



Phillips Lytle LLP

Via E-Mail

July 15, 2026

Town of Amherst
Town Board and Planning Board
ATTN: Daniel Ulatowski, Assistant Planning Director
5583 Main Street
Williamsville, New York, 14221

Re: 3765 Sheridan Drive
Application for Zoning Map Amendment
Proposed Multifamily Development

Dear Supervisor Lavin, Chairperson Chmiel, and Members of the Town Board and Planning Board:

As you know, we represent LMK Realty Associates, LLC ("**Applicant**") in connection with the proposed development of two, three-story multi-family residential apartment buildings with on-site parking and other related site improvements ("**Project**") located at 3765 Sheridan Drive (SBL: 67.12-5-79)¹ ("**Site**") in the Town of Amherst ("**Town**"). Under the Code of the Town of Amherst's Zoning Ordinance Chapter 203 ("**Zoning Ordinance**") and the Town of Amherst Zoning Map ("**Zoning Map**"), the Site is currently split-zoned between the Deep Corridor 3 ("**DC-3**") and Residential District 3 ("**R-3**") zoning districts. On June 22, 2026, Applicant submitted an application to the Town of Amherst Town Board ("**Town Board**") with supporting documentation seeking approval to rezone the Site to the Multifamily Residential District Five ("**MFR-5**") zoning district ("**Zoning Amendment**") with a detailed explanation of its adherence to the Comprehensive Plan and Zoning Ordinance ("**Application**").

On July 13, 2026, we submitted a letter and accompanying supplemental information and materials to address the Town Attorney's Office written comments that were provided to the Applicant on June 29, 2026 and July 9, 2026. As part of the Applicant's

¹ Applicant is proposing a portion of the parking lot to be located on the adjacent property at 3755 Sheridan Drive (SBL: 67.12-5-80) that it also currently owns.

ATTORNEYS AT LAW

KIMBERLY R. NASON, PARTNER DIRECT 716 504 5784 KNASON@PHILLIPSLYTLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NEW YORK 14203-2887 PHONE 716 847 8400 FAX 716 852 6100

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | CHICAGO, IL | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLE.COM



Town of Amherst
Page 2

July 15, 2026

July 13, 2026 letter, an updated Short EAF was submitted. Since that time Applicant has made additional minor changes to the Short EAF in order to clarify the list of interested and involved agencies and approvals related to the Project. As such, a revised Short EAF is enclosed herewith.

In the meantime, please let us know if you have any questions or need any further information.

Very truly yours,

Phillips Lytle LLP

By /s/ *Kimberly R. Nason*

Kimberly R. Nason

KRN

cc: Nick Massaro - via email only
Chris Wood, P.E. - via email only

Doc #13518959.1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 3765 Sheridan Drive - Zoning Map Amendment			
Project Location (describe, and attach a location map): 3765 Sheridan Drive, Amherst, New York, 14226			
Brief Description of Proposed Action: Applicant is proposing the development of two, three-story residential apartment buildings with on-site parking and other related site improvements ("Project") located at 3765 Sheridan Drive (SBL: 67.12-5-79) ("Site") in the Town of Amherst. The Site is currently split-zoned between the Deep Corridor 3 (DC-3) and Residential District 3 (R-3) zoning district. The Project will require a rezoning and the Applicant is seeking to rezone the Site to the Multifamily Residential District Five (MFR-5) zoning district.			
Name of Applicant or Sponsor: LMK Realty Associates, LLC (Nick Massaro)		Telephone: 716-609-1599 E-Mail: nmassaro@lmkrealty.net	
Address: 8525 Porter Road			
City/PO: Niagara Falls		State: New York	Zip Code: 14304
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			NO ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: See Attachment A			YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			1.86 acres 1.5 acres 1.86 acres
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. 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?	NO	YES	
	☒	☐	
b. 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?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe: Storm water will discharge to the NYSDOT system on Sheridan Drive following an on-site private storm water management system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO ☐	YES ☒
If Yes, explain the purpose and size of the impoundment: Purpose is for storm water management and will include underground detention, size TBD.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO ☒	YES ☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO ☒	YES ☐
If Yes, describe:		
21. Is the project located within, or within 1/2-mile of, a disadvantaged community?	NO ☒	YES ☐
If No, could impacts from the project affect a disadvantaged community?	☒	☐
If Yes to either question in 21, answer the following question:		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: LMK Realty Associates, LLC (Nick Massaro) Date: 7/13/2024 Signature:  Title: VP - Business Development		

Attachment A

- **Town of Amherst Town Board** - Zoning Amendment Approval
- **Town of Amherst Planning Board** - Zoning Amendment Recommendation and Site Plan Approval
- **Town of Amherst ZBA** - Area variances review and approval
- **NYSDEC** - SWPPP review for SPDES general permit and DSCA approval
- **NYSDOT** - Stormwater review and work permit
- **ECWA** - Waterline interconnection for backflow and service approval
- **ECDOH** - Sanitary sewer review