



## Town Of Amherst Planning Department

### ***Application for Rezoning***

#### ***For Official Use***

File #: \_\_\_\_\_ Acreage \_\_\_\_\_ Fee \$ \_\_\_\_\_

Address Verified by  
Assessor's Office

\_\_\_\_\_  
VERIFIED BY DATE

Application Received  
by Planning Department

\_\_\_\_\_  
ACCEPTED BY DATE

Materials Checked by  
Zoning Enforcement  
Officer

\_\_\_\_\_  
CHECKED BY DATE

Materials & Fee Paid  
to Town Clerk

\_\_\_\_\_  
ACCEPTED BY DATE

#### **Fill In Applicable Fees**

**2 ACRES OR LESS**

**\$1,250.**

\_\_\_\_\_

**2 – 20 ACRES**

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

\$1,500

**21 – 30 ACRES**

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

\_\_\_\_\_

**OVER 30 ACRES**

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

\_\_\_\_\_

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

**\$1,200.**

\_\_\_\_\_

**AFFIDAVIT FEE FOR PUBLIC HEARING**

**\$15.**

\$15

**TOTAL FEE:** \$ 1,515

**TO BE COMPLETED BY APPLICANT****1. Petitioner:**Name: Amherst II UE LLC c/o Urban Edge PropertiesAddress: 12 East 49th Street, 44th Floor

|                 |           |              |
|-----------------|-----------|--------------|
| <u>New York</u> | <u>NY</u> | <u>10017</u> |
| City            | State     | Zip Code     |

Phone: (212) 956-2556 Fax E Mail: SKassem@uedge.com**2. The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**From: MS (Motor Service) DistrictTo: CTR-5 (Center 5) District**3. Street address of land to be rezoned: (must be verified by Town Assessor's Office)**1025 Niagara Falls Boulevard, Amherst, New York 14226SBL #: 67.06-1-28.1**4. Area of land to be rezoned (in acres): 2.0614 acres****5. Owner of Land:**Name: Amherst II UE LLCAddress: 210 Route 4 East

|                |           |              |
|----------------|-----------|--------------|
| <u>Paramus</u> | <u>NJ</u> | <u>07652</u> |
| City           | State     | Zip Code     |

Phone: (212) 956-2556**6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):**Name: Jeffery D. Palumbo, Esq. / Matthew Dubois, Esq.Address: Block, Longo, LaMarca & Brzezinski, P.C. - 9276 Main Street

|                 |           |              |
|-----------------|-----------|--------------|
| <u>Clarence</u> | <u>NY</u> | <u>14031</u> |
| City            | State     | Zip Code     |

Phone: (716) 317-0667 Fax E Mail: jpalumbo@blockandlongo.com; mdubois@blockandlongo.com

**7. Petitioner's interest in property**

\_\_\_\_\_ Option to purchase  
\_\_\_\_\_ x \_\_\_\_\_ Owner  
\_\_\_\_\_ Other (explain) \_\_\_\_\_

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

None. Petitioner is the record owner.

**9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.****10. Said property has the following deed restrictions or covenants:** (attach copy)

Liber \_\_\_\_\_ Page \_\_\_\_\_

**11. Information on proposed project:****A. Description of the character of the proposed development:** Redevelopment of the existing

Pep Boys outparcel with an approximately 8,000 SF one-story multi-tenant commercial/retail

building containing up to four tenant spaces, approximately 59 parking spaces, sidewalks,

landscaping, stormwater improvements and a multi-tenant monument sign, subject to later

ZBA and site plan approvals. See Exhibits B and C.

**B. Rationale for rezoning request:****1. Why was this site chosen?** The site is an existing developed

outparcel within Amherst Commons, with established access, parking and utilities. The existing

Pep Boys building is no longer suited to the intended redevelopment, making this an appropriate

location for reinvestment without extending commercial development onto undeveloped land.

**2. Why cannot land be used with the existing zoning?** The MS district is focused on

motor-service and vehicle-oriented uses and does not allow the broad retail, restaurant, office,

medical and fitness tenant mix contemplated here. CTR-5 permits those uses, matches the zoning

of the adjoining Amherst Commons center, and implements the Town's mixed-use planning goals.

**3. How will this rezoning impact surrounding properties?** No material adverse impact is

anticipated. The project replaces an auto-service use with a smaller commercial building compatible

with Amherst Commons; traffic, access, drainage and site impacts will be addressed in later reviews.

**4. How will this rezoning impact the school system?** No residential units are proposed,

so the project will not generate school-age residents or materially increase demand on the school

system. The property will remain in commercial use.

**12. Quantitative Data:**

- A. Total # of dwelling units 0
- B. Distribution of dwelling units by type N/A - no residential units proposed
- C. Gross Residential Density per acre N/A
- D. Total amount of Open Space TBD with final site plan
- E. Proposed Non-Residential Floor Area Approximately 8,000 SF

**13. Development Schedule:**

Start Target Q3 2027

Finish Target Q1-Q2 2028

Stages (# of) 1

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

The owner intends to retain the property and lease the new building to up to four commercial

tenants. Anticipated uses may include retail, restaurant, fitness, financial, medical/veterinary,

office or similar CTR-5-permitted uses, subject to final leasing and Town approvals.

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

Open space, landscaping and common site improvements will remain privately owned and maintained

by the property owner/manager in accordance with the final approved site plan.

**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](http://www.amherst.ny.us)). Add sheets as needed.

See attached Narrative Letter. CTR-5 is consistent with the Comprehensive Plan Land Use and Development

Goal and Policies 3-1, 3-9 and 3-15, which promote mixed-use commercial centers, reinvestment and

the redevelopment of underutilized or obsolete commercial properties. Section 3.3.2 and Map Figures

6 and 6-A establish the Town's commercial/mixed-use center framework, including suburban centers

along major roadways. CTR-5 also matches the adjoining Amherst Commons zoning and advances

reinvestment in an existing commercial center rather than expansion into undeveloped land.

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

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

None. No Comprehensive Plan amendment is requested or believed necessary. The site falls within

the Plan's existing commercial/mixed-use framework shown on Figures 6 and 6-A, and Town Planning

staff has advised that CTR-2.5 or CTR-5 would comport with the Comprehensive Plan. See attached

Narrative Letter for additional explanation.

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

The rezoning advances Section 1-2-2 by promoting orderly and beneficial redevelopment, compatibility

with surrounding commercial uses, efficient use of existing infrastructure, improved site design, safe

access and circulation, and a zoning pattern generally consistent with the Comprehensive Plan.

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

1. Sanitary Sewer Existing public sewer; final flows/connections to be confirmed by engineer/ECSD No. 5.
2. Storm Sewer/Drainage Existing system; underground detention/storage proposed; final design by engineer.
3. Water Existing public water; service and fire flow to be confirmed during site plan review.
4. Other Existing electric/gas/telecom; overhead electric may be relocated if required.

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

The parcel is an outparcel within Amherst Commons and directly adjoins CTR-5 commercial land.

CTR-5 would unify the zoning and permit redevelopment consistent with the center's character.

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

MS is narrowly oriented to motor-service and vehicle uses and is

poorly suited to a modern multi-tenant commercial outparcel after Pep Boys is removed. CTR-5 permits

the anticipated retail, restaurant, office, medical and fitness uses and matches the adjoining center.

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

The change supports reinvestment in an existing commercial center, accommodates current tenant

demand and broadens viable uses on an obsolete motor-service site without extending commercial

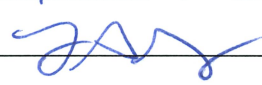
zoning into residential or undeveloped areas.

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: None known to petitioner.

*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 17 day of AUGUST, 2026

Notary Public, Erie County, New York 

|                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TRACY A. MURRAY<br>NOTARY PUBLIC, STATE OF NEW YORK<br>Registration No. 01MU5077295<br>Qualified in Genesee County<br>Commission Expires May 5, 20 <u>27</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

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.

<https://amherstnyusgcc.sharepoint.com/sites/plndept/Shared Documents/Common/Administrative/Forms & Template/Current Planning Forms & Templates/Applications/Rezoning Application Form 2026.docx>

REVISED February 2021

## **Rezoning Application Requirements and Checklist**

The following checklist outlines the information required by the Town of Amherst to accept a Rezoning application. ***It is strongly recommended that you make an appointment with Planning Staff to discuss what information will be needed to address the items shown on the checklist.***

| <b>Item No.</b>                        | <b>Item</b>                                                                                                                                                                                                                                                                                                                                                                           | <b>Submitted</b> | <b>Official use</b> |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|
| <b>I Application Information</b>       |                                                                                                                                                                                                                                                                                                                                                                                       |                  |                     |
| <b>1.0</b>                             | <b>Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)</b>                                                                                                                                                                                                                                                                  | X                |                     |
| 1.1                                    | Name, address, and contact information of the petitioner                                                                                                                                                                                                                                                                                                                              | X                |                     |
| 1.2                                    | Name and address of property owners(s) – if different than petitioner                                                                                                                                                                                                                                                                                                                 | X                |                     |
| 1.3                                    | If petitioner is different than property owner, provide statement describing interest in property and a letter from the property owner authorizing the application                                                                                                                                                                                                                    | N/A              |                     |
| 1.4                                    | Identify existing and proposed zoning and acreage of area proposed to be rezoned                                                                                                                                                                                                                                                                                                      | X                |                     |
| 1.5                                    | Parcel addresses and Section, Block, and Lot (SBL) numbers of all properties proposed to be rezoned. Indicate if a portion of any parcel is involved, if applicable                                                                                                                                                                                                                   | X                |                     |
| 1.6                                    | Statement of planning objectives to be achieved by the proposed rezoning, including the following: <ul style="list-style-type: none"> <li>How the proposed zoning and development plan meets the objectives of the Comprehensive Plan</li> <li>A description of the character of the proposed development</li> <li>The rationale behind the assumptions that are presented</li> </ul> | X                |                     |
| 1.7                                    | Cite specific maps and / or figures in the Comprehensive Plan that must be amended to support the proposed zoning and provide suggested amendments.                                                                                                                                                                                                                                   | N/A              |                     |
| 1.8                                    | A general statement about how any proposed open space will be maintained (if applicable)                                                                                                                                                                                                                                                                                              | X                |                     |
| 1.9                                    | A development schedule indicating the approximate date when construction is expected to begin and be completed. Identify schedule of any proposed phasing of the development (attach pages as necessary)                                                                                                                                                                              | X                |                     |
| 1.10                                   | A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development                                                                                                                                                                                                                                                            | X                |                     |
| <b>II Survey and Legal Description</b> |                                                                                                                                                                                                                                                                                                                                                                                       |                  |                     |
| <b>1.0</b>                             | <b>Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor</b>                                                                                                                                                                                                                     | X                |                     |
| 1.1                                    | Raised/wet seal and signature of licensed surveyor                                                                                                                                                                                                                                                                                                                                    |                  |                     |
| 1.2                                    | Clear delineation and acreage of area to be rezoned if different than property boundary                                                                                                                                                                                                                                                                                               | N/A              |                     |
| <b>2.0</b>                             | <b>Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)</b>                                                                                                                                                                                                                                              | X                |                     |

| Item No.                                                    | Item                                                                                                                                                                        | Submitted | Official use |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------|
| <b>III Concept Plan (if required by the Planning Board)</b> |                                                                                                                                                                             |           |              |
| <b>1.0</b>                                                  | <b>Conceptual development plan drawn to scale (no larger than 24" x 36" format and folded into 8 1/2" x 11" size)</b>                                                       | X         |              |
| 1.1                                                         | North arrow                                                                                                                                                                 | X         |              |
| 1.2                                                         | Scale of drawing                                                                                                                                                            | X         |              |
| 1.3                                                         | Property lines (existing and proposed)                                                                                                                                      | X         |              |
| 1.4                                                         | Unique natural features and tree cover                                                                                                                                      | N/A       |              |
| 1.5                                                         | Information on land controlled by the applicant located within 500 feet of the perimeter of the area proposed to be rezoned                                                 |           |              |
| 1.6                                                         | Location of all proposed structures and other improvements                                                                                                                  | X         |              |
| 1.7                                                         | Number and type of dwelling units (if applicable)                                                                                                                           | N/A       |              |
| 1.8                                                         | Gross square feet of commercial space (if applicable)                                                                                                                       | X         |              |
| 1.9                                                         | Maximum structure heights                                                                                                                                                   |           |              |
| 1.10                                                        | Architectural sketches                                                                                                                                                      | X         |              |
| 1.11                                                        | Existing and proposed contours                                                                                                                                              |           |              |
| 1.12                                                        | Existing utility systems (sanitary sewers, water, storm drainage)                                                                                                           |           |              |
| 1.13                                                        | Location of proposed storm water detention or retention facilities                                                                                                          |           |              |
| 1.14                                                        | Proposed land use arrangement                                                                                                                                               | X         |              |
| 1.15                                                        | Location of all parking, loading, stacking and interior circulation drives                                                                                                  | X         |              |
| 1.16                                                        | Location of proposed curb cuts                                                                                                                                              | X         |              |
| 1.17                                                        | Location of cross access drives to adjacent parcels                                                                                                                         | X         |              |
| 1.18                                                        | Pedestrian circulation system                                                                                                                                               | X         |              |
| 1.19                                                        | Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status                                                                 |           |              |
| 1.20                                                        | Location of floodway and 100-year floodplain (if applicable)                                                                                                                | N/A       |              |
| 1.21                                                        | Location and purpose of any proposed easements                                                                                                                              |           |              |
| 1.22                                                        | Location and proposed development of all open spaces, including parks, playgrounds, conservation areas, and dedicated open space; indicate intended ownership of such areas | N/A       |              |
| 1.23                                                        | Additional data as required by the Planning Board                                                                                                                           | N/A       |              |
| <b>V Other Required Information</b>                         |                                                                                                                                                                             |           |              |
| <b>1.0</b>                                                  | <b>Completed and signed Environmental Assessment Form</b>                                                                                                                   | X         |              |
| 1.1                                                         | Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)                                                                    | N/A       |              |
| 1.2                                                         | Traffic impact study (if applicable)                                                                                                                                        | X         |              |
| 1.3                                                         | Archaeological assessment (if applicable)                                                                                                                                   | N/A       |              |
| 1.4                                                         | Wetland Delineation report (if applicable)                                                                                                                                  |           |              |
| <b>2.0</b>                                                  | <b>8 1/2" X 11" reduction of concept plan drawing (see appendix B)</b>                                                                                                      | X         |              |
| <b>3.0</b>                                                  | <b>A CD containing a PDF of the complete submittal package, including all drawings.</b>                                                                                     | N/A       |              |

For official use only:

\_\_\_\_\_  
Approved/Date



Block, Longo, LaMarca  
& Brzezinski, P.C.

ATTORNEYS | SINCE 1933

9276 MAIN STREET, CLARENCE, NY 14031

OFFICE: (716) 320-3150

**PARTNERS:**

MARK J. LONGO, ESQ.            PRESIDENT/CEO  
JOY LAMARCA, ESQ.           VICE PRESIDENT  
KEVIN E. BRZEZINSKI, ESQ.   VICE PRESIDENT  
JAMI DURANTE ROGOWSKI, ESQ.  
GEORGE R. SLINGERLAND, ESQ.  
BRITTNEY M. MCMAHON, ESQ.  
JENNIFER HURLEY, ESQ.  
NICHOLAS INGRASSIA, ESQ.

**CLARENCE OFFICE:**

JEFFERY D. PALUMBO, ESQ., SPECIAL COUNSEL  
MATTHEW T. DUBOIS, ESQ., ATTORNEY  
TRACY A. MURRAY, PARALEGAL  
ERIKA E. HOLLIS, PARALEGAL

August 17, 2026

Town of Amherst Planning Department  
5583 Main Street  
Williamsville, New York 14221  
Attn: Dan Ulatoski

**Re: Rezoning Application – 1025 Niagara Falls Boulevard  
SBL No. 67.06-1-28.1  
MS (Motor Service) to CTR-5 (Center 5)**

Dear Mr. Ulatowski:

On behalf of Amherst II UE LLC (the “Applicant”), we submit the enclosed application to rezone approximately 2.0614 acres at 1025 Niagara Falls Boulevard from the Motor Service (“MS”) District to the Center 5 (“CTR-5”) District. The property is presently developed with a Pep Boys automotive-service building and functions as an outparcel of Amherst Commons. The Applicant proposes to redevelop the site with an approximately 8,000-square-foot multi-tenant commercial building containing up to four tenant spaces, together with associated parking, sidewalks, landscaping, stormwater improvements and related site improvements.

The requested rezoning is appropriate given both the existing character of the property and the surrounding development pattern. This is not an expansion of commercial development into a residential or undeveloped area. The property is already developed for commercial use, lies within the established Amherst Commons commercial center, and directly adjoins property zoned CTR-5. The existing MS classification is comparatively narrow and is oriented principally toward automotive and motor-service uses. CTR-5 would better reflect the property’s relationship to the surrounding center and allow a more contemporary mix of retail, restaurant, office, fitness, medical and similar commercial uses.

The rezoning also fits squarely within the Town’s broader planning approach for the Boulevard Central area. When implementing the mixed-use districts in this portion of Amherst, the Town explained that the new regulations were intended to encourage varied land uses while improving the relationship among buildings, streets, surrounding sites and neighborhoods. The Boulevard Central Sector 1 area is bounded

by Niagara Falls Boulevard, I-290 and Sheridan Drive and includes CTR-5 among the mixed-use districts selected to implement that planning framework.

The proposal is likewise consistent with the Town's Bicentennial Comprehensive Plan. The Plan calls for revitalized commercial centers and corridors, pedestrian-friendly and interconnected development patterns, and development standards that support improved visual character and mixed-use redevelopment. More specifically, **Policy 3-9** encourages the redevelopment and revitalization of underutilized or obsolete properties for economically viable uses and expressly recognizes that revitalization may include partial or complete replacement of existing buildings and changes to site layout. That is precisely the type of reinvestment proposed here: replacement of an aging, single-purpose automotive facility with a smaller and more flexible commercial building within an existing commercial center.

The Plan's commercial and mixed-use policies further recognize that established suburban commercial centers should be retrofitted and revitalized as market conditions change. Section 3.3.2 emphasizes strengthening commercial and mixed-use opportunities in appropriate locations and identifies building placement, parking, access, scale and surrounding context as matters to be addressed through the Town's development regulations. The Plan also describes suburban centers along major roadways as appropriate locations for commercial and mixed-use development at scales extending up to five stories, depending upon context.

The requested CTR-5 designation therefore advances, rather than departs from, the Comprehensive Plan. It supports reinvestment in an existing commercial center, makes use of established infrastructure, broadens the range of economically viable uses on an already-developed site, and avoids extending commercial zoning into undeveloped or residential land. The Applicant is not requesting an amendment to the Comprehensive Plan.

The request also satisfies the rezoning considerations set forth in § 8-3-5 of the Zoning Ordinance. That section directs the Planning Board to consider consistency with the Comprehensive Plan and Zoning Ordinance, the availability of services and utilities, compatibility with nearby zoning and uses, the suitability of the property under the existing and proposed districts, and whether the change improves the balance of uses or meets a specific demand in the Town. Each consideration favors the requested change. The property is already served by public infrastructure; final sewer, water, drainage and utility details will be addressed through engineering and site-plan review. CTR-5 is compatible with the adjoining Amherst Commons zoning and development pattern, while the existing MS classification is poorly suited to the broader commercial tenant mix anticipated following redevelopment.

The Applicant recognizes that the rezoning is only the first step in the approval process. The final building and site design will remain subject to all applicable dimensional requirements, any necessary area variances, SEQR review and subsequent site-plan approval. Those later reviews will provide the Town with the opportunity to address building placement, parking, landscaping, access, pedestrian circulation, stormwater management and other site-specific considerations. The Zoning Ordinance itself provides that a zoning-map amendment does not authorize construction and that site-plan approval remains necessary before building permits may issue.

For these reasons, we respectfully submit that rezoning the property from MS to CTR-5 represents a logical adjustment of the zoning map that is consistent with the existing commercial setting, the Town's mixed-use zoning framework, and the policies and objectives of the Comprehensive Plan. We respectfully request a favorable recommendation from the Planning Board and, ultimately, approval of the rezoning by the Town Board.

Thank you for your consideration. Please do not hesitate to contact us if the Planning Department requires any additional information in connection with its review.

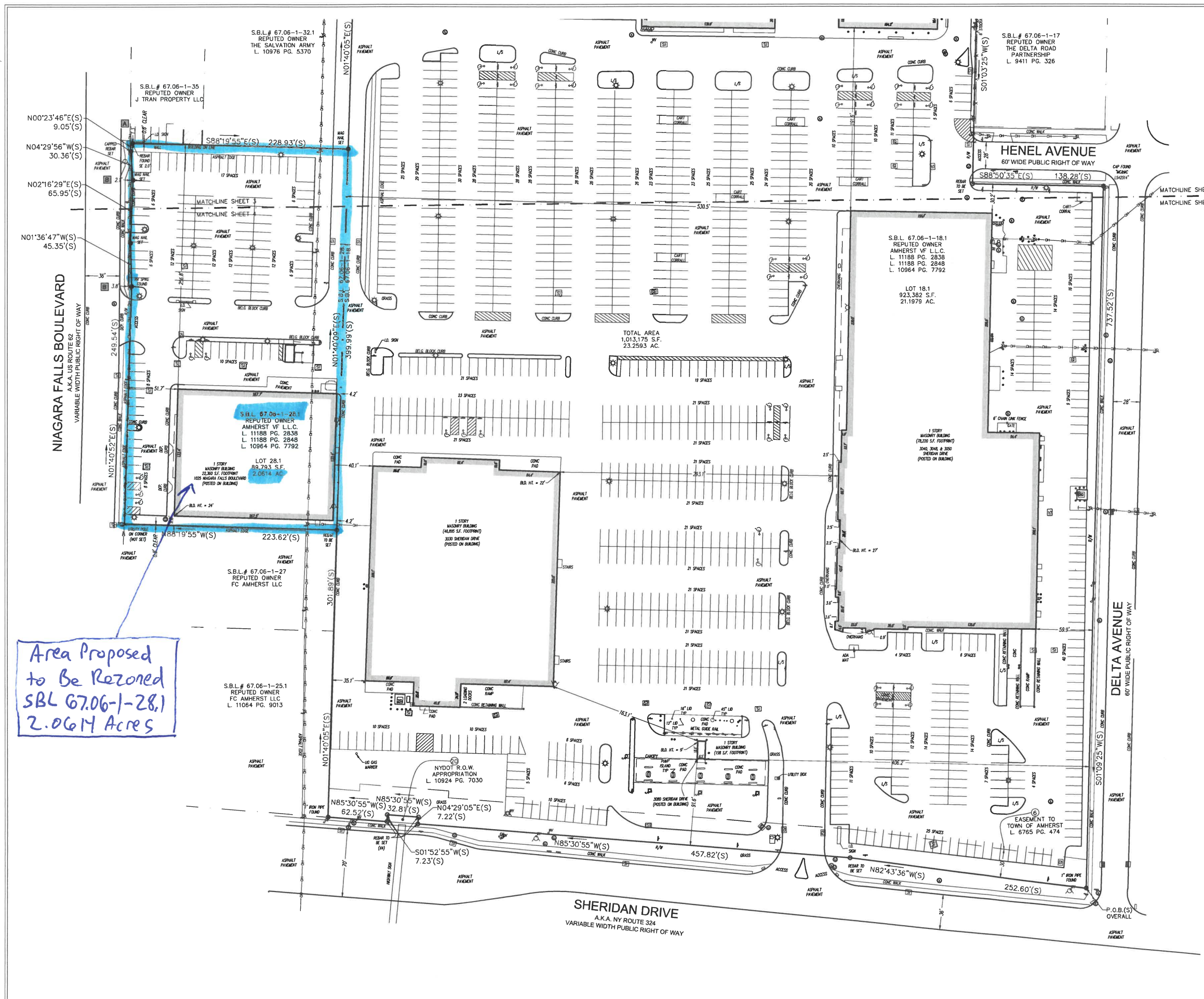
Very truly yours,



Matthew Dubois, Esq.

- Exhibit A – Boundary Survey and Legal Description of SBL No. 67.06-1-28.1
- Exhibit B – Updated Conceptual Site Plan, dated August 17, 2026
- Exhibit C – Updated Conceptual Rendering, dated August 13, 2026
- Exhibit D – Short Environmental Assessment Form and EAF Mapper Summary Report
- Exhibit E – Traffic Impact Statement
- Exhibit F – Property Owner Authorization and Deed
- Exhibit G – Proposed Local Law Amending the Zoning Map from MS to CTR-5

# **EXHIBIT A**



| LEGEND OF SYMBOLS & ABBREVIATIONS                             |                            |                            |
|---------------------------------------------------------------|----------------------------|----------------------------|
| (THIS IS A STANDARD LEGEND. NOT ALL ITEMS ARE ON THE SURVEY.) |                            |                            |
| ● MONUMENT FOUND                                              | ⚡ SPOT LIGHT               | ⊙ WATER MANHOLE            |
| ○ MONUMENT TO BE SET                                          | ⚡ POWERPOLE                | ⊙ WATER VALVE              |
| ⊕ BENCHMARK                                                   | ⚡ GUY WIRE                 | ⊕ WATER METER              |
| (R) RECORD DATA                                               | ⚡ LIGHT POLE               | ⊕ HYDRANT / FDC            |
| (S) SURVEYED DATA                                             | ⚡ STREET LIGHT POLE        | ⊕ GAS MANHOLE              |
| POB POINT OF BEGINNING                                        | ⚡ ELEC. TRANSFORMER        | ⊕ GAS VALVE                |
| POC POINT OF COMMENCEMENT                                     | ⚡ AIR CONDITIONER          | ⊕ GAS METER                |
| R/W RIGHT OF WAY                                              | ⚡ ELEC. MANHOLE            | ⊕ UNDERGROUND GAS MARKER   |
| SBL SET BACK LINE                                             | ⚡ ELECTRIC METER           | ⊕ PROPANE TANK             |
| RCP REINFORCED CONC PIPE                                      | ⚡ CABLE BOX                | ⊕ TELEPHONE BOX            |
| CMP CORRUGATED METAL PIPE                                     | ⚡ UNDERGROUND CABLE MARKER | ⊕ TELEPHONE MANHOLE        |
| PVC PLASTIC PIPE                                              | ⚡ TRAFFIC POLES            | ⊕ KEYPAD                   |
| HDPE HIGH DENSITY POLYETHYLENE PIPE                           | ⚡ TRAFFIC SIGNAL           | ⊕ FLAG POLE                |
| CIP CAST IRON PIPE                                            | ⚡ TRAFFIC MANHOLE          | ⊕ BOLLARD                  |
| DIP DUCTILE IRON PIPE                                         | ⚡ TRAFFIC SIGNAL BOX       | ⊕ LIGHT BOLLARD            |
| L/S LANDSCAPING                                               | ⚡ SEWER MANHOLE            | ⊕ BORE HOLE                |
| U.G. UNDER GROUND                                             | ⚡ CLEAN OUT                | ⊕ MONITORING WELL          |
| — X — FENCELINE                                               | ⚡ CABLE TELEVISION LINE    | ⊕ MAIL BOX                 |
| — C — CABLE TELEVISION LINE                                   | ⚡ STORM INLET              | ⊕ SIGN                     |
| — E — ELECTRICAL LINE                                         | ⚡ STORM DRAIN MANHOLE      | ⊕ METAL TANK COVER         |
| — G — GAS LINE                                                | ⚡ CURB INLET               | ⊕ AIR COMPRESSOR           |
| — T — TELEPHONE LINE                                          | ⚡ ROUND STORM INLET        | ⊕ ADA PARKING              |
| — W — WATER LINE                                              | ⚡ UNKNOWN MANHOLE          | ⊕ YARD DRAIN               |
| — CH — OVERHEAD ELECTRIC WIRE                                 | ⚡ DECIDUOUS TREE           | ⊕ IRRIGATION CONTROL VALVE |
| — — — GUIDEWIRE                                               | ⚡ EVERGREEN TREE           |                            |
| — — — TREE LINE                                               |                            |                            |

IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SCALE: 1" = 50'

STATE OF NEW YORK  
JACK SHOEMAKER  
Professional Engineer No. 00495-1  
In the State of New York  
Date of Survey: November 8, 2023  
Date of Last Revision: December 6, 2023  
Network Project No. 202303785-001CW  
Survey Performed By:  
**flirt Order, LLC**  
4383 Hecktown Road, Suite B  
Bethlehem, PA 18020  
Phone 610-365-2907  
Fax 610-365-2958  
Email: jshoemaker@flirtorderllc.net  
Project No. F230416

SHEET 4 OF 4

**NV5**

**SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT**

**ALTA/NSPS LAND TITLE SURVEY**  
PREPARED FOR  
**AMHERST COMMONS 2023**  
DATE OF FIELD SURVEY: OCTOBER 19, 2023  
NETWORK PROJECT NUMBER: 202303785-001CW  
**1-(800)-SURVEYS (787-8397)**  
TRANSACTION SERVICES  
www.bockandclark.com maybethelpyou@bockandclark.com www.NV5.com

**LEGAL DESCRIPTION**

**1025 Niagara Falls Blvd**

**SBL 67.06-1-28.1**

**Parcel K (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots Nos. 30, 31, 32, 33, 34, 35, 36, 63, 64, 65, 66, 67, 68, 69, as shown on map filed in Erie County Clerk's Office under Cover No. 1244.

EXCEPTING THEREFROM the westerly 17 feet thereof appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 435.

**Parcel N (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and being the following portions of Marion Road as shown on a map filed in the Erie County Clerk's Office under Cover No. 1244:

The westerly one-half of Marion Road adjoining Subdivision Lots Nos. 63 to 69, inclusive.

**Parcel O (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey according to a map filed in Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers seventy-one (71) and seventy-two (72) and that part of Marion Road adjoining said Subdivision lots, being eighty (80) feet front and rear by one hundred forty-two (142) feet in depth.

**Parcel P (As to Fee)**

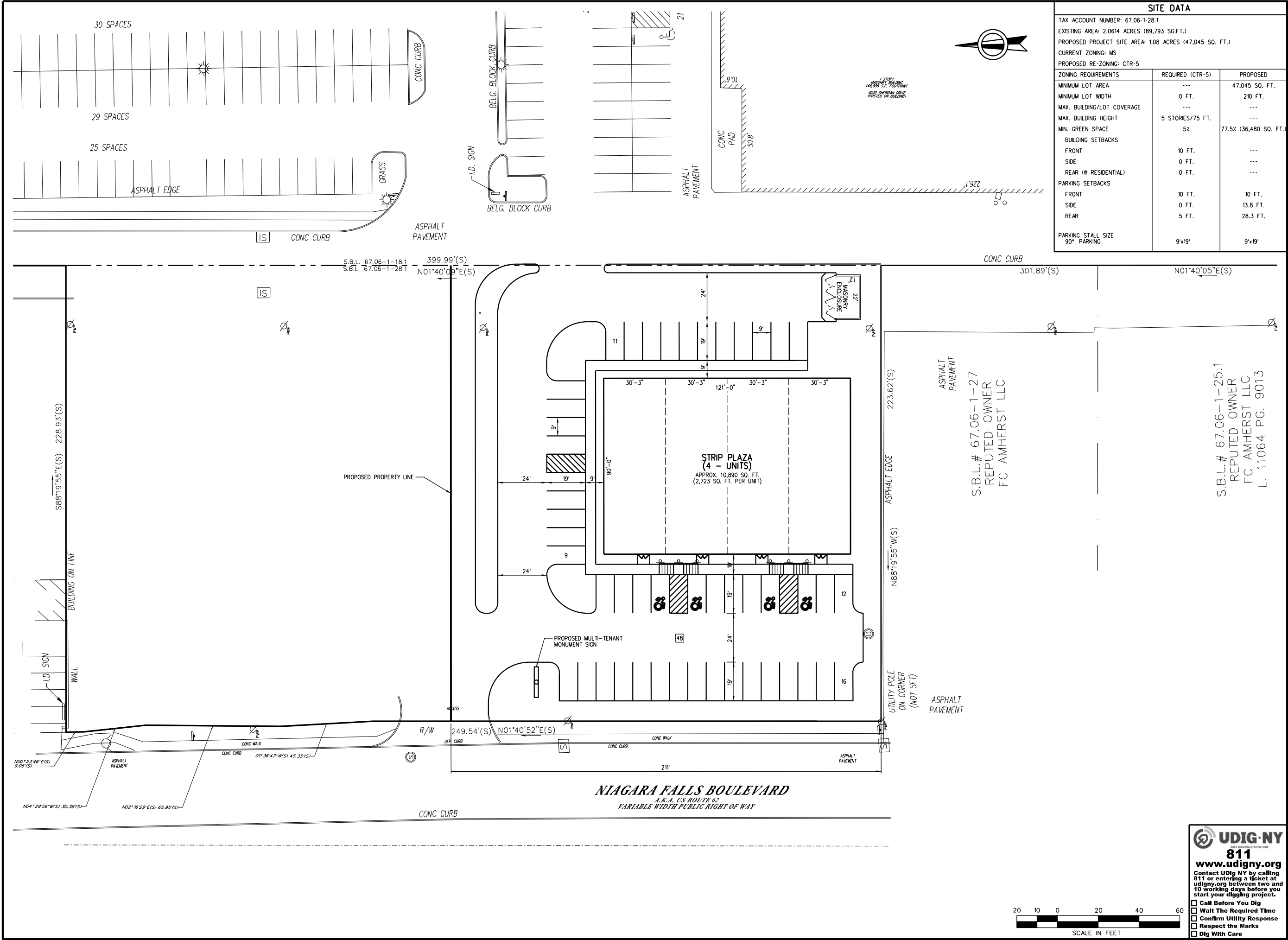
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers twenty-seven (27) to twenty-nine (29) inclusive and Subdivision Lot Number seventy (70).

EXCEPTING THEREFROM all those parts thereof taken to the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 487

(being Niagara Falls-Buffalo Part 5 S.H. No. 5193, Map No. 45, Parcel No. 46 and Map No. 46, Parcel No. 47).

EXCEPTING THEREFROM all those parts thereof taken to the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 10925 of Deeds at page 3802 (being Niagara Falls-Buffalo Part 5 S.H. Number 5193, Map Number 98, Parcel Number 106).

# **EXHIBIT B**



| SITE DATA                                               |                  |                        |
|---------------------------------------------------------|------------------|------------------------|
| TAX ACCOUNT NUMBER: 67.06-1-28.1                        |                  |                        |
| EXISTING AREA: 2.0614 ACRES (89,793 SQ. FT.)            |                  |                        |
| PROPOSED PROJECT SITE AREA: 1.08 ACRES (47,045 SQ. FT.) |                  |                        |
| CURRENT ZONING: MS                                      |                  |                        |
| PROPOSED RE-ZONING: CTR-5                               |                  |                        |
| ZONING REQUIREMENTS                                     | REQUIRED (CTR-5) | PROPOSED               |
| MINIMUM LOT AREA                                        | ---              | 47,045 SQ. FT.         |
| MINIMUM LOT WIDTH                                       | 0 FT.            | 210 FT.                |
| MAX. BUILDING/LOT COVERAGE                              | ---              | ---                    |
| MAX. BUILDING HEIGHT                                    | 5 STORIES/75 FT. | ---                    |
| MIN. GREEN SPACE                                        | 5%               | 77.5% (36,480 SQ. FT.) |
| BUILDING SETBACKS                                       |                  |                        |
| FRONT                                                   | 10 FT.           | ---                    |
| SIDE                                                    | 0 FT.            | ---                    |
| REAR (Ø RESIDENTIAL)                                    | 0 FT.            | ---                    |
| PARKING SETBACKS                                        |                  |                        |
| FRONT                                                   | 10 FT.           | 10 FT.                 |
| SIDE                                                    | 0 FT.            | 13.8 FT.               |
| REAR                                                    | 5 FT.            | 28.3 FT.               |
| PARKING STALL SIZE                                      |                  |                        |
| 90° PARKING                                             | 9'x19'           | 9'x19'                 |

AMHERST COMMONS OUTPARCEL

3050 SHERIDAN DRIVE AMHERST, NEW YORK

URBAN EDGE PROPERTIES

888 SEVENTH AVENUE NEW YORK, NEW YORK 10019

CONCEPT SITE PLAN

TYLin

255 East Avenue  
Rochester | New York | 14604  
585-512-2000 | 585-697-3449 f

PROJECT NO:

3012.0100712.000

DATE

08/17/26

SCALE:

1"=20'

PROJ. MGR.

NEB

DRAWN BY:

JMP

CHECK BY:

NEB

DRAWING NO:

CP-1

SHEET NO.

1 OF 1

# **EXHIBIT C**



Perspective

# **EXHIBIT D**

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

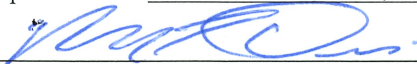
### **Instructions for Completing**

**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.

|                                                                                                                                                                                                            |  |                          |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------|--------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                            |  |                          |                          |
| Name of Action or Project:                                                                                                                                                                                 |  |                          |                          |
| Project Location (describe, and attach a location map):                                                                                                                                                    |  |                          |                          |
| Brief Description of Proposed Action:                                                                                                                                                                      |  |                          |                          |
| Name of Applicant or Sponsor:                                                                                                                                                                              |  | Telephone:               |                          |
|                                                                                                                                                                                                            |  | E-Mail:                  |                          |
| Address:                                                                                                                                                                                                   |  |                          |                          |
| City/PO:                                                                                                                                                                                                   |  | State:                   | Zip Code:                |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?                                                                     |  | NO                       | YES                      |
| 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. |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?                                                                                                        |  | NO                       | YES                      |
| If Yes, list agency(s) name and permit or approval:                                                                                                                                                        |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                    |  | _____ acres              |                          |
| b. Total acreage to be physically disturbed?                                                                                                                                                               |  | _____ acres              |                          |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                     |  | _____ acres              |                          |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                           |  |                          |                          |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)    |  |                          |                          |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):                                                             |  |                          |                          |
| <input type="checkbox"/> Parkland                                                                                                                                                                          |  |                          |                          |

|                                                                                                                                                                                                                                                                                                                                                                                      |                          |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                       | YES                      | N/A                      |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                       | YES                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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:                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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:                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                       | YES                      |                          |
| If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                       | YES                      |                          |
| If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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?                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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                      |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 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:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> 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<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 16. Is the project site located in the 100-year or 500-year flood plain?                                                                                                                                                                                                                                                                                                                                          | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,                                                                                                                                                                                                                                                                                                        | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>        |
| If Yes, briefly describe:<br><b>Anticipate stormwater to be collect in an underground storage facility to discharge stormwater from site at a rate less than the existing conditions.</b>                                                                                                                                                                                                                         |                                           |                                            |
| 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<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| If Yes, explain the purpose and size of the impoundment: _____                                                                                                                                                                                                                                                                                                                                                    |                                           |                                            |
| 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<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 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<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| If Yes, describe: _____<br><b>Site of an existing auto maintenance facility</b>                                                                                                                                                                                                                                                                                                                                   |                                           |                                            |
| 21. Is the project located within, or within ½ mile of, a disadvantaged community?                                                                                                                                                                                                                                                                                                                                | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| If No, could impacts from the project affect a disadvantaged community?                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                  | <input type="checkbox"/>                   |
| 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):                                                                                                                                                           |                                           |                                            |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br><br>Applicant/sponsor/name: <u>Matthew T. Dubois, Esq.,</u> Date: <u>8/17/26</u><br>Signature: <u></u> Title: <u>Attorney for applicant</u>                                                                           |                                           |                                            |



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



|                                                                                               |                                                                                  |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Part 1 / Question 7 [Critical Environmental Area]                                             | No                                                                               |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No                                                                               |
| Part 1 / Question 12b [Archeological Sites]                                                   | No                                                                               |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]                               | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]                                        | No                                                                               |
| Part 1 / Question 16 [100 or 500 Year Floodplain]                                             | No                                                                               |
| Part 1 / Question 20 [Remediation Site]                                                       | Yes                                                                              |
| Part 1 / Question 21 [Disadvantaged Community]                                                | No                                                                               |

# **EXHIBIT E**



August 17, 2026

Urban Edge Properties  
61-35 Junction Blvd  
Rego Park, New York 11374

ATTN: Joseph DeGiorgio

RE: Amherst Commons  
3050 Sheridan Drive  
Town of Amherst, Erie County, NY  
Trip Generation Letter

Dear Mr. DeGiorgio:

This letter summarizes the traffic analysis conducted to project the PM weekday and Saturday midday peak hour vehicle trips associated with the proposed redevelopment of an outparcel in Amherst Commons Shopping Plaza. The proposed development consists of a single four-unit retail strip plaza totaling 10,890 square feet.

### **Existing Site**

The project site is currently occupied by a 20,000-square-foot Pep Boys store with frontage along Niagara Falls Boulevard (US Route 62).

The site is served by two existing driveways. One access point is located along the northern property line near the northwest corner of the parcel, while the second is located near the southwest corner along the western property line. Access to Niagara Falls Boulevard is provided via a partially controlled right-in/right-out unsignalized driveway.

### **Project Description**

The proposed redevelopment includes demolition of the existing Pep Boys building and construction of a 10,890-square-foot retail strip plaza containing four tenant spaces. Existing driveway locations will remain and will be enhanced with improved site circulation and access delineation.

The site plan provides a total of 48 parking spaces, including four ADA-accessible spaces. Additional project details are provided in **Attachment A**.



### Trip Generation

Trip generation estimates were developed using the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 12th Edition*. To represent the proposed retail development, trip generation rates for **Land Use Code (LUC) 822 – Strip Plaza (<40,000 SF)** were applied based on the proposed gross floor area. Where fitted curve equations were unavailable, average trip rates were used.

The projected trips for the proposed development are summarized below.

**Table 1 – Trip Generation Summary (Land Use Code 822)**

| Land Use                   | Weekday Evening Peak Hour |      |           | Saturday Midday Peak Hour |      |           |
|----------------------------|---------------------------|------|-----------|---------------------------|------|-----------|
|                            | Enter                     | Exit | Total     | Enter                     | Exit | Total     |
| <b>LUC 822 – 10,890 SF</b> |                           |      |           |                           |      |           |
| Primary Trips              | 41                        | 40   | <b>81</b> | 37                        | 36   | <b>73</b> |

Based on the ITE methodology, the proposed development is expected to generate approximately **81 trips during the weekday PM peak hour** (41 entering, 40 exiting) and **73 trips during the Saturday midday peak hour** (37 entering, 36 exiting). Supporting trip generation calculations are included in **Attachment B**.

To evaluate the redevelopment's traffic impact, trip generation estimates for the existing Pep Boys store were developed using **Land Use Code (LUC) 943 – Automobile Parts and Service Center** and compared to the proposed retail plaza.

**Table 2: Trip Generation Comparison Summary Table**

| Land Use                                                 | Weekday Morning Peak Hour |            |            | Weekday Evening Peak Hour |            |            |
|----------------------------------------------------------|---------------------------|------------|------------|---------------------------|------------|------------|
|                                                          | Enter                     | Exit       | Total      | Enter                     | Exit       | Total      |
| Existing Development (Pep Boys)<br>(LUC 943 – 20,000 sf) | 16                        | 25         | <b>41</b>  | *16                       | *25        | *41        |
| Proposed Development<br>(LUC 822 - 10,890 sf)            | <u>41</u>                 | <u>40</u>  | <u>81</u>  | <u>37</u>                 | <u>36</u>  | <u>73</u>  |
| <b>Difference</b>                                        | <b>+25</b>                | <b>+15</b> | <b>+40</b> | <b>+21</b>                | <b>+11</b> | <b>+32</b> |

\* No Saturday trip generation is available; therefore PM Peak rates are used.

The proposed redevelopment is expected to generate **40 additional trips during the PM peak hour** and **32 additional trips during the Saturday midday peak hour** compared to the existing Pep Boys store.



### Summary and Conclusions

Based on the trip generation analysis, the proposed 10,890-square-foot retail strip plaza is anticipated to result in a reduction in traffic compared to the existing use of the site. Specifically, the redevelopment is projected to generate:

- **40 additional PM peak-hour trips** (25 more entering and 15 more exiting vehicles); and
- **32 additional Saturday midday peak-hour trips** (21 more entering and 11 more exiting vehicle).

Accordingly, the proposed redevelopment is expected to modestly increase PM and Saturday midday peak-hour traffic volumes at the site relative to current conditions.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,  
T. Y. Lin International, Engineering and Architecture, P.C.

A handwritten signature in blue ink that reads 'Christine Bianchi'.

Christine Bianchi, PTP  
Transportation Engineer  
585.512.2051

Enclosures

# **Attachment A**

## **Site Plan**

**TYLin**



# **Attachment B**

## **Trip Generation Calculations**

**TYLin**

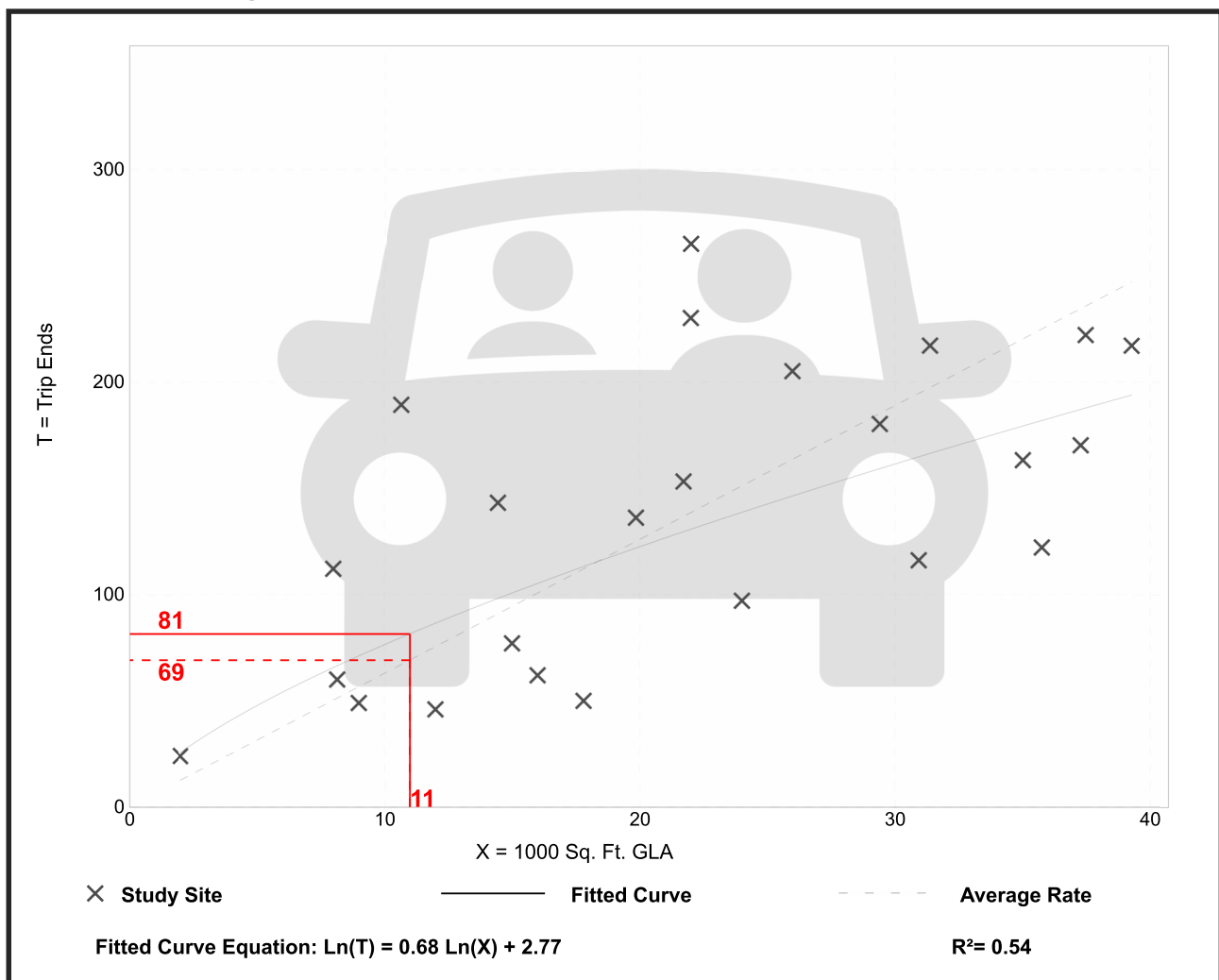
# Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 4 and 6 p.m.  
 Setting/Location: General Urban/Suburban  
 Number of Studies: 24  
 Avg. 1000 Sq. Ft. GLA: 22  
 Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 6.29         | 2.81 - 17.72   | 3.02               |

## Data Plot and Equation



# Strip Retail Plaza (<40k)

## (822)

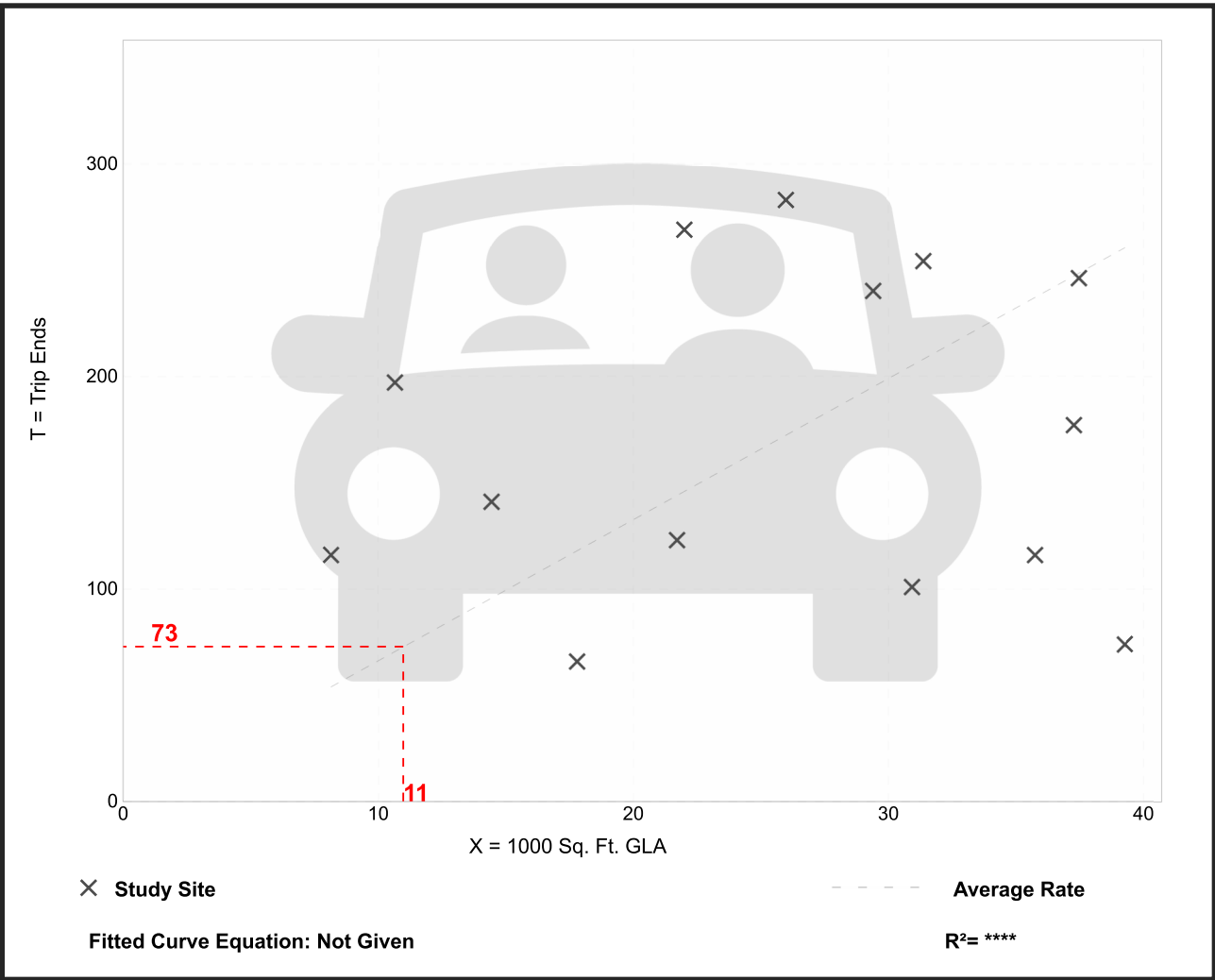
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban  
Number of Studies: 14  
Avg. 1000 Sq. Ft. GLA: 26  
Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GLA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 6.63         | 1.88 - 18.48   | 3.99               |

### Data Plot and Equation



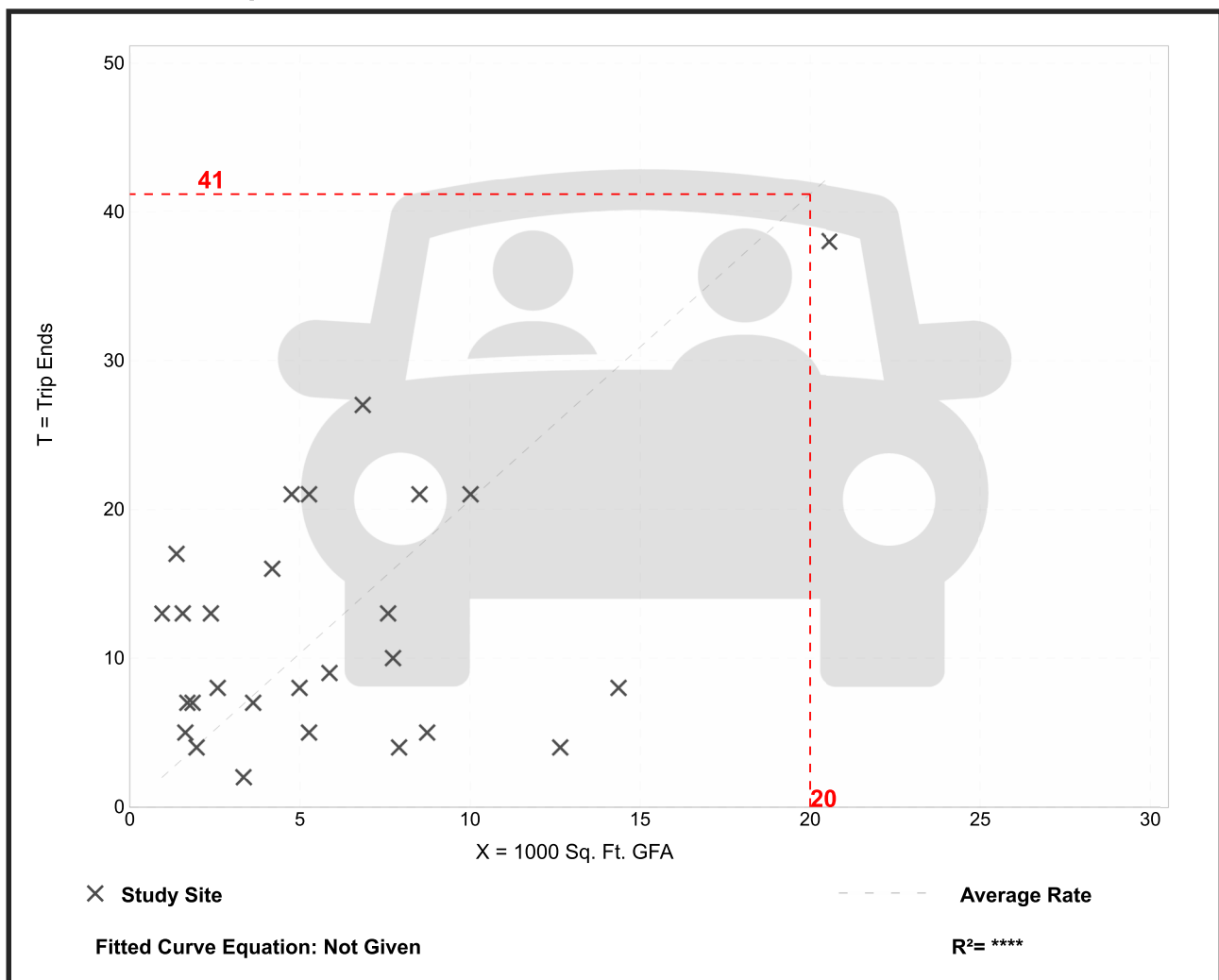
# Automobile Parts and Service Center (943)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.  
Setting/Location: General Urban/Suburban  
Number of Studies: 27  
Avg. 1000 Sq. Ft. GFA: 6  
Directional Distribution: 39% entering, 61% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 2.06         | 0.32 - 13.54   | 1.97               |

## Data Plot and Equation



# **EXHIBIT F**

## Property Owner's Authorization

**1025 Niagara Falls Boulevard, Amherst, NY 14226**

I, Sama Kassem, VP Development of Amherst II UE LLC, owner of the property located at 1025 Niagara Falls Boulevard in Amherst, NY, SBL 67.06-1-28.1 (the "Property"), hereby give permission to my representative, Jeffery D. Palumbo, Esq. and Block, Longo, LaMarca & Brzezinski, P.C., along with their representatives, agents, and assigns, to pursue, submit filings for, and appear on my behalf in connection with all variances, permits, rezoning applications, and other approvals required by the Town of Amherst, Erie County, and any other authority with jurisdiction, in connection with the owner's planned redevelopment of the Property.

8/17/2026  
Dated

AMHERST II UE LLC

By: Urban Edge Properties LP

By: [Signature]

Print Name: Sama Kassem

Title: VP Development

CERTIFICATE OF SECRETARY  
GENERAL CORPORATE RESOLUTIONS

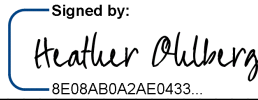
The undersigned, Heather Ohlberg, Secretary of Urban Edge Properties, a Maryland real estate investment trust (the “Company”), does hereby certify:

FIRST: I am the duly elected, qualified and acting Secretary of the Company and have custody of the corporate records and minutes.

SECOND: That attached hereto as Exhibit A is a complete copy of the resolutions of the Board of Trustees of the Company, which was duly adopted by the Board of Trustees of the Company and is in full force and effect, and has not been rescinded, as of the date set forth below.

THIRD: That attached hereto as Exhibit B is a complete list of subsidiaries indirectly owned by the Company as filed as an exhibit on the Company’s Form 10-K.

IN WITNESS WHEREOF, I have hereupon set my hand this 8<sup>th</sup> day of June, 2026.

Signed by:  
  
8E08AB0A2AE0433...

Name: Heather Ohlberg  
Title: EVP, General Counsel and Secretary

## RESOLUTIONS REGARDING APPOINTMENT OF OFFICERS

### Election of Officers / General Purpose Resolution

RESOLVED, that (i) the following persons, and only such persons, are designated as executive officers of the Company and (ii) the following persons are designated for purposes of Section 16 of the Securities and Exchange Act of 1934, as amended, as “officers” of the Company until their successors are duly appointed by the Board:

Jeffrey S. Olson  
Jeffrey S. Mooallem  
Mark J. Langer  
Heather R. Ohlberg

RESOLVED, that Andrea Rosenthal Drazin, Chief Accounting Officer, in addition to the executive officers set forth above, is also designated for purposes of Section 16 of the Securities and Exchange Act of 1934, as amended, as an “officer” of the Company until her successor is duly appointed by the Board;

RESOLVED, that each of the persons set forth on Annex A and described as officers of the Company and Urban Edge Properties LP be elected and appointed to serve as an officer of the Company and Urban Edge Properties LP, with such powers and authorities as generally pertain to such officers under applicable law or otherwise under customary practice and to serve in accordance with the by-laws of the Company, as amended until the earlier of his or her resignation or removal in accordance with the bylaws of the Company or otherwise at the direction of an officer of the Company more senior to such officer (the authority for which is hereby granted);

RESOLVED, that each officer of the Company and Urban Edge Properties LP be designated as an “Authorized Person” or “Authorized Signatory” for all purposes for each of the subsidiaries of the Company and Urban Edge Properties LP that currently or may exist from time to time (including, without limitation, those subsidiaries indicated (or if not currently indicated, but would qualify as such a subsidiary in a future filing) as such on an exhibit to the Company’s Form 10-Q, filed quarterly with the U.S. Securities and Exchange Commission, or the Company’s Form 10-K, filed annually with the U.S. Securities and Exchange Commission) and each action previously taken by the Company, Urban Edge Properties LP or any such officer in such capacity is hereby ratified and approved;

RESOLVED, that (a) the Chief Executive Officer and Chairman of the Board (currently, Jeffrey S. Olson); (b) the Executive Vice President and Chief Operating Officer (currently Jeffrey S. Mooallem); (c) the Executive Vice President and Chief Financial Officer (currently Mark J. Langer); (d) the Chief Accounting Officer (currently Andrea Drazin); (e) the Executive Vice President, General Counsel and Secretary (currently Heather R. Ohlberg) and (f) any person designated by, or with the consent of, the Chairman (each an “Authorized Officer”) be authorized, empowered and directed in connection with the conduct of the Company’s business and purposes (a) to do all such acts and things pertaining thereto, including, without limitation, the opening and maintenance of bank accounts, (b) to execute, deliver, enter into and file, on behalf of and in the name of the Company (or one of its subsidiaries as described herein), agreements, contracts,

guarantees, indemnities, commitments, certificates, instruments, leases, easements, deeds and any other documents in the ordinary course of business (collectively “Documents”), (c) to make changes to any of the foregoing, and (d) to pay fees and expenses, in each case as may be necessary or desirable in order to carry out and comply with the terms and provisions of this resolution or Documents entered into or executed pursuant to this resolution, as any Authorized Officer may, in his or her sole discretion, determine to be necessary, advisable or desirable, in order to carry out and effectuate the business and purposes of the Company, such determination to be evidenced conclusively by the execution and delivery of such Documents by or under the direction of such Authorized Officer, and that all of the acts and doings of any of the Authorized Officers, whether heretofore or hereafter taken, done or performed in furtherance of the above resolutions are hereby ratified, approved, confirmed, and authorized.

ERIE COUNTY CLERKS OFFICE  
County Clerk's Recording Page

Return To:

COURT EXPLORERS INC  
300 RECTOR PLACE  
NEW YORK, NY 10280

AMHERST INDUSTRIES LLC

AMHERST VF LLC

Index DEED LIBER

Book 10964 Page 7792

No. Pages 0008

Instrument DEED

Date : 3/30/2000

Time : 10:24:26

Control # 200003300220

TT# TT 1999 018208

Employee ID CLS

|          |    |       |
|----------|----|-------|
| COUNTY   | \$ | 39.00 |
| STATE    | \$ | 25.00 |
| CJE      | \$ | 5.00  |
| TRANSFER | \$ | .00   |
|          | \$ | .00   |
| NFTA TT  | \$ | .00   |
|          | \$ | .00   |
|          | \$ | .00   |
|          | \$ | .00   |
| Total:   | \$ | 69.00 |

STATE OF NEW YORK  
ERIE COUNTY CLERKS OFFICE

TRANSFER TAX

WARNING - THIS SHEET CONSTITUTES THE CLERK'S  
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a  
(5) OF THE REAL PROPERTY LAW OF THE STATE OF  
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

CONSIDERATN \$ 1.00

TRANSFER TAX \$ .00

DAVID J SWARTS  
COUNTY CLERK



D109647792

SST  
#0

Standard N.Y. S.T.U. Form 8002: Bargain & Sale deed  
with covenant against grantor's acts-Ind. or Corp.: single sheet

TS-Vornado  
RECORD & RETURN TO:  
Court Explorers, Inc.  
300 Rector Place  
New York, NY 10280  
(212) 945-6324

Record 2nd #2

THIS INDENTURE, made the 1<sup>st</sup> day of March, 2000,

BETWEEN

AMHERST INDUSTRIES L.L.C., a New York limited liability company, as successor by merger from Amherst Industries (DE) L.L.C., a Delaware limited liability company, as successor by merger from Amherst Industries Inc., a New York corporation, party of the first part, whose address is c/o Vornado Realty Trust, Park 80 West, Plaza II, Saddle Brook, NJ 07663,

AND

AMHERST VF L.L.C., a Delaware limited liability company, party of the second part, whose address is c/o Vornado Realty Trust, Park 80 West, Plaza II, Saddle Brook, NJ 07663,

WITNESSETH, that the party of the first part, in consideration of Ten (10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

Sect  
67.06

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Amherst, County of Erie and State of New York,

the legal description is attached hereto and made a part hereof.

Block  
1

BEING the same premises conveyed to the party of the first part as successor by merger from Amherst Industries (DE) L.L.C., a Delaware limited liability company, as successor by merger from Amherst Industries Inc., a New York corporation, by Deed dated December 18, 1979 and recorded December 18, 1979 in Liber 8864 at pages 247 and 249.

Lot  
20.1,  
28.1,  
18 +  
19

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Section 67.06, Block 1, Lot 20.1

Property: 3080 Sheridan Drive, Amherst, New York

HP AMH  
100  
P/B-7-0

IN PRESENCE OF:

AMHERST INDUSTRIES L.L.C., a New York limited liability company, as successor by merger from Amherst Industries (DE) L.L.C., a Delaware limited liability company, as successor by merger from Amherst Industries Inc., a New York corporation,

By: Vornado Finance L.P., a Delaware limited partnership, a Member,

By: Vornado Finance GP L.L.C., a Delaware limited liability company, its general partner,

Shereka C. Maman

By: Irwin Goldberg  
Name: Irwin Goldberg  
Title: Authorized Signatory

State of New York )  
County of New York) ss.:

On the 28 day of February, 2000, before me, the undersigned, personally appeared Irwin Goldberg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Brian P. Lyons  
Notary Public

BRIAN P. LYONS  
Notary Public, State of New York  
No. 01LY4945353  
Qualified in Nassau County  
Commission Expires 12/19/2002

SECTION 67.01  
BLOCK 1  
LOT 20.1  
COUNTY OR Town of Amherst  
DISTRICT

RETURN BY MAIL TO:

~~Richard W. Abramson, Esq.  
Cole, Schotz, Meisel, Forman & Leonard  
Court Plaza North  
25 Main Street  
P.O. Box 800  
Hackensack, New Jersey 07602-0800~~

RECORD & RETURN TO:  
Court Explorers, Inc.  
300 Rector Place  
New York, NY 10280  
(212) 945-6324

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE.

## DESCRIPTION CONTINUED

**Parcel D: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under No. 503 is known as Subdivision Lots No. 39, 40, 41 and 42.

**Parcel E: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 503 is known as Subdivision Lots Nos. 78, 79, 80 and 81.

**Parcel F: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the northerly line of Sheridan Drive, distant 30 feet easterly, as measured at right angles, from the center line of the Livermore Avenue, as shown on a map filed in Erie County Clerk's office under Cove No. 503, extended southerly;

THENCE easterly along the northerly line of Sheridan Drive, 236.37 feet more or less to a point distant 30 feet westerly, as measured at right angles from the center line of Santa Clara Avenue, as shown on a map filed in the Erie County Clerk's Office under Cover No. 503, extended southerly;

THENCE northerly along a line drawn parallel with said center of Santa Clara Avenue extended southerly, 155.91 feet more or less to the south line of lands shown on a map filed in Erie County Clerk's Office under Cover No. 503;

THENCE westerly along said southerly line of shown on said map, 236 feet more or less to a point distant 30 feet easterly, as measured at right angles, from the center line of Livermore Avenue, as shown on the above mentioned map, extended southerly;

THENCE southerly along a line drawn parallel with said center line of Livermore Avenue, extended southerly 104.22 feet more or less to the northerly line of Sheridan Drive at the point of BEGINNING.

EXCEPTING THEREFROM that part hereof appropriated by Notice of Appropriation recorded in Erie County Clerk's Office in Liber 6840 of Deeds at page 419.

## DESCRIPTION CONTINUED

### Parcel G: (As to Fee)

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the northerly line of Sheridan Drive, distant 30 feet easterly, as measured at right angles from the center line of Santa Clara Avenue, as shown on a map filed in Erie County Clerk's Office under Cover No. 503, extended southerly;

THENCE easterly along the northerly line of Sheridan Drive 128.40 feet more or less to easterly line of lands shown on a map filed in Erie County Clerk's Office under Cover No. 503, extends southerly;

THENCE northerly along said extended southerly line of 125.20 feet more or less to the south line of lands shown on the above mentioned map;

THENCE westerly along said southerly line shown on the above mentioned map;

THENCE westerly along said southerly line shown on said map, 126.98 feet more or less to a point distant 30 feet easterly, as measured at right angles, from the center line of Santa Clara Avenue, as shown on said Map Cover No. 503, extended southerly;

THENCE southerly along a line drawn parallel with the center line of Santa Clara Avenue, Sheridan Drive, at the place of BEGINNING.

EXCEPTING THEREFROM that part thereof appropriated by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 553.

### Parcel J: (As to Fee)

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey bounded and described as follows:

60 feet wide by approximately 101.25 feet in depth located on the north side of Sheridan Drive, distant approximately 435.74 feet east of the intersection of Niagara Falls Boulevard, which property, if extended, would be an extension of Livermore Avenue, an unimproved street shown on Map No. 503 filed in Erie County Clerk's Office.

60 feet wide by approximately 118.89 feet in depth located on the north side of Sheridan Drive, distant approximately 732.08 feet east of the intersection of Niagara Falls Boulevard, which property, if extended, would be an extension of Santa Clara Avenue, an unimproved street shown on Map No. 503 filed in Erie County Clerk's Office.

## DESCRIPTION CONTINUED

**Parcel K: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots Nos. 30, 31, 32, 33, 34, 35, 36, 63, 64, 65, 66, 67, 68, 69, as shown on map filed in Erie County Clerk's Office under Cover No. 1244.

EXCEPTING THEREFROM the westerly 17 feet there of appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 435.

**Parcel L: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the northerly bounds of Sheridan Drive, as a 100 foot highway, distant easterly 317.26 feet from the intersection of the said northerly line of Sheridan Drive with the easterly bounds of Niagara Falls Blvd., as a 66 foot highway, said point of beginning being in the west line of the former Frank Hall Property;

RUNNING THENCE easterly along the northerly bounds of Sheridan Drive 50 feet;

RUNNING THENCE northerly on a line parallel with Niagara Falls Blvd., 97.87 feet;

RUNNING THENCE westerly on a straight line 49.93 feet to a point in said Hall's line and which line is parallel with Niagara Falls Blvd., and which point is distant northerly 103 feet from the point of beginning;

RUNNING THENCE southerly on said line parallel with Niagara Falls Blvd., 103 feet to the point or place of BEGINNING.

EXCEPTING THEREFROM that part thereof appropriated by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 427.

## DESCRIPTION CONTINUED

### **Parcel M: (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the northerly line of Sheridan Drive, as a 100 foot wide highway, at the southeast corner of lands conveyed by the County in Liber 4217 of Deeds page 30;

THENCE easterly along the said northerly line of Sheridan Drive 68.14 feet, more or less, to a point distant 30 feet westerly, as measured at right angles from the center line of Livermore Avenue, as shown on map filed said Clerk's Office under Cover No. 503, extended southerly;

THENCE northerly along a line drawn parallel with said center line of Livermore Avenue, extended southerly, 101.25 feet, more or less, to the south line of lands shown on a map filed in said Clerk's Office under Cover No. 503;

THENCE westerly along the south line of lands shown on said map, 68.06 feet, more or less, to the northeast corner of lands conveyed to James Higgins by deed aforesaid;

THENCE southerly along said Higgins' east line 97.87 feet, more or less to the northerly line of Sheridan Drive at the place of BEGINNING.

EXCEPTING THEREFROM that part thereof appropriated by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 419.

### **Parcel N (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and being the following portions of Marion Road as shown on a map filed in the Erie County Clerk's Office under Cover No. 1244:

The westerly one-half of Marion Road adjoining Subdivision Lots Nos. 63 to 69, inclusive.

### **Parcel O (As to Fee)**

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey according to a map filed in Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers seventy-one (71) and seventy-two (72) and that part of Marion Road adjoining said Subdivision lots, being eighty (80) feet front and rear by one hundred forty-two (142) feet in depth.

## DESCRIPTION CONTINUED

### Parcel P (As to Fee)

All that tract or parcel of land situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers twenty-seven (27) to twenty-nine (29) inclusive and Subdivision Lot Number seventy (70).

EXCEPTING THEREFROM all those parts thereof taken to the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 487 (being Niagara Falls-Buffalo Part 5 S.H. No. 5193, Map No. 45, Parcel No. 46 and Map No. 46, Parcel No. 47.

# **EXHIBIT G**

**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 REZONE CERTAIN LANDS LOCATED AT 1025  
NIAGARA FALLS BOULEVARD FROM MS (MOTOR SERVICE) TO CTR-5 (CENTER 5)  
AND TO AMEND THE ZONING MAP ACCORDINGLY.**

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

**Section 1. Title.**

This Local Law shall be referred to as, “A Local Law Amending Chapter 203 of the Town of Amherst Code, Known as the Zoning Ordinance, to Rezone Certain Lands Located at 1025 Niagara Falls Boulevard from MS (Motor Service) to CTR-5 (Center 5) and to Amend the Zoning Map Accordingly.”

**Section 2. Legislative Findings and Intent.**

The Town Board of the Town of Amherst finds that an application to rezone certain lands located at 1025 Niagara Falls Boulevard, identified as SBL No. 67.06-1-28.1 and containing approximately 2.0614 acres, from MS (Motor Service) to CTR-5 (Center 5) zoning has been filed and is in proper order.

The Town Board further finds that the rezoning is consistent with the Town of Amherst Bicentennial Comprehensive Plan and the commercial and mixed-use planning framework applicable to the Niagara Falls Boulevard corridor.

**Section 3. Amherst Zoning Map.**

The Town Board hereby amends its zoning map, which is incorporated by reference in the Town Zoning Code, by rezoning from MS (Motor Service) to CTR-5 (Center 5) the approximately 2.0614-acre parcel located at 1025 Niagara Falls Boulevard, Amherst, New York, SBL No. 67.06-1-28.1, subject to any conditions imposed by the authorizing resolution; legally described as follows:

**Parcel K (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company’s Survey and further distinguished as Subdivision Lots Nos. 30, 31, 32, 33, 34, 35, 36, 63, 64, 65, 66, 67, 68, 69, as shown on map filed in Erie County Clerk’s Office under Cover No. 1244.

EXCEPTING THEREFROM the westerly 17 feet thereof appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk’s Office in Liber 6840 of Deeds at page 435.

**Parcel N (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company’s Survey and being the following portions of Marion Road as shown on a map filed in the Erie County Clerk’s Office under Cover No. 1244:

The westerly one-half of Marion Road adjoining Subdivision Lots Nos. 63 to 69, inclusive.

**Parcel O (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey according to a map filed in Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers seventy-one (71) and seventy-two (72) and that part of Marion Road adjoining said Subdivision lots, being eighty (80) feet front and rear by one hundred forty-two (142) feet in depth.

**Parcel P (As to Fee)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 84, Township 12, Range 7 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 1244 is known as Subdivision Lot numbers twenty-seven (27) to twenty-nine (29) inclusive and Subdivision Lot Number seventy (70).

EXCEPTING THEREFROM all those parts thereof taken to the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 6840 of Deeds at page 487 (being Niagara Falls-Buffalo Part 5 S.H. No. 5193, Map No. 45, Parcel No. 46 and Map No. 46, Parcel No. 47).

EXCEPTING THEREFROM all those parts thereof taken to the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 10925 of Deeds at page 3802 (being Niagara Falls-Buffalo Part 5 S.H. Number 5193, Map Number 98, Parcel Number 106).

**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 and 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