



Rezoning Application & Supporting
Documentation - Rezoning of 2190-2200
Wehrle Drive from OB to MFR-5
Applicant: Young Development Inc.

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: _____ **Acreage** _____ **Fee \$** _____

**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

\$1,250.

\$1,250

2 – 20 ACRES

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

\$5,750

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.

AFFIDAVIT FEE FOR PUBLIC HEARING

\$15.

\$15.00

TOTAL FEE:

\$ 7,015.00

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
(716) 631-7051 Fax (716) 631-7153 Web www.amherst.ny.us

A completed Part 1 of the Full Environmental Assessment Form with Attachment "A" is provided at Exhibit "2"

TO BE COMPLETED BY APPLICANT**1. Petitioner:**Name: Young Development Inc. c/o Sean Hopkins, Esq.Address: 5500 35 California Drive, Suite 100

<u>Williamsville</u>	<u>NY</u>	<u>14221</u>
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: OB DistrictTo: MFR-5 District**3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)**2190-2200 Wehrle DriveSBL #: 81.02-1-10.1**4. Area of land to be rezoned (in acres): 24.9 acres****5. Owner of Land:**Name: Acquest Wehrle LLCAddress: 5554 Main Street

<u>Williamsville</u>	<u>NY</u>	<u>14221</u>
City	State	Zip Code

Phone: **[Authorization Letter provided at Exhibit "1".]****6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**Name: Patrick Sheedy Jr., P.E., Carmina Wood DesignAddress: 80 Silo City Row, Suite 100

<u>Buffalo</u>	<u>NY</u>	<u>14203</u>
City	State	Zip Code

Phone: 716.842-3165 Fax E Mail: psheedy@carminawooddesign.com

7. **Petitioner's interest in property** Authorization Letter attached as Exhibit "1"

☐	Option to purchase
☐	Owner
☒	Other (explain) <u>Contract Vendee</u>

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.** Survey attached as Exhibit "3" and legal description of property to be rezoned attached as Exhibit "4".

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

Liber _____ Page _____

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? _____

See Exhibit "5".

3. How will this rezoning impact surrounding properties? _____

See Exhibit "5".

4. How will this rezoning impact the school system? _____

See Exhibit "5".

12. Quantitative Data:

- A. Total # of dwelling units 270 units
- B. Distribution of dwelling units by type All residential units will be for lease
- C. Gross Residential Density per acre 10.84 units per acre
- D. Total amount of Open Space 11 acres [44% of the Project Site]
- E. Proposed Non-Residential Floor Area 5,620 sq. ft.

13. Development Schedule:

Start 2025

Finish 2027

Stages (# of) 1

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

Residential units to be leased.

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

The greenspace 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 Amherst Town Board adopted the Bicentennial 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, maps, 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 \$ 7,015.00 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.



Signature of Petitioner

Subscribed and sworn to before me this 18th day of November, 2025

Notary Public, Erie County, New York, Joseph Young

JOSEPH P YOUNG NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01YO6378745 Qualified in Erie County Commission Expires July 30, 2026
--

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.

Current Planning/Files/Application Forms 2019/Rezoning Application Form 2019

REVISED February 2021

EXHIBIT 1

ACQUEST WEHRLE LLC
5554 MAIN ST
WILLIAMSVILLE, NY, 14221

Town of Amherst
5583 Main Street
Williamsville, NY 14221

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

Ladies and Gentlemen:

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

Very truly yours,

ACQUEST WEHRLE LLC

By:

A handwritten signature in blue ink, appearing to be 'J. D. O.', is written over a horizontal line.

EXHIBIT 2

Full Environmental Assessment Form
Part 1 - Project and Setting

Part 1 of Full EAF with
Attachments "A" and "B"
2190-2200 Wehrle Drive
Date: November 17, 2025

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Uptown Apartments Project		
Project Location (describe, and attach a general location map): 2190-2200 Wehrle Drive [SBL: 81.02-1-10.1] - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project (the "action") consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multifamily project consisting of 270 attached residential units for lease and all proposed site improvements and a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. The action has been defined broadly to include all required discretionary approvals and permits from the municipal boards of the Town of Amherst including but not limited to a rezoning of a project site from OB to MFR-5 as well as all required approvals and permit from involved agencies as well as all proposed site improvements including multifamily buildings, a community building and recreational amenities, a dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive and a gated emergency access only driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections. The action is a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA") since it involves more than 250 residential units with sanitary sewer service. The Town Board previously issued a Negative Declaration pursuant to SEQRA on October 27, 2025 after completing a coordinated environmental review of the action pursuant to SEQRA.		
Name of Applicant/Sponsor: Young Development Inc. c/o Sean Hopkins	Telephone: 716.510-4338	
	E-Mail: shopkins@hsmlegal.com	
Address: 35 California Drive, Suite 100		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Acquest Wehrle Drive	Telephone:	
	E-Mail:	
Address: 5554 Main Street		
City/PO: Williamsville	State: NY	Zip Code: 14221

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town Board - Rezoning from OB to MFR-5	November 21, 2025
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	Zoning Board of Appeals - Area Variances	To be Determined
d. Other local agencies ☒ Yes ☐ No	AIDA - PILOT, etc.	To be Determined
e. County agencies ☒ Yes ☐ No	ECWA - Water; ECDPW - Highway Work Permit & ECHD	To be Determined
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDEC - Wetland Permit, DSCA & SPDES Permit	To be Determined
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☐ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

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

If Yes, identify the plan(s):

C.3. Zoning

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

Office Building District ("OB")

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? Multifamily Residential District 5 ("MFR-5")

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central School District

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

Town of Amherst Police Department

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

Main Transit Fire Department

d. What parks serve the project site?

There are various parks that are accessible from the project site in the Town of Amherst

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)? Multifamily residential.

b. a. Total acreage of the site of the proposed action? 24.9 acres

b. Total acreage to be physically disturbed? 23.0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 24.9 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: 36 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? ☒ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	270
At completion of all phases	_____	_____	_____	270

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: <u>18</u> height; <u>60</u> width; and <u>150</u> length iii. Approximate extent of building space to be heated or cooled: <u>5,620</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No If Yes,	
i. Purpose of the impoundment: <u>Stormwater management</u> ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: <u>Stormwater runoff</u> iii. If other than water, identify the type of impounded/contained liquids and their source. <u>Not applicable.</u> iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ 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): <u>Dry stormwater pond</u>	

D.2. Project Operations

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

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 51,810 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Erie County Water Authority
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 51,810 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

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

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

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☒ Yes ☐ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>14</u> acres (impervious surface) _____ Square feet or <u>24.9</u> acres (parcel size) ii. Describe types of new point sources. <u>building roofs, parking areas</u> 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)? <u>onsite stormwater management system</u>	
• If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No [See Updated Traffic Impact Report prepared by Amy Dake, P.E. of Passero Associates dated June 9, 2025.] If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☒ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☒ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ <u>Unknown at this time.</u> ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>National Grid</u> iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>7am to 5pm</u> • Saturday: <u>as needed</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>Not Applicable</u> • Saturday: <u>Not Applicable</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u> </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>7am to 5pm</u> • Saturday: <u>as needed</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u>	ii. During Operations: • Monday - Friday: <u>Not Applicable</u> • Saturday: <u>Not Applicable</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u>
i. During Construction: • Monday - Friday: <u>7am to 5pm</u> • Saturday: <u>as needed</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u>	ii. During Operations: • Monday - Friday: <u>Not Applicable</u> • Saturday: <u>Not Applicable</u> • Sunday: <u>Not Applicable</u> • Holidays: <u>Not Applicable</u>		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: <u>Unavoidable noise generated during normal construction activities resulting from the use of construction equipment is a short term and unavoidable impact.</u>	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Site lighting to compliant with Town of Amherst lighting requirement specified in the Zoning Code. All lighting to be dark sky compliant.</u>	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ _____ • Operation: _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses.			
i. Check all uses that occur on, adjoining and near the project site.			
☐ Urban	☒ Industrial	☒ Commercial	☒ Residential (suburban)
☐ Forest	☐ Agriculture	☐ Aquatic	☐ Rural (non-farm)
ii. If mix of uses, generally describe:			
Commercial, industrial, medical, office, single family residential and multifamily residential			
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	0.0	14.0	+ 14.0
• Forested	0.0	0.0	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	24.0	0.0	- 24.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.9	0.9	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Greenspace & Landscaping	0.0	9.0	+ 9.0

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☐ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ <u>Childtime daycare on Spindrift Drive, DENT Neurological Institute and ECC North Campus</u>	☒ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	☐ Yes ☐ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☐ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☐ Yes ☒ No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No - If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____ _____													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ 6.5 feet													
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Illion silt loam</td> <td style="width: 20%; text-align: right;">34 %</td> <td style="width: 20%;"></td> </tr> <tr> <td>Liam loam</td> <td style="text-align: right;">10 %</td> <td></td> </tr> <tr> <td>Newsteam loam</td> <td style="text-align: right;">10 %</td> <td>Ovid silt loam, 46%</td> </tr> </table>		Illion silt loam	34 %		Liam loam	10 %		Newsteam loam	10 %	Ovid silt loam, 46%			
Illion silt loam	34 %												
Liam loam	10 %												
Newsteam loam	10 %	Ovid silt loam, 46%											
d. What is the average depth to the water table on the project site? Average: _____ 1 feet													
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☒ Poorly Drained _____ 100 % of site													
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 100 % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site													
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____ _____													
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name Federal Waters	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name Federal Waters	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____													
i. Is the project site in a designated Floodway? ☐ Yes ☒ No													
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No													
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: i. Name of aquifer: _____													

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

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No [Copy of SHPO Letter dated October 4, 2024 at Attach B]	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? [The proposed project will not result in any adverse impacts to Glen Park.] ☒ Yes ☐ No If Yes: i. Identify resource: <u>Glen Park</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>local park</u> iii. Distance between project and resource: _____ <u>2.3</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

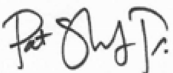
Attach any additional information which may be needed to clarify your project.

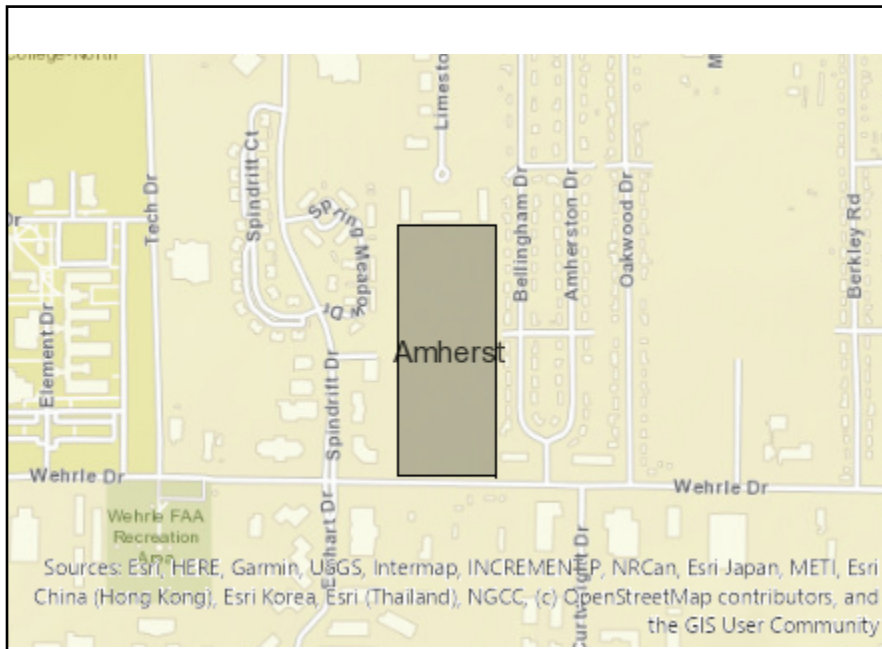
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Young Development Inc. Date November 17, 2025

Signature  Title Engineer for Project Sponsor



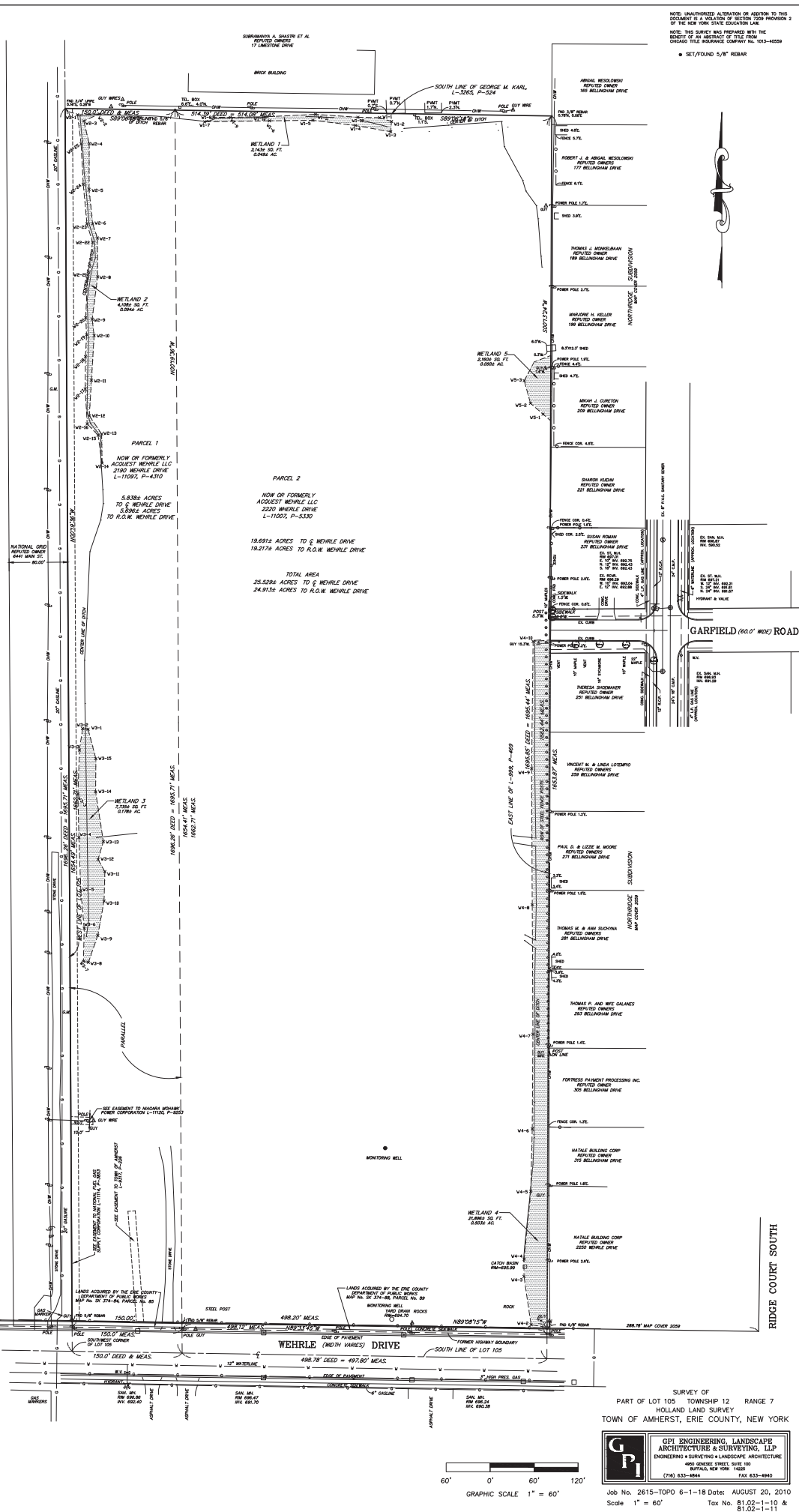
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EXHIBIT 3



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

GPI **GPI ENGINEERING, LANDSCAPE
ARCHITECTURE & SURVEYING, LLP**
ENGINEERING & SURVEYING • LANDSCAPE ARCHITECTURE
4900 GARDNER STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-6844 FAX 633-6940

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

EXHIBIT 4

EXHIBIT 4 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM OFFICE BUILDING DISTRICT ("OB") TO MULTIFAMILY RESIDENTIAL DISTRICT FIVE (MFR-5)

Parcel "A":

All that tract or parcel of land, situate in the Town of Amherst, County of Erie and State of New York, and being part of Lot No. 105, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the southwest corner of Lot No. 105 in the center line of Wehrle Drive, a public highway (66 feet wide); thence northerly along the west line of said Lot No. 105, 1696.26 feet to the south line of lands owned by George N. Karl by deed recorded in the Erie County Clerk's Office in Liber 3265 of Deeds at page 524; thence easterly along said Karl's south line and parallel with the south line of Lot No. 105, 150 feet; thence southerly and parallel with the west line of Lot No. 105, 1696.26 feet to the center line of Wehrle Drive (66 feet wide); thence westerly along the center line of Wehrle Drive (66 feet wide) 150 feet to the place of beginning.

Excepting from the above described premises that portion thereof conveyed to the County of Erie for widening of Wehrle Drive, as described in Deed recorded in Liber 11092 of Deeds at page 3872 on March 17, 2005.

Parcel "B":

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 No. 105, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the center line of Wehrle Drive, a 66 foot wide public highway 150 feet easterly from the southwest corner of Lot No. 105; thence northerly and parallel with said Lot No. 105, 1696.26 feet to the south line of land owned by George N. Karl recorded in Erie County Clerk's Office in Liber 3265 of Deeds at page 524; thence easterly and parallel with the south line of Lot No. 105, 514.39 feet to the east line of lands described in deed recorded in Erie County Clerk's Office in Liber 999 of Deeds at page 469; thence southerly along said east line of lands described in deed recorded in Erie County Clerk's Office in Liber 999 of Deeds at page 469 to the south line of Lot No. 105, 1695.85 feet to the center line of Wehrle Drive, which center line is the south line of Lot No. 105; thence westerly along the center line of Wehrle Drive, 498.78 feet to the place of beginning.

Excepting that portion of the above described lands lying within the bounds of Wehrle Drive (66 feet wide).

Also excepting from the above described premises that portion thereof conveyed to the County of Erie for widening of Wehrle Drive, as described in Deed recorded in Liber 11093 of Deeds at page 6575 and in Q143-8281, on April 13, 2005.

EXHIBIT 5

EXHIBIT 5

APPLICATION FOR REZONING OF 2190-2200 WEHRLE DRIVE FROM OB TO MFR-5

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

Response to

Question 11(A): The proposed project consists of the development of 2190-2200 Wehrle Drive (the "Project Site") as a multifamily project consisting of 270 attached residential units for lease and all proposed site improvements including a potential future off-site recreational trail that would connect the Project Site and other nearby parcels to Main Street within the National Grid Right-of-Way directly west of the Project Site. A copy of the Concept Plan [Drawing C-100 – Date: 09/23/25] depicting the conceptual layout of the project is attached as Exhibit “7”.

The project layout reflects numerous modifications that have been made during the lengthy review process including a substantial reduction of the number of units, elimination of buildings consisting of more than two-stories, adding a central greenspace corridor and modifications made based on discussions with owner of Windsong Place Associates, LP, which owns the existing apartment projects to the west of the Project Site located at 25 Spring Meadow Drive and 1-21 Spindrift Court. A copy of the Settlement Agreement entered into by the Project Sponsor and Windsong Place Associates, LP dated October 17, 2025 is provided at Exhibit “11”.

The Project Site is current zoned Office Building District (“OB”) pursuant to the Town’s Zoning Map. The Project Sponsor is requesting that the Project Site be rezoned from OB to Multifamily Residential District Five (“MFR-5”). Attached residential units for lease are expressly permitted in the MFR-5 zoning district pursuant to Section 3-11-2A of the Zoning Code. A copy of Section 3-11 of the Zoning Code titled “Multifamily Residential District Five (MFR-5)” is provided at Exhibit “14”.

A completed Part 1 of the Full Environmental Assessment Form with Attachment “A” dated November 17, 2025 is provided at Exhibit “2”. For purposes of the environmental review of the proposed project pursuant to the State Environmental Quality Review Act (“SEQRA”), the action has been defined broadly to include all required discretionary approvals and permits from the municipal boards of the Town of Amherst including but not limited to the requested rezoning of a project site from OB to MFR-5 as well as all required approvals and permit from involved agencies as well as all proposed site improvements including multifamily buildings, a community building and recreational amenities, a dog park, internal access aisles and parking spaces, driveways onto Wehrle Drive and a gated emergency access only driveway connection to Limestone Drive, storm water improvements, landscaping, lighting, and all required utility improvements and connections.

The project is a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA") since it involves more than 250 residential units with sanitary sewer service. The Town Board previously issued a Negative Declaration pursuant to SEQRA on October 27, 2025 after completing a coordinated environmental review of the action pursuant to SEQRA. A copy of the Negative Declaration issued by the Town Board pursuant to SEQRA by a unanimous vote on October 27, 2025 is provided at Exhibit “10”. is attached as Exhibit “9”.

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

Response to

Question 11(B)(1): The Project Site is an appropriate location for the proposed project. There is not any demand for large office buildings in the southeastern portion of the Town Board and the Project Site is much more appropriate for multifamily development pursuant to the requested MFR-5 zoning classification. During its meeting on October 27, 2025, the Town Board adopted Resolution 2025-892 by a unanimous vote to amend the adopted Comprehensive Plan to change

the designation of the Project Site from “Commercial Office” to “Mixed Residential”. A certified copy of Resolution 2025-892 is provided at Exhibit “9”.

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

Response to

Question 11(B)(2): The development of the Project Site pursuant to its existing OB zoning classification is not economically feasible given the lack of demand for large new office buildings in the Town.

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

Response to

Question 11(B)(3): The requested rezoning of the Project Site from OB to MFR-5 will result in a less intensive development of the of the Project Site than previously proposed office building projects. The existing OB zoning classification expressly permits office buildings consisting of up to five floors with a maximum height of 65 ft. and the project does not include any buildings with a height of more than two-stories. The project layout also provides ample greenspace and provides screening along the boundaries of the Project Site.

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. The Project Sponsor has previously submitted reports and studies in connection with the environmental review process that resulted in the Town Board issuing a Negative Declaration pursuant to SEQRA on October 27, 2025. Copies of these reports and studies including

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

Response to

Question 11(B)(4): The proposed project will have overall positive economic impacts on the school district since it will annual property taxes without will exceed the cost of the demand for educational services.

EXHIBIT 6

EXHIBIT 6

APPLICATION FOR REZONING OF 2190-2200 WEHRLE DRIVE FROM OB TO MFR-5

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 multifamily project is consistent with the Town’s planning goals and objectives as set forth in the adopted the Bicentennial Comprehensive Plan. During its meeting on October 27, 2025, the Town Board adopted Resolution 2025-892 by a unanimous vote to amend the adopted Comprehensive Plan to change the designation of the Project Site from “Commercial Office” to “Mixed Residential”. A certified copy of Resolution 2025-892 is provided at Exhibit “9”. The following information in the adopted Comprehensive Plan provides support for the requested rezoning of the Project Site from OB to MFR-5:

- The Comprehensive Plan states that Mixed Residential areas, location criteria for higher density housing include proximity to high access corridors served by public transportation, areas near commercial centers and employment concentrations, areas next to educational campuses, and areas near community facilities.
- Per Chapter 3 of the Comprehensive Plan titled “Land Use and Development”, the Project Site appropriate for the proposed land use as it is bordered by multi-family residential development along its western boundary and by single-family residential homes along its eastern boundary.
- Mixed Residential is identified in the Comprehensive Plan as a good transitional land use category between commercial and single-family residential.

- Public transportation (NFTA Route #47) is available along Wehrle Drive to nearby economic centers, and Wehrle Drive, which is an Erie County Highway, is a minor arterial roadway with connections to Transit Road, Youngs Road, Cayuga Road and Union Road.
- The Project Site is within walking distance to the SUNY Erie North campus and the YMCA Williamsville location.

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 MFR-5 zoning classification is consistent with Resolution 2025-892 adopted by the Town Board by a unanimous vote on October 27, 2025 to amend the adopted Comprehensive Plan to change the designation of the Project Site from “Commercial Office” to “Mixed Residential”. A certified copy of Resolution 2025-892 is provided at Exhibit “9”. The requested MFR-5 zoning classification is also 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 multifamily 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 rezoning of the Project Site from OB to MFR-5 to accommodate the proposed project 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 proposed multifamily project represents orderly and beneficial development that will benefit 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 rezoning is not inconsistent with this objective. The project layout reflects many modifications made during the project review process.

- C. To prevent overcrowding of land;**

Response: The proposed rezoning will not result in the overcrowding of land and will result in a less intensive project than expressly permitted by the existing OB zoning classification.

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

Response: The project will not result in excessive concentration of population and the project represents an example of coordinated development that has been subject to a length previous review process including reviews by both the Planning Board and the Town Board.

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 of the Project Site from OB to MFR-5 is consistent with the policies of the 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. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Jurisdictional Determination issued by the United States Army Corps of Engineers ("USACE") dated January 22, 2021 confirmed there are not any federal wetlands located on the Project Site. Based on a wetland regulations that went into effect on January 1, 2025, the NYSDEC issued a letter of Positive of Jurisdiction dated July 22, 2025 that stated as follows: "Based on the parcel identified in your request, the New York State Department of Environmental Conservation (NYSDEC) has determined that the Project Site contains freshwater wetlands and/or freshwater wetlands adjacent areas (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL). The Project

Site contains freshwater wetlands and/or regulated adjacent area(s) that meet an Unusual Importance (UI) criterion. Specifically, the wetland is located within or adjacent to an urban area, as defined and identified by the United States Census Bureau.” A wetland delineation of the Project Site was conducted by Scott Livingstone of SJL Wetlands, LLC and the result of the wetland delineation were contained in the Wetland Delineation Report that he prepared dated September 12, 2025. The wetland delineation was conducted to define the extent of USACE and NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The wetland delineation study at the Project Site was performed under guidelines specified by the Corps of Engineers Wetlands Delineation Manual, dated January 1987 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0 (January 2012) as well as the NYSDEC Freshwater Wetlands Delineation Manual (July 1995). The wetland delineation considered the 6 NYCRR Part 664 regulations that went into effect on January 1, 2025. The current Part 664 regulations encompass regulation over all wetlands greater than 12.4 acres (until January 1, 2028 when the minimum size threshold is reduced to 7.4 acres) as well as wetlands of any size that fall into any of eleven (11) categories of “Wetlands of Unusual Importance” as defined Part 664.6 of the regulations. The wetland delineation revealed the presence of five (5) small wetland areas totaling 0.874± acre on the project site that are potentially subject to the jurisdiction of the NYSDEC as “Wetlands of Unusual Importance” along with the associated 100 ft. Adjacent Areas. As set forth in a letter prepared by Scott Livingstone dated October 6, 2025, the updated project layout reflects a concerted effort to avoid any adverse impacts to the five (5) small wetland areas totaling 0.874± acre on the Project Site that are potentially subject to the jurisdiction of the

NYSDEC.¹ The updated project layout as depicted on current Concept Site Plan [Drawing C-100 – Date: 09/29/25], which reduced the project density to 270 units, will result in 6.31 acres of impacts to the regulated 100 ft. Adjacent Area of the potential wetlands subject to the jurisdiction of the NYSDEC, which will require a permit to be obtained from the NYSDEC. Mr. Livingstone’s letter dated October 6, 2025 also contains his professional opinion that the updated wetland related documentation provides the Town Board, acting in its capacity as the lead agency, with information enabling it to take a hard look at potential wetland impacts and to conclude that the proposed multifamily project will not result in any potentially significant adverse wetland impacts.

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.² The project layout reflects numerous modifications that have been made during the lengthy review process including a substantial reduction of the number of units, elimination of buildings consisting of more than two-stories, adding a central greenspace corridor and modifications made based on discussions with owner of Windsong Place Associates, LP, which owns the existing apartment projects to the west of the Project Site located at 25 Spring Meadow Drive and 1-21 Spindrift Court. A copy of the Settlement Agreement entered into by the Project Sponsor and Windsong Place Associates, LP dated October 17, 2025 is provided at Exhibit “11”.

¹ A copy of the letter from Scott Livingstone to Scott Marshall of the Planning Department dated October 6, 2025 with Attachments A and B is provided at Exhibit “12”.

² A reduced-size copy of the Concept Site 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 two driveway connection to Wehrle Drive and a gated emergency access only driveway to Limestone as depicted on the Concept Site Plan attached as Exhibit “7” pursuant to an Easement Agreement recorded on October 7, 1999 with the owner of the property directly north of the Project Site.

- 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 and Resolution 2025-892 adopted by the Town Board by a unanimous vote on October 27, 2025 to amend the adopted Comprehensive Plan to change the designation of the Project Site from “Commercial Office” to “Mixed Residential”. A certified copy of Resolution 2025-892 is provided at Exhibit “9”.

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

Response: The proposed rezoning 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 requested MFR-5 zoning classification to accommodate the project layout as depicted on the Concept Site Plan attached as Exhibit “7” will result in a project that is compatible with the present zoning of nearby properties and the character of the neighborhood.

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 more suitable for the requested MFR-5 zoning classification and the proposed multifamily project than the existing OB zoning classification and previously proposed large office building projects.

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 multifamily units for lease at an appropriate infill location in the southeast portion of the Town.

EXHIBIT 7

Project No: 25-4008

Age Group	Cases
0-14	0
15-24	0
25-34	600
35-44	1200
45-54	600
55-64	300
65-74	150
75-84	75
85-94	37.5
95-104	18.75



© CARMINA WOOD DESIGN

EXHIBIT 8



TOWN OF AMHERST

TOWN CLERK'S OFFICE

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

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

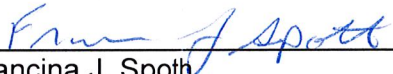
Ashley Brownson
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

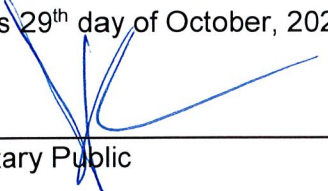
I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

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

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


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

Sworn to before me
This 29th day of October, 2025


Notary Public

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



Amherst Town Board

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

Francina J. Spoth
Town Clerk

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

DOC ID: 31070

RESOLUTION 2025-891

ADOPTED

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

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

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

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

10/27/2025

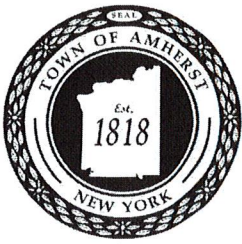
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

None

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

EXHIBIT 9



TOWN OF AMHERST

TOWN CLERK'S OFFICE

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

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

Ashley Brownson
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

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

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

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

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

Sworn to before me
This 29th day of October, 2025

Notary Public

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



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

Francina J. Spoth
Town Clerk

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

DOC ID: 31073

RESOLUTION 2025-892

ADOPTED

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

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

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

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

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

10/27/2025

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

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

EXHIBIT 10



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

SEQR Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

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

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

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

Title of Action: Comprehensive Plan Amendment

SEQR Status: Type 1 action.

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

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

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

Petitioner: Young Development Inc.

Reasons Supporting This Determination:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

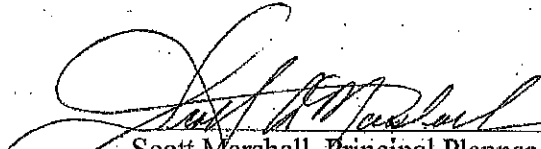
7. The proposed project will include construction of 270 multi-family units which will not cause a major change in the use of either the quantity or type of energy. The multi-family buildings and clubhouse will be built in accordance with the energy standards contained in the NYS Building Code and will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

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

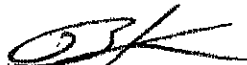
Section 8 of the updated Traffic Impact Report consists of the "Conclusions and Recommendations" by Amy C. Dake of Passero Associates as follows:

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

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


Scott Marshall, Principal Planner

10/28/2025
Date


Brian J. Kulpa, Supervisor

10/29/25
Date

SM/ac

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

cc: Amherst Town Clerk

Amherst Building Department

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

EXHIBIT 11

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

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

Background

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

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

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

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

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

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

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

TERMS AND CONDITIONS

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

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

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

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

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

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

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

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

4. Landscaping and Buffering. Young Development shall install and maintain a landscaping buffer along the Project Site's western property line that is contiguous with the Windsong Property, providing either a six-foot (6') berm with six-foot (6') trees a minimum caliper of two and a half inches (2.5") or a three-foot (3') berm with eight-foot (8') trees a minimum caliper of three inches (3"). A copy of the Concept Site Plan is attached hereto as Exhibit "1". The landscaping to be installed shall be maintained and replaced as necessary in a timely fashion and in accordance with the requirements set forth in the Town of Amherst Zoning Code.

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

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

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

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

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

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

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

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

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

10. Representations, Warranties, and Covenants.

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

consideration supporting the subject matter and execution of this Agreement;

- iii. Through their duly authorized representative(s), they have reviewed all provisions of this Agreement in full, have reviewed those provisions with their attorneys, and understand them and voluntarily agree to be bound thereby, and have executed this Agreement voluntarily as a free act and are competent to enter into this Agreement and understand its terms; and
- iv. Except as expressly set forth in this Agreement, no Party is relying on any representation or any duty of any Party to make any other representation or warranty, and no Party will assert in the future any claim of the duty of any other Party to make any disclosure.

11. Complete Agreement; Miscellaneous.

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

of said corporations and entities), successors, assigns, attorneys, agents, legal representatives, heirs, and administrators.

- g. This Agreement may be executed in counterparts, and each executed counterpart shall be effective as the original. All faxed, emailed, or electronic signatures affirming this Agreement constitute an original signature.

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

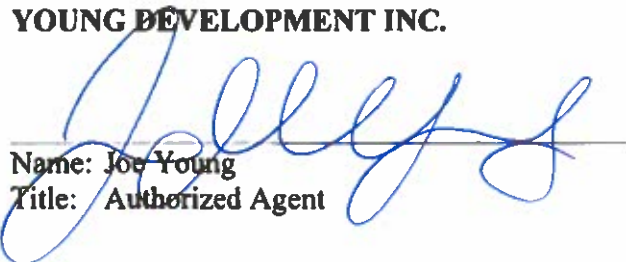
13. Effect of Settlement Agreement. This Agreement and its negotiations shall be protected by principles of law relating to settlement discussions, and it shall not be admissible to prove liability for, or the invalidity of, any claim or amount or for any other purpose in any legal proceeding, except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

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

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

YOUNG DEVELOPMENT INC.

Dated: October 16, 2025

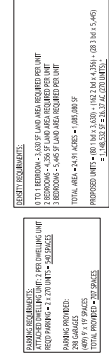

Name: Joe Young
Title: Authorized Agent

WINDSONG PLACE ASSOCIATES, LP

Dated: October 15, 2025


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

EXHIBIT 1 OF SETTLEMENT AGREEMENT



© CARMINA WOOD DESIGN

EXHIBIT 12

SJL Wetlands, LLC

P.O. Box 47
Warsaw, NY 14569
716-912-7965

October 6, 2025

Scott A. Marshall, Principal Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Comprehensive Plan Amendment [BCPA-2025-01]
Proposed Multifamily Project - 2190-2200 Wehrle Drive
Applicant/Project Sponsor: Young Development Inc.

Mr. Marshall:

This letter is being submitted on behalf of Young Development Inc. in connection with the above referenced pending request to amend the Town's Comprehensive Plan to accommodate a proposed multifamily project.

Pursuant to the NYSDEC wetland regulations that went into effect on January 1, 2025, it was necessary for our firm to conduct a new wetland delineation of the property at 2190-2200 Wehrle Drive ("Project Site") since the Project Site is located in an Urban Area as defined by the New York State Department of Environmental Conservation ("NYSDEC"). Three (3) copies of the Wetland Delineation Report that I prepared based on the wetland delineation conducted at the Project Site dated August 31, 2025 are enclosed.

The results of the Wetland Delineation Report revealed the presence of five (5) small wetland areas totaling 0.874± acre on the Project Site. As set forth in Section 6 of the Wetland Delineation Report, based on the current Waters of the United States (WOTUS) guidance and 6 NYCRR Part 664 (Freshwater Wetlands Jurisdiction and Classification) regulations in effect as of the date of the Wetland Delineation Report, the following is recommended:

(1) Since the wetland areas are not connected to or directly abutting a Relatively Permanent Water (RPW), they are not regulated by USACE under Section 404 of the Clean Water Act based on the federal guidance in place as of the date of this report and therefore would not require a Section 404 permit in order for the project to move forward.

(2) Since the subject site falls within an urban area as defined by the U.S. Census Bureau, the identified wetlands would be regulated by NYSDEC as one of the eleven (11) categories of "Wetlands of Unusual Importance" with no minimum size required for regulation purposes based on the Part 664 regulations that went into effect on January 1, 2025. NYSDEC regulates a 100-foot upland adjacent area to the wetland. If the proposed project avoids impacts to the wetland and 100-foot upland adjacent area, it is our professional opinion that the project may move forward without the requirement for an Article 24 permit. If, however, wetland or 100-foot upland adjacent area impacts are required, the project will likely require an Article 24 permit from NYSDEC.

A copy of my submission to the NYSDEC dated September 11, 2025 to Mandi Ohar of the NYSDEC requesting a Jurisdictional Determination is provided at Attachment "A" of this letter.

In connection with the effort to minimize the potential adverse environmental impacts associated with the proposed development of the Project Site as a multifamily project to the maximum extent practicable, the Project Sponsor has worked with Carmina Wood Design to prepare an updated Concept Site Plan [Drawing C-100 – Date: 09/03/24. A copy of the updated Concept Site Plan is provided at Attachment "B" of this letter.

The updated project layout reflects a reduction of the project density to 270 units and the concerted effort to avoid any adverse impacts to the five (5) small wetland areas totaling 0.874± acre on the Project Site that are potentially subject to the jurisdiction of the NYSDEC. The updated project would result in 6.31 acres of impacts to the regulated 100 ft. Adjacent Area of the potential wetlands subject to the jurisdiction of the NYSDEC, which will require a permit to be obtained from the NYSDEC.

This letter and the relevant project documentation referenced herein provides the Town Board, acting in its capacity as the lead agency, with information enabling it to take a hard look at potential wetland impacts and to conclude that the proposed multifamily project will not result in any potentially significant adverse wetland impacts.

If you have any questions, please contact me at (716) 912-7965 or via e-mail at Scott@SJLWetlandsLLC.com.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Scott J. Livingstone".

SJL WETLANDS, LLC

Scott J. Livingstone, President

cc: Daniel Howard, Planning Director
Town of Amherst Town Board
Bryan Young, Young Development Inc.
Sean Hopkins, Esq.
Patrick Sheedy Jr., P.E

**Attachment A of Letter of Scott
Livingstone dated October 26, 2025**

SJL Wetlands, LLC

P.O. Box 47
Warsaw, NY 14569
716-912-7965

September 11, 2025

25-067

Sent via email to: R9BEH@DEC.ny.gov

Mandi Ohar
New York State Department of Environmental Conservation
Region 9 – Bureau of Ecosystem Health
700 Delaware Avenue
Buffalo, NY 14209

**Re: Request for Consultant Option Jurisdictional Determination
2190 Wehrle Drive
Town of Amherst, Erie County, New York**

Dear Ms. Ohar:

SJL Wetlands LLC (SJL), on behalf of Young Development, Inc., is requesting a Parcel JD – Consultant option for the above referenced project site. A wetland delineation was conducted by SJL Wetlands LLC, the results of which are included in this submission in a report dated August 31, 2025.

This jurisdictional determination request is being submitted per the requirements set forth in NYSDEC's "Parcel JD- Consultant Option". The attached report includes the name and contact information of the property owner, the location of the parcel (including street address, county, town and tax map identification numbers), a summary of the wetlands identified within the investigation area and other pertinent information. My contact information, as the consultant, is found at the top of this letter.

The proposed Wetland Classification for Wetlands 1-4 is Class II since they are "located wholly within, or is partially within, an urban area as defined and identified in the '2020 Census Qualifying Urban Areas and final Criteria Clarifications By The United States Census Bureau' (December 2022)" per Part 664.5(b)((7).

Shapefiles of the identified wetlands are attached to the email submittal included in this request.

We appreciate your attention to this matter and look forward to your response to this request. If you have any questions, please contact me at (716) 912-7965 or email Scott@SJLWetlandsLLC.com.

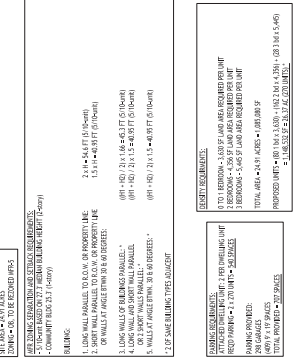
Very truly yours,
SJL Wetlands, LLC



Scott J. Livingstone
President

Cc: Bryan Young, Young Development, Inc.

**Attachment B of Letter of Scott
Livingstone dated October 6, 2025**



© CARMINA WOOD DESIGN

EXHIBIT 13

LOCAL LAW NO. _____-202_

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 TO REZONE 2190-2200 WEHRLE DRIVE
FROM OB TO MFR-5 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 the Town of Amherst Code, Known as the Zoning Ordinance to Rezone 2190-2200 Wehrle Drive from OB to MFR-5 and to Amend the Zoning Map Accordingly”.

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 2190-2200 Wehrle Drive from OB to MFR-5 and to Amend the Zoning Map Accordingly 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.

The Town Board hereby amends its Zoning Map which is incorporated by reference in the Zoning Ordinance by amending from OB to MFR-5, the zoning of 2190-2200 Wehrle Drive, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

LEGAL DESCRIPTION OF 2190 WEHRLE DRIVE:

Parcel "A":

All that tract or parcel of land, situate in the Town of Amherst, County of Erie and State of New York, and being part of Lot No. 105, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the southwest corner of Lot No. 105 in the center line of Wehrle Drive, a public highway (66 feet wide); thence northerly along the west line of said Lot No. 105, 1696.26 feet to the south line of lands owned by George N. Karl by deed recorded in the Erie County Clerk's Office in Liber 3265 of Deeds at page 524; thence easterly along said Karl's south line and parallel with the south line of Lot No. 105, 150 feet; thence southerly and parallel with the west line of Lot No. 105, 1696.26 feet to the center line of Wehrle Drive (66 feet wide); thence westerly along the center line of Wehrle Drive (66 feet wide) 150 feet to the place of beginning.

Excepting from the above described premises that portion thereof conveyed to the County of Erie for widening of Wehrle Drive, as described in Deed recorded in Liber 11092 of Deeds at page 3872 on March 17, 2005.

Parcel B:

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 No. 105, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the center line of Wehrle Drive, a 66 foot wide public highway 150 feet easterly from the southwest corner of Lot No. 105; thence northerly and parallel with said Lot No. 105, 1696.26 feet to the south line of land owned by George N. Karl recorded in Erie County Clerk's Office in Liber 3265 of Deeds at page 524; thence easterly and parallel with the south line of Lot No. 105, 514.39 feet to the east line of lands described in deed recorded in Erie County Clerk's Office in Liber 999 of Deeds at page 469; thence southerly along said east line of lands described in deed recorded in Erie County Clerk's Office in Liber 999 of Deeds at page 469 to the south line of Lot No. 105, 1695.85 feet to the center line of Wehrle Drive, which center line is the south line of Lot No. 105; thence westerly along the center line of Wehrle Drive, 498.78 feet to the place of beginning.

Excepting that portion of the above described lands lying within the bounds of Wehrle Drive (66 feet wide).

Also excepting from the above described premises that portion thereof conveyed to the County of Erie for widening of Wehrle Drive, as described in Deed recorded in Liber 11093 of Deeds at page 6575 and in Q143-8281, on April 13, 2005.

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 14

§ 3-11. Multifamily Residential District Five (MFR-5)

3-11-1. **Purpose.** To provide areas within the Town for medium-density multifamily development where the relationship among buildings and between wings of a single building is regulated in order to assure adequate light and air to residents and protection to and from surrounding development.

3-11-2. Principal and Special Uses.

A. Permitted Uses and Structures.

MFR-5	Permitted	Special Use	Standards
OPEN USES			
No open uses allowed			
RESIDENTIAL USES			
Single-family detached	✓		
Attached dwelling	✓		
Common recreation structure or use	✓		§ 6-2-3
Dormitory [Amended 9-6-2016 by L.L. No. 10-2016]		✓	§ 6-2-4
PUBLIC AND CIVIC USES			
Minor utilities	✓		
Park or open space	✓		
Place of worship	✓		§ 6-3-3
Public utility service structure or facility		✓	§ 6-3-4
Telecommunication facility		✓	§ 6-7

MFR-5			
	Permitted	Special Use	Standards
COMMERCIAL USES			
Bed and breakfast		✓	§ 6-4-2
INDUSTRIAL USES			
<i>No industrial uses allowed</i>			

B. Dimensional Standards.

For parcels 30 acres in size or more as of (effective date), the Planned Unit Development Process is required. See § 6-9. [Added 5-20-2013 by L.L. No. 8-2013]

- (1) **Detached Dwelling Units.** As permitted and regulated in the MFR-4A district. [Amended 9-9-2013 by L.L. No. 17-2013]
- (2) **Attached Dwelling Units.** As permitted and regulated in the R-4 district or in accordance with the following table. [Amended 8-1-2011 by L.L. No. 19-2011; 9-9-2013 by L.L. No. 17-2013¹]

MFR-5 Principal Use Dimensional Standards [Amended 9-9-2013 by L.L. No. 17-2013]	
Min. lot area (per dwelling)	
0 to 1 bedroom	3,630 sf
2 bedroom	4,356 sf
3 bedroom	5,445 sf
4 bedroom	6,250 sf
Min. lot width	150 ft
Min. yards	see § 3-15-5
Min. building separation	see § 3-15-5 [Added 9-9-2013 by L.L. No. 17-2013]
Max. height	35 ft

1. Editor's Note: This ordinance also repealed former § 3-11-2B(3), Attached Dwelling Units Not on Individual Lots, as amended 8-1-2011 by L.L. No. 19-2011, which immediately followed this subsection.

MFR-5 Principal Use Dimensional Standards [Amended 9-9-2013 by L.L. No. 17-2013]	
Max. building coverage	40%
Min. floor area (dwelling only)	
0 bedroom	400 sf
1 bedroom	640 sf
2 bedroom	760 sf
3 bedroom	1,000 sf
4 bedroom	1,200 sf
<i>Note:</i> For explanation of measurements, computations, and exceptions see § 2-5. ²	

3-11-3. Accessory Uses and Structures.

- A. **Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses [Amended 12-12-2011 by L.L. No. 29-2011]

(1) Detached Dwelling Unit.

MFR-5 Permitted Accessory Uses and Structures	Standards
Accessory dwelling unit [Amended 12-4-2023 by L.L. No. 13-2023]	§ 6-8-2
Detached private garages and parking areas	
Dumpsters/refuse containers [Amended 12-12-2011 by L.L. No. 29-2011]	§ 7-2-4D
Home occupations	§ 6-8-6
Off-street parking, loading and stacking	§ 7-1
Private gardens	
Private recreational uses and structures	
Private schools and day-care centers, accredited when required by NYS, when accessory to a place of worship	
Solar energy system [Added 12-11-2017 by L.L. No. 24-2017]	§ 6-10
Rooming and boarding of not more than two persons only when the dwelling is occupied by the actual record owner thereof	

2. Editor's Note: The diagram which immediately followed this table was repealed 2-8-2016 by L.L. No. 2-2016.

MFR-5 Permitted Accessory Uses and Structures	Standards
Signs	§ 7-8
Small energy wind system [Added 8-17-2009 by L.L. No. 12-2009]	§ 6-8-14
Swimming pools	§ 6-8-12
Other uses and structures customarily incidental to the principal use	

(2) **Attached Dwelling Unit.**

MFR-5 Permitted Accessory Uses and Structures Standards	
Area for active recreation	§ 3-15-6
Dumpsters/refuse containers [Amended 12-12-2011 by L.L. No. 29-2011]	§ 7-2-4D
Parking loading and stacking area and driveway	§ 3-15-6 [Added 9-9-2013 by L.L. No. 17-2013]
Private garages	§ 3-15-6 [Added 9-9-2013 by L.L. No. 17-2013]
Solar energy systems [Added 12-11-2017 by L.L. No. 24-2017]	§ 6-10
Signs	§ 3-15-6
Storage garages and sheds	§ 3-15-6 [Added 9-9-2013 by L.L. No. 17-2013]
Swimming pools	§ 3-15-6 [Added 9-9-2013 by L.L. No. 17-2013]
Small wind energy system [Added 8-17-2009 by L.L. No. 12-2009]	§ 6-8-14
Other uses and structures customarily incidental to the principal use	

B. Dimensional Standards Accessory Uses to Attached Dwelling Units.

- (1) When principal uses and structures are developed according to § 3-11-2B(2), the following standards shall be required. [Amended 9-9-2013 by L.L. No. 17-2013]

MFR-5 Accessory Use Dimensional Standards	
Min. building separation	§ 3-15-6
Min. from lot line	§ 3-15-6 [Added 9-9-2013 by L.L. No. 17-2013]
Max. height	20 ft
Max. building coverage (including principal structure)	45%
<i>Note:</i> For explanation of measurements, computations, and exceptions see § 2-5.	

- (2) When principal uses and structures are developed according to Option 2 and detached dwelling units of § 3-11-2B(2), the following standards shall be required.

MFR-5 Accessory Use Dimensional Standards	
Min. building separation	5 ft
Min. from lot line	5 ft [Amended 9-9-2013 by L.L. No. 17-2013]
Max. height	20 ft
Max. building coverage (including principal structure)	40%
<i>Note:</i> For explanation of measurements, computations, and exceptions see § 2-5.	

3-11-4. **General Development Standards.** Development in the MFR-5 district shall also comply with the requirements referenced in the table below.

MFR-5 General Development Standards	
Accessory Structure Minimum Yard & Building Spacing [Added 10-9-2017 by L.L. No. 21-2017]	§ 3-15-6
Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening ³	§ 7-2
Site Lighting	§ 7-3
Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6

3. So in original.

MFR-5 General Development Standards	
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10

EXHIBIT 15



**PRELIMINARY EXISTING WATER SYSTEM
ANALYSIS REPORT**

for

Multi-Family Project
2190 and 2200 Wehrle Drive
Town of Amherst, Erie County, New York

Prepared for

Young Development, Inc.

1120 Bullis Road
Elma, New York 14059

Prepared by

Carmina Wood Design

80 Silo City Row, Suite 100
Buffalo, NY 14203

Telephone: (716) 842-3165
Fax: (716) 842-0263

September 17, 2025
Rev. October 6, 2025



Table of Contents

Written Engineer's Report

Section 1 - Location & Description

Section 2 - Water Service

Appendices

Appendix A Water System Information

- Hydrant Flow Data
- ECWA Model Hydraulic Analysis

Section 1 - Location & Description

This project is a development of a 24.9 acre site located on the north side of Wehrle Drive between Youngs Road and Transit Road in the Town of Amherst. Construction will consist of multiple 2-story multi-family buildings with attached garages, a clubhouse building with onsite resident amenities and associated utility, lighting, and landscaping improvements. Currently the site is vacant. The proposed site development area to be disturbed for this project is approximately 24 acres when construction is completed.

Section 2 - Water Service

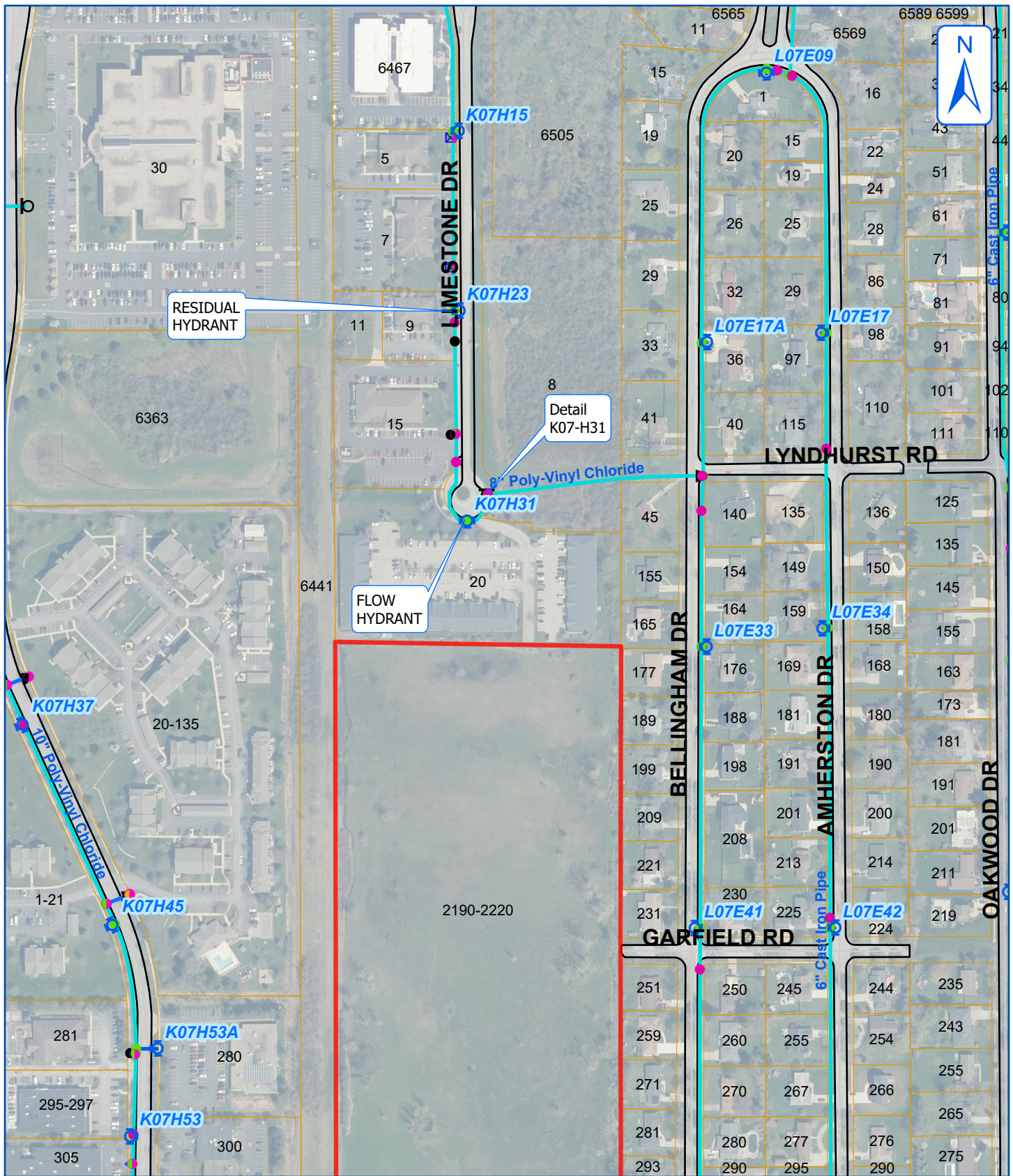
Water service for the building will be tapped off the existing 12" ECWA water main on the south side of Wehrle Drive and the 8" ECWA watermain on Limestone Drive. The service will be an 8" combined water service, then split into an 8" PVC fire service and a 6" domestic service. Both services will continue into a pump house where booster pumps and meter will be housed. Proper heat and lighting will be provided to the enclosure, drainage due to testing or failure of the pump house will be to the outside grade. The owner will be responsible for keeping the drainage ports clear of snow and debris. The pump system will be designed by others. Water inside the buildings will be used for typical domestic uses. The multi-family buildings are to be sprinklered, interior fire protection system to be designed by others. Existing public hydrants along Wehrle Drive and proposed private hydrants throughout the development will ensure fire hose coverage not exceeding 600' for each building.

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

As shown, the minor or no drop in pressure is shown between existing and future conditions. Under normal conditions the proposed project will not have a measurable impact to the existing water system, therefore there will be no significant impact to the existing waterline pressure and supply to the surrounding area.

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

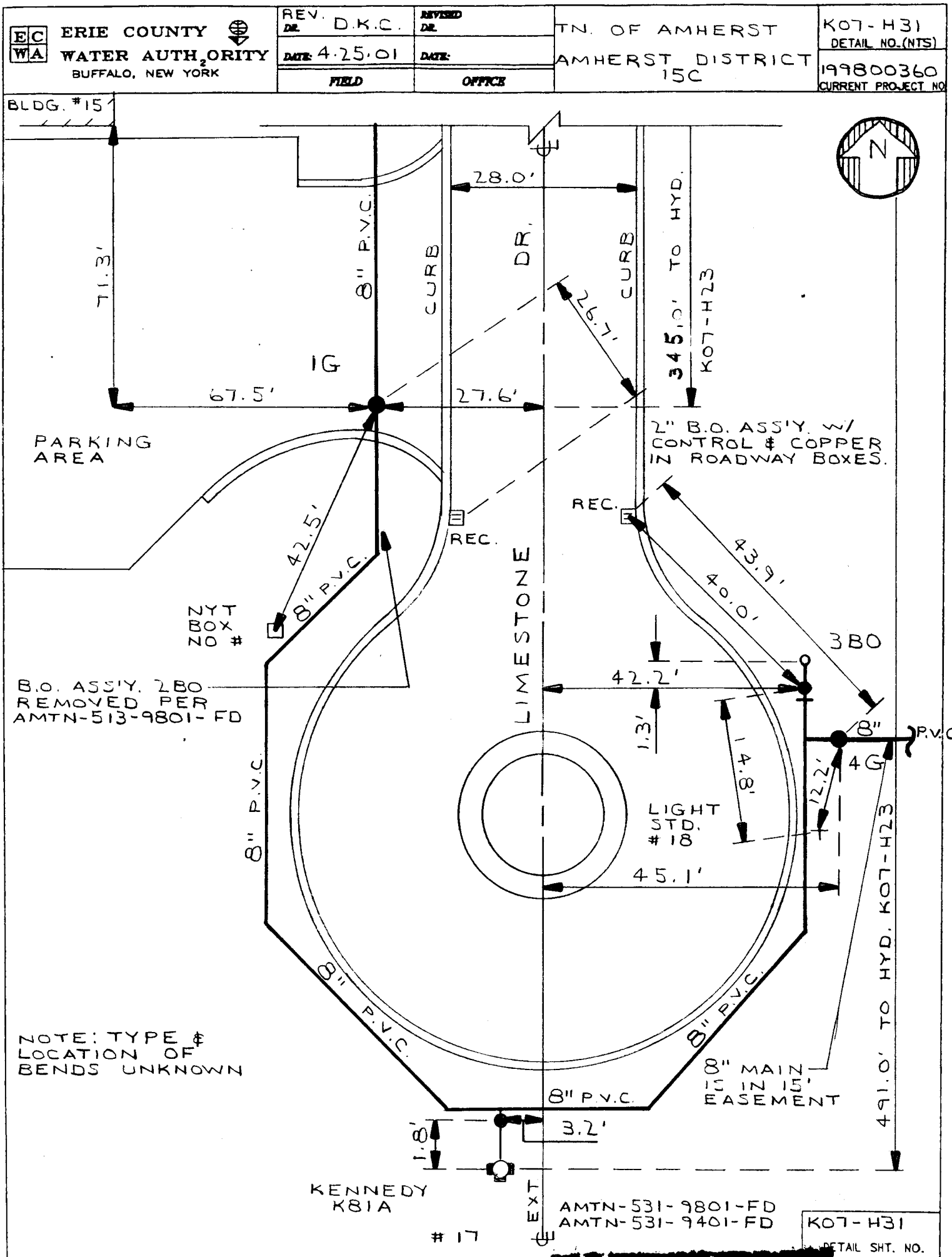
Hydrant Flow Data



2190 Wehrle Dr., AMTN
Limestone Dr. Side



Erie County Water Authority
Buffalo, New York



Hydrant FLOW Test

Print Date: 8/12/2025

Residual Hydrant: K07H23 Test Date/Time: 11/17/2003 14:00

Location.....: 9 LIMESTONE DR 2ND S/O MAIN ST
 TOWN OF AMHERST

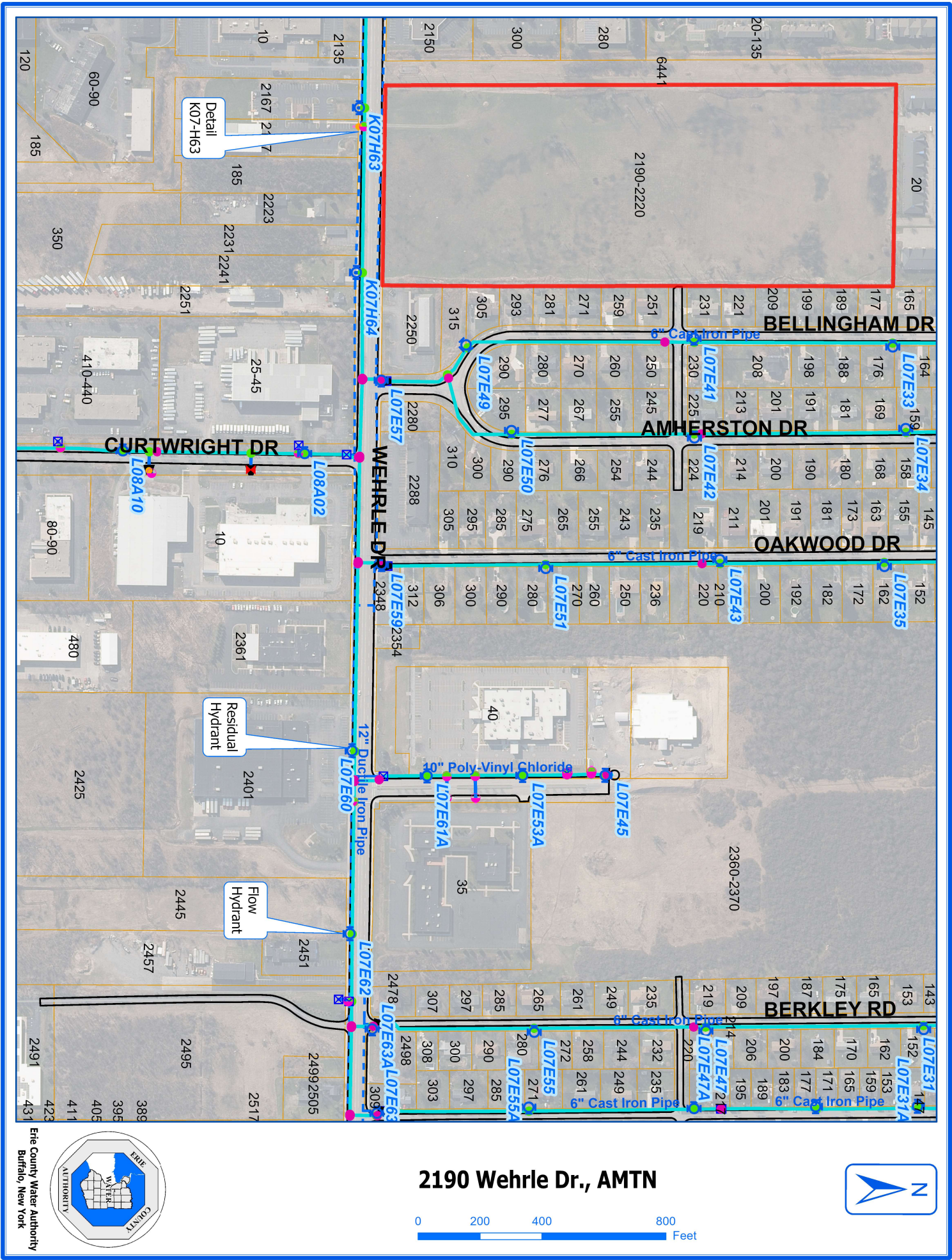
Size of Main/Branch: 8"/6" Fire District: 22031 MAIN TRANSIT FD 14 Water District: 315 AMHERST DISTRICT 15C

Performed By: BM, RLS Comments: HYDRANT FLOW TEST REQUESTED BY JOE PALUMBO
 CARMINA & WOOD, PHONE: 842-3165, FAX: 842-0263

Dischrg Coef: 090 Elvtn Usgs(ft): Static(psi): 54 Residual(psi): 42 Required Residual Pressure(psi): 20
 Gallons Used..: 3,180 Total Flow(gpm): 1,060 Flow at Req'd Resid Pressure: 1,860

Flow Hydrants:

Flow Hyd	Location	Main/Brnch	Nzle	Size	Pitot	Flow	Comments
K07 H31	17 LIMESTONE DR	8"/6"	1:	2.50	40.0	1,060	
	3RD HYD S/O MAIN ST		2:				
			3:				Total Flow: 1,060



2190 Wehrle Dr., AMTN



Erie County Water Authority
Buffalo, New York



ERIE COUNTY
WATER AUTHORITY
BUFFALO, NEW YORK



REVISED
DR. D.M.C.

DATE: 10/05/18

FIELD

REVISED
DR.

DATE:

OFFICE

TOWN OF AMHERST
WATER DISTRICT 15C

K07-H63

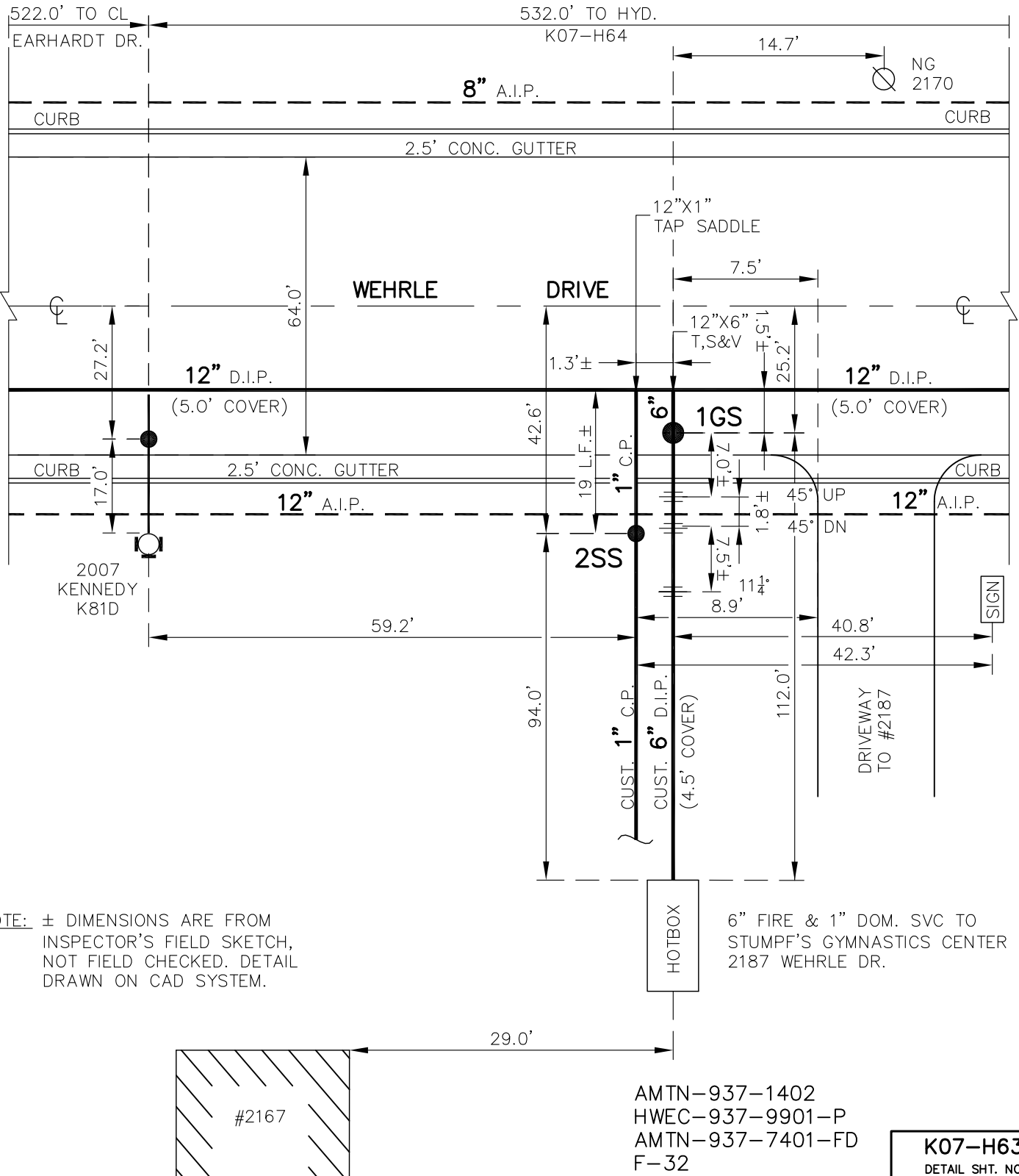
DETAIL SHT. NO.

201400190

CURRENT PROJECT NO.



1GS TO 2SS = 17.4'
1GS TO HYD = 63.1'
2SS TO HYD = 59.2'



NOTE: ± DIMENSIONS ARE FROM
INSPECTOR'S FIELD SKETCH,
NOT FIELD CHECKED. DETAIL
DRAWN ON CAD SYSTEM.

6" FIRE & 1" DOM. SVC TO
STUMPF'S GYMNASICS CENTER
2187 WEHRLE DR.

AMTN-937-1402
HWEC-937-9901-P
AMTN-937-7401-FD
F-32

K07-H63

DETAIL SHT. NO.

MASTER COPY

Print Date: 5/15/2025

Flow Hyd Location	Main/Brnch	Nzle	Size	Pitot	Flow	Comments
K07 H64 2241 WEHRLE DR	12"/6"	1:	2.50	23.3	810	
2ND HYD E/O EARHART DR		2:	2.50	23.3	810	
		3:				Total Flow: 1,620

ECWA Model Hydraulic Analysis



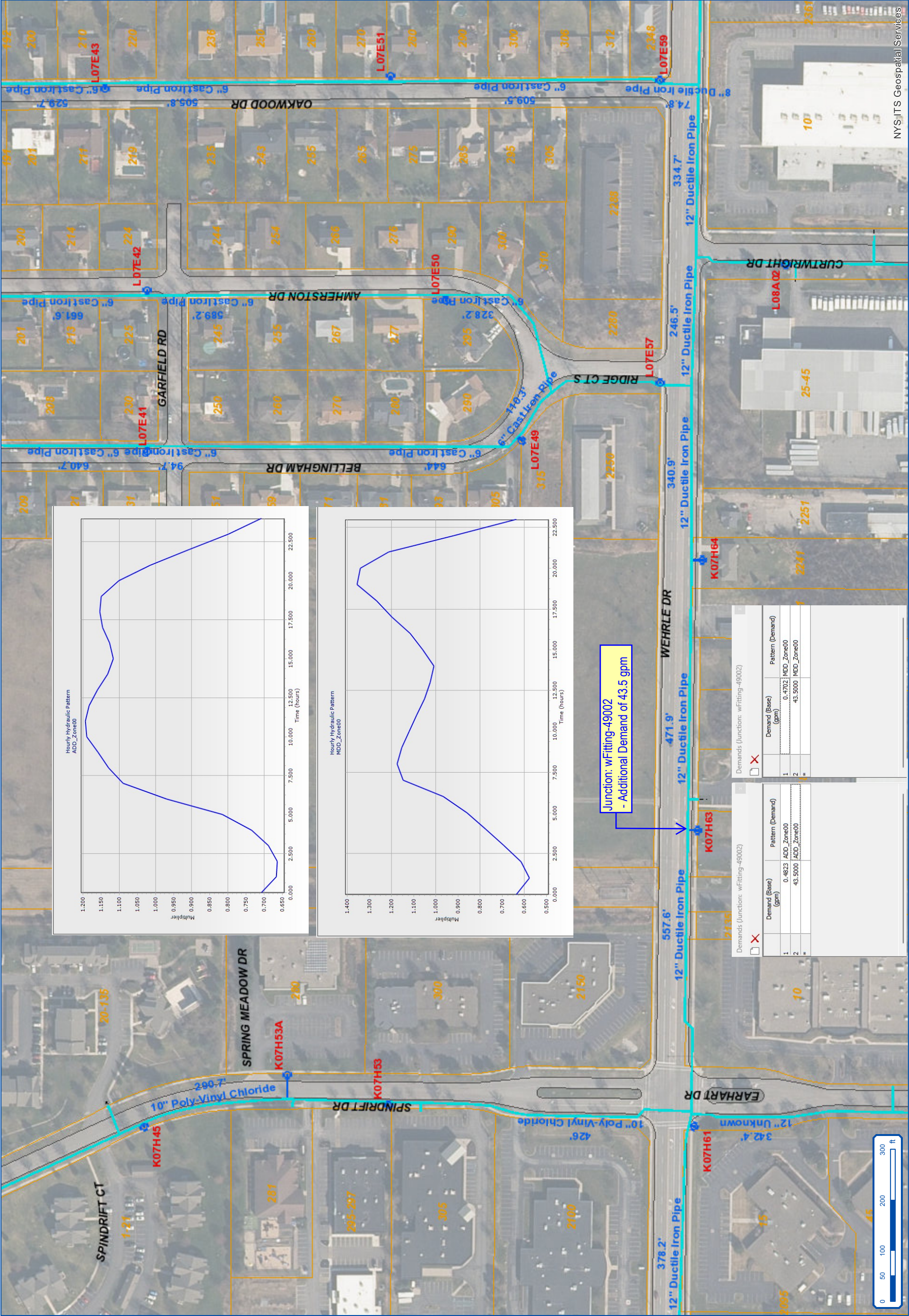
HYDRAULIC ANALYSIS (2190-2220 WEHRLE DRIVE)

September 11, 2025



ERIE COUNTY WATER
AUTHORITY
BUFFALO, NEW YORK

NYS ITS Geospatial Services

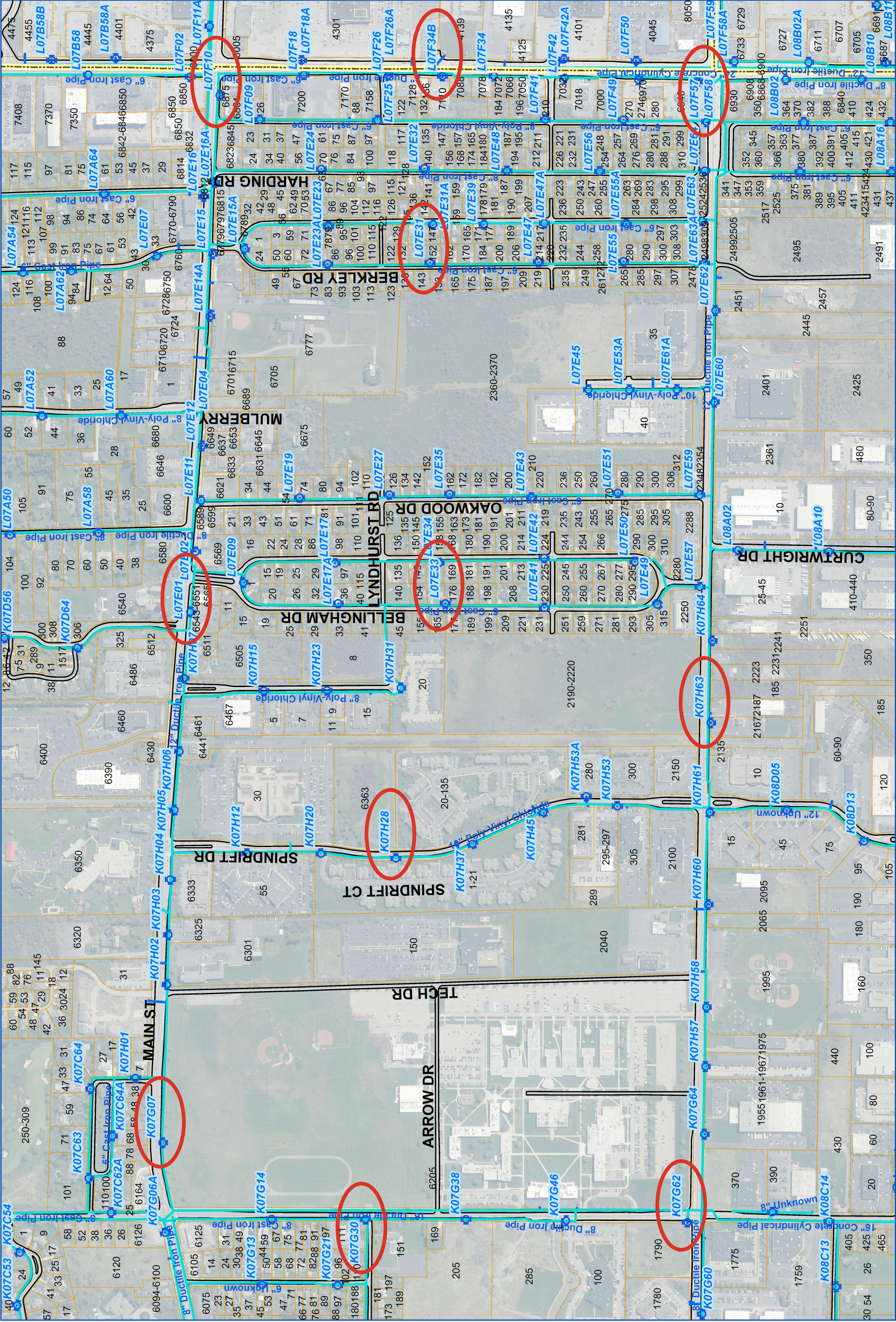




HYDRAULIC ANALYSIS (2190-2220 WEHRLE DRIVE)



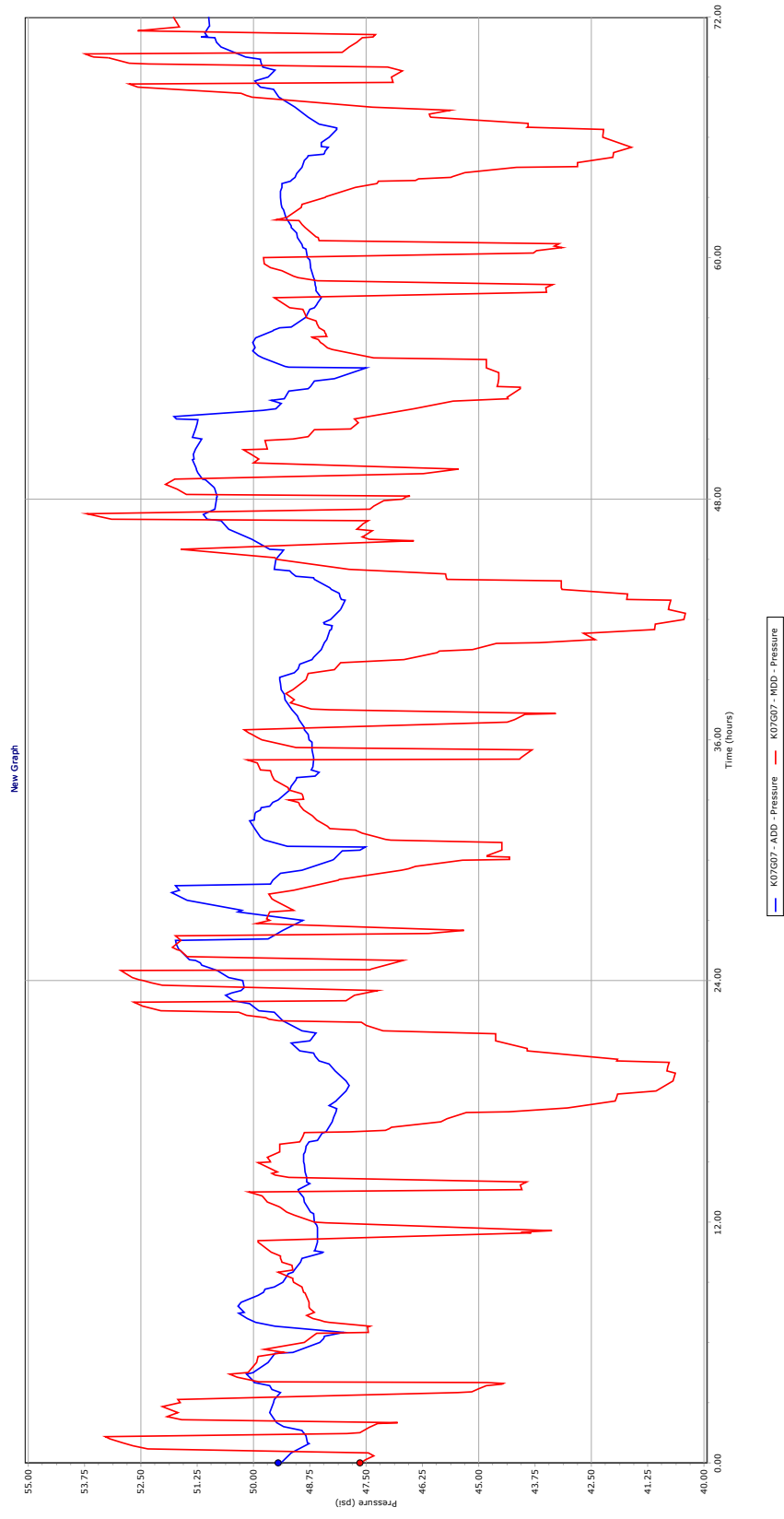
Erie County Water Authority
Buffalo, New York



Fire Flow

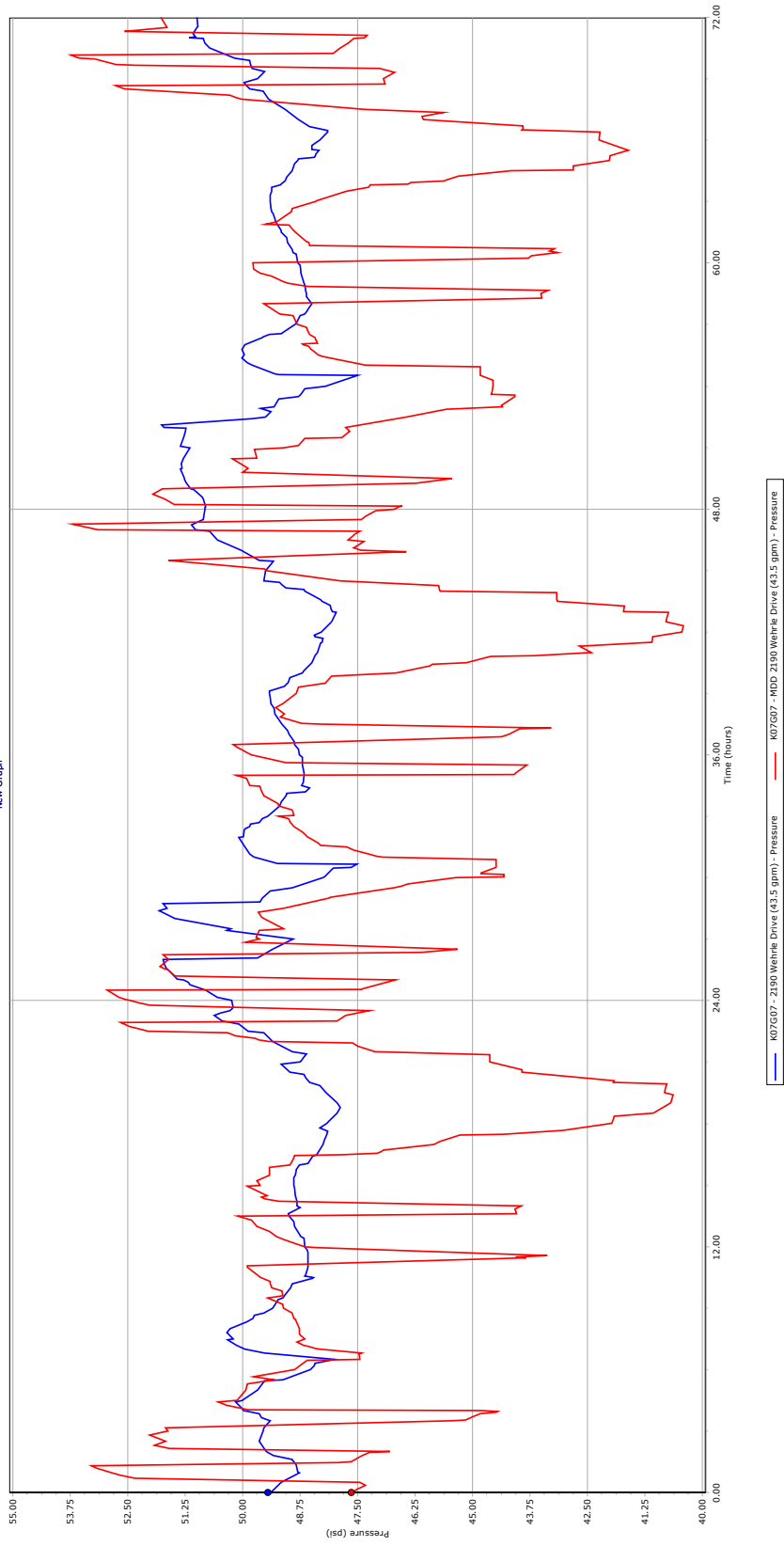


K07G07 - Existing Conditions

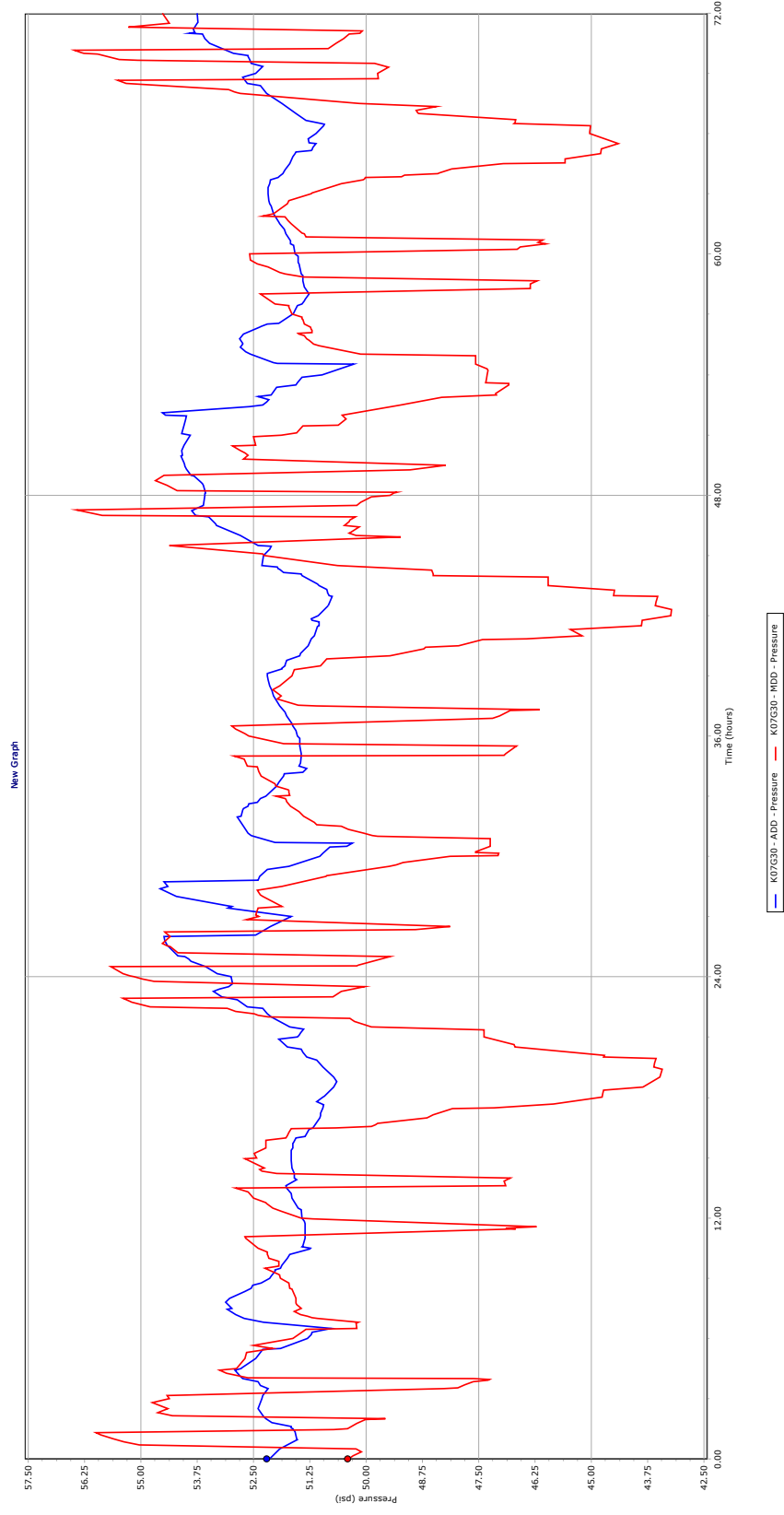


K07G07 - Wehrle Conditions

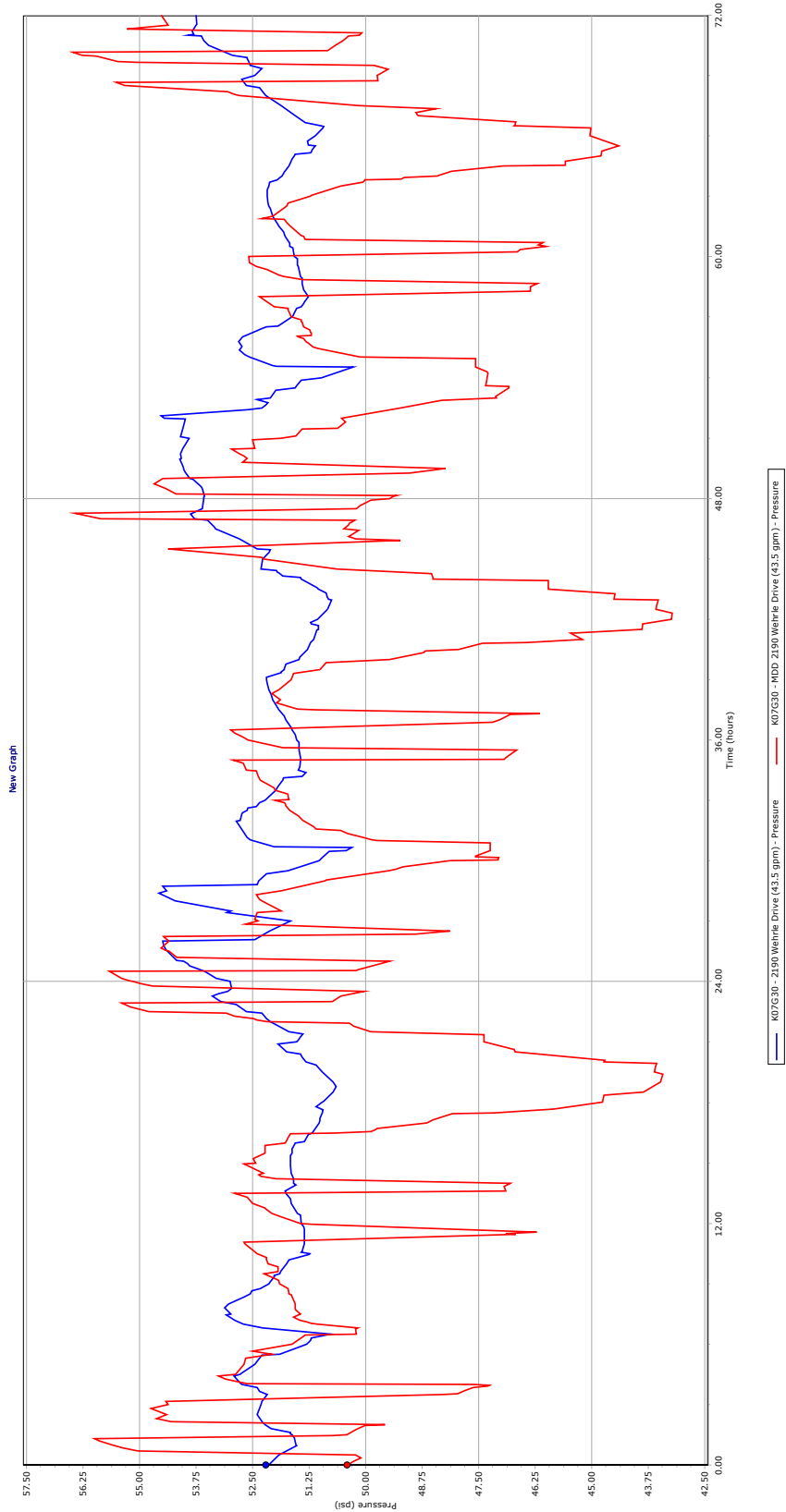
New Graph



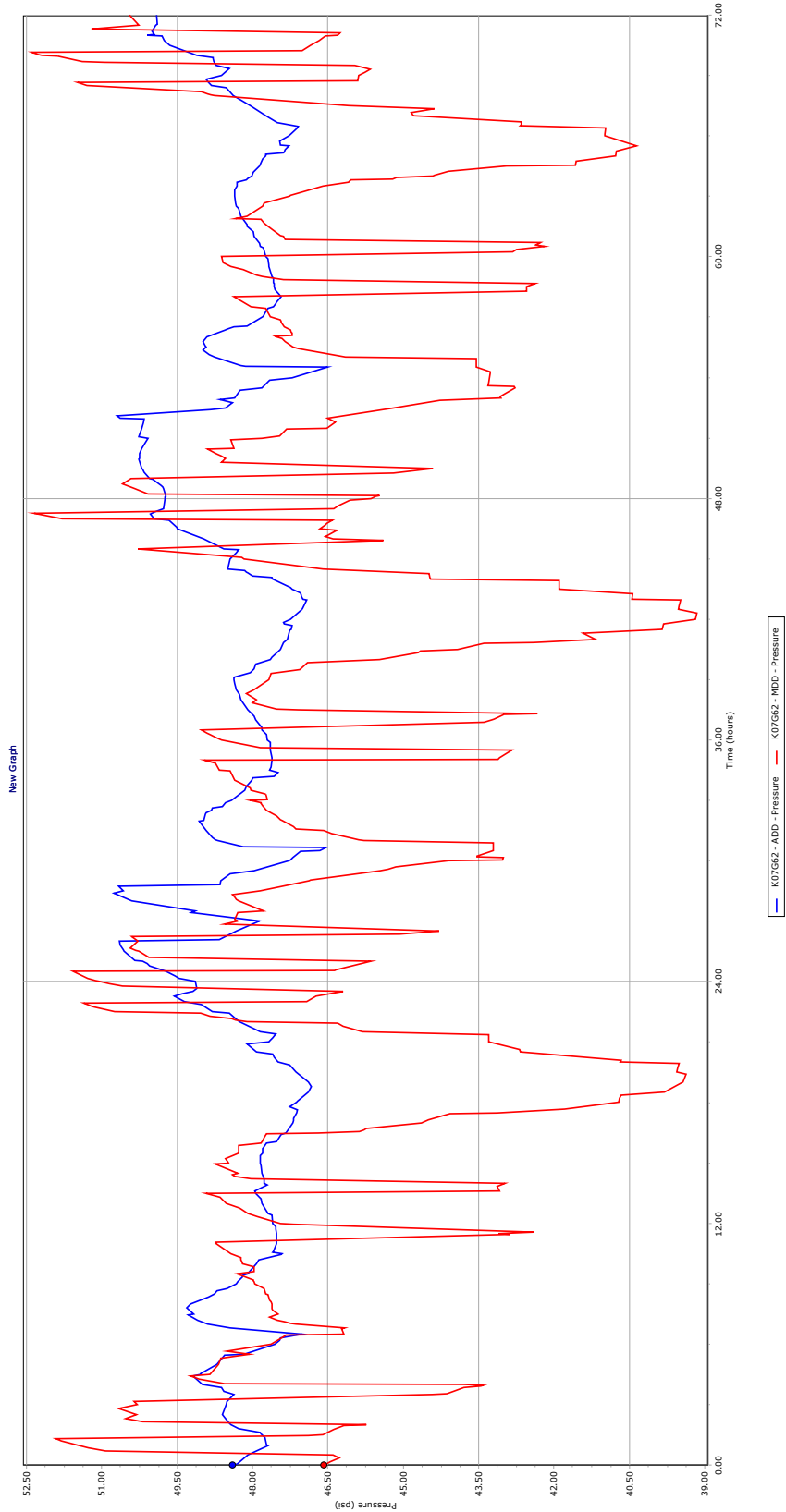
K07G30 - Existing Conditions



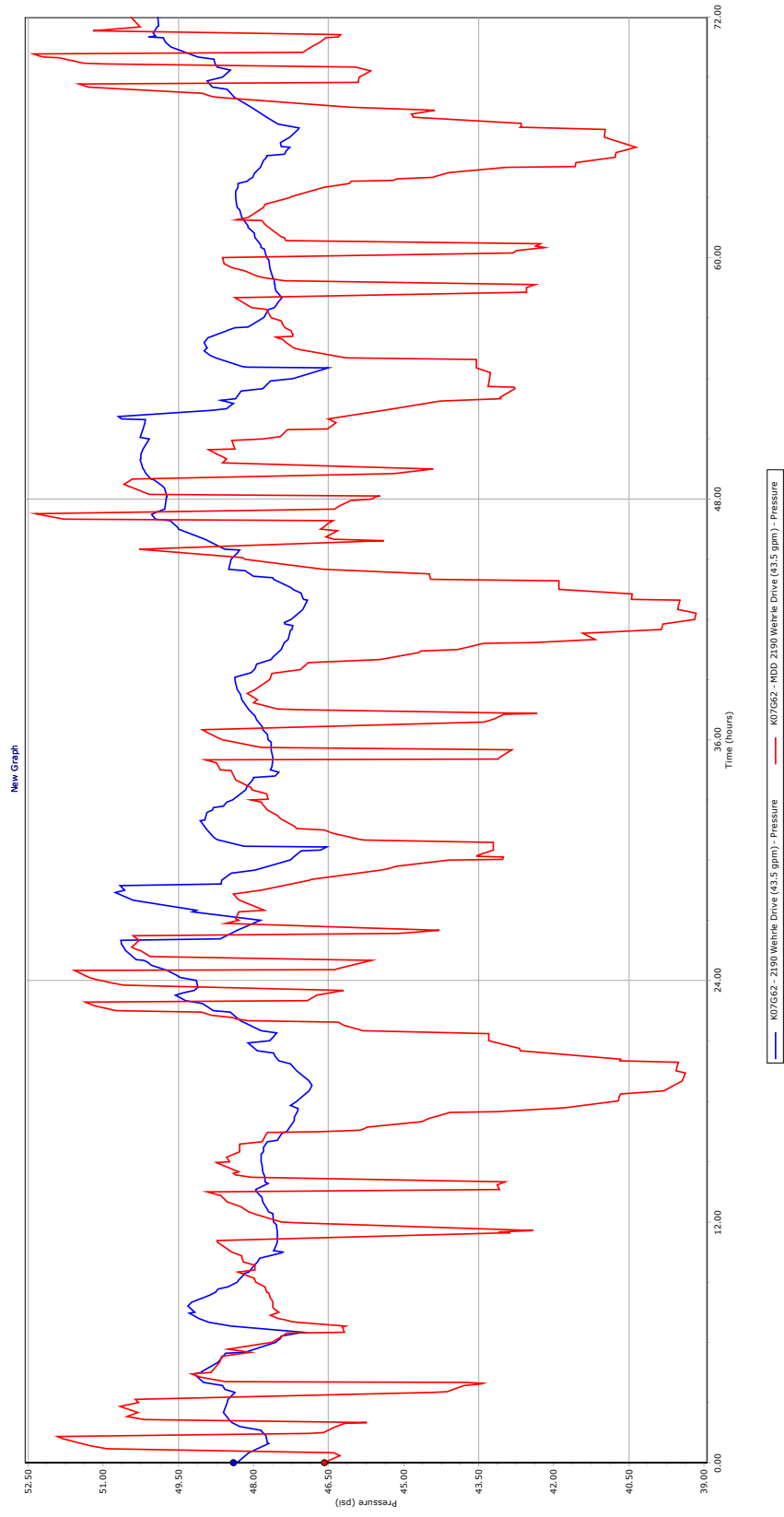
K07G30 - Wehrle Conditions



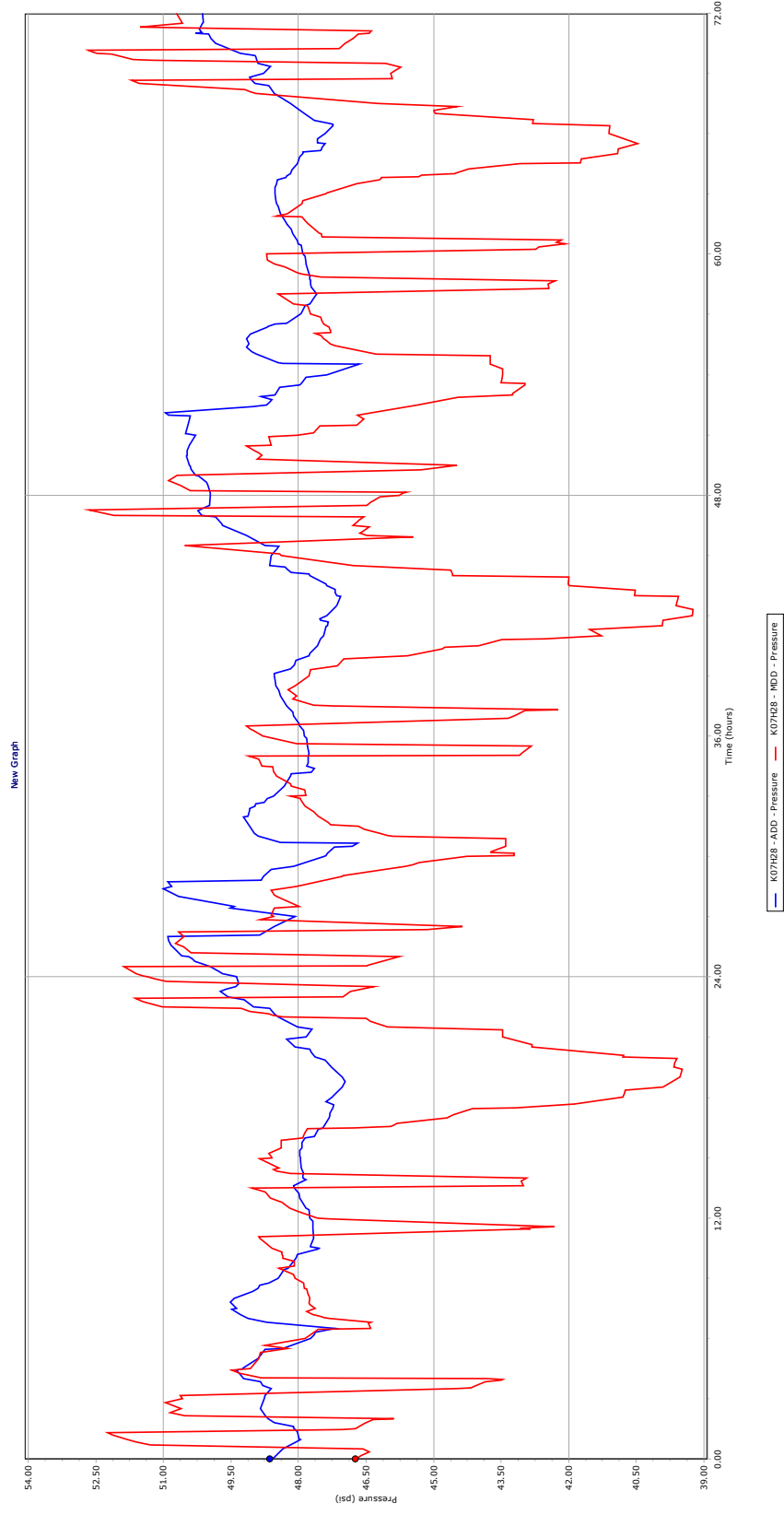
K07G62 - Existing Conditions



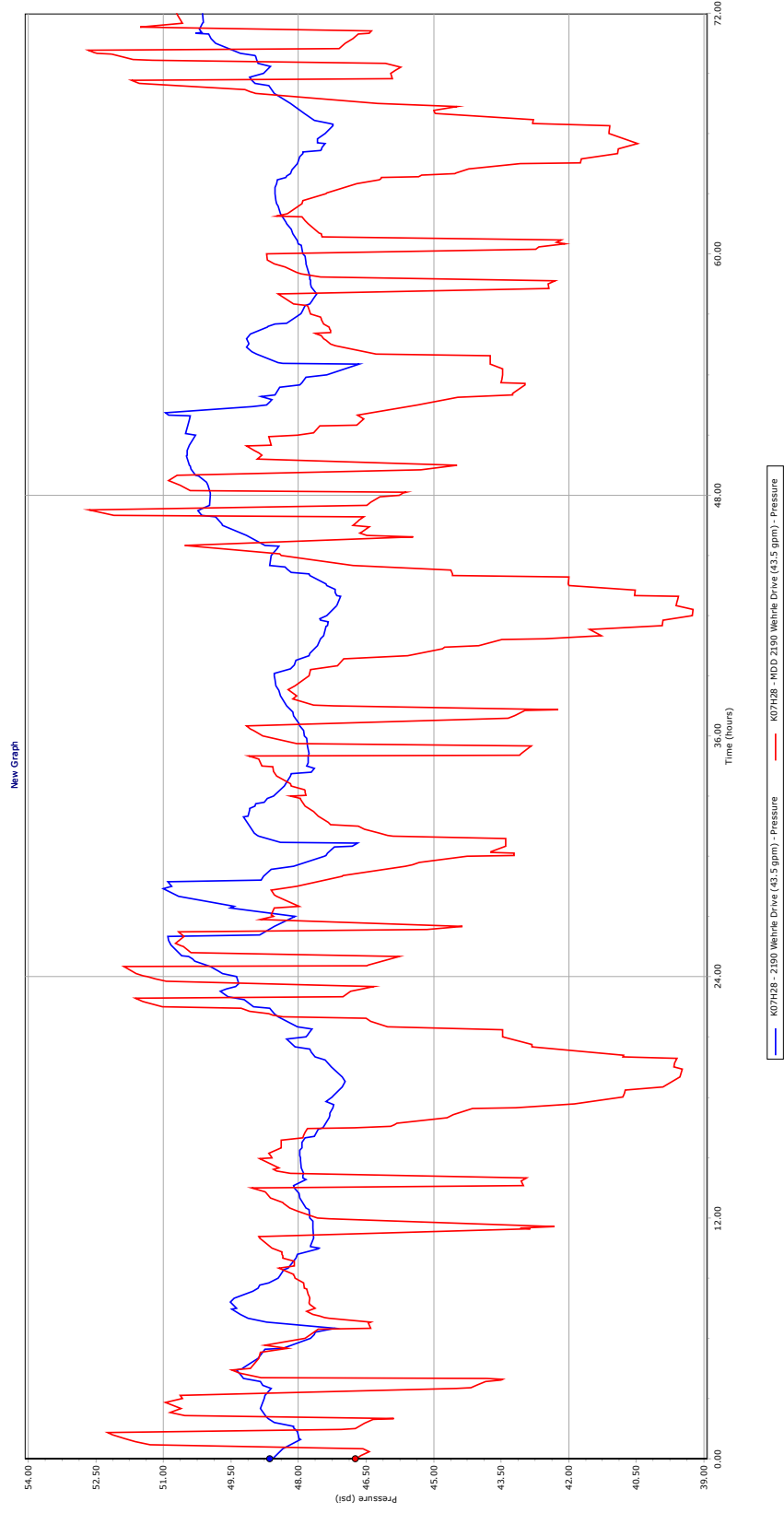
K07G62 - Wehrle Conditions



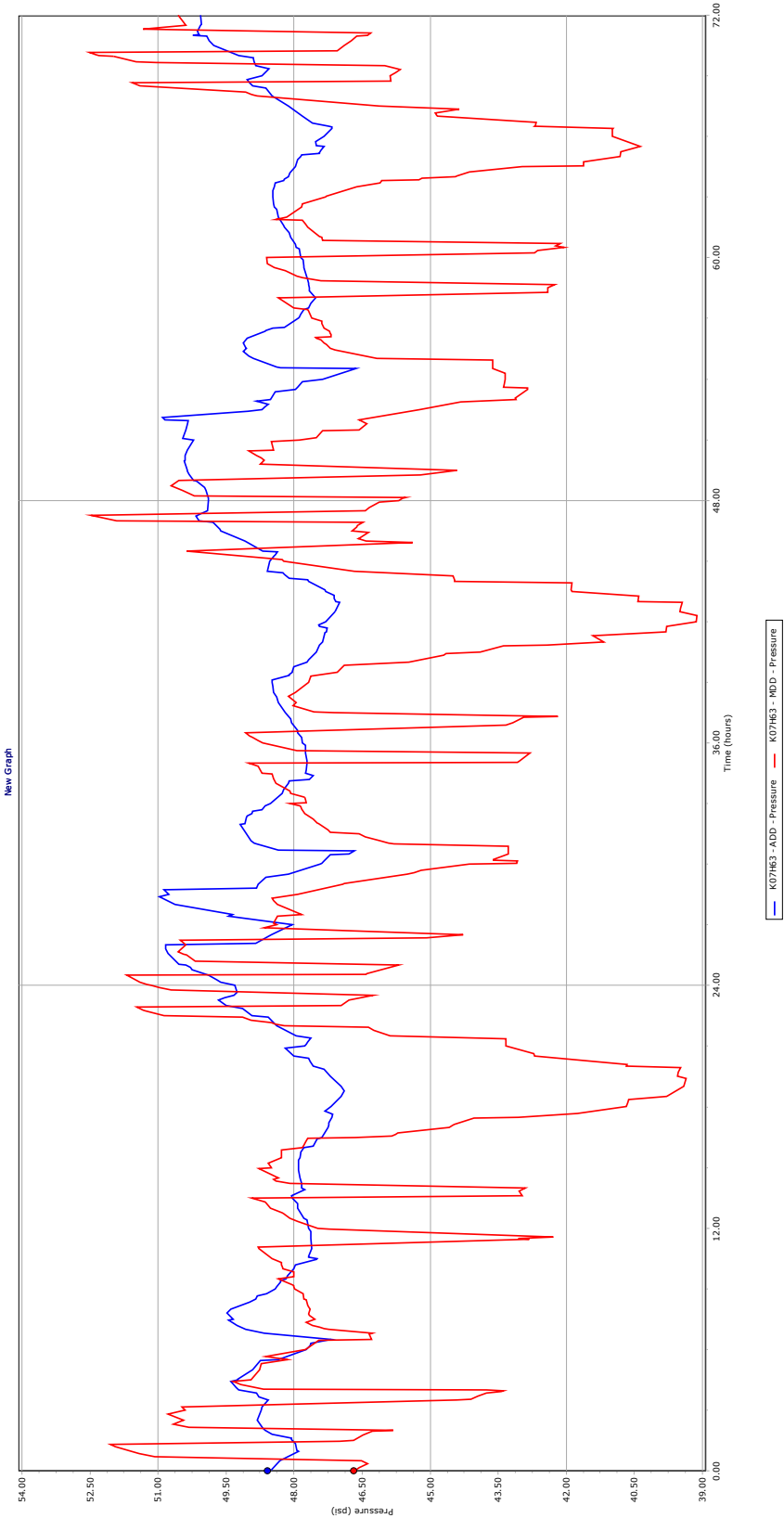
K07H28 - Existing Conditions



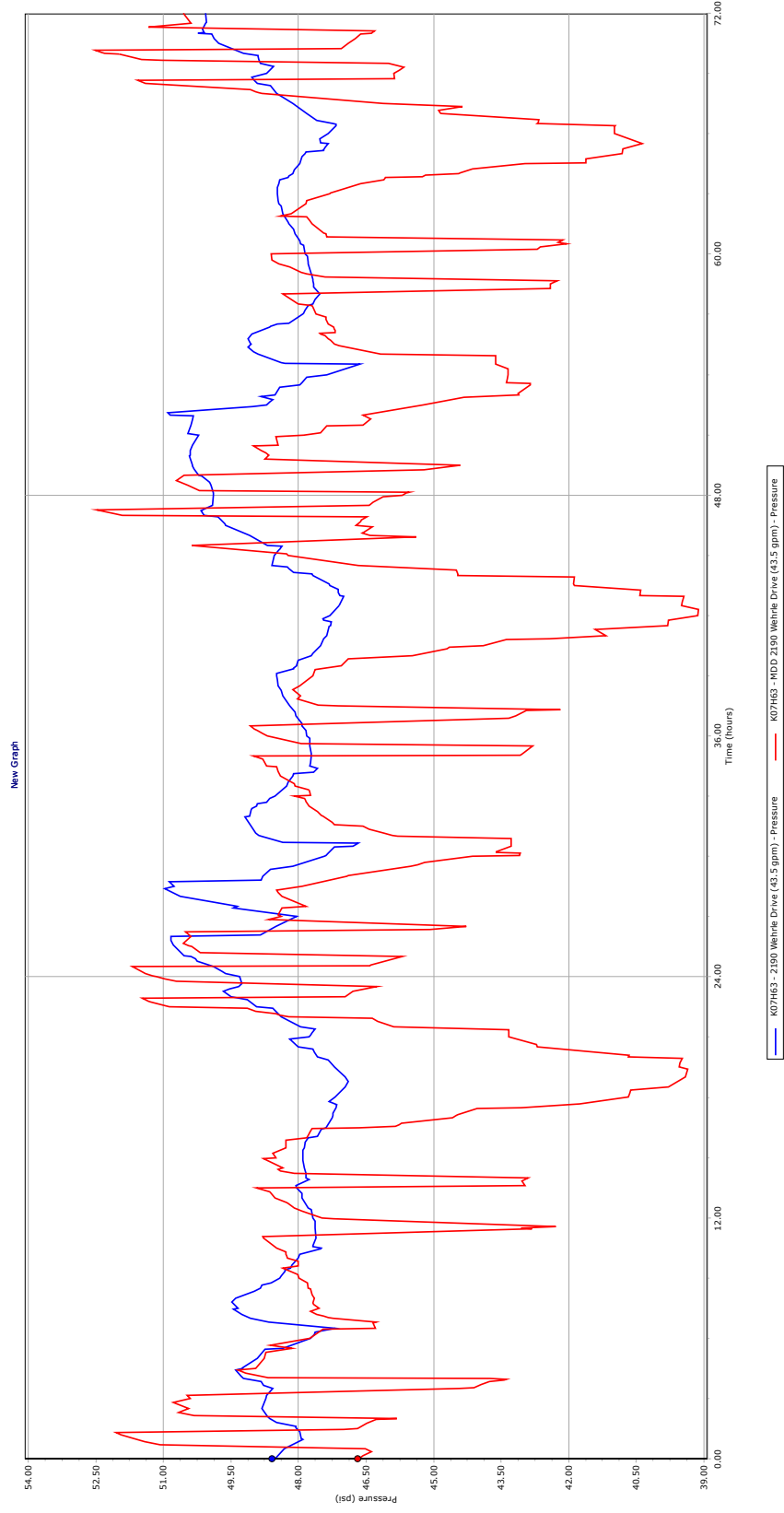
K07H28 - Wehrle Conditions



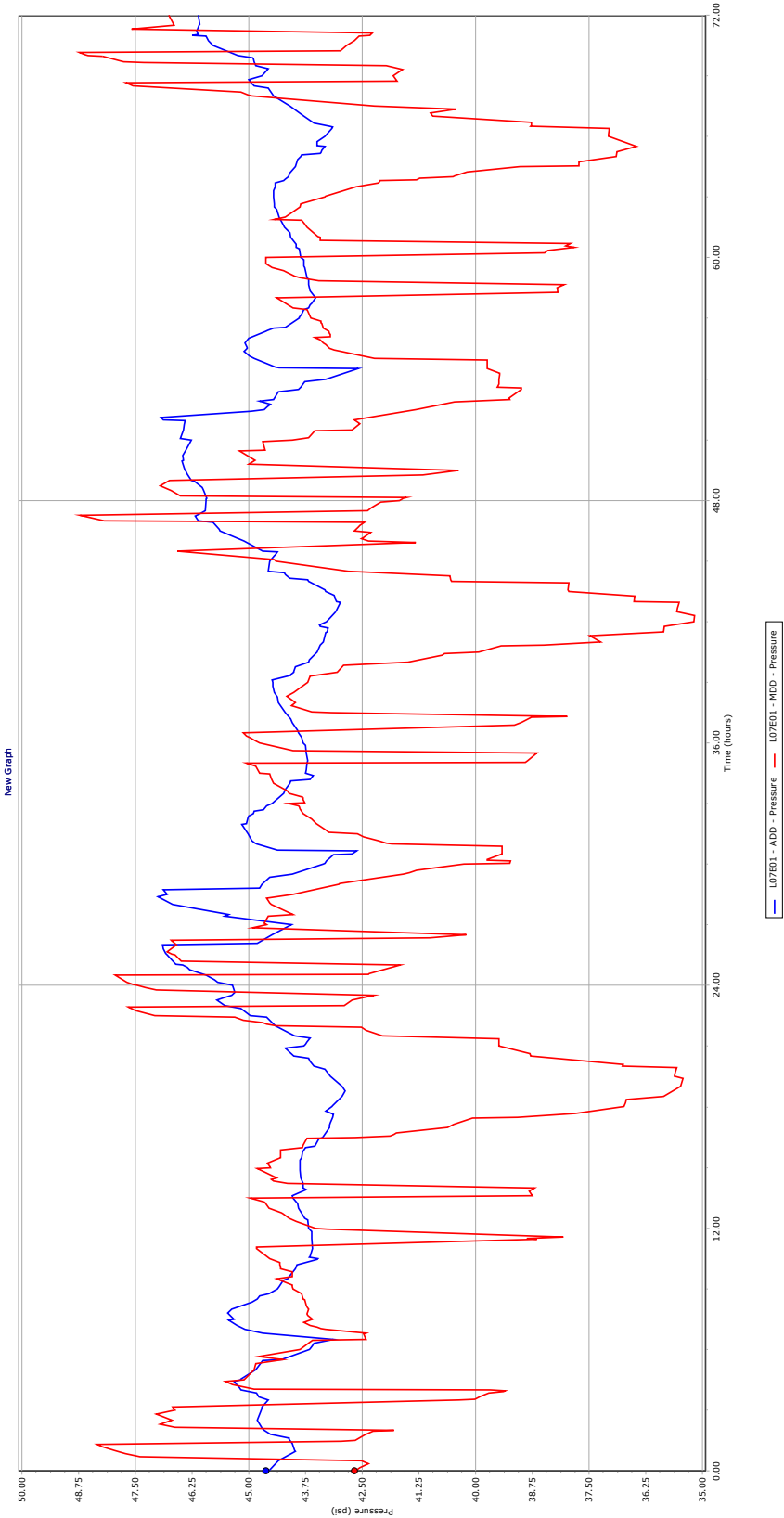
K07H63 - Existing Conditions



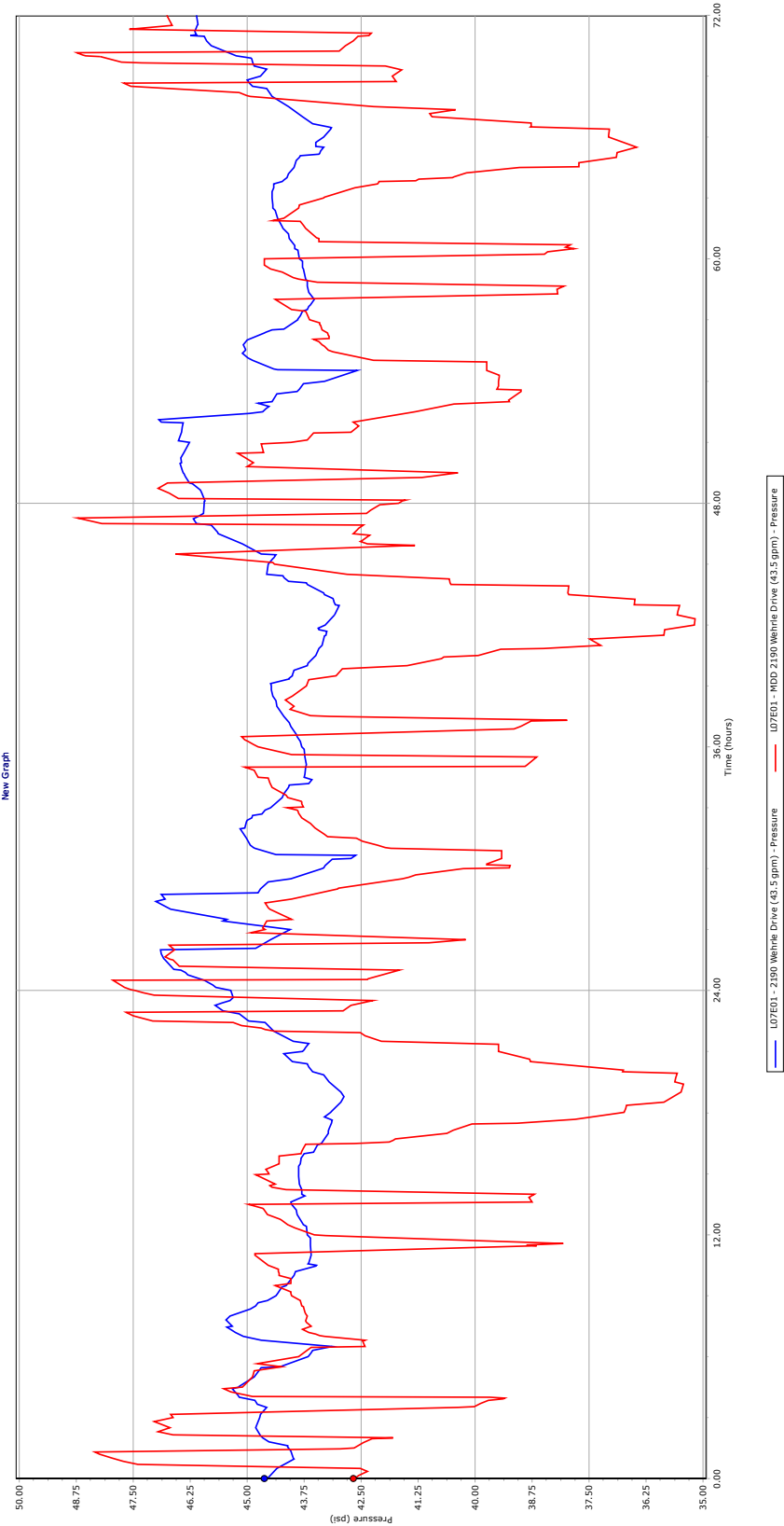
K07H63 - Wehrle Conditions



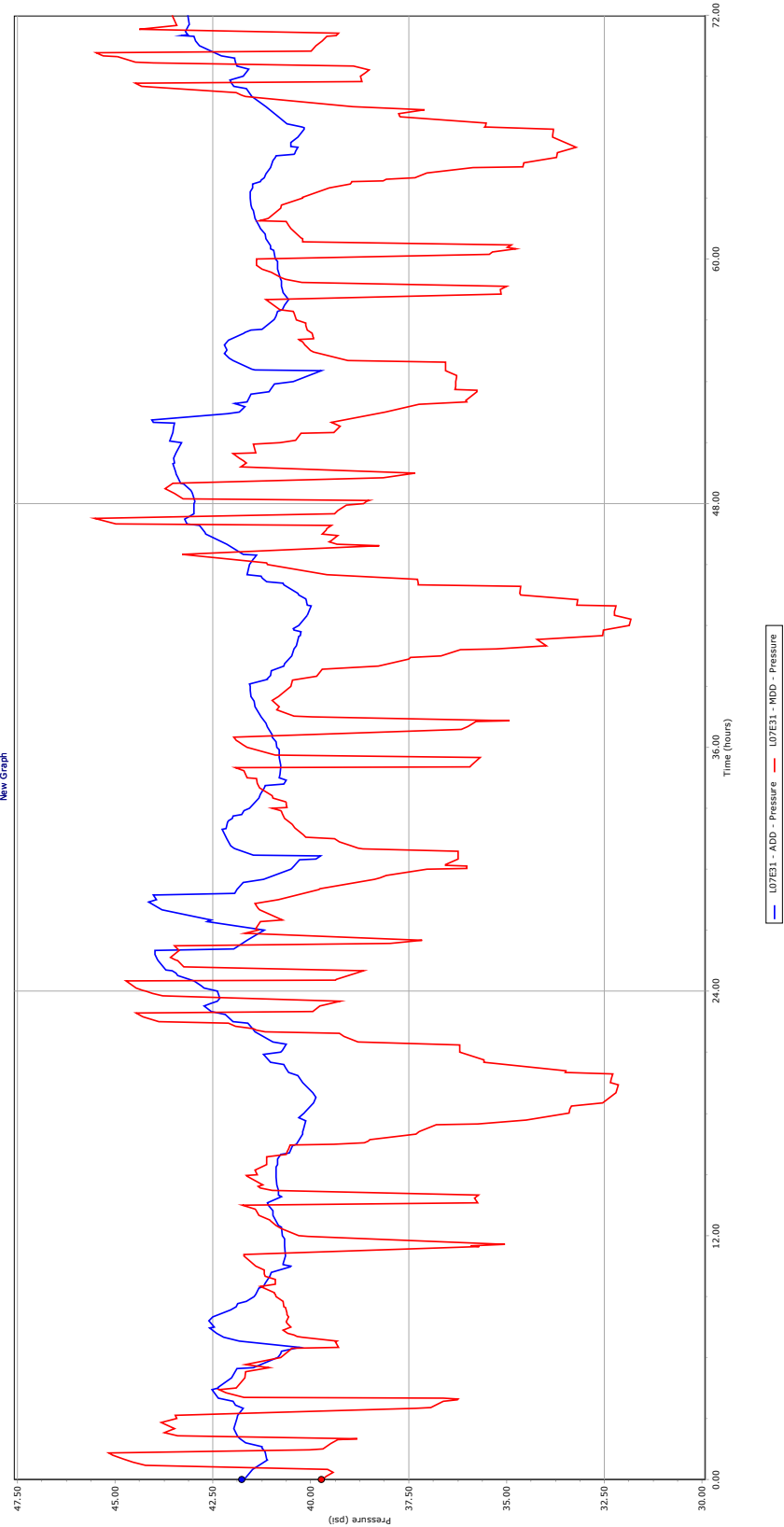
L07E01 - Existing Conditions



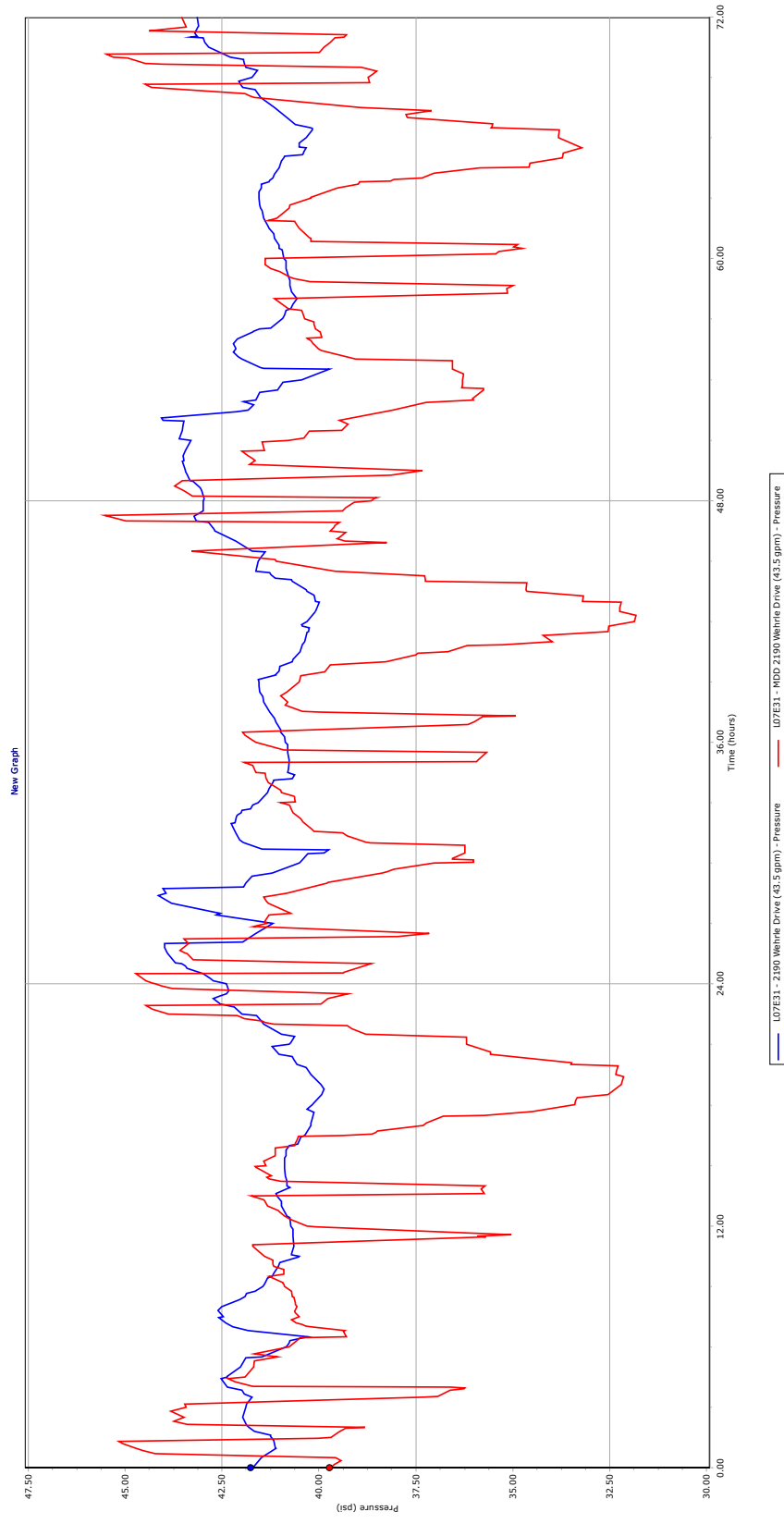
L07E01 - Wehrle Conditions



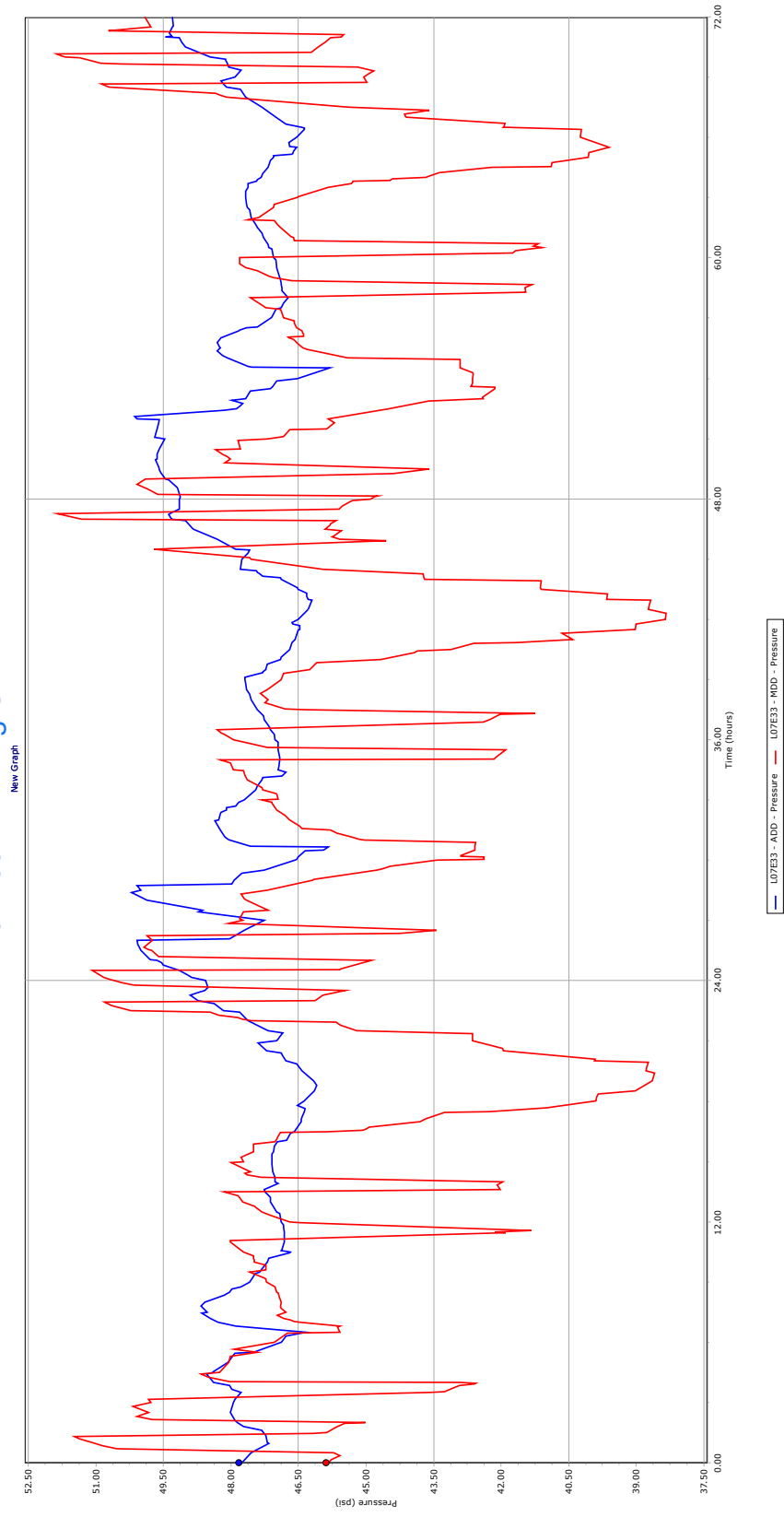
L07E31 - Existing Conditions



L07E31 - Wehrle Conditions

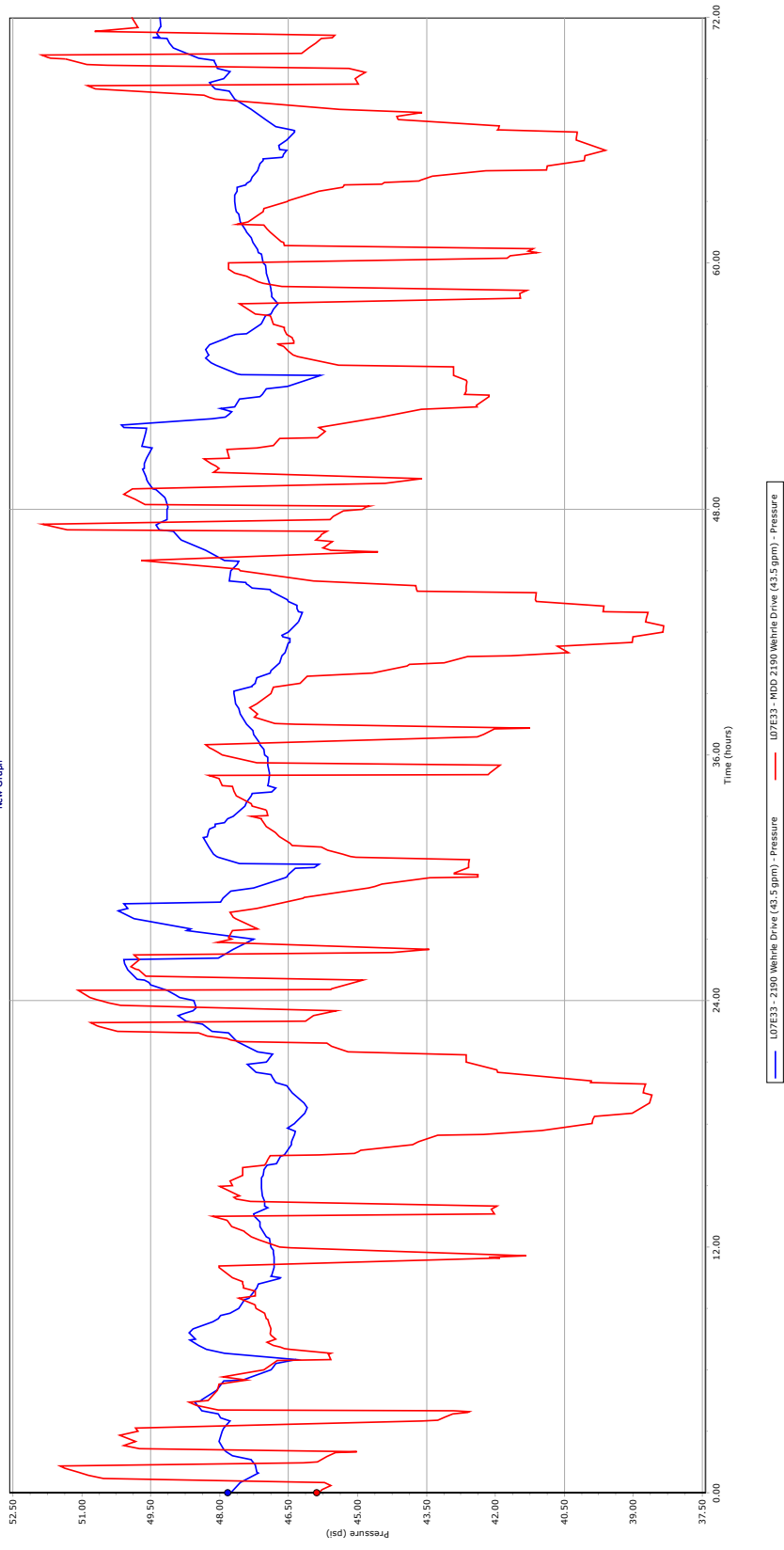


L07E33 - Existing Conditions



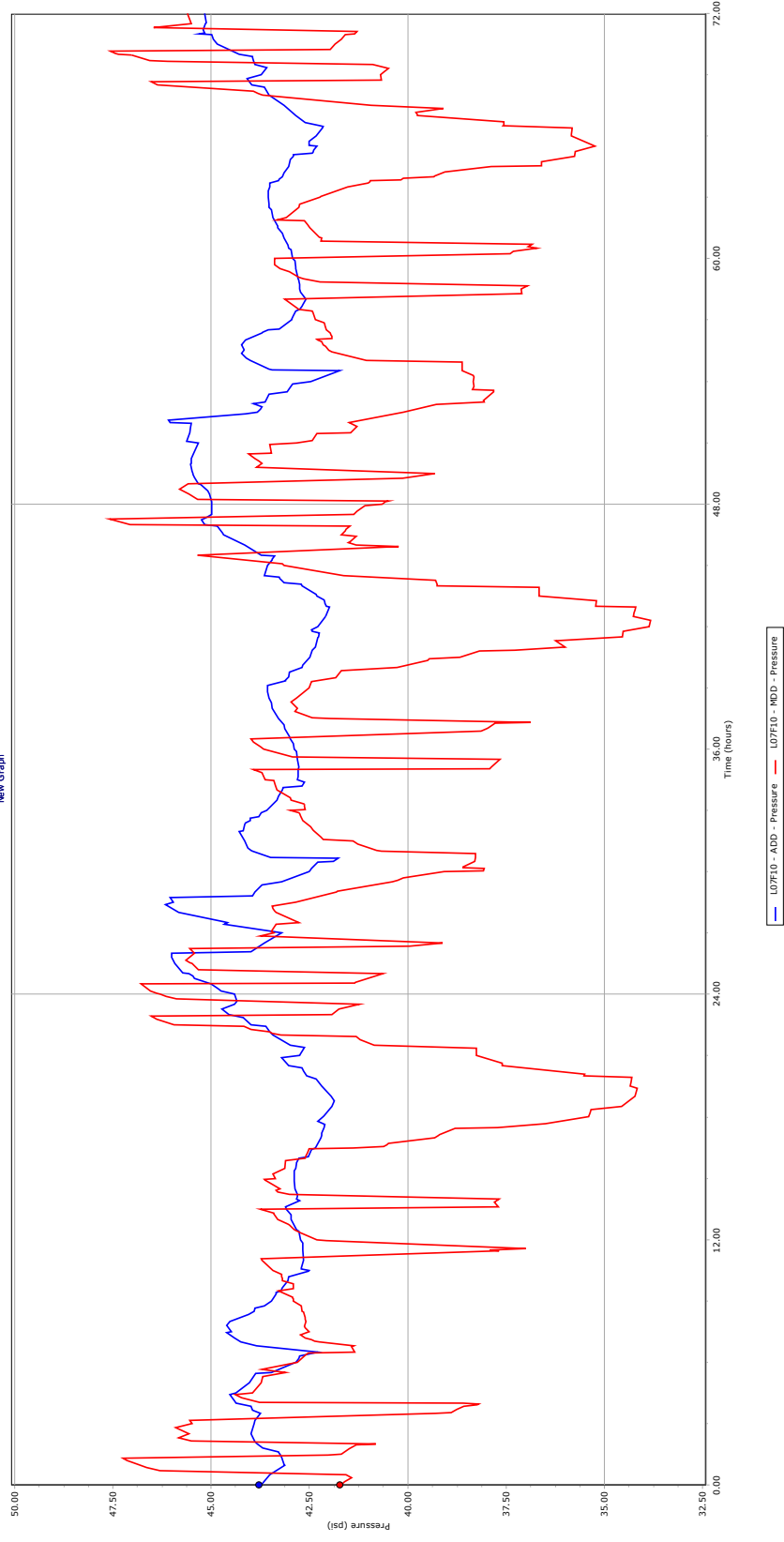
L07E33 - Wehrle Conditions

New Graph

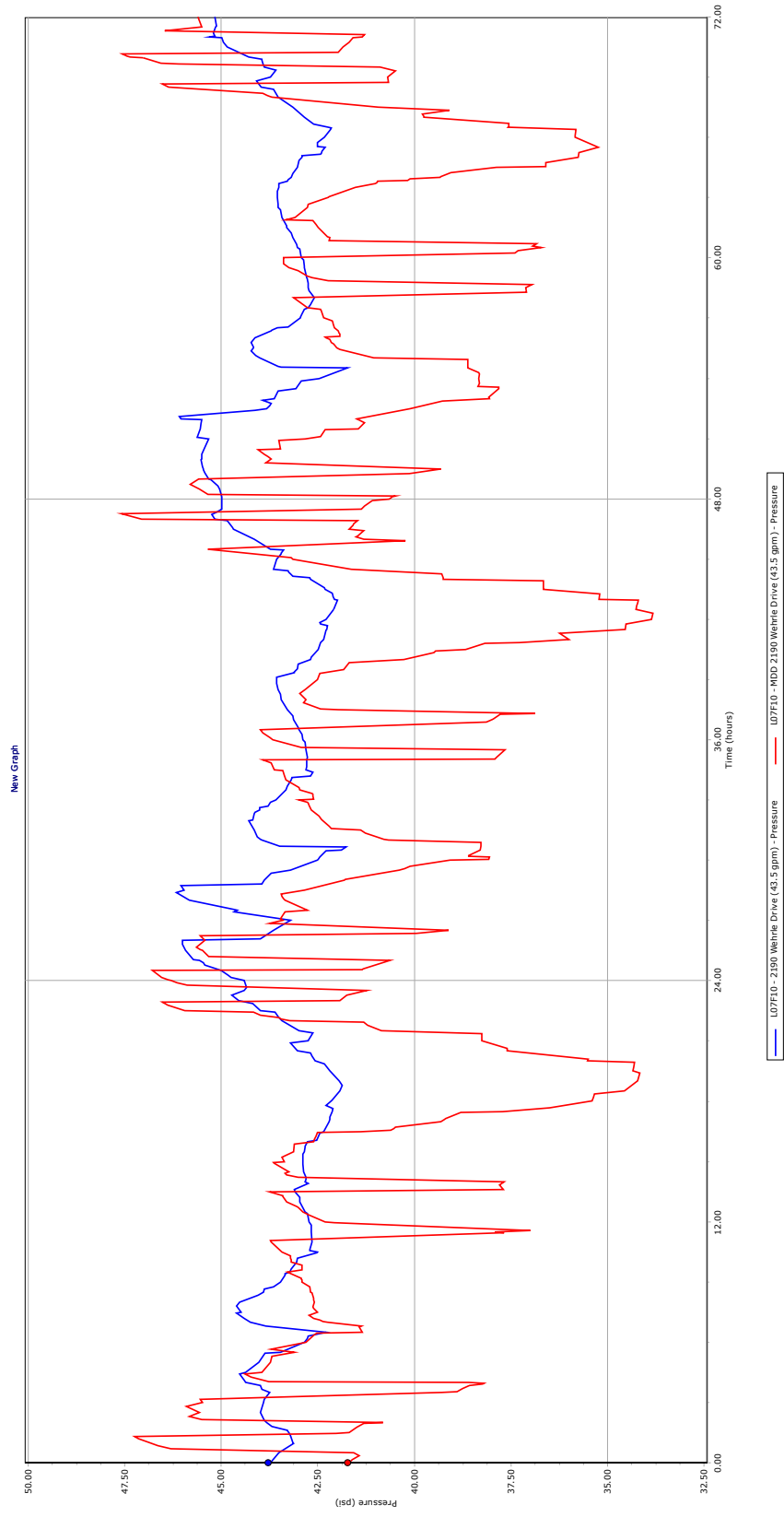


L07F10 - Existing Conditions

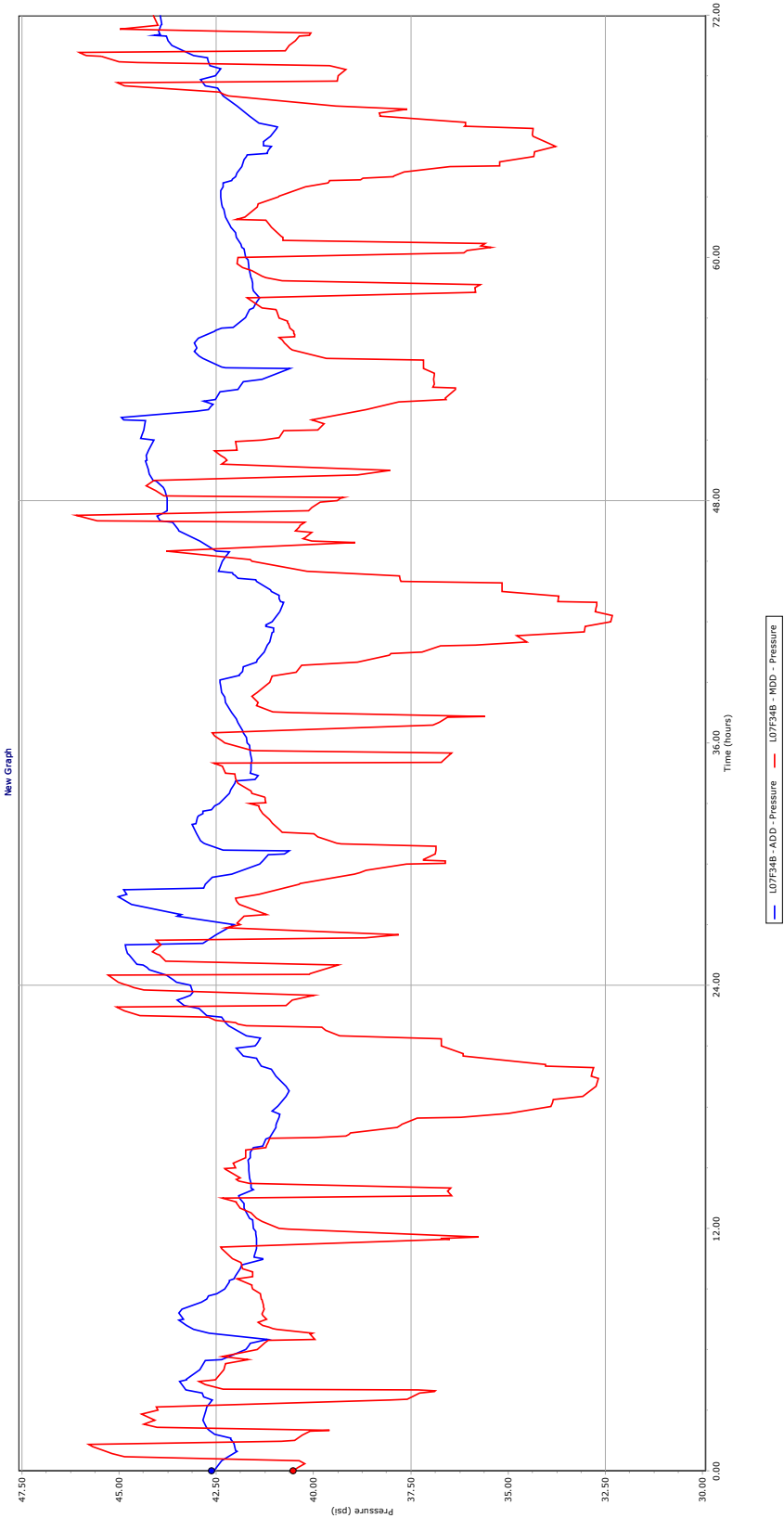
New Graph



L07F10 - Wehrle Conditions

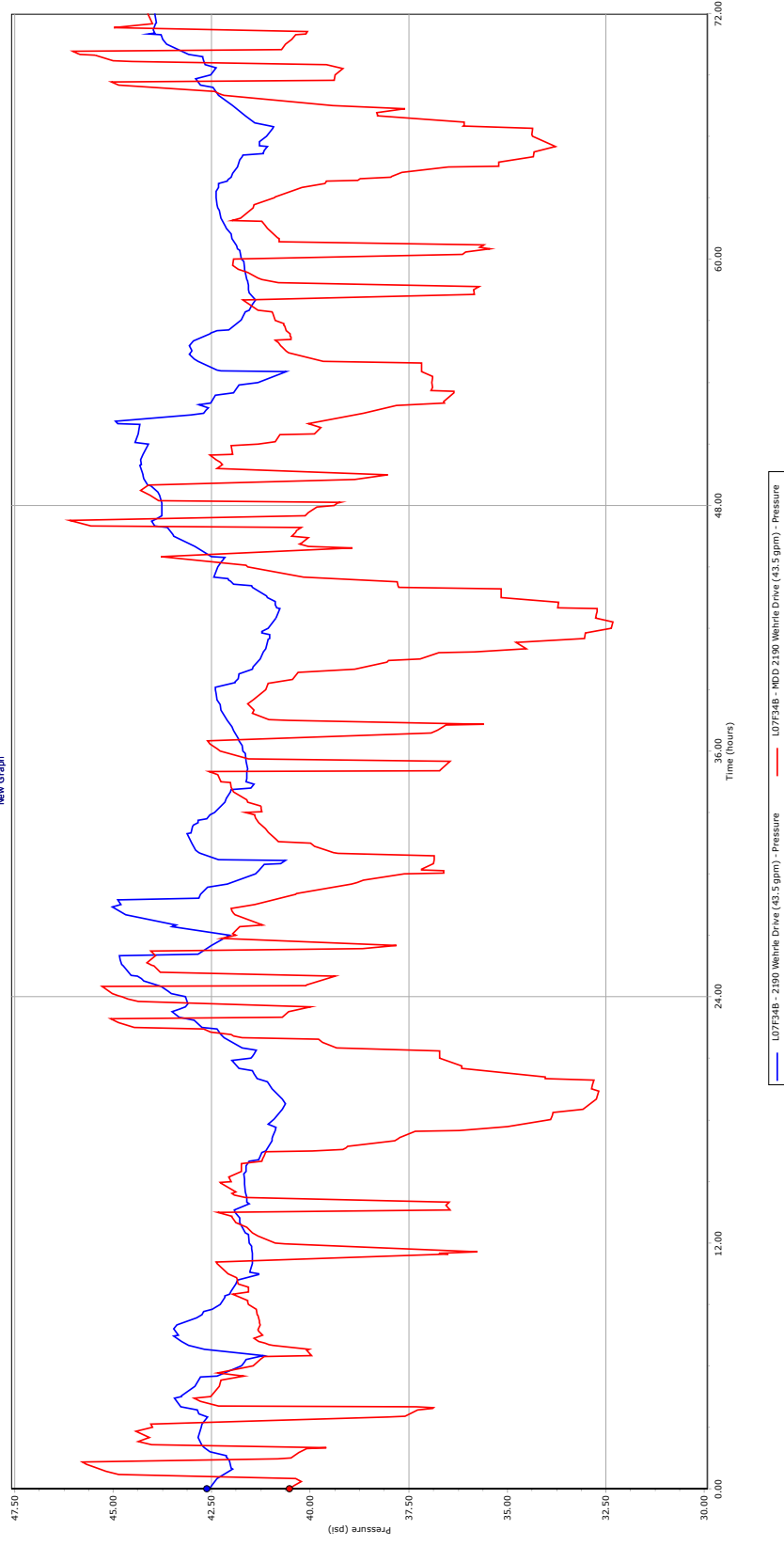


L07F34B - Existing Conditions



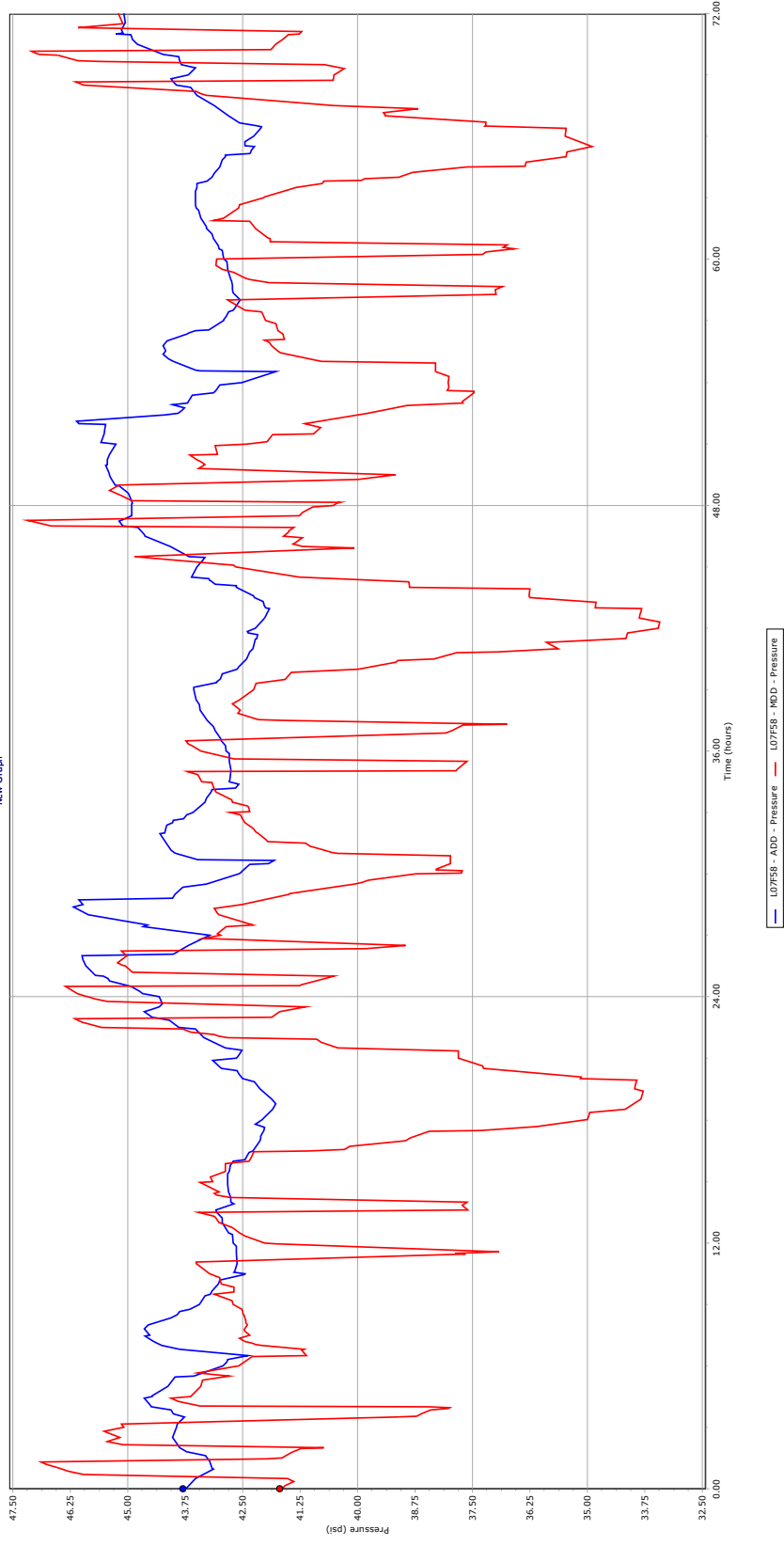
L07F34B - Wehrle Conditions

New Graph



L07F58 - Existing Conditions

New Graph



L07F58 - Wehrle Conditions

New Graph

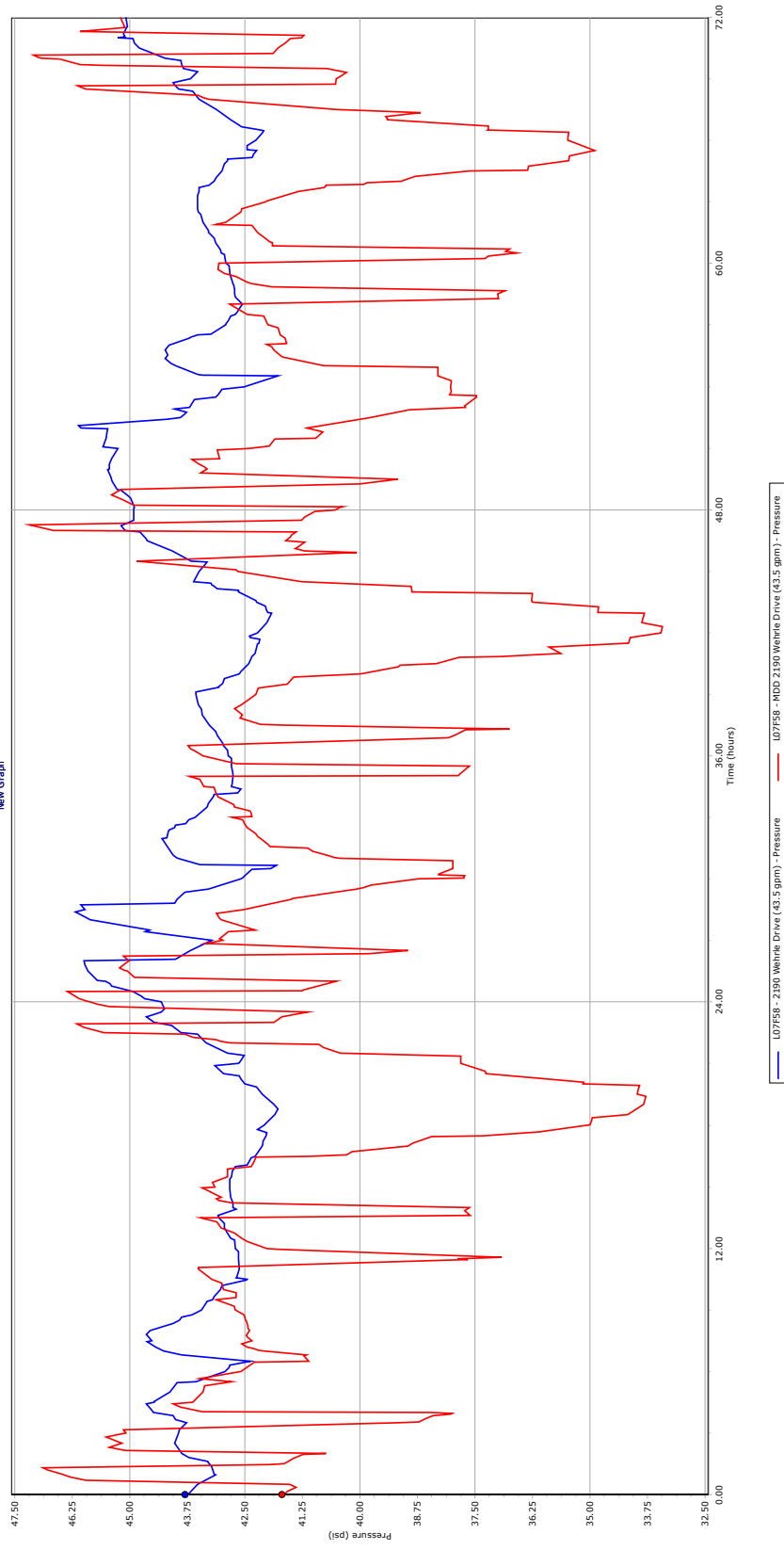


EXHIBIT 16

From: [William W. Wheeler](#)
To: [Patrick Sheedy](#); [Leonard F. Kowalski](#); [Adam R. Massaro](#)
Cc: [Sean Hopkins](#); [Marc A. Bellacose](#); [Michael J. Quinn](#)
Subject: RE: [EXTERNAL] Fw: Young Development - 2190-2220 Wehrle Drive - Comp Plan Amendment [BCPA-2025-01] - Town of Amherst - 10023.18
Date: Tuesday, October 21, 2025 9:37:39 AM
Attachments: [image002.png](#)
[image003.png](#)

Patrick,

ECWA has supplied enough information to determine the impact of the proposed development on the existing water system infrastructure. We have supplied the projected pressure impacts the development would have on the surrounding community (1.5 square mile area) for both average day and maximum day demands. The pressure impacts were minimal under both conditions. In addition to pressure impacts, we provided the projected impacts the development would have on available fire flow. The model predicted a minimal impact to the available fire flow with the addition of the developments water demands. The available fire flows provided are developed through a series of 500 simulations of varying demands while maintaining a residual pressure of >20 psi within ECWA Pressure Zone 0 (~60% of the County). If additional hydraulic analyses are required that is on the Developer or Engineering Consultant as we are not a design firm.

The ECWA evaluates the potential impact of every large project that is submitted for review under SEQR to ensure we can meet our service requirements. If the potential development has a negative impact on the operations of our distribution network those concerns will be identified in our comments under SEQR.

Regards,

-Bill

William W. Wheeler, PE

Director of Planning & Water Supply



Erie County Water Authority

3030 Union Road | Cheektowaga, New York 14227-1097

Direct: (716) 685.8251 | Cell: (716) 440.7447 | wwheeler@ecwa.org

From: Patrick Sheedy <PSheedy@carminawooddesign.com>

Sent: Monday, October 20, 2025 8:59 AM

To: William W. Wheeler <wwheeler@ecwa.org>; Leonard F. Kowalski <lkowalski@ecwa.org>; Adam R. Massaro <amassaro@ecwa.org>

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

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

Bill,

See attached comments from Amherst Engineering, can you review and revise the analysis as needed? Specifically comments 2, 3 and 4.

Thank you,

CARMINAWOOD DESIGN

Patrick Sheedy Jr., P.E. | Senior Associate, Civil Engineering

m. 716.868.3209 o. 716.501.5795

80 Silo City Row Ste 100, Buffalo, NY 14203

Buffalo | Utica | Greensboro

carminawooddesign.com

From: Patrick Sheedy <PSheedy@carminawooddesign.com>

Sent: Friday, October 3, 2025 9:16 AM

To: William W. Wheeler <wwheeler@ecwa.org>; Leonard F. Kowalski <lkowalski@ecwa.org>; Adam R. Massaro <amassaro@ecwa.org>

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

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

Thanks Bill, I will review and let you know if I have any questions.

Thank you,

CARMINAWOOD DESIGN

Patrick Sheedy Jr., P.E. | Senior Associate, Civil Engineering