

Application for Relief of Restrictions
Portion of 330 Maple Road
Applicant: 716 Sports Complex, LLC



Hopkins Sorgi & McCarthy PLLC
c/o Sean Hopkins, Esq.
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: _____ Acreage _____ Fee \$ \$1,215.00

Address Verified by
Assessor's Office

VERIFIED BY DATE

Application Received
by Planning Department

ACCEPTED BY DATE

Materials Checked by
Zoning Enforcement
Officer

CHECKED BY DATE

Materials & Fee Paid
to Town Clerk

ACCEPTED BY DATE

Fill In Applicable Fees

2 ACRES OR LESS

2 – 20 ACRES

**\$1,250 + \$250/acre or fraction
thereof over 2 acres** (fractions of an acre
to be counted as 1 acre)

21 – 30 ACRES

**\$5,700 + \$150/acre or fraction
thereof over 21 acres** (fractions of an acre
to be counted as 1 acre)

OVER 30 ACRES

**\$6,900 + \$75/acre or fraction
thereof over 30 acres** (fractions of an acre
to be counted as 1 acre)

**Request for Relief of / Change to Conditions
of Zoning Approval**

\$1,200.

\$1,200.00

AFFIDAVIT FEE FOR PUBLIC HEARING

\$15.

\$15.00

TOTAL FEE: \$ 1,215.00

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: 716 Sports Complex, LLC
Address: c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC
35 California Drive, Suite 100
Williamsville, New York 14221
City State Zip Code
Phone: 716.510-4338 Fax: _____
E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: _____ District Not Applicable.

To: _____ District

3. **Street address of land to be rezoned: (must be verified by Town Assessor's Office)**

Portion of 330 Maple Road

SBL #: SBL No. 55.03-1-10

4. **Area of land to be rezoned (in acres):** Not Applicable

5. **Owner of Land:**

Name: Town of Amherst

Address: 5583 Main Street, Williamsville, NY 14221

Telephone: 716.510-4338

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

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville, New York 14221

Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com

City State Zip Code

7. **Petitioner's interest in property** [Note: Authorization Resolution adopted by the Town Board on September 30, 2025. A copy of the resolution adopted by the Town Board is provided at Exhibit "14".]
- _____ Option to purchase
- X Owner
- _____ Other (explain) _____

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

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.**

See attached Exhibits "2" and "3".

10. **Said property has the following deed restrictions or Covenants:** (attach copy) -

Liber 11467

Page 0967

A copy of the recorded Declaration of Restrictions is attached as Exhibit "4".

- 11.

Information on proposed project:

- A. Description of the character of the proposed development:

See Exhibit 5

- B. Rationale for rezoning request:

1. Why was this site chosen? _____

See Exhibit 5.

2. Why cannot land be used with the existing zoning?

Not Applicable

3. How will this rezoning impact surrounding properties?

Not Applicable

4. How will this rezoning impact the school system?

Not Applicable..

12.

Quantitative Data:

A. Total # of dwelling units

Not Applicable

B. Distribution of dwelling units by type

C. Gross Residential Density per acre

D. Total amount of Open Space

Approximately 6 acres

E. Proposed Non-Residential Floor Area 675,000 SF

[Note: A copy of the Concept Plan for the proposed project is provided at Exhibit "7".]

13.

Development Schedule:

Start Spring 2026

Finish Spring 2028

Stages (# of) 2

14.

If any portion of the proposed development is planned to be sold or leased, please describe:

Portions of space will be leased to third parties.

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit 6.

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit 6.

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit 6.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer _____
Yes. _____
2. Storm Sewer/Drainage _____
Yes. _____
3. Water _____
Yes. _____
4. Other Yes. _____

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit 6.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit 6.

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit 6.

17. The petitioner encloses herewith the sum of \$ 1,215.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

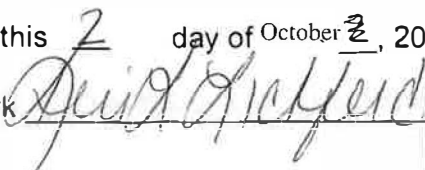
The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

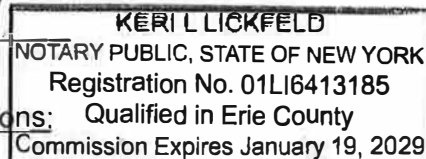
[Note: Authorization Letter of Property Owner signed attached as Exhibit "1".]


Signature of Petitioner

Subscribed and sworn to before me this 2 day of October 2, 20 25

Notary Public, Erie County, New York





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

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
 - (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

EXHIBIT 1

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:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
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):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

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 type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input 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 type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input 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):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ 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): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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: _____ 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: _____
- 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: _____ 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): _____

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

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>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)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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? _____</p> <p>If Yes:</p> <p>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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

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

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • 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. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>i. If Yes: explain:</i> _____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p><i>i. Identify Facilities:</i></p> <p>_____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p><i>ii. Dam's existing hazard classification:</i> _____</p> <p><i>iii. Provide date and summarize results of last inspection:</i></p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Has the facility been formally closed?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i></p> <p>_____</p> <p>_____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i></p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____</p> <p>_____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i></p> <p>_____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. 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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

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

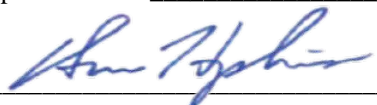
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

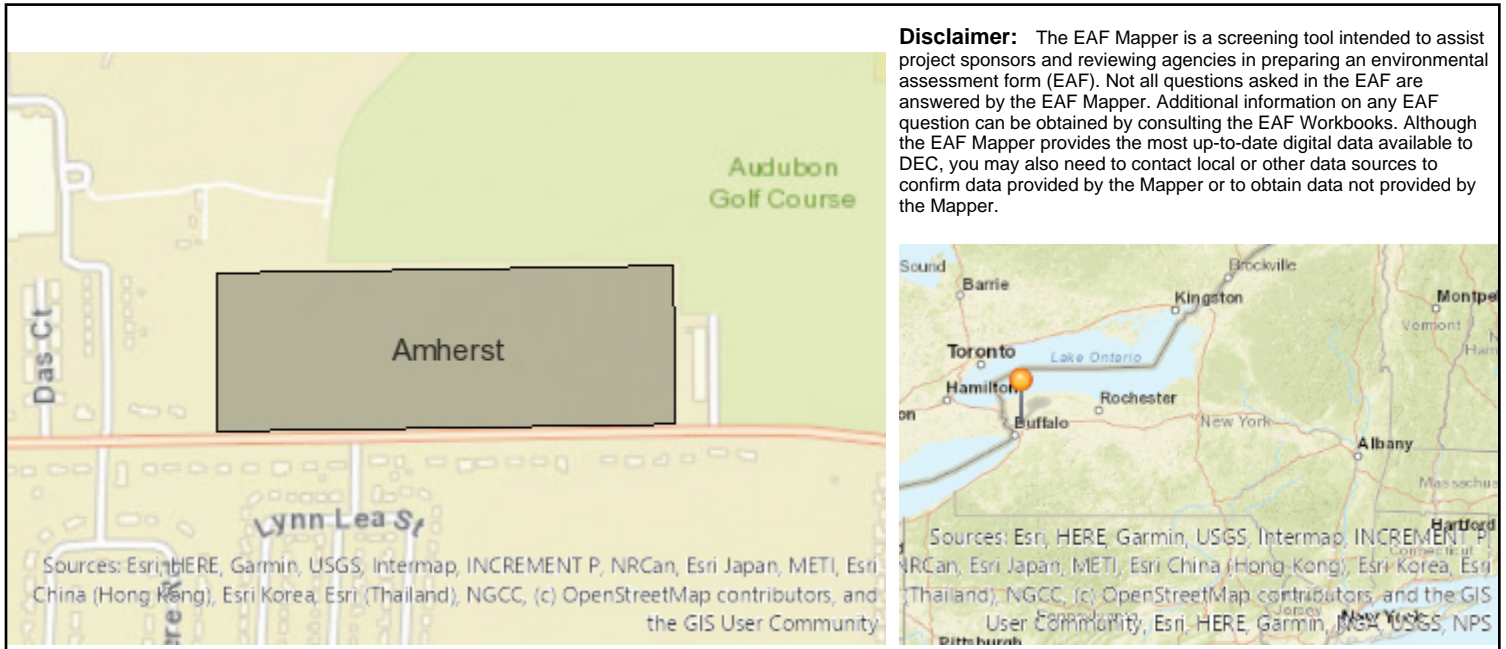
A copy of the No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation on September 24, 2025 is provided at Attachment "B".

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature  _____ Title _____



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

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

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

Address
570 Delaware Avenue, Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

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

Application Approval Amendment: 5/9/07

Agreement Execution Amendment: 6/18/07

SITE INFORMATION

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

Site Owner: Buffalo-Maple Road, LLC

Street Address: 330 Maple Road

Municipality: Williamsville County: Erie DEC Region: 9

Site Size: 26.000 Acres

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

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

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

CERTIFICATE ISSUANCE

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

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

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

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

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

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

Tangible Property Credit Component Rate is 12 %.

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

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

Tangible Property Credit Component Rate is 10 %.

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

(1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;

(2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;

(4) there is good cause for such modification or revocation;

(5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;

(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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

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

By:


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

Date: MAY 7, 2012

**ATTACHMENT 2 OF PART 1 OF
FULL EAF**



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

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

September 24, 2025

Joseph Bognanno
300 State Street
Rochester, NY 14614

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

Dear Joseph Bognanno:

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

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

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

Sydney.Snyder@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

EXHIBIT 2

EXHIBIT 3

EXHIBIT 3

LEGAL DESCRIPTION OF PORTION OF 330 MAPLE ROAD

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

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

EXHIBIT 4

FILED

Box 104 JA

JUL 02 2008

- FAK -

**ERIE COUNTY
CLERK'S OFFICE**

DECLARATION OF RESTRICTIONS

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

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

WHEREAS, on the 2nd day of June, 2008, the said Amherst Town Board approved the requested rezonings from CF to GB, and R-3 to MFR-6 on the condition Petitioners, their successors and assigns, agree to restrict the Property as follows:

1. The creation of a 4.5 acre conservation project area, 101 feet in depth, fronting Maple Road on property described in Schedule "B"
2. The Brownfield Cleanup Program will be instituted in a manner that results in the project site being cleaned to New York State Department of Environmental Conservation residential standards
3. No single retail user shall be greater than 50,000 square feet in size.
4. A maximum building height limitation of 50 feet for any structure.
5. No freestanding drive-thru fast food restaurants.
6. No freestanding drive-thru pharmacies.
7. Petitioners, their successors and assigns agreed to be bound by all provisions of the Adult Use Code of the Town of Amherst as currently adopted or as amended or modified in the future. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

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

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

BUFFALO-MAPLE ROAD, LLC

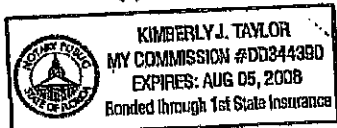
By: [Signature]
David H. Baldauf, Manager

BUFFALO-ANDERSON ASSOCIATES, LLC

By: [Signature]
David H. Baldauf, Manager

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

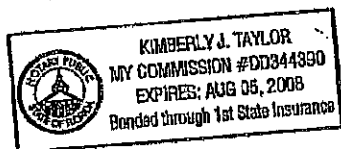
On this 1st day of July, in the year 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID H. BALDAUF, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument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



[Signature]
Notary Public

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

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



[Signature]
Notary Public

SCHEDULE A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE B

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

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

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

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

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

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

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

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

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

DAMON & MOREY

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

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

REC BY:JOANNE
County Clerk
Have a nice day!

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

DATE:07/02/2008
TIME:04:07:25 PM
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AMOUNT DUE: \$55.00
PAID CHECK: \$55.00
Check #:0400 \$55.00
TOTAL PAID: \$55.00

REC BY:JOANNE
County Clerk
Have a nice day!

EXHIBIT 5

EXHIBIT 5

APPLICATION FOR RELIEF OF ZONING CONDITIONS AND TO AMEND DECLARATION OF RESTRICTIONS – PORTION OF 330 MAPLE ROAD

Question 11(A): **Description of the character of the proposed development:**

Response to

Question 11(A): The proposed project consists of the development of a portion of 330 Maple Road consisting of 21.3 acres of vacant land (the “Project Site”) currently owned by the Town of Amherst as a state-of-the art sports complex that will include approximately 50,000 sq. ft. of retail space along with a five-story hotel and all related site improvements. A color copy of the Concept Plan depicting the conceptual layout of the proposed project is provided at Exhibit “7”. An aerial photograph of the Project Site and the surrounding vicinity is provided at Exhibit “11” and a color excerpt of the Zoning Map is provided at Exhibit “12”.

The Project Site is zoned General Business District (“GB”) and Recreation Conservation District (“RC”) pursuant to the Town’s Zoning Map. The RC zoning only applies to the front portion of the Project Site along Maple Road that will consist of a conservation area consisting of greenspace and landscaping as depicted on the Concept Plan attached as Exhibit “7”.

Question 11(B)(1): **Rationale for rezoning request: 1. What was this site chosen?**

Response to

Question 11(B)(1): The Project Site is properly zoned for the proposed project and the proposed use is consistent with Figure 6 of the adopted Comprehensive Plan, which designates the portion of the Project Site to be developed as appropriate for “Commercial-Mixed-Use”.

The Project Sponsor is requesting that the Town Board grant relief of zoning conditions imposed in connection with the previous rezoning of the Project Site for the previously approved but never constructed Gun Club Project. A copy of the Declaration of Restrictions recorded at the

Erie County Clerk's Office on July 2, 2008 is provided at Exhibit "4" and a draft of the Amended Declaration of Restrictions is provided at Exhibit "8". The Project Sponsor is requesting that the previously imposed zoning conditions be rescinded and replaced with the following zoning conditions as set forth in the draft of the Amended Declaration of Restrictions:

1. The Declarant shall comply with the requirements imposed by the NYS Department of Environmental Conservation relative to the Brownfield Clean Up Program in connection with the development of the Project Site.
2. No freestanding drive-thru fast food restaurants shall be permitted on the Project Site.
3. No freestanding drive-thru pharmacies shall be permitted on the Project Site.
4. The Declarant agrees to be bound by all provisions of the Adult Use Code of the Town of Amherst as currently adopted or as amended or modified in the future. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to

Question 11(B)(2): The Project Site cannot be developed as proposed in manner that would comply with the zoning conditions previously imposed by the Town Board since Condition No. 3 restricted any single retail user to a maximum of 50,000 square feet in size and Condition No. 4 limited the maximum building height to 50 feet for any structure.

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to

Question 11(B)(3): The requested relief of the zoning conditions previously imposed by the Town Board will not result in any potentially significant adverse impacts on surrounding properties. A completed Part 1 of the Full Environmental Assessment Form as prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at Exhibit "1" of this Application. It is important to mention that the project will allow the Project Sponsor to receive

the benefits associated with the previous environmental cleanup of contamination at the Project Site. A copy of the Certificate of Completion issued by the NYS Department of Environmental Conservation (“NYSDEC”) dated May 7, 2012 is provided at Attachment “A” of the Part 1 of the Full EAF provided at Exhibit “1” of this Application. A copy of the No Impact Determination Letter issued by SHPO dated September 24, 2025 is provided at Attachment “B” of the Part 1 of the Full EAF provided at Exhibit “1” of this Application. Additionally, a copy of the Wetland Investigation Letter prepared by Scott Livingstone of Earth Dimensions, Inc. is provided at Exhibit “10” of the Application.

The proposed project will also require Site Plan Approval from the Planning Board which will ensure compliance with the applicable standards for landscaping, lighting, stormwater management, etc.

Question 11(B)(4): How will this rezoning impact the school system?

Response to

Question 11(B)(4): The proposed project will have very substantial positive impacts on the school district since it will generate substantial annual property taxes without creating any demand for educational services.

EXHIBIT 6

EXHIBIT 6

APPLICATION FOR RELIEF OF ZONING CONDITIONS AND TO AMEND DECLARATION OF RESTRICTIONS – PORTION OF 330 MAPLE ROAD

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to

Question 16(A)(1): The proposed project is consistent with the Town’s planning goals and objectives as set forth in the adopted the Bicentennial Comprehensive Plan and other relevant planning documents which repeatedly encourage athletic facilities that will assist in promoting the health of the Town’s residents. The Project Site is properly zoned for the proposed project and the proposed use is consistent with Figure 6 of the adopted Comprehensive Plan, which designates the portion of the Project Site to be developed as appropriate for “Commercial-Mixed-Use”. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit “13”.

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to

Question 16(A)(2): The proposed project is consistent with the planning goals and objectives contained in the Comprehensive Plan and as such there is not a need to amend the Comprehensive Plan to accommodate the proposed project.

Question 16(A)(3): **State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:**

Response to

Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled “Purpose” and it states as follows:

“The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of

buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance.”

The requested for relief of zoning conditions previously imposed by the Town Board to accommodate the proposed project on the Project Site is consistent with the “Purpose” of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

- A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;**

Response: The project represents orderly and beneficial development that will provide very substantial benefits to the Town and its residents.

- B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;**

Response: The proposed project will not be inconsistent with this objective.

- C. To prevent overcrowding of land;**

Response: The proposed project will not result in the overcrowding of land.

- D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;**

Response: The project will not result in excessive concentration of population and the project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses to the Questions in Section 16 provided above sets forth the reasons the proposed rezoning is consistent with the recommended land use and the policies contained in the adopted Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The Project Site is not located in a regulated floodway or 100 yr. floodplain. The Site Plan Application review process will trigger the need for an Engineer's Report to be prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The project will not increase the likelihood of damage and injury due to fire and flood. The proposed buildings will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The project will not be inconsistent with this objective. There are not significant natural features located on the Project Site. The Project Site has been designated for commercial development for 18 years.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner consistent with the Concept Plan submitted with this Application will be aesthetically harmonious with nearby areas and structures.¹ The layout reflects a deliberate effort locate the athletic facility as far away as practicable from the Maple Road Right-of-Way, since there are existing single-family homes on the south side of Maple Road.

¹ A reduced-size copy of the Concept Plan is attached as Exhibit "7".

- I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.**

Response: The proposed project will have a driveway connection to Maple Road, which is an Erie County Highway, and a secondary gated emergency access driveway for emergency access per the requirements of Appendix D of the NYS Fire Code.

- J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;**

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed project.

- K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.**

Response: The project is consistent with this objective since the proposed use is consistent with the policies contained in the Comprehensive Plan.

- L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.**

Response: The proposed project is consistent with this objective.

- M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.**

Response: The proposed project will not be inconsistent with this objective.

Question 16(C): **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

Response to

Question 16(C): The Project Sponsor is not seeking to amend the existing zoning classifications of the Project Site.

Question 16(D): **Suitability of the subject property for uses permitted by the current versus the proposed district:**

Response to

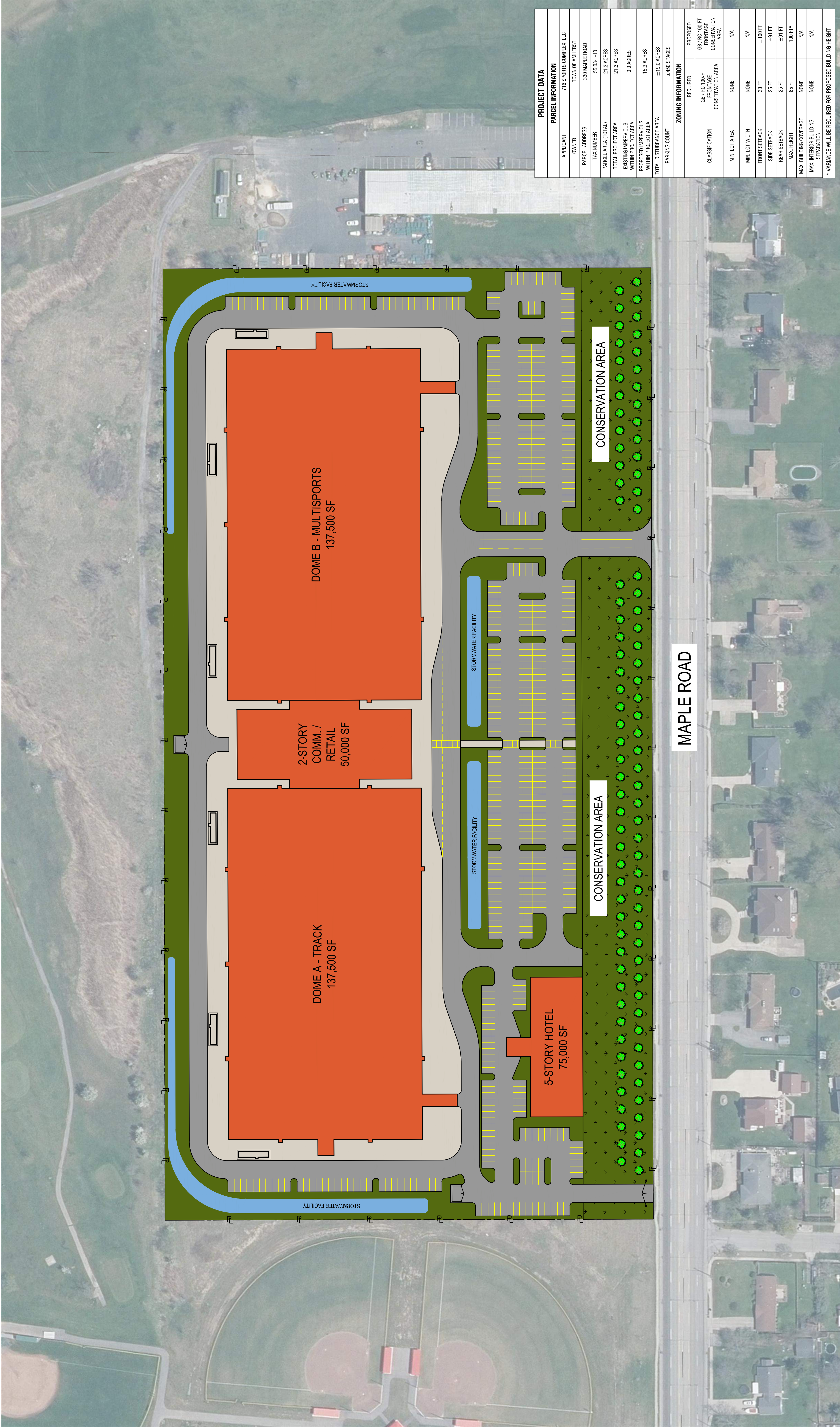
Question 16(D): The Project Site is properly zoned so this this question does not apply.

Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to

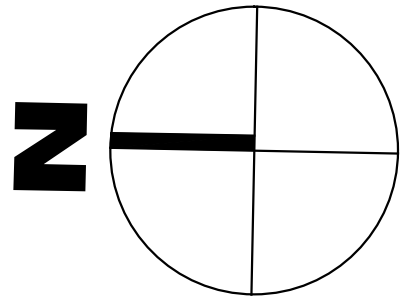
Question 16(D): The proposed project will have positive impacts on the balance of uses in the Town by providing a state-of-the-art athletic facility that will offer a broad range of services that are not currently available in the Town of Amherst or any other community in Western New York.

EXHIBIT 7



PROJECT DATA		
PARCEL INFORMATION		
APPLICANT	716 SPORTS COMPLEX, LLC	
OWNER	TOWN OF AMHERST	
PARCEL ADDRESS	330 MAPLE ROAD	
TAX NUMBER	55.03-1-10	
PARCEL AREA (TOTAL)	21.3 ACRES	
TOTAL PROJECT AREA	21.3 ACRES	
EXISTING IMPERVIOUS WITHIN PROJECT AREA	0.0 ACRES	
PROPOSED IMPERVIOUS WITHIN PROJECT AREA	15.3 ACRES	
TOTAL DISTURBANCE AREA	± 15.0 ACRES	
PARKING COUNT	± 452 SPACES	
ZONING INFORMATION		
CLASSIFICATION	REQUIRED	PROPOSED
	GB / RC 100-FT FRONTAGE CONSERVATION AREA	GB / RC 100-FT FRONTAGE CONSERVATION AREA
MIN. LOT AREA	NONE	N/A
MIN. LOT WIDTH	NONE	N/A
FRONT SETBACK	30 FT	± 100 FT
SIDE SETBACK	25 FT	± 91 FT
REAR SETBACK	25 FT	± 91 FT
MAX. HEIGHT	65 FT	100 FT*
MAX. BUILDING COVERAGE	NONE	N/A
MAX. INTERIOR BUILDING SEPARATION	NONE	N/A
* VARIANCE WILL BE REQUIRED FOR PROPOSED BUILDING HEIGHT		

* VARIANCE WILL BE REQUIRED FOR PROPOSED BUILDING HEIGHT



CONCEPT PLAN
716 SPORTS FIELDHOUSE COMPLEX

DATE: OCTOBER 2, 2025

SCALE: 1"=60'

EXHIBIT 8

LOCAL LAW NO. _____-2025

**TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE,
KNOWN AS THE ZONING ORDINANCE FOR RELIEF OF REZONING CONDITIONS
IMPOSED IN CONNECTION WITH A REZONING DECISION FOR 330 MAPLE ROAD
AND TO AMEND DECLARATION OF RESTRICTIONS AND TO AMEND THE
ZONING MAP ACCORDINGLY.**

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, “A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance for Relief of Rezoning Conditions Imposed in connection with a Rezoning Decision for 330 Maple Road and to Amend Declaration of Restrictions.”

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application for relief of rezoning conditions imposed in connection with a rezoning decision and to amend declaration of restrictions has been filed and is in proper order. The Town Board further finds that the request including the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map/Relief of Rezoning Conditions.

The Town Board hereby approves application for relief of rezoning conditions imposed in connection with a rezoning decision and to amend declaration of restrictions, subject to any conditions imposed by the authorizing resolution. The adoption of this Local Law eliminates the zoning conditions imposed by the Town Board in connection with the rezoning of the Project Site and imposes the following conditions which shall be subject to an Amended Declaration of Restrictions to be recorded at the Erie County Clerk's Office:

1. The Declarant shall comply with the requirements imposed by the NYS Department of Environmental Conservation relative to the Brownfield Clean Up Program in connection with the development of the Project Site.
2. No freestanding drive-thru fast food restaurants shall be permitted on the Project Site.
3. No freestanding drive-thru pharmacies shall be permitted on the Project Site.

4. The Declarant agrees to be bound by all provisions of the Adult Use Code of the Town of Amherst as currently adopted or as amended or modified in the future. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

The property for which this local law applies to consists of a portion of 330 Maple Road, legally described as follows:

PORTION OF 330 MAPLE ROAD:

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

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

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York**

EXHIBIT 9

AMENDED DECLARATION OF RESTRICTIONS

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

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

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

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

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

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

1. The Declarant shall comply with the requirements imposed by the NYS Department of Environmental Conservation relative to the Brownfield Clean Up Program in connection with the development of the Project Site.
2. No freestanding drive-thru fast food restaurants shall be permitted on the Project Site.
3. No freestanding drive-thru pharmacies shall be permitted on the Project Site.
4. The Declarant agrees to be bound by all provisions of the Adult Use Code of the Town of Amherst as currently adopted or as amended or modified in the future. However, this provision shall not prohibit the operation of a bookstore or video store, which carries a broad inventory of books or videos or other materials directed toward the interest of the general public.

The restrictions being established shall be binding on all parties claiming thereunder and shall run and touch the Project Site except that the recorded restrictions can be changed, modified or eliminated by a majority vote of the Town Board.

IN WITNESS WHEREOF, the parties hereto have the full legal authority to execute this Amended Declaration of Restrictions.

716 SPORTS COMPLEX, LLC

By: _____

Title: _____

Print Name: _____

STATE OF NEW YORK)
 ss.:
COUNTY OF ERIE)

On this ___ day of _____, 202_, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his capacity, that they by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

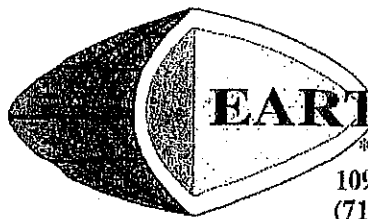
Notary Public

SCHEDULE 1

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

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

EXHIBIT 10



EARTH DIMENSIONS, INC.

* Soil & Hydrogeologic Investigations * Wetland Delineations
1091 Jamison Road, Elma NY 14059
(716) 655-1717 * Fax (716) 655-2915 www.earthdimensions.com

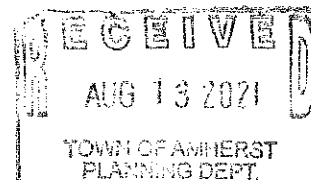
SP-2021-18
330 Maple Rd.

August 12, 2021

W13J06d

Jeffrey Burroughs, PE
Town of Amherst Engineering Department
1100 North Forest Road
Williamsville, New York 14221

Re: Preliminary Wetland Investigation – 31.5± acres
330 Maple Road (SBL# 55.03-1-10)
Town of Amherst, Erie County, New York



Dear Mr. Burroughs:

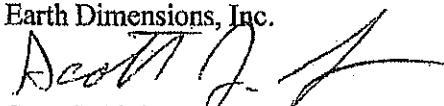
Earth Dimensions, Inc. (EDI) has completed a preliminary wetland investigation at the above referenced site for the purpose of identifying potential regulated wetlands and waterways. The site investigation was conducted on August 11, 2021. As depicted on the attached Preliminary Wetlands Map, EDI identified approximately 0.81± acre of wetland as defined by the U.S. Army Corps of Engineers (USACE) wetland delineation manuals. We believe the depicted wetlands are not regulated under the currently applicable Navigable Waters Protection Rule although a detailed wetland delineation would need to be completed and submitted to USACE with a request for a Jurisdictional Determination in order to confirm the non-jurisdictional status, should impacts be proposed to these features.

The New York State Department of Environmental Conservation (NYSDEC) On-line Resource Mapper (attached) does not depict any state regulated wetlands within or adjacent to the subject property. NYSDEC, thus, has no jurisdiction over any wetland within the project site.

Based on this site investigation, it is our professional opinion that as long as any proposed development avoids impacts to the depicted wetland, no further action is required in order to move forward with development. If impacts to the depicted wetland are proposed, a detailed wetland delineation is required to be completed and submitted to USACE along with a request for an Approved Jurisdictional Determination.

If you have any questions, please contact our office at (716) 655-1717 or email slivingstone@earthdimensions.com.

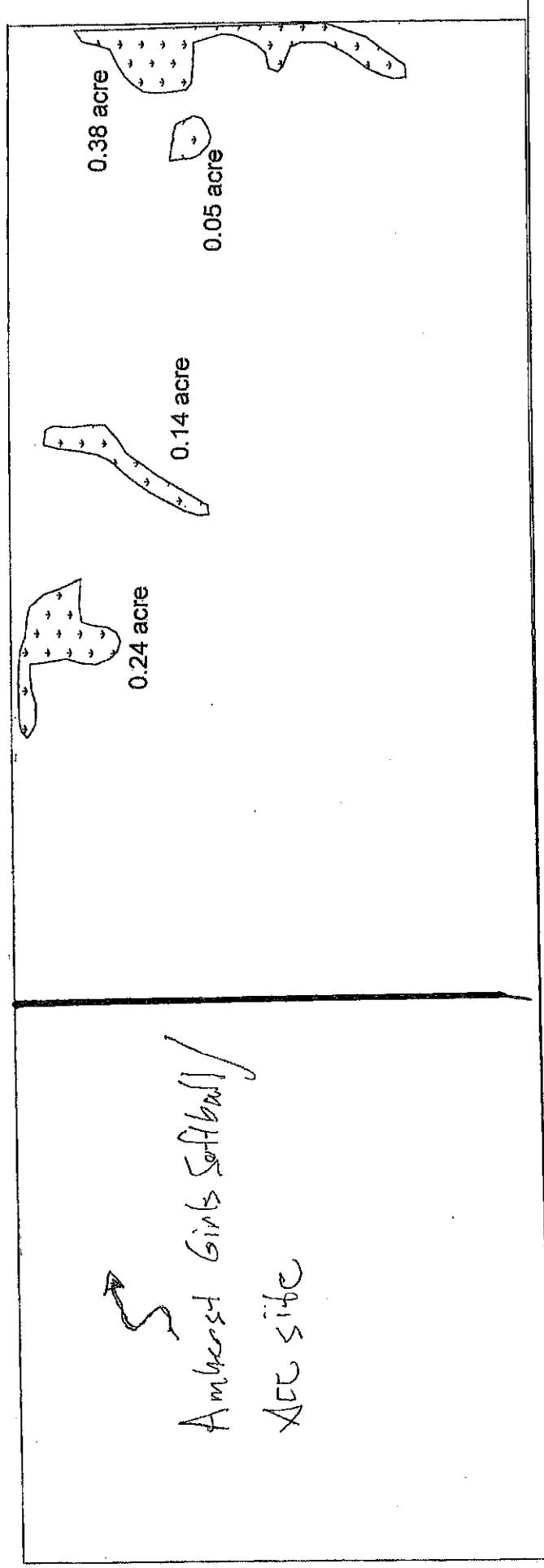
Very truly yours,
Earth Dimensions, Inc.


Scott J. Livingstone
Wetlands Operations Manager

Encl.

W13J06d

300 Maple Road - Amherst, NY

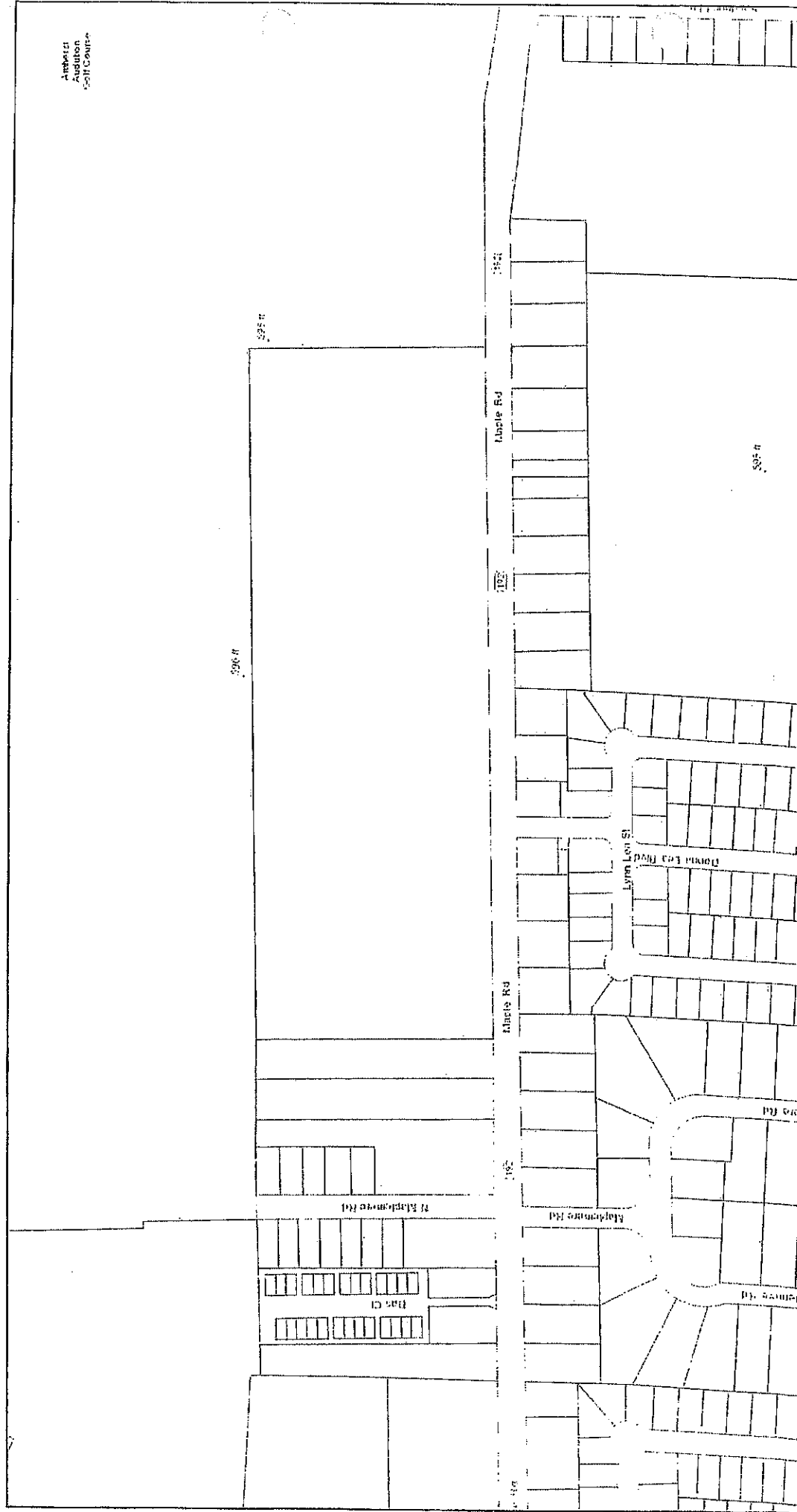


Total Wetland: 0.81 acre

Scale: 0 100' 200'

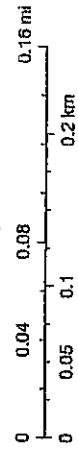
8/12/2021

Environmental Resource Mapper



August 11, 2021

1:4,514



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

NYS Department of Environmental Conservation
Not a legal document

EXHIBIT 11

ArcGIS Web Map



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

Town Boundary

Parcels

Maxar

EXHIBIT 12

ArcGIS Web Map

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

Zoning

R-3 RC SC-3

Parcels

MFR-5 OB NB SUNYUB

 GB
 R-4
 MFR-6
 Town Boundary

Maxar

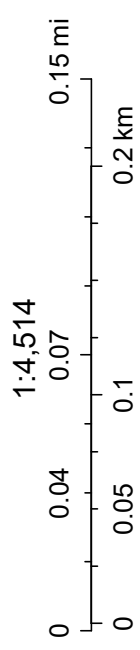
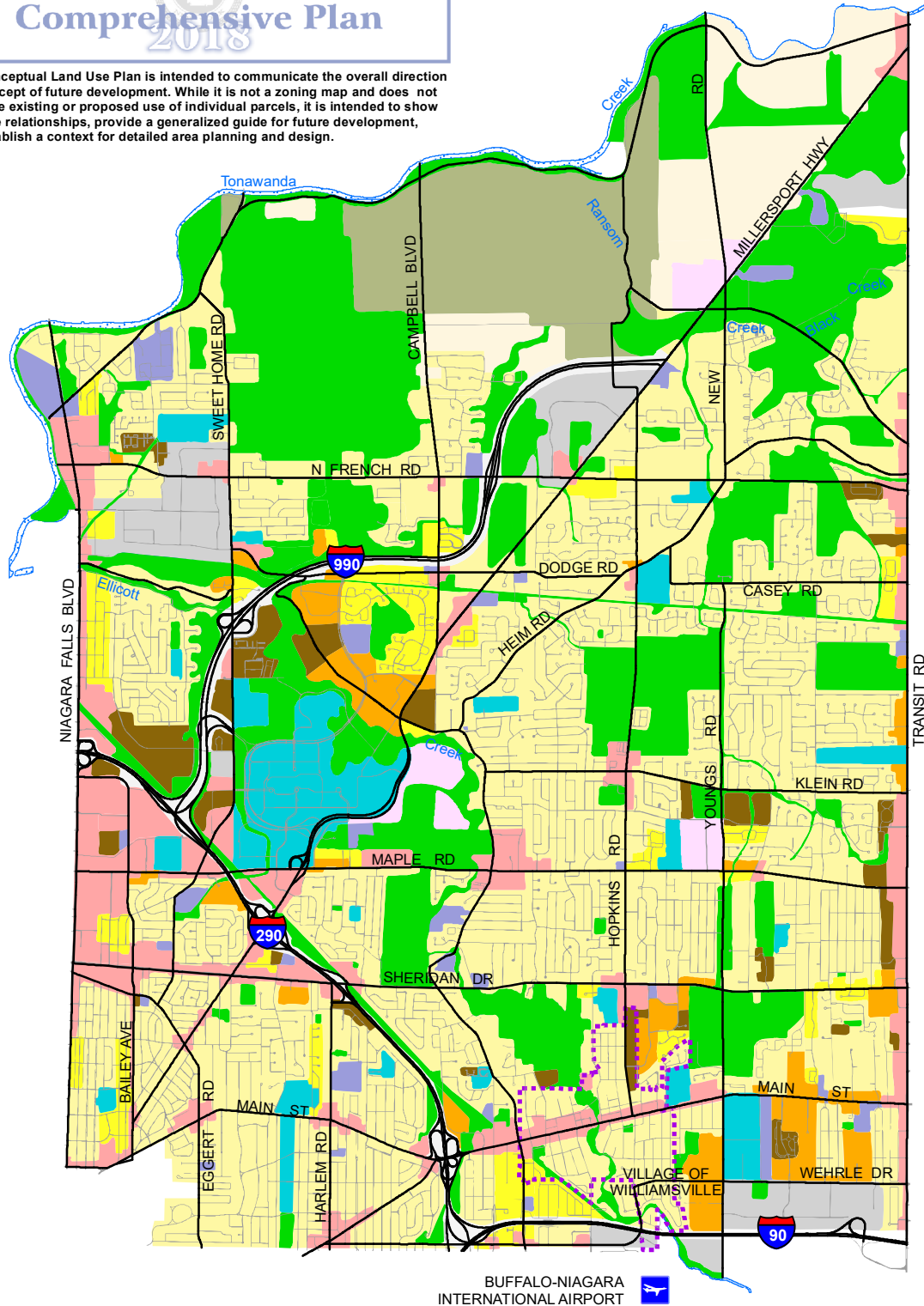


EXHIBIT 13

Town of Amherst Bicentennial Comprehensive Plan

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



Conceptual Land Use Plan

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

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

FIGURE 6

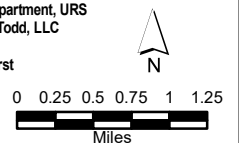
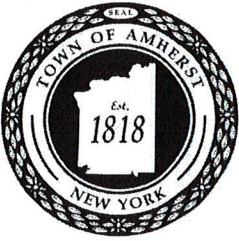


EXHIBIT 14



TOWN OF AMHERST

TOWN CLERK'S OFFICE

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

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

Ashley Brownson
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

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

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

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

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

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

Notary Public

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



Amherst Town Board

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

Francina J. Spoth
Town Clerk

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

DOC ID: 30969

RESOLUTION 2025-849

ADOPTED

716 Sports Complex, LLC

Suspension to Town Board Agenda of September 30, 2025

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

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

9/30/2025

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

FINANCIAL IMPACT:

n/a

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