1350.00 feet; thence southerly at right angles and parallel with the east line of said Lot Number 67, a distance of 688.00 feet to the said north line of Maple Road; thence westerly along the northerly line of Maple Road, a distance of 1350.00 feet to the place of beginning, containing 21.3 acres of land, more or less.

EXHIBIT 13

Town of Amherst Bicentennial Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



Conceptual Land Use Plan

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

* See Map Figure 6-A for Additional Designations

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: December 2020

FIGURE 6

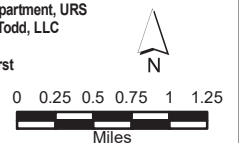


EXHIBIT 14

October 7, 2025

Lisa Porter Czechowicz
Deputy Regional Permit Administrator, Division of Environmental Permits
New York State Department of Environmental Conservation
700 Delaware Avenue
Buffalo, NY 14209

**Re: 716 Sports Fieldhouse Complex
330 Maple Road
Town of Amherst, Erie County, New York**

Dear Ms. Czechowicz:

716 Sports Complex, LLC retained LaBella Associates, D.P.C. (LaBella) to prepare a letter discussing the potential exemption from the newly established NYS wetland regulations (effective January 1, 2025) for “large” projects (as defined in 6 NYCRR § 621.4) until July 1, 2028, at the 716 Sports Fieldhouse Complex to be located at 330 Maple Road in the Town of Amherst, Erie County, New York.

On December 31, 2024, NYSDEC announced the adoption of final revisions to its freshwater wetlands regulations, 6 NYCRR Part 664. The revised regulations took effect on January 1, 2025. These regulations implement amendments that the New York State Legislature enacted in 2022 to Article 24 of the Environmental Conservation Law (ECL)—the State’s Freshwater Wetlands Act (FWA)—which greatly expanded NYSDEC’s jurisdiction over freshwater wetlands throughout the state.

The revised regulations include grandfathering provisions for projects that received one of the following approvals before January 1, 2025:

- Acceptance of a Final Environmental Impact Statement by a lead agency pursuant to the NYSDEC SEQRA regulations
- A negative declaration for a SEQRA Type I or Unlisted action
- A written site plan approval from a local government; or
- Those who received, before January 1, 2025, either a freshwater wetlands permit, verification, or a notification from NYSDEC that their freshwater wetlands application was complete

The Town of Amherst Planning Board issued a Findings Statement for the development of the Project Site as a commercial project on June 18, 2009 and also granted Site Plan Approval for the development the project site. A copy of the Findings Statement and Site Plan Resolution are attached as Exhibit 1. The FEIS for the development of the Project Site was issued by the Town on December 17, 2007

Additionally, the contamination on the relevant portions of the Project Site was previously remediated per the requirements of the NYSDEC Brownfield Clean Up Program. A copy of the Certificate of Completion issued by the NYSDEC dated May 7, 2012 is provided at Exhibit 2.



It is of LaBella's professional opinion that this project falls under one of the grandfathering provisions and should be exempt from the newly established freshwater wetland regulations.

Respectfully submitted,
LaBella Associates

Alex Molik
Environmental Project Manager

cc: Brian J. Kulpa, Supervisor
Daniel Howard, AICP, Planning Department
Steven Bengart, Esq., Town Attorney
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC
Dave Johnson, LaBella
Dr. Brian McGrath, 716 Sports Complex, LLC

Exhibit 1



Town of Amherst Planning Department

Erie County, New York



Satish B. Mohan
Supervisor

Eric W. Gillert, AICP
Planning Director

Gary Black, AICP
Assistant Planning Director

SITE PLAN REVIEW
PROPOSED "UNIVERSITY TOWN CENTER" MIXED-USE DEVELOPMENT
330 MAPLE ROAD
(SP-7-09)

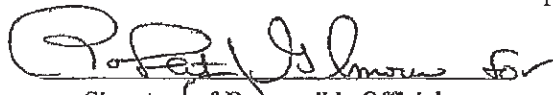
CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS documents, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action **approved** is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the Environmental Impact Statements, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

TOWN OF AMHERST

Name of Agency


Signature of Responsible Official

CATHARINE M. WEISS

Name of Responsible Official

PLANNING BOARD CHAIR

Title of Responsible Official

6/25/2009
Date

5583 MAIN STREET, WILLIAMSVILLE, NY 14221

Address of Agency

STATEMENT OF FINDINGS

RESOLUTION

WHEREAS, following the February 2, 2007 submittal of a Draft Environmental Impact Statement (DEIS) prepared by Trowbridge & Wolf Landscape Architects on behalf of the petitioner Benderson Development Company, LLC, the DEIS was accepted by the Town Board on June 4, 2007. The DEIS was submitted for the proposed rezoning from CF and R-3 to GB and MFR-6 and development of 33.326± acres of land located at 218 & 330 Maple Road. On June 28, 2007, the Planning Board held a public hearing on the DEIS and the rezoning request and recommended approval of the subject petition. Subsequently, a public hearing on the DEIS and rezoning request was held by the Town Board on September 4, 2007. A Final Environmental Impact Statement (FEIS) was accepted by the Town Board on December 17, 2007, and a Notice of Completion of the FEIS was filed on December 26, 2007. The rezoning area was subsequently reduced in size to 28.44± acres to retain a CF zoned frontage and create a conservation project along Maple Road and to retain a portion of the existing R-3 zoning district on Maple Road.

WHEREAS, the Planning Board and the Town Board have considered the content of the DEIS, the FEIS, and all other documents and comments and submissions made during and after the hearings.

WHEREAS, on April 9, 2009 Buffalo-Maple Road, LLC submitted an application and supporting materials for site plan review of a mixed-use development at 330 Maple Road entitled "University Town Center." The project reviewed by Town departments and relevant outside agencies included the following:

- Site Development Drawings; Carmina Wood Morris, PC dated September 2008, resubmitted 4/9/09 including sheets C-1 through C-6.9 and L100 through L103.
- Architectural Drawings; Dorsky Hodgson Parrish Yue Architects, dated 9/12/08 and revised 4/9/09 including sheets CS and A-1 through A-15.
- Traffic Impact Study, FRA Engineering, dated January 2007 and revised April 9, 2009 (including Trip Generation Comparison and Shared Parking Analysis prepared by SRF Associates dated April 2009).
- Wetland Delineation Report, Earth Dimensions, Inc.; dated December 26, 2006.
- Stormwater Pollution Prevention Plan; Carmina Wood Morris PC, dated April 2009.
- Geotechnical Engineering Report; Barron & Associates, PC, dated December 21, 2006.
- Engineer's Report; Carmina Wood Morris, PC dated 4/7/09.
- Architectural Design Guidelines; Dorsky Hodgson Parrish Yue, Architects.
- Letter regarding traffic impacts; FRA Engineering dated June 12, 2009.

WHEREAS, the residential component of the overall development project to be located on the MFR-6 zoned portion of the site is not included in this site plan review. When submitted, it will be fully reviewed in accordance with the provisions of 6NYCRR Section 617.9 and all previous Statements of Findings issued by the Town for the rezoning and/or site plan review of the overall development.

NOW THEREFORE THE PLANNING BOARD FINDS AND DETERMINES THAT:

1. The project has been reviewed in accordance with the specific conditions and criteria consistent with 6 NYCRR Sections 617.7, 617.9, 617.11, and 617.12 set forth in the Findings adopted by the Town Board for the rezoning of the subject property on June 2, 2008. The site plan submitted has been determined to be in general compliance with those Findings. If in the future the project is amended in a way which does not conform with these Findings, a Supplemental Findings Statement, a supplement to the FEIS, or a Negative Declaration shall be prepared to comply with 6 NYCRR Section 617.9.
2. The proposed mixed-use office, commercial, community facility and residential development as presented in the FEIS is consistent with the intent and objectives of the Zoning Ordinance.
3. Adequate services and utilities must be available prior to occupancy. Review and approval of services and utilities by the Town agencies will be required for site plan approval.
4. Development will be consistent with all other applicable laws, rules and regulations.
5. **Traffic and Transportation** (FEIS Section 2.12)

Site specific requirements shall be established by the Town, County and State, as appropriate, as development applications are reviewed. The Project Sponsor shall be responsible for any traffic mitigation required for development of the project site. All improvements will be made subject to the review and approval of the NYS Department of Transportation, Erie County Department of Public Works - Highways Division and the Town of Amherst, as applicable.

A revised Traffic Impact Study (TIS) by FRA Engineering, including a Trip Generation Comparison and Shared Parking Analysis prepared by SRF Associates, was submitted along with the site plan application. That analysis concludes that the traffic impacts to the study area intersections will be less than those identified under the conceptual plan considered at the rezoning stage.

The Planning Board, as Lead Agency for site plan review, requires that the Project Sponsor comply with the following mitigation measures during the development of the project site. The Project Sponsor will be responsible for all costs associated with these mitigations.

The Project Sponsor will post a bond in the amount of \$650,000 at the time an application for building permit is submitted for implementing potential future mitigation alternatives. The bond will cover the following mitigations: traffic calming in the Fairways Subdivision located on the south side of Maple Road, connecting sidewalks, and improvements at the Maple Road/North Forest Road intersection necessary as a direct result of the proposed development (other than the southbound dual left turn lane).

Based on Town estimates, the traffic calming in the Fairways Subdivision will not exceed \$75,000 of the total bond amount. The remaining \$575,000 will be allocated for the sidewalk and Maple Road/North Forest Road intersection mitigation to be undertaken in conjunction with the Erie County Department of Public Works as stated in its June 18, 2009 letter.

Maple Road at Westernmost and Easternmost Driveways

- An exclusive eastbound left turn lane will be provided in the existing center two-way left turn lane of Maple Road.

Maple Road at Western Signalized Driveway and Donna Lea Boulevard

- An exclusive eastbound left turn lane into the development will be installed.
- An exclusive westbound left turn lane to Donna Lea Boulevard will be installed.
- An exclusive westbound right turn lane (deceleration lane) into the development will be installed.
- The western signalized driveway into the development will include a raised median.
- A semi-actuated traffic signal will be installed. The signal will include an advance green left-turn phase for the eastbound approach. Traffic from the site driveway and from Donna Lea Boulevard will proceed concurrently on the same green phase. The new signal will be semi-actuated with vehicle detection on the driveway, Donna Lea Boulevard and the eastbound left turn lane.
- Pedestrian accommodations (signals, crosswalks, pushbuttons, ramps, etc.) will be provided for crossing Maple Road.
- The new traffic signal will be coordinated with the new signal at the eastern signalized driveway and with the existing signal at Maplemere Road.

Maple Road at Eastern Signalized Driveway

- An exclusive eastbound left turn lane into the development will be installed.
- An exclusive westbound right turn lane (deceleration lane) into the development will be installed.
- The eastern signalized driveway into the development will include a raised median.
- A new traffic signal will be installed.
- Pedestrian accommodations (signals, crosswalks, pushbuttons, ramps, etc.) will be provided for crossing Maple Road.
- The new traffic signal will be coordinated with the new signal at the western signalized driveway and with the existing signal at Maplemere Road.

Maple Road at Millersport Highway Northbound Off-Ramp

- A second right turn lane will be constructed at the northbound off-ramp approach to Maple Road.
- An adjustment will be made to the existing signal timings in accordance with NYSDOT standards.

Maple Road at North Forest Road

- A southbound 2nd left turn lane will be installed from North Forest Road to Maple Road.
- The existing signal timings will be adjusted as needed to meet demand.
- The Erie County DPW anticipates installing a westbound exclusive right turn lane from North Forest Road to Maple Road in 2009.
- Costs associated with any other mitigation required by the Lead Agency other than the items specified above will be covered by the \$575,000 allocated from the \$650,000 bond.

B. Public Transportation

If this section of Maple Road becomes a route for bus service, the Developer will install an off-street "cut out" bus stop in the area of the property frontage just west of the western signalized driveway. Any site plan approvals, subject to review by the Town and Erie County DPW – Highways Division, will be obtained prior to installation.

C. Construction Vehicles

In order to avoid the adverse environmental impacts associated with construction vehicles, existing local residential streets in the Fairways Subdivision on the south side of Maple Road shall not be utilized by construction vehicles to access the project site.

D. Follow-Up Traffic Studies

To assess the adequacy of the mitigation measures detailed above and to determine the level of cut-through traffic in the neighboring Fairways Subdivision, two (2) follow-up traffic studies will be conducted for this project, and should be conducted at:

- 40% occupancy of the project, and
- either 80% occupancy or no later than one (1) year after the first study is conducted.

It shall be the responsibility of the Project Sponsor to notify the Town when these thresholds are met. The studies will be funded by the Project Sponsor and conducted by a firm selected by the Town. The studies will be reviewed by the Town Traffic-Safety Board and the Erie County Department of Public Works – Highways Division. All further mitigation measures recommended by the supplemental traffic studies will be funded and completed by the Project Sponsor.

If determined by the supplemental traffic study that cut-through traffic needs to be mitigated, the following measures shall be considered:

- improve Level of Service of the Maple Road/North Forest Road intersection, in particular the northbound approach
- remove Donna Lea Boulevard from the Maple Road intersection
- restrict traffic exiting the westernmost signalized driveway to right and left turns only
- restrict Donna Lea Boulevard between Lynn Lea and Maple Road to one-way northbound
- implement traffic calming features along the residential streets following community input

The costs associated with implementing such traffic calming alternatives will be covered by the required \$575,000 allocated from the \$650,000 bond.

6. **Soils and Environmental Issues** (FEIS Section 2.14)

The project sponsor will be responsible for all costs associated with the environmental investigation and remediation of the site to bring it to development standards as determined by the NYS Department of Environmental Conservation. Specific mitigation measures include:

- The Project Sponsor will comply with all requirements imposed by NYSDEC for the Brownfield Cleanup Program, including:
 - completion and approval by DEC of the Remedial Investigation, Feasibility Study and Work Plan
 - an excavation-and-landfill disposal remedy for the site so that all contaminants are removed in accordance with Program standards. To the extent it is technically and economically feasible, cleanup to residential standard will be completed.
- Project development will comply with Environmental Conservation Law Section 27-1415(6). While residences in this area will be above ground surface, the project sponsor will take the added precaution of removing all soil below the project area either until residential cleanup levels are met or a two foot depth is achieved.
- All contaminated soils in excess of cleanup guidance will be disposed of off-site at an approved facility at the developer's expense. All near surface soils with elevated lead and semi-volatile organic compound levels will be removed from the site to meet soil cleanup objectives (SCOs). All SCOs will meet with the approval of the DEC and will be consistent with planned end use of the site or that area of the site.
- The Geotechnical Engineering Report prepared by Barron & Associates, P.C. dated December 21, 2006 includes findings and foundation considerations for future construction of the various components of the project. The report is included as Appendix B of the FEIS.

The Town shall not grant building permit, subdivision or Public or Private Improvement Permits (PIP) approval for construction of any component of the project (buildings, parking areas or infrastructure) unless the identified limitations as discussed in the geotechnical report are adequately accounted for. The applicant shall be required to provide documentation of site-specific soil characteristics and comply with all relevant Town building codes regarding soil conditions.

Additional mitigation measures to be undertaken by the Project Sponsor may be required by the Building Department.

- In accordance with Town Board Resolution 2008-423 approved by the Board on April 21, 2008, the Project Sponsor shall remediate any off-site contamination on Town property caused by the former gun club activity as part of the current plans to remediate the site.

7. **Wetland Issues** (FEIS Section 2.62)

State Wetlands

Per Wetland Delineation Report prepared by Earth Dimensions, Inc. on December 26, 2006, there are no State wetlands on the subject property.

Federal Wetlands

The Report identified four (4) wetland areas totaling 1.17± acres on the site that are isolated and do not meet the current interpretation of Federally jurisdictional wetlands. The US Army Corps of Engineers has confirmed by letter dated September 13, 2007 that these areas are not regulated pursuant to Section 404 of the Clean Water Act.

8. **Drainage and Stormwater Management** (FEIS Section 2.8)

A Stormwater Pollution Prevention Plan (SWPPP) dated April 2009 and a Demolition & Erosion Control Plan dated 5/14/09 were prepared by Carmina Wood Morris PC and submitted by the applicant along with the site plan materials. These plans were reviewed by the Engineering Department on May 8 and June 4, 2009, respectively. They were determined to adequately address Town and Zoning Ordinance requirements and will be required to address any conditions prior to final site plan approval. All future actions related to the subject project must comply with these Findings, as summarized below.

The following measures shall be implemented by the Project Sponsor to mitigate drainage and stormwater impacts to the maximum extent practicable:

- A. The Project Sponsor shall be required to comply with the intent of the findings and recommendations of the Engineer's Report prepared by Carmina & Wood, P.C. on January 19, 2007 during the course of development.
- B. A detailed A Stormwater Pollution Prevention Plan (SWPPP), including a Sediment and Erosion Control Plan, or the various phases of the project including any related on-site drainage areas shall be submitted as specific site plans are submitted for review.

- C. The design of the stormwater system will follow applicable NYSDEC and Town guidelines which limit the discharge following development to pre-development conditions. All runoff from the project will be collected and conveyed to the storm water detention system and will not sheet drain off-site to adjoining properties.
- D. A water quality device prior to stormwater discharge is required by NYSDEC and will be accommodated by installation of a water quality treatment system/outlet control structure approved by NYSDEC. The system will be engineered to provide 24-hour extended detention of the water quality volume.
- E. Extended detention will be provided for the one-year storm event as required by NYSDEC. This volume will be accommodated in the underground pipe detention system. The water quality treatment system/outlet control structure will be engineered to provide 24-hour extended detention.
- F. For overbank flooding, NYSDEC requires that the 10-year storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event.
- G. The Town requires attenuation of the 25-year storm event to the existing 10-year conditions.
- H. For extreme storm protection, NYSDEC requires that the 100-year storm event will be attenuated with detention and that the outlet be restricted to the 100-year existing storm event.
- I. The proposed site grading for the project will maintain positive drainage across the site and produce no adverse drainage conditions on adjacent properties.

9. **Cultural / Archaeological Resources** (FEIS Section 2.11)

A Phase I Cultural Resources Investigation and Phase IB Addendum conducted for the project site by Panamerican Consultants, Inc. concluded that the proposed project will have no effect on cultural resources listed, or eligible for listing, in the State or National Registers of Historic Places, and that no further cultural resource investigations are recommended. A letter from the NYS Office of Parks, Recreation and Historic Preservation dated June 1, 2007 states that agency's concurrence with this finding.

10. **Economic Issues** (FEIS Section 2.15)

All infrastructure required to support the development of the project site will be installed and/or upgraded at the Project Sponsor's expense.

An Economic Analysis for the proposed project was prepared by Real Property Services, LLC in December, 2006 which is included in Appendix F of the FEIS. The conclusions of that report are:

- The proposed development is located in an area that will allow it to thrive and prosper, while elevating the character and attractiveness of the surrounding neighborhood.

- The development will add \$44,000,000± to the Town assessment base when completed, generating approximately \$1,600,000 per year in total tax revenues at 2008 levels (2007 estimated). As a comparison, the site is currently assessed at \$461,000 and generates tax revenues of less than \$17,000 per year.
- The proposed development will have no significant direct impact on costs or services to the Town or the Sweet Home Central School District.
- The development will have no significant impact on the marketability or values of nearby existing housing.
- The project will complement existing retail development in the market area and will serve to improve the overall character of the neighborhood.
- The Project Sponsor will not be seeking any tax abatement from the Amherst Industrial Development Agency for this project.

11. **Lighting / Noise / Visual Impacts** (FEIS Section 2.5)

The applicant has submitted a Site Lighting Plan dated 5/09 prepared by Carmina Wood Morris, PC, which was reviewed by the Building Department on June 18, 2009 and meets or will meet all Zoning Ordinance requirements prior to final site plan approval. All future actions related to the subject project must comply with these Findings, as summarized below.

- A. All proposed lighting for the site must conform to the Town Zoning Ordinance for height and type of lighting fixtures. A Site Lighting Plan will be required prior to site plan approval, which, according to the Ordinance must show light impacts not exceeding 0.2 foot candles adjacent to residential use and 0.5 foot candles adjacent to commercial use.

Appropriately located lighting, downward-directed lighting fixtures or hooded lighting will be used to prevent off-site light spillage on adjacent residential areas. The light fixtures and their placement will follow all Town of Amherst code requirements for usage and design. The Town Zoning Code requires a lighting plan to be submitted during the site plan review process, and the standards contained in the relevant sections of the Zoning Code regulate lighting spillover from commercial locations onto adjacent residential land uses.

Exterior site lighting will not operate 24 hours per day. The Town will review specific lighting plans in order to minimize the overnight lighting impacts.

- B. The project developer will be required to install Medium and/or High Impact Landscape Screens in accordance with the Town Zoning Ordinance. At the site plan stage, the specific location, type and size of landscaping will be thoroughly reviewed by the Town Planning Department to ensure maximum buffering of the proposed uses from existing residential properties.
- C. All landscaping will be subject to the approval of the Town Planning Department/Planning Board as required by the Zoning Ordinance.

- D. It is anticipated that the project site will be built-out in stages over many years and, as such, there is a need to impose mitigation measures for noise from construction activities to minimize this identified adverse environmental impact to the maximum extent practicable. Both temporary and long term noise impacts may result from the construction activities on the project site as well as from the proposed use of the project site.

Noise from construction-related activities, which will exceed local ambient levels for noise outside of structures, may cause some temporary annoyance to nearby residents. It is expected that this impact, caused by heavy equipment, construction vehicles and power tools, will continue throughout the duration of construction. In order to reduce this noise, the following measures will be undertaken by the Project Sponsor:

- Limit major construction activities to daytime hours
- Use of construction equipment with mufflers
- The preservation of existing vegetation to the maximum extent practicable will provide a noise barrier to existing residential areas.
- If blasting is required, the Project Sponsor will follow all requirements of the Town Blasting Ordinance

- E. Screening of proposed commercial buildings and parking lots will be provided through the creation of berms or landscaping elements on the periphery of developed areas. All landscape species, size and location will be subject to the approval of the Town Planning Department.
- F. The Project Sponsor will, to the greatest extent practicable, progressively scale building massing from south to north to provide a visually pleasing site layout as shown on the development plan.

12. **Building Height**

No structure in the proposed development shall exceed fifty (50) feet in height.

The residential (MFR-6) portion of the proposed project will feature predominately two-story, townhouse style units with garages and no single-family detached homes. A small portion of the residential development will involve single-floor units in three-story buildings. None of the proposed residential structures in the MFR-6 zoning district will exceed 35 feet in height.

Residential uses in the General Business (GB) zoned portion of the site will be upper-story units located above other allowable GB uses.

13. **Air Quality**

An Air Quality Analysis was prepared by FRA Engineering dated March 24, 2008. The analysis concludes that based on the NYS Department of Transportation's Environmental Procedure Manual, none of the project-affected intersections require detailed microscale air quality analysis, and no significant adverse air quality impacts are expected to occur as a result of the proposed project.

Potential impacts to air quality resulting from fugitive dust generated during construction activities will be minimized by the following measures:

- seeding and/or mulching exposed soils as soon as practicable and in accordance with the requirements and applicable regulations promulgated by the NYSDEC
- grading roadways and covering them with gravel during construction, periodically regrading, compacting and replacing gravel as necessary as determined by the Town
- wetting down temporary roads to be constructed on the project site during construction of the build-out of the project as needed throughout the duration of construction activities and as determined by the Town.

14. Land Use

The proposed development will follow the program summarized below as depicted in the concept plans and DEIS:

USE	DEVELOPMENT PROGRAM (not to exceed)
Specialty retail	225,000± sq. ft.
Restaurant	35,000± sq. ft.
Office	12,000± sq. ft.
Community theater	4,000± sq. ft.
Total	276,000± sq. ft.
Upper-story apartments –	64± units
Hotel	125± rooms
Residential (MFR-6 portion of site)	75± units

*(See Section 18, Supplemental Environmental Impact Statement)

The following additional limitations will be in effect for the subject development and included in a Declaration of Restrictions recorded in the County Clerk's office:

- No single retail user shall be greater than 50,000 square feet in size.
- There shall be no freestanding drive-thru fast food restaurants.
- There shall be no freestanding drive-thru pharmacies.

The following findings outlining the project's consistency with the Comprehensive Plan, as stated in the Planning Board Resolution to the Town Board dated June 28, 2007, have been made:

- a. The proposed development is consistent with the Plan's "key initiative" for Amherst to become a "knowledge-based community". The plan recommends that the Town "work with the University at Buffalo to create mixed use activity centers around the periphery of the campus", consistent with the proposed development (pg. 11).
- b. The site is located in the section of Maple Road that has proximity to the UB North Campus, an area identified in the Comprehensive Plan's University Focal Planning Area where re-use or redevelopment of properties is encouraged (p. 154).

- c. The proposed mixed-use development will be compatible with the existing mix of uses along Maple Road. The Comprehensive Plan recognizes the "concentration of commercial service located to the south [of the UB campus] along Maple Road" (p. 151).
- d. The project will be located on Maple Road, which classification as a major arterial road recognizes its function and capacity to serve as the site of the proposed project.
- e. The proposed project will provide an economic benefit to the Town.
- f. The subject site is inappropriate for a development consisting solely of residential uses due to its location on a major arterial road and its proximity to non-residential uses including the Pepsi Center and the UB stadium.
- g. The proposed development will serve as a buffer between the existing Pepsi Center and UB stadium and the existing residences on the south side of Maple Road.

15. **Pedestrian / Bicycle Trails** (FEIS Section 2.2)

An area 101 feet in depth and measuring 4.5± acres along the entire project frontage on Maple Road will be a petitioner-owned and maintained conservation project devoted to greenspace and a public walkway as depicted in the Plan received May 20, 2009. The location, design, size and type of landscaping and walkway materials will be subject to Town approval.

A public trail system currently exists along Ellicott Creek which connects to the University of Buffalo campus and is used by members of the adjacent neighborhoods as well as the UB community for walking and biking. The distance from the trail to the project site is approximately 0.25 miles along Maple Road or roughly a 10-minute walk. Future connection, subject to Town approval, includes an extension to the proposed mixed-use center, via a sidewalk on the north side of Maple Road. This walkway, while currently existing in the public right-of-way, will be improved for the entire length of the subject Maple Road parcel.

The location of specific connections has been shown on the site plans submitted for development of the subject property as requested by the Town.

It is anticipated that construction of direct trail connections to the subject property and any connections to Town property (i.e. Pepsi Center) will be the responsibility of the developer. Maintenance responsibility and security costs will be the responsibility of the town.

16. **Infrastructure**

All sanitary sewer, water and storm sewer systems installed or improved for the project, including lift station improvements, will be undertaken by the Project Sponsor at their cost and will be required to meet all Town, County and State requirements.

17. **Bond**

The Project Sponsor will post a bond in the amount of \$650,000 at the time a building permit application is submitted for implementing potential future traffic mitigation alternatives. The bond will cover the following mitigations: traffic calming in the Fairways Subdivision located on the south side of Maple Road, connecting sidewalks, and improvements at the Maple Road/North Forest Road intersection necessary as a direct result of the proposed development (other than the southbound dual left turn lane). The cost of all other traffic mitigation measures will be borne by the Project Sponsor.

Based on Town estimates, the traffic calming in the Fairways Subdivision will not exceed \$75,000 of the total bond amount. The remaining \$575,000 will be allocated for the sidewalk and Maple Road/North Forest Road intersection mitigation to be undertaken in conjunction with the Erie County Department of Public Works as stated in its June 18, 2009 letter.

18. **Architectural Design Guidelines**

All construction on the site will be in accordance with the Architectural Design Guidelines approved by the Town Board on June 3, 2007 as part of the rezoning of the property and approved by the Planning Board as part of site plan review.

19. **Supplemental Environmental Impact Statement**

The development plan submitted by the applicant along with the rezoning application in 2007 was intended to be conceptual in nature, intended to present a general development scenario for the property to be rezoned. That conceptual plan showed a feasible layout scheme for buildings, parking and roadways, but was not intended to depict the detailed layout required to be shown at the site plan review stage. Accordingly, the site plan submitted by the applicant for site plan review in April 2009 reflects certain modifications to the conceptual plan included with the rezoning application in 2007. These modifications have been reflected in the updated supporting documentation submitted along with the site plan application including a revised Traffic Impact Study.

Modifications to the 2009 site plan from the conceptual plan submitted at rezoning are:

- Building I has been identified for potential use as an 1,800 seat movie theater, an allowable use in the GB zoning district. The building does not exceed the 50,000 sq. ft. maximum as required by the Findings issued by the Town Board for the rezoning action. The revised Traffic Impact Study includes a Trip Generation Comparison and Shared Parking Analysis prepared by SRF Associates which includes the movie theater traffic. That analysis concludes that the traffic impacts to the study area intersections will be less than those identified under the previously proposed plan.
- The site plan includes the development of 64 upper-story apartments to be located in Buildings A and C. While residential units were referenced in the Town Board Findings Statement issued in June 2008, they were not specifically included in the Traffic Impact Study as part of the GB zoned portion of the site. The Trip Generation Comparison and Shared Parking Analysis prepared by SRF Associates in April 2009 does include the

apartment units. As indicated above, that analysis concludes that the traffic impacts to the study area intersections will be less than those identified under the previously proposed plan.

- The MFR-6 zoned portion of the development site (including 218 Maple Road) has been omitted from this site plan review. This area was shown on the conceptual plan submitted at rezoning as the location of up to 75 townhouse/condominium units. When the applicant submits the MFR-6 residential portion of this project for approval, a revised traffic analysis must be included for the Planning Board's consideration to determine if significant environmental impacts will be created and if a Supplemental Environmental Impact Statement is required.
- A three-story parking structure identified as Building H is included in the site plan. Although the conceptual plan submitted at rezoning showed surface parking but did not show a parking structure, the Planning Board concludes that the structure poses no new significant environmental impacts as it is within the height restrictions outlined by the Findings issued by the Town Board, and any potential visual impacts will be mitigated through design and landscaping as shown on submitted plans.

After review of the site plan materials by the Town and outside agencies and consideration of the above modifications to the site plan from the 2007 conceptual plan, the Planning Board has determined that there are no new significant environmental impacts related to this project that have not been previously identified or which would require the preparation of a Supplemental Environmental Impact Statement. The Board has further determined that it has adequate information to evaluate all of the relevant benefits and potential impacts of the project and to issue this Statement of Findings.

20. Evaluation of Future Actions

In accordance with SEQR regulations, upon application to the Town for development of the project site that requires the submittal of an Environmental Assessment Form, the Town will be required to determine if the potential adverse environmental impacts associated with the development have been adequately identified and evaluated in the DEIS, FEIS and this Findings Statement, and whether the proposed development exceeds any of the thresholds and/or requirements contained in this Findings Statement. This determination must be made by the Town prior to the issuance of any discretionary land use approvals by the Town for the proposed development.

The following scenarios are put forth in Section 617.10(c) & (d) of the SEQR regulations:

- A. If the Town determines that the proposed action is in conformance with the conditions and thresholds in the FEIS or the Findings Statement, then no further environmental review pursuant to SEQR will be required;
- B. If the Town determines that the proposed action is adequately addressed in the FEIS, but is not addressed or not adequately addressed in the Findings Statement, then an amended Findings Statement must be prepared;

- C. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FEIS, but it will not result in any significant environmental impacts, then a negative declaration must be prepared; or
- D. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FEIS, and the action may have one or more significant adverse environmental impacts, then a supplement to the FEIS must be prepared.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-7-09

PETITIONER

Buffalo-Maple Road, LLC
570 Delaware Avenue
Buffalo, NY 14202

PROPERTY LOCATION

330 Maple Road,
ROXBURY, MA 01515

WHEREAS the Town of Amherst Planning Board on Thursday, May 21, 2009 held a public hearing on a Site Plan for the "University Town Center" mixed-use development, 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, 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 includes a 101 ft. wide conservation area as open space lands for public use, and the petitioner will provide an easement for such use.
- C. School sites and facilities are adequate to accommodate the proposed site plan.
- D. The site plan includes potential future access points to allow connection to Millersport Highway.

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

- A. The proposed site plan is generally consistent with the concept plan submitted at the time of rezoning and the intent of the Town board Resolution issued at rezoning and the Town Board State of Findings.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-7-09

PETITIONER

Buffalo-Maple Road, LLC

PROPERTY LOCATION

330 Maple Road

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- E. Consistent with Findings issued by the Town Board's Statement of Findings dated July 3, 2008 and that proposed changes to the plan do not result in any significant impacts not considered in that Statement of Findings. (*See attached Planning Board Statement of Findings, Section 19.*)
- F. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers has determined that it has no jurisdiction.
- G. A full review of the residential development to be located on the MFR-6 zoned portion of the overall development site will be conducted in accordance with the provisions of 6NYCRR Section 617.9 and all previous Statements of Findings issued by the Town for the rezoning and/or site plan review of the overall development.

NOW THEREFORE BE IT RESOLVED, that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board adopts the Statement of Findings attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Planning Board approves the "Architectural Guidelines – University Town Center" in accordance with the requirement included in the Development Agreement adopted by the Town Board at the time of rezoning of the subject property, and

NOW THEREFORE BE IT FURTHER RESOLVED, that Coordinated Sign Plans and Minor Site Plans may be approved by the Planning Director if the Planning Director determines that they are consistent with the Architectural Guidelines and all other Zoning Ordinance requirements, and

NOW THEREFORE 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 be specifically excluded from this approval since no sign details were presented.
2. That any lights used to illuminate the property be equipped with adjustable hoods to control light spread and direction so as not to create any nuisance to nearby properties, and that lights not exceed 25 feet in total height from finished grade.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-7-09

PETITIONER

Buffalo-Maple Road, LLC

PROPERTY LOCATION

330 Maple Road

RCVD JUN25'09 PM 4:29

3. 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.
4. 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.
5. The subject development will be constructed in general compliance with the design manual entitled "Architectural Design Guidelines University Town Center," prepared by Dorsky Hodgson Parrish Yue, architects.
6. That the issues raised by the Building Department in its memorandum dated June 18, 2009 be addressed with the exception that if the Zoning Code is amended at some future time to permit fabric awnings, that awnings materials may be consistent with the Code, as amended.
7. That the issues raised in items #4, 9, 18, 19, and 22 of the Planning Department memorandum dated May 1, 2009 be addressed.
8. That the issue raised by the Engineering Department in its review of the Stormwater Pollution Prevention Plan dated May 8, 2009 be addressed.
9. That the necessary Erie County Division of Highways approval documents relative to the proposed storm drainage plan and construction activities within the Maple Road right-of-way be provided to the Engineering Department.
10. That the Erie County Division of Highways review the proposed traffic signal timing as recommended in the June 18, 2009 letter from FRA-TY LIN International Company and that the petitioner comply with any recommendations.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-7-09

PETITIONER

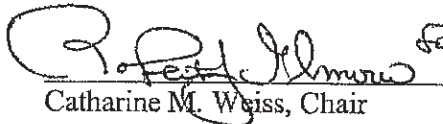
Buffalo-Maple Road, LLC

PROPERTY LOCATION

330 Maple Road
RCVD JUN25'09 PM 4:29

The foregoing resolution was adopted by the

Town of Amherst Planning Board, June 18, 2009.

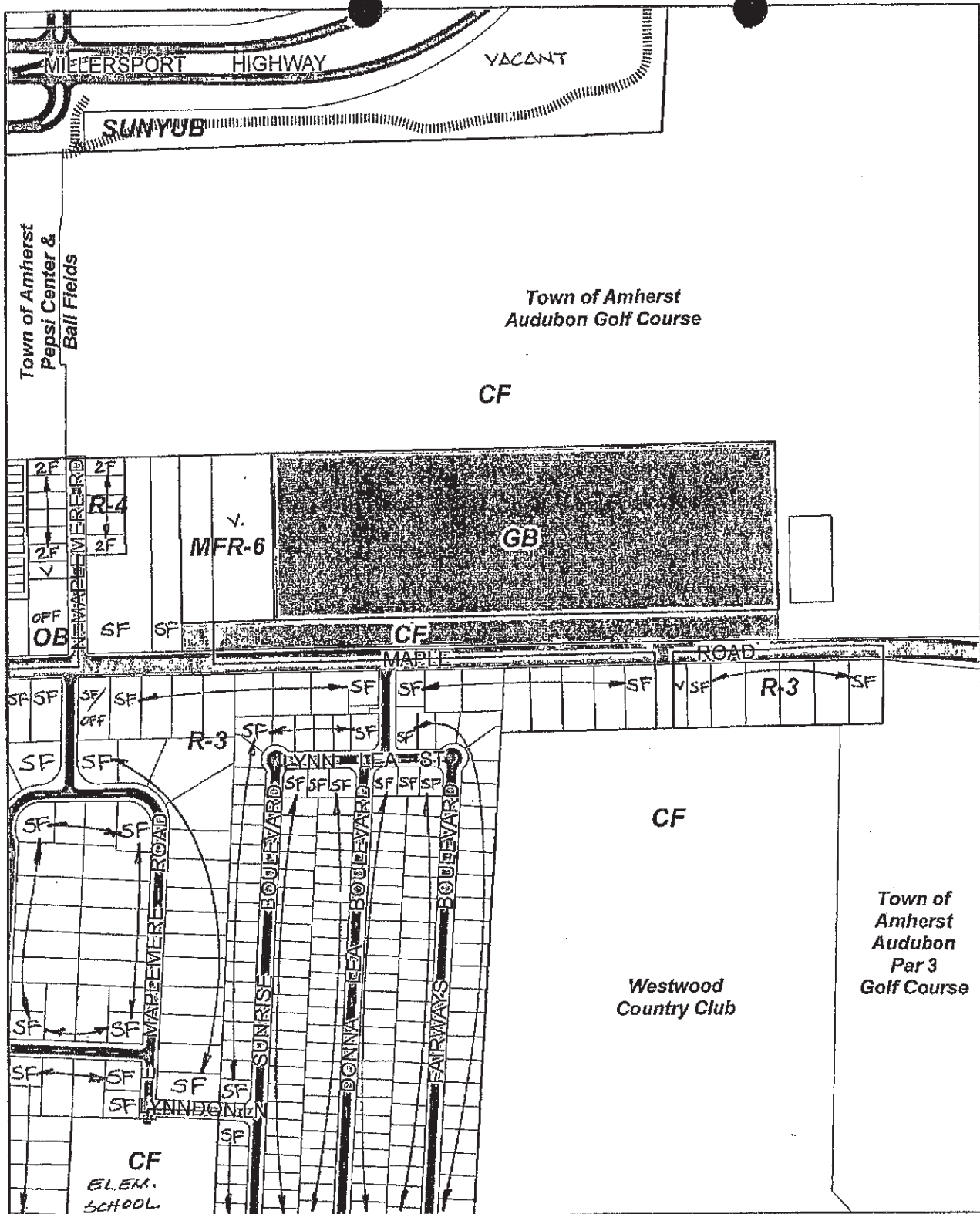
 for 6/25/2009
Catharine M. Weiss, Chair Date

EK/jb

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cc: Town Clerk
Commissioner of Building
Town Engineer
Fire Chiefs
Traffic/Safety
Highway Superintendent
ECDEP
ECHWY
NYSDOT
Buffalo-Maple Road, LLC
Jeffery D. Palumbo, Esq.
Carmina Wood Morris, PC

Approved Plan: Carmina Wood Morris, PC
Received: May 20, 2009



SP-7-09

Proposed Mixed Use Center
330 Maple Road

Buffalo-Maple Road, LLC, Petitioner

May 21, 2009

 330 Maple Road

 Existing Bikepath



Prepared by the Town of Amherst Planning Department

Exhibit 2

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

BUFFALO-MAPLE ROAD, LLC AND MAPLE
ROAD LODGING, LLC

Address

570 Delaware Avenue, Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/26/12 Agreement Execution: 9/22/06 Agreement Index No.: B9-0724-06-07

Application Approval Amendment: 5/9/07

Agreement Execution Amendment: 6/18/07

SITE INFORMATION

Site No.: C915207 Site Name: 330 Maple Road Site

Site Owner: Buffalo-Maple Road, LLC

Street Address: 330 Maple Road

Municipality: Williamsville County: Erie DEC Region: 9

Site Size: 26.000 Acres

Tax Map Identification Number(s): Portion of 55-03-1-10

Percentage of site located in an EnZone: 0 - 49%

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Residential, Restricted Residential, Commercial, and Industrial
Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.
Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.
Tangible Property Credit Component Rate is 10 %.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375.1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375.1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:


Robert W. Schick, P.E., Acting Director
Division of Environmental Remediation

Date: MAY 7, 2012