

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: RAS Development I LLC
Address: c/o Sean Hopkins, Esq.
35 California Drive, Suite 100
Williamsville, New York 14221
City State Zip Code
Phone: 510-4338 Fax: _____
E Mail shopkins@hsr-legal.com

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

From: NCD-SA District
To: NCD-GC District

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

2529, 2535 and 2559 North Forest Road

SBL #: 41.03-1-41.1, 41.03-1.43 and 41.-3-1-44

4. **Area of land to be rezoned (in acres):** 2.44

5. **Owner of Land:**

Name: See attached Authorization Letters
Address: _____
Telephone: _____

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

Name: Sean W. Hopkins, Esq.
Address: 35 California Drive, Suite 100
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

7. Petitioner's interest in property

_____ Option to purchase

_____ Owner

X Other (explain) _____

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

Not Applicable.

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. The legal description of property to be reclassified is attached as Exhibit "2" and copies of the surveys are attached as Exhibit "3". Concept Site Plan attached as Exhibit "4".

10. Said property has the following deed restrictions or Covenants: (attach copy) Not Applicable.

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 120 new units
- B. Distribution of dwelling units by type Attached residential units for lease
- C. Gross Residential Density per acre 29.2 units per acre
- D. Total amount of Open Space Approximately 1.1 acres of green space and landscaping
- E. Proposed Non-Residential Floor Area 2,100 sq. ft. [Clubhouse]

13. Development Schedule:

Start Summer 2027

Finish 2028

Stages (# of) 1

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

The attached residential units will be leased to residential tenants.

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

Greenspace and landscaping will be privately owned and maintained.

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

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

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

See Exhibit 6.

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

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

See Exhibit 6.

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

See Exhibit 6.

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

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

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

See Exhibit 6.

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

See Exhibit 6.

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

See Exhibit 6.

- 17. The petitioner encloses herewith the sum of \$ 1,515.00 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 3rd day of March, 2026

Notary Public, Erie County, New York _____

| |
|---|
| JACQUELINE STAGG NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01ST0025240 Qualified in Erie County Commission Expires May 28, 2028 |
|---|

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.

AUTHORIZATION

Marc A. Romanowski, as counsel for Jordan M. Tinaglia and Brooke H. Tinaglia, as the owners of real property located at 2535 North Forest Road (S.B.L. No. 41.03-1-43) and 2529 North Forest Road (S.B.L. No. 41.03-1-41.1) (collectively “Real Property”) authorizes RAS Development I, LLC to seek the required zoning approvals from the municipal boards of the Town of Amherst for a proposed multifamily project including but not limited to reclassification from NCD-SA to NCD-GC, site plan approval, etc. in connection with the proposed development of the Project Site as a multifamily project.

This authorization does not constitute evidence or acknowledgement of any agreement between the parties, only consent to the submission of zoning applications related to the Real Property.

Date: March 2, 2026

Signature:



Print Name: Marc A. Romanowski, Esq.

AUTHORIZATION

As the owner of real property located at 2559 North Forest Road (S.B.L. No. 41.03-1-44), I authorize RAS Development I, LLC to seek the required approvals and permits from the municipal boards of the Town of Amherst and involved agencies for a proposed multifamily project including but not limited to reclassification from NCD-SA to NCD-GC, site plan approval, etc. in connection with the proposed development of the Project Site as a multifamily project.

Signature:

Print Name:

 2/28/20

Nicholas J. Mozg

**Exhibit 1 – Part 1 of Full Environmental
Assessment Form Prepared Pursuant to
the State Environmental Quality Review
Act (“SEQRA”) with Page 5[a]**

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

| | | |
|--|-------------------------|----------------------------------|
| Name of Action or Project: Proposed Multifamily Project | | |
| Project Location (describe, and attach a general location map): 151 John James Audubon Parkway, 2535 and 2559 North Forest Road - Town of Amherst - Erie County | | |
| Brief Description of Proposed Action (include purpose or need): The project consists of the three parcels listed above as multifamily project consisting of 120 units for lease consisting of two 4-story buildings that is intended to include a 20% workforce housing component along with all related site improvements including but not limited to a clubhouse, parking, landscaping, lighting, a stormwater management system and required utility improvements and connections. The on-site infrastructure will be privately owned and maintained. The parcel at 151 JJ Audubon Parkway is properly zoned NCD-GC and the action includes a request to reclassify the parcels at 2535 and 2559 North Forest Road from NCD-SA to NCD-GC. The proposed action has been defined broadly to include all required approvals and permits needed from the Town of Amherst municipal boards and involved governmental agencies. The proposed project is an Unlisted Action pursuant to SEQRA since none of the impacts cross any of the thresholds for a Type I action. | | |
| Name of Applicant/Sponsor: RAS Development I, LLC | Telephone: 716.908-8322 | E-Mail: robert.savarino@ccim.net |
| Address: 4758 North French Road | | |
| City/PO: Amherst | State: NY | Zip Code: 14051 |
| 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): See Attachment 1 for information on the 3 owners of the parcels. | Telephone: | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

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

| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|--|---|
| a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Planning Board - Site Plan Approval | To be Determined |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Town Board - Reclassification of Portion of the Project Site from NCD-SA to NCD-GC | March 2026 |
| c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Building Dept - Demolition Permits and Building Permit | To be Determined |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | ECWA - Water Approval | To be Determined |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | SPDES Permit and DSCA Approval | To be Determined |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

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

If Yes, identify the plan(s):

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?
NCD-GC (151 John James Audubon Parkway) & NCD-SA (2559 & 2535 North Forest Road)

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? NCD-GC (2559 & 2535 North Forest Road)

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?
Amherst Police

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

d. What parks serve the project site?
Walton Woods Park

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 consisting of apartments for lease.

b. a. Total acreage of the site of the proposed action? 3.82 acres
b. Total acreage to be physically disturbed? 3.82 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.82 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? 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 | _____ | _____ | _____ | 120 |
| At completion of all phases | _____ | _____ | _____ | 120 |

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

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: Stormwater management
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Underground stormwater management system.

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: _____ 26,400 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: ECWA Consolidated Water District
 • 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: _____ 26,400 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 Sewer

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 Waste Water Treatment Plant
 • Name of district: Town of Amherst Consolidated Sewer District
 • Does the existing wastewater treatment plant have capacity to serve the project? Yes No
 • Is the project site in the existing district? Yes No
 • Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 2.80 acres (impervious surface)
 _____ Square feet or 3.82 acres (parcel size)
 ii. Describe types of new point sources. Stormwater runoff from impervious surfaces.

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)?
On-site stormwater management system.

• If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (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 Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

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 1/2 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: _____

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

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.

| | |
|--|---|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 to 6:00 _____ • Saturday: _____ 8:00 to 5:00 _____ • Sunday: _____ Not Applicable _____ • Holidays: _____ Not Applicable _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Not Applicable [Residential Project]</u> _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ |
|--|---|

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:
Temporary and unavoidable noise impacts resulting from construction equipment.

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:
Residential lighting per the standards set forth in the Town of Amherst Zoning Ordinance

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) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:
 Office, commercial, municipal facilities, single family residential, multi-family 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 | 0.85 | 2.80 | + 1.95 |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: <u>greenspace/landscaping</u> | 2.97 | 1.02 | - 1.95 |

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Amherst Center for Senior Services _____

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

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 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: cosad loamy fine sand _____ 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: _____ > 5 feet

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

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
If Yes:
i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

 Typical suburban species _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____
 Spiny Softshell

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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District | |
| <i>ii.</i> Name: _____ | |
| <i>iii.</i> Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? | |
| If Yes: | |
| <i>i.</i> Describe possible resource(s): _____ | |
| <i>ii.</i> Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Identify resource: _____ | |
| <i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ | |
| <i>iii.</i> Distance between project and resource: _____ miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Identify the name of the river and its designation: _____ | |
| <i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

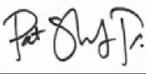
Attach any additional information which may be needed to clarify your project.

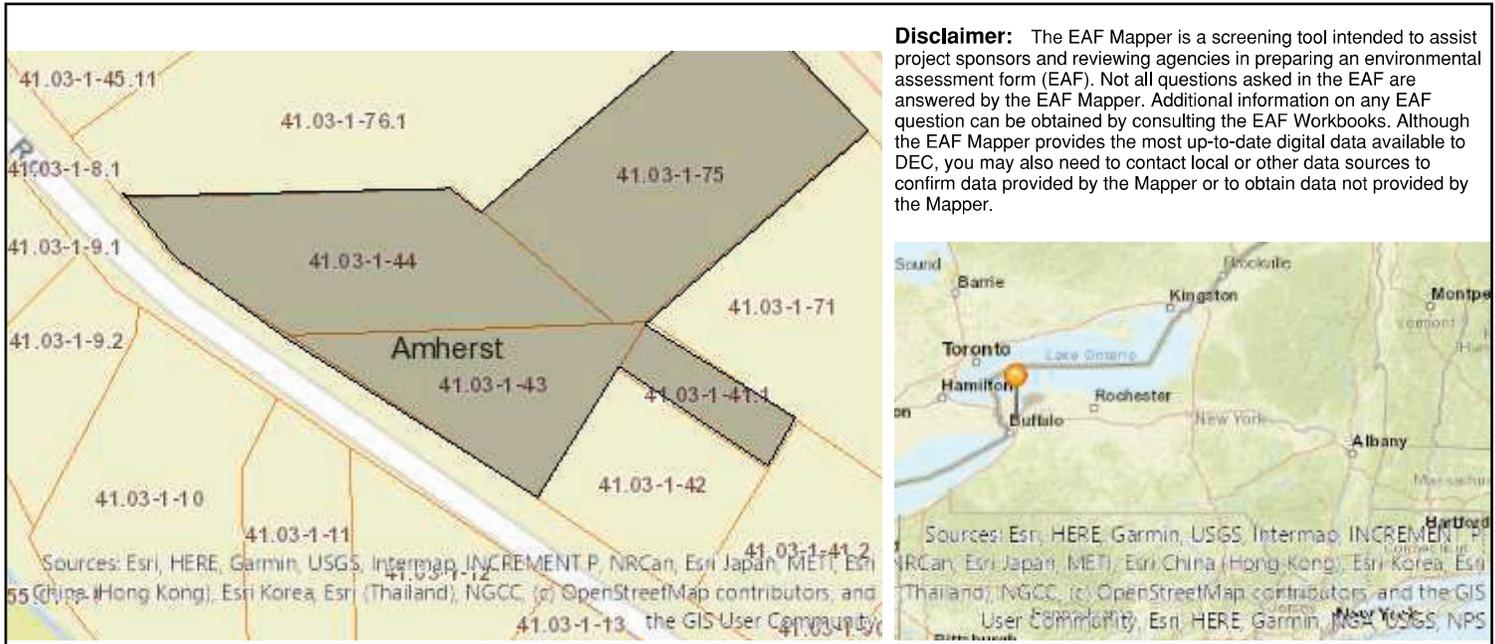
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name RAS Development I LLC Date March 3, 2026

Signature  Title Project Engineer



| | |
|--|--|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | 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] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.h.ii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | Yes |
| 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] | Yes |
| E.2.p. [Rare Plants or Animals - Name] | Spiny Softshell |
| 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 |

TOWN OF AMHERST
 State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305*):

| Soil Name | Shallow excavations | Dwellings without basements | Dwellings with basements | Small commercial buildings | Local roads and streets |
|-----------------------|---------------------|-----------------------------|--------------------------|----------------------------|-------------------------|
| Cosad loamy fine sand | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

2. Is your property located: On Youngs Road between Dodge and Klein Roads? Yes No
 On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? Yes No

If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

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

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

5. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: Yes No

Describe 2635 North Forest Road "The Frazier"

(Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 74
 Source: ITE Trip Generator

7. Will blasting occur during construction? Yes No

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

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
26,400 gpd average flow 105,600 gpd peak flow.

(Average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

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

**ATTACHMENT 1 OF PART 1 OF THE FULL ENVIRONMENTAL ASSESSMENT
FORM - OWNERS OF PARCELS COMPRISING THE PROJECT SITE**

2559 North Forest Road
SBL No. 41.03-1-44
Owner: Nicholas J. Mozg

2529 & 2535 North Forest Road
SBL No. 41.03-141.1 & 41.03-1-43
Owners: Jordan M. Tinaglia and Brooke H. Tingalia

151 John James Audubon Parkway
SBL No. 41.03-1-75
Owner: Rebel Realty LLC

**Exhibit 2 – Legal Description of
Property to be Reclassified from
NCD-SA to NCD-GC**

EXHIBIT 2

**LEGAL DESCRIPTION OF PROPERTY TO BE RECLASSIFIED FROM NCD-SA TO
NCD-GD – 2529, 2535 AND 2559 NORTH FOREST ROAD**

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Amherst, County of Erie and State of New York being part of Lots 68, 69 and 75, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the southwest line of John James Audubon Parkway (160.0 feet wide) with the southeast line of lands conveyed to Rebel Realty II LLC by deed recorded in the Erie County Clerk's Office in Liber 11355 of Deeds at Page 206;

THENCE Radially, S 48°53'16" W, along the said southeast line of Rebel Realty II LLC lands, a distance of 326.08 feet to the northeast line of lands conveyed to Jordan M. Tinaglia and Brook H. Tinaglia by deed recorded in the Erie County Clerk's Office in Liber 11325 of Deeds at Page 2980, Parcel "B";

THENCE Southeasterly, along the said northeast line of Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 199.96 feet to an easterly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Southwesterly, along a southeast line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 58.50 feet to a southerly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Northwesterly, along a southwest line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 200.00 feet to a southerly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Southwesterly, along a southeast line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 200.00 feet to the centerline of North Forest Road (66.0 feet wide);

THENCE Northwesterly, along the said centerline of North Forest Road, a distance of 533.45 feet to an angle point in the centerline of North Forest Road;

THENCE Northwesterly, continuing along the centerline of North Forest Road, forming an interior angle of 161°46'25" with the previous course, a distance of 44.95 feet to the north line of lands conveyed to Nicholas J. Mozg by deed recorded in the Erie County Clerk's Office in Liber 11311 of Deeds at Page 2474;

THENCE Easterly, along the said north line of Nicholas J. Mozg lands, a distance of 400.76 feet to the northeast corner of said Nicholas J. Mozg lands;

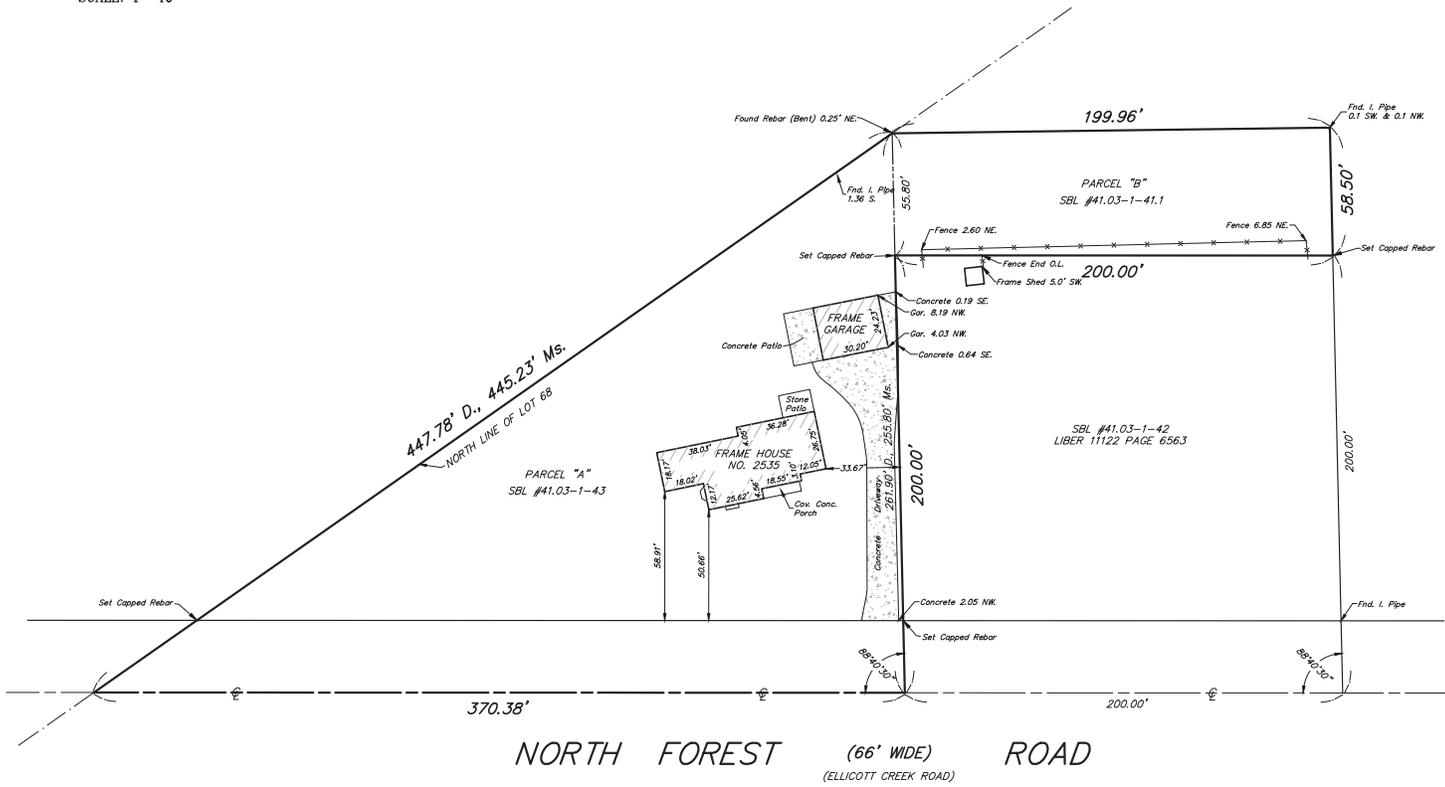
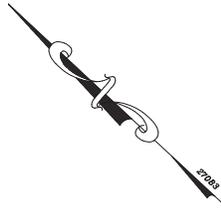
THENCE Southeasterly, along the northeast line of said Nicholas J. Mozg lands, a distance of

38.18 feet to the northwest line of said Rebel Realty II LLC lands;
THENCE North $48^{\circ}53'16''$ East, along the said northwest line of Rebel Realty II LLC lands, a distance of 390.37 feet to the said southwest line of John James Audubon Parkway;

THENCE Southeasterly, along the said southwest line of John James Audubon Parkway along a curve to the left having a radius of 2,730.00, an arc distance of 132.91 feet to a point of reverse curvature;

THENCE Southeasterly, along the said southwest line of John James Audubon Parkway along a curve to the right having a radius of 920.00, an arc distance of 67.33 feet to the POINT OR PLACE OF BEGINNING.

**Exhibit 3 – Reduced Size Copy of Surveys
of 2592 & 2535 North Forest Road, 2559
North Forest Road & 151 John James
Audubon Parkway**



LEGEND

- | | |
|---|--|
| <ul style="list-style-type: none"> ○ UTILITY / SERVICE POLE ⊕ WATER LINE VALVE ⊕ FIRE HYDRANT ⊕ D.I. (DROP INLET - STORM) ⊕ MANHOLE (STORM) ⊕ MANHOLE (ELECTRIC) ⊕ MANHOLE (TRAFFIC) ⊕ MANHOLE (SANITARY) ⊕ MANHOLE (TELEPHONE) ⊕ GASLINE MARKER ⊕ GAS LINE VALVE ⊕ LIGHT STANDARD ⊕ SIGN H.C. HANDICAP | <ul style="list-style-type: none"> R.O.W. RIGHT OF WAY CONC. CONCRETE INV. INVERT M.H. MANHOLE — GAS LINE — WATER LINE — TELEPHONE LINE — ELECTRIC LINE — UTILITY LINES — CABLE LINES D. DEED M. MEASURED L. LIBER P. PAGE |
|---|--|

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 6368 Deeds P.319 & Liber 5322 Deeds P.16
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

| | | |
|---|--|--|
| <p>THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE MAP ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Brooke H. Tinaglia</p> <p><i>Christopher J. Barr</i></p> <p>CHRISTOPHER J. BARR NYSPLS No. 051088</p> | <p>©COPYRIGHT 2023 BY:</p> <p>TRUE NORTH</p> <p>LAND SURVEYING, PLLC</p> <p>150 AERO DRIVE BUFFALO, NEW YORK 14225 (716)631-5140 ~ Truenorthpllc@aol.com</p> | <p>AMEND:</p> <p>SURVEY DATE: 2-1-23</p> <p>DRAWING DATE: 2-14-23</p> <p>SCALE: 1" = 40'</p> <p>"ALL RIGHTS RESERVED"</p> <p>THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.</p> |
| | <p>PART OF LOT 68 SECTION 12 TOWNSHIP 7 RANGE 7 OF THE Holland Land Company's SURVEY - Erie COUNTY, N.Y.</p> <p>SURVEY OF: 2529 & 2535 North Forest Road, Town of Amherst</p> | |

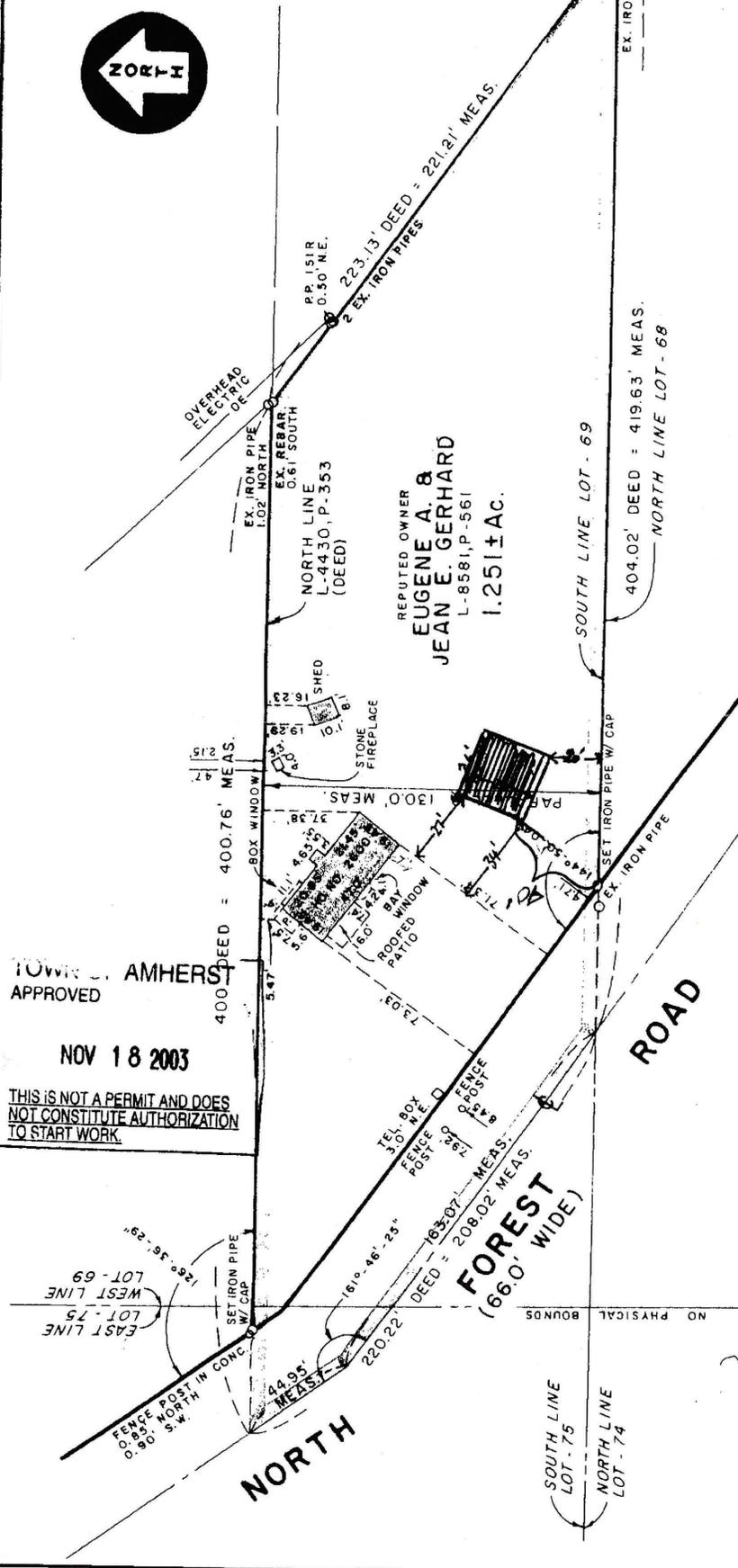


TOWN OF AMHERST
APPROVED

NOV 18 2003

THIS IS NOT A PERMIT AND DOES
NOT CONSTITUTE AUTHORIZATION
TO START WORK.

EAST LINE
WEST LINE
LOT - 69
LOT - 75
SET IRON PIPE
W/ CAP
FENCE POST IN CONC.
0.85' NORTH
0.90' S.W.



REPUTED OWNER
**EUGENE A. &
JEAN E. GERHARD**
L-8581, P-561
1.251± AC.

MCINTOSH & MCINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
LOCKPORT, NEW YORK
BUFFALO, NEW YORK
PHONE 434-9138

SURVEY OF PART OF LOTS-69 & 75, TWP.-12, R.-7, HOLLAND PURCHASE
LOCATION **TOWN OF AMHERST, ERIE COUNTY, NEW YORK**

JOB No. **6362** SCALE: **1" = 50'** DATE **JULY 22, 1997**
DRAWN *Fred*
COMP. **J.E.M. III**
DESC.
CHECKED

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND WITHOUT AN EXAMINATION OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

| RESURVEYED | REVISION |
|---------------|----------|
| JUNE 30, 1998 | |

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7159 PAR. 2 OF THE NEW YORK STATE EDUCATION LAW

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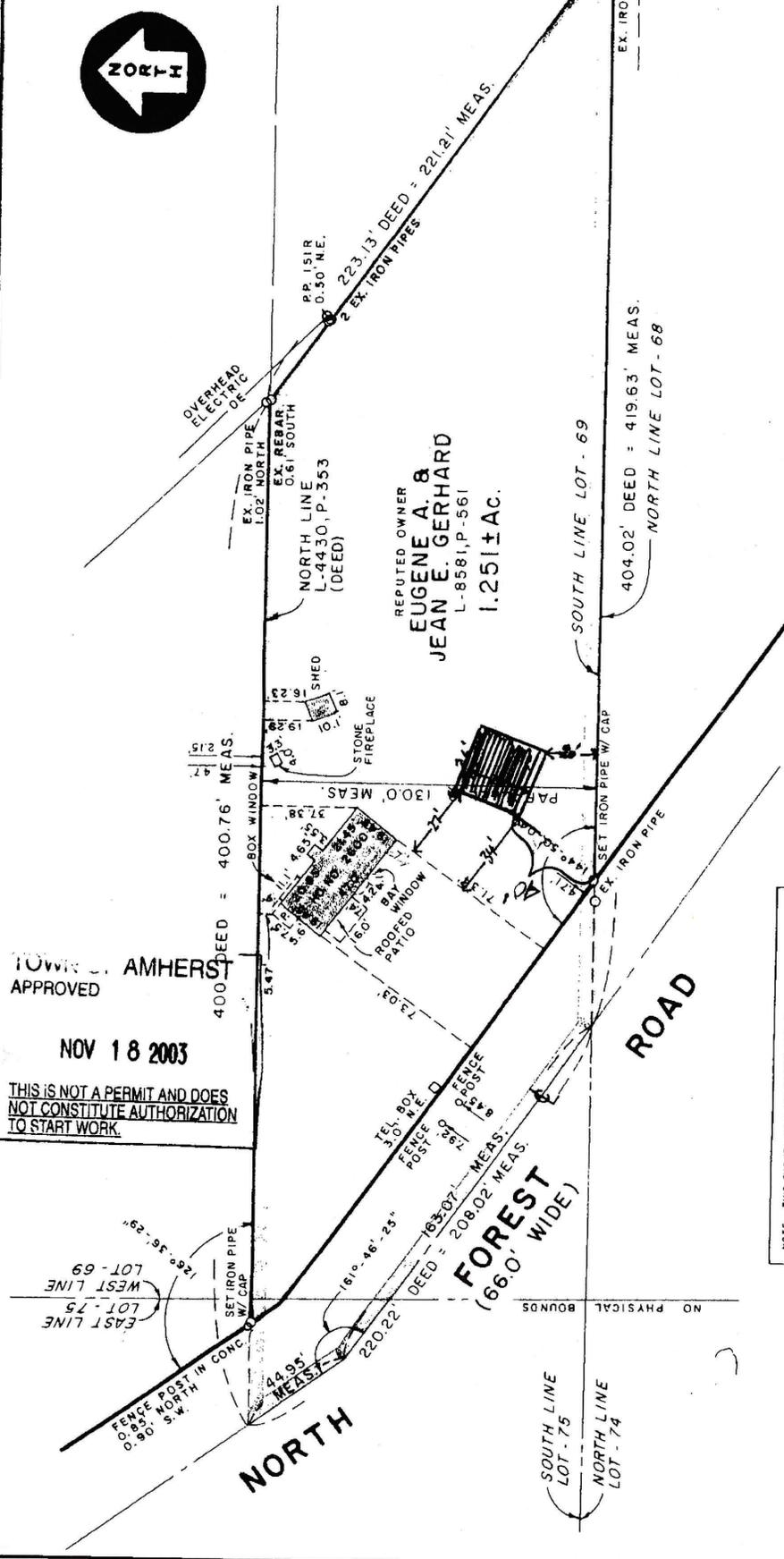


TOWN OF AMHERST
APPROVED

NOV 18 2003

THIS IS NOT A PERMIT AND DOES
NOT CONSTITUTE AUTHORIZATION
TO START WORK.

EAST LINE
WEST LINE
126'-36"-29"
SET IRON PIPE
W/ CAP
FENCE POST IN CONC.
0.85' NORTH
0.90' S.W.



REPUTED OWNER
**EUGENE A. &
JEAN E. GERHARD**
L-8581, P-561
1.251± AC.

MCINTOSH & MCINTOSH, P.C.
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PHONE 625-8360
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SURVEY OF PART OF LOTS-69 & 75, TWP.-12, R.-7, HOLLAND PURCHASE
LOCATION **TOWN OF AMHERST, ERIE COUNTY, NEW YORK**

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| RESURVEYED | REVISION |
|---------------|----------|
| JUNE 30, 1998 | |

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**Exhibit 4 – Reduced Size Copy of the
Concept Site Plan as Prepared by
Carmina Wood Design [Drawing C-100
– Date: 03/03/26] – [Note: Full size
copy of the Concept Site Plan also
attached to this Application]**

**Exhibit 5 – Responses to Questions
11A & 11B of the Application**

EXHIBIT 5

**APPLICATION TO RECLASSIFY 2529, 2535 and 2559
NORTH FOREST ROAD FROM NCD-SA TO NCD-GC**

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

Response to

Question 11(A): The layout of the proposed multifamily project to be located at 2529, 2535 and 2559 North Forest Road and 151 John James Audubon Parkway (collectively the “Project Site”) is depicted on the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design. A full size copy of the Concept Site Plan [Drawing C-100] is attached to this Application and a reduced size copy is also provided at Exhibit “4”. The layout of the proposed multifamily project consists of two 4-story buildings consisting of 72 units and 48 units [total of 120 units] for lease with related site improvements as depicted on the Concept Site Plan.

It is important to mention that the layout of the proposed multifamily project as depicted on the Concept Site Plan provided is not meant to represent the final layout of the proposed project since modifications may be necessary based on the project review process and the preparation of fully engineered plans in connection with the future Site Plan Application review process.

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

Response to

Question 11(B)(1): The Project Site is an appropriate location for the proposed multifamily project given its location on John James Audubon Parkway in an area that consist of a mixture of uses on parcels zoned New Community District (“NCD”) with various use classifications. The parcel at 151 John James Audubon Parkway is zoned NCD-GC. A color excerpt of the Town’s Zoning Map illustrating that the predominant zoning classification of the properties in the vicinity of the Project Site is NCD-GC is attached as Exhibit “7”.

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

Response to

Question 11(B)(2): The parcels at 2529, 2535 and 2559 North Forest Road are currently zoned NCD-SA. The allowable uses of property zoned NCD-SA are extremely limited given that the NCD-SA zoning classification is outdated classification from more than 50 years ago that was intended for agricultural uses in rural areas.

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

Response to

Question 11(B)(3): The requested reclassification of a portion of the Project Site from NCD-SA to NCD-GC to accommodate the proposed multifamily project will not result in any potentially significant adverse impacts on surrounding properties. A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is attached as Exhibit “1”. The proposed project is an Unlisted Action pursuant to SEQRA.

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

Response to

Question 11(B)(4): The proposed multifamily project will generate substantial annual property taxes to be received by taxing jurisdictions. The proposed multifamily project will not generate a substantial demand for educational services.

**Exhibit 6 – Responses to Questions 16A, 16B,
16D & 16E of the Application**

EXHIBIT 6

**APPLICATION TO RECLASSIFY 2529, 2535 and 2559
NORTH FOREST ROAD FROM NCD-SA TO NCD-GC**

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 request to reclassify 2529, 2535 and 2559 North Forest Road from NCD-SA to NCD-GC to accommodate the proposed multifamily project on the approximately 3.82 acres of property at 2529, 2535 and 2559 North Forest Road and 151 John James Audubon Parkway (collectively the “Project Site”) consisting of attached units for lease is consistent with the adopted Bicentennial Comprehensive Plan. The parcel at 151 John James Audubon Parkway is properly zoned NCD-GC.

The layout of the proposed multifamily project to be located at 2529, 2535 and 2559 North Forest Road and 151 John James Audubon Parkway (collectively the “Project Site”) is depicted on the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design. A full size copy of the Concept Site Plan [Drawing C-100] is attached to this Application and a reduced size copy is also provided at Exhibit “4”. The layout of the proposed multifamily project consists of two 4-story buildings consisting of 72 units and 48 units [total of 120 units] for lease with related site improvements as depicted on the Concept Site Plan.

The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the

Town Board.¹ In December of 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The Comprehensive Plan is intended to guide future growth and redevelopment in the Town.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and it depicts the properties in the vicinity of the Project Site as being appropriate for “Medium Residential” and “Commercial Office” uses. The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst. The Medium Residential land use category is described on Page 3-32 of Chapter 3 of the Comprehensive Plan as follows:

“Medium Residential (12 to 60 units/acre): Medium Residential comprises the relatively small proportion of the Town's housing stock devoted to multi-family, largely rental apartment housing. Although longstanding policy has tended to favor low-density, single-family residential use, recent development trends have seen a substantial increase in the amount of new multi-family housing. The need for higher density housing will grow along with the component of the population that will increasingly choose smaller housing types, including retirees, empty nesters, singles, and other smaller household types.”

The density of the proposed multifamily project that will be accommodated if the relevant portion of the Project Site is reclassified from NCD-SA to NCD-GC is 29.2 units per acre and such is consistent with the allowable density for the Medium Residential category.

¹ A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

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 adopted Comprehensive Plan does not need to be amended to accommodate the requested reclassification of a portion of the Project Site from NCD-SA to NCD-GC.

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 reclassification of a portion of the Project Site from NCD-SA to NCD-GC to accommodate the proposed multifamily 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 (13) 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 project will be consistent with the objective of protecting the character and value of existing land uses and represents orderly and beneficial development.

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

Response: The proposed project is consistent with this objective.

C. To prevent overcrowding of land;

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

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

Response: The proposed project will not result in an excessive concentration of population. The proposed project is not an example of uncoordinated development.

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

Response: The requested reclassification of a portion of the Project Site from NCD-SA to NCD-GC and the proposed multifamily project are 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 Site Plan review process will trigger the need for an Engineer's Report and SWPPP 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 proposed multifamily project will not be inconsistent with this objective.

- 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 Site Plan will result in a multifamily project that is aesthetically harmonious with nearby areas and structures.

- 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 multifamily project will not result in any potentially significant traffic impacts. Driveways connections will be provided onto North Forest Road, which is an Erie County Highway and Audubon Parkway, which is a Town Highway. The potential traffic impacts of the proposed project will be evaluated in connection with the coordinated environmental review of the project pursuant to SEQRA.

- 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.

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 proposed reclassification of a portion of the Project Site from NCD-SA to NCD-GC is consistent with this objective since the project is generally consistent with the recommended land use category of “Mixed Residential” of parcels in the vicinity of the Project Site as well as the planning objectives and policies in the Comprehensive Plan.

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

Response: The proposed multifamily project is consistent with this objective.

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

Response: The proposed multifamily 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 proposed project is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood as well as recent land use decisions involving reclassification of NCD-SA zoned parcels in the vicinity of the Project Site.

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

Response to

Question 16(D): The Project Site is not suitable for agricultural uses allowed in the NCD-SA district given its size, location and nearby land uses. There is not demand for the existing office space in the building at 151 John James Audubon Parkway and as such repositioning of this parcel for multifamily purposes will be beneficial to the Town.

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 requested reclassification of the a portion of Project Site from NCD-SA to NCD-GC to accommodate the proposed multifamily project will have positive impacts on the balance of uses in the Town since there is demand for upscale attached residential units for lease in the Town. There is not currently demand for development on parcels NCD-SA, which is an outdated zoning classification from more than 50 years ago.

**Exhibit 7 – Excerpt of the relevant
portion of the Zoning Map**

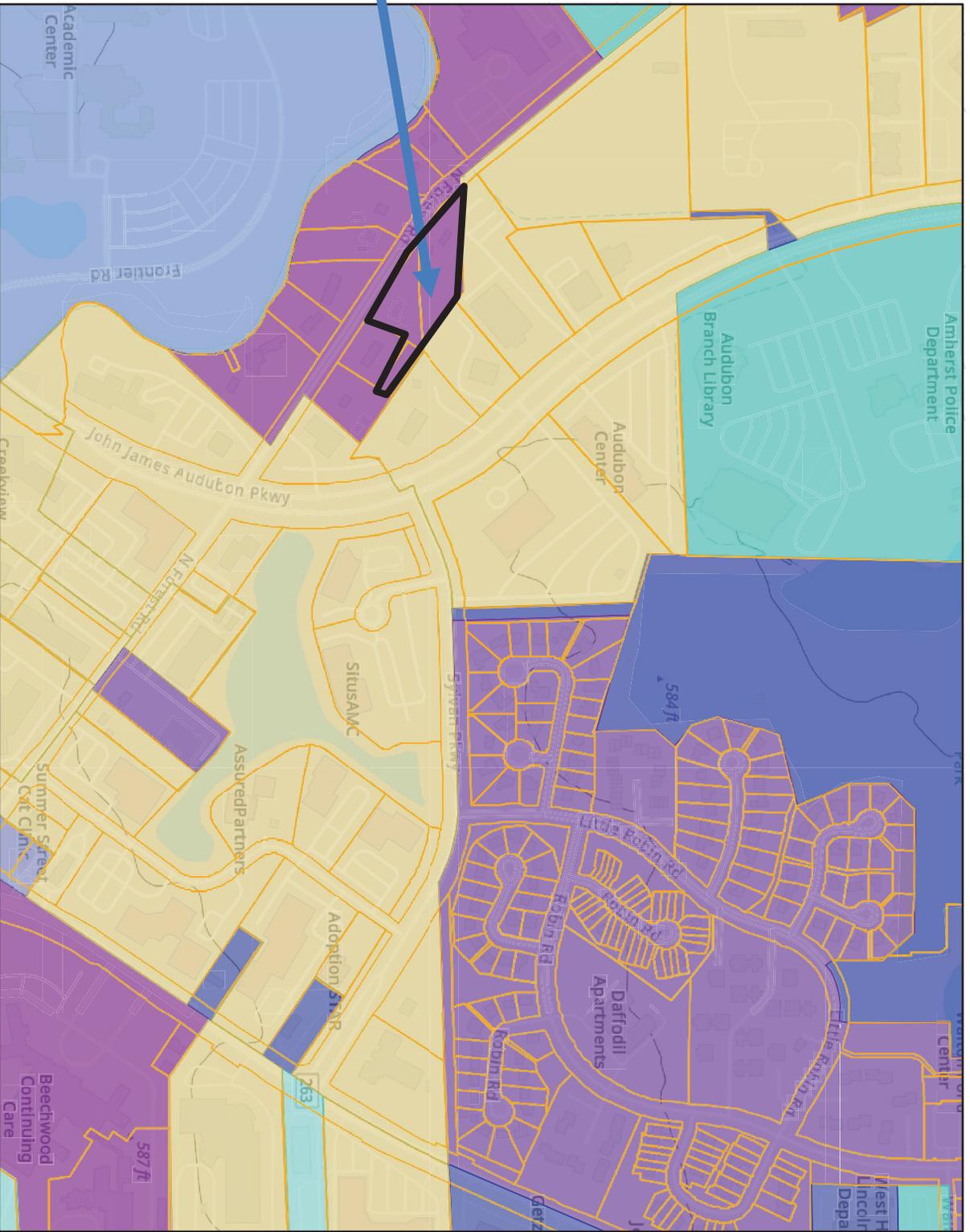
Town of Amherst Map



Legend

- Village of Williamsville
- Town of Amherst
- Parcels

2529, 2535
& 2559 North
Forest
Road – Zoned
NCD-SA



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Produced by: Town of Amherst GIS

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Exhibit 8 – Draft Local Law

LOCAL LAW NO. __-2026

**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 RECLASSIFY
2529, 2535 and 2559 NORTH FOREST ROAD FROM NCD-SA TO NCD-GC AND
TO AMEND THE AUDUBON DEVELOPMENT PLAN AND TO AMEND THE
ZONING MAP ACCORDINGLY.**

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Reclassify 2529, 2535 and 2559 North Forest Road from NCD-SA to NCD-GC and to Amend The Audubon Development Plan 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 reclassify 2529, 2535 and 2559 North Forest Road from NCD-SA to NCD-GC and Amend the Audubon Development Plan 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/reclassification and the amendment of the Audubon Development Plan is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby: 1.) amends its Zoning Map which is incorporated by reference in the Town Zoning Code by reclassifying from NCD-SA to NCD-GC the parcel at 2529, 2535 and 2559 North Forest Road; and 2.) amending the Audubon Development Plan, both being **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Amherst, County of Erie and State of New York being part of Lots 68, 69 and 75, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the southwest line of John James Audubon Parkway (160.0 feet wide) with the southeast line of lands conveyed to Rebel Realty II LLC by deed recorded in the Erie County Clerk's Office in Liber 11355 of Deeds at Page 206;

THENCE Radially, S 48°53'16" W, along the said southeast line of Rebel Realty II LLC lands, a distance of 326.08 feet to the northeast line of lands conveyed to Jordan M. Tinaglia and Brook H. Tinaglia by deed recorded in the Erie County Clerk's Office in Liber 11325 of Deeds at Page 2980, Parcel "B";

THENCE Southeasterly, along the said northeast line of Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 199.96 feet to an easterly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Southwesterly, along a southeast line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 58.50 feet to a southerly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Northwesterly, along a southwest line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 200.00 feet to a southerly corner of said Jordan M. Tinaglia and Brook H. Tinaglia lands;

THENCE Southwesterly, along a southeast line of said Jordan M. Tinaglia and Brook H. Tinaglia lands, a distance of 200.00 feet to the centerline of North Forest Road (66.0 feet wide);

THENCE Northwesterly, along the said centerline of North Forest Road, a distance of 533.45 feet to an angle point in the centerline of North Forest Road;

THENCE Northwesterly, continuing along the centerline of North Forest Road, forming an interior angle of 161°46'25" with the previous course, a distance of 44.95 feet to the north line of lands conveyed to Nicholas J. Mozg by deed recorded in the Erie County Clerk's Office in Liber 11311 of Deeds at Page 2474;

THENCE Easterly, along the said north line of Nicholas J. Mozg lands, a distance of 400.76 feet to the northeast corner of said Nicholas J. Mozg lands;

THENCE Southeasterly, along the northeast line of said Nicholas J. Mozg lands, a distance of 38.18 feet to the northwest line of said Rebel Realty II LLC lands;
THENCE North 48°53'16" East, along the said northwest line of Rebel Realty II LLC lands, a distance of 390.37 feet to the said southwest line of John James Audubon Parkway;

THENCE Southeasterly, along the said southwest line of John James Audubon Parkway along a curve to the left having a radius of 2,730.00, an arc distance of 132.91 feet to a point of reverse curvature;

THENCE Southeasterly, along the said southwest line of John James Audubon Parkway along a curve to the right having a radius of 920.00, an arc distance of

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**