



## 6842 & 6846 Main Street

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	Mixed-Use Project
<b>Project Summary</b>	Mixed-Use Project consisting of a four-story mixed-use buildings, two-story apartments with attached garages and related site improvements.
<b>Applicant Name</b>	6842 Main Street, LLC
<b>Applicant Address</b>	6790 Main Street
<b>Applicant Address 2</b>	Suite 100
<b>Applicant City</b>	Williamsville
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14221
<b>Phone</b>	(716) 204-2910
<b>Fax</b>	(716) 204-2911
<b>E-mail</b>	rcavallari@blissco.net
<b>Website</b>	www.blissco.net
<b>NAICS Code</b>	531110

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2021
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Rob Cavallari
<b>Title</b>	CFO
<b>Address</b>	6790 Main St
<b>Address 2</b>	Suite 100
<b>City</b>	Williamsville
<b>State</b>	New York
<b>Zip</b>	14221
<b>Phone</b>	(716) 204-2921

Fax (716) 204-2911  
E-Mail rcavallari@blissco.net

Company Contact (if different from individual completing application).

Name  
Title  
Address  
Address 2  
City  
State  
Zip  
Phone  
Fax  
E-Mail

Company Counsel

Name of Attorney Sean Hopkins  
Firm Name Hopkins Sorgi & McCarthy PLLC  
Address 5500 Main St  
Address 2 Suite 343  
City Williamsville  
State New York  
Zip 14221  
Phone (716) 510-4338  
Fax  
E-Mail shopkins@hsmlegal.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes  
Exemption from Mortgage Tax Yes  
Exemption from Real Property Tax Yes  
Tax Exempt Financing\* No

\* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

The project consists of 67 market rate apartments/townhomes and 7,500 square feet of commercial office space.

Estimated % of sales within Erie County 100 %  
Estimated % of sales outside Erie County but within New York State 0 %  
Estimated % of sales outside New York State but within the U.S. 0 %  
Estimated % of sales outside the U.S. 0 %

(\*Percentage to equal 100%)

**For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?**

80

**Describe vendors within Erie County for major purchases**

Concrete, stone, steel, asphalt, landscaping, plants, metal panels, siding, brick, roofing, electrical supplies, plumbing supplies, heating & air conditioning supplies, elevator, metal studs, insulation, drywall, paint, wood, aluminum railings, wood fence, windows, doors, frames, kitchen cabinets, countertops, appliances, blinds, tile, and signage.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### Address of Proposed Project Facility

Portions of 6842 & 6846 Main Street (Parcels to be merged)

#### Town/City/Village of Project Site

Town of Amherst

#### School District of Project Site

Clarence Central Schools

#### Current Address (if different)

#### Current Town/City/Village of Project Site (if different)

#### SBL Number(s) for proposed Project

70.17-3-10 & 70.17-3-9

#### What are the current real estate taxes on the proposed Project Site

\$38,839

#### If amount of current taxes is not available, provide assessed value for each.

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

#### Are Real Property Taxes current at project location?

Yes

#### If no please explain

#### Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

#### If No, indicate name of present owner of the Project Site

#### Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

#### Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Vacant land.

#### Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

A new four-story, 80,000 square foot, mixed-use building, consisting of 6,872 square feet of first floor commercial office space and 61 apartments. The project also includes 6 two-story apartments with attached garages. The project includes on site parking, detached garages, lighting, landscaping, storm water management, and utility improvements and connections.

#### Municipality or Municipalities of current operations

Town of Amherst

#### Will the Proposed Project be located within a Municipality identified above?

Yes

#### Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the

**state?**

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

No

**If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available**

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:**

The mixed-use project is eligible pursuant to the UTEP and is consistent the mixed-use redevelopment goals and objectives contained in the adopted Town of Amherst Bicentennial Comprehensive Plan ("Comprehensive Plan") as most recently amended. A more detailed narrative regarding reasons the mixed-use project should be approved for a Financial Assistance by the Agency is attached as Exhibit "2".

**Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

The Agency's financial assistance is necessary for the successful implementation of the proposed mixed-use redevelopment project. Given the enhanced buildings materials and improvements required per the Town's design standards for projects located in the mixed-use districts created by the Town Board in 2019 as depicted on the approved Elevation Plans for the mixed-use project by the Planning Board based on input from the Town's Design Advisory Board, the cost to construct the mixed-use project is substantially higher on per sq. ft. basis than a typical standalone commercial or multifamily project. Obtaining the necessary project financing for the successful implementation of the proposed mixed-use project is challenging for reasons entirely outside the control of the Applicant that are largely attributable to issues that arose as a result of the Covid-19 pandemic including increased equity requirement of lenders, dramatically increased construction costs, increased labor costs due to lack of supply of skilled trades, etc. Additionally, lenders have also become less willing to provide financing for projects that include commercial space. It is also important to mention that the Applicant modified its original plans for the mixed-use redevelopment project by including first floor apartments that will be appropriate for workforce housing consisting of employees of the numerous businesses in close proximity to the Project Site including retailers, restaurants, offices, etc.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

In the absence of financial assistance, there will be negative impacts to the Applicant given that it will not be able successfully implement the mixed-use redevelopment project per the Site Plan approved by the Planning Board subsequent to the Town Board approving an amendment of the zoning classification of the Project Site from General Business District ("GB") to Deep Corridor 5 District ("DC-5") on September 13, 2021 in order to accommodate the mixed-use redevelopment project. Additionally, if the mixed-use project does not occur, there will be negative fiscal impacts to the Town of Amherst, Erie County and the school district since the annual property taxes with financial assistance in place from the IDA will be substantially greater than the current annual property taxes attributable to the currently vacant Project Site.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Lifts, generators, office equipment.

### Site Characteristics

**Is your project located near public transportation?**

Yes

**If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)**

NFTA Bus Routes 48 and 66

**Has a project related site plan approval application been submitted to the appropriate planning department?**

Yes

**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**

Deep Corridor 5 District ("DC-5") per the decision issued by the Town Board on September 13, 2021.

**Describe required zoning/land use, if different**

Not Applicable.

**If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements**

Not Applicable

**Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

No

**If yes, please explain**

**Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?**

No

If yes, please provide a copy.

**Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

No

If yes, please provide copies of the study.

**If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?**

No

**If yes, describe the efficiencies achieved**

You may also attach additional information about the machinery and equipment at the end of the application.

**Does or will the company or project occupant perform research and development activities on new products/services at the project location?**

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

Select Project Type for all end users at project site (you may check more than one).

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

**Retail Sales**      Yes

**Services**      Yes

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility**    **No Assisted Living**    **No Back Office**
- No Civic Facility (not for profit)**    **Yes Commercial**        **No Equipment Purchase**
- No Facility for the Aging**            **No Industrial**            **No Life Care Facility (CCRC)**



\$ 0

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

**7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 0

**8.) Soft Costs: (Legal, architect, engineering, etc.)**

\$ 2,260,000

**9.) Other Cost**

\$ 0

**Explain Other  
Costs**

**Total Cost**     \$ 18,700,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 15,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 7,500,000
<b>% sourced in Erie County</b>	95%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 7,125,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 623,437

\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

**Project refinancing estimated amount, if applicable (for refinancing of existing debt only)**     \$ 0

**Have any of the above costs been paid or incurred as of the date of this Application?**     No

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 3,750,000
<b>Bank Financing:</b>	\$ 14,950,000
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0



**Total Sources of Funds for Project Costs:** \$18,700,000

**Have you secured financing for the project?** No

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 14,950,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$112,125

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):** Not Applicable.

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Lifts, generators, office equipment.

Employment Plan (Specific to the proposed project location).

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b>
<b>Full time</b>	0	0	0	0
<b>Part time</b>	0	3	3	3
<b>Total</b>	0	3	3	

**If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)**

The estimated job growth is based on the work force required to service number of apartments and the 1st floor commercial square footage.

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	1	\$ 0	\$ 0	\$ 25,000	\$ 5,000
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	1	\$ 0	\$ 0	\$ 20,000	\$ 5,000
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	1	\$ 0	\$ 0	\$ 17,500	\$ 2,500

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address	Full time	Part time	Total
	0	0	0
	0	0	0
	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

62,500

**Estimated average annual salary of jobs to be retained (Full Time)**

0

**Estimated average annual salary of jobs to be retained (Part Time)**

0

**Estimated average annual salary of jobs to be created (Full Time)**

0

**Estimated average annual salary of jobs to be created (Part Time)**

62,500

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	17,500	<b>To (Part Time)</b>	25,000

**Section III: Facility Type - Single or Multi Tenant**

**Is this a Single Use Facility or a Multi-Tenant Facility?**

Multi-Tenant Facility

Multi-Tenant Facility (to be filled out by developer).

**Please explain what market conditions support the construction of this multi-tenant facility**

The project site is located close to the intersection of Main Street and Transit Road, which is easily walkable to many amenities including restaurants, places of employment, retail, etc. There is a trend towards prospective office and residential tenants being interested in being located in a mixed-use building that is walkable and close to amenities.

**Have any tenant leases been entered into for this project?**

No

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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\*fill out table for each tenant and known future tenants

**Section V: Retail Determination**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?**

Yes

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

**What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?**

6 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

**Will the project be operated by a not-for-profit corporation?**

<BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?**

<BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?**

<BLANK>

If yes, please provide a market analysis supporting your response.

**Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?**

<BLANK>

**If yes, explain**

**Is the project located in a Highly Distressed Area?**

<BLANK>

## **Section VI: Adaptive Reuse Projects**

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

No

**Section VII: Inter-Municipal Move Determination**

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

**Current Address**

**City/Town**

**State**

**Zip Code**

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

## **Section VIII: Senior Housing**

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

**Are you applying for tax incentives under the Senior Rental Housing policy?**

No

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**Exhibit 1 - Short Environmental Assessment  
Form prepared pursuant to the State  
Environmental Quality Review Act  
("SEQRA") with Attachments 1, 2 and 3**

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# Short Environmental Assessment Form

## Part 1 - Project Information

Prepared By: Sean Hopkins, Esq.  
 5500 Main Street, Suite 343  
 Williamsville, New York 14221  
 Tel: 716.510-4338  
 E-mail: shopkins@hsmlegal.com

### Instructions for Completing

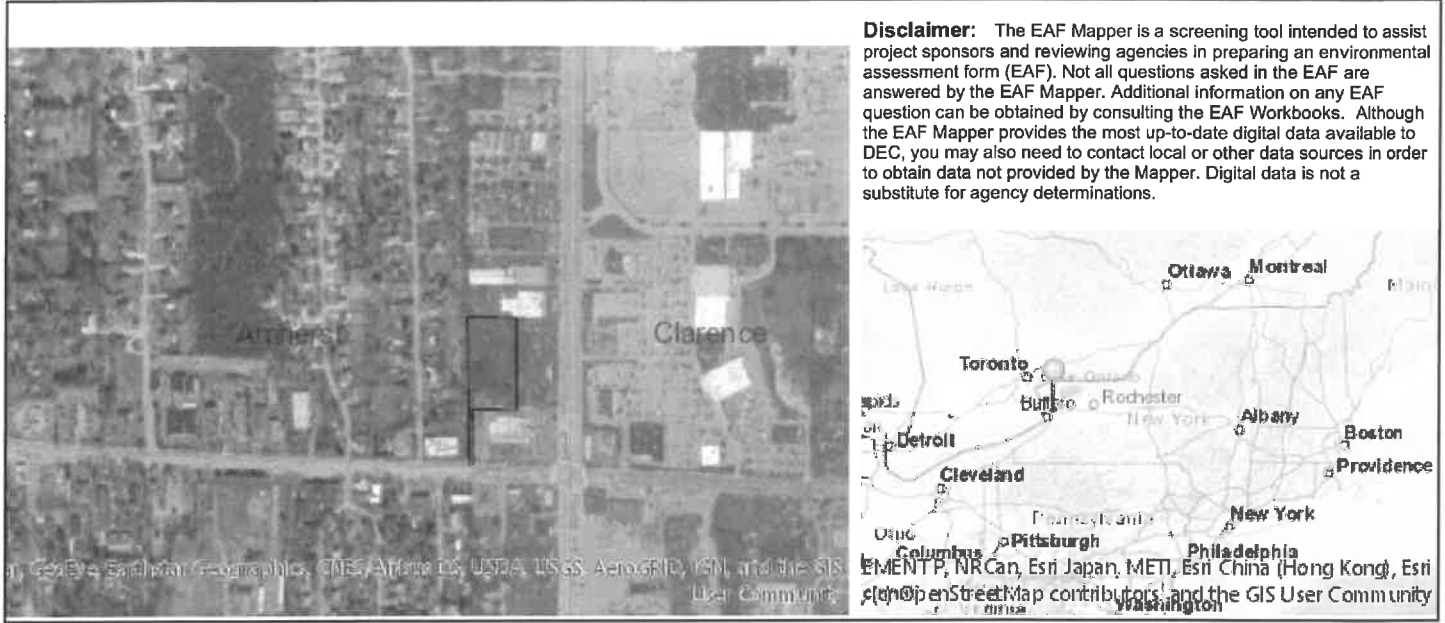
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 which 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: Proposed Mixed-Use Redevelopment Project			
Project Location (describe, and attach a location map): Portions of 6842 and 6846 Main Street - Town of Amherst - Erie County			
Brief Description of Proposed Action: The proposed mixed-use redevelopment project ("action") of a mixed-use project to be located on the approximately 2.58 acre site consisting of portions of 6842 and 6846 Main Street ("Project Site") that is zoned Deep Corridor 5 ("DC-5"). The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including a proposed 4-story mixed-use building with 6,872 sq. ft. of 1st floor commercial space and 61 apartments, the six 2-story attached town-homes, detached garage buildings, access aisles and parking spaces, landscaping, lighting, storm water management improvements and all required utility improvements. The proposed mixed-use project will not result in any potentially significant adverse environmental impacts. The Town Board completed an environmental review of the proposed mixed-use project pursuant to the State Environmental Quality Review Act ("SEQRA") by issuing a negative declaration on September 13, 2021. A copy of the negative declaration is provided at Attachment "A" of this Short EAF. The Planning Board also issued a negative declaration pursuant to SEQRA on February 17, 2022. A copy of the negative declaration issued by the Planning Board is provided at Attachment "B" of this Short EAF.			
Name of Applicant or Sponsor: MEL Investors, LLC c/o Sean Hopkins, Esq.		Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343			
City/PO: Williamsville		State: NY	Zip Code: 14221
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Amherst IDA - PILOT, Sales Tax Exemption for Materials and Partial Mortgage Tax Exemption			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.58 acres	
b. Total acreage to be physically disturbed?		2.58 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.58 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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? 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? [A copy of the SHPO No Impact determination letter dated February 8, 2022 is provided at Attachment "C".]	NO	YES	
	<input checked="" 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<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: _____		
Storm water management improvements to be installed on the Project Site per the fully engineered plans prepared by Carmina Wood Morris DPC.		
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)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>MEL Investors, LLC</u> Date: <u>April 12, 2022</u>		
Signature: <u><i>Sean Hopkins</i></u> Title: <u>Attorney for Project Sponsor</u> Sean W. Hopkins, Esq.		



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

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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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**Attachment A of Short Environmental  
Assessment Form Prepared Pursuant to the  
State Environmental Quality Review Act  
("SEQRA") - Negative Declaration Issued by  
the Town Board on September 13, 2021**

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Town of Amherst Planning Department

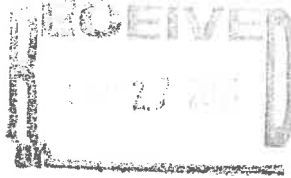
Erie County, New York



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director



**SEQR**

**NEGATIVE DECLARATION**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

**Lead Agency:** Town of Amherst  
Town Board

**Project:** Z-2021-05

**Address:** 5583 Main Street  
Williamsville, NY 14221  
(716) 631-7051

**Date:** September 13, 2021

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

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

**Title of Action:** Rezoning Request.

**SEQR Status:** Unlisted action.

**Description of Action:** Rezoning of 2.58± acres of land from General Business District (GB) to Deep Corridor 5 District (DC-5) to allow for the future use and development of a mixed use (commercial and residential) project on the site.

**Location:** Portions of 6842 and 6846 Main Street. Town of Amherst, Erie County, New York

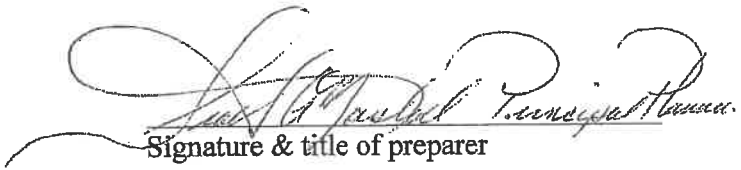
**Petitioner:** MEL Investors, LLC

### **Reasons Supporting This Determination**

Based on information submitted by the applicant, including a Short Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 2.58± acres of land from General Business District (GB) to Deep Corridor 5 District (DC-5) for a proposed mixed use development will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on June 28, 2021 reviewed the application and EAF submitted on June 16, 2021 and had no objection or comments on the proposed rezoning.
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.
3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on April 22, 2021 reviewed the application and EAF submitted on April 19, 2021 and has no objection or comments on the proposed rezoning.
4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, prior to any soil disturbance or construction activities The NYS Office of Parks, Recreation, Historic Preservation will review the project and determined that there will be no impact on or will it impair the character or quality of important historical resources. A Phase 1 Cultural Resources Investigation dated January 2012 was prepared by Panamerican Consultants Inc. which concluded that there were no cultural resources identified and no cultural resources will be impacted by the proposed development.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from General Business District (GB) to Deep Corridor 5 District (DC-5) Neighboring uses are commercial developments and single family residences zoned General Business District (GB) and Multifamily Residential District Five (MFR-5); therefore, the project is consistent with surrounding land use.
6. The proposed rezoning to Deep Corridor 5 District (DC-5) for a proposed mixed use development will not cause a major change in the use of either the quantity or type of energy.
7. The rezoning to Deep Corridor 5 District (DC-5) for the proposed mixed-use development will not create any hazard to human health.

8. The rezoning to Deep Corridor 5 District (DC-5) will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed mixed-use development will be consistent with the scale of surrounding land uses.
9. The rezoning to Deep Corridor 5 District (DC-5) for the proposed mixed-use development will not significantly increase the number of people using the site over its previous level of use.
10. Review by the Town Traffic/Safety Board on June 30, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.
11. Coordinated review of the project has been undertaken by Town Departments including Building on April 22, 2021, Engineering on June 28, 2021, Traffic/Safety Board on June 30, 2021, and Assessor on June 25, 2021 along with the outside agency Erie County Department of Environment and Planning on May 25, 2021. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.



Signature & title of preparer

9/21/2021  
date



Brian J. Kulpa, Supervisor

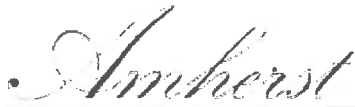
9/22/21  
date



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**Attachment B of Short Environmental  
Assessment Form Prepared Pursuant to the  
State Environmental Quality Review Act  
("SEQRA") - Negative Declaration Issued by  
the Planning Board on February 17, 2022**

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Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

**SEQR  
Negative Declaration**

FEB 24 2022 PM 1:43 6010

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

<b>Lead Agency:</b>	Town of Amherst Planning Board	<b>Project:</b>	SP-2021-27
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>	February 17, 2022

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

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

**Title of Action:** Site Plan Review

**SEQR Status:** Unlisted Action

**Description of Action:** Proposal consists of a six (6) unit two (2) story townhouse building, a ten (10) and a nine (9) car garage, and a 4-story mixed use building consisting of 7,500 sq. ft. of 1st-floor retail/office space and 58 residential apartments. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

**Location:** 6842 and 6846 Main Street (portions), Amherst, Erie County

**Petitioner:** MEL Investors LLC

REASONS SUPPORTING THIS DETERMINATION

FEB24 2022 PM 4:45 ROJD

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on February 4, 2022 reviewed the Grading, Drainage and Utility Plans submitted on January 31, 2022, Engineer's Report submitted on January 31, 2022, Erosion Control Plan submitted on January 31, 2022 and Geotechnical Report prepared by Empire Geo-Services. Inc.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on January 31, 2022 was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on January 31, 2022 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project does not create any material conflict with the Town Comprehensive Plan. The Building Department in their review of February 9, 2022 and the Planning Department in their review of February 7, 2022 have reviewed the application documents, along with the Geotechnical Report submitted on January 31, 2022, and reported in their review of February 9, 2022 that the subject project has or will have met all International Building Code – 2018 and Zoning Ordinance regulations.
4. The project is within an area identified by the State as having potential archaeological or historical significance. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of February 8, 2022, determined that there will be no impact on these resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Deep Corridor 5 District (DC-5) zoning district; neighboring uses are a mix of commercial, business and residential uses and zoned General Business District, Motor Service District and Multi-Family Residential District 5; therefore, the project is consistent with surrounding land use.
6. The proposed subject development will include a 4-story mixed-use building having 7,500 sq. ft. of 1st-floor retail/office space and 61 residential apartments and a 6-unit townhouse building, which will not cause a major change in the use of either the quantity or type of energy.

7. The project will not create any hazard to human health. The Fire Chief's Association on January 27, 2022, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency have or will have been met.
8. The project will not cause a substantial change in the use, or intensity of use, of currently vacant land, or in its capacity to support existing uses. The 67 residences and 7,500 sq. ft. of retail/office space will be consistent with the scale of surrounding land uses.
9. The function of the proposed mixed-use development will increase the number of people using the site over its previous level of use, but is not anticipated to result in a significant adverse impact.
10. Review by the Town Traffic/Safety Board dated January 11, 2022, and NYSDOT dated January 21, 2022 indicate that significant negative traffic impacts are not expected to result from the proposed project.
11. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on January 4, 2022, Assessor on February 9, 2022, Plumbing Division on February 7, 2022, and Right-of-Way Agent on December 21, 2021. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval

Moved by: Giuliani; Seconded by: Kahn Ayes 6; Noes 0; Absent 1 (Gill)

*David Palumbo* Assoc. Planner 2-24-2022  
signature & title of preparer Date

*Robert J. Gilmour* Planning Board Chair 2-24-22  
signature Date

GP/ac

X:\Current\_Planning\Files\Site Plans\2021\SP-2021-27\_(6842\_&\_6846\_Main\_St)\_2021\SP-2021-27\_neg dec\_021722.docx

- cc: Amherst Town Clerk  
Commissioner of Building  
Town Engineer  
Fire Chiefs'  
Highway  
Traffic/Safety  
ECDEP  
NYSDOT

MEL Investors, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221  
Patrick Sheedy, Carmina Wood Morris DPC, 487 Main St. Suite 500, Buffalo, NY 14203  
Brian J. Slevar, Carmina Wood Morris DPC, 487 Main St. Suite 500, Buffalo, NY 14203

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**Attachment C of Short Environmental  
Assessment Form Prepared Pursuant to the State  
Environmental Quality Review Act  
("SEQRA") - No Impact Determination Letter  
Issued by the NYS Office of Parks, Recreation  
and Hist. Preservation dated February 8, 2022**

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**Parks, Recreation,  
and Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

February 8, 2022

Patrick Sheedy Jr.  
Carmina Wood Morris, DPC  
487 Main Street  
Suite 500  
Buffalo, NY 14203

Re: DEC  
Mixed-Use Development Construction Project - 4 Story 6 Unit Townhouse  
Portions of 6842 and 6846 Main Street, Amherst, Erie County, NY  
21PR08567

Dear Patrick Sheedy Jr.:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

Adjacent to the proposed project area is the ca. 1967 M&T Bank branch building at 7300 Transit Road, which is eligible for listing in the State and National Registers of Historic Places. Our office has reviewed the townhouse construction project that is proposed adjacent to the bank building. Our Archaeology Unit has no archaeological concerns. Based upon our review, it is the OPRHP's opinion that this project will have No Adverse Impact on historic resources.

If you have any questions, I am best reached by email.

Sincerely,

Derek Rohde  
Historic Site Restoration Coordinator  
e-mail: derek.rohde@parks.ny.gov

via e-mail only

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**Exhibit 2 – Narrative Providing Justification  
for Amherst IDA’s Financial Assistance**

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## EXHIBIT 2

### NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE PROPOSED MIXED-USE REDEVELOPMENT PROJECT PORTIONS OF 6842 AND 6846 MAIN STREET

#### **I. Description of the Proposed Mixed Use Project:**

The proposed mixed-use project ("action") is to be located on the approximately 2.58 acre site consisting of portions of 6842 and 6846 Main Street ("Project Site") that is zoned Deep Corridor 5 ("DC-5"). The proposed mixed-use project includes a proposed 4-story mixed-use building to be located on the eastern portion of the Project Site with 6,872 sq. ft. of 1st floor commercial space and 61 apartments (including 10 first floor workforce housing units), a six 2-story attached townhomes building (units for lease), detached garage buildings, access aisles and parking spaces, landscaping, lighting, storm water management improvements and all required utility improvements. The proposed mixed-use project will not result in any potentially significant adverse environmental impacts. Both the Town Board and the Planning Board have previously completed environmental reviews of the mixed-use project and copies of the negative declaration issued by the Town Board on September 13, 2021 and the Planning Board on February 17, 2022 are attached to the Short Environmental Assessment Form attached as **Exhibit "1"**.

A copy of the Site Plan [Drawing C-100] for the mixed-use project as approved by the Planning Board on February 17, 2022 after receiving a unanimous favorable recommendation from the Town's Design Advisory Board during its meeting on January 27, 2022 is attached as **Exhibit "3"** color building renderings prepared by Carmina Wood Morris DPC are provided at **Exhibit "4"**. A color copy of the PowerPoint presentation given during the public hearing held by the Planning Board on February 17, 2022 is attached as **Exhibit "5"**.



All of the required project approvals from the Town municipal boards have been obtained including Site Plan Approval from the Planning Board. A copy of the resolution adopted by the Planning Board on February 17, 2022 granting Site Plan Approval for the mixed-use project is provided at **Exhibit “6”**.

**II. The Mixed-Use Project is Eligible Pursuant to Countywide Industrial Development Agency Uniform Tax Exemption Policy:**

The mixed-use project is eligible for IDA incentives pursuant to the Countywide Industrial Development Agency Uniform Tax Exemption Policy (“UTEPA”). The southern portion of the first floor of the mixed-use building consists of commercial space but the maximum amount of retail space will not exceed 6,872 sq. ft., thereby ensuring that the retail component will not exceed one-third of the project cost.

**III. The Mixed-Use Project is Consistent with the Adopted Bicentennial Comprehensive Plan:**

In connection with its decision granting Site Plan Approval for the mixed-use project on February 17, 2022, the Planning Board issued a finding that the mixed-use project is generally consistent with the policies of the Comprehensive Plan.

Chapter 2 of the Comprehensive Plan is titled “Plan Concept” and includes the Vision Statement and Key Initiatives to achieve the Vision Statement. One of the four Key Initiatives is “Revitalization” of older neighborhoods and commercial areas through creative use of investment incentives. The text provides on Page 2-6 of the Comprehensive Plan specifically states that providing tax incentives for reinvestment, revitalization and redevelopment of commercial properties and housing in older areas of the Town is appropriate.

Chapter 3 of the Comprehensive Plan is titled “Land Use and Development” and the Goal for Land Use and Development as set forth on Page 3-4 is “An interconnected mix of land that

includes revitalized older neighborhoods and commercial centers and corridors, quality new developments, vibrant activity centers, agriculture, and green spaces throughout the community.” One of the policies for implementing the above goal consists of “Expand provisions and incentives for mixed-use development of commercial centers.” On Page 3-4 of the Plan, there is specific mention of the mixed-use development consisting of ground level commercial space and residential units on the upper stories. It is also important to mention that within Chapter 3 of the Comprehensive Plan, there are numerous references to mixed-use being a preferred form of development and the resulting benefits of infill mixed-use development including active street frontage, compactness, parking being located behind buildings, creation of a pedestrian friendly environment, etc. The proposed mixed-use project encompasses all of the benefit of mixed-use development as described in Chapter 3 of the Comprehensive Plan.

Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.”<sup>1</sup>

Mixed-use infill redevelopment projects are encouraged at suitable locations by the Comprehensive Plan as such the proposed mixed-use project at a location that has been designated

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<sup>1</sup> See Policy 5-1 for Economic Development.

as appropriate for mixed-use represents is a desired form of redevelopment. Policy 5-6 of the Comprehensive Plan consists of “[A]dopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.”

The mixed-use project has deliberately designed based on consideration of neighborhood compatibility and this is reflected by the four-story mixed-use building being located on the eastern portion of the Project Site, the 2-story townhomes to the west of the four-story mixed-use building and the extensive landscaping and screening on the back portion of the Project Site (westernmost portion of the Project Site) and the effort that was made by the Applicant in discussing the mixed-use project with stakeholders including the Town Board, the Zoning Board of Appeals, the Design Advisory nearby residential neighbors during the lengthy project review process. The architecture of the buildings as designed by Carmina Wood Morris DPC reflects input received from the Town’s Design Advisory Board is context sensitive by including various high quality materials and both horizontal and vertical relief. Color rendering of the proposed four-story mixed-use building to be located on the eastern portion of the Project Site and the two-story townhome buildings with attached garage are provided at **Exhibit “4”**.

#### **IV. Conclusion:**

The Applicant respectfully requests that the Board of Directors approve the requested incentives for the eligible mixed-use redevelopment project for the reasons described within the Application including this supporting narrative.

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**Exhibit 3 – Site Plan [Drawing C-101] for  
Mixed-Use Project**

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**Exhibit 4 – Color Building Renderings**

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NO.	DESCRIPTION	DATE



1. TRANSIT ROAD ELEVATION  
A-100 / SCALE 3/32" = 1'-0"



3. EXTERIOR PERSPECTIVE  
A-100 / SCALE NTS



2. MAIN STREET ELEVATION  
A-100 / SCALE 3/32" = 1'-0"









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**Exhibit 5 – PowerPoint Presentation Given  
During Public Hearing Held by the Planning  
Board on February 17, 2022**

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# AGENDA ITEM #5 – SITE PLAN

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## Proposed Mixed-Use Project

Address: 6842 & 6846 Main Street (portion)

Petitioner: MEL Investors, LLC

(SP-2021-27)

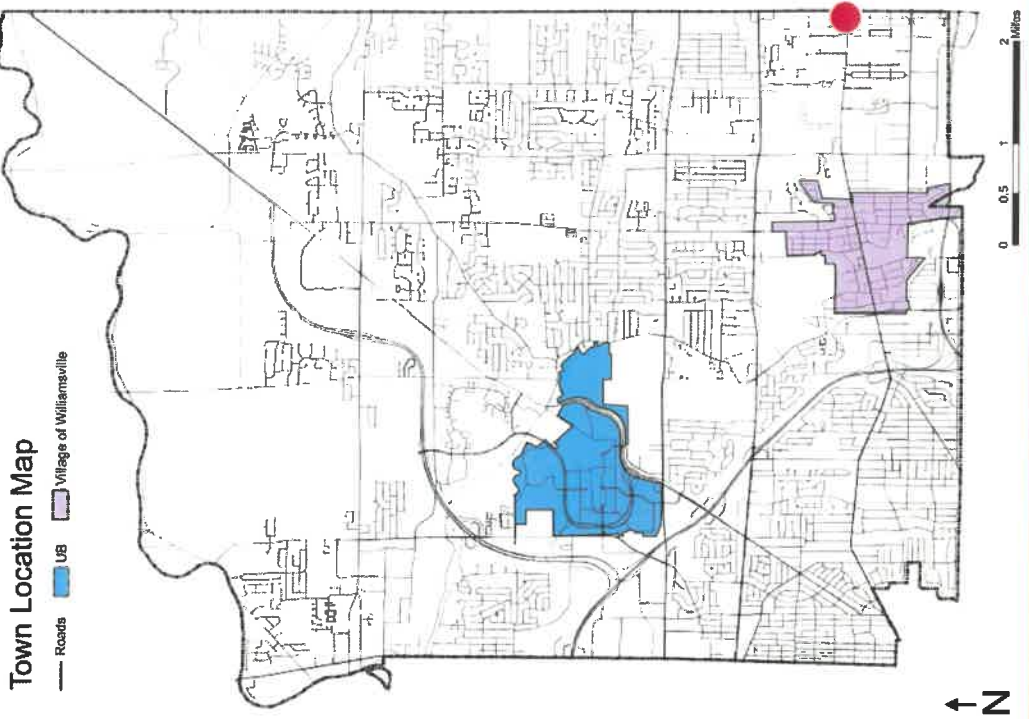
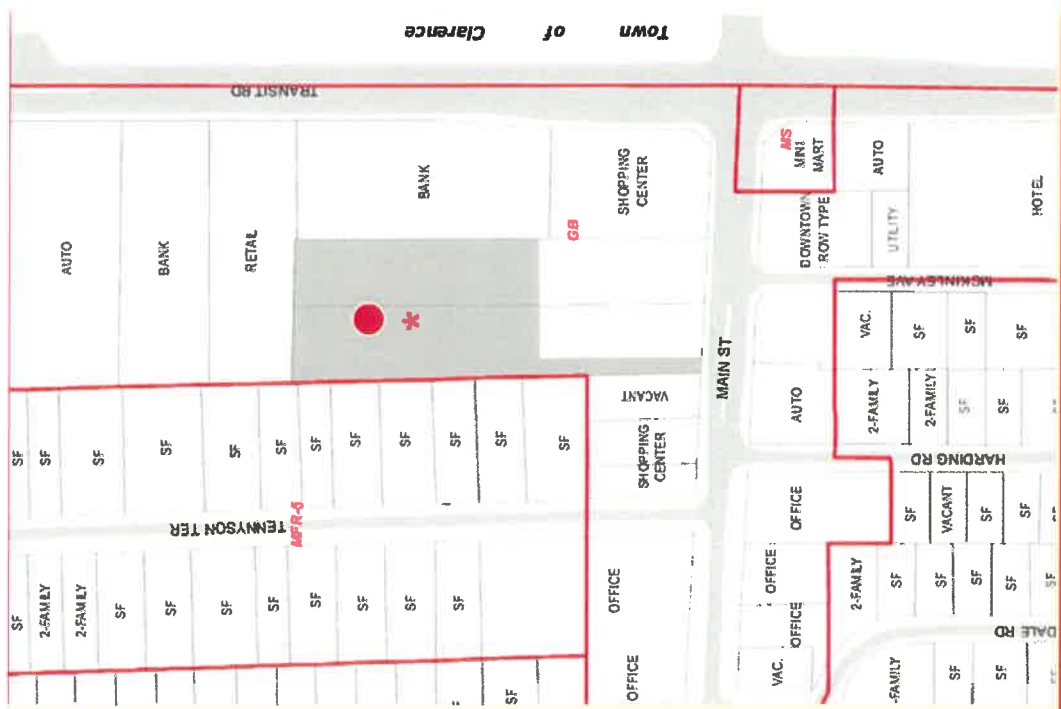


**Location:**

- North Side of Main Street 440± ft. west of Transit Road. The subject area is located to the west of the existing M&T Bank office building on Transit Road and north of the existing plaza building fronting on Main Street.

**Current Zoning:**

- Deep Corridor 5 (DC-5)





### Existing Development:

- The sites are predominately wooded with an open grassed area in the center of the eastern portion of the site. The site contains paved areas used by the adjacent businesses (8± parking spaces, turnaround and driveway) in addition to a transformer, signage and a light pole.

### Parcel Size:

- Acreage: 2.56 ±
- Frontage: 20 ± ft.
- Depth: 768.18 ± ft.

### Neighboring Uses:

- North: Retail Plaza
- South: Retail Plaza
- East: Bank
- West: Single Family Residential



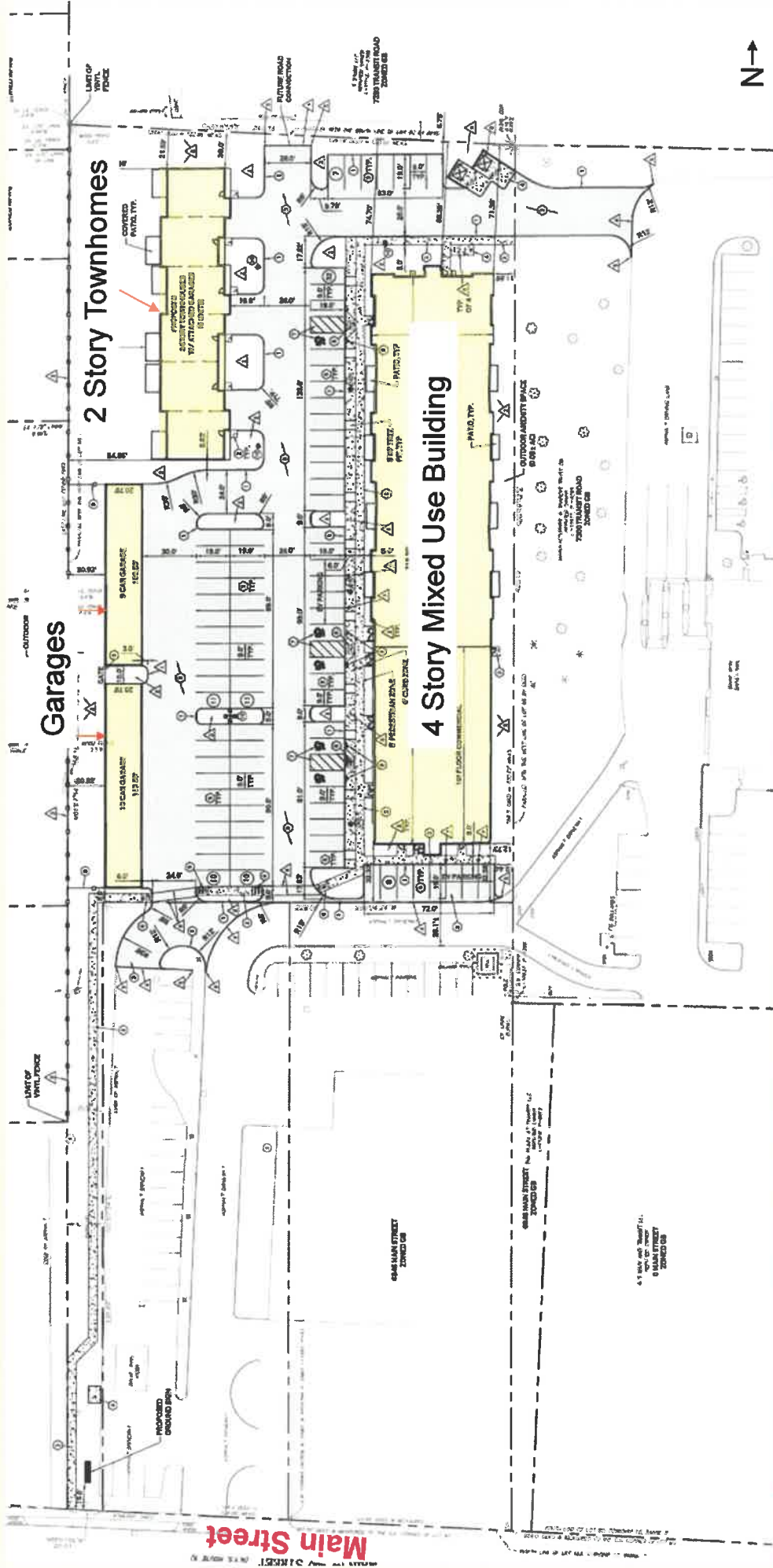
## PROJECT DESCRIPTION

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- Proposal consists of a six (6) unit two (2) story townhouse building, ten (10) and nine (9) car garages, and a 4-story mixed use building consisting of 7,500 sq. ft. of 1st-floor retail/office space and 58 residential apartments, along with site improvements related to vehicle use areas, parking, landscaping, above and below grade utilities.

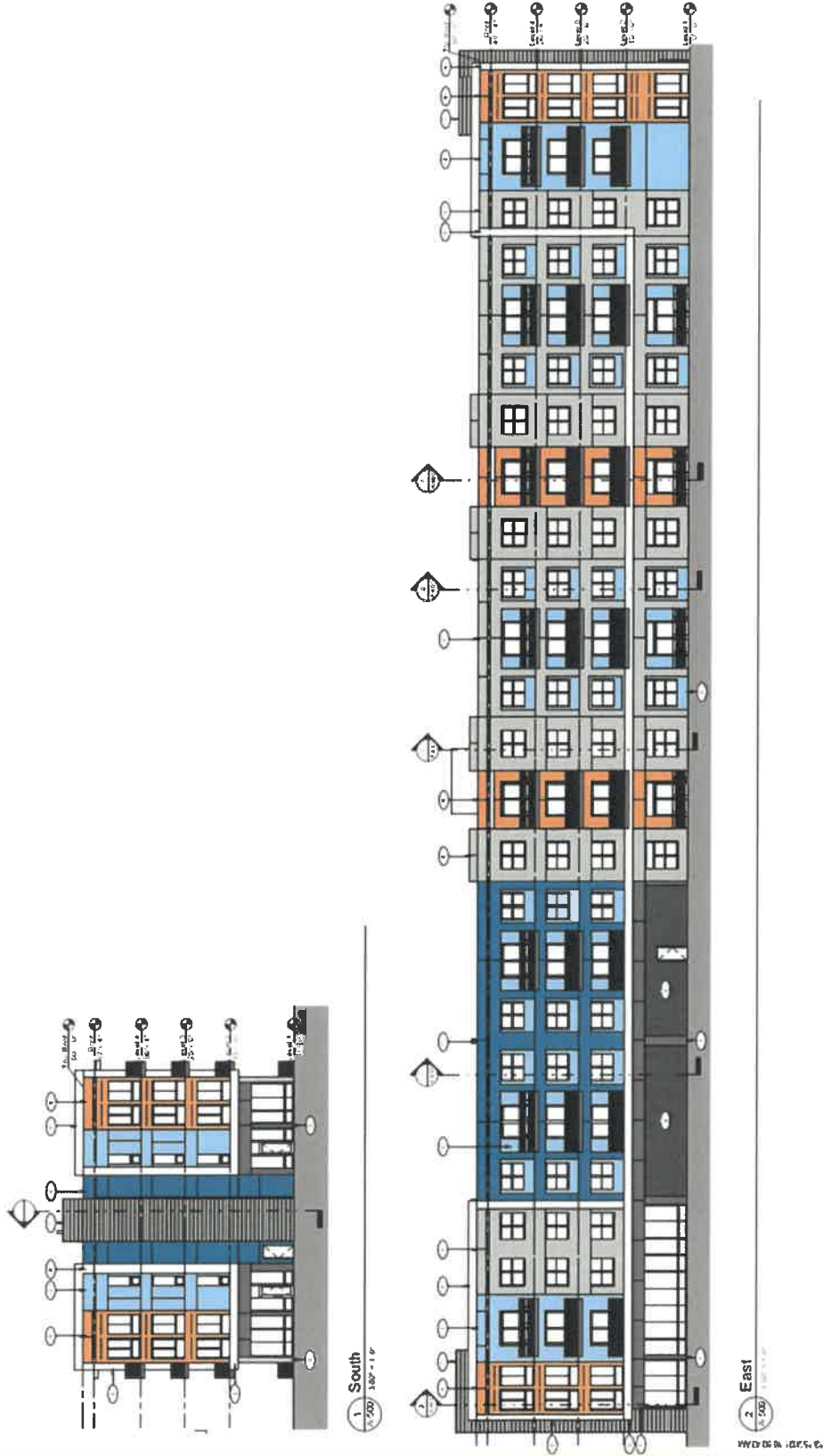


# SITE PLAN



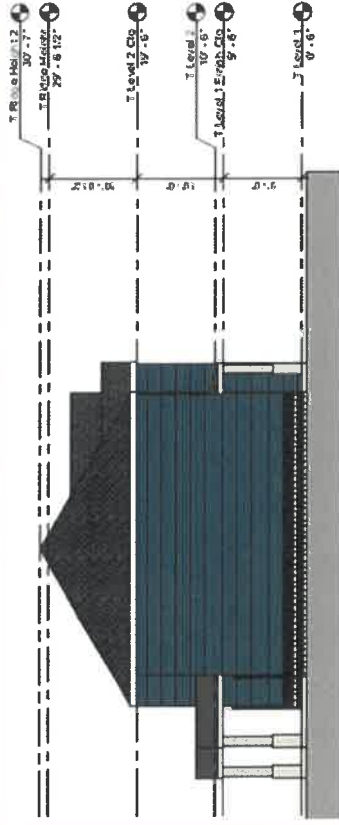


# ELEVATION: 4 Story Building





# ELEVATION: 2-Story Townhome



1 Townhomes South  
1/8" = 1'-0"



2 Townhomes East  
1/8" = 1'-0"



**REAR PORTIONS OF 6842 & 6846 MAIN STREET:**

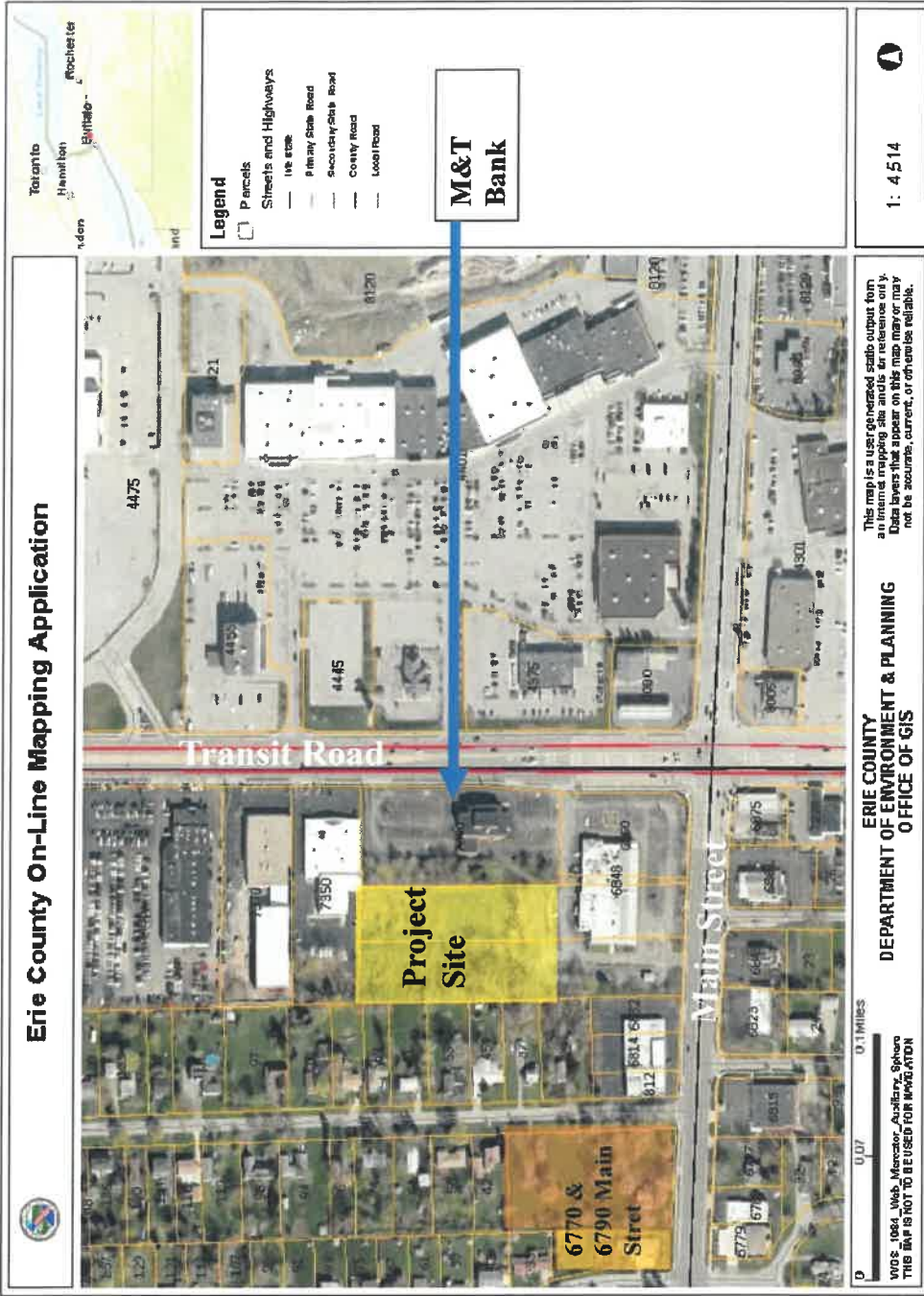
**Size of Project Site:** 2.58± acres

**Zoning Classification:** Amendment of the zoning classification of the Project Site from General Business District ("GB") to Proposed Zoning: DC Deep Corridor 5 ("DC-5") approved unanimously by the Town Board on September 13, 2021

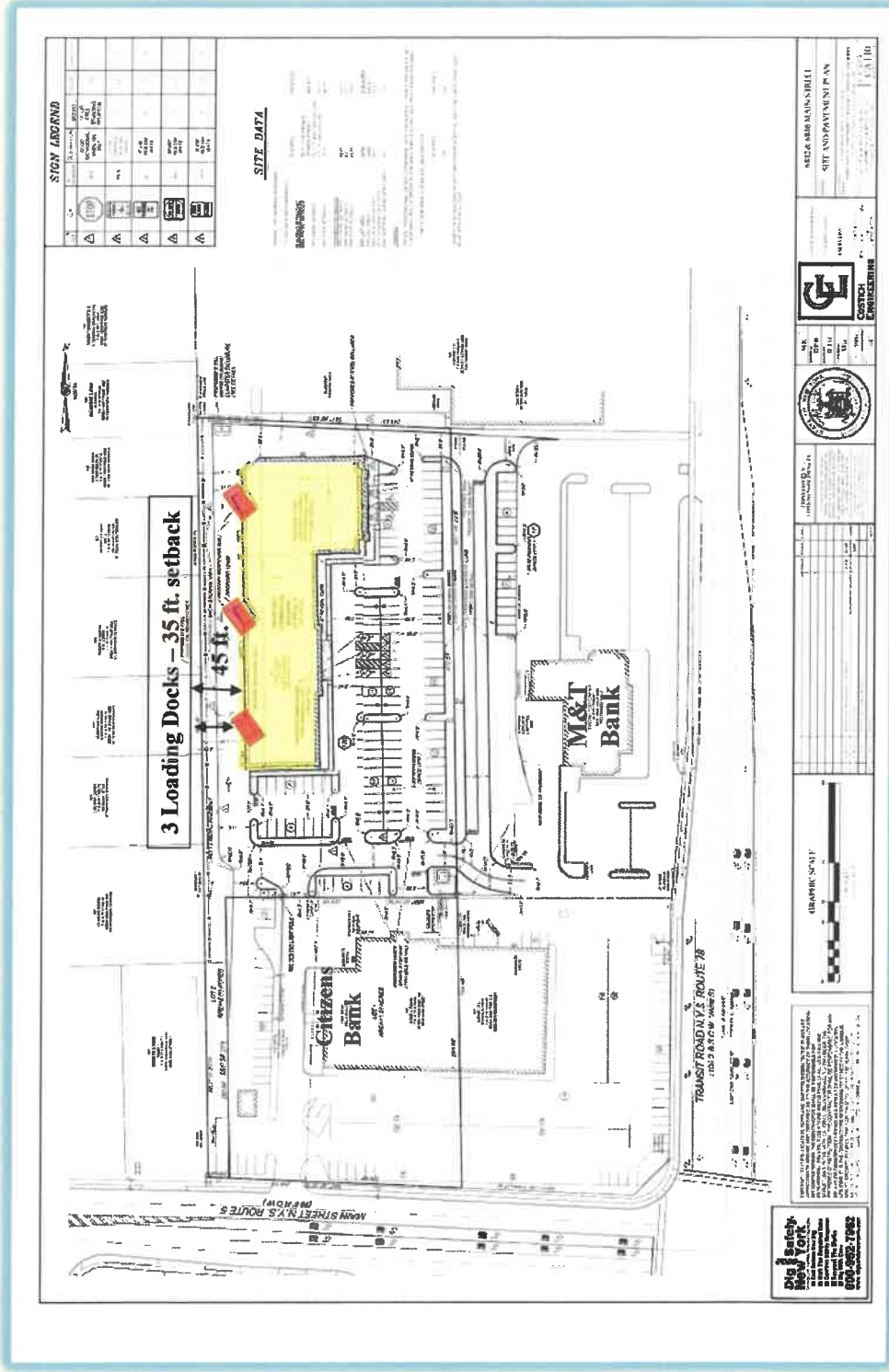
Planning Board recommended approval of rezoning of the Project Site from GB to DC-5 by a unanimous vote on June 24, 2021

**Neighboring Uses:**

- Properties to the north, east and south are office and commercial buildings on property zoned General Business District ("GB")
- Properties to the west are single family homes on properties zoned Multi-Family Residential District Five ("MFR-5") located on Tennyson Terrace
- Close proximity to the Applicant's recent mixed-use projects at 6770 & 6790 Main Street



- Site Plan Approved for the Project Site for proposed 27,300 sq. ft. warehouse/office building with 3 loading docks on the western portion of the Project Site on April 20, 2017
- Previously approved Site Plan expired on April 20, 2019

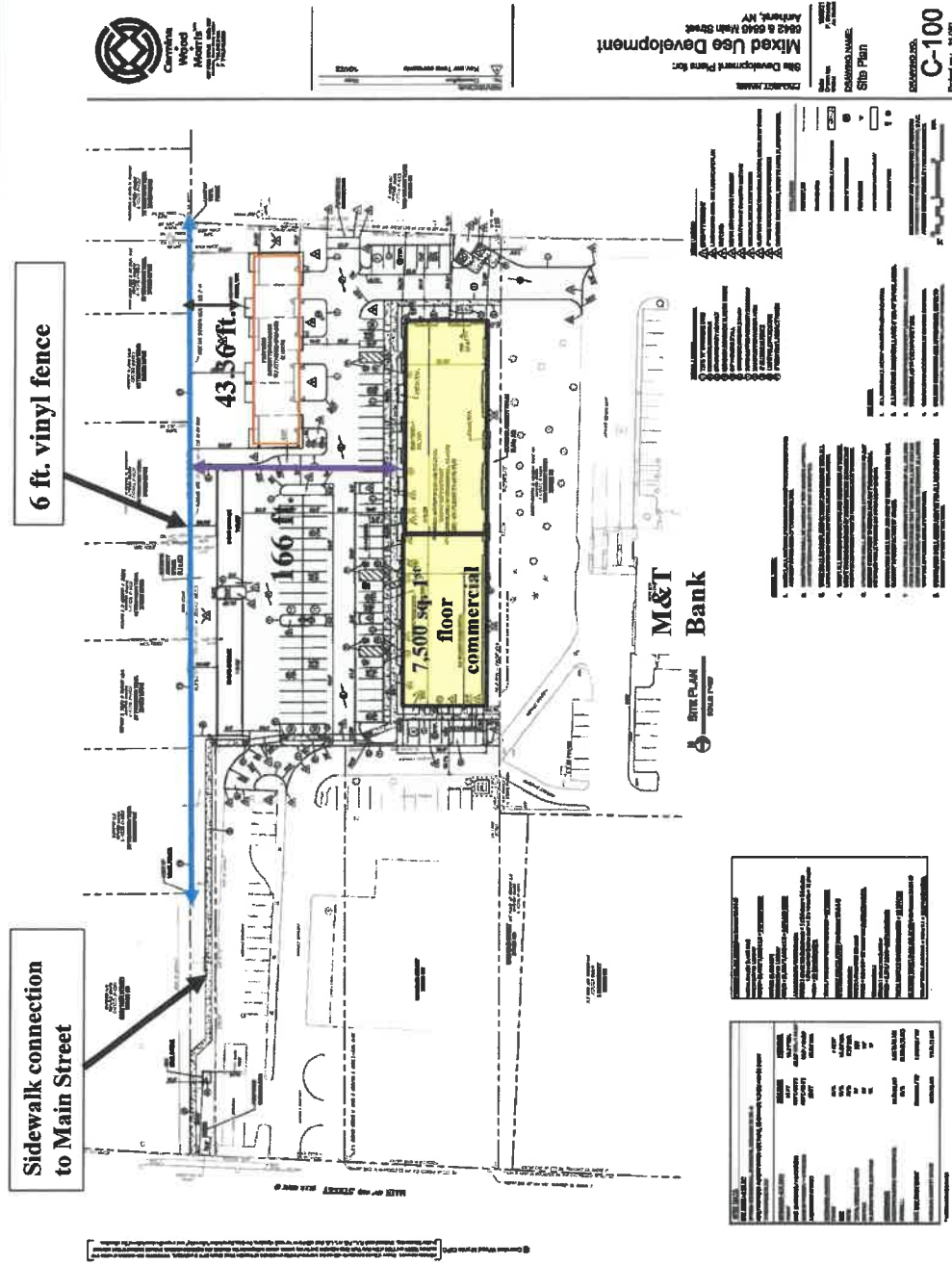






## Site Plan:

- Garages will have a 20.92 ft. setback from the west property boundary
- 4-story mixed-use building will have an approximately 166 ft. setback from the west property boundary
- 6-unit townhome building will have a minimum 43.36 ft. setback from the west property boundary to the outer edge of the patios
- Layout complies with the 2 zoning conditions imposed by the Town Board on September 13, 2021 that the max. allowed building height on the portion of site currently addressed 6842 Main Street shall be limited to 2 stories with a peak height of 35 ft. and maximum allowed building height on the portion of the site currently addressed 6846 Main Street shall be a maximum of 4 stories with peak height of 60 ft.







# Color Rendering for Proposed 4-Story Mixed-Use Building:



ENTRANCE  
to  
Entrance



PROJECT NAME:  
Mixed Use Development  
8542 and 8848 Main Street  
Ardenheist, New York  
DATE:  
05/15/20  
DRAWN BY:  
J. J. J. J.  
PROJECT NO. /  
Mixed Use Concept  
Elevations

SCALE: 1/8" = 1'-0"

A-100

DATE: 05/15/20



1. TRANSFACADE ELEVATION  
DATE: 05/15/20



2. SIDE FACADE ELEVATION  
DATE: 05/15/20



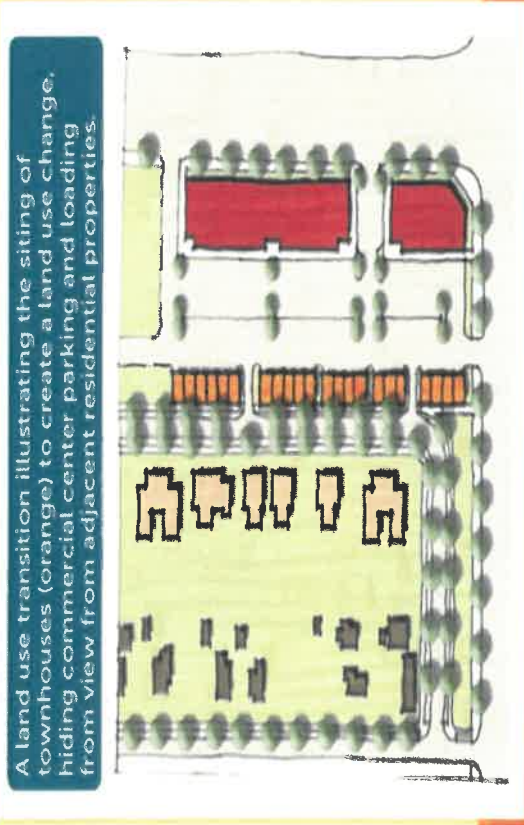
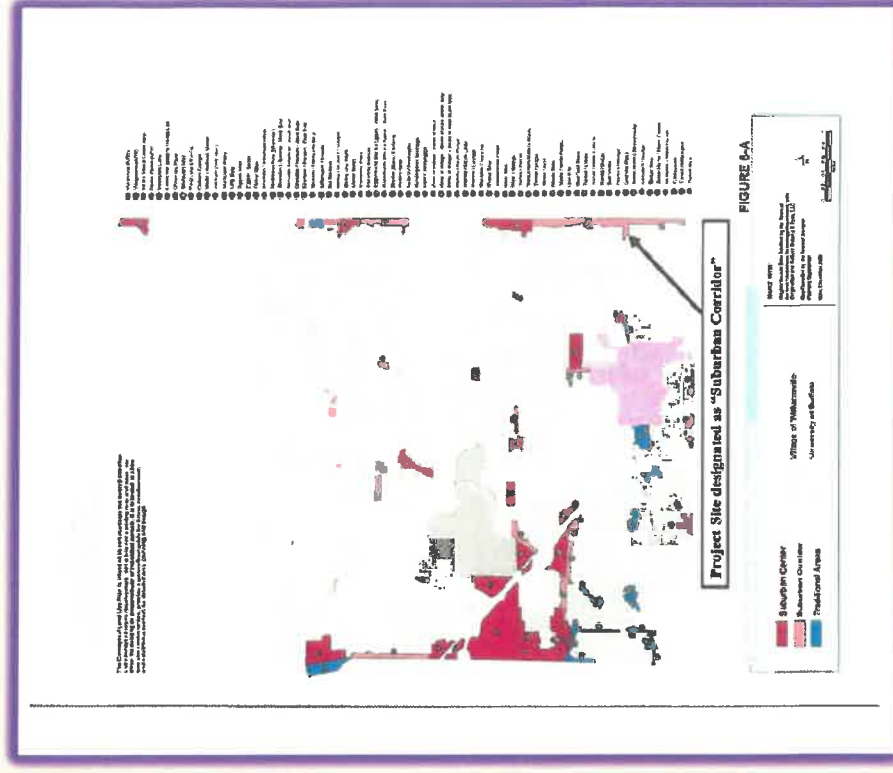
3. FRONT FACADE ELEVATION  
DATE: 05/15/20





**Requested Rezoning from GB to DC-5 is Consistent with the Adopted Comprehensive Plan:**

- Mixed-Use Districts adopted by the Town Board on September 3, 2019
- Figure 6A of the adopted Bicentennial Comprehensive Plan (“Commercial and Mixed-Use Designations”) indicates the Project Site is appropriate for “Suburban Corridor” development
- Benefits of Infill Mixed-Use Development based on DC-5 zoning:
  - Public infrastructure available
  - Less demand for parking spaces for mixed-use project due to differing peak parking demand
  - No new curbs onto Main St. or Transit Rd.





• Informational meeting held with interested property owners on June 14<sup>th</sup> [Property owners within 600 ft. of the Project Site were invited to attend the informational meeting]

• Project Update Letter sent to interested property owners on January 31, 2022

MEL INVESTORS, LLC  
6790 MAIN STREET, SUITE 100  
WILLIAMSVILLE, NEW YORK 14221

January 31, 2022

Re: Project Update Letter - Proposed Mixed-Use Project  
Rear Portions of 6842 & 6846 Main Street  
Town of Amherst

Dear Property Owners:

This letter is being sent to the property owners to provide an update on the status of the proposed mixed-use project to be located on approximately 2.86 acres of property consisting of the rear portion of 6842 and 6846 Main Street ("Project Site").

The Planning Board will be holding a virtual public hearing in connection with the pending request for Site Plan Approval for the mixed-use project during its next meeting on Thursday, February 17<sup>th</sup> at 6:30 p.m.

The proposed mixed-use project remains consistent with the project layout we reviewed during the informational meeting held on June 14, 2021 and consists of a four-story mixed-use building comprised of approximately 7,500 sq. ft. of 1<sup>st</sup> floor commercial space along with 61 apartments (14 units on the 1<sup>st</sup> floor, 16 units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and 15 units on the 4<sup>th</sup> floor), a six-unit 2-story townhome building with attached garages and related improvements. No new driveway connections to either Main Street or Transit Road are being proposed. Enclosed is an 11" x 17" size copy of the most recently updated Site Plan [Drawing C-100] prepared by Curmina Wood Morris DPC depicting the layout of the proposed mixed-use project.

We believe the proposed mixed-use project as described above is clearly preferable to the previously proposed project approved by the Town of Amherst Planning Board on April 20, 2017 consisting of a 27,300 sq. ft. office/warehouse building with 3 loading docks. The previously approved office/warehouse building was to be located on the western portion of the Project Site directly behind the contiguous parcels on the east side of Tenneyson Terrace. The proposed setback of the four-story mixed use building to be located on the eastern portion of the Project Site is more than 300% greater than the side yard setback of the previously approved office-warehouse building as described above.

If you have any questions regarding this letter or the status of the proposed mixed-use project, please feel free to contact me at 204-2910 or via e-mail at [pbbliss@blissco.net](mailto:pbbliss@blissco.net).

Sincerely,

MEL INVESTORS, LLC

*Paul Bliss*  
Paul Bliss

Enc. [11" x 17" Size of Site Plan prepared by Curmina Wood Morris DPC]

## **State Environmental Quality Review Act (“SEORA”):**

- Completed Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEORA”) submitted with the Site Plan Application
- No protected cultural or historic resources on the Project Site
- No mapped wetlands subject to the jurisdiction of either the USACE or NYSDEC on the Project Site [Jurisdictional Determination issued by the U.S. Army Corps of Engineers on January 4, 2022
- Extensive landscaping to be provided per the Landscape Plan
- No new curb cuts onto Main Street or Transit Road
- Project designed to comply with technical standards for stormwater management and required utility improvements
- Upscale architecture and high-quality building materials and screening to be provided along west property boundary
- Town Board issued a negative declaration pursuant to SEORA on September 13, 2021

**CONCLUSION:**

- Requesting Site Plan Approval subject to conditions
- Questions...

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**Exhibit 6 – Resolution Adopted by the Town  
of Amherst Planning Board on February 17,  
2022 Approving the Site Plan for the Mixed-  
Use Project**

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TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2021-27

FEB 24 2022 8:45 AM

PETITIONER

MEL Investors LLC  
c/o Sean Hopkins  
5500 Main Street, Suite 343  
Williamsville, NY 14221

PROPERTY LOCATION

6842 & 6846 Main Street (portions)

WHEREAS, the Town of Amherst Planning Board on Thursday, February 17, 2022 held a remote public hearing on a Site Plan for a Proposed Mixed-Use Project consisting of a six-unit townhouse building, a 4-story mixed use building having 7,500 sq. ft. of 1st-floor retail/office space and 58 residential apartments, two garages and associated site improvements at 6842 and 6846 Main Street (portions), and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, in accordance with Section 8-7-8 of the Zoning Ordinance, the Planning Board finds that:

- A. The site plan does not include usable space for active and passive recreation, and includes pedestrian connections to the pedestrian network.
- B. The site plan does not include open space lands for public ownership and use offered for dedication or other disposition to the Town or other public entity.
- C. School sites and facilities are adequate to accommodate the proposed site plan.
- D. The site plan does not include the extension of roadways to adjacent property, and

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities are or will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2021-27

FEB 24 22 PM 01:08 2021

PETITIONER

MEL Investors LLC

PROPERTY LOCATION

6842 & 6846 Main Street (portions)

- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.
- F. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers has determined that it has no jurisdiction.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance approves said Site Plan subject to the following conditions:

1. That rezoning of the parcels from General Business District (GB) to Deep Corridor 5 District (DC-5) be finalized (Z-2021-05).
2. The proposed RPZ enclosure meets the dimensional requirement of §203-5A-5-4 of Town Code for accessory structures.
3. Provide the necessary screening as per Zoning Ordinance 7-2-4. Please provide deciduous shade trees along the northern property line.
4. That the consideration of signs is specifically excluded from this approval as they require a separate review and approval by the Town.
5. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
6. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
7. The petitioner shall satisfy the Town Assessor's concerns for addressing the parcel merging.



TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2021-27

FEB 24 2022 4:48 PM

PETITIONER

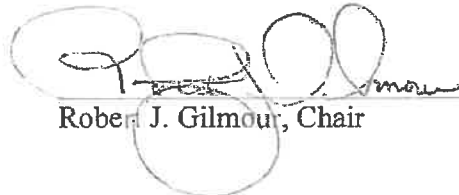
MEL Investors LLC

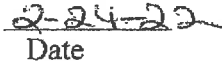
PROPERTY LOCATION

6842 & 6846 Main Street (portions)

8. Relative to the proposed construction activities within the adjacent parcel, authorization documents from the owner of 7300 Transit Road must be provided to the Engineering Department prior to the issuance of Town of Amherst plumbing permits.
9. The petitioner shall satisfy the Engineering Department's comments in their site plan reviews.
10. That the petitioner shall provide to the Planning Department a recorded copy of an access easement for the vehicular connections depicted on the site plan located on the eastern portion of the project site onto the adjacent parcel located at 7300 Transit Road prior to issuance of stamped approved plans by the Planning Department.

The foregoing resolution was adopted by the Town of Amherst Planning Board, February 17, 2022; moved by - Chmiel; seconded by - Giuliani; ayes 6, noes 0; absent 1 (Gill).

  
Robert J. Gilmour, Chair

  
Date

GP/ac

X:\Current\_Planning\Files\Site Plans\2021\SP-2021-27\_(6842\_&\_6846\_Main\_St)\_2021\SP-2021-27\_resolution\_021722.doc  
cc: Amherst Town Clerk Approved Plan: Carmina Wood Morris  
Commissioner of Building Received: January 31, 2022  
Town Engineer  
Fire Chiefs  
Traffic/Safety  
Highway Superintendent  
ECDEP  
NYSDOT  
MEL Investors, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221  
Patrick Sheedy, Carmina Wood Morris DPC, 487 Main St. Suite 500, Buffalo, NY 14203  
Brian J. Slevar, Carmina Wood Morris DPC, 487 Main St. Suite 500, Buffalo, NY 14203