



Application to Rezone 9030 and 9040
Transit Road from R-3 to OB
Applicant: Bevilacqua Development LLP
Date: June 22, 2026

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2026- Acreage 1.51 Fee \$ \$1,265.00

Address Verified by
Assessor's Office _____
VERIFIED BY DATE

Materials Accepted by
Town Clerk & Fee Paid _____
ACCEPTED BY DATE

Materials Checked by
Building Dept. _____
RECEIVED BY DATE

Materials Received by
Planning Dept. _____
RECEIVED BY DATE

Fill In
Applicable Fees

2 ACRES OR LESS \$1,250 \$1,250.00

2 – 20 ACRES
\$1,250 + \$250/acres or fraction
thereof over 2 acres _____

20 – 30 ACRES
\$5,700 + \$150/acre or fraction
thereof over 20 acres _____

OVER 30 ACRES
\$6,900 + \$75/acre or fraction
thereof over 30 acres _____

Request for Relief of/Change to Conditions
of Zoning Approval \$ 1,200 _____

AFFIDAVIT FEE FOR PUBLIC HEARING \$ 15.00 \$15.00

TOTAL FEE: \$ 1,265.00

[Note: A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "1" of this Application. The draft Local Law of the rezoning of the Project Site is provided at Exhibit "9".]

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Bevilacqua Development LP
Address: c/o Jonathan Bevilacqua, Esq.
9232 Transit Road, Suite B
East Amherst, New York 14051
City State Zip Code
Phone: 716.691-7444 Fax: _____
E Mail jbevilacqua@bdvlp.com

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

From: R-3 District
To: OB District

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

9030 and 9040 Transit Road, East Amherst, New York 14051

SBL #: 42.04-1-40 & 42.04-1-39

4. **Area of land to be rezoned (in acres):** 1.51

5. **Owner of Land:**

Name: 9030 Transit LLC
Address: 9232 Transit Road, Suite B
Telephone: 716.691-7444

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

Name: Christopher Wood, P.E.
Address: 80 Silo City Row
Buffalo, New York 14203
Tel: 716.842-3165 [Ext. 103] - E-mail: cwood@carminawooddesign.com
City State Zip Code

7. Petitioner's interest in property

_____ Option to purchase

_____ Owner

X Other (explain) Petitioner and the property owner are related entities

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 rezoned from R-3 to OB 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 Not Applicable
- B. Distribution of dwelling units by type Not Applicable
- C. Gross Residential Density per acre Not Applicable
- D. Total amount of Open Space Approximately .2 acres of green space and landscaping
- E. Proposed Non-Residential Floor Area 10,000 sq. ft.

13.

Development Schedule:

Start Fall 2027

Finish 2028

Stages (# of) 1

14.

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

The commercial space will be leased.

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:

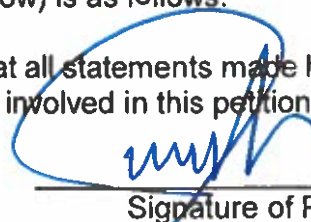
See Exhibit 6.

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 \$ 1,265.00 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

Benlacava Development LP
By: *Sarah Benlacava,*
Managing Member

Subscribed and sworn to before me this 22nd day of June, 2026

Notary Public, Erie County, New York 

ANGELA STRANGES
NOTARY PUBLIC STATE OF NEW YORK
NIAGARA COUNTY
LIC. #01ST0026466
COMM. EXP. 07/03/2028

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.

EXHIBIT 1

**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 that 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 following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: <small>Proposed Commercial Project</small>		
Project Location (describe and attach a general location map): 9030 & 9040 Transit Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project consists of the development of the parcels at 9030 and 9040 Transit Road as a single-story daycare facility with a size of approximately 10,000 sq. ft. The action includes the requested rezoning of the Project Site from R-3 to OB to accommodate the proposed commercial project. The action has been defined broadly to include all proposed site improvements including but not limited to the proposed commercial building, access aisles and parking spaces, landscaping, a driveway onto Transit Road, lighting and utility improvements and connections (collectively the "Project"). The action includes all proposed site improvements as well as all required discretionary approvals and permits needed for the Project. The project is an Unlisted Action pursuant to SEQRA and the requested OB zoning classification is consistent with the recommended land use per the adopted Comprehensive Plan.		
Name of Applicant/Sponsor: Bevilacqua Development LP c/o Jonathan Bevilacqua		Telephone: (716) 691-7444
		E-Mail: jbevilacqua@bdvlp.com
Address: 9232 Transit Road, Suite B		
City/PO: East 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): 9300 Transit LLC		Telephone: (716) 691.7444
		E-Mail: bevilacqua@bdvlp.com
Address: 9232 Transit Road, Suite B		
City/PO: East Amherst	State: NY	Zip Code: 14051

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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Rezoning from R-3 to OB	June 22, 2026
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Site Plan Approval	To be Determined
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit	To be Determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<small>ECWA - WMM</small>	To be Determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT - Highway Work Permit	To be Determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input 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) that must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? Yes No

If Yes, identify the elements of the plan that are relevant to the action:

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?

Residential District Three ("R-3")

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, what is the proposed new zoning for the site? Office Building District ("OB")

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?

East Amherst Fire Department

d. What parks serve the project site?

There are various parks in 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)?

Commercial use consisting of a daycare facility.

b. a. Total acreage of the site of the proposed action? 1.51 acres
b. Total acreage to be physically disturbed? 1.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.51 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
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 I (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	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

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

If Yes,

i. Total number of structures ¹ _____

ii. Dimensions (in feet) of largest proposed structure: 20' +/- height; 125' width; and 80' length

iii. Approximate extent of building space to be heated or cooled: 10,000 square feet

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

If Yes,

i. Purpose of the impoundment: Stormwater management

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: Stormwater Runoff

iii. If other than water, identify the type of impounded/contained liquids and their source.
Not Applicable

iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: 0.1 acres

v. Dimensions of the proposed dam or impounding structure: N/A height; N/A length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
storage is in an excavation, dam not required

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: 3400 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
- 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: _____

N/A

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

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: 3400 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 Wastewater Treatment Plant
- Name of district: Town of Amherst Consolidated Sanitary 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):

N/A

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

none

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 ^{1.2}_____ acres (impervious surface)

_____ Square feet or ^{1.51}_____ acres (parcel size)

ii. Describe types of new point sources. roof, parking lot

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)?

discharge will be to NYSDOT system following on site private storm water management area

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

N/A

- 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, boilers, electric generation, surface coating)

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? Yes No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? Yes No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____ Tons/year (short tons) of carbon monoxide (CO)
- _____ Tons/year (short tons) of oxides of nitrogen (NO_x)
- _____ Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____ Tons/year (short tons) of volatile organic compounds (VOC)
- _____ Tons/year (short tons) of sulfur dioxide (SO₂)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? Yes No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? Yes No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? Yes No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

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 energy demand? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 typical usage for a facility of this type _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 National Grid
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: 8:00 to 5:00
 • Saturday: As needed
 • Sunday: Not Applicable
 • Holidays: Not Applicable
 ii. During Operations:
 • Monday - Friday: 7:00 to 7:00
 • Saturday: Not Applicable
 • Sunday: Not Applicable
 • Holidays: Not Applicable

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:
 typical construction noise to construct facility
 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:
 Lighting will be dark sky and will comply with the Town's lighting standards.
 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, insecticide) 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: 2 tons per month (unit of time)
- Operation : 2 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: **recycling will be at discretion of the contractors**
- Operation: **recycling will follow Town program**

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: **NYSDEC approved C&D facility**
- Operation: **NYSDEC approved facility**

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.I. 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): **Community Facilities - Golf Course and Fire Dept.**

ii. If mix of uses, generally describe:

Mixture of zoning classifications and land uses including nearby commercial uses.

b. Land uses and cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing	0	0	0
• Commercial	0	0.3	+0.3
• Residential	0.1	0	-0.1
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse, etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth, or fill)	0	0	0
• Other, Describe: <u>Jawn/landscaping</u>	1.41	1.21	+0.2

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: _____

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 that 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): 915160
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? >20 ft. 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:

Cheektowaga fine sandy loam	50	%
Cleverack loamy fine sand	40	%
Colonie loamy fine sand	10	%

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

e. Drainage status of project site soils: Well Drained: 10 % of site
 Moderately Well Drained: 40 % of site
 Poorly Drained: 50 % 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: _____

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 listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY 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 New York State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? Yes No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within 1/2 mile of, a disadvantaged community? Yes No

If No, could impacts (see examples below in E.4.b) from the project affect a disadvantaged community? Yes No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? Yes No

i. new noise sources or expansions/modification of existing noise sources;

- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Solid Waste Management Facility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous Waste Management Facility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Air Pollution Control (Title V or Air State Facility)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Water Withdrawal over 20 MGD for Cooling Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Waste Transporter	<input type="checkbox"/> Yes	<input type="checkbox"/> No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

- a. Is the proposed action vulnerable to damage from a projected 100-year flood? Yes No
- b. Is the proposed action vulnerable to damage from a projected 500-year flood? Yes No
- c. Is the proposed action in an area potentially affected by sea level rise? Yes No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

- i. drought? Yes No
- ii. temperature extremes (hot or cold)? Yes No
- iii. extreme storms, including high winds? Yes No
- iv. landslides? Yes No
- v. coastal erosion? Yes No
- vi. stormwater flooding? Yes No
- vii. other climate or weather hazards? Yes No If Yes, describe: _____

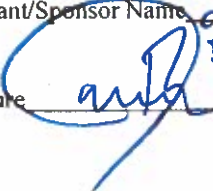
F. Additional Information

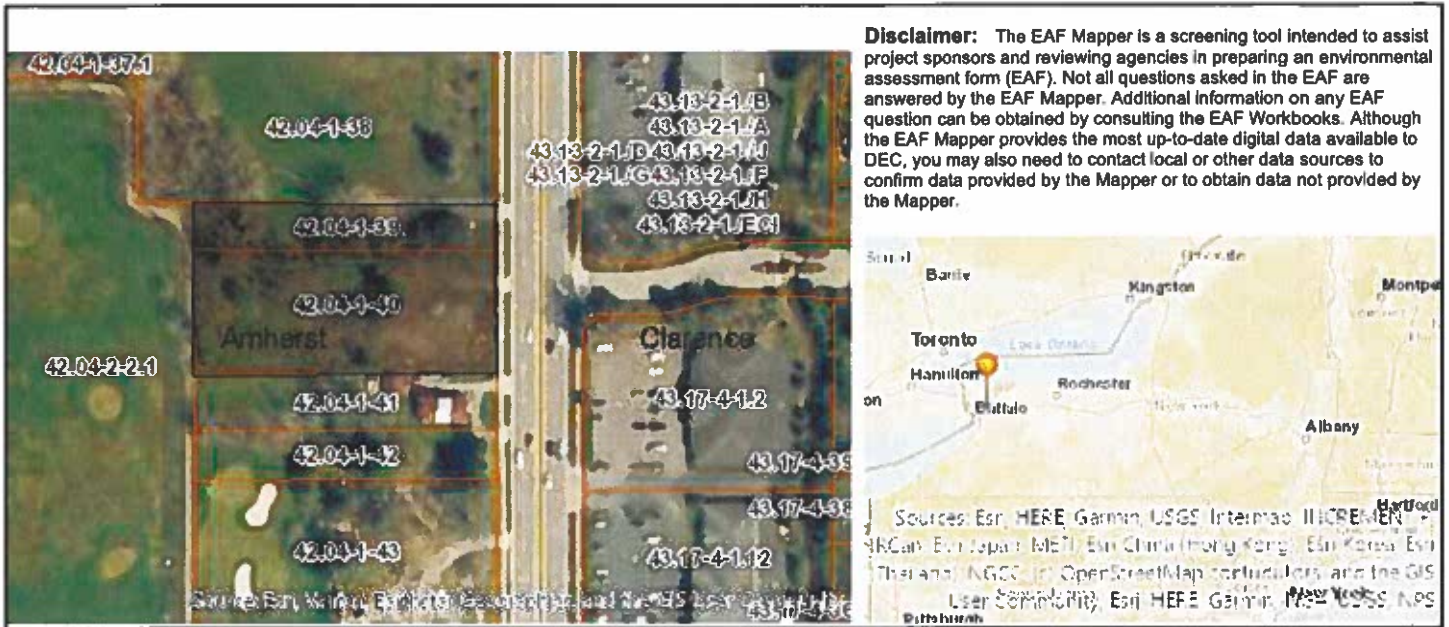
Attach any additional information which may be needed to clarify your project.

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: Benlacqua Development LP
on behalf of 9000 Transit LLC Date: 6/22/26
Signature:  Title: Managing Member
34: Jonathan Benlacqua, Managing Member



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]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	915160
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]	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
E.4.a [Disadvantaged Community]	No

EXHIBIT 2

**EXHIBIT 2 - LEGAL DESCRIPTION OF PROPERTY TO BE
REZONED FROM R-3 TO OB**

9030 and 9040 Transit Road, Town of Amherst

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 100, Township 12 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point on the center line of Transit Road (being also the east line of said Lot No. 100), distant 2942.28 feet southerly, as measured thereon, from its intersection with the northerly line of Lot 100;

RUNNING THENCE WESTERLY along the northerly line of lands conveyed to John Brownschidle and Louisa Brownschidle, his wife, by deed recorded in the Erie County Clerk's Office in Liber 1004 of Deeds at page 346, a distance of 50.00 feet to the westerly line of Transit Road as presently laid out, said point being the northwest corner of lands appropriated by the people of the State of New York by deed recorded in said Clerk's Office in Liber 10942 of Deeds at Page 8996 (Map 189, Parcel 204), said point being the TRUE POINT OF BEGINNING;

CONTINUING THENCE WESTERLY along said Brownschidle's northerly line, a distance of 338.93 feet to an east line of lands conveyed to Transit Valley Country Club, Inc. by deed recorded in said Clerk's Office in Liber 7770 of Deeds at page 237;

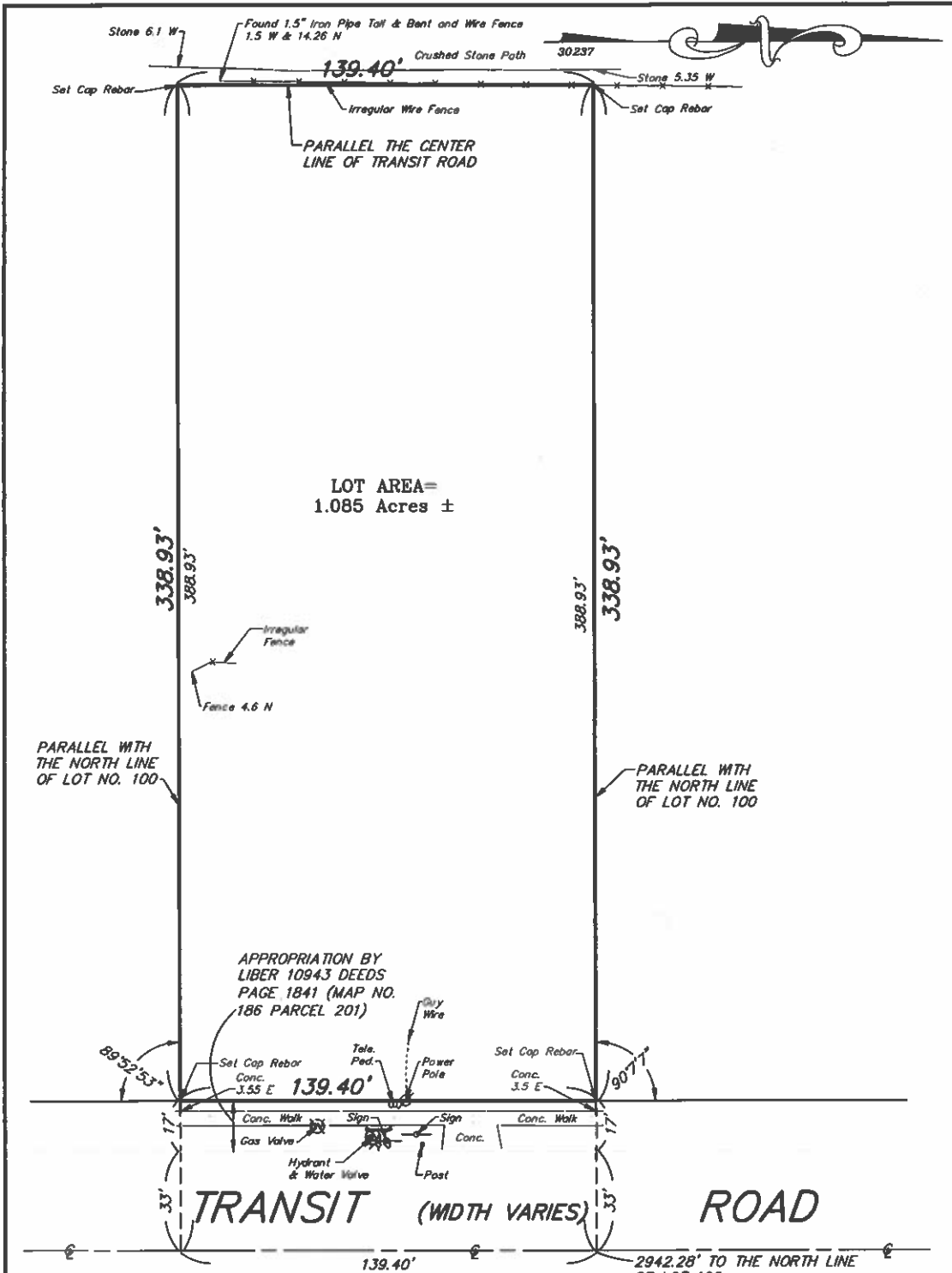
THENCE SOUTHERLY along an east line of lands conveyed to Transit Valley Country Club, Inc. by deed aforesaid, a distance of 194.40 feet to the southwest corner of lands conveyed to 9030 Transit LLC by deed recorded in said Clerk's Office in Liber 11414 of Deeds at page 5904;

THENCE EASTERLY along the southerly line of said lands conveyed to 9030 Transit LLC, a distance of 338.93 feet to its intersection with said westerly line of Transit Road as presently laid out, said point being the southwest corner of lands appropriated by the people of the State of New York by deed recorded in said Clerk's Office in Liber 10943 of Deeds at page 1841 (Map 186, Parcel 201)

THENCE NORTHERLY along said westerly line of Transit Road as presently laid out and along the westerly line of said Map 186, Parcel 201 and continuing along the westerly line of said Map 189, Parcel 204, a distance of 194.40 feet to the TRUE POINT OF BEGINNING.

Said parcel containing an area of 1.513 acres, more or less.

EXHIBIT 3



LOT AREA=
1.085 Acres ±

APPROPRIATION BY
LIBER 10943 DEEDS
PAGE 1841 (MAP NO.
186 PARCEL 201)

TRANSIT (WIDTH VARIES) ROAD

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 11414 Deeds Page 5904
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.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF
Christopher J. Barr
CHRISTOPHER J. BARR NYSPLS No. 051088

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TRUE NORTH
LAND SURVEYING, PLLC
150 AERO DRIVE
BUFFALO, NEW YORK 14225
(716)631-5140 ~ Truenorthpllc@aol.com

AMEND:
SURVEY DATE: 7-15-25
DRAWING DATE: 7-21-25
SCALE: 1" = 40'
"ALL RIGHTS RESERVED"

PART OF LOT 100 SECTION TOWNSHIP 12 RANGE 7 OF THE:
Holland Land Company's SURVEY - Erie COUNTY, N.Y.
SURVEY OF: 9030 Transit Road, Town of Amherst

THIS MAP VOID UNLESS
EMBOSSSED
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.
SBL No. 42.04-1-40

FILE NO. 42.04-1-40



EAST LINE OF LANDS CONVEYED TO
TRANSIT VALLEY COUNTRY CLUB, INC.
L 7770 P.257

ROUND ABOUT
CON. 0.00'

WEST LINE OF LANDS CONVEYED
TO JOHN F. LORRA, BROWNSVILLE
L 600 P. 344

AREA - 0.83 ACRES
(INCLUDES ADJACENT LOTS)

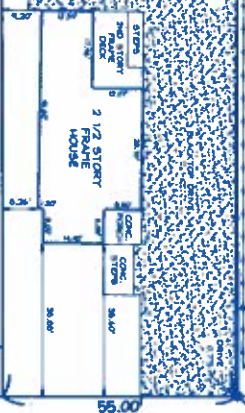
ADJACENT TO THE NORTH
LINE OF BROWNSVILLE

330.00'

330.00'

DRIVE 1.5M
DRIVE 2.5M
DRIVE 1.5M

FENCE 4.0M
FENCE 2.5M
FENCE 1.5M



ROUND ABOUT
CON. 0.00'

55.00'

TRANSIT ROAD
(NYS RTE 76) (WIDTH VARIES)



THIS SURVEY IS SET OUT WITH AN ASSURANCE OF ACCURACY
ASSET Landa Survey Board, Scale 500', Buffalo, NY 14203
P (716) 877-0000 F (716) 270-0791 www.mussbauer.com

BOUNDARY SURVEY

9040 Transit Road
Part of Lot 100, Township 12, Range 7

Holland Land Company's Survey
Town of Amherst
County of Erie, State of New York

Date of Survey: 07/15/2025

Scale: 1" = 20' Project No.: 2532-0924

James M. Clark



EXHIBIT 4

EXHIBIT 5

EXHIBIT 5

**APPLICATION FOR REZONING OF 9030 & 9040 TRANSIT ROAD
FROM R-3 TO OB**

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

Response to

Question 11(A): The proposed project consists of the development of 9030 and 9040 Transit Road (the "Project Site") as an approximately 10,000 sq. ft. single-story commercial building that will be utilized as a daycare facility along with related improvements. A copy of the Concept Site Plan [Drawing C-100] depicting the conceptual layout of the proposed project is attached as **Exhibit "4"**.

The Project Site is currently zoned Residential District Three ("R-3") pursuant to the Town's Zoning Map. The Project Sponsor is requesting that the Project Site be rezoned from R-3 to Office Building District ("OB"). Day-care centers are expressly permitted in the OB zoning district pursuant to Section 4-4-2A of the Zoning Code. A copy of Section 4-2 of the Zoning Code titled "Office Building District (OB)" is provided at **Exhibit "7"**.

A completed Part 1 of the Full Environmental Assessment Form dated June 22, 2026 is provided at **Exhibit "1"**. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA"). For purposes of the environmental review of the proposed project pursuant to 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 the Project Site from R-3 to OB as well as all required approvals and permits needed from involved agencies as well as all proposed site improvements.

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. The Project Site is located in close proximity to many commercial uses on Transit Road and is contiguous to the East Amherst Fire Department (zoned CF) and the Transit Valley Country Club (zoned RC). The existing R-3 zoning classification is inconsistent with character and uses of the relevant segment of Transit Road. Figure 6 of the adopted Comprehensive Plan designates the Project Site as appropriate for “Commercial-Office” use which is consistent with the requested OB zoning classification. A copy of Figure 6 of the Comprehensive Plan is provided at **Exhibit “8”**.

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 R-3 zoning classification is not economically feasible given the Project Site is not a suitable location for single-family homes. The existing R-3 zoning classification is also inconsistent with the recommended land use category per Figure 6 of the adopted Comprehensive Plan.

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 R-3 to OB will not have adverse impacts on surrounding properties since the project will improve the character of the Project Site by providing new single-story daycare facility along with related site improvements at a suitable location on the west side of Transit Road. The Project Sponsor owns and manages numerous commercial parcels on both sides of Transit Road and has a well-established track record for maintaining its properties to a very high quality standard. The proposed project will also require Site Plan Approval from the Planning Board which will ensure compliance with the applicable standards for landscaping, lighting, stormwater management, etc.

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

Response to

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

EXHIBIT 6

EXHIBIT 6

APPLICATION FOR REZONING OF 9030 & 9040 TRANSIT ROAD FROM R-3 TO OB

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 OB zoning classification and the proposed commercial project are consistent with the Town's planning goals and objectives as set forth in the adopted the Bicentennial Comprehensive Plan. According to Section 3.1 of the Comprehensive Plan, commercial, office, and industrial development together comprise about 7.4% of the land in the Town and as such the proposed OB zoning classification will not result in an excessive amount of commercially zoned property in the Town.

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 requested OB zoning classification is consistent Figure 6 of the Comprehensive Plan as well as 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 commercial 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 R-3 to OB 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 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 consistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed rezoning of the Project Site to the requested OB zoning classification will not result in the overcrowding of land.

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 will be subject to the Town’s required review process.

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 R-3 to OB 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.

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 submitted with this Application will be aesthetically harmonious with nearby areas and structures.¹

¹ A reduced-size copy of the Concept Site Plan is attached as **Exhibit "4"**.

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

Response: The proposed project will have a single driveway connection to Transit Road, which is a New York State Highway subject to the jurisdiction of the New York State Department of Transportation (“NYSDOT”).

- 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 OB zoning classification is consistent with the policies of the adopted Comprehensive Plan.

- 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 OB zoning classification to accommodate the project layout as depicted on the Concept Site Plan attached as Exhibit “4” 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 OB zoning classification and the proposed commercial project than development pursuant to the existing R-3 zoning classification which is permitted to single-family homes on individual lots.

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

Response to

Question 16(D): The proposed project will have positive impacts on the balance of uses in the Town by providing a daycare facility at an appropriate infill location on the west side of Transit Road within a developed portion of the Town.

EXHIBIT 7

§ 4-2. Office Building District (OB)

4-2-1. **Purpose.** To provide areas within the Town devoted exclusively to offices by regulating the land area, bulk and spacing of uses, particularly at common boundaries and promoting the most desirable land use and traffic patterns in accordance with the objectives of the comprehensive plan.

4-2-2. **Permitted and Special Uses.**

A. **Permitted Uses and Structures.**

OB	Permitted	Special Use	Standards
OPEN USES			
No open uses allowed			
RESIDENTIAL USES			
Upper-story dwelling unit	✓		§ 6-2-6
PUBLIC AND CIVIC USES			
Day-care center	✓		§ 6-3-2
Minor utilities	✓		
Place of worship	✓		§ 6-3-3
Public utility service structure or facility		✓	§ 6-3-4
Public works construction yard [Added 12-7-2009 by L.L. No. 19-2009]		✓	§ 6-3-5
Telecommunication facility		✓	§ 6-7
COMMERCIAL			
Bank ¹	✓		§ 4-8-4

1. Editor's Note: The entry for "contracting or construction services," which immediately followed this entry, was repealed 10-17-2022

OB			
	Permitted	Special Use	Standards
Office	✓		
Radio or television station [Added 4-12-2010 by L.L. No. 2-2010]	✓		
Recording studio [Added 4-12-2010 by L.L. No. 2-2010]	✓		
Ground-mounted solar energy systems, Tier III [Added 12-11-2017 by L.L. No. 24-2017]		✓	§ 6-10
Training schools, such as technical, trade, vocational or business	✓		
INDUSTRIAL			
<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; amended 11-3-2014 by L.L. No. 39-2014]

OB Principal & Accessory Use/Structure Dimensional Standards		Vehicle Use Area
Min. lot area	None	
Min. lot width	None	
Min. front yard		
Height of structure for first 35 ft.	20 ft	15 ft*
Height of structure for any portion of building above 35 ft.	30 ft	15 ft*
Min. rear yard (abutting residential**/nonresidential)		
Height of structure up to 30 ft	See § 2-5-4B(3)/15 ft	25 ft*/10 ft*

by L.L. No. 19-2022.

OB Principal & Accessory Use/Structure Dimensional Standards		Vehicle Use Area
Height of structure 30 ft or more	See § 2-5-4B(3)/25 ft	25 ft*/10 ft*
Min. side yard (abutting residential**/nonresidential)		
Height of structure up to 30 ft	See § 2-5-4B(3)/15 ft	25 ft*/10 ft*
Height of structure 30 ft or more	See § 2-5-4B(3)/25 ft	25 ft*/10 ft*
Max. height	65 ft	
Max. building coverage	None	
Min. interior building separation	30 ft	

*	The entire area must be landscaped.
**	R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3, R-4, MFR-4A, MFR-5, MFR-6, MFR-7, PRD, PDD, PRD, NCD ²

4-2-3. Accessory Uses and Structures. (Office Building District) [Amended 10-17-2022 by L.L. No. 19-2022]

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 or Part 7, General Development Standards.

OB Permitted Accessory Uses and Structures	Standards
Commercial recreation	§ 6-8-3
Employee lunchroom	
Landscaping	§ 7-2
Maintenance facility and air-conditioning, heating and ventilating equipment	
Off-street parking, loading, and stacking	§ 7-1
Restaurant without drive-through or outdoor dining	§ 6-8-10 [Amended 10-17-2022 by L.L. No. 19-2022]
Retail stores and services (may be manufactured or assembled on-premise)	§ 6-8-11

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

EXHIBIT 8

Town of Amherst Bicentennial Comprehensive Plan

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

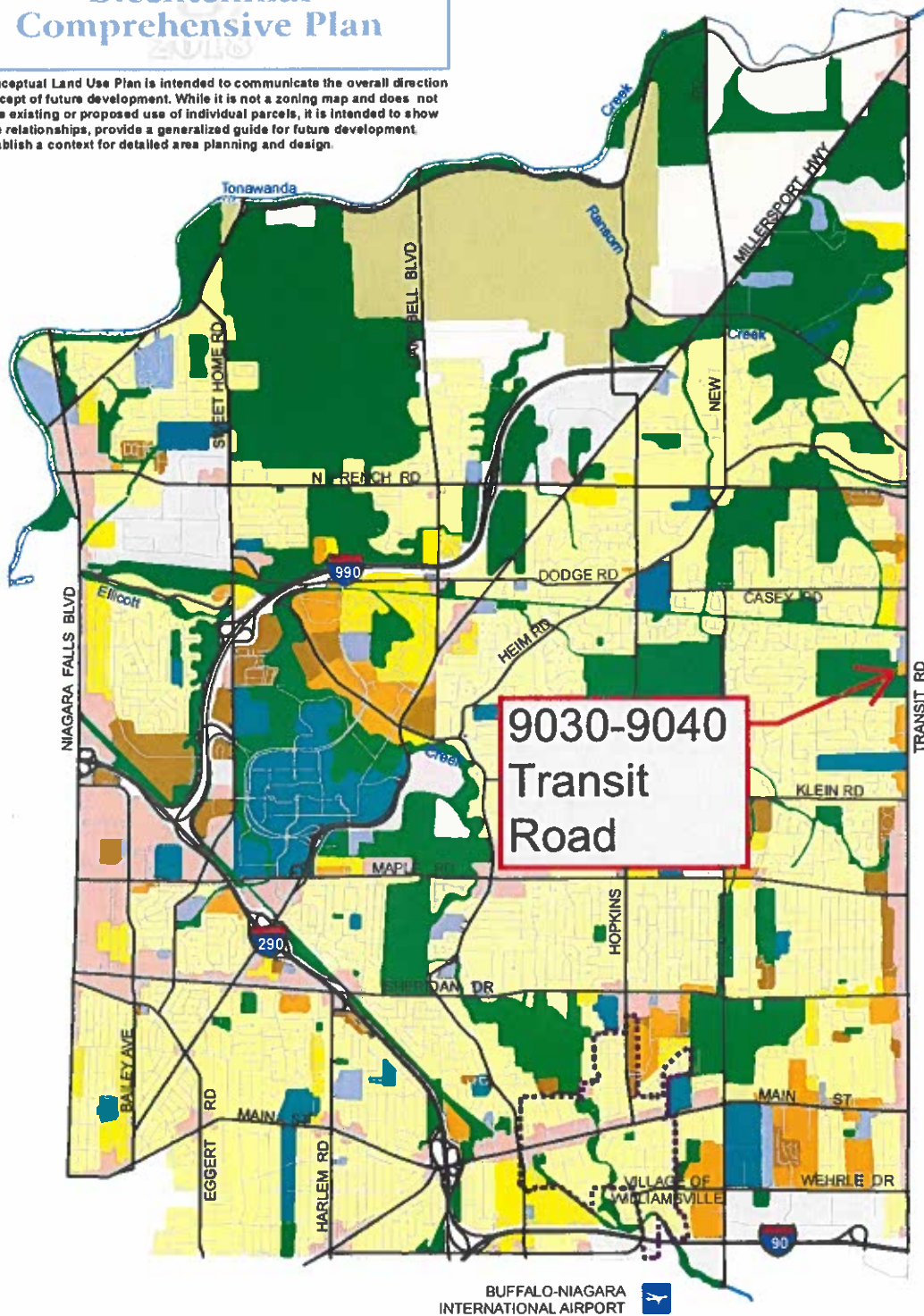


FIGURE 6

Conceptual Land Use Plan

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

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

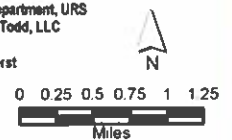


EXHIBIT 9

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 9030 & 9040 TRANSIT ROAD
FROM R-3 TO OB 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 9030 & 9040 Transit Road from R-3 to OB 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 9030 & 9040 Transit Road from R-3 to OB 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 R-3 to OB, the zoning of 9030 & 9040 Transit Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

LEGAL DESCRIPTION OF 9030 & 9040 TRANSIT ROAD

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 100, Township 12 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point on the center line of Transit Road (being also the east line of said Lot No. 100), distant 2942.28 feet southerly, as measured thereon, from its intersection with the northerly line of Lot 100;

RUNNING THENCE WESTERLY along the northerly line of lands conveyed to John Brownschidle and Louisa Brownschidle, his wife, by deed recorded in the Erie County Clerk's Office in Liber 1004 of Deeds at page 346, a distance of 50.00 feet to the westerly line of Transit Road as presently laid out, said point being the northwest corner of lands appropriated by the people of the State of New York by deed recorded in said Clerk's Office in Liber 10942 of Deeds at Page 8996 (Map 189, Parcel 204), said point being the TRUE POINT OF BEGINNING;

CONTINUING THENCE WESTERLY along said Brownschidle's northerly line, a distance of 338.93 feet to an east line of lands conveyed to Transit Valley Country Club, Inc. by deed recorded in said Clerk's Office in Liber 7770 of Deeds at page 237;

THENCE SOUTHERLY along an east line of lands conveyed to Transit Valley Country Club, Inc. by deed aforesaid, a distance of 194.40 feet to the southwest corner of lands conveyed to 9030 Transit LLC by deed recorded in said Clerk's Office in Liber 11414 of Deeds at page 5904;

THENCE EASTERLY along the southerly line of said lands conveyed to 9030 Transit LLC, a distance of 338.93 feet to its intersection with said westerly line of Transit Road as presently laid out, said point being the southwest corner of lands appropriated by the people of the State of New York by deed recorded in said Clerk's Office in Liber 10943 of Deeds at page 1841 (Map 186, Parcel 201)

THENCE NORTHERLY along said westerly line of Transit Road as presently laid out and along the westerly line of said Map 186, Parcel 201 and continuing along the westerly line of said Map 189, Parcel 204, a distance of 194.40 feet to the TRUE POINT OF BEGINNING.
Said parcel containing an area of 1.513 acres, more or less.

Section 4. Validity.

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

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

Section 5. Effective Date.

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

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