

Application for Site Plan Approval  
 Location: 2190-2200 Wehrle Drive  
 Multifamily Project  
 Applicant: Young Development Inc.  
 Date: June 22, 2026



**TOWN OF AMHERST PLANNING DEPARTMENT**

**Application for Major Site Plan Review**

For Official Use

File #: \_\_\_\_\_ Acreage 24.91 Fee \$ 17,865.00

Address Verified by  
 Assessor's Office

VERIFIED 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	\$15,600.00
Amendments to Site Plans	\$1,200.00	_____
Request for Relief of / or 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  
 TOTAL FEE: \$ 17,865.00

Materials Received by  
 Planning Department

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

Materials Accepted by  
 Town Clerk & Fee Paid

ACCEPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

**To Be Completed By Applicant**

Petitioner: Name: Young Development Inc.

Address: 1120 Bullis Road

Elma, New York 14059

city state zip code

Phone: 716-675-8000 Fax: \_\_\_\_\_ E Mail: jyoung@youngdevelopmentinc.com

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

Name: Doug Feyes, P.E.

Address: Carmina Wood Design

80 Silo City Row, Suite 100

Buffalo

New York

14203

**city**

**state**

**zip code**

Phone: 716.501.5741 Fax: \_\_\_\_\_

E Mail: dfeyes@carminawooddesign.com

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

Address: 2190-2200 Wehrle Drive

SBL No(s): 81.02-1-10.1

**Project Name:** Uptown Apartments

**Project Description:** \_\_\_\_\_

The applicant is seeking Site Plan approval with consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multifamily project consisting of 270 attached residential units for lease and all proposed site improvements and a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. The narrative provided at Exhibit "2" provides a more detailed project description.

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):

Not Applicable.

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<b>Gross Floor Area (non-residential):</b>	<u>0</u> existing	<u>7,850 SF</u> proposed	<u>7,850 SF</u> total
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<b>Number of Residential Units:</b>	<u>0</u> existing	<u>270</u> proposed	<u>270</u> total
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<b>Number of Parking Spaces:</b>	<u>0</u> existing	<u>707</u> proposed	<u>707</u> total
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**Acreage of Parcel:** 24.91

**Frontage on Public Roads:** The parcel has approximately 650 feet on Wehrle Drive.

**Existing Zoning District(s)** MFR-5

[Note: A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "2" of this Site Plan Application.]



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# **EXHIBIT 1**

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ACQUEST WEHRLE LLC  
5554 MAIN ST  
WILLIAMSVILLE, NY, 14221

Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

RE: 2190 WEHRLE DR, Amherst, Erie County, State of New York

Ladies and Gentlemen:

Please be advised that we authorize Young Development Inc. to appear before the Town Board in connection with the rezoning and/or approvals of the above property.

Very truly yours,

ACQUEST WEHRLE LLC

By:

A handwritten signature in blue ink, appearing to be 'ADW', written over a horizontal line.



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## **EXHIBIT 2**

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**Attachment A of Part 1 of Full  
Environmental Assessment Form**

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**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Amended Part 1 of Full EAF with  
Attachments "A" and "B"  
2190-2200 Wehrle Drive  
Date: June 16, 2025**

**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: Uptown Apartments Project		
Project Location (describe, and attach a general location map): 2190-2200 Wehrle Drive [SBL: 81.02-1-10.1] - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project (the "action") consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multifamily project consisting of 270 attached residential units for lease and all proposed site improvements and a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. The action has been defined broadly to include all required discretionary approvals and permits from the municipal boards of the Town of Amherst including but not limited to the pending requested amendment of the adopted Comprehensive Plan, a rezoning of a project site from OB to MFR-6 as well as all required approvals and permit from involved agencies as well as all proposed site improvements including multifamily buildings, a community building and recreational amenities, a dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive and a gated emergency access only driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections. The action is a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA") since it involves more than 250 residential units with sanitary sewer service.		
Name of Applicant/Sponsor: Young Development Inc. c/o Doug Feyes, Carmina Wood Design	Telephone: 716-501-5741	
	E-Mail: dfeyes@carminawooddesign.com	
Address: 80 Silo City Row, Suite 100		
City/PO: Buffalo	State: NY	Zip Code: 14203
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): Acquest Wehrle Drive	Telephone:	
	E-Mail:	
Address: 5554 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, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Board - Comp. Plan Amendment & Rezoning from R-3 to OB	February 18, 2025
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning Board of Appeals - Area Variances	To be Determined
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AIDA - PILOT, etc.	To be Determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECWA - Water; ECDPW - Highway Work Permit & ECHD	To be Determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - DSCA & SPDES Permit	To be Determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):  
 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):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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	_____	_____	_____	140
At completion of all phases	_____	_____	_____	270

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 1  
 ii. Dimensions (in feet) of largest proposed structure: 18 height; 72 width; and 144 length  
 iii. Approximate extent of building space to be heated or cooled: 6,480 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: Stormwater management  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Stormwater runoff  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
Not applicable.  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ 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):  
Micro Pool Detention stormwater ponds

**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): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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: \_\_\_\_\_ 59,048 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: \_\_\_\_\_ 53,680 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 WWTP
- Name of district: Town of Amherst
- 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?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

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: \_\_\_\_\_  
 \_\_\_\_\_

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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?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 11  acres (impervious surface)  
 \_\_\_\_\_ Square feet or 24  acres (parcel size)
- ii. Describe types of new point sources. building roofs, parking areas
- 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)?  
onsite stormwater management system
- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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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?  Yes  No  
 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)

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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?  Yes  No  
 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)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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): \_\_\_\_\_

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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): \_\_\_\_\_

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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? [See Updated Traffic Impact Report prepared by Amy Dake, P.E. of Passero Associates dated June 9, 2025.]  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): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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: \_\_\_\_\_

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

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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: \_\_\_\_\_  
 Unknown at this time.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 National Grid

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7am to 5pm _____</li> <li>• Saturday: _____ as needed _____</li> <li>• Sunday: _____ n/a _____</li> <li>• Holidays: _____ n/a _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Not Applicable _____</li> <li>• Saturday: _____ Not Applicable _____</li> <li>• Sunday: _____ Not Applicable _____</li> <li>• Holidays: _____ Not Applicable _____</li> </ul>
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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:  
Unavoidable noise generated during normal construction activities resulting from the use of construction equipment is a short term and unavoidable impact.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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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:  
Site lighting to compliant with Town of Amherst lighting requirement specified in the Zoning Code. All lighting to be dark sky compliant.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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

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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: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 Commercial, industrial, medical, office, single family residential and multifamily residential  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	11.1	+ 11.1
• Forested	0.0	0.0	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	24.9	0.0	- 24.9
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Greenspace & Landscaping _____	0.0	13.8	+13.8

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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?  Yes  No  
If Yes,  
i. Identify Facilities:  
Childtime daycare on Spindrift Drive, DENT Neurological Institute and ECC North Campus  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

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?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

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?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

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? \_\_\_\_\_ 6.5 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:

Illion silt loam	_____	34 %	
Liam loam	_____	10 %	
Newsteam loam	_____	10 %	Ovid silt loam, 46%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 1 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % 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* or *ii*, 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:

- 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: \_\_\_\_\_

[Note: A copy of the Jurisdictional Determination issued by the USACE on January 22, 2021 confirming there are not any jurisdictional wetlands on the Project Site is provided at Attachment "A".]

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____  <u>Typical suburban species</u> _____          _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:  <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____          _____  <i>ii.</i> Source(s) of description or evaluation: _____  <i>iii.</i> Extent of community/habitat:              • Currently: _____ acres              • Following completion of project as proposed: _____ acres              • Gain or loss (indicate + or -): _____ acres</p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:  <i>i.</i> Species and listing (endangered or threatened): _____          _____          _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:  <i>i.</i> Species and listing: _____          _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If yes, give a brief description of how the proposed action may affect that use: _____          _____</p>	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  <i>i.</i> If Yes: acreage(s) on project site? _____  <i>ii.</i> Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:  <i>i.</i> Nature of the natural landmark:   <input type="checkbox"/> Biological Community   <input type="checkbox"/> Geological Feature  <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____          _____          _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:  <i>i.</i> CEA name: _____  <i>ii.</i> Basis for designation: _____  <i>iii.</i> Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  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: \_\_\_\_\_

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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 [Copy of SHPO Letter dated October 4, 2024 at Attach B]

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: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? [The proposed project will not result in any adverse impacts to Glen Park.]  Yes  No

If Yes:

i. Identify resource: Glen Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): local park

iii. Distance between project and resource: \_\_\_\_\_ 2.3 miles.

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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**

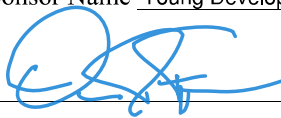
Attach any additional information which may be needed to clarify your project.

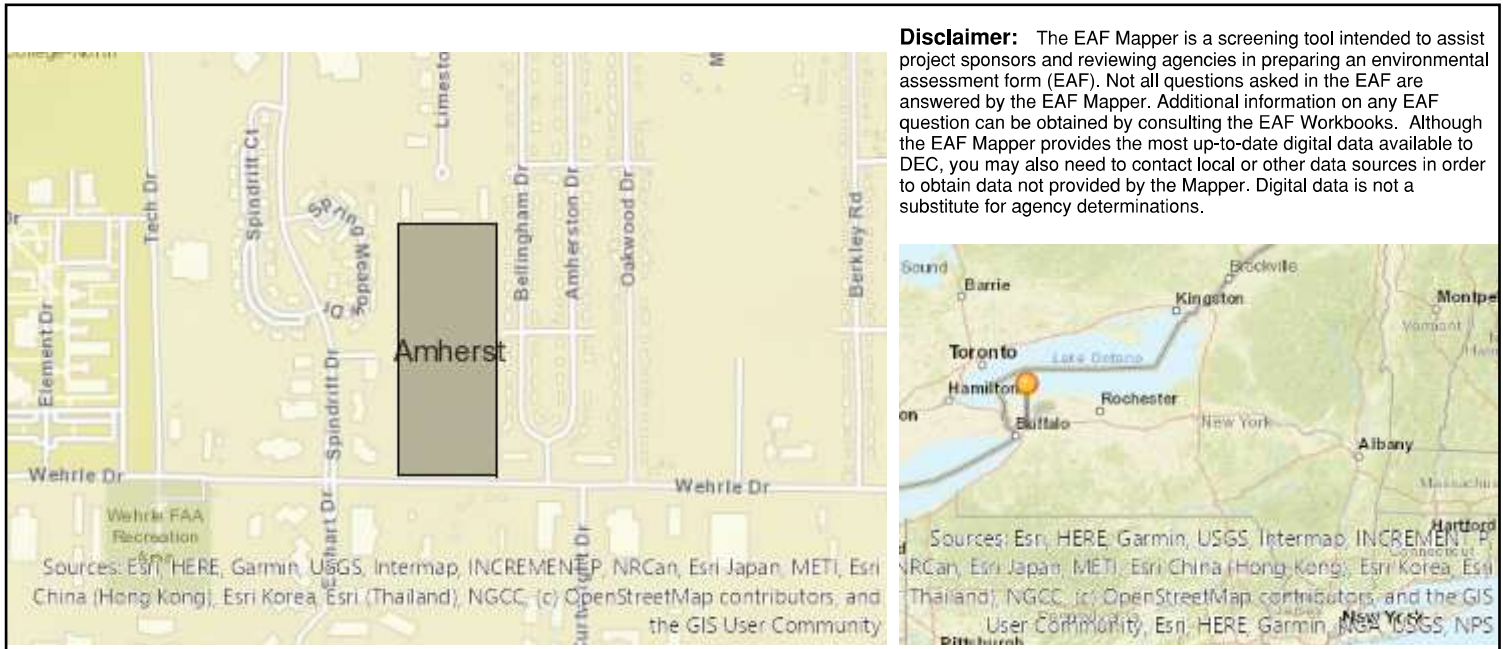
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Young Development Inc. Date June 22, 2025

Signature  Title Project Engineer



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

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	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



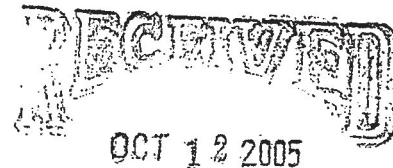


New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 4, 2005

Steven Doleski  
Regional Permit Administrator  
NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203-2999



Dear Mr. Doleski:

PROJECT MANAGEMENT

Re: DEC. CORPS 2000-00680 (1)  
Proposed Acquest Office Park Development  
2190 & 2220 Wehrle Drive/  
2459 Hopkins Road Wetland Mitigation Site  
Town of Amherst, Erie County  
05PR3845

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed this project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

A review of SHPO records indicates that No Impact determinations were issued for 2190 Wehrle Drive in 2001, for 2220 Wehrle Drive in 1993 and for 2459 Hopkins Road in 2001. Therefore, it is the SHPO's opinion that project 05PR3845 will have No Effect upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have. Please also refer to the PR# above in any future correspondences for this project.

Sincerely,

Historic Preservation Program  
Analyst, Archaeology

cc. Steven Metivier, CORPS  
Gail Thompson, Seneca Nation THPO  
Ashok Kapoor, Acquest Development (faxed this day to 716-856-2288)



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# **EXHIBIT 3**

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## EXHIBIT 3 OF SITE PLAN APPLICATION

### PROJECT DESCRIPTION

#### **I. Introduction and Description of the Proposed Multifamily Project:**

The Applicant is seeking Site Plan Approval for the proposed multifamily project to be located at 2190-2200 Wehrle Drive. The project layout depicted on the Site Plan prepared by Carmina Wood Design consists of 270 multifamily units comprised of 28 two-story multifamily buildings, and a clubhouse along with all related site improvements. A reduced-size copies of the Site Plan [Drawing C-100] showing the layout of the proposed multifamily project is provided at **Exhibit “4”** and a reduced-size copy of the survey of the Project Site are provided at **Exhibit “5”**. The Project Sponsor is submitting engineered plans and an Engineer’s Report with a SWPPP providing required technical information.

The project layout reflects input received during the lengthy review process including a reduction of density from 366 to 270 units, the elimination of previously proposed 4-story buildings, etc. The project has been the subject of a lengthy review process that has included numerous informational meetings with residents along public hearings held by the Planning Board and the Town Board.

Attached as **Exhibit “6”** are copies of the resolutions adopted by the Town Board on October 27, 2025 for the purpose of issuing a Negative Declaration and approving the Comprehensive Plan Amendment. Attached as **Exhibit “7”** is a copy of the Negative Declaration issued by the Town Board pursuant to SEQRA on October 27, 2025. A copy of the PowerPoint presentation given to the Town Board during the public hearing held on February 23, 2026 that includes information on the many modification made to the project layout during the project review process is attached as **Exhibit “8”**. Attached as **Exhibit “9”** are copies of the resolutions adopted by the Town Board on March 19, 2026 for the purpose of issuing a Negative Declaration

and approving the rezoning of the Project Site from OB to MFR-5. Attached as **Exhibit “10”** is a copy of the Negative Declaration issued by the Town Board pursuant to SEQRA on March 19, 2026.

A copy of the Agreement entered into with the owner of the owner of the existing multifamily projects located to the west of the Project Site on the opposite side of the National Grid Right-of-Way is provided at **Exhibit “11”**.

It is also important to mention that the Zoning Board of Appeals granted requested area variances for the multifamily project during its meeting held on March 27, 2026. A copy of the resolution adopted by the Zoning Board of Appeals is provided at **Exhibit “12”**. A copy of the FAA Determination Letter dated February 26, 2026 is provided at **Exhibit “13”** and a copy of the negative Jurisdictional Determination issued by the NYSDEC on June 9, 2026 confirming there are not any NYSDEC Freshwater Wetlands on the Project Site is provided at **Exhibit “14”**.

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## **EXHIBIT 4**

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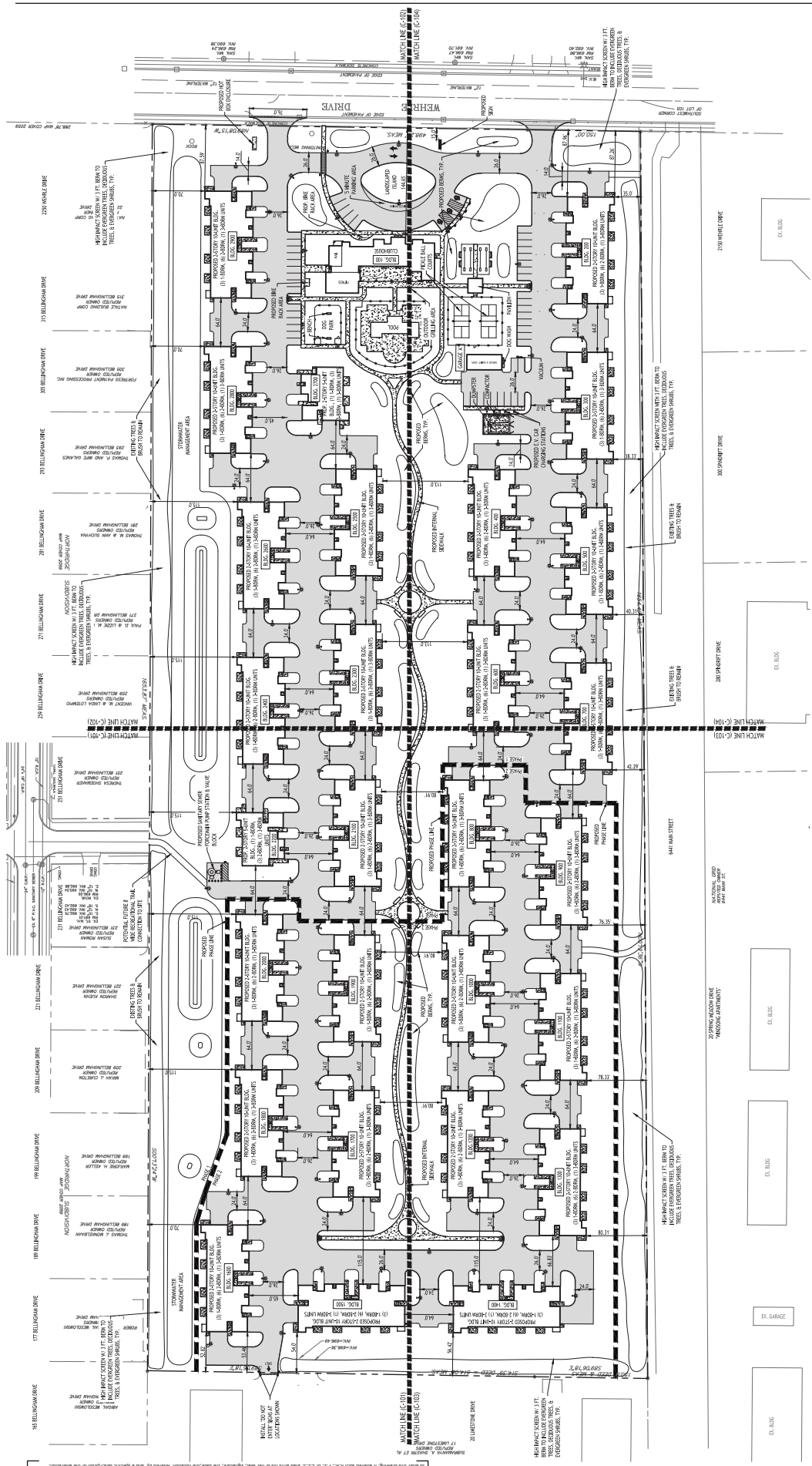


NO.	DESCRIPTION	DATE

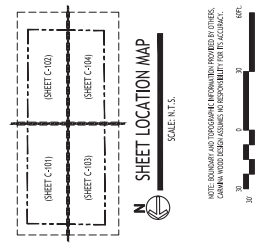
DRAWING NAME:  
**Site Plan Overall**

DRAWING NO.:  
**C-100**

Project No.: 25-4008



**OVERALL SITE PLAN**  
SCALE: 1"=40'



**SITE LEGEND**

	PROPERTY LINE
	PROPOSED CONCRETE CORE
	PROPOSED CONCRETE / CONCRETE PAD
	NUMBER OF PARKING SPACES
	PROPOSED DECK
	PROPOSED SHARED UTILITY
	ASPHALT PAVEMENT
	PROPOSED LIGHT POLE

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMIN/WOOD ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

ALL INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE DESIGNER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COST INCREASES CAUSED BY THE CLIENT OR OTHERS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY INADEQUACIES IN THE DESIGN OR CONSTRUCTION OF THE PROJECT.

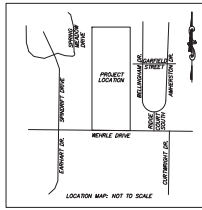


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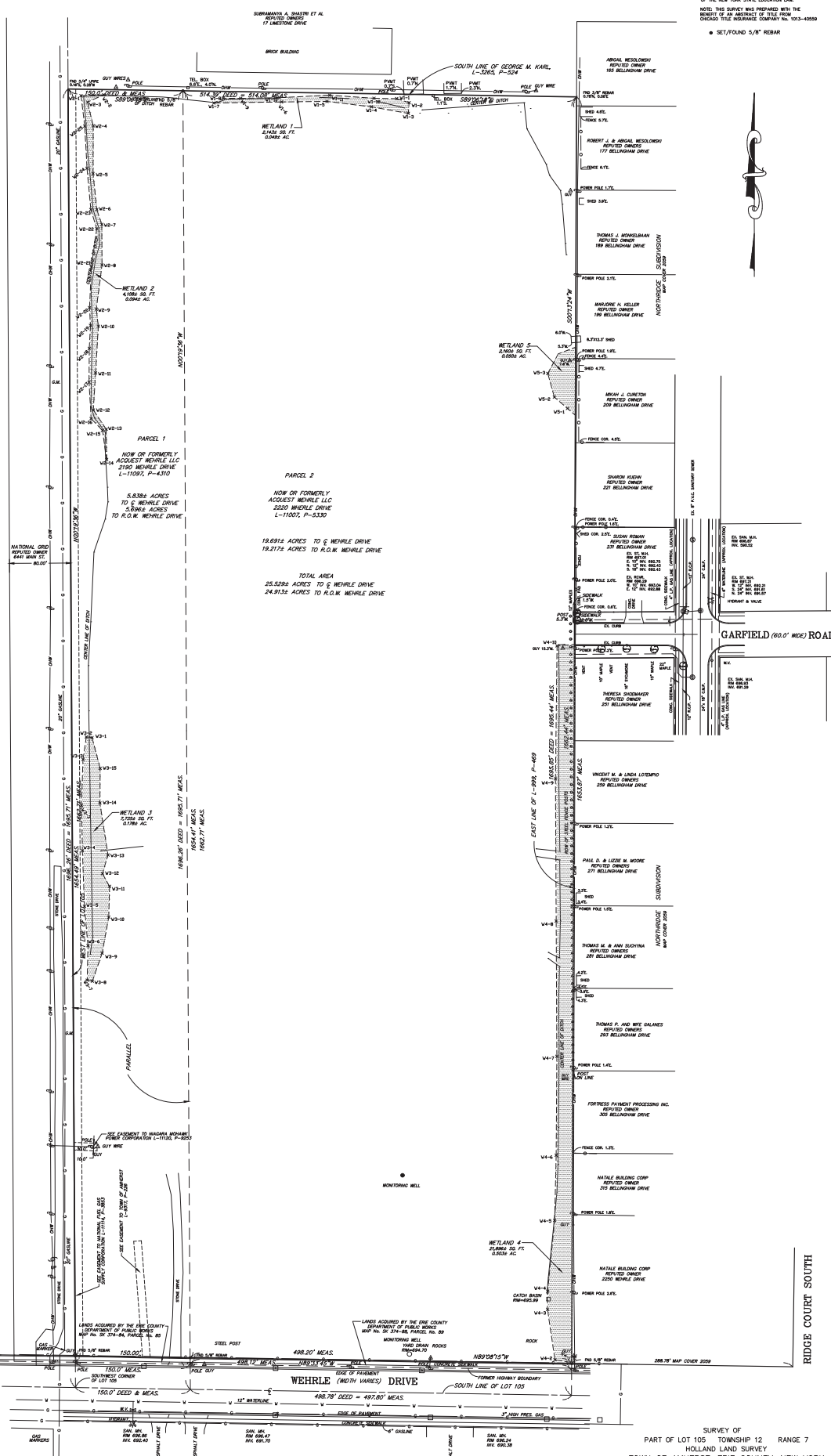
# **EXHIBIT 5**

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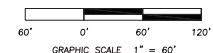




NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7009 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.  
 NOTE: THIS SURVEY WAS PREPARED WITH THE BENEFIT OF AN ABSTRACT OF TITLE FROM CHESAPEAKE TITLE INSURANCE COMPANY NO. 103-4-0259  
 • SET/FOUND 5/8" REBAR



DATE	REVISION/TYPE
8/27/25	LOCATE WETLANDS
2/16/21	ALTA/NSPS LAND TITLE SURVEY
5/29/18	UPDATED TOPO
5/17/11	UPDATED TOPO - SITE IMPROVEMENTS/ CHECKED SPOT ELEVATIONS/REVERSE PARCEL BOUNDARY
6/23/00	ADDED WESTERLY TOPOGRAPHIC INFORMATION PROPERTY AT 2310 NEVILE DRIVE



**GPI** ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP  
 ENGINEERS & SURVEYORS & LANDSCAPE ARCHITECTURE  
 4600 SENECA STREET, SUITE 100  
 BUFFALO, NEW YORK 14225  
 (716) 833-4844 FAX 833-4840

Job No. 2615-TOPO 6-1-18 Date: AUGUST 20, 2010  
 Scale 1" = 60' Tax No. 81.02-1-10 & 81.02-1-11



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## **EXHIBIT 6**

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# 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 2025-892 "Adoption of Resolution to Amend the Bicentennial Comprehensive Plan 2190-2220 Wehrle Drive (BCPA-2025-01)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on October 27, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 29<sup>th</sup> day of October, 2025.

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

Sworn to before me  
This 29<sup>th</sup> 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: 10/27/25 07:00 PM  
Department: Planning  
Initiated by: **Dan Howard**  
Co-Sponsored by:

DOC ID: 31073

**RESOLUTION 2025-892**

**ADOPTED**

**Adoption of Resolution to Amend the Bicentennial  
Comprehensive Plan 2190-2220 Wehrle Drive (BCPA-2025-01)**

WHEREAS, pursuant to 6NYCRR Part 617 (SEQR) and Chapter 104 of Amherst Town Code, as amended, that the requirements of SEQR are complete, and

WHEREAS, pursuant to NYS Town Law Sec. 272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of May 15, 2025 that the proposed change in land use designation from "Commercial - Office" to "Medium Residential" at 2190-2220 Wehrle Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and

WHEREAS, the project applicant has modified his\her project to reduce the building heights proposed and the number of proposed dwelling units more closely aligns with the mixed residential (4-12 units/acre) land use category, now therefore be it

RESOLVED, that in accordance with NYS Town Law Sec. 272-a, the Town Board amends the Bicentennial Comprehensive Plan for 24.9± acres of land from "Commercial - Office" to "Mixed Residential" at 2190-2220 Wehrle Drive.

**10/27/2025**

Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

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



# 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 2025-891 "SEQR Determination (2190-2220 Wehrle Drive, BCPA-2025-01)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on October 27, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 29<sup>th</sup> day of October, 2025.

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

Sworn to before me  
This 29<sup>th</sup> day of October, 2025

Notary Public

**TIMOTHY J. KOLLER**  
No. 01KO6263885  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 06/11/20 28



**Amherst Town Board**

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

Francina J. Spoth  
Town Clerk

Meeting: 10/27/25 07:00 PM  
Department: Planning  
Initiated by: **Dan Howard**  
Co-Sponsored by:

DOC ID: 31070

**RESOLUTION 2025-891**

**ADOPTED**

**SEQR Determination (2190-2220 Wehrle Drive, BCPA-2025-01)**

WHEREAS, pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and

WHEREAS, this Town Board as SEQR Lead Agency has reviewed a request for a Bicentennial Comprehensive Plan amendment at 2190-2220 Wehrle Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, now therefore be it

RESOLVED, that the requirements of SEQR are now complete, therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

**10/27/2025**

Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

**FINANCIAL IMPACT:**

None

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

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# **EXHIBIT 7**

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Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

## SEQR Negative Declaration

### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

<b>Lead Agency:</b>	Town of Amherst Town Board	<b>Project:</b>	BCPA-2025-01
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>	October 27, 2025

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

**Title of Action:** Comprehensive Plan Amendment

**SEQR Status:** Type 1 action.

**Description of Action:** The proposed project (the "action") consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multi-family project consisting of 270 attached residential units for lease and all proposed site improvements including a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. The action has been defined broadly to include all required discretionary approvals and permits from the municipal boards of the Town of Amherst including but not limited to the pending requested amendment of the adopted Comprehensive Plan, a future potential rezoning of a project site from OB to MFR-5 as well as all required approvals and permits from involved agencies as well as all proposed site improvements including multi-family buildings, a community building and recreational amenities, a dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive and a gated emergency access only driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections.

The action has been classified as a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA") since it involves more than 250 residential units to be connected to public sanitary sewer infrastructure and also due to the Type I thresholds in Section 104-3 of the Town Code since the project site contains potential freshwater wetlands as defined in Article 24 of the Environmental Conservation Law.

**Location:** 2190-2200 Wehrle Drive, Amherst, Erie County

**Petitioner:** Young Development Inc.

**Reasons Supporting This Determination:**

Based on information submitted by the Petitioner including an Amended Part 1 of the Full Environmental Assessment Form and other relevant documentation, a preliminary staff analysis was undertaken in accordance with the “hard look standard” required by SEQRA. The documentation submitted by the Petitioner and the public was reviewed in connection with the analysis of potential adverse environmental impacts including documentation and testimony received by the Town Board during the public hearings held on June 23, 2025 and July 21, 2025 and the supplemental documentation submitted by the Petitioner and the public.

The project review process began with the Petitioner filing an Application to Amend the Bicentennial Comprehensive Plan and supporting documentation to change the land use designation on Figure 6 from “Commercial Office” to “Mixed Residential” to accommodate the development of the project site as a multi-family project.

On February 21, 2025, a lead agency solicitation letter was issued by the Planning Department to involved and interested agencies for the purpose of the Town Board seeking lead agency status in connection with the coordinated environmental review of the project. None of the involved agencies objected to the Town Board’s request to be the designated lead agency prior to March 24, 2025, the expiration date of the thirty (30) day lead agency solicitation response period.

On May 7, 2025, the Planning Department issued a Memorandum based on a staff analysis of the Comprehensive Plan Amendment. This Memorandum concluded “that the request to amend the Comprehensive Plan from Commercial - Office to Medium Residential is consistent with the goals of the Comprehensive Plan. The Plan recommends that new medium residential development be encouraged in areas where services and infrastructure/transportation already exist. The subject lands are well situated and suited for the proposed use.” The Memorandum issued by the Planning Department indicated that since then the unprecedented effects of the COVID pandemic reduced the desirability and demand for additional or new office space (Amherst’s office space vacancy rate is approximately 16.5%, according to CBRE Q4 2024 data).

The project review process included a public hearing held by the Town of Amherst Planning Board on May 15, 2025. During its meeting on May 15, 2025, the Planning Board adopted a resolution recommending approval of the Comprehensive Plan Amendment. The Planning Board issued detailed findings in support of its favorable recommendation to the Town Board as follows:

A. The proposed request is generally consistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan and the goals and policies found therein:

- The Plan states that for both Medium and Mixed Residential areas, location criteria for higher density housing include proximity to high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities.

- Chapter 3, Land Use and Development; as the location is ideally situated for the proposed land use as it is bordered by multi-family residential development along its northwest boundary and by single-family residential homes along its eastern boundary. Medium Residential is identified in the Comprehensive Plan as a good transitional land use category between commercial and single-family residential.
- Public transportation (NFTA Route #47) is available along Wehrle Drive to nearby economic centers, and Wehrle Drive itself is a minor arterial roadway with connections to Transit Road, Cayuga Road and Union Road.
- The location of the subject property is within walking distance to the SUNY Erie North campus and the YMCA Williamsville location.
- The amendment should include areas designated for mixed-use development to compliment and serve the residential development, and an area(s) for public recreation and open space.

B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.

C. The proposed change does improve the balance of land uses and does meet a specific demand in the Town.

D. The land surrounding the subject request is comprised of single-family housing, multi-family housing and offices developed according to the requirements of the R-3, MFR-5 and OB zoning districts.

On June 17, 2024, the Planning Department provided the Town Board with a detailed letter summarizing the history of the Project Site and providing information regarding the favorable recommendation to the Town Board by the Planning Board on May 15, 2025.

The Town Board held public hearings in connection with its review of the Comprehensive Plan Amendment during its meetings on June 23, 2025 and July 21, 2025 and has properly considered the information received from all interested parties during the public hearings including the presentations made on behalf of the Petitioner and comments from the public.

On October 7, 2025, the Petitioner made an updated submission that included the current Concept Site Plan [Drawing C-100 – Date: 09/29/25]. The project was modified to eliminate the previously proposed four-story buildings (all buildings will consist of two-stories with a maximum height of 35 ft.) and to reduce the project density from 332 units to 270 units.

Compared to the criteria listed in Section 617.7 of the SEQRA Regulations, the Town Board, acting in its capacity as the Lead Agency, has determined that all identified areas of environmental concern have been adequately addressed, and that the proposed project will not have any potentially significant adverse impacts on the environment.

1. The project will not result in any adverse impacts on existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

The project will involve the installation of a stormwater management system complying with the stringent stormwater quality and quantity standards of the NYSDEC and the Town. Information regarding the stormwater management system to be installed on the project site was summarized in a stormwater management summary letter prepared by Patrick Sheedy Jr., P.E. of Carmina Wood Design dated July 15, 2025. Relevant information contained in this letter is summarized below as follows:

- The on-site stormwater management will comply with the stringent applicable stormwater quality and quantity standards of the NYSDEC and the Engineering Department.
- A storm water collection system is proposed for the impervious surfaces including the constructed driveways, access aisles, parking spaces and the proposed clubhouse and multi-family buildings.
- This system will consist of catch basins placed throughout the Project Site and along the roadways to collect stormwater runoff from these various impervious surfaces. The proposed catch basins will be connected by a series of storm pipes and convey stormwater runoff to the stormwater management areas.
- Storm water management areas will be designed in accordance with the NYSDEC Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.
- The existing drainage path of the Project Site runoff under existing conditions is generally north, east and south towards existing perimeter drainage ditches.
- In the developed condition, any developed areas will be conveyed to the stormwater management area and ultimately discharge to a swale which will outlet to either an onsite drainage well or the public storm sewer system along Wehrle Drive.
- Discharge from the stormwater management area will be controlled by the infiltration rate of the subsurface bedrock or an engineered outlet control structure or device to not exceed the current existing rate of runoff to the existing ditch under all storm events, which include the 1-year, 10-year and 100-year storm events.

The Petitioner will be required to submit engineered plans, an Engineer's Report and a Stormwater Pollution Prevention Plan ("SWPPP") in connection with the future review of a site plan application for the project. During the site plan application review process, the Town's Engineering Department will need to review and approve the on-site stormwater management system improvements to confirm compliance with the applicable stringent stormwater quality and quantity standards. The Town Board has determined the project will not result in any potentially significant adverse drainage or flooding impacts.

A Downstream Sewer Capacity Report ("DSCA Report") dated June 6, 2025 was prepared by Christopher Wood P.E. of Carmina Wood Design based on testing conducted by TEC Smith during wet weather conditions. The DSCA Report demonstrates there is adequate downstream sanitary sewer flow during wet weather conditions to provide sanitary sewer service for the Project. The Project Sponsor will be required to make a substantial payment to the Town's I/I

Sanitary Sewer Fund in connection with the project. The DSCA will need to be approved by the Engineering Department and the New York State Department of Environmental Conservation during the site plan application review stage for the project. It is important to mention that the development of the project site is not subject to the previous sanitary sewer connection moratorium per Resolution No. 2018-1301 as adopted by the Town Board on December 10, 2018.

- The on-site stormwater management will comply with the stringent applicable stormwater quality and quantity standards of the NYSDEC and the Engineering Department.
  - A storm water collection system is proposed for the impervious surfaces including the constructed driveways, access aisles, parking spaces and the proposed clubhouse and multi-family buildings.
  - The stormwater management system will consist of catch basins placed throughout the Project Site and along the roadways to collect stormwater runoff from these various impervious surfaces. The proposed catch basins will be connected by a series of storm pipes and convey stormwater runoff to the stormwater management areas.
  - The storm water management areas will be designed in accordance with the NYSDEC Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.
  - The existing drainage path of the Project Site runoff under existing conditions is generally north, east and south towards existing perimeter drainage ditches.
  - In the developed condition, any developed areas will be conveyed to the stormwater management area and ultimately discharge to a swale which will outlet to either an onsite drainage well or the public storm sewer system along Wehrle Drive.
  - Discharge from the stormwater management area will be controlled by the infiltration rate of the subsurface bedrock or an engineered outlet control structure or device to not exceed the current existing rate of runoff to the existing ditch under all storm events, which include the 1-year, 10-year and 100-year storm events.
2. The Petitioner submitted a Preliminary Existing Water System Analysis Report prepared by Christopher Wood, P.E. of Carmina Wood Design dated October 6, 2025 for the purpose of evaluating whether the project will result in any off-site water pressure issues. This analysis was prepared based on input received from both the Erie County Water Authority (ECWA) and the Town's Engineering Department. As described within the Preliminary Existing Water System Analysis Report, water service for the buildings will be tapped off the existing 12" ECWA water main on the south side of Wehrle Drive and the 8" ECWA watermain on Limestone Drive. The service will be an 8" combined water service, then split into an 8" PVC fire service and a 6" domestic service. Both services will continue into a pump house where booster pumps and the meter will be housed. Proper heat and lighting will be provided to the enclosure, drainage due to testing or failure of the pump house will be to the outside grade. The Petitioner will be responsible for keeping the drainage ports clear of snow and debris. The pump system will be designed by others. Water inside the buildings will be used

- for typical domestic uses. The multi-family buildings are to be sprinklered, interior fire protection system to be designed by others. Existing public hydrants along Wehrle Drive and proposed private hydrants throughout the development will ensure fire hose coverage not exceeding 600' for each building.

The analysis contained in the Preliminary Existing Water System Analysis Report, determined that current static water pressure on Wehrle Drive is 43 psi and approximately 54 psi on Limestone Drive per hydrant flow data provided by the ECWA. The relatively low pressure in this area has been a concern of surrounding neighbors as to how the proposed multi-family development could affect the existing water supply and pressure. Domestic flows were determined using demand from the NYSDEC Wastewater Design Manual Typical Per-Unit Hydraulic Loading Rates Tabel B-3 of 110 gpd/bedroom, totaling an average daily demand of 43.5 gpm (114 1-bdrm unit, 198 2-bdrm, 20 3-bdrm unit = 62,700 gpd = 43.5 gpm). A fire flow analysis of all surrounding node locations is included within the analysis provided showing ample flow rates through the watermain system in the event of a fire emergency. Supply is not an issue in this area because of the existing flow provided via the 12" watermain on Wehrle Drive and the 8" watermain on Limestone Drive. The surrounding system is routed through the existing residential neighborhood to the east, Limestone Drive to the north and Spindrift Road to the west, all of which are connected on both Wehrle Drive and Main Street. ECWA has provided analysis of the existing watermain system in current conditions and with the proposed development demand included to depict the effects of the proposed development. The analysis was performed using the system's diurnal curves from the watermain model of the ECWA. All existing waterline mapping, hydrant flow data, and model graphs are included in the Appendices of the report. The below table shows pressure at the eleven (11) analyzed node locations throughout the surrounding area under current and future average and peak demands.

Node	Location	Min. Pressure (psi)	
		Ex.	Prop.
K07G07	Main Street	40.5	40.5
K07G30	Youngs Road	43.3	43.3
K07G62	Youngs Road/Wehrle Drive	39.3	39.3
K07H28	Spindrift Drive	39.3	39.2
K07H63	Wehrle Drive	39.2	39.1
L07E01	Main Street	35.3	35.3
L07E31	Berkley Road	31.9	31.9
L07E33	Bellingham Drive	38.3	38.3
L07F10	Main Street/Transit Road	33.8	33.8
L07F34B	Transit Road	32.4	32.4
L07F58	McKinley Ave/Wehrle Drive	33.4	33.4

Based on the analysis, the Preliminary Existing Water System Analysis Report determined there is a minor or no drop in pressure is shown between existing and future conditions. Under normal conditions the proposed project will not have a measurable impact to the existing water system.

therefore there will be no potentially significant adverse impacts to the existing waterline pressure and supply to the surrounding area.

3. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Jurisdictional Determination issued by the United States Army Corps of Engineers (“USACE”) dated January 22, 2021 confirmed there are not any federal wetlands located on the Project Site. Based on a wetland regulations that went into effect on January 1, 2025, the NYSDEC issued a letter of Positive of Jurisdiction dated July 22, 2025 that stated as follows: “Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that the parcel contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). The parcel contains freshwater wetlands and/or regulated adjacent area(s) that meet an Unusual Importance (UI) criterion. Specifically, the wetland is located within or adjacent to an urban area, as defined and identified by the United States Census Bureau.”

A wetland delineation of the project site was conducted by Scott Livingstone of SJL Wetlands, LLC and the results of the wetland delineation were contained in the Wetland Delineation Report that he prepared dated September 12, 2025. The wetland delineation was conducted to define the extent of the USACE and the NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The wetland delineation study at the project site was performed under guidelines specified by the Corps of Engineers Wetlands Delineation Manual, dated January 1987 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0 (January 2012) as well as the NYSDEC Freshwater Wetlands Delineation Manual (July 1995). The wetland delineation considered the 6 NYCRR Part 664 regulations that went into effect on January 1, 2025. The current Part 664 regulations encompass regulation over all wetlands greater than 12.4 acres (until January 1, 2028 when the minimum size threshold is reduced to 7.4 acres) as well as wetlands of any size that fall into any of eleven (11) categories of “Wetlands of Unusual Importance” as defined Part 664.6 of the regulations.

The wetland delineation revealed the presence of five (5) small wetland areas totaling 0.874± acres on the project site that are potentially subject to the jurisdiction of the NYSDEC as “Wetlands of Unusual Importance” along with the associated 100 ft. Adjacent Areas. As set forth in the letter prepared by Scott Livingstone dated October 6, 2025, the updated project layout reflects a concerted effort to avoid any adverse impacts to the five (5) small wetland areas totaling 0.874± acre on the Project Site that are potentially subject to the jurisdiction of the NYSDEC. The updated project layout as depicted on the current Concept Site Plan [Drawing C-100 – Date: 09/29/25], which reduced the project density to 270 units, will result in 6.31 acres of impacts to the regulated 100 ft. Adjacent Area of the potential wetlands subject to the jurisdiction of the NYSDEC, which will require a permit to be obtained from the NYSDEC. Mr. Livingstone’s letter dated October 6, 2025 also contains his professional opinion that the updated wetland related documentation provides the Town Board, acting in its capacity as the lead agency, with information enabling it to take a hard look at potential wetland impacts and to

conclude that the proposed multi-family project will not result in any potentially significant adverse wetland impacts.

Based on its review of the extensive wetland documentation, the Town Board has determined that the project will not result in any potentially significant wetland impacts. The Petitioner will be required to obtain a permit from the NYSDEC prior to impacting the 100 ft. Adjacent Area of the potential NYSDEC freshwater wetlands. If the requested permit from the NYSDEC is not issued, the Planning Department will not stamp the final engineered plans as approved, which is a prerequisite for the Building Department's issuance of building permits for the project.

As described in the Wetland Delineation Report dated September 12, 2025, a majority of the Project Site has previously been cleared and there is not substantial vegetation on the Project Site. The Petitioner will be required to install the required high impact landscape buffers on the perimeter of the Project Site that are contiguous to existing residential uses.

4. The proposed use of the project site consisting of a multi-family project will not create any material conflict with the adopted Town Comprehensive Plan. Although the proposed use of the Project Site is inconsistent with Figure 6 of the Comprehensive Plan which designates the Project Site as "Commercial Office", the "Medium Residential" designation needed to accommodate the development of the Project Site for multi-family use is consistent with the planning objectives and policies as contained in the Comprehensive Plan for the reasons set forth in the Memorandum issued by the Planning Department on May 7, 2025 and the findings contained in the resolution adopted by the Planning Board on May 15, 2025 recommending that the Town Board approve the Comprehensive Plan Amendment. Based on the recent reduction of the project density to 270 attached residential units and the elimination of the previously proposed four (4) story buildings, the Town Board has determined that the "Mixed Residential" designation is more appropriate than the "Medium Residential" designation that was requested by the Petitioner.
5. The project site is within an area identified by the State as having potential archaeological or historical significance. A letter issued by Nancy Herter of the NYS Office of Parks, Recreation and Historic Preservation dated October 4, 2025 stated as follows: "A review of SHPO records indicates that No Impact determinations were issued for 2190-Wehrle Drive in 2001, for 2220 Wehrle Drive in 1993 and for 2459 Hopkins Road in 2001. Therefore, it is the SHPO's opinion that project 05PR3845 (referencing 2190-2200 Wehrle Drive) will have No Effect upon historic properties in or eligible for inclusion the State and National Registers of Historic Places."
6. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project site is located on the north side of Wehrle Drive in an area that contains a mixture of uses and zoning classifications. The nearby land uses include a utility right-of-way to the west along with office buildings and a multi-family residential project; office buildings to the north of the Project Site on Limestone Drive, and single-family homes to the east located on Bellingham Drive. The modifications to the project layout during the review process are depicted on the current Concept Site Plan [Drawing C-100 – Date: 09/29/25]. The proposed multi-family buildings will consist of 2-stories with a maximum height of 35 ft. The current Concept Plan depicts

approximately 11 acres of greenspace with landscaping (44% of the Project Site). The project will comply with the lighting standards in the Zoning Ordinance as will be verified during the site plan application review stage of the project. The Town Board has determined the project will not result in any potentially significant community character or aesthetic impacts.

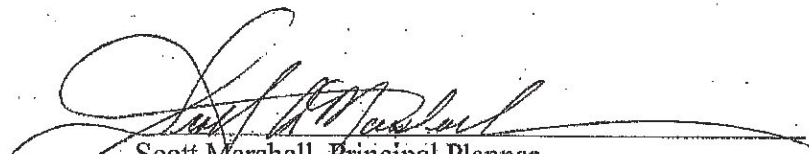
7. The proposed project will include construction of 270 multi-family units which will not cause a major change in the use of either the quantity or type of energy. The multi-family buildings and clubhouse will be built in accordance with the energy standards contained in the NYS Building Code and will require the issuance of building permits by the Town of Amherst Building Department.
8. The project will not create any hazard to human health. The project layout includes a gated emergency access connection to the Limestone turnaround for emergency vehicles on the northern portion of the project site.
9. The project will cause a change in the use, or intensity of use, of land since the project site is currently undeveloped and vacant. However, the land use intensity of the project will be consistent with the scale and density of surrounding and nearby land uses in the vicinity of the project site.
10. The proposed housing project will increase the number of people using the site over its previous level of use (vacant land). The project site has been determined to be adequate to accommodate the proposed use as a multi-family project.
11. No potentially significant adverse traffic impacts will result from the project. An updated Traffic Impact Report was prepared by Amy C. Dake, P.E. of Passero Associates dated June 9, 2025. The project was reviewed by the Town's Traffic-Safety Board ("ATSB") during several of its meetings. On May 9, 2025, Gina Wilkolaski, P.E. of the ECDPW issued a comment letter requesting updates to the Traffic Impact Report.

The Traffic Impact Report prepared by Amy C. Dake of Passero Associates dated June 9, 2025 was prepared based on the input received from the ATSB and the ECDPW to include 6 intersections as follows: 1. Wehrle Dr (CR 290) and Garrison Rd; 2. Wehrle Dr (CR 290) and Colonial Pkwy (Ingram Micro); 3. Wehrle Dr (CR 290) and Youngs Rd; 4. Wehrle Dr (CR 290) and Spindrift Dr; 5. Wehrle Dr (CR 290) and George Karl Blvd; and 6. Wehrle Dr (CR 290) and Transit Rd (NY-78). The updated Traffic Impact Report also includes an analysis of Oakwood Drive speed and volume as requested by the ATSB during its meeting on May 7, 2025.

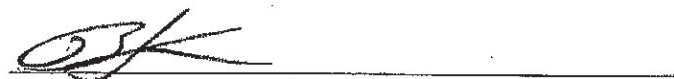
Section 8 of the updated Traffic Impact Report consists of the "Conclusions and Recommendations" by Amy C. Dake of Passero Associates as follows:

- 1. Under full development, the proposed project is expected to generate approximately 30 entering/96 exiting vehicle trips during the AM peak hour and 103 entering/60 exiting vehicle trips during the PM peak hour.
- 2. All intersection/site driveway approaches generally operate at level of service "D" or better during the AM and PM peak hours with the exception of the westbound left and westbound thru/right approaches at the Wehrle Dr/Garrison Rd intersection which

- operate at a LOS "E" and "F", respectively during the PM peak-hour under all conditions.
  - 3. No improvements are warranted nor recommended at any of the study intersections.
  - 4. The traffic analysis in the updated Traffic Impact Report provides the Town of Amherst Town Board and involved and interested agencies with detailed information regarding identified potential traffic impacts of the project in connection with the coordinated environmental review of the project pursuant to the State Environmental Quality Review Act (SEQRA).
  - 5. Pursuant to the SEQRA, this detailed traffic analysis which incorporates input from both the Erie County Department of Public Works (ECDPW) and the Town of Amherst Traffic Safety Board, demonstrates that the proposed project will not result in any potentially significant adverse traffic impacts.
12. During the project review process, the Planning Department solicited comments from various Town Departments and Committees, none of which indicated that the project may result in any potentially significant adverse environmental impacts.
13. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and have been determined to not involve potentially significant adverse environmental impacts.

  
Scott Marshall, Principal Planner

10/28/2025  
Date

  
Brian J. Kulpa, Supervisor

10/29/25  
Date

SM/ac

X:\Current\_Planning\Files\Bicentennial Comp Plan Amends\2025\BCPA-2025-01\_(2190-2200\_Wehrle\_Dr)\_2025\BCPA-2025-01\_Negative Declaration-Draft-SWH-102725.docx

cc: Amherst Town Clerk

Amherst Building Department

Young Development Inc. c/o Sean Hopkins, Esq., 35 California Drive, Suite 100, Williamsville, NY 14221

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# **EXHIBIT 8**

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# Public Hearing – Town Board

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Request to Amend Zoning Classification  
From OB to MFR-5


Location: 2190-2200 Wehrle Drive

Petitioner: Young Development Inc.



# Figure 6 of the Comprehensive Plan:

- Approved Designation: Mixed Residential



**Amherst Town Board**  
 1583 Main Street  
 Buffalo, NY 14202  
 www.amherst.ny.us

**RESOLUTION 2025-892**

**Adoption of Resolution to Amend the Bicentennial Comprehensive Plan 2190-2220 Wehrle Drive (BCPA-2025-01)**

Francina J. Spoth  
 Town Clerk  
 Meeting: 10/27/25 07:00 PM  
 Agenda Item: 10.10.25  
 Inclusion: **Yes** | **Den** | **Hold**  
 Co-Sponsored by:

**ADOPTED**

WHEREAS, pursuant to 6NYCRR Part 617 (SEQR) and Chapter 104 of Amherst Town Code, as amended, that the requirements of SEQR are complete, and

WHEREAS, pursuant to NYS Town Law Sec. 272-a, the Town Board agrees with the findings of the Planning Board as stated in their resolution of May 15, 2025 that the proposed change in land use designation from "Commercial - Office" to "Medium Residential" at 2190-2220 Wehrle Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and

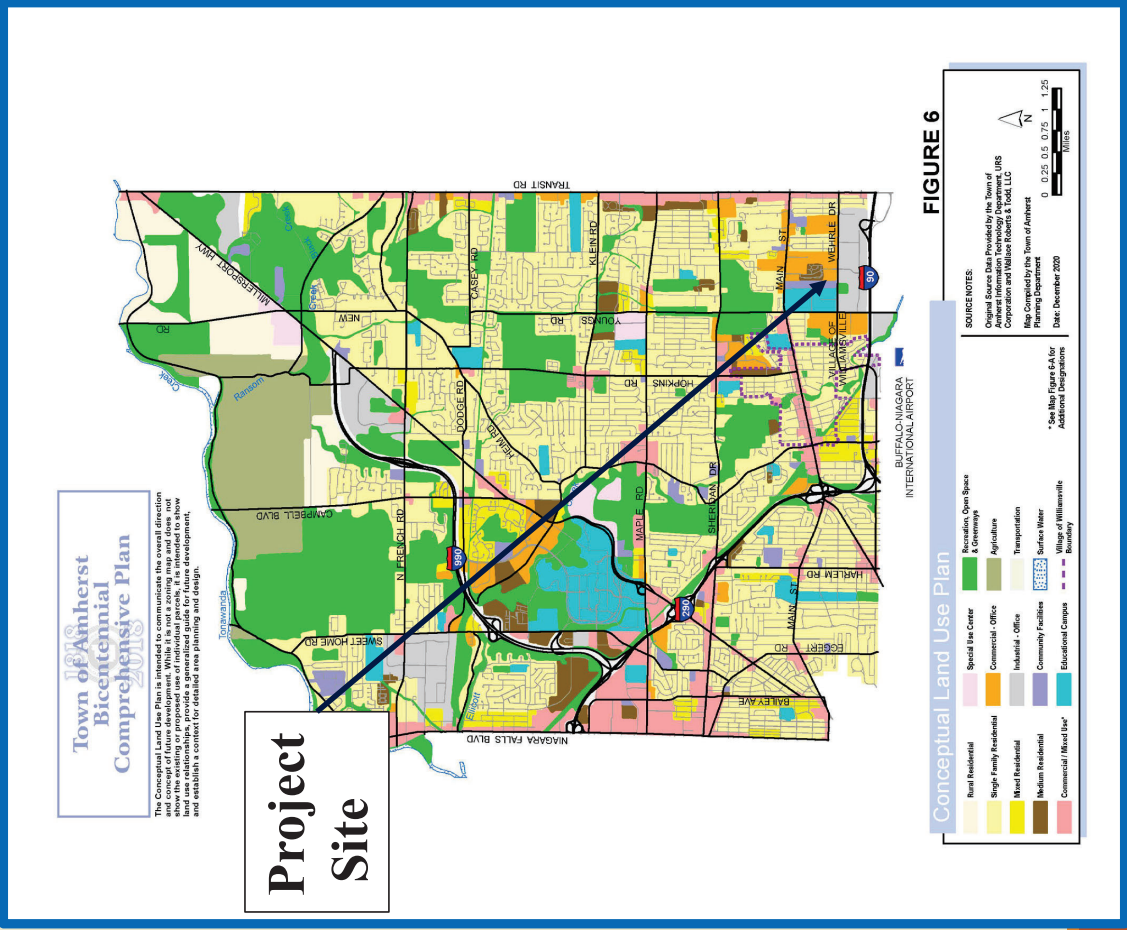
WHEREAS, the project applicant has modified his/her project to reduce the building heights proposed and the number of proposed dwelling units more closely aligns with the mixed residential (4-12 units/acre) land use category, now therefore be it

**RESOLVED**, that in accordance with NYS Town Law Sec. 272-a, the Town Board amends the BCPA to change the use of land from "Commercial - Office" to "Mixed Residential" at 2190-2220 Wehrle Drive.

**10/27/2025**  
 Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

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

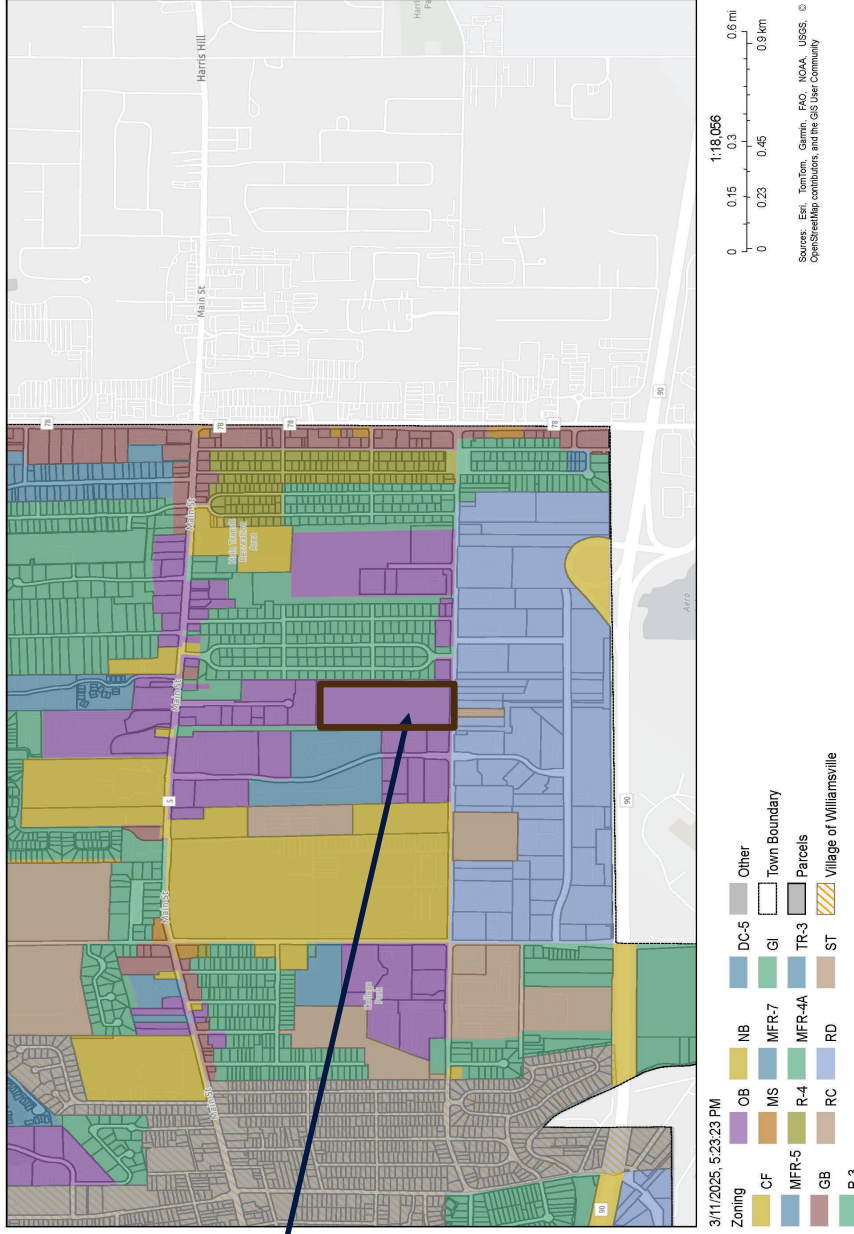
Page 1



# Zoning Map:

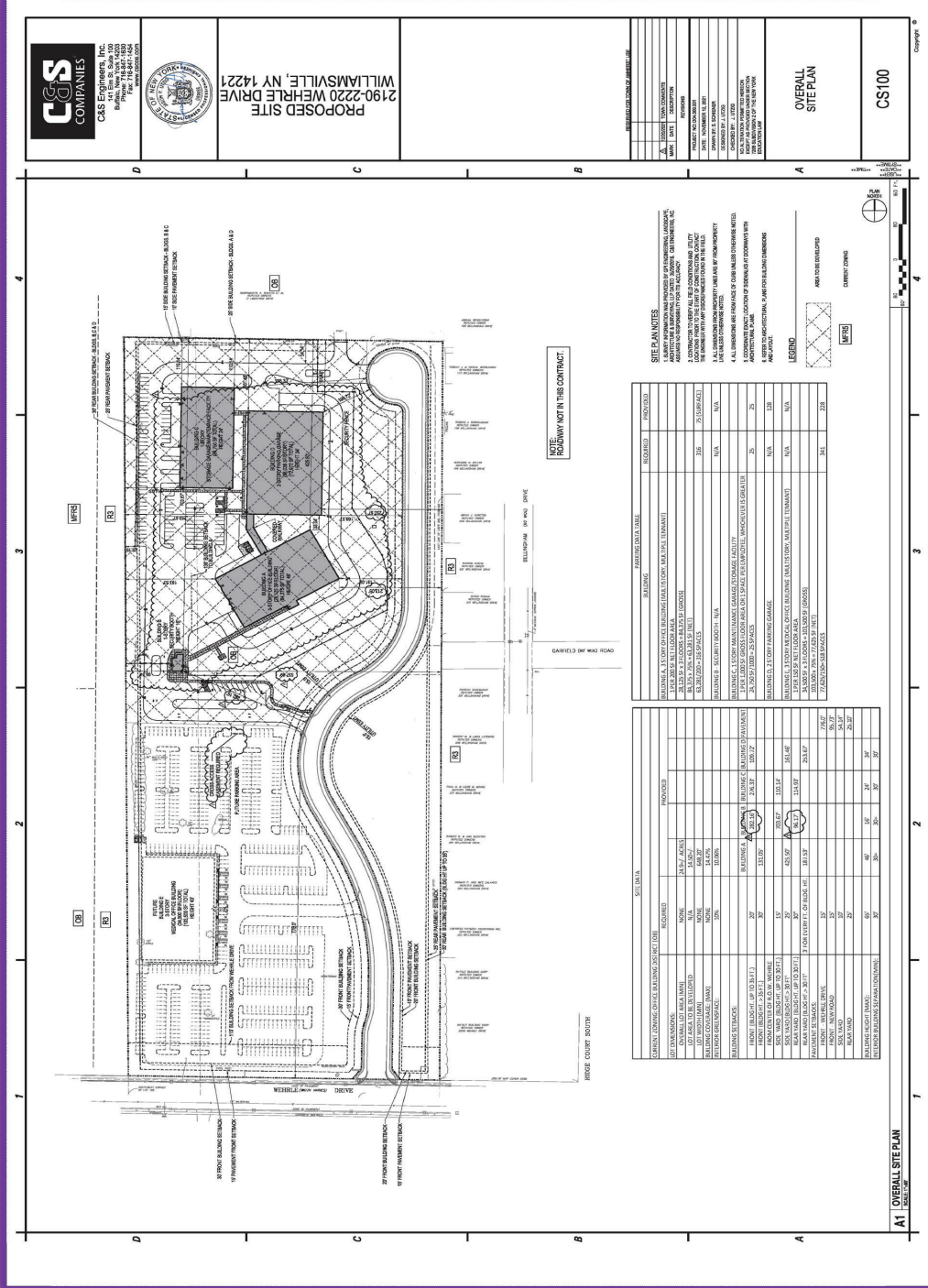
Project Site is zoned  
Office Building District  
("OB")

ArcGIS Web Map



# Previous OB Zoning Approved Site Plan:

- Site Plan approved by the Planning Board for Office Building Project
- 4 large office buildings
- 284,697 sq. ft.



**NOTE: ROADWAY NOT IN THIS CONTRACT**

REQUIREMENT	REQUIRED	PROVIDED
1. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
2. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
3. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
4. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES

REQUIREMENT	REQUIRED	PROVIDED
1. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
2. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
3. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES
4. ALL BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBMITTAL SPECIFICATIONS FOR THE ZONING DISTRICT.	YES	YES

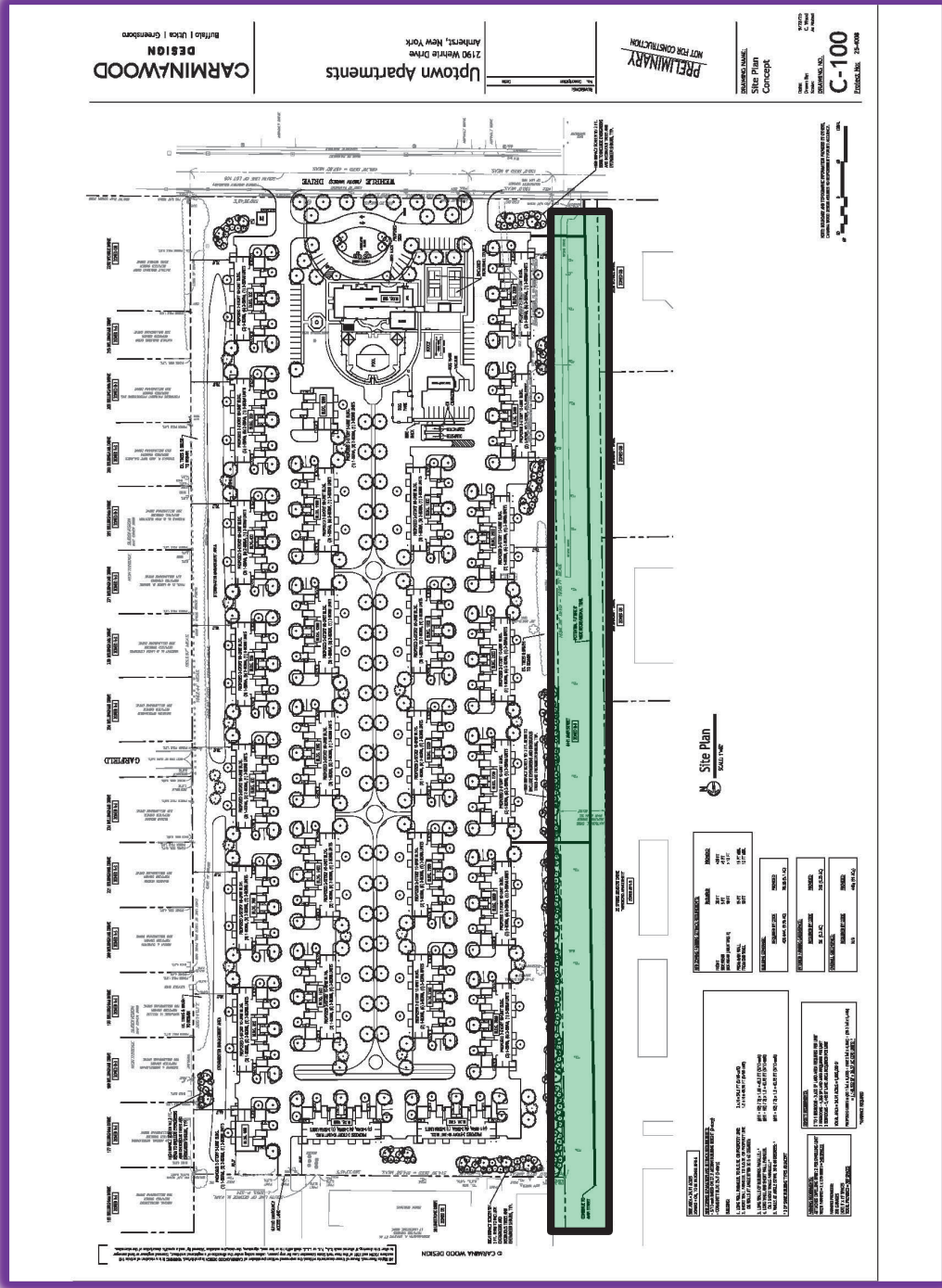


PROPOSED SITE  
 2190-2220 WEHLE DRIVE  
 WILLIAMSVILLE, NY 14221

OVERALL SITE PLAN	
CS100	CS100

## Current Concept Site Plan:

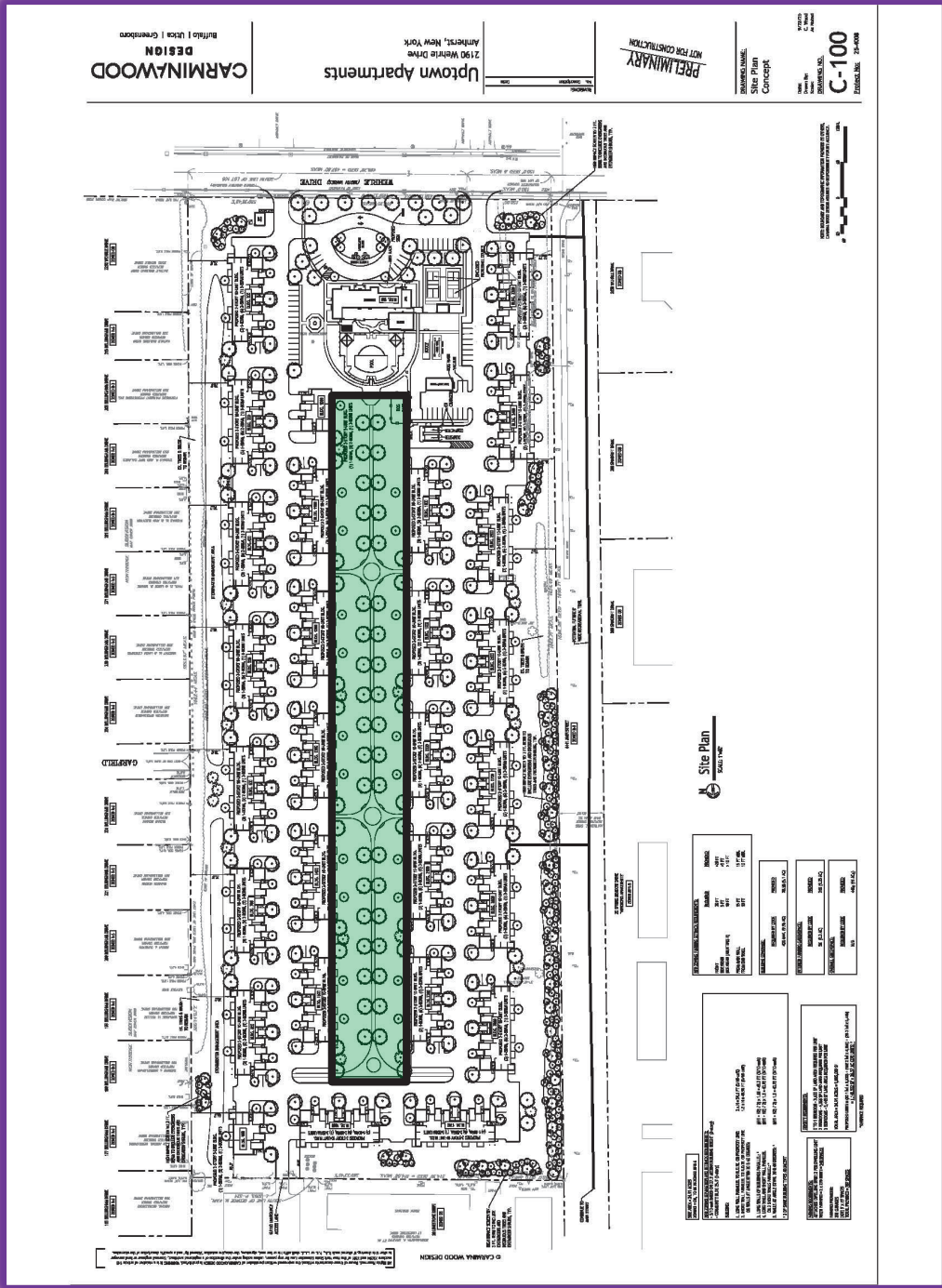
- 270 units – Exclusively 2-story buildings [94 units eliminated]
- Community Building with Amenities [Fitness Center, Pool, Pickle Ball & Dog Park]
- 11 acres of greenspace [44% of Project Site]
- Gated emergency access connection to Limestone Drive
- Potential off-site recreational trail within the National Grid Right-of-Way directly west of the Project Site has been added based on input received from the Planning Department that would connect from Wehrle Drive to Main Street.
- Goal is to include 20% workforce housing component



# Current Concept

## Site Plan:

- Central Greenspace Corridor with width of 122 ft.
- East Building Setback – 70 ft.
- West Building Setback - 32.73 ft. to 73 ft.
- Extensive landscaping
- Preserve as much vegetation as possible on east side



**Color Concept Plan  
from Informational  
Meeting on March 11,  
2025 & Planning Board  
Public Hearing on May  
15, 2025:**

- 366 units
- 5 four-story buildings [Minimum setback of 181 ft. from rear lots on Bellingham]
- 55 ft. rear yard setback from rear yards of homes on Bellingham



## Planning Board Favorable

### Recommendation on May 15, 2025:

- During its meeting on May 15, 2025, the Planning Board adopted a resolution recommending that the Town Board amend Figure 6 in the Comprehensive Plan to designate the Project Site as appropriate for “Medium Residential” with the consideration for the inclusion of commercial/mixed-use and Recreation, Open Space and Greenways land uses on the subject parcel.



**Amherst Planning Board**  
5583 Main Street  
Williamsville, NY 14221

ADOPTED

PLANNING BOARD ITEM (ID # 30124)

Meeting: 05/15/25 06:30 PM  
Department: Planning  
Category: Miscellaneous  
Prepared By: Amy Carrato  
Initiator: Dan Howard  
Sponsor:  
DOC ID: 30124

### Request to Amend Figure 6 of the Town of Amherst Bicentennial Comprehensive Plan from Commercial Office to Medium Residential for 24.9± Acres of Land, BCPA-2025-01

Property located at 2190-2220 Wehrle Drive  
Young Development Inc., Petitioner

To amend the Bicentennial Comprehensive Plan to change the land use designation on Figure 6 from “Commercial Office” to “Medium Residential” (up to 60 units/acre) to allow for the potential future rezoning of the site to Multi-family Residential District-Six (MFR-6) and construction of a mixture of multifamily buildings containing 366 residential units, a large clubhouse building and all related site improvements including but not limited to vehicle use areas, recreation areas, stormwater management, landscaping, lighting, utility improvements and connections.

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Joe Young and Tom Young, Young Development Inc., Pettitioner, and Dan LaPierla, Carmina Wood Design, were also present.

In response to the Board’s questions, Mr. Hopkins stated the petitioner will look into the possibility of incorporation mixed-use/commercial as part of this proposal, they will work with the AIDA for workforce housing units, Supervisor Kulpa is interested in the proposed recreational facility on the site, there will be greenspace and townhomes along the property line shared with single-family homes, and there will be greenspace along Wehrle Drive.

Bruce Wisbaum, 60 Contessa Court; Ann Suchyna, 281 Bellingham Drive; Thomas Suchyna, 281 Bellingham Drive; Adam Karl, 305 Bellingham Drive; Susan Roman, 231 Bellingham Drive; Jillian Lenhard, 198 Bellingham Drive; and Margaret Drzewiecki, Rupp Pfalzgraf LLC, on behalf of Windsong Place Associates LP; spoke in opposition of the proposal.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Davis moved to approve the request based on the resolution. The motion was seconded by Mr. O'Rourke carried. Ayes 5, Noes 1 (Penbarthy), Absent 1 (Gill).

#### ATTACHMENTS:

- BCPA-2025-01\_application\_051525 (PDF)
- BCPA-2025-01\_drawings\_051525 (PDF)

Updated: 5/20/2025 11:03 AM by Amy Carrato

Page 1

## **Planning Board Favorable Recommendation on Comp Plan Amendment Issued on May 15, 2025:**

- The Planning Board issued detailed findings in support of its favorable recommendation to the Town Board as follows:
- A. The proposed request is generally consistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan and the goals and policies found therein:
  - The Plan states that for both Medium and Mixed Residential areas, location criteria for higher density housing include proximity to high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities.
  - Chapter 3, Land Use and Development; as the location is ideally situated for the proposed land use as it is bordered by multi-family residential development along its northwest boundary and by single-family residential homes along its eastern boundary. Medium Residential is identified in the Comprehensive Plan as a good transitional land use category between commercial and single-family residential.
  - Medium Residential is identified in the Comprehensive Plan as a good transitional land use category between commercial and single-family residential.
  - Public transportation (NFTA Route #47) is available along Wehrle Drive to nearby economic centers, and Wehrle Drive itself is a minor arterial roadway with connections to Transit Road, Cayuga Road and Union Road.
  - The location of the subject property is within walking distance to the SUNY Erie North campus and the YMCA Williamsville location.
  - The amendment should include areas designated for mixed-use development to compliment and serve the residential development, and an area(s) for public recreation and open space.
- B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.
- C. The proposed change does improve the balance of land uses and does meet a specific demand in the Town.
- D. The land surrounding the subject request is comprised of single-family housing, multi-family housing and offices developed according to the requirements of the R-3, MFR-5 and OB zoning districts.

## Concept Plan dated June 17, 2025

- 332 units [Eliminated 34 units]
- 3 four-story buildings consisting of 49 units each to be located on western portion of the Project Site
- Meetings with Planning Department staff on May 22nd and June 5th to discuss the project layout - Decision made that adding commercial/mixed-use space was not warranted



CARMINA  
WOOD DESIGN

YOUNG  
DEVELOPMENT

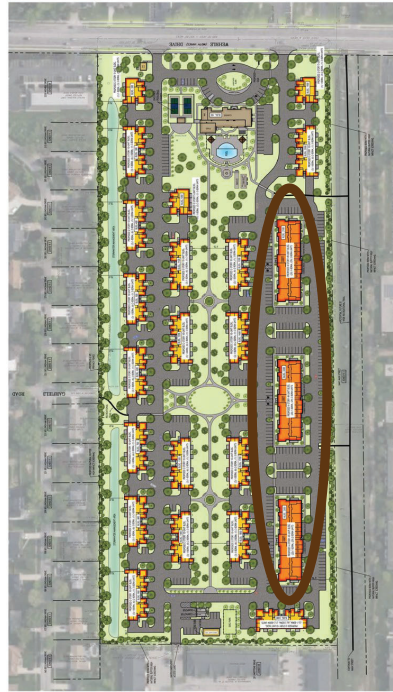
Uptown Apartments  
Concept Site Rendering  
2190 Wehrle Drive | Amherst, NY  
June 2025



## Color Conceptual Elevation

### Plan:

- Previously proposed four-story buildings with 49 units were eliminated



CARMINA  
WOOD DESIGN

YOUNG  
DEVELOPMENT

Uptown Apartments  
2190 Westside Drive | Amherst, NY  
June 2025

1



Uptown Apartments  
Young Development Inc.  
Amherst, NY

Front Elevation  
49-Unit Apartments



James Fahy Design Associates  
Architecture & Engineering P.C.  
Rochester, NY



**Color Conceptual  
Elevation Plan:**

- Two-story townhome buildings with 10 units



**Uptown Apartments**  
Young Development Inc.  
Amherst, NY

**Front Elevation**  
10-Unit Apartments



**James Fahy Design Associates**  
Architecture & Engineering P.C.  
Rochester, NY

## Planning Department Review Memo dated May 7, 2025:

- The proposed parcels are currently zoned Office Building (OB). The property located at 2190 Wehrle Drive was rezoned from Single Family Residential (R-3) to Office Building (OB). However, since then the unprecedented effects of the COVID pandemic reduced the desirability and demand for additional or new office space (Amherst's office space vacancy rate is approximately 16.5%, according to CBRE Q4 2024 data). Therefore, with a change in use this property could be activated for infill housing development.
- The Plan states that for both Medium and Mixed Residential areas, location criteria for higher density housing include proximity to high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities.
- The project site is located near compatible existing land uses which include the YMCA, the SUNY Erie Community College North Campus, Wehrle industrial park, other Medium Residential apartments, and single-family homes. The project site is also located along a public bus route on Wehrle Drive (NFTA Route #47), enabling connections to nearby economic centers on Main Street and Transit Road, many of which are also within walking/biking distance.



Town of Amherst Planning Department

Erie County, New York



Brian J. Kujpa  
Supervisor  
Daniel Ulasowski, AICP  
Planning Director  
Daniel Ulasowski, AICP  
Assistant Planning Director

### MEMORANDUM

TO: Scott Marshall, Principal Planner  
FROM: Roberta Rappocciolo, Associate Planner

DATE: May 7, 2025

SUBJECT: BCPA-2025-01 Bicentennial Comprehensive Plan Amendment Review  
Amend Comprehensive Plan to change land use from  
Commercial Office to Medium Residential

Property located at:  
2190-2220 Wehrle Drive  
Plans received: February 18, 2025

The subject request has been reviewed by staff with the following findings:

1. The proposed parcels are currently zoned Office Building (OB). The property located at 2190 Wehrle Drive was rezoned from Single Family Residential (R-3) to Office Building (OB) as requested by the land owner and approved by the Town Board in 2021 (Res# 2021-456). However, since then the unprecedented effects of the COVID pandemic reduced the desirability and demand for additional or new office space (Amherst's office space vacancy rate is approximately 16.5%, according to CBRE Q4 2024 data). Therefore, with a change in use this property could be activated for infill housing development.
2. The request to amend the Comprehensive Plan from Commercial – Office to Medium Residential could allow for a higher density residential development with density differences that include duplexes and/or townhouses as well as multi-story apartment buildings. The Plan states that for both Medium and Mixed Residential areas, location criteria for higher density housing include proximity to high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities. The project site is located near compatible existing land uses which include the YMCA, the SUNY Erie Community College North Campus, Wehrle industrial park, other Medium Residential apartments, and single-family homes. The project site is also located along a public bus route on Wehrle Drive (NFTA Route #47), enabling connections to nearby economic centers on Main Street and Transit Road, many of which are also within walking/biking distance.
3. The subject parcels are included in the 2023 Strategic Economic Development Plan (SEDDP) Airport Opportunity Area and described as property that can accommodate light industrial uses, including warehouse and distribution centers, similar to existing uses south of Wehrle Drive. The Airport Opportunity Area, as described in the SEDDP, could be used to expand the live-play-ereate concept with a focus on light-production based uses integrated with lifestyle amenities and could also build off the proximity to SUNY Erie as an opportunity for collaboration. There have

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## **Comprehensive Plan Consistency:**

- **Opportunity to provide workforce housing units per the Town’s program with AIDA [20% of units]**
- Section 8 of the Comprehensive Plan is titled “Housing and Neighborhoods”
- **Policy 8-2: Promote the development of a variety of housing types.** Text on Pages 8-3 and 8-4 of the Comprehensive Plan states as follows:
  - “Approximately two-thirds of Amherst’s current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g., dormitories and assisted living). Recent housing development has consisted mostly of multifamily units and single-family detached, suburban subdivisions. Demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters, and students. As previously noted, housing diversity enhances affordability and, if properly managed, can contribute to neighborhood stability and character.”
  - The Town should encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouses, condominiums, apartments, and housing as part of mixed-use developments. Higher density housing should be located to complement established residential areas through appropriate standards for location and design (see Policies 8-3 and 8-5).”
- **Policy 3-9: Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses.**
- The proposed multifamily project is consistent with Policy 3-9 since it will result in a project on an underutilized site that remains vacant despite being approved for an office building project by the Planning Board pursuant to the previously approved Site Plan

## Planning Board's Favorable Recommendation Issued on January 29, 2026:

- Planning Board adopted a resolution by a unanimous vote recommending approval of the requested rezoning of the Project Site from OB to MFR-5
- A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance and is consistent with the Conceptual Land Use Plan which shows "Mixed Residential" use in this area of the Town.
- B. There are adequate services and utilities available or proposed to be made available in the construction of the development.
- C. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
- D. The subject property is suitable for uses permitted by the proposed versus the current district.
- E. The proposed change does tend to improve the balance of uses or meets a specific demand in the Town.
- F. Five (5) wetlands areas totaling 0.874± acre have been identified on the subject properties, and the wetland areas are being regulated by NYSDEC as "Wetlands of Unusual Importance" based on 6 NYC
- **Condition Recommended by the Planning Board:** "1. That the Town Board not restrict any future pedestrian or vehicular connection from the subject parcel to the town right-of-way, Garfield Road.

### TOWN OF AMHERST PLANNING BOARD ZONING RESOLUTION Z-2025-05

#### PETITIONER

Young Development Inc.  
c/o Sean W. Hopkins, Esq.  
35 California Drive, Suite 100  
Williamsville, New York 14221

#### PROPERTY LOCATION

2190-2220 Wehrle Drive

FEB 5 2026 #48141

WHEREAS the Town of Amherst Planning Board on Thursday, January 29, 2026 a public hearing on the proposed rezoning 24.9± acres of land from Office Building District (OB) to Multi-Family Residential District Five (MFR-5), and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

- The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance and is consistent with the Conceptual Land Use Plan which shows "Mixed Residential" use in this area of the Town.
- There are adequate services and utilities available or proposed to be made available in the construction of the development.
- The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
- The subject property is suitable for uses permitted by the proposed versus the current district.
- The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.
- Five (5) wetlands areas totaling 0.874± acre have been identified on the subject properties and the wetland areas are being regulated by NYSDEC as "Wetlands of Unusual Importance" based on 6 NYCRR Part 664 regulations that went into effect on January 1, 2025.

## State Environmental Quality Review Act ("SEQRA"):

- Intent of SEQRA (6 NYCRR Part 617.1(d)): "It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making."
- Town Board issued a Negative Declaration on October 27, 2025
- None of the identified potential adverse environmental impacts have changed
- SEQRA's substantive requirements:
  - Identify the potential environmental impacts,
  - Hard Look at the identified impacts, and
  - Issue SEQRA determination supported by a reasoned elaboration



Town of Amherst Planning Department

Errie County, New York



Brin J. Kulpa  
Supervisor  
Daniel C. Edward, ACP  
Planning Director  
Daniela J. Ulanowski, ACP  
Assistant Planning Director

### SEQRA Negative Declaration

#### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst Project: BCPA-2025-01  
Town Board  
Address: 5583 Main Street Date: October 27, 2025  
Williamsville, NY 14221  
(716) 631-7051

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Comprehensive Plan Amendment

SEQRA Status: Type 1 action.

Description of Action: The proposed project (the "action") consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multi-family project consisting of 270 attached residential units for lease and all proposed site improvements including a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. The action has been defined broadly to include all required discretionary approvals and permits from the municipal boards of the Town of Amherst including but not limited to the pending requested amendment of the adopted Comprehensive Plan, a future potential rezoning of a project site from OH to MFR-5 as well as all required approvals and permits from involved agencies as well as all proposed site improvements including multi-family buildings, a community building and recreational amenities, a dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive and a gated emergency access only driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections.

The action has been classified as a Type 1 action pursuant to the State Environmental Quality Review Act ("SEQRA") since it involves more than 250 residential units to be connected to public sanitary sewer infrastructure and also due to the Type 1 thresholds in Section 104-3 of the Town Code since the project site contains potential freshwater wetlands as defined in Article 24 of the Environmental Conservation Law.

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## Letter from Patrick Sheedy P.E. dated July 15, 2025:

- Based on the NYSDEC Wastewater Treatment Systems Design Manual, 110 gallons per day per bedroom is the typical rate used when calculating sanitary demand for residential apartments. Project consists of 332 units (ranging from 1 bedroom to 3 bedroom), resulting in a total average daily sanitary demand of 62,700 gallons per day.
- Downstream Sanitary Capacity Analysis Report (“DSCA”) has been prepared and was submitted to the Town on June 17, 2025.
- DSCA confirmed there is adequate capacity in the public sanitary sewer system downstream of the Project Site.
- Project Sponsor will be required to make a payment to the Town’s I/I Sanitary Sewer Fund in the estimated amount of \$170,754.63.

## CARMINAWOOD DESIGN

July 15, 2025

Brian Kulpa, Town Supervisor  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

Re: Bicentennial Comprehensive Plan Amendment  
Proposed Multi-Family Project 2190-2200 Wehrle Drive - Amherst, NY  
Applicant/Project Sponsor: Young Development, Inc.

Dear Supervisor Kulpa and Members of the Town Board:

This letter has been prepared on behalf of the Project Sponsor for the purpose of providing the Town with a summary of how sanitary demand for the proposed multifamily project at 2190-2200 Wehrle Drive (“Project Site”) was calculated and to provide an overview of the manner by which stormwater runoff will be managed per the applicable technical standards. Based on the NYSDEC Wastewater Treatment Systems Design Manual, 110 gallons per day per bedroom is the typical rate used when calculating sanitary demand for residential apartments. This Project consists of 332 units (ranging from 1 bedroom to 3 bedroom), resulting in a total average daily sanitary demand of 62,700 gallons per day.

A complete Downstream Sanitary Capacity Analysis Report (“DSCA”) has been prepared and previously submitted to the Town on June 17, 2025. The DSCA confirmed there is adequate capacity in the public sanitary sewer system downstream of the Project Site. It is also important to mention that the Project Sponsor will be required to make a payment to the Town’s I/I Sanitary Sewer Fund in the estimated amount of \$170,754.63. The DSCA will be subject to review by the Town Engineering Department and New York State Department of Environmental Conservation (“NYSDEC”) in connection with the project review process prior to the commencement of any on-site construction activities.

In connection with meetings that have been held by the project team with stakeholders, questions have been asked regarding potential stormwater impacts. As a result of the need to install an on-site stormwater management that will comply with the stringent applicable stormwater quality and quantity standards of the NYSDEC, the proposed project will not result in any potentially significant adverse stormwater impacts.

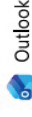
In connection with the Town’s evaluation of potential stormwater runoff impacts, it is important to mention that the Engineer’s Report to be prepared by our firm will provide calculations that confirm that the storm water

**Letter from Patrick Sheedy P.E. dated July 15, 2025 [Stormwater Management System]:**

- On-site stormwater management that will comply with the stringent applicable stormwater quality and quantity standards of the NYSDEC and the Engineering Department
- Storm water collection system is proposed for the impervious surfaces including the constructed driveways, access aisles, parking spaces and the proposed clubhouse and multifamily buildings.
- This system will consist of catch basins placed throughout the Project Site and along the roadways to collect stormwater runoff from these various impervious surfaces. The proposed catch basins will be connected by a series of storm pipes and convey stormwater runoff to the stormwater management areas.
- Stormwater management areas will be designed in accordance with the NYSDEC Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.
- The existing drainage path of the Project Site runoff under existing conditions is generally north, east and south towards existing perimeter drainage ditches.
- In the developed condition, any developed areas will be conveyed to the stormwater management area and ultimately discharge to a swale which will outlet to either an onsite drainage well or the public storm sewer system along Wehrle Drive.
- Discharge from the stormwater management area will be controlled by the infiltration rate of the subsurface bedrock or an engineered outlet control structure or device to not exceed the current existing rate of runoff to the existing ditch under all storm events, which include the 1-year, 10-year and 100-year storm events.

## Preliminary Water Analysis Report:

- Carmina Wood Design has coordinated with the ECWA to evaluate the available water pressure at the Project Site. The project is proposed to have a typical daily water use demand of 43.5 gpm (62,700 gpd). A preliminary water system analysis report was submitted on October 6, 2025 with information and modeling provided by ECWA.
- Based on the preliminary analysis conducted by the ECWA, supported by the attached correspondence and hydrant flow reports for the nearest fire hydrants, it is their professional opinion that the existing public 12-inch water main along Wehrle Drive can adequately serve the proposed development without negatively impacting water pressure for nearby residents including peak demand periods.
- Approval of the proposed project including the water demand calculations will be required from the ECWA prior to the commencement of construction in furtherance of the proposed project.



RE: [EXTERNAL] Fw: Young Development - 2190-2220 Wehrle Drive - Comp Plan Amendment [BCPA-2025-01] - Town of Amherst - 10023.18

From William W. Wheeler <wwheeler@ecwa.org>

Date Thu 10/2/2025 4:33 PM

To Patrick Sheedy <PSheedy@carminawooddesign.com>; Leonard F. Kowalski <lkowalski@ecwa.org>; Adam R.

Massaro <amassaro@ecwa.org>

Cc Sean Hopkins <shopkins@hsmlegal.com>; Marc A. Bellacose <mbellacose@ecwa.org>; Michael J. Quinn

<mquinn@ecwa.org>

1 attachment (7 MB)

ECWA Model Review (2190-2220 Wehrle Drive) - 10-02-2025.pdf;

Patrick,

Attached please find the pressure and fire flow model results for both average and max day demands of the area surrounding your project. 11 different locations were selected to provide a representation of the impact of a proposed 43.5 gpm demand at 2190 – 2220 Wehrle Drive. We see zero impact on the system with the demand requirements submitted for this project. If you have any questions please let us know.

Regards,

-Bill

*William W. Wheeler, PE*

Director of Planning & Water Supply



**Erie County Water Authority**

3030 Union Road | Cheektowaga, New York 14227-1087

Direct: (716) 685-8251 | Cell: (716) 440-7447 | [wwheeler@ecwa.org](mailto:wwheeler@ecwa.org)

## **State Environmental Quality Review Act (“SEQRA”):**

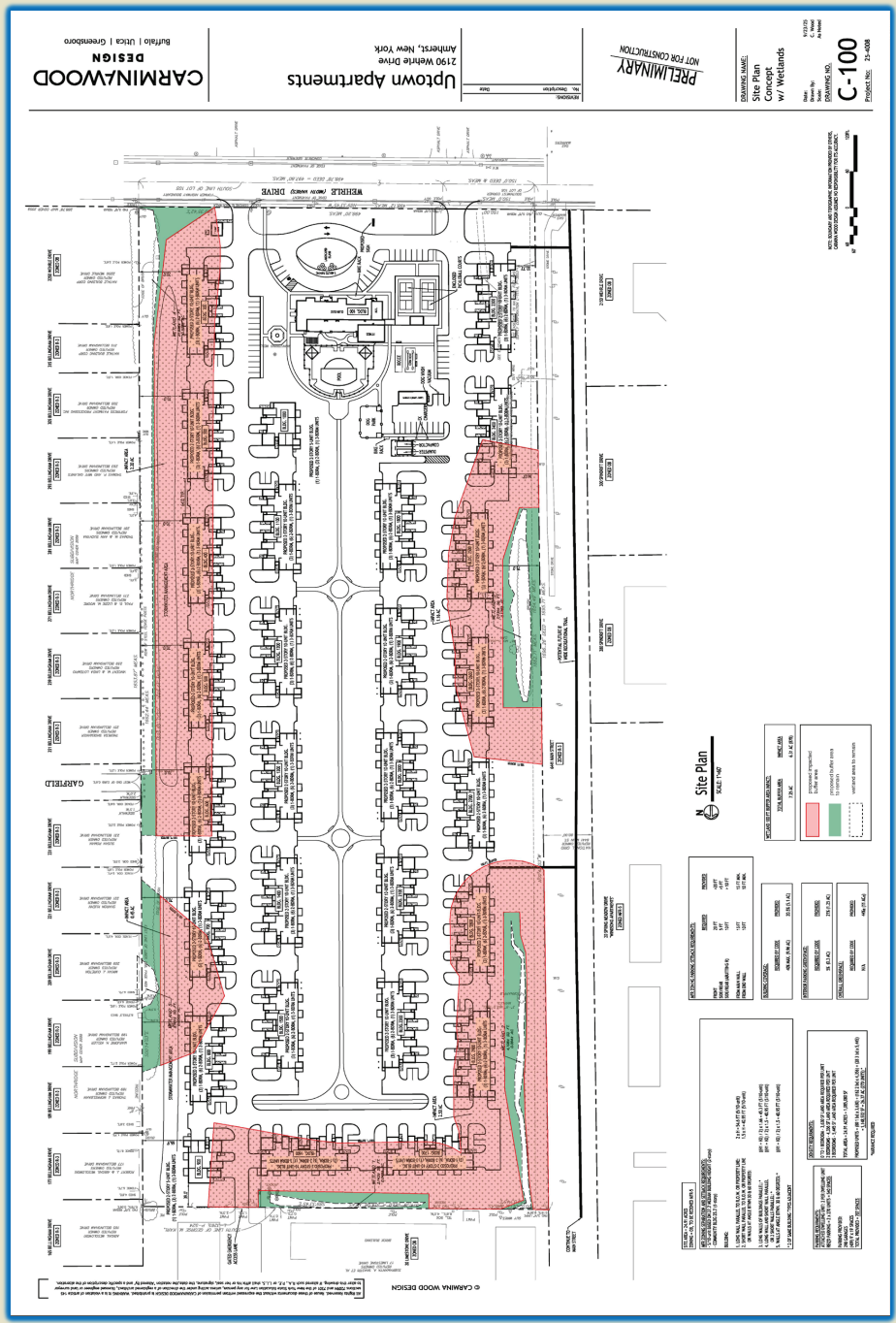
- No Impact Determination Letter issued by Nancy Herter of the NYS Office of Parks, Recreation and Historic Preservation dated October 4, 2005
- **Traffic Impacts:** Updated Traffic Impact Report prepared by Amy C. Dake, P.E. of Passero Associates
  - The Project was reviewed by the Town’s Traffic-Safety Board during its meeting on May 7, 2025.
  - On May 9, 2025, Gina Wilkolaski, P.E. of the ECDPW issued a comment letter requesting updates to the Traffic Impact Report.
  - The Traffic Impact Report prepared by Amy C. Dake of Passero Associates dated June 9, 2025 was prepared based on the input received from the ATSB and the ECDPW to include 6 intersections as follows: 1. Wehrle Dr (CR 290) and Garrison Rd; 2. Wehrle Dr (CR 290) and Colonial Pkwy (Ingram Micro); 3. Wehrle Dr (CR 290) and Youngs Rd; 4. Wehrle Dr (CR 290) and Spindrift Dr; 5. Wehrle Dr (CR 290) and George Karl Blvd; and 6. Wehrle Dr (CR 290) and Transit Rd (NY-78).
  - The updated Traffic Impact Report also includes an analysis of Oakwood Drive speed and volume based as requested by the ATSB during its meeting on May 7, 2025.

## **State Environmental Quality Review Act (“SEQRA”):**

- Section 8 of the updated Traffic Impact Report consists of the “Conclusions and Recommendations” of Amy C. Dake of Passero Associates as follows:
  - 1. Under full development, the proposed project is expected to generate approximately 30 entering/96 exiting vehicle trips during the AM peak hour and 103 entering/60 exiting vehicle trips during the PM peak hour.
  - 2. All intersection/site driveway approaches generally operate at level of service “D” or better under all conditions during the AM and PM peak hours with the exception of the westbound left and westbound thru/right approaches at the Wehrle Dr/Garrison Rd intersection which operate at a LOS “E” and “F”, respectively, during the PM peak hour under all conditions.
  - 3. No improvements are warranted nor recommended at any of the study intersections.
  - 4. The detailed traffic analysis in this updated Traffic Impact Report provides the Town of Amherst Town Board and involved and interested agencies with detailed information regarding the identified potential traffic impacts of the project to enable a hard look at the identified potential traffic impacts in connection with the coordinated environmental review of the project pursuant to the State Environmental Quality Review Act (SEQRA).
  - 5. Pursuant to the SEQRA, this detailed traffic analysis which incorporates input from both the Erie County Department of Public Works (ECDPW) and the Town of Amherst Traffic Safety Board, demonstrates that the proposed project will not result in any potentially significant adverse traffic impacts.

# State Environmental Quality Review Act (“SEQRA”):

- Wetland Permit Application filed with the NYSDEC on January 6, 2025
- 6.31 acres of Impacts limited to the 100 ft. Adjacent Area Only



## **State Environmental Quality Review Act (“SEORA”):**

- Downstream Sewer Capacity Report (“DSCA Report”) prepared by Carmina Wood Design based on testing conducted by TEC Smith during wet weather conditions.
- The DSCA demonstrates there is adequate downstream sanitary sewer flow during wet weather conditions to provide sanitary sewer service for the Project.
- The Project Sponsor will be required to make a payment to the Town’s I/I Sanitary Sewer Fund in the amount of \$170,754.63.
- Development of the Project Site is not subject to the previous sanitary sewer connection moratorium per Resolution No. 2018-1301 as adopted by the Town Board on December 10, 2018.
- On-site stormwater management system complying with NYSDEC stormwater quality and quantity standards
- Evaluation of water pressure based on input received from the Erie County Water Authority
- Community Character Impacts: Positive community character impacts

## **Conclusion:**

- Requesting that the Town Board issue a Negative Declaration and approve the rezoning of the Project Site from OB to MFR-5.
- Questions...

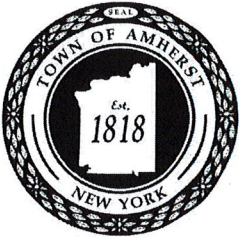


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# **EXHIBIT 9**

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# 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 2026-152 "Adoption of Local Law to Amend the Zoning Map (2190-2220 Wehrle Drive, Z-2025-05)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on March 9, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 13<sup>th</sup> day of March, 2026.

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

Sworn to before me  
This 13<sup>th</sup> day of March, 2026

Notary Public

**TIMOTHY J. KOLLER**  
No. 01KO6263885  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 06/11/20 28



**Amherst Town Board**

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

Francina J. Spoth  
Town Clerk

Meeting: 03/09/26 07:00 PM  
Department: Town Clerk  
Initiated by: **Timothy Koller**  
Co-Sponsored by:

DOC ID: 31553

**RESOLUTION 2026-152**

**ADOPTED**

---

**Adoption of Local Law to Amend the Zoning Map (2190-2220  
Wehrle Drive, Z-2025-05)**

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 29, 2026 that the proposed rezoning of 24.9± acres of land from Office Building District (OB) to Multi-Family Residential District Five (MFR-5) at 2190-2220 Wehrle Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (# \_\_\_\_\_) to amend the Town Zoning map as recommended by the Planning Board.

**2/23/2026**

A motion to open the public hearing was made by Supervisor Lavin, seconded by Councilmember Davis and unanimously approved 3-0. The public hearing was opened at 7:24 PM.

Attorney Sean Hopkins presented.

The following residents spoke:  
Adam Karl, 305 Bellingham Dr  
Tom Monkelbaan, 189 Bellingham Dr

There were no further speakers from the public, therefore Supervisor Lavin moved to close the public hearing and set a decision date for the March 9th Town Board meeting, seconded by Councilmember Davis and unanimously approved 3-0. The public hearing was closed at 7:50 PM.

**3/9/2026**

Supervisor Lavin made a motion to approve, seconded by Deputy Supervisor Marinucci and unanimously approved 5-0.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Shawn Lavin, Supervisor
<b>SECONDER:</b>	Angela Marinucci, Deputy Supervisor
<b>AYES:</b>	Lavin, Marinucci, Szukala, Davis, Kavanaugh





# 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

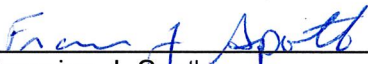
Ashley Brownson  
Deputy Town Clerk

### 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 2026-210 "SEQR Determination (2190-2220 Wehrle Drive, Z-2025-05)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on March 9, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 13<sup>th</sup> day of March, 2026.

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

Sworn to before me  
This 13<sup>th</sup> day of March, 2026

\_\_\_\_\_  
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](http://www.amherst.ny.us)

Francina J. Spoth  
Town Clerk

Meeting: 03/09/26 07:00 PM  
Department: Planning  
Initiated by: **Dan Howard**  
Co-Sponsored by:

DOC ID: 31582

**RESOLUTION 2026-210**

**ADOPTED**

**SEQR Determination (2190-2220 Wehrle Drive, Z-2025-05)**

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a rezoning of 2190-2220 Wehrle Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete, therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

**3/9/2026**

Supervisor Lavin made a motion to approve, seconded by Deputy Supervisor Marinucci and unanimously approved 5-0.

**FINANCIAL IMPACT:**

None

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Shawn Lavin, Supervisor
<b>SECONDER:</b>	Angela Marinucci, Deputy Supervisor
<b>AYES:</b>	Lavin, Marinucci, Szukala, Davis, Kavanaugh

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# **EXHIBIT 10**

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## SEQR

### NEGATIVE DECLARATION

#### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**Lead Agency:** Town of Amherst  
Town Board

**Project:** Z-2025-05

**Address:** 5583 Main Street  
Williamsville, NY 14221  
(716) 631-7051

**Date:** March 9, 2026

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

**Title of Action:** Rezoning Request.

**SEQR Status:** Type I action

**Description of Action:** Rezoning of 24.9± acres of land from Office Building District (OB) to Multi-Family Residential District Five (MFR-5) to allow for the future use and development of the site as a multifamily project consisting of 270± attached residential units (in multifamily buildings) for lease, a community building, recreational amenities, dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive, a gated emergency "access only" driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections and any other onsite improvements along with off-site improvements which may include a potential future recreational trail within the National Grid Right-of-Way directly west of the project site that would connect the project site and other nearby parcels to Main Street.

**Location:** 2190-2220 Wehrle Drive, Town of Amherst, Erie County, N.Y.

**Petitioner:** Young Development Inc.

### **Reasons Supporting This Determination**

Based on information submitted by the Petitioner including an Amended Part 1 of the Full Environmental Assessment Form and other relevant documentation, a preliminary staff analysis was undertaken in accordance with the “hard look standard” required by SEQRA. The extensive documentation submitted by the Petitioner and the public was reviewed in connection with the analysis of potential adverse environmental impacts including documentation and testimony received by the Town Board during the public hearings held on June 23, 2025 and July 21, 2025 for the previous Bicentennial Comprehensive Plan Amendment and on October 27, 2025 for the subject rezoning request and supplemental documentation submitted by the petitioner and the public.

The project review process began with the petitioner filing an application to Amend the Bicentennial Comprehensive Plan and supporting documentation to change the land use designation on Figure 6 from “Commercial Office” to “Medium Residential” to accommodate the development of the project site as a multifamily project on February 20, 2025 which was later amended to change the land use designation on Figure 6 from “Commercial Office” to “Mixed Residential”. The subject rezoning request application along with supporting documentation to rezone the subject site from Office Building District (OB) to Multi-Family Residential District Five (MFR-5) was filed on November 24, 2025.

On November 25, 2025, a lead agency solicitation letter was issued by the Planning Department to involved and interested agencies for the purpose of the Town Board seeking lead agency status in connection with the coordinated environmental review of the rezoning request. None of the involved agencies objected to the Town Board’s request to be designated lead agency prior to December 26, 2025 the expiration date of the thirty (30) day response period.

The project review process included a public hearing held by the Town of Amherst Planning Board on January 29, 2026. At that meeting the Planning Board adopted a resolution recommending approval of the rezoning request. The Planning Board issued the following detailed findings in support of its favorable recommendation to the Town Board.

- A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance and is consistent with the Conceptual Land Use Plan which shows “Mixed Residential” use in this area of the Town.
- B. There are adequate services and utilities available or proposed to be made available in the construction of the development.
- C. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
- D. The subject property is suitable for uses permitted by the proposed versus the current district.

- E. The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.
- F. Five (5) wetland areas totaling 0.874± acres have been identified on the subject properties, the wetland areas are being regulated by NYSDEC as "Wetlands of Unusual Importance" based on 6 NYCRR Part 664 regulations that went into effect on January 1, 2025.

On February 11, 2026, the Planning Department provided the Town Board with a detailed letter summarizing the history of the Project Site and providing information regarding the favorable recommendation to the Town Board by the Planning Board on January 29, 2026.

The Town Board held a public hearing in connection with its review of the subject rezoning request during its meeting of February 23, 2026 and has properly considered the information received from all interested parties during the public hearings including the presentations made on behalf of the petitioner and comments from the public.

Compared to the criteria listed in Section 617.7 of the SEQRA Regulations, the Town Board, acting in its capacity as the Lead Agency, has determined that all identified areas of environmental concern have been adequately addressed, and that the proposed project will not have any potentially significant adverse impacts on the environment.

1. The project will not result in any adverse impacts on existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

The project will require the installation of a stormwater management system complying with the stormwater quality and quantity standards of the NYSDEC and the Town.

The petitioner will be required to submit engineered plans, an Engineer's Report and a Stormwater Pollution Prevention Plan ("SWPPP") in connection with the future review of a site plan application for the project. During the site plan application review process, the Town's Engineering Department will need to review and approve the on-site stormwater management system improvements to confirm compliance with the applicable stormwater quality and quantity standards. The Town Board has determined the project will not result in any potentially significant adverse drainage or flooding impacts.

A Downstream Sewer Capacity Report ("DSCA Report") dated September 2005 and received on November 24, 2025 was prepared by Christopher Wood P.E. of Carmina Wood Design based on testing conducted by TEC Smith during wet weather conditions. The DSCA Report demonstrates there is adequate downstream sanitary sewer flow during wet weather conditions to provide sanitary sewer service for the Project. The Project Sponsor will be required to make a substantial payment to the Town's Inflow/Infiltration Sanitary Sewer Fund in connection with the project. The DSCA will need to receive approval from the

Engineering Department and the New York State Department of Environmental Conservation during the site plan application review stage for the project. The development of the project site is not subject to the previous sanitary sewer connection moratorium per Resolution No. 2018-1301 as adopted by the Town Board on December 10, 2018.

2. The Petitioner submitted a Preliminary Existing Water System Analysis Report prepared by Christopher Wood, P.E. of Carmina Wood Design dated October 6, 2025 and received on October 8, 2025 for the purpose of evaluating whether the project will result in any off-site water pressure issues. This analysis was prepared based on input received from both the Erie County Water Authority (ECWA) and the Town's Engineering Department. As described within the Preliminary Existing Water System Analysis Report, water service for the buildings will be tapped off the existing 12" ECWA water main on the south side of Wehrle Drive and the 8" ECWA watermain on Limestone Drive. The service will be an 8" combined water service, then split into an 8" PVC fire service and a 6" domestic service. Both services will continue into a pump house where booster pumps and meters will be housed. Proper heat and lighting will be provided to the enclosure, drainage due to testing or failure of the pump house will be to the outside grade. The Petitioner will be responsible for keeping the drainage ports clear of snow and debris. Water inside the buildings will be used for typical domestic uses. The multi-family buildings are to be sprinklered. Existing public hydrants along Wehrle Drive and proposed private hydrants throughout the development will ensure fire hose coverage not exceeding 600' for each building.

The analysis contained in the Preliminary Existing Water System Analysis Report, determined that current static water pressure on Wehrle Drive is 43 psi and approximately 54 psi on Limestone Drive based on hydrant flow data provided by the ECWA. Surrounding neighbors have been concerned with relatively low water pressure in this area and how the proposed multi-family development could affect the existing water supply and pressure. Domestic flows were determined using demand data from the NYSDEC Wastewater Design Manual. Typical Per-Unit Hydraulic Loading Rates (Table B-3) of 110 gpd/bedroom, totaling an average daily demand of 43.5 gpm (114 1-bdrm unit, 198 2- bdrm, 20 3-bdrm unit = 62,700 gpd = 43.5 gpm). A fire flow analysis of all surrounding node locations is included the analysis provided showing ample flow rates through the watermain system in the event of a fire emergency. Water supply is not an issue in this area because existing flow provided via the 12" watermain on Wehrle Drive and the 8" watermain on Limestone Drive. The surrounding system is routed through the existing residential neighborhood to the east, Limestone Drive to the north and Spindrift Road to the west, all of which are connected on both Wehrle Drive and Main Street. The ECWA has provided an analysis of the existing watermain system under current conditions and with the proposed development demand included to depict the effects of the proposed development. The analysis was performed using the system's diurnal curves from the watermain model of the ECWA. The below table shows pressure at the eleven (11) analyzed node locations throughout the surrounding area under current and future average and peak demands.

Node	Location	Min. Pressure (psi)	
		Ex.	Prop.
K07G07	Main Street	40.5	40.5
K07G30	Youngs Road	43.3	43.3
K07G62	Youngs Road/Wehrle Drive	39.3	39.3
K07H28	Spindrift Drive	39.3	39.2
K07H63	Wehrle Drive	39.2	39.1
L07E01	Main Street	35.3	35.3
L07E31	Berkley Road	31.9	31.9
L07E33	Bellingham Drive	38.3	38.3
L07F10	Main Street/Transit Road	33.8	33.8
L07F34B	Transit Road	32.4	32.4
L07F58	McKinley Ave/Wehrle Drive	33.4	33.4

Based on the analysis, the Preliminary Existing Water System Analysis Report determined there is a minor or no drop in pressure as shown between existing and future conditions. Under normal conditions the proposed project will not have a measurable impact on the existing water system, therefore there will be no potentially significant adverse impacts to the existing waterline pressure and supply to the surrounding area.

3. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Jurisdictional Determination issued by the United States Army Corps of Engineers (“USACE”) dated January 22, 2021 confirmed there are not any federal wetlands located on the Project Site. Based on wetland regulations that went into effect on January 1, 2025, the NYSDEC issued a letter of Positive Jurisdiction dated July 22, 2025 that stated as follows: “Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that the parcel contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). The parcel contains freshwater wetlands and/or regulated adjacent area(s) that meet an Unusual Importance (UI) criterion. Specifically, the wetland is located within or adjacent to an urban area, as defined and identified by the United States Census Bureau.”

A wetland delineation of the project site was conducted by Scott Livingstone of SJL Wetlands, LLC and the result of the wetland delineation were contained in the Wetland Delineation Report that he prepared dated September 12, 2025. The wetland delineation was conducted to define the extent of USACE and NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The wetland delineation study at the project site was performed under guidelines specified by the Corps of Engineers Wetlands Delineation Manual, dated January 1987 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0 (January 2012) as well as the NYSDEC Freshwater Wetlands

Delineation Manual (July 1995). The wetland delineation considered the 6 NYCRR Part 664 regulations that went into effect on January 1, 2025. The current Part 664 regulations encompass regulation over all wetlands greater than 12.4 acres (until January 1, 2028 when the minimum size threshold is reduced to 7.4 acres) as well as wetlands of any size that fall into any of eleven (11) categories of "Wetlands of Unusual Importance" as defined Part 664.6 of the regulations.

The wetland delineation revealed the presence of (5) small wetland areas totaling 0.874± acre on the project site that are potentially subject to the jurisdiction of the NYSDEC as "Wetlands of Unusual Importance" along with the associated 100 ft. Adjacent Areas. As set forth in the letter prepared by Scott Livingstone dated October 6, 2025, the updated project layout reflects a concerted effort to avoid any adverse impacts to the five (5) small wetland areas totaling 0.874± acre on the Project Site that are potentially subject to the jurisdiction of the NYSDEC. The updated project layout as depicted on the current Concept Site Plan [Drawing C-100 – Date: 09/29/25], that reduced the project density to 270 units, will result in 6.31± acres of impacts to the regulated 100 ft. Adjacent Area of the potential wetlands subject to the jurisdiction of the NYSDEC, which will require a permit to be obtained from the NYSDEC. Mr. Livingstone's letter dated October 6, 2025 also contains his professional opinion that the updated wetland related documentation provides the Town Board, acting in its capacity as the lead agency, with information enabling it to take a hard look at potential wetland impacts and to conclude that the proposed multifamily project will not result in any potentially significant adverse wetland impacts.

Subsequently SJL Wetlands, LLC on January 6, 2026 submitted an application for an Article 24 permit for the impacts to the 6.31± acres of anticipated NYSDEC jurisdictional 100 foot upland adjacent area to the wetlands.

Based on its review of the extensive wetland documentation, the Town Board has determined that the project will not result in any potentially significant wetland impacts. The Petitioner will be required to obtain a permit from the NYSDEC prior to impacting the 100 ft. Adjacent Area of the potential NYSDEC freshwater wetlands. If the requested permit from the NYSDEC is not issued, the Planning Department will not stamp the final engineered plans as approved, which is a prerequisite for the Building Department's issuance of building permits for the project.

As described in the Wetland Delineation Report dated September 12, 2025, a majority of the Project Site has previously been cleared and there is not substantial vegetation on the Project Site. The petitioner will be installing required high impact landscape buffers on the perimeter of the Project Site that are contiguous to existing residential uses.

4. The proposed use of the project site as a multifamily project consisting of 270± attached residential units (in multifamily buildings) for lease and associated site improvements will not create any material conflict with the adopted Town Comprehensive Plan.
5. The project site is within an area identified by the State as having potential archaeological or historical significance. A letter issued by Nancy Herter of the NYS Office of Parks,

Recreation and Historic Preservation (SHPO) dated October 4, 2025 stated as follows: "A review of SHPO records indicates that "No Impact" determinations were issued for 2190-Wehrle Drive in 2001, for 2220 Wehrle Drive in 1993 and for 2459 Hopkins Road in 2001. Therefore, it is the SHPO's opinion that project 05PR3845 (referencing 2190-2200 Wehrle Drive) will have No Effect upon historic properties in or eligible for inclusion the State and National Registers of Historic Places."

6. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project site is located on the north side of Wehrle Drive in an area that contains a mixture of uses and zoning classifications. The nearby land uses include a utility right-of-way to the west along with office buildings and a multifamily project; office buildings to the north of the Project Site on Limestone Drive, and single-family homes to the east located on Bellingham Drive. Review of the current Concept Site Plan [Drawing C-100 – Date: 09/23/25], the proposed multifamily buildings will consist of 2-stories with a maximum height of 35 ft. The current Concept Plan depicts approximately 11 acres of greenspace with landscaping (44% of the Project Site). The project will comply with the lighting standards in the Zoning Ordinance as will be verified during the site plan application review stage of the project. The Town Board has determined project will not result in any potentially significant impacts to community character or aesthetics.
7. The proposed project will include construction of 270± multifamily units which will not cause a major change in the use of either the quantity or type of energy. The multifamily buildings and clubhouse will be built in accordance with the energy standards contained in the NYS Building Code and will require the issuance of building permits by the Town of Amherst Building Department.
8. The project will not create any hazard to human health. The project layout includes a gated emergency access connection to Limestone Drive turnaround for emergency vehicles on the northern portion of the project site.
9. The project will cause a change in the use, or intensity of use of land since the project site currently consists of vacant land. However, the intensity of use of the project will be consistent with the scale and density of surrounding and nearby land uses in the vicinity of the project site.
10. The proposed apartment development project will increase the number of people using the site over its previous level of use (vacant land). The project site has been determined to be adequate to accommodate the proposed use as a multifamily project.
11. No potentially significant adverse traffic impacts will result from the project. An updated Traffic Impact Report was prepared by Amy C. Dake, P.E. of Passero Associates dated June 24, 2025. The project was reviewed by the Town's Traffic-Safety Board ("ATSB") during several of its meetings.

The Traffic Impact Report prepared by Amy C. Dake was based on the input received from the ATSB and the ECDPW to include 6 intersections as follows:

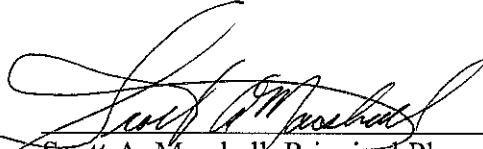
- Wehrle Dr (CR 290) and Garrison Rd;
- Wehrle Dr (CR 290) and Colonial Pkwy (Ingram Micro);
- Wehrle Dr (CR 290) and Youngs Rd;
- Wehrle Dr (CR 290) and Spindrift Dr;
- Wehrle Dr (CR 290) and George Karl Blvd;
- Wehrle Dr (CR 290) and Transit Rd (NY-78)

The updated Traffic Impact Report also includes an analysis of Oakwood Drive speed and volume as requested by the ATSB during its meeting on May 7, 2025.


Section 8 of the updated Traffic Impact Report consists of the following “Conclusions and Recommendations” by Amy C. Dake of Passero Associates.

- The detailed traffic analysis given in the updated Traffic Impact Report provides the Town of Amherst Town Board and involved and interested agencies with detailed information regarding the identified potential traffic impacts of the project to enable a hard look at the identified potential traffic impacts in connection with the coordinated environmental review of the project pursuant to the State Environmental Quality Review Act (SEQRA).
  - Under full development, the proposed project is expected to generate approximately 30 entering/96 exiting vehicle trips during the AM peak hour and 103 entering/60 exiting vehicle trips during the PM peak hour.
  - All intersection/site driveway approaches generally will operate at a level of service “D” or better under all conditions during the AM and PM peak hours with the exception of the westbound left and westbound thru/right approaches at the Wehrle Dr/Garrison Rd intersection which operate at a LOS “E” and “F”, respectively, during the PM peak hour under all conditions.
  - No improvements are warranted nor recommended at any of the study intersections.
  - Pursuant to the SEQRA, this detailed traffic analysis which incorporates input from both the Erie County Department of Public Works (ECDPW) and the Town of Amherst Traffic Safety Board, demonstrates that the proposed project will not result in any potentially significant adverse traffic impacts.
12. During the project review process, the Planning Department solicited comments from various Town Departments and Committees, none of which indicated that the project may result in any potentially significant adverse environmental impacts.

13. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and have been determined to not involve potentially significant adverse environmental impacts.

  
\_\_\_\_\_  
Scott A. Marshall, Principal Planner

3/10/2026  
Date

  
\_\_\_\_\_  
Shawn A. Lavin, Supervisor

11 March 26  
Date

SM/ac

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cc: Amherst Town Clerk

Amherst Building Department

ECDEP

NYSDEC

Steven B. Bengart, Town Attorney

Sean Hopkins, Hopkins Sorgi & McCarthy, 35 California Dr., Suite 100, Williamsville, NY 14221

Patrick Sheedy Jr., Carmina Wood Design, 80 Silo City Row, Buffalo, NY 14203



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# **EXHIBIT 11**

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## **SETTLEMENT AGREEMENT AND MUTUAL RELEASE**

This Settlement Agreement and Mutual Release (the "Agreement") is made and entered into by and between Joe Young on behalf of Young Development Inc. and Bruce Wisbaum on behalf of Windsong Place Associates, LP (each individually, a "Party," and collectively, the "Parties"). This Agreement is intended by the Parties to fully, finally and forever resolve, discharge and settle the Settled Matters (as defined below), upon and subject to the terms and conditions hereof. This Agreement is effective as of the date the last Party executes this Agreement and any related documents (the "Effective Date").

### **Background**

WHEREAS, Young Development Inc. ("Young Development") is seeking to amend the Town of Amherst Comprehensive Plan and thereafter intends to seek rezoning of the property located at 2190-2200 Wehrle Drive, Amherst, NY (SBL No. 81.02-1-10.1) and develop a multifamily residential project (the "Project" or "Project Site").

WHEREAS, Acquest Wehrle LLC ("Acquest") is the current owner of the Project Site.

WHEREAS, initial proposals for the Project included approximately 366 residential units across two-story and four-story buildings.

WHEREAS, Windsong Place Associates, LP ("Windsong") owns nearby property located at 25 Spring Meadow Drive and 1-21 Spindrift Court, known as Windsong Apartments and Windsong Place Apartments (collectively the "Windsong Property"), directly to the west of the Project Site.

WHEREAS, Windsong expressed concerns about the potential negative impacts that such preliminary designs of the Project could have on Windsong's property and its residents, especially where the design entailed four-story buildings and a future application to rezone the Project Site from Office Building District ("OB") for Multifamily Residential District Six ("MFR-6").

WHEREAS, the Parties desire to resolve any and all disputes or objections related to the Project and to set forth their mutual agreements and understandings to establish mutually acceptable terms and conditions governing the Project and Windsong's response to it.

NOW, THEREFORE, in consideration of the mutual promises and covenants in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

## TERMS AND CONDITIONS

1. Defined Terms. In this Agreement, the following terms shall have the following respective meanings:

- a. "Claims" means any and all claims, counterclaims, actions, causes of action, petitions, motions, objections, litigations, arbitrations, proceedings, awards, orders, judgments, decisions, debts, obligations, rights, interests, suits, appeals, damages, remedies, costs, attorneys' fees, interest, expenses and liabilities, of any type, whether asserted or unasserted, known or unknown, foreseen or unforeseen, suspected or unsuspected, contingent or fixed, liquidated or unliquidated, accrued or unaccrued, state or federal, currently or previously existing or arising, in law, contract, equity or otherwise, from the beginning of the world to and including the Effective Date, that are based on, arising from, or relating to the Project or Project Site.
- b. "Effective Date" means the date on which this Agreement has been executed and delivered by all of the Parties.
- c. "Settled Matters" means any and all Claims between any of the Parties, including, without limitation, any and all Claims relating to the Project or Project Site, specifically regarding this Agreement's discussion of the Project's density (including the pending rezoning of the Project Site from OB to MFR-6), design, and landscaping, as well as the matters, facts, and circumstances described in, or arising from, or related in any way to any of the allegations, matters, facts, and circumstances underlying or related to the Claims, development of the Project Site, and other matters described in the Background section of this Agreement.

2. Rezoning Limitation. Young Development and its affiliated entities, agree that they shall only apply for and pursue rezoning of the Project Site to Multifamily Residential District Five ("MFR-5") classification and it shall not seek rezoning to any higher-intensity zoning district. Young Development agrees that the conditions set forth in this Agreement pertaining to the Project's density, building height, and landscaping, shall be included in the rezoning application and incorporated as conditions into the rezoning approval by the Town of Amherst.

The Project shall not exceed a total density of two hundred seventy (270) dwelling units. The parties acknowledge that an area variance will be needed from the Zoning Board of Appeals for the total density of two hundred seventy (270) dwelling units.

Any deviation from this requirement shall constitute a material breach of this Agreement entitling Windsong to immediate injunctive relief. Prior to commencing any construction activities related to the Project, Young Development shall obtain written confirmation from the Town of Amherst regarding the approved zoning classification for the Project Site and density limitations and shall provide a copy of such written confirmation to Windsong within five (5) business days of receipt.

3. **Building Limitations.** Buildings at the Project Site shall not exceed two (2) stories nor a peak height of thirty-five feet (35').

Any building located along the Project Site's western property line that is contiguous with the Windsong Property shall be set back a minimum of seventy-five feet (75') from the Project Site's property line.

The Project shall consist exclusively of market-rate and workforce housing. Affordable or low-income housing as defined by any federal, state, or local agency shall not be included.

4. **Landscaping and Buffering.** Young Development shall install and maintain a landscaping buffer along the Project Site's western property line that is contiguous with the Windsong Property, providing either a six-foot (6') berm with six-foot (6') trees a minimum caliper of two and a half inches (2.5") or a three-foot (3') berm with eight-foot (8') trees a minimum caliper of three inches (3"), consistent with the Concept Site Plan [Drawing C-100 - Date: 09/29/25] prepared Carmina Wood Design which depicts a three-foot berm along with landscaping consisting of approximately 133 trees per the Landscape Legend included on the Concept Site Plan. A copy of the Concept Site Plan is attached hereto as Exhibit "1". The landscaping to be installed shall be maintained and replaced as necessary in a timely fashion and in accordance with the requirements set forth in the Town of Amherst Zoning Code.

Young Development shall complete the installation of all landscaping buffer components as required above prior to the issuance of any temporary certificate of occupancy by the Town of Amherst Building Department for any building on the Project Site, or within eighteen (18) months of the commencement of construction activities, whichever occurs first. If the time period specified above falls between October 1st and April 1<sup>st</sup>, the time period of plantings only shall be extended until May 1<sup>st</sup>.

5. **Construction Hours.** Young Development agrees that construction activities relating to the Project shall be conducted in accordance with the applicable standards of the Town of Amherst.

Young Development further agrees to implement appropriate measures to control and mitigate dust, refuse, debris, and any related impacts on the surrounding area throughout the duration of construction.

6. **Non-Opposition and Cooperation.** In exchange for the commitments made herein by Young Development, Windsong expressly agrees that it shall not challenge, oppose, or otherwise seek to hinder, delay, or interfere with the Project or the required approvals and permits needed from the municipal boards and departments of Town of Amherst and other involved governmental agencies during the approval and permitting processes for the Project including but not limited to the pending request to amend the Comprehensive Plan, the rezoning of the Project Site from OB to MFR-5 from the Town Board, site plan review by the Town of Amherst Planning

Board, area variances from the Town of Amherst Zoning Board of Appeals and building permits needed from the Town of Amherst Building Department.

The Parties agree to cooperate in good faith with respect to the implementation of this Agreement and the development of the Project in accordance with the terms herein.

7. Default & Remedies. In the event Windsong believes that Young Development has violated the terms and conditions of this Agreement, Windsong shall provide Young Development with a letter specifying in the detail the alleged violation of the terms and conditions of this Agreement (“Notice of Default”). Upon receipt of the Notice of Default, Young Development shall have fifteen (15) days to remedy the Notice of Default via a response to Windsong, with it being acknowledged that the cure period relating to any alleged default pertaining to landscaping plantings shall be extended until May 1<sup>st</sup>.

Subject to the terms and conditions set forth in this Agreement, the non-breaching Party shall be entitled to seek specific performance of the breaching Party’s obligations under this Agreement, as well as any other remedies available at law or in equity.

8. No Admission of Liability. This Agreement represents a settlement and compromise of the Settled Matters, and nothing herein constitutes an admission of liability or wrongdoing on the part of any Party, nor may this Agreement be used in any proceeding as evidence of liability or wrongdoing on the part of any Party, except in the enforcement of this Agreement.

9. Enforceability. This Agreement is binding upon the Parties, their successors, heirs, and assigns. In the event of breach of any provision herein, the non-breaching Party may seek enforcement through appropriate action in the courts of the State of New York. In the event that any action, proceeding, or motion is brought to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs and expenses incurred, including, without limitation, reasonable attorneys’ fees, court costs, and expenses associated with such enforcement.

10. Representations, Warranties, and Covenants.

- a. Each Party acknowledges that he has had the opportunity to consult with his counsel and had the opportunity to otherwise retain counsel of his own and that he is entering into this Agreement based solely and exclusively upon his own analyses of the facts and/or information of which he is independently aware and not based upon or in reliance upon any statements and/or representations of another Party (except to the extent such statements and/or representations are fully and expressly set forth herein).
- b. Each Party acknowledges and represents to each other that:
  - i. They have the authority to enter into this Agreement in their representative capacities;

- ii. The consideration received by them for entering into this Agreement is fair, reasonable, sufficient, just and adequate and constitutes lawful consideration supporting the subject matter and execution of this Agreement;
- iii. Through their duly authorized representative(s), they have reviewed all provisions of this Agreement in full, have reviewed those provisions with their attorneys, and understand them and voluntarily agree to be bound thereby, and have executed this Agreement voluntarily as a free act and are competent to enter into this Agreement and understand its terms; and
- iv. Except as expressly set forth in this Agreement, no Party is relying on any representation or any duty of any Party to make any other representation or warranty, and no Party will assert in the future any claim of the duty of any other Party to make any disclosure.

11. Complete Agreement; Miscellaneous.

- a. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations, and discussions, whether oral or written, relating to such subject matter.
- b. An executed copy this Agreement shall be submitted by Young Development to the Town of Amherst Town Board in connection with its pending request to amend the Comprehensive Plan.
- c. This Agreement shall not be modified or amended in any respect except by a written agreement or written modification executed by all Parties.
- d. If any term, covenant, condition or provision of this Agreement is held to be invalid or unenforceable, then in each such event the remainder of this Agreement or the application of such term, covenant, condition or provision to any other person or any other circumstances (other than those to which it will be invalid or unenforceable) will not be affected and each term, covenant, condition and provision will remain valid and enforceable to the fullest extent permitted by law.
- e. Failure by any Party to complain of any action, non-action or breach of any other Party will not constitute a waiver of any aggrieved Party's other rights hereunder. Waiver by any Party of any right arising from any breach of any other Party will not constitute a waiver of any other right arising from a subsequent breach of the same obligation or for any other default, past, present or future under the terms of this Agreement.

- f. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective present and future officers, directors, members, owners, shareholders, employees, successors, affiliated entities, subsidiaries, and parent corporations and entities (and the officers, directors, shareholders, and employees of said corporations and entities), successors, assigns, attorneys, agents, legal representatives, heirs, and administrators.
- g. This Agreement may be executed in counterparts, and each executed counterpart shall be effective as the original. All faxed, emailed, or electronic signatures affirming this Agreement constitute an original signature.

12. Choice of Law and Venue. The interpretation and enforcement of this Agreement shall be governed by New York law exclusive of any choice of law rules. The Parties agree that the exclusive venue of any proceeding to enforce the terms of this Agreement shall be a state court of competent jurisdiction sitting in Erie County, New York.

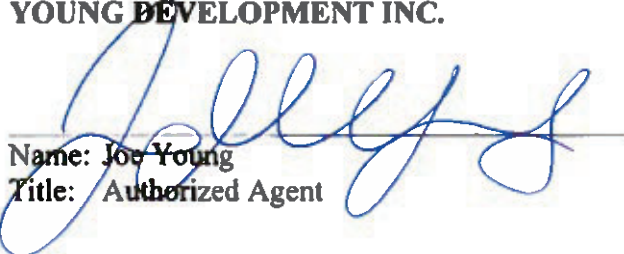
13. Effect of Settlement Agreement. This Agreement and its negotiations shall be protected by principles of law relating to settlement discussions, and it shall not be admissible to prove liability for, or the invalidity of, any claim or amount or for any other purpose in any legal proceeding, except to the extent necessary for a Party to seek to enforce the terms of this Agreement or to seek a remedy at law or equity for breach of this Agreement.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK – SIGNATURES ON  
FOLLOWING PAGE]**

The Parties have caused this Agreement to be signed as of the last date signed by the Parties.


**YOUNG DEVELOPMENT INC.**

Dated: October 16<sup>th</sup>, 2025

  
Name: Joe Young  
Title: Authorized Agent

**WINDSONG PLACE ASSOCIATES, LP**

Dated: October 15, 2025

  
Name: Bruce Wisbaum  
Title: President of BMW Development Corp., as  
General Partner of Windsong Place  
Associates, LP



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## **EXHIBIT 12**

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**Zoning Board of Appeals**

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

Francina J. Spoth  
Town Clerk

Meeting: 03/27/26 05:00 PM  
Department: Zoning Board of Appeals  
Initiated by: **Daniel J. Ulatowski**  
Co-Sponsored by:

DOC ID: 31638

**ZBA ITEM (ID # 31638)**

**APPROVED**

**2190-2200 Wehrle Drive - Area Variance**

WHEREAS, **Young Development Inc./Acquest Wehrle, LLC** has made application for an Area Variance(s), under

- 1. SECTION: 2-5-3 (pump house)**
- 2. SECTION: 3-15-5A(4) (bldg. No. 2300)**
- 3. SECTION: 3-15-5A(4) (bldg. No. 900)**
- 4. SECTION: 3-11-B(2) (density)**
- 5. SECTION: 7-2-3A(3)(k) (curbing)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

**2190-2200 Wehrle Drive within a MFR-5 Zoning District**

The petitioner's accessory **pump house** structure, will be **67 feet** from the centerline of Wehrle Drive, whereas, the zoning ordinance requires **115 feet**, and whereas, proposed **building number 2300** will be **32.73 feet** from the west property line, whereas the zoning ordinance requires **54.6 feet**, and whereas, proposed **building number 900** will be **39 feet** from the north property line, whereas, **40.95 feet** is required and, whereas, the petitioner's 270 dwelling units comprised of 80, one bedroom, 162 two bedroom and 8 three bedroom units requires **26.37 +/- acres** whereas, the petitioner's site is **24.91 +/- acres** in area and whereas, the petitioner desires to eliminate some **curbing** for the three interior islands fronting each building, whereas, the zoning ordinance requires all landscaped areas to be provided with 6 inch concrete curbing, AND

WHEREAS, a public hearing was held on **March 27, 2026** after proper notice, AND

WHEREAS, the subject area variance request is being treated as a Type I SEQR action pursuant to Chapter 104 of the of Amherst Town Code which provides for an expanded Type I list due to the presence of adjacent wetlands, AND

WHEREAS, the Amherst Town Board during is rezoning of the subject property on March 9, 2026 issued the attached environmental determination of non-significance (negative declaration), AND

WHEREAS, this Board has reviewed the negative declaration and re-affirms the

aforesaid determination of environmental significance pursuant to the requirement of Chapter 104 of the Town Code and the State Environmental Quality Review Act (SEQRA), AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

- ) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
- ) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
- ) **whether the requested area variance is substantial,**
- ) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
- ) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk’s Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT all five area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Ronald Shubert, Member
<b>SECONDER:</b>	Kelly J. Philips, Member
<b>AYES:</b>	Bray, Shubert, Philips, Parker, Goergen

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**EXHIBIT 13**

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Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2025-AEA-12792-OE

Issued Date: 02/26/2026

YOUNG DEVELOPMENT, INC.  
 BRYAN YOUNG  
 1120 Bullis Road  
 Elma, NY 14059

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Multi-unit Housing Uptown Apartments  
 County, State: Erie, New York

Collected Point(s):

Label	Latitude	Longitude	SE	DET AGL	AMSL
pt-1	42-57-37.12N	78-42-41.71W	699 Ft	28 Ft	727 Ft
pt-2	42-57-37.06N	78-42-42.89W	697 Ft	28 Ft	725 Ft
pt-3	42-57-38.69N	78-42-41.86W	698 Ft	28 Ft	726 Ft
pt-4	42-57-38.74N	78-42-43.20W	697 Ft	28 Ft	725 Ft

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 08/26/2027 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Victoria Rosenthal-Williams, at 1-404-305-6071, or Victoria.M-CTR.Rosenthal-Wil@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2025-AEA-12792-OE.

**Signature Control No: 680497193-694864285**

( DNE )

Julie A. Morgan

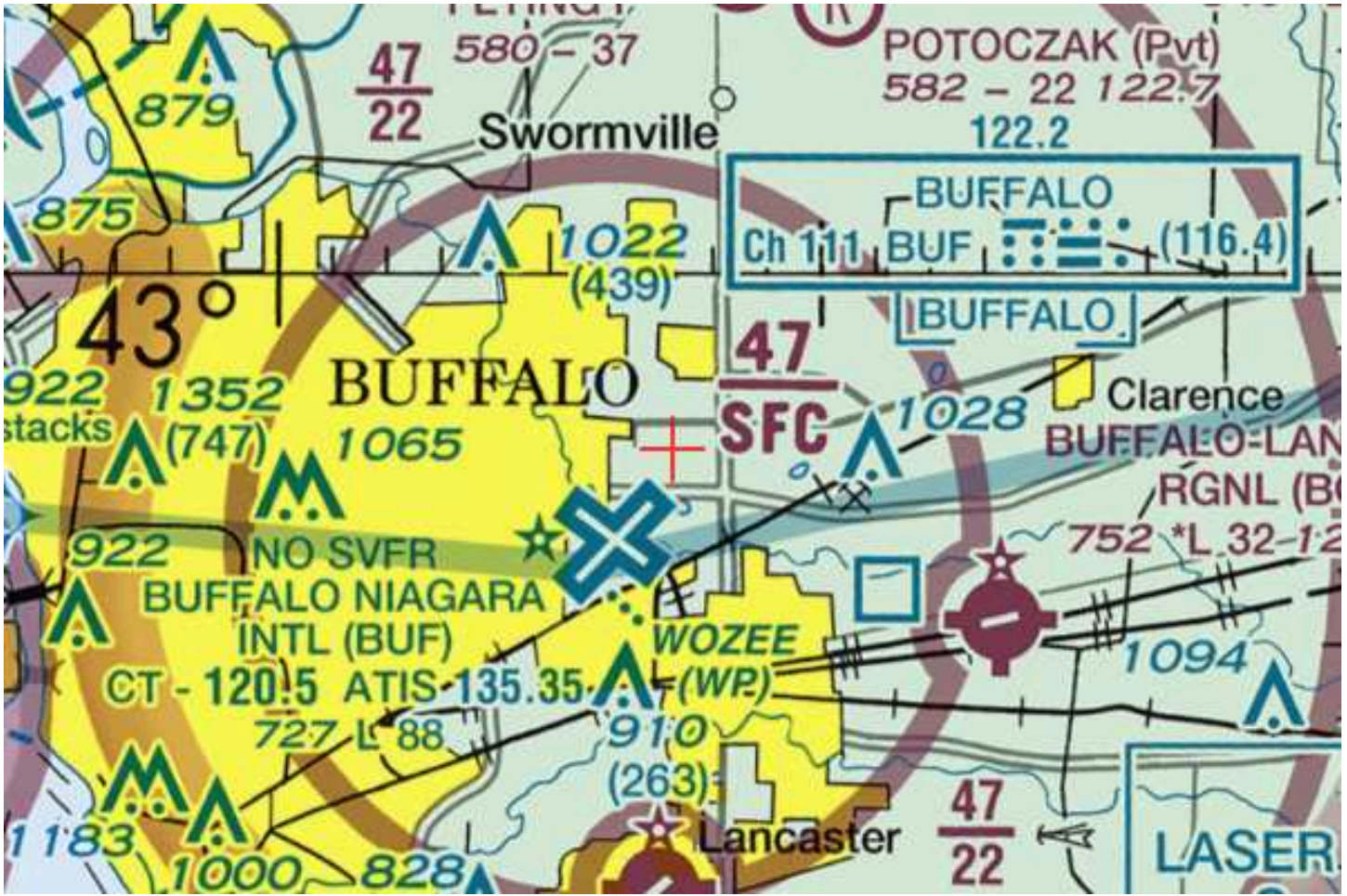
Manager, Obstruction Evaluation Group

Attachment(s)

Case Description

Map(s)

multi-family development



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# **EXHIBIT 14**

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June 9, 2026

Bryan Young  
Young Development  
1120 Bullis Road  
Elma, New York 14059

Dear Bryan Young:

**DEC Freshwater Wetlands  
Parcel Jurisdictional Determination  
2190-2220 Wehrle Drive  
Town of Amherst, Erie County**

The New York State Department of Environmental Conservation (DEC) has reviewed the 2190-2220 Wehrle Drive property, parcel 81.02-1-10.1, to make a Parcel Jurisdictional Determination (JD) based on recent changes in the Freshwater Wetlands law and regulations.

The DEC has determined that there are currently no DEC regulated freshwater wetlands or regulated adjacent areas within the boundaries of this parcel. Please note that wetlands or wetland adjacent areas within the parcel boundaries that are not currently jurisdictional may become jurisdictional in the future consistent with ECL Article 24. Pursuant to ECL section 24-0703, this determination shall be a complete defense to the enforcement of ECL Article 24 as to this parcel for a period of five years (through 6/8/2031).

This determination pertains only to state-regulated freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

Please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

Bryan Young  
June 9, 2026  
Page 2

Finally, be advised that the U.S. Army Corps of Engineers (Corps) may have wetland jurisdiction irrespective of the DEC. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch  
478 Main Street  
Buffalo, NY 14202  
Telephone: (716) 879-4330

If you have any questions about this determination, please feel free to call me at (716) 851-7024 or contact me by email at [Charles.Rosenburg@dec.ny.gov](mailto:Charles.Rosenburg@dec.ny.gov).

Sincerely,

A handwritten signature in black ink that reads "Charles P. Rosenberg". The signature is written in a cursive style with a large, stylized initial "C".

Charles P. Rosenberg  
Region 9 BEH Habitat Protection Manager

CPR: ef

CC: Mandi Ohar, Ecologist NYSDEC Bureau of Ecosystem Health  
Chelsea Boechel, NYSDEC Division of Environmental Permits  
Scott Livingstone, SJL Wetlands, LLC  
Wetlands File Uptown Apartments