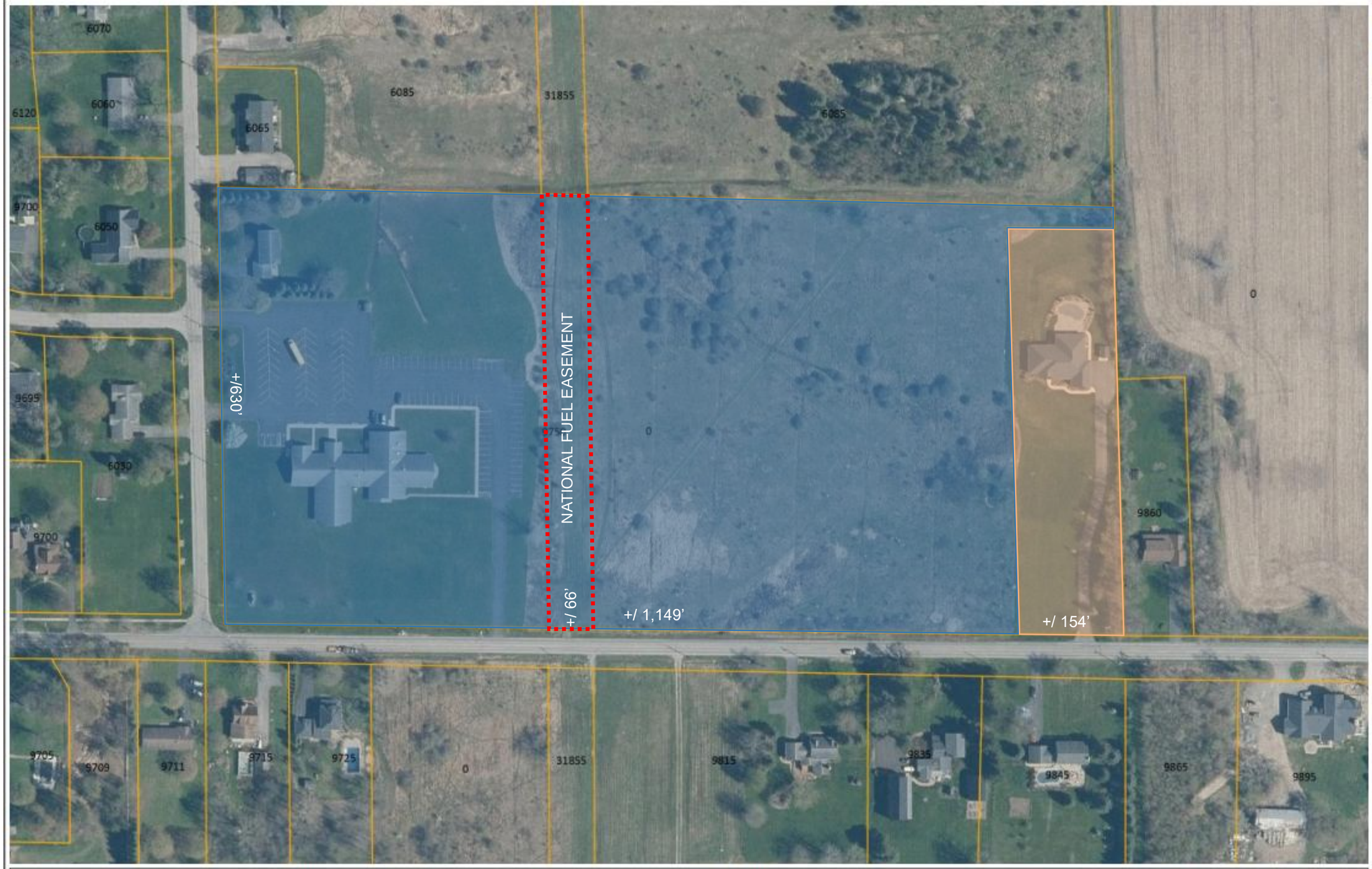
Existing Configuration





Legend

Parcels

9750 Clarence Center Rd.

Size:
+/- 16.61 acres

Frontage:
+/- 1,149' – Clarence Center Rd.
+/- 630' – Herr Rd.

9850 Clarence Center Rd.

Size:
+/- 2.10 acres

Frontage:
+/- 154' – Clarence Center Rd.

0.1 0 0.04 0.1 Miles

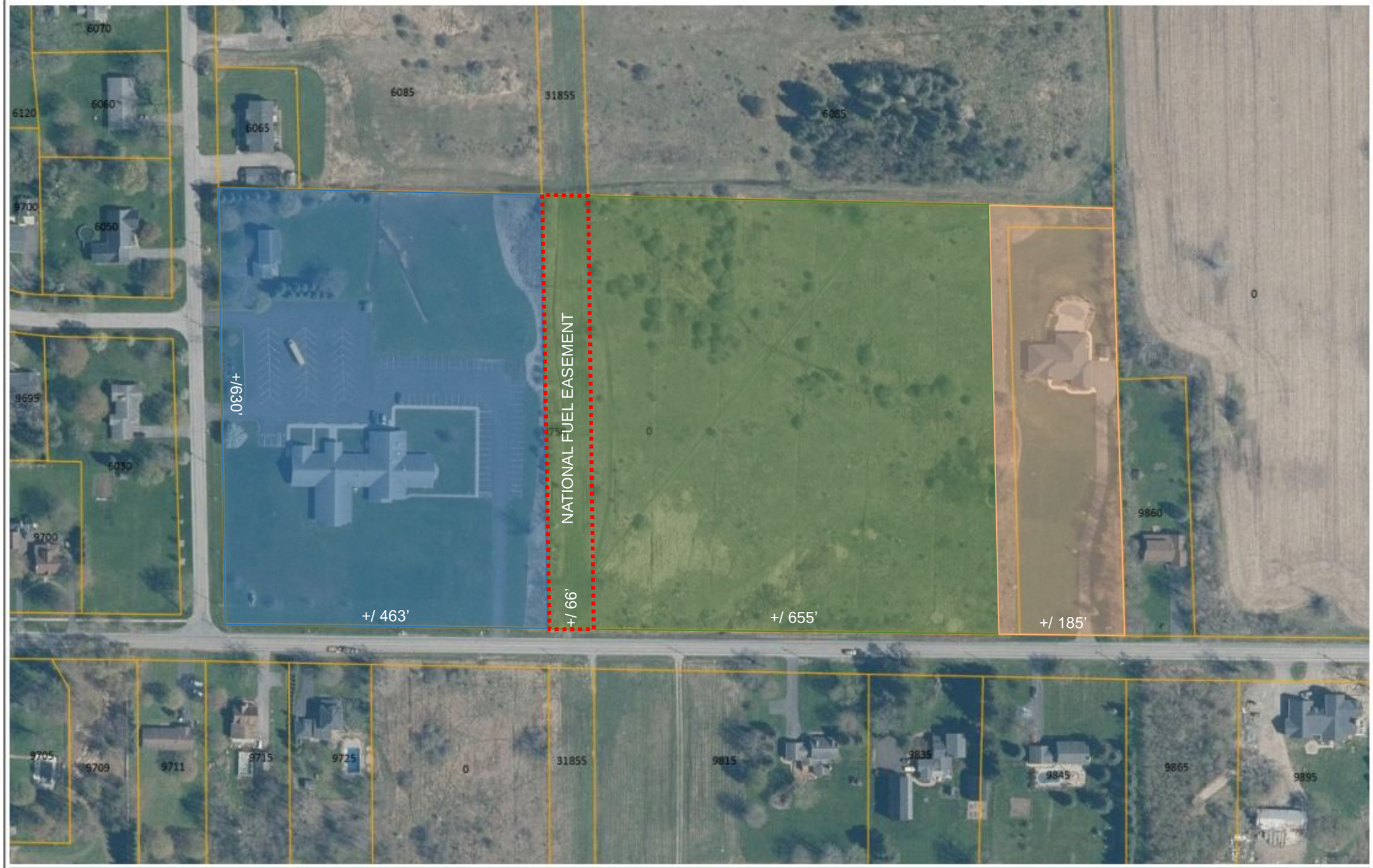
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 2,257

Proposed Configuration





Legend

Parcels

9750 Clarence Center Rd.

Size:
+/- 6.73 acres
Frontage:
+/- 463' – Clarence Center Rd.
+/- 630' – Herr Rd.

9850 Clarence Center Rd.

Size:
+/- 2.65 acres
Frontage:
+/- 185' – Clarence Center Rd.

Parcel 1

Size:
+/- 9.34 acres
Frontage:
+/- 655' – Clarence Center Rd.

1: 2,257

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

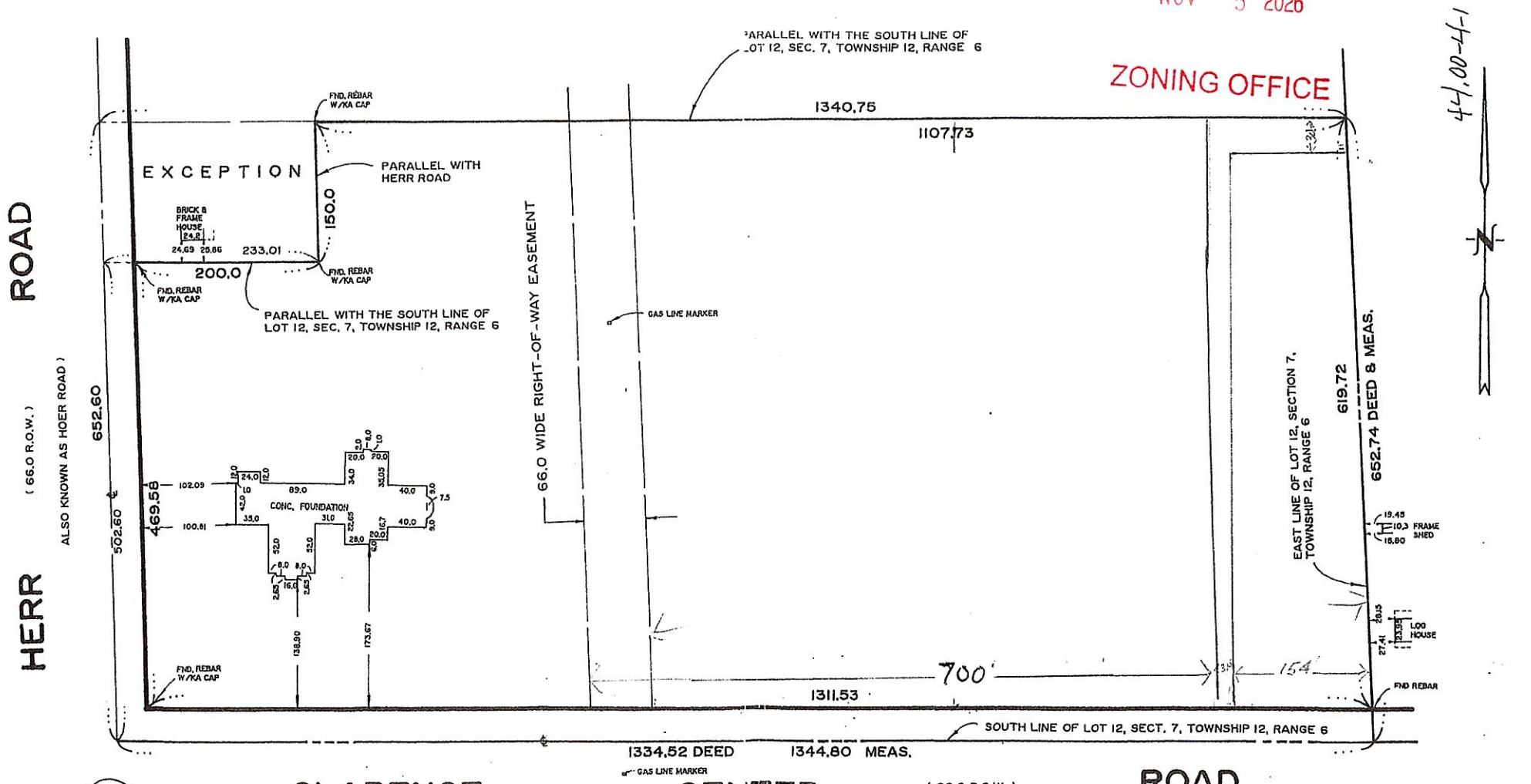
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

RECEIVED

NOV 5 2026

ZONING OFFICE



OK BM

RECEIVED
NOV 19 1996

AREA = 17.929± ACRES

LOCATED BUILDING JULY 21, 1995 LHK

WARNING: IT IS A VIOLATION OF THE STATE EDUCATION LAW TO ALTER THIS DOCUMENT

SURVEY
OF
PART OF LOT 12,
SECTION 7, TOWNSHIP 12, RANGE 6
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

KREHBIEL ASSOCIATES
ENGINEERS - SURVEYORS
1870 NIAGARA FALLS BLVD., TONAWANDA, N.Y. 14150

DWG NO D-1040A
FB 180-18
SCALE 1" = 100'
DATE 3-24-95 LHK

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information

Name of Action or Project:
CCUMC Minor Subdivision

Project Location (describe, and attach a location map):
9750 Clarence Center Road

Brief Description of Proposed Action:
Minor Subdivision of Land to create one (1) new frontage lot along Clarence Center Road, and a Lot Line Adjustment with the adjacent 9850 Clarence Center Road parcel.

Name of Applicant or Sponsor:	
Clarence Center United Methodist Church	

Address:
9750 Clarence Center Road

City/PO:	State:	Zip Code:
Clarence Center	New York	14032

	NO	YES
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.	☑	☐
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: Minor Subdivision approval from Planning Board	☐	☑

3. a. Total acreage of the site of the proposed action? +/- 18.76 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/- 18.76 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
   ☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify:	☑	☐

	NO	YES
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
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:		
Minor Subdivision of Land only, no physical land disturbance or construction as a result of this request.	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____		
Minor Subdivision of Land only, no physical land disturbance or construction as a result of this request.	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____		
Minor Subdivision of Land only, no physical land disturbance or construction as a result of this request.	☐	☑

	NO	YES
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?	☐	☑

	NO	YES
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: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☒ Early mid-successional

☐ Wetland ☐ Urban ☒ Suburban

	NO	YES
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? Henslow's Sparrow, Upland S...	☐	☑
16. Is the project site located in the 100-year or 500-year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☑	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
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: _____	☑	☐
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: _____	☑	☐
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: _____	☑	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community?	☑	☐
If No, could impacts from the project affect a disadvantaged community?	☐	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		

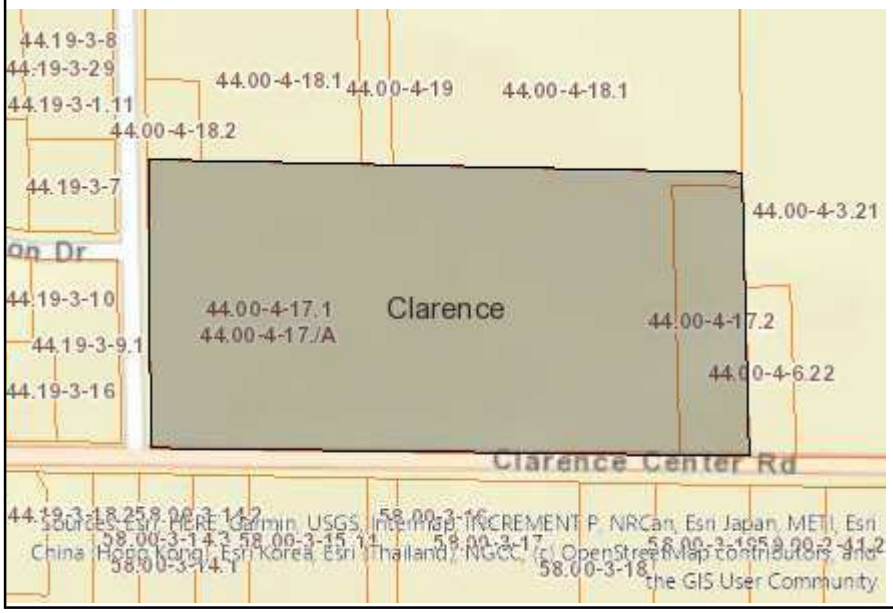
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Clarence Center United Methodist Church Date: _____

Signature: _____ Title: _____

EAF Mapper Summary Report

Friday, October 9, 2026 10:08 AM



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]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Henslow's Sparrow, Upland Sandpiper
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	No
Part 1 / Question 21 [Disadvantaged Community]	No

Agency Use Only [If applicable]

Project: 9750 Clarence Center Rd - Minor Sub

Date: 11-18-2026

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project: 9750 Clarence Center R

Date: 11-18-2026

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

This Minor Subdivision of Land allows for the creation of one (1) new vacant frontage lot along Clarence Center Road. There is no physical land disturbance as a result of this approval. The newly created lot and remaining parent parcel meet the minimum lot standards per the Town of Clarence Zoning Code. The lots are not in sharp contrast to the surrounding existing parcels.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Clarence Planning Board	11-18-2026
Name of Lead Agency	Date
Robert Sackett	Town of Clarence Planning Board Chair
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date:

Received By:

APPLICANT REQUEST:

Project Address: 5695 & 5731 Transit Road

SBL #: 57.09-6-2 & 57.05-5-8

Action Desired:

Seeking the required approvals for the updated project layout that increases the number of residential units from 84 to 94 [2 apartments removed from mixed-use building and 12 townhome units added]. The updated Site Plan also removed the previously approved 7 garage buildings on the northern portion of the Project Site behind the residential homes on Highland Farms Drive. The requested approvals including Amended Concept Plan Approval, Area Variances for residential density, number of parking spaces [308 spaces required vs. 261 spaces proposed] and an an Amended Special Exception Use Permit.

Reason:

Updated project layout improves the project layout by replacing the 7 garages buildings along the northern portion of the Project Site with 12 townhome units [three 4-unit buildings]. Exhibits "1" to "17" are attached to this Request for Action Form.

CONTACT INFO:

APPLICANT INFO

Name / Business: 5731 Transit Road, LLC c/o Sean Hopkins, Esq.

E-Mail:

Phone #:

Address:

Town:

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business: 5731 Transit Road, LLC c/o Paul Bliss

E-Mail:

Phone #:

Address:

Town:

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed:

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

- [x] Applicant
- [ ] Project Sponsor

Town Use Only:

Action:	By:	On:	Fee:	Paid:
Action:	By:	On:	Fee:	Paid:
Action:	By:	On:	Fee:	Paid:
Action:	By:	On:	Fee:	Paid:
Action:	By:	On:	Fee:	Paid:
Action:	By:	On:	Fee:	Paid:

EXHIBIT 1

EXHIBIT 1

DESCRIPTION OF PROPOSED MIXED-USE PROJECT
TOWN OF CLARENCE

I. Introduction:

This narrative has been prepared on behalf of 5731 Transit Road, LLC ("Project Sponsor") for the purpose providing information relative the Project Sponsor's request for the approvals being sought from the municipal boards of the Town of Clarence and involved agencies for the proposed mixed-use project to be located on a portion of 5701 Transit Road and 5695 and 5731 Transit Road ("Project Site"). The mixed-use project previously received the required approvals from the Town's municipal boards.[1]

The Project Sponsor is seeking the required approvals for the updated project layout that increases the number of residential units from 84 to 94 [removed 2 apartments in the mixed-use building and 12 additional townhomes] and also eliminates the 7 previously approved garage buildings on the northern portion of the Project Site

The project documentation being submitted in connection with the proposed mixed-use project consists of full size copies of the updated Site Plan [Drawing C-100 – Date: 03/31/26] prepared by Carmina Wood Design as well as the following project documentation attached Exhibits as "2" to "17" as follows:

- **Exhibit 2**: Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") dated June 24, 2026;
- **Exhibit 3**: No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation ("SHPO") dated March 3, 2022;
- **Exhibit 4**: Reduced Size Copy of the updated Site Plan [Drawing C-100 – Date: 03/31/26] depicting the updated layout of the proposed mixed-use project as prepared by Carmina Wood Design;

[1] Copies of the minutes of the meetings of the Planning Board, Zoning Board of Appeals and the Town Board at which project approvals were issued are provided at **Exhibit "9"** to **Exhibit "12"**.

- **Exhibit 5**: Reduced size copy of the previous Site Plan [Date: 03/14/24] that received Development Plan Approval from the Planning Board on June 5, 2024

- **Exhibit 6**: Reduced Size Copy of Survey of Project Site as prepared by Millard, MacKay & Delles Land Surveyors LLP;

- **Exhibit 7:** Reduced-size copy of Survey of portion of 5701 Transit Road consisting of .359 acres that is part the Project Site as prepared by Millard, MacKay & Delles Land Surveyors LLP;

- **Exhibit 8:** Negative Declaration issued by the Planning Board pursuant to SEQRA on February 1, 2023;

- **Exhibit 9**: Minutes of the meeting of the Planning Board held on February 1, 2023 at which it issued a Negative Declaration pursuant to SEQRA;

- **Exhibit 10**: Minutes of the meeting of the Zoning Board of Appeals held on March 14, 2023 at which the Zoning Board of Appeals granted the following two area variances: 1. Area variance to allow a third story on a multiple family housing building, and 2. Area variance to allow for 9 multiple family units over the allowable residential density;

- **Exhibit 11:** Minutes of the meeting of the Planning Board held Apil 19, 2023 at which it granted Concept Plan Approval;

- **Exhibit 12**: Minutes of the meeting of the Town Board held on June 14, 2023 which it granted a Special Exception Use Permit for the Multiple Family Housing component of the mixed-use project and downzoned the Transit Road frontage of the Project Site from Major Arterial District to Commercial District;

- **Exhibit 13:** Color Aerial Photograph of the Project Site & Surrounding Vicinity;

- **Exhibit 14:** Color Renderings of the Mixed-Use Building prepared by Carmina Wood Design;

- **Exhibit 15**: Copy of Section 229-126 of the Zoning Code titled "Multiple-family developments";

- **Exhibit 16**: Copy of Section 299-20F of the Zoning Code titled "Parking"; and

- **Exhibit 17**: Parking Demand Analysis prepared by Amy C. Dake, P.E. of Passero Associates dated May 30, 2026

The Project Site consists of nearly 10 acres of vacant land that has approximately 300 ft. of frontage on Transit Road. The updated layout of the proposed mixed-use project consists of a

3-story mixed-use building at the same location previously approved consisting of 58 apartments and 22,258 sq. ft. of commercial space, nine 2-story townhome buildings with attached garages (36 units), along with all related site improvements as depicted on the Site Plan [Drawing C-100 – Date: 03/31/26] prepared by Carmina Design. There will not be any buildings or parking spaces located on the easternmost 150 ft. of the Project Site. A reduced-size copy of the current Site Plan [Drawing C-100 – Date: 03/31/26] depicting the updated layout of the proposed mixed-use project as prepared by Carmina Wood Design is provided at **Exhibit "4"** and a reduced size copy of the previous Site Plan [Date: 03/14/24] that received Development Plan Approval from the Planning Board on June 5, 2024 is provided at **Exhibit "5"**.

II. The Updated Layout for the Mixed-Use Project is Consistent with the Adopted Town of Clarence Comprehensive Plan:

On December 14, 2016, the Town of Clarence Town Board adopted Town of Clarence 2030 Comprehensive Plan. Map 8 of the Comprehensive Plan is titled "Future Land Use" and indicates that the recommended land use for the Project is "Business Center". The Project Sponsor has deliberately proposed a mixed-use project consistent with the recommended land use category per the adopted Comprehensive Plan. Page 52 of the Comprehensive Plan describes the importance of providing high quality commercial development along the Transit Road corridor and includes an overview of the Preferred Development Survey that was conducted confirming that the highest scoring photographs tended to be streetscapes with visually appealing buildings and pedestrian accommodations.

The three-story mixed-use building that will feature high quality architecture along the Transit Road frontage that will be similar to other nearby mixed-use buildings developed by the Project Sponsor on Main Street in the Town of Amherst and this will ensure the avoidance of the appearance of strip plaza developments that are prevalent along Transit Road. Color renderings of

the proposed three-story mixed-use building as prepared by Carmina Wood Design are provided at **Exhibit "14"**.

Pedestrian accessible improvements will be provided in connection with the proposed mixed-use project. It is also important to mention that the Comprehensive Plan repeatedly encourages mixed-use developments and providing a wide variety of housing types on project sites rather than residential projects consisting exclusively of residential lots for detached single-family homes.[2]

III. The Issuance of a Negative Declaration Pursuant to the State Environmental Quality Review Act ("SEQRA") is Justified:

A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") dated June 24, 2026 is provided at **Exhibit "2"**. The previously approved mixed-use project was subject to a coordinated environmental review pursuant to SEQRA that concluded with the Planning Board's issuance of a Negative Declaration on February 1, 2023. A copy of the Negative Declaration issued by the Planning Board pursuant to SEQRA on February 1, 2023 is provided at **Exhibit "8"**.

A copy of the No Impact Determination Letter issued by the NYS Office of Parks, Recreation and Historic Preservation ("SHPO") dated March 3, 2022 is provided at **Exhibit "3"**. This letter stated as follows:

> "We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8.

[2] Page 46 of the adopted Comprehensive Plan references Spaulding Green and the benefits resulting from providing a variety of housing types for different age groups and income levels.

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking."

The updated project layout increases the residential density from 84 to 94 units and eliminates seven previously approved garage buildings. These modifications will not result in any potentially significant adverse environmental impacts and as such the issuance of a Negative Declaration for the updated project is both appropriate and justified.

IV. Description of Requested Area Variances:

The Applicant is seeking the following area variances from the Zoning Board of Appeals in connection with the proposed mixed-use project:

1. The residential density of the mixed-use project is higher than permitted pursuant to Section 229-126D(1)(a) of the Zoning Code [94 units proposed versus 75 units permitted per the Zoning Code and 84 units permitted pursuant to the area variances granted by the Zoning Board of Appeals on March 14, 2023]. A copy of Section 229-126 of the Zoning Code titled "Multiple-family developments" is provided at **Exhibit "15"**.

2. The number of parking spaces required for the mixed-use project is less than required pursuant to Section 229-20F of the Zoning Code [308 parking spaces required vs. 261 parking spaces proposed]. A copy of Section 299-20F of the Zoning Code titled "Parking" is provided at **Exhibit "16"**.

V. Justification for Requested Area Variances for the Proposed Mixed-Use Project:

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a zoning board of appeals ("ZBA") in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested area variances are granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the three requested area variances to allow the residential density to be increased from 84 units to 94 unit for the number of parking spaces to be 261 spaces will result

in substantial benefits to the Applicant by allowing it to proceed with the proposed mixed-use project pursuant to the current layout. In order to create the upscale mixed-use component of the overall project which requires sufficient density to create a vibrant and active environment, it is necessary for the proposed number of residential units to be increased from 84 to 94 units.

The proposed mixed-use project as depicted on the attached full-size copy of the updated Site Plan [Drawing C-100] is consistent with the recommended land uses per Town of Clarence Comprehensive Plan adopted by the Town Board on December 14, 2016.[3] Map 8 of the Comprehensive Plan (titled "Future Land Use Map") designates the Project Site as appropriate for "Business Center", the predominant land use that is proposed. Business Center Use is described on Pages 51-52 of the adopted Comprehensive Plan as follows: "These Business Center areas are generally characterized by: 1) a wider range of commercial activity within the community; and 2) large-scale buildings and parking areas. These areas are located along travel routes with a very high daily traffic volume. As a result, the business areas were originally designed to accommodate the automobile first and the pedestrian second, or in some cases not at all. Over the past two decades, the Town has placed an increasing emphasis on providing pedestrian connectivity throughout these areas as well as building and site design requirements in order to achieve a higher standard of development."

The project layout has been designed with consideration of the residential property owners directly east of the Project Site and much larger setbacks from the eastern boundary of the Project Site are proposed than required. The two-story townhome buildings consisting of four-units with attached garages to be located on the eastern portion of the Project Site will have

[3] The Comprehensive Plan review process began in December 2014 and included numerous opportunities for public input and public participation.

a minimum setback of 238 ft. for Buildings No. 6 and 7 and 173 ft. for Building No. 3.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a ZBA to consider five criteria as described below:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variances?

The granting of the requested area variances by the Zoning Board of Appeals in furtherance of the proposed mixed-use project will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The granting of the requested area variances for the mixed-use project will provide the density needed for the project to be economically feasible also allow the Applicant to avoid the need for surplus parking spaces that are not required per the Parking Demand Analysis prepared by Amy Dake, P.E. of Passero Associates dated May 30, 2026, a copy of which is provided at **Exhibit "17"**.

b. Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

It would not be possible for the Applicant to receive the benefits it will receive if the requested area variances are granted without seeking the requested relief from the Zoning Board of Appeals. There are not any feasible alternatives to the requested area variances that would eliminate the need for the requested relief while simultaneously allowing the Applicant to receive the benefits it will receive if the two requested area variances are granted.

c. Whether the requested area variances are substantial?

The reason the magnitude of the area variance being requested is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of

the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted. For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, the State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because requested area variances may seem noteworthy on paper does not mean that any "harm" would be generated on the surrounding community, and it is "harm" that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. The granting of the two requested area variances in furtherance of the proposed mixed-use project will not result in any "harm" on the surrounding community. Instead, the granting of the requested area variances will be beneficial to the surrounding community by replacing the

previously proposed 7 garage buildings with 12 additional townhome units including the 2 buildings on the northern portion of the Project Site that will have a setback of nearly twice the setback of the previously approved garage building from the rear lot lines of the residential parcel to the north along Highland Farms Drive.

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") dated June 24, 2026 is provided at **Exhibit "2".** The previously approved mixed-use project was subject to a coordinated environmental review pursuant to SEQRA that concluded with the Planning Board's issuance of a Negative Declaration on February 1, 2023. A copy of the Negative Declaration issued by the Planning Board pursuant to SEQRA on February 1, 2023 is provided at **Exhibit "8"**.

The updated project layout increases the residential density from 84 to 94 units and eliminates the previously approved 7 garage buildings. These modifications will not result in any potentially significant adverse environmental impacts and as such the issuance of a Negative Declaration for the updated project is both appropriate and justified. It is also important to mention that the updated layout for the mixed-use project will require Amended Development Plan Approval from the Planning Board, which will ensure compliance with all applicable technical standards including stormwater management, landscaping, lighting, etc.

e. Whether the alleged difficulty was self-created?

Town Law Section 267-b(3)(b) expressly states that the issue of whether an alleged

difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance. It is the position of the Project Sponsor that the alleged difficulty can be viewed as not being self-created since the delay in commencing construction of the project is attributable to the installation of necessary off-site sanitary sewer improvements in the Town of Amherst to provide necessary sanitary sewer capacity for the mixed-use project. Even if the ZBA determines the alleged difficulty is self-created, the overall balancing test and the other four statutory criterion provides strong justification for the granting of the requested area variances in furtherance of the proposed mixed-use project.

The Applicant requests that the Zoning Board of Appeals grant the two requested area variances being sought in connection with the proposed mixed-use project. The granting of the requested area variances is justified since the benefits that will be received by Applicant if the requested area variances are granted clearly outweighs any resulting detriments per the statutorily mandated balancing test and five criteria.

EXHIBIT 2

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Mixed-Use Project		
Project Location (describe, and attach a general location map): 5695 & 5731 Transit Road and Portion of 5701 Transit Road - Town of Clarence		
Brief Description of Proposed Action (include purpose or need): Seeking the required approvals for the updated project layout that increases the number of residential units from 84 to 94 units and eliminated the previously approved seven garage buildings. The requested approvals including Amended Concept Plan Approval, Area Variances for residential density and the number of parking spaces and an Amended Special Exception Use Permit. The action includes all related site improvements as depicted on the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC. There will not be any buildings or parking spaces on the easternmost 150 ft. of the Project Site. The proposed action has been defined broadly to include all required approvals and permits from the Town of Clarence municipal boards and involved agencies as well as all proposed site improvements. The Planning Board previously issued a Negative Declaration pursuant to SEQRA on February 1, 2023.		
Name of Applicant/Sponsor: 5731 Transit Road, LLC c/o Sean Hopkins, Esq.		
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes☐No	Town Board - Special Exception Use Permit	June 24, 2026
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Planning Board - Amended Concept Plan and Amended Development Plan Approval	June 24, 2026
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	Zoning Board of Appeals - Area Variances	June 24, 2026
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Commercial and Restricted Business

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central School District

b. What police or other public protection forces serve the project site?
New York State Police, Erie County Sheriff

c. Which fire protection and emergency medical services serve the project site?
East Amherst Fire Department

d. What parks serve the project site?
There are various parks in the Town of Clarence accessible to the future residents of the project.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? mixed use: commercial and multi-family residential

b. a. Total acreage of the site of the proposed action? 9.93 acres
b. Total acreage to be physically disturbed? 7.7 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.93 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: 24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				94
At completion of all phases				94

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

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 14 height; 66 width; and 210 length

iii. Approximate extent of building space to be heated or cooled: 22,258 square feet

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

If Yes,

i. Purpose of the impoundment: stormwater runoff detention

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: stormwater runoff

iii. If other than water, identify the type of impounded/contained liquids and their source.

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

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging?

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards):
- Over what duration of time?

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe.

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes ☐No
If Yes:

i. Total anticipated water usage/demand per day: 22,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes ☐No
If Yes:

- Name of district or service area: Erie County Water Authority
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☑Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

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

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 22,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑Yes ☐No
If Yes:

- Name of wastewater treatment plant to be used: Amherst WWTP
- Name of district: Erie County Sewer District #5
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☑ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 4.75 acres (impervious surface)

_____ Square feet or 9.93 acres (parcel size)

ii. Describe types of new point sources. parking areas, building roofs

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

on-site stormwater management facility

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

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

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

_____

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

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

_____

_____

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

If Yes:

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

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

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

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

grid/local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7am-5pm
- Saturday: as needed
- Sunday: n/a
- Holidays: n/a

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

unavoidable noise generated from typical construction activity

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

all proposed lighting will be dark sky compliant and meet all Town requirements

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

commercial, senior living, multi-family, single family residential, educational, medical, child care

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	4.75	+ 4.75
• Forested	3.75	2.0	- 1.75
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: lawn area/greenspace/landscape area	6.18	3.18	- 3.0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No

If Yes,

i. Identify Facilities:

Transit Middle School, Transit Pointe Senior Apartments, Carousel Academy, Doodle Bugs, Northtowns Orthopedics

e. Does the project site contain an existing dam? ☐ Yes ☐ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑ Yes ☐ No

If yes, provide DEC ID number(s): 915160

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

There are no environmental problems remaining at this site (Transit Valley Plaza).

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 7 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Cazenovia silt loam	50 %
Odessa silt loam	36 %
Lakemont & Schohaire silt loam	12 %

d. What is the average depth to the water table on the project site? Average: 2 feet

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

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

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:
i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:
i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name 5731 Transit Road, LLC Date June 24, 2026

Signature__ Title Attorney for Project Sponsor

PRINT FORM

EAF Mapper Summary Report

Wednesday, November 12, 2025 3:22 PM



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.



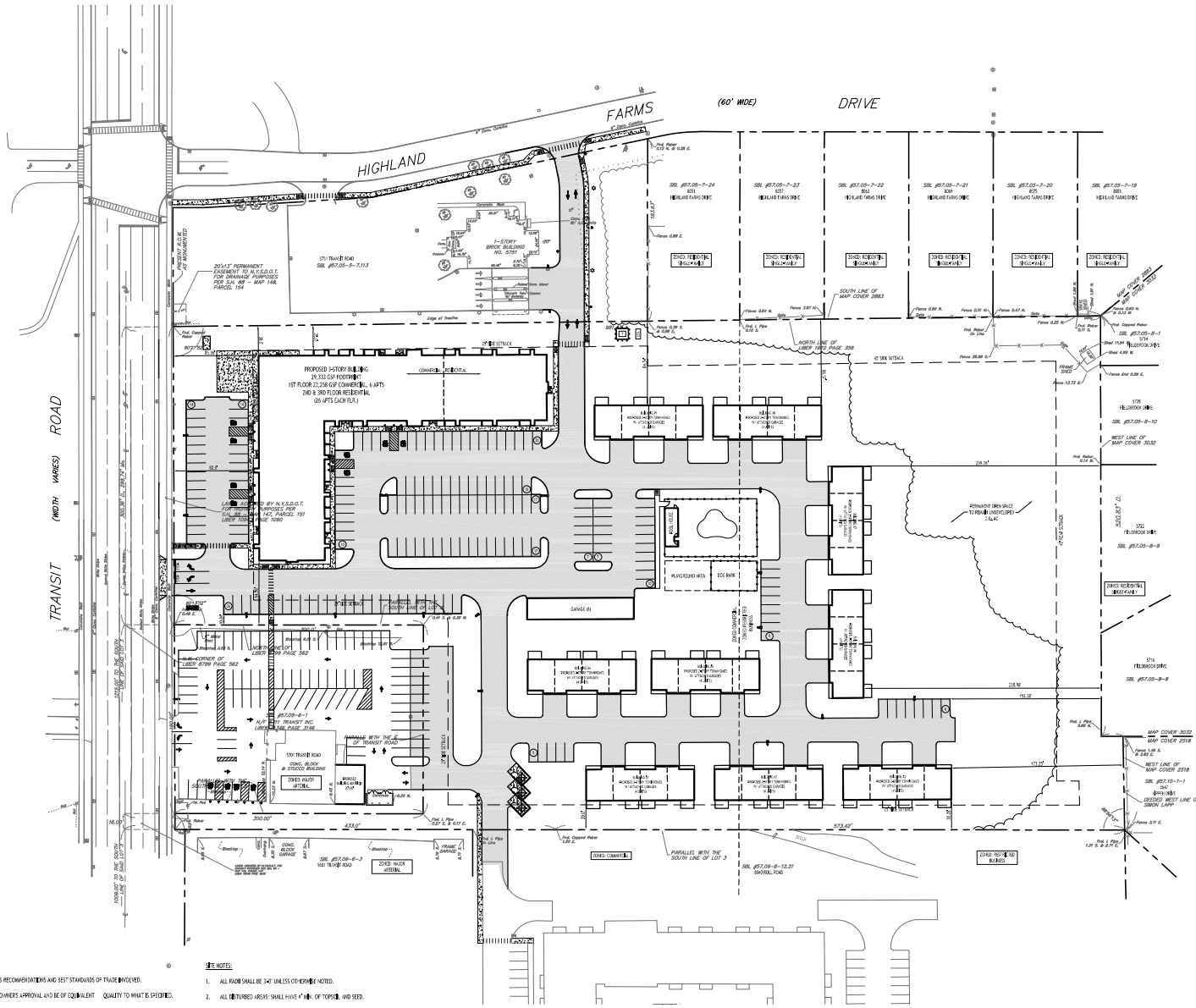
B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	915160
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.ii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.iii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EXHIBIT 4

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MULTI-FAMILY UNIT CALCULATION
COMMERCIAL (C) LAND AREA = 9.925 AC
ALLOWED PER SECTION 229•126 (D)(1)c: 50% OF THE R5 PROPERTY SHALL BE COMMITTED TO A COMMERCIAL USE REQD COMMERCIAL USE AREA = 9.925 AC x 0.5 = 4.9625 AC
WITHIN THE COMMERCIAL COMPONENT PER SECTION 229•126(D)(5)a: WITHIN THE MIN. 50% OF THE DEVELOPMENT COMMITTED TO COMMERCIAL USES, MIXED USE DESIGNS MAY BE ALLOWED WITH A DENSITY OF 4 UNITS/AC ALLOWED UNITS= 4.9625 AC x 4 UNITS/AC = 19.85 UNITS
WITHIN THE RESIDENTIAL COMPONENT PER SECTION 229•126(D)(1)a: MAXIMUM DENSITY FOR MULTI-FAMILY DEVELOPMENTS WITH SANITARY SEWER SHALL BE 8 UNITS/AC ALLOWED UNITS = 4.9625 AC x 8 UNITS/AC = 39.7 UNITS
PROPOSED PROPOSED UNITS WITHIN THE RESIDENTIAL COMPONENT = 36 UNITS (39.7 UNITS ALLOWED)
PER SECTION 229•126(D)(6)a: A TRANSFER INCENTIVE OF TWO ADDITIONAL RESIDENTIAL UNITS MAY BE PLACED WITHIN THE COMMERCIAL COMPONENT MIXED USE BUILDING FOR EVERY ONE UNIT REMOVED FROM THE RESIDENTIAL COMPONENT TAKE (3.7) UNITS NOT USED IN THE RESIDENTIAL COMPONENT AND TRANSFER TO MIXED USE BUILDING, 7.4 ADDITIONAL UNITS ALLOWED MIXED USE BUILDING: THERE ARE 19.85 UNITS ALLOWED IN THE COMMERCIAL COMPONENT PER SECTION 229•126(D)(5)a. APPLYING THE TRANSFER INCENTIVE PER SECTION 229•126(D)(6) TO ALLOW 7.4 ADDITIONAL UNITS, A TOTAL OF 27.25 UNITS ARE ALLOWED IN THE MIXED USE BUILDING. 38 UNITS ARE PROPOSED * MINIMUM 75% OF THE FIRST FLOOR SQUARE FOOTAGE SHALL BE PERMITTED COMMERCIAL USES; 29,333 GSF * 0.75 = 22,000 GSF REQD (22,258 GSF PROPOSED)

*VARIANCE REQUIRED
(VARIANCES PREVIOUSLY GRANTED ON 3/14/24)

PARKING CALCULATION:
"OFFICE" 1 SPACE PER 200 GSF OF FLOOR AREA 7,698 GSF / 200 = 39 SPACES
"RETAIL" 1 PER 150 GSF OF FLOOR AREA 7,650 GSF / 150 = 51 SPACES
"RESTAURANT" (6,950 SF) 1 PER 3 SEATS 90 SEATS / 3 = 30 SPACES
"RESIDENTIAL" 2 PER UNIT 94 UNITS x 2 = 188 SPACES
TOTAL SPACES REQUIRED = 308 SPACES

Site Data

SITE AREA = 9.925
ZONED: ZONED COMMERCIAL/RESTRICTED BUSINESS
USE: (1) 3-STORY MIXED USE BUILDING, (9) 2-STORY •3-UNIT TOWNHOUSE BLDG. W/ GARAGES & (4) GARAGE BUILDINGS

	REQUIRED	PROVIDED
SETBACKS • BUILDING		
FRONT	80 FT *	80 FT
SIDE (ABUTTING COM. / RES.)	25 FT / 45 FT	25 FT MIN. / 84.54 FT MIN.
REAR (ABUTTING COM. / RES.)	25 FT / 45 FT	N/A / 173.25 FT MIN.
SETBACKS • PARKING		
FRONT	N/A	8.0 FT MIN.
SIDE	N/A	0.0 FT MIN.
REAR	N/A	152.28 FT MIN.
PARKING STALLS		
STALL SIZE	9'x19'	9'x19'
REQUIRED SPACES	308	44 • GARAGES 217 • 9'x19' 261 TOTAL **
GREENSPACE		
OVERALL SITE GREENSPACE	25% (2.48 AC)	52.1% (5.17 AC)
INTERIOR GREENSPACE	8% (0.28 AC)	14.2% (0.50 AC)
MAX. BUILDING HEIGHT	(COM. / R. BUSINESS) 45 FT / 35 FT	(COM. / R. BUSINESS) < 45 FT / < 35 FT
MAX. BUILDING COVERAGE	70% MAX. (6.95 AC)	16.5% (1.64 AC)

* WHERE THERE IS AN ESTABLISHED FRONT SETBACK LINE BETWEEN ADJOINING PROPERTIES, THAT SETBACK LINE WOULD APPLY TO THE PROPERTY TO A MINIMUM OF 45 FEET.

** VARIANCE REQUIRED

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNERS APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF CLARENCE ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. REFER TO NYSDOT STANDARD SHEET 608•03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG TRANSIT ROAD.
10. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL • ROADSIDE AND DITCH 610.1602 TURF ESTABLISHMENT • LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 • LANDSCAPE DEVELOPMENT MATERIALS.

SITE NOTES:

1. ALL RADII SHALL BE 7•0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE. REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608•01.

SITE LEGEND

PROPERTY LINE
PROPOSED SIDEWALK / CONCRETE PAD
NUMBER OF PARKING SPACES
PROPOSED SIGN
PROPOSED STANDARD DUTY ASPHALT PAVEMENT
PROPOSED LIGHT POLE

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

50 0 50 100Ft

CARMINA WOOD DESIGN
80 Ellis City Row, Suite 100
Buffalo, New York 14203
Phone: (716) 842-3165

131 Bain Street, Suite 335
Burlington, NC 27406
Phone: (336) 937-9009

Proposed Mixed Use

5695 & 5731 Transit Road
Clarence, NY

REVISIONS:	
No.	Description / Date

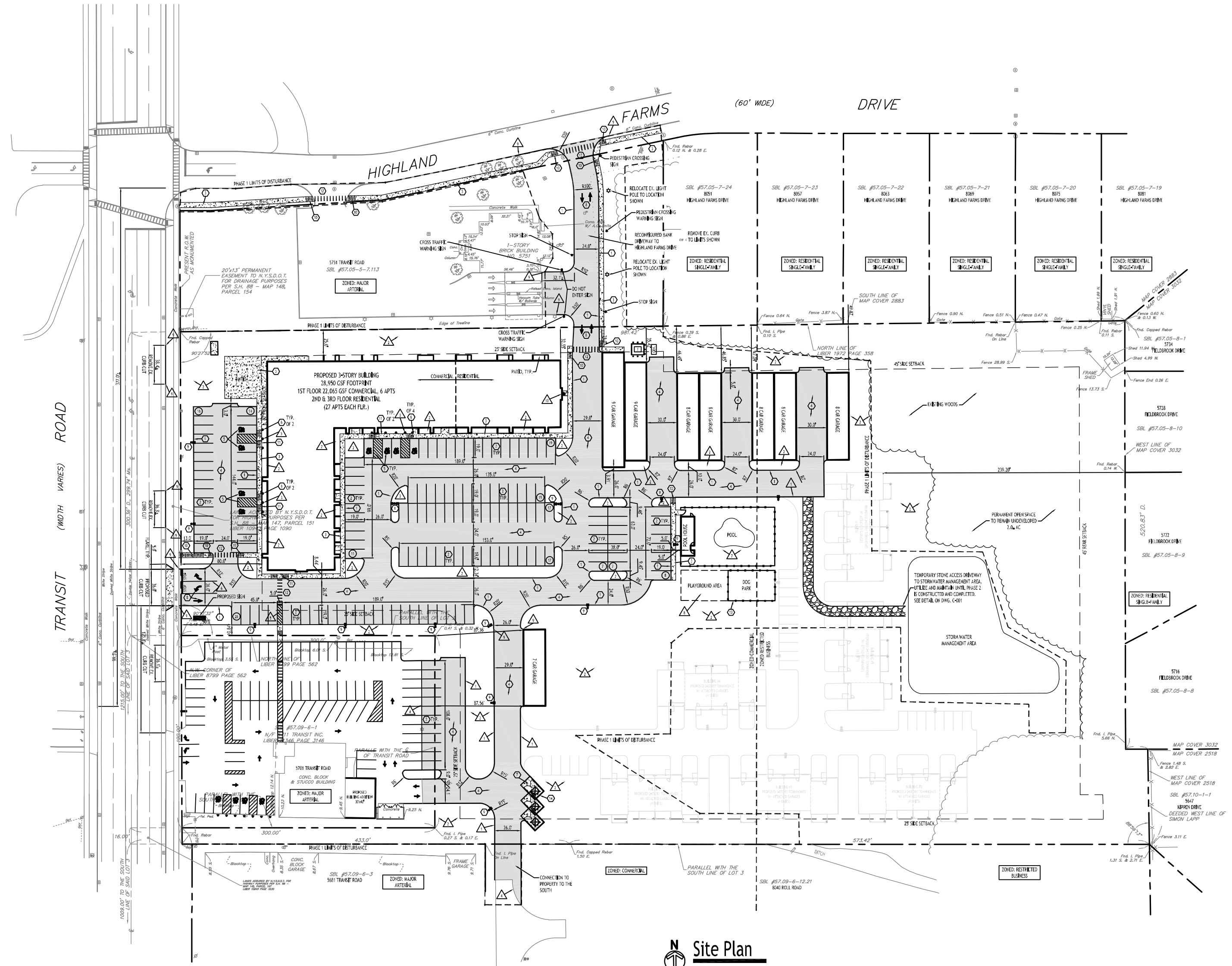
DRAWING NAME:
Site Plan

Date: 3/31/26
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-100

Project No: 20.057

EXHIBIT 5



N **Site Plan**
SCALE: 1"=50'

MULTI-FAMILY UNIT CALCULATION
COMMERCIAL (C) LAND AREA = 9.925 AC
ALLOWED PER SECTION 229-126 (D)(1)c: 50% OF THE RB PROPERTY SHALL BE COMMITTED TO A COMMERCIAL USE REQ'D COMMERCIAL USE AREA = 9.925 AC x 0.5 = 4.9625 AC
WITHIN THE COMMERCIAL COMPONENT PER SECTION 229-126(D)(5)a: WITHIN THE MIN. 50% OF THE DEVELOPMENT COMMITTED TO COMMERCIAL USES, MIXED USE DESIGNS MAY BE ALLOWED WITH A DENSITY OF 4 UNITS/AC ALLOWED UNITS= 4.9625 AC x 4 UNITS/AC = 19.85 UNITS
WITHIN THE RESIDENTIAL COMPONENT PER SECTION 229-126(D)(1)a: MAXIMUM DENSITY FOR MULTI-FAMILY DEVELOPMENTS WITH SANITARY SEWER SHALL BE 8 UNITS/AC ALLOWED UNITS = 4.9625 AC x 8 UNITS/AC = 39.7 UNITS
PROPOSED PROPOSED UNITS WITHIN THE RESIDENTIAL COMPONENT = 24 UNITS (39.7 UNITS ALLOWED)
PER SECTION 229-126(D)(6) A TRANSFER INCENTIVE OF TWO ADDITIONAL RESIDENTIAL UNITS MAY BE PLACED WITHIN THE COMMERCIAL COMPONENT (MIXED USE BUILDING) FOR EVERY ONE UNIT REMOVED FROM THE RESIDENTIAL COMPONENT TAKE (15.7) UNITS NOT USED IN THE RESIDENTIAL COMPONENT AND TRANSFER TO MIXED USE BUILDING, 31.4 ADDITIONAL UNITS ALLOWED MIXED USE BUILDING: THERE ARE 19.85 UNITS ALLOWED IN THE COMMERCIAL COMPONENT PER SECTION 229-126(D)(5)a. APPLYING THE TRANSFER INCENTIVE PER SECTION 229-126(D)(6) TO ALLOW 31.4 ADDITIONAL UNITS, A TOTAL OF 51 UNITS ARE ALLOWED IN THE MIXED USE BUILDING. 60 UNITS ARE PROPOSED. MINIMUM 75% OF THE FIRST FLOOR SQUARE FOOTAGE SHALL BE PERMITTED COMMERCIAL USES

PARKING CALCULATION:

"OFFICE"
1 SPACE PER 200 GSF OF FLOOR AREA
7,930 GSF / 200 = 40 SPACES

"RETAIL"
1 PER 150 GSF OF FLOOR AREA
7,930 GSF / 150 = 53 SPACES

"RESTAURANT" (6,950 SF)
1 PER 3 SEATS
90 SEATS / 3 = 30 SPACES

"RESIDENTIAL"
2 PER UNIT
84 UNITS x 2 = 168 SPACES

TOTAL SPACES REQUIRED = 291 SPACES

Site Data

SITE AREA = 9.93
ZONED: ZONED COMMERCIAL/RESTRICTED BUSINESS
USE: (1) 3-STORY MIXED USE BUILDING, (6) 2-STORY 4-UNIT TOWNHOUSE BLDG. W/ GARAGES & (8) GARAGE BUILDINGS

	REQUIRED	PROVIDED
SETBACKS - BUILDING		
FRONT	80 FT *	80 FT
SIDE (ABUTTING COM. / RES.)	25 FT / 45 FT	25 FT MIN. / 46.67 FT MIN.
REAR (ABUTTING COM. / RES.)	25 FT / 45 FT	N/A / 178.83 FT MIN.
SETBACKS - PARKING		
FRONT	N/A	8.0 FT MIN.
SIDE	N/A	10.16 FT MIN.
REAR	N/A	147.23 FT MIN.
PARKING STALLS		9'x19'
STALL SIZE	9'x19'	89 - GARAGES
REQUIRED SPACES	291	205 - 9'x19'
		294 TOTAL
GREENSPACE		
OVERALL SITE GREENSPACE	25% (2.48 AC)	54.7% (5.43 AC)
INTERIOR GREENSPACE	8% (0.21 AC)	41.5% (1.1 AC)
	(COM. / R. BUSINESS)	(COM. / R. BUSINESS)
MAX. BUILDING HEIGHT	45 FT / 35 FT	< 45 FT / < 35 FT
MAX. BUILDING COVERAGE	70% MAX. (6.95 AC)	15.4% (1.53 AC)

* WHERE THERE IS AN ESTABLISHED FRONT SETBACK LINE BETWEEN ADJOINING PROPERTIES, THAT SETBACK LINE WOULD APPLY TO THE PROPERTY TO A MINIMUM OF 45 FEET.

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF CLARENCE ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. REFER TO NYSDOT STANDARD SHEET 608-03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG TRANSIT ROAD.
10. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL - ROADSIDE AND ITEM 610.1602 TURF ESTABLISHMENT - LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 - LANDSCAPE DEVELOPMENT MATERIALS.

SITE NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608-01.

DETAIL LEGEND SEE SITE DETAIL SHEET

1. TYPE "A" CONCRETE CURB
2. 90° PARKING STALL
3. CONCRETE SIDEWALK, 5' WIDE UNLESS OTHERWISE NOTED
4. STANDARD DUTY ASPHALT
5. HANDICAP PAVEMENT MARKINGS
6. HANDICAPPED PARKING SIGN
7. EXTERIOR CONCRETE SLAB ON GRADE
8. PAINTED TRAFFIC ARROW
9. LIGHT POLE FOUNDATION
10. SIDEWALK CURB RAMP
11. HANDICAP PAVEMENT RAMP
12. CROSSWALK STRIPING
13. 4' VINYL COATED CHAINLINK FENCE
14. DUMPSTER ENCLOSURE

NOTE LEGEND

1. EDGE OF PAVEMENT
2. LANDSCAPED AREA - SEE LANDSCAPE PLAN
3. INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. P1-1C
4. MATCH INTO EXISTING PAVEMENT
5. INFILL AREA W/4" WIDE YELLOW PAVEMENT STRIPES @ 2' O.C. & 45°
6. 4" WIDE YELLOW PAVEMENT STRIPE
7. POOL DESIGN BY OTHERS
8. PLAYGROUND DESIGNED BY OTHERS
9. RUNOUT CURB 2' OR MATCH EX.
10. WALL PACK LIGHT, REFER TO LIGHTING PLAN LP-100

SITE LEGEND

PROPERTY LINE
PROPOSED SIDEWALK / CONCRETE PAD
NUMBER OF PARKING SPACES
PROPOSED SIGN
PROPOSED STANDARD DUTY ASPHALT PAVEMENT
PROPOSED LIGHT POLE

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

50' 50 0 50 100Ft.

CARMINAWOOD DESIGN
487 Main Street, Suite 500
Buffalo, New York 14203
Phone: (716) 842-3165
111 Bain Street, Suite 332
Greensboro, North Carolina 27406
Phone: (336) 937-9009

Proposed Mixed Use
5695 & 5731 Transit Road
Clarence, NY

REVISIONS:

No.	Description	Date
1	Rev. Highland Farms Drive access	10/13/23
2	Rev. Highland Farms Drive access and updated building footprint	12/7/23
3	Rev. per Town comments	2/13/24
4	Rev. per Town comments	3/14/24

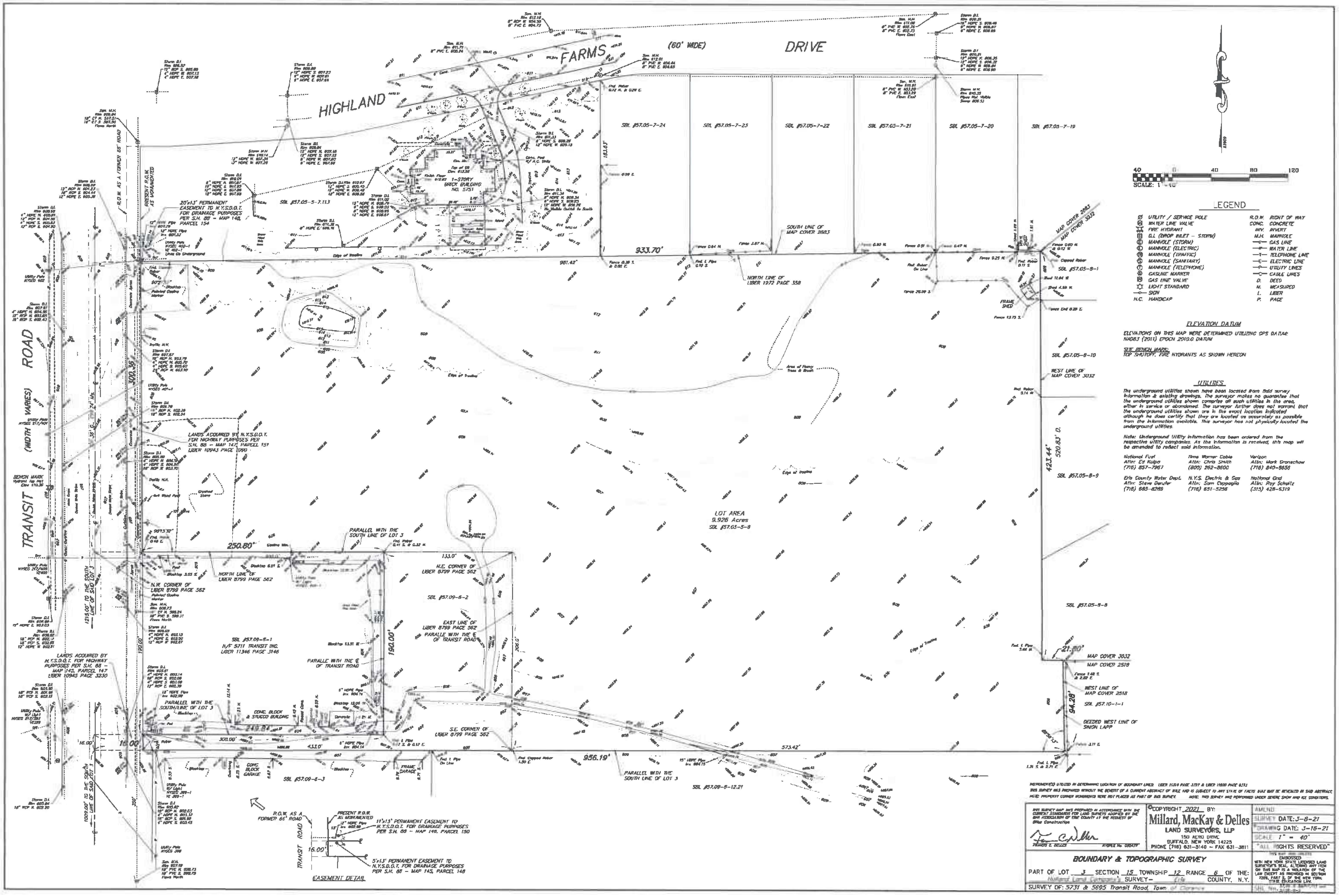
DRAWING NAME:
Site Plan

Date: 9/6/23
Drawn By: P. Sheedy
Scale: As Noted
DRAWING NO.
C-100
Project No: 20.057

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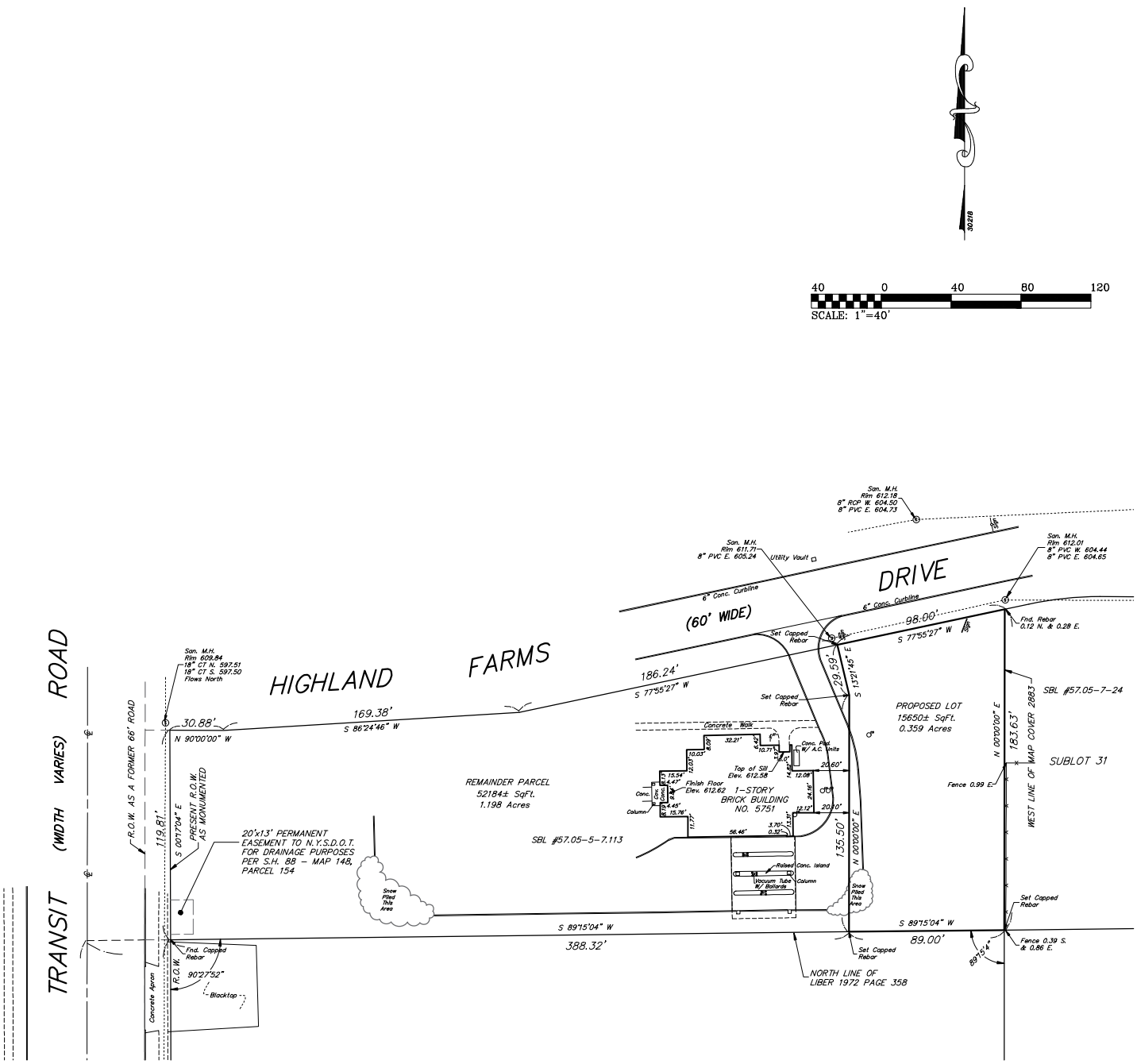
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EXHIBIT 6



HIGHLAND FARMS (60' WIDE) DRIVE
TRANSIT (WIDTH VARIES) ROAD
SBL #57.05-7-24
SBL #57.05-7-23
SBL #57.05-7-22
SBL #57.05-7-21
SBL #57.05-7-20
SBL #57.05-7-19
SBL #57.05-8-1
SBL #57.05-8-10
SBL #57.05-8-9
SBL #57.05-8-8
SBL #57.10-1-1
SBL #57.09-6-2
SBL #57.09-6-1
N/F 5711 TRANSIT INC.
LIBER 11346 PAGE 3146
SBL #57.09-6-3
SBL #57.09-6-12.21
SBL #57.05-5-7.113
1-STORY BRICK BUILDING NO. 5731
LOT AREA
9.926 Acres
SBL #57.05-8-8
933.70'
981.42'
956.19'
573.42'
423.44'
520.83' D.
300.36'
250.80'
190.00'
94.28'
21.80'
SOUTH LINE OF MAP COVER 2683
NORTH LINE OF LIBER 1972 PAGE 358
WEST LINE OF MAP COVER 3032
MAP COVER 3032
MAP COVER 2519
WEST LINE OF MAP COVER 2518
DEEDED WEST LINE OF SIMON LAPP
N.E. CORNER OF LIBER 8799 PAGE 562
N.W. CORNER OF LIBER 8799 PAGE 562
NORTH LINE OF LIBER 8799 PAGE 562
EAST LINE OF LIBER 8799 PAGE 562
PARALLEL WITH THE ℄ OF TRANSIT ROAD
S.E. CORNER OF LIBER 8799 PAGE 562
PARALLEL WITH THE SOUTH LINE OF LOT 3
CONC. BLOCK & STUCCO BUILDING
CONC. BLOCK GARAGE
FRAME GARAGE
FRAME SHED
LANDS ACQUIRED BY N.Y.S.D.O.T. FOR HIGHWAY PURPOSES PER S.H. 68 - MAP 147, PARCEL 151 LIBER 10943 PAGE 1090
LANDS ACQUIRED BY N.Y.S.D.O.T. FOR HIGHWAY PURPOSES PER S.H. 68 - MAP 142, PARCEL 147 LIBER 10945 PAGE 3330
20'x13' PERMANENT EASEMENT TO N.Y.S.D.O.T. FOR DRAINAGE PURPOSES PER S.H. 68 - MAP 148, PARCEL 154
R.O.W. AS A FORMER 66' ROAD
PRESENT R.O.W. AS MONUMENTED
1213.00' TO THE SOUTH LINE OF SAID LOT 3
1009.00' TO THE SOUTH LINE OF SAID LOT 3
BENCH MARK
Area of Heavy Trees & Brush
Edge of Treeline
11'x13' PERMANENT EASEMENT TO N.Y.S.D.O.T. FOR DRAINAGE PURPOSES PER S.H. 68 - MAP 146, PARCEL 150
5'x13' PERMANENT EASEMENT TO N.Y.S.D.O.T. FOR DRAINAGE PURPOSES PER S.H. 68 - MAP 145, PARCEL 148
EASEMENT DETAIL
40 0 40 80 120
SCALE: 1"=40'
LEGEND
UTILITY / SERVICE POLE
WATER LINE VALVE
FIRE HYDRANT
D.I. (DROP INLET - STORM)
MANHOLE (STORM)
MANHOLE (ELECTRIC)
MANHOLE (TRAFFIC)
MANHOLE (SANITARY)
MANHOLE (TELEPHONE)
GASLINE MARKER
GAS LINE VALVE
LIGHT STANDARD
SIGN
H.C. HANDICAP
R.O.W. RIGHT OF WAY
CONC. CONCRETE
INV. INVERT
M.H. MANHOLE
GAS LINE
WATER LINE
TELEPHONE LINE
ELECTRIC LINE
UTILITY LINES
CABLE LINES
D. DEED
M. MEASURED
L. LIBER
P. PAGE
ELEVATION DATUM
ELEVATIONS ON THIS MAP WERE DETERMINED UTILIZING GPS DATUM: NAD83 (2011) EPOCH 2010.0 DATUM
SITE BENCH MARK:
TOP SHUTOFF, FIRE HYDRANTS AS SHOWN HEREON
UTILITIES
The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.
Note: Underground Utility information has been ordered from the respective utility companies. As the information is received, this map will be amended to reflect said information.
National Fuel
Attn: Ed Kulpa
(716) 857-7967
Time Warner Cable
Attn: Chris Smith
(800) 262-8600
Verizon
Attn: Mark Droneshow
(716) 840-8656
Erie County Water Dept.
Attn: Steve Denzler
(716) 685-8289
N.Y.S. Electric & Gas
Attn: Sam Cappoglio
(716) 651-5256
National Grid
Attn: Roy Schultz
(315) 428-5319
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Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811
SURVEY DATE: 3-8-21
DRAWING DATE: 3-16-21
SCALE 1" = 40'
"ALL RIGHTS RESERVED"
BOUNDARY & TOPOGRAPHIC SURVEY
PART OF LOT 3 SECTION 15 TOWNSHIP 12 RANGE 6 OF THE:
SURVEY- COUNTY, N.Y.
SURVEY OF: 5731 & 5695 Transit Road, Town

EXHIBIT 7



NOTE: SURVEYING OF THIS AREA WAS PERFORMED BY MILLARD, MACKAY & DELLES LAND SURVEYORS JOB NO. 23909 LAST DATED 3-8-21

LEGEND

Ø UTILITY / SERVICE POLE	R.O.W. RIGHT OF WAY
WATER LINE VALVE	CONC. CONCRETE
FIRE HYDRANT	INV. INVERT
D.I. (DROP INLET - STORM)	M.H. MANHOLE
(D) MANHOLE (STORM)	—G— GAS LINE
(E) MANHOLE (ELECTRIC)	—W— WATER LINE
(TR) MANHOLE (TRAFFIC)	—T— TELEPHONE LINE
(S) MANHOLE (SANITARY)	—E— ELECTRIC LINE
(T) MANHOLE (TELEPHONE)	—P— UTILITY LINES
GASLINE MARKER	—C— CABLE LINES
GAS LINE VALVE	D. DEED
LIGHT STANDARD	M. MEASURED
—o— SIGN	L. LIBER
H.C. HANDICAP	P. PAGE

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: MAP COVER 2883

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Carmina Wood Design

CHRISTOPHER J. BARR NYSPLS No. 051068

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

AMEND:
SURVEY DATE: 3-8-21
©DRAWING DATE: 7-9-25
SCALE: 1" = 40'

"ALL RIGHTS RESERVED"
THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.

PART OF LOT 3 SECTION 15 TOWNSHIP 12 RANGE 6 OF THE: Holland Land Company's SURVEY - Erie COUNTY, N.Y.

SURVEY OF: 5751 Transit Road, Town of Clarence

SBL No. 57.05-5-7.113

EXHIBIT 14



1 WEST ELEVATION
SCALE: 1/16"



2 SOUTH ELEVATION
SCALE: 1/16"

PB INVESTORS LLC
5731 TRANSIT RD, AMHERST, NY

5731 TRANSIT RD.
MULTI FAMILY HOUSING
20% SCHEMATIC DESIGN

wendel
Centerpointe Corporate Park
375 Essjay Road, Suite 200
Williamsville, NY 14221
www.wendelcompanies.com
p:716.688.0766 tf:877.293.6335
Wendel PC Architecture, Engineering, Surveying and Landscape Architecture, PLC

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10/24/23
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NO.	REVISIONS	DATE

DWG. TITLE
BUILDING ELEVATIONS

GENERIC SCALE BAR
0 1" 2"
DATE
SCALE
DWN. RKA CHK. DJP
PROJ. No. 621002
DWG. No.
A-3



1 EAST ELEVATION
SCALE: N.T.S.



2 NORTH ELEVATION
SCALE: N.T.S.



3 TYPICAL GARAGE ELEVATION
SCALE: N.T.S.

*GARAGES ARE GROUPED IN BAYS OF SEVEN, EIGHT, AND NINE.
ALL ELEVATIONS AND MATERIALS ARE TYPICAL OF ALL.

PB INVESTORS LLC
5731 TRANSIT RD, AMHERST, NY

5731 TRANSIT RD.
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NO.	REVISIONS	DATE

DWG. TITLE
BUILDING ELEVATIONS

GENERIC SCALE BAR
0 1" 2"
SCALE BAR SHOWN ON THIS SHEET IS FOR THE ORIGINAL DRAWING. IF PRINTED SCALES WILL VARY. ADJUST ACCORDINGLY.

DATE
SCALE
DWN. RKA CHK. DJP
PROJ. NO. 621002
DWG. NO.
A-4



1 EXTERIOR RENDERING
SCALE: N.T.S.



2 EXTERIOR RENDERING
SCALE: N.T.S.



NICHIHA FIBER CEMENT PANEL
(RIBBED - INDIGO)



NICHIHA FIBER CEMENT PANEL
(VINTAGEWOOD - CEDAR)



NICHIHA FIBER CEMENT PANEL
(MIRAIA - ONYX)



NICHIHA FIBER CEMENT PANEL
(MODERNBRICK - MIDNIGHT)

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NO.	REVISIONS	DATE

BUILDING RENDERINGS

GENERIC SCALE BAR
0 1" 2"
SCALE BAR SHOWN FOR REFERENCE ON THIS DRAWING. IF NOT FULL SCALE, SCALE ACCORDINGLY.

DATE
SCALE
DWN. RKA CHK. DJP
PROJ. NO. 621002
DRAWING

A-5



1 EXTERIOR RENDERING
SCALE: NTS



2 EXTERIOR RENDERING
SCALE: NTS

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5731 TRANSIT RD, AMHERST, NY

5731 TRANSIT RD.
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NO.	REVISIONS	DATE

DWG. TITLE

BUILDING RENDERINGS

GENERIC SCALE BAR
SCALE BAR SHOWN IS TRUE WHEN PLOTTED ON THE TITLE BLOCK SHEET.
IF NOT THEN SCALE IS INCORRECT. ADJUST ACCORDINGLY.

DATE
SCALE
DWN. RKA CHK. DJP
PROJ. NO. 621002
DWG. NO.

A-6

EXHIBIT 17

PASSERO
engineering architecture

May 30, 2026

Jonathan Bleuer
Director of Community Development
Town of Clarence Office of Planning and Zoning
One Town Place
Clarence, NY 14031

Re: 5695 & 5731 Transit Rd Mixed-use Development - Parking Demand Analysis
Town of Clarence, NY

Dear Mr. Bleuer,

The purpose of this technical letter is to provide a Parking Demand Assessment related to the proposed mixed-use project located at 5695 & 5731 Transit Road in connection with a request for the approval of an Alternate Parking Study per Section 229-20 of the Zoning Code. When evaluating the parking supply needs for the proposed project, our firm projected the parking demand using nationally accepted methodology developed by the Institute of Transportation Engineers (ITE) for similar developments, as documented by the ITE Parking Generation Manual (6th Edition) and a comparison to Town requirements, as set forth within Section 229-20-F of the Town of Clarence's Zoning Code.

PROJECT DESCRIPTION

The project entails the construction of a mixed-use development to include: ±7,658 SF office, ±7,650 SF retail space, a ±6,950 SF restaurant, and 94 residential townhome units. The site plan, dated March 31, 2026, provides 261 total parking spaces for the site.

PARKING REQUIREMENTS PER MUNICIPAL CODE

Table 1 summarizes the municipal parking requirements (Section 229-20-F). Strict application with the Code requirements indicates there is a total deficit of 47 parking spaces.

Table 1: *Municipal Parking Requirements*

USE	SCHEDULE	BUILDING INFO	CALCULATION
Residential	2 spaces per unit	94 units	188 spaces
Professional Office	1 space per 200 square feet	7,658 square feet	39 spaces
Retail	1 space per 150 square feet	7,650 square feet	51 spaces
Restaurant	1 space per 3 seats	90 Seats	30 spaces
Total			308 spaces

PARKING GENERATION

Parking generation rates published by the latest ITE *Parking Generation (6th Edition)* and ULI *Shared Parking (3rd Edition)* are typically used as the standard methodology to estimate baseline parking generation. **Table 2** summarizes the parking demand calculations.

Table 2: *Parking Generation*

USE	SIZE	RATE	RESULT
Residential	94 units	1.41	133
Professional Office	7,658 square feet	1.95	15
Retail	7,650 square feet	2.79	21
Restaurant	6,950 square feet	4.4	58
Total			227

The total anticipated parking demand based on the data presented in Table 2 is 227 spaces.

Considering the total supply of 261 spaces, it is Passero's professional opinion that there is adequate capacity to accommodate future needs.

It is also important to consider that residents of the townhomes will likely leave their vehicles parked at home and walk to the restaurant, retail uses, and/or offices on site. Additionally, there is likely to be some cross activity between the offices, retail and restaurant with patrons parking once and walking between the various uses some of the time.

Please contact me directly at (585) 314-5078 or via email at adake@passero.com if you have any questions or require additional information.

Sincerely,

Amy C. Dake, P.E., PTOE
Senior Managing Traffic Engineer

Attachments
Cc: Paul Bliss
Sean Hopkins, Esq.
Christopher Wood, P.E.

ATTACHMENTS

Letter to
Mr. Jonathan Bleuer

5695 & 5731 Transit Rd Mixed-Use Development

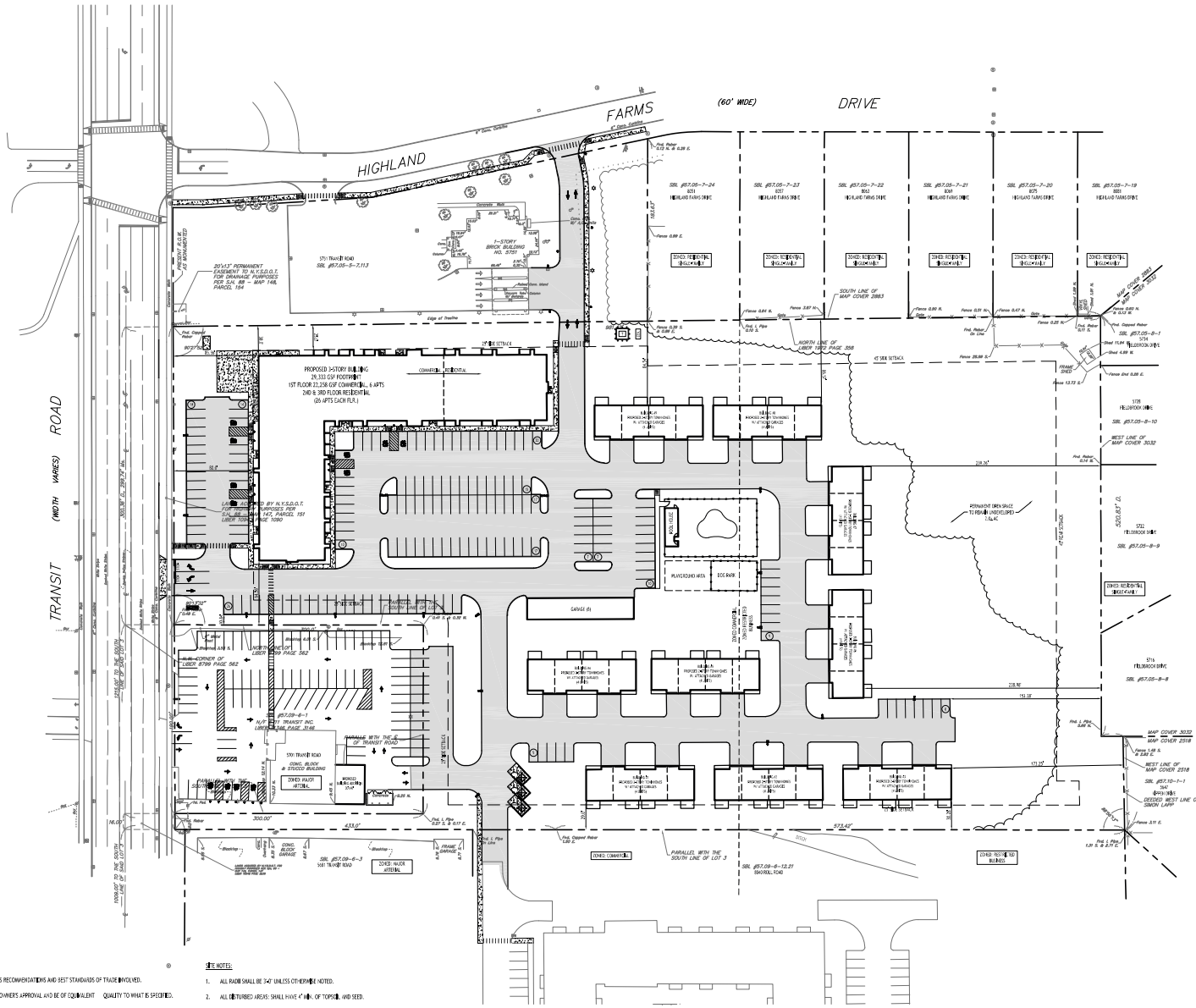
Alternative Parking Plan

Town of Clarence
Erie County, New York

PASSERO
engineering architecture

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MULTI-FAMILY UNIT CALCULATION
COMMERCIAL (C) LAND AREA = 9.925 AC
ALLOWED PER SECTION 229•126 (D)(1)c: 50% OF THE R5 PROPERTY SHALL BE COMMITTED TO A COMMERCIAL USE REQD COMMERCIAL USE AREA = 9.925 AC x 0.5 = 4.9625 AC
WITHIN THE COMMERCIAL COMPONENT PER SECTION 229•126(D)(5)a: WITHIN THE MIN. 50% OF THE DEVELOPMENT COMMITTED TO COMMERCIAL USES, MIXED USE DESIGNS MAY BE ALLOWED WITH A DENSITY OF 4 UNITS/AC ALLOWED UNITS= 4.9625 AC x 4 UNITS/AC = 19.85 UNITS
WITHIN THE RESIDENTIAL COMPONENT PER SECTION 229•126(D)(1)a: MAXIMUM DENSITY FOR MULTI-FAMILY DEVELOPMENTS WITH SANITARY SEWER SHALL BE 8 UNITS/AC ALLOWED UNITS = 4.9625 AC x 8 UNITS/AC = 39.7 UNITS
PROPOSED PROPOSED UNITS WITHIN THE RESIDENTIAL COMPONENT = 36 UNITS (39.7 UNITS ALLOWED)
PER SECTION 229•126(D)(6)a: A TRANSFER INCENTIVE OF TWO ADDITIONAL RESIDENTIAL UNITS MAY BE PLACED WITHIN THE COMMERCIAL COMPONENT MIXED USE BUILDING FOR EVERY ONE UNIT REMOVED FROM THE RESIDENTIAL COMPONENT TAKE (3.7) UNITS NOT USED IN THE RESIDENTIAL COMPONENT AND TRANSFER TO MIXED USE BUILDING, 7.4 ADDITIONAL UNITS ALLOWED MIXED USE BUILDING: THERE ARE 19.85 UNITS ALLOWED IN THE COMMERCIAL COMPONENT PER SECTION 229•126(D)(5)a. APPLYING THE TRANSFER INCENTIVE PER SECTION 229•126(D)(6) TO ALLOW 7.4 ADDITIONAL UNITS, A TOTAL OF 27.25 UNITS ARE ALLOWED IN THE MIXED USE BUILDING. 38 UNITS ARE PROPOSED * MINIMUM 75% OF THE FIRST FLOOR SQUARE FOOTAGE SHALL BE PERMITTED COMMERCIAL USES; 29,333 GSF * 0.75 = 22,000 GSF REQD (22,258 GSF PROPOSED)

*VARIANCE REQUIRED
(VARIANCES PREVIOUSLY GRANTED ON 3/14/24)

PARKING CALCULATION:
"OFFICE" 1 SPACE PER 200 GSF OF FLOOR AREA 7,698 GSF / 200 = 39 SPACES
"RETAIL" 1 PER 150 GSF OF FLOOR AREA 7,650 GSF / 150 = 51 SPACES
"RESTAURANT" (6,950 SF) 1 PER 3 SEATS 90 SEATS / 3 = 30 SPACES
"RESIDENTIAL" 2 PER UNIT 94 UNITS x 2 = 188 SPACES
TOTAL SPACES REQUIRED = 308 SPACES

Site Data

SITE AREA = 9.925
ZONED: ZONED COMMERCIAL/RESTRICTED BUSINESS
USE: (1) 3-STORY MIXED USE BUILDING, (9) 2-STORY •3-UNIT TOWNHOUSE BLDG. W/ GARAGES & (4) GARAGE BUILDINGS

	REQUIRED	PROVIDED
SETBACKS • BUILDING		
FRONT	80 FT *	80 FT
SIDE (ABUTTING COM. / RES.)	25 FT / 45 FT	25 FT MIN. / 84.54 FT MIN.
REAR (ABUTTING COM. / RES.)	25 FT / 45 FT	N/A / 173.25 FT MIN.
SETBACKS • PARKING		
FRONT	N/A	8.0 FT MIN.
SIDE	N/A	0.0 FT MIN.
REAR	N/A	152.28 FT MIN.
PARKING STALLS		
STALL SIZE	9'x19'	9'x19'
REQUIRED SPACES	308	44 • GARAGES 217 • 9'x19' 261 TOTAL **
GREENSPACE		
OVERALL SITE GREENSPACE	25% (2.48 AC)	52.1% (5.17 AC)
INTERIOR GREENSPACE	8% (0.28 AC)	14.2% (0.50 AC)
MAX. BUILDING HEIGHT	(COM. / R. BUSINESS) 45 FT / 35 FT	(COM. / R. BUSINESS) < 45 FT / < 35 FT
MAX. BUILDING COVERAGE	70% MAX. (6.95 AC)	16.5% (1.64 AC)

* WHERE THERE IS AN ESTABLISHED FRONT SETBACK LINE BETWEEN ADJOINING PROPERTIES, THAT SETBACK LINE WOULD APPLY TO THE PROPERTY TO A MINIMUM OF 45 FEET.

** VARIANCE REQUIRED

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNERS APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF CLARENCE ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. REFER TO NYSDOT STANDARD SHEET 608•03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG TRANSIT ROAD.
10. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL • ROADSIDE AND DITCH 610.1602 TURF ESTABLISHMENT • LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 • LANDSCAPE DEVELOPMENT MATERIALS.

SITE NOTES:

1. ALL RADII SHALL BE 7•0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE. REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608•01.

SITE LEGEND

PROPERTY LINE
PROPOSED SIDEWALK / CONCRETE PAD
NUMBER OF PARKING SPACES
PROPOSED SIGN
PROPOSED STANDARD DUTY ASPHALT PAVEMENT
PROPOSED LIGHT POLE

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

50 0 50 100Ft

CARMINA WOOD DESIGN
80 Ellis City Row, Suite 100
Buffalo, New York 14203
Phone: (716) 842-3165

131 Bain Street, Suite 335
Burlington, NC 27406
Phone: (336) 937-9009

Proposed Mixed Use

5695 & 5731 Transit Road
Clarence, NY

REVISIONS:	
No.	Description / Date

DRAWING NAME:
Site Plan

Date: 3/31/26
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-100

Project No: 20.057

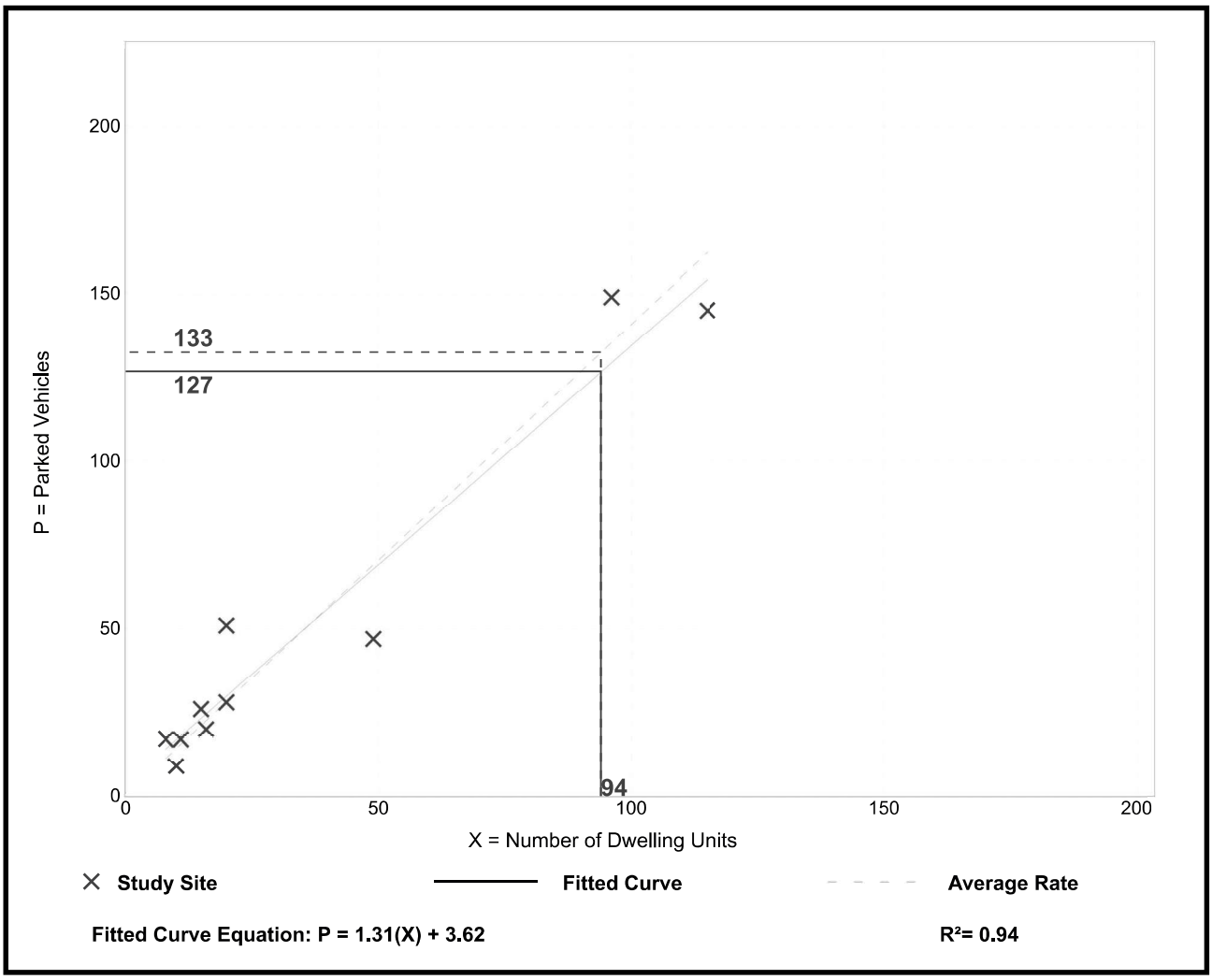
Single-Family Attached Housing - Not Close to Rail Transit
(215)

Peak Period Parking Demand vs: **Dwelling Units**
On a: **Weekday (Monday - Friday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 10
Avg. Num. of Dwelling Units: 36

Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.41	0.90 - 2.55	1.26 / 2.27	***	0.39 (28%)

Data Plot and Equation



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

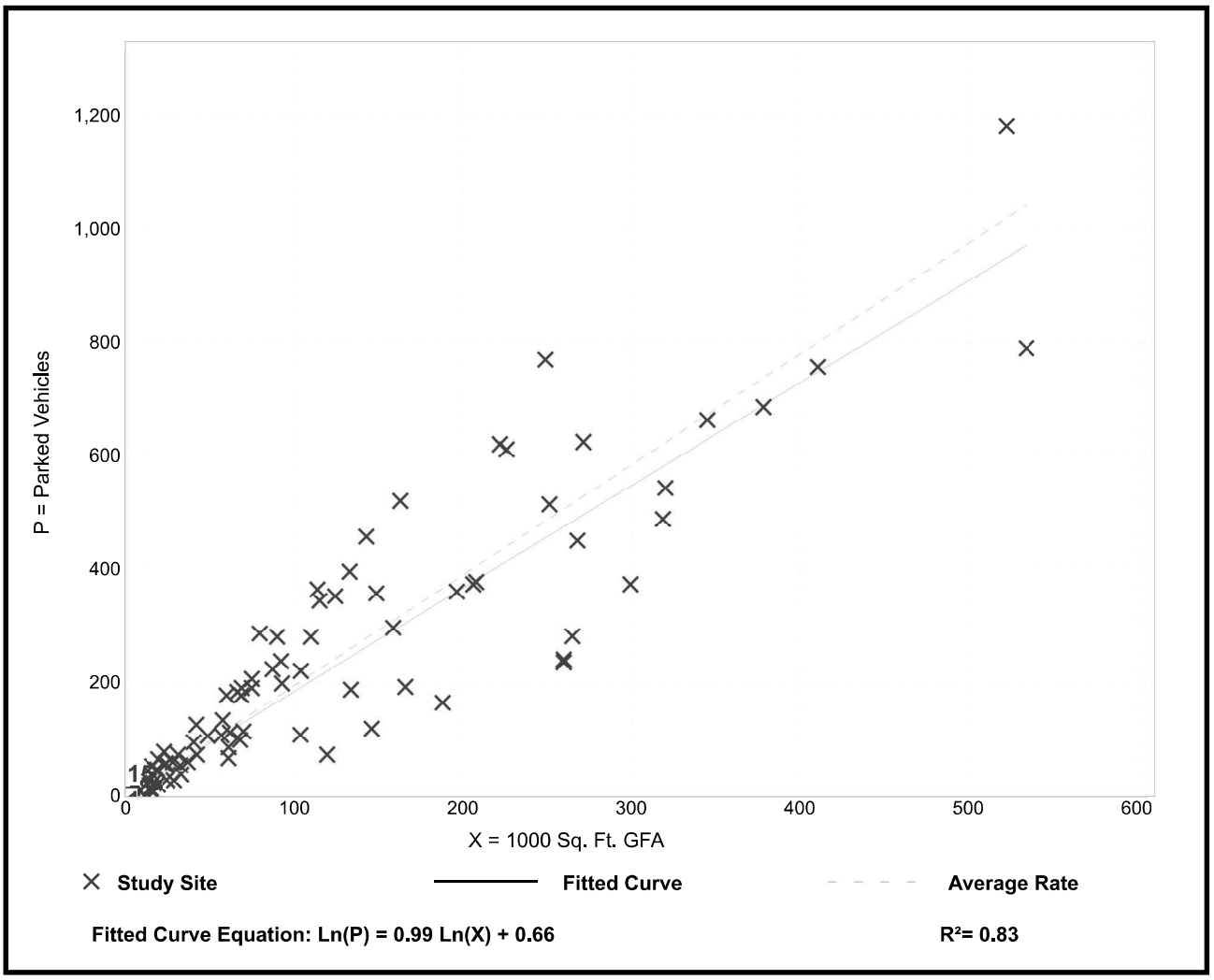
General Office Building
(710)

Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Weekday (Monday - Friday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 77
Avg. 1000 Sq. Ft. GFA: 131

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.95	0.50 - 3.60	1.68 / 2.98	1.79 - 2.11	0.70 (36%)

Data Plot and Equation



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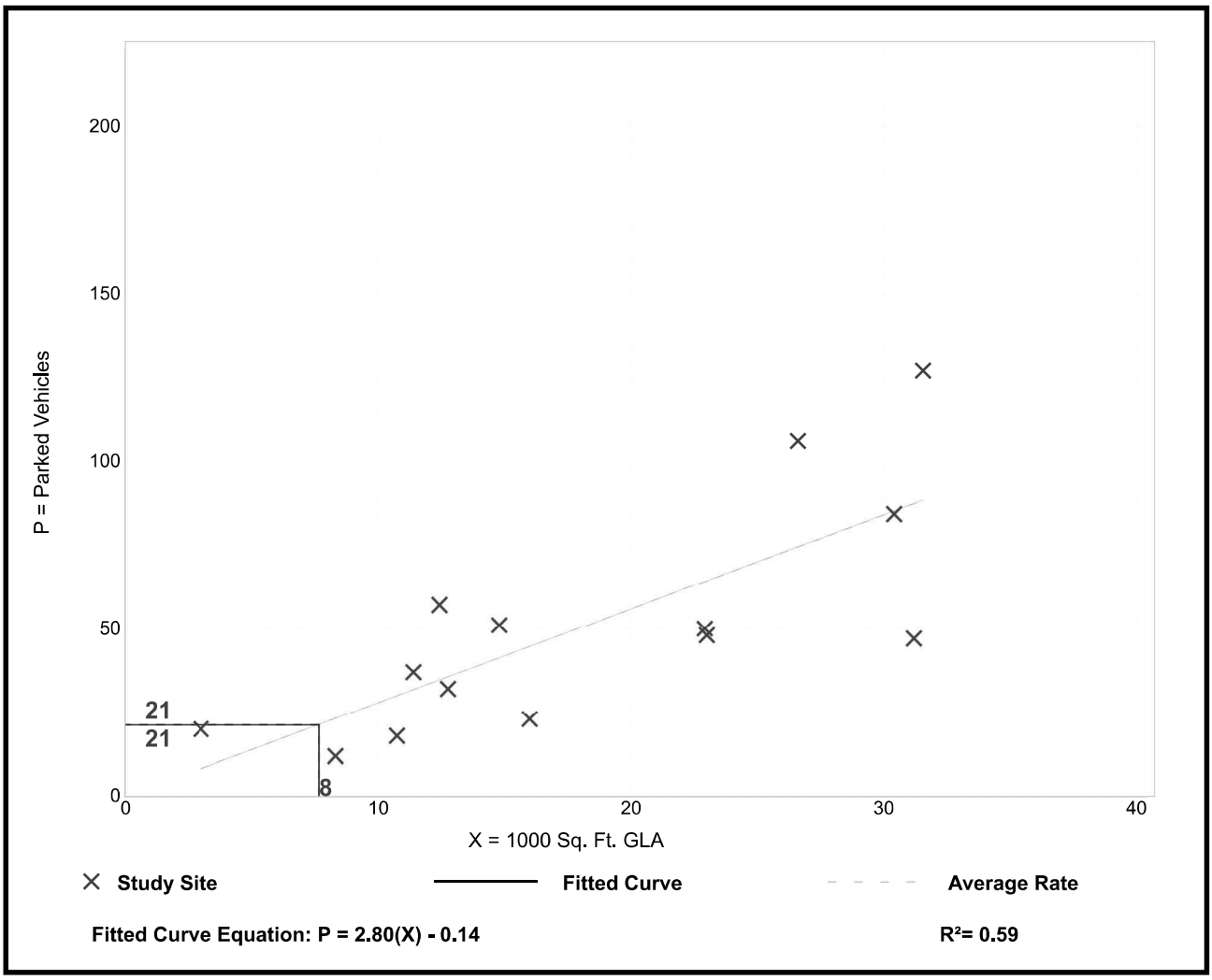
Strip Retail Plaza (< 40k)
(822)

Peak Period Parking Demand vs: **1000 Sq. Ft. GLA**
On a: **Weekday (Monday - Thursday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 14
Avg. 1000 Sq. Ft. GLA: 18

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.79	1.44 - 6.67	2.07 / 4.44	***	1.14 (41%)

Data Plot and Equation



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High-Turnover (Sit Down) Restaurant - Serves Breakfast

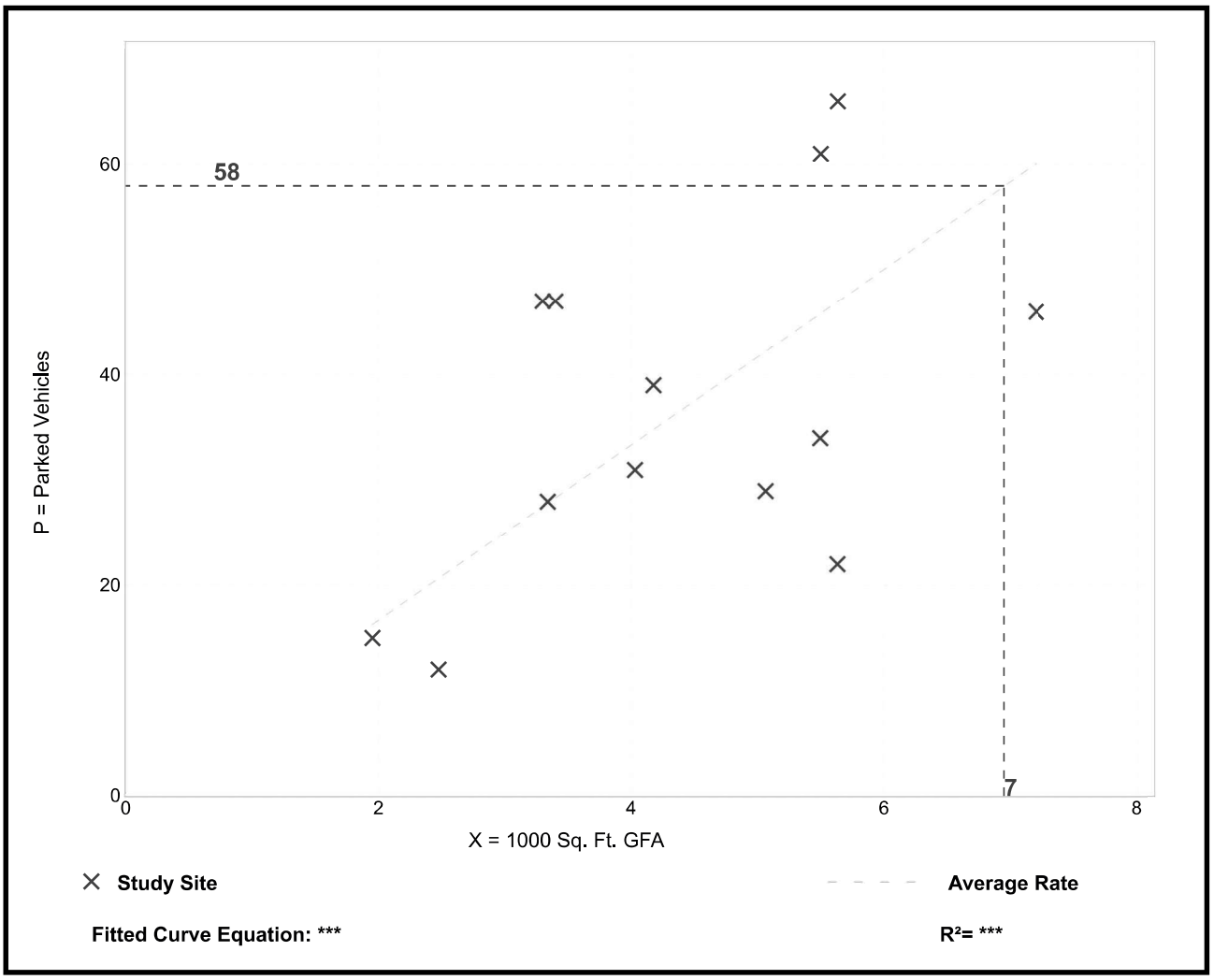
(932)

Peak Period Parking Demand vs: **1000 Sq. Ft. GFA**
On a: **Weekday (Monday - Thursday)**
Setting/Location: **General Urban/Suburban**
Number of Studies: 13
Avg. 1000 Sq. Ft. GFA: 4.4

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
8.34	3.91 - 14.24	6.31 / 13.61	***	3.25 (39%)

Data Plot and Equation



Parking Generation Manual, 6th Edition ● Institute of Transportation Engineers

PASSERO

October 19, 2026

Attn: **Mr. Paul Bliss**
5731 Transit Road LLC
6790 Main Street, Suite 100
Williamsville, NY 14221

Re: **5695 & 5731 Transit Rd, Town of Clarence, NY**
Trip Generation Comparison Letter
Project No: 20265163.0002

Dear Mr. Bliss:

This technical letter provides the Town of Clarence, New York State Department of Transportation (NYSDOT), and other involved agencies with information regarding the projected net change in traffic volumes and the potential traffic impacts resulting from the subject project when compared to the Traffic Impact Study (TIS) previously prepared for this site and updated February 7, 2023. This assessment adheres to the methodologies outlined by the State Environmental Quality Review Act (SEQRA), the New York State Department of transportation (NYSDOT), the Institute of Transportation Engineers (ITE), and standard transportation engineering practices. Support materials are included with this letter.

PROJECT DESCRIPTION

The 2023 TIS evaluated a proposed project consisting of 91 multifamily housing units, ±6,000 square feet (SF) of office, ±6,000 SF of retail, and ±6,950 SF of quality restaurant. At the time the Planning Board issued a Negative Declaration pursuant to SEQRA and subsequently granted Development Plan Approval on June 5, 2024, the number of residential units had been reduced by the Project Sponsor from 91 to 84 units based on an internal reconfiguration of the mixed-use building. The currently proposed project will add 10 units of multifamily housing to the approved plan (84 units to 94 units) and only 3 units compared to the analysis in the previous TIS (91 units to 94 units). Access remains unchanged from the 2023 TIS.

TRIP GENERATION COMPARISON

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation is an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of traffic entering and exiting the development. *Trip Generation Manual (12th Edition)* published by the Institute of Transportation Engineers (ITE) is used as a reference for this information. The trip rate for the peak hour of the generator may or may not coincide in time or volume with the trip rate for the peak hour of adjacent street traffic. Volumes generated during the peak hour of the adjacent street traffic and proposed land use, in this case, the weekday AM, and PM peak hours represent a more critical volume when analyzing the capacity of the system; that interval will provide the basis of this analysis.

Table 1 depicts the ITE trip generation estimates from the 2023 TIS with a comparison to the current proposed site plan. It is noted that the updated trip generation using the same ITE Land Use Code (LUC) and slightly newer/updated ITE data. Only the residential component has been updated.

Table 1: Site Generated Trips

DESCRIPTION	ITE LUC[1]	SIZE[2]	AM PEAK HOUR		PM PEAK HOUR		SAT PEAK HOUR	
			ENTER	EXIT	ENTER	EXIT	ENTER	EXIT
2023 TIS - Multi-Family Housing (Low-Rise)	220	91 DU	10	32	32	19	34	30
2024 Approved Site Plan - Multi-Family Housing (Low-Rise)	220	84 DU	10	32	30	18	16	25
2026 Revised Site Plan - Multi-Family Housing (Low-Rise)	220	94 DU	11	35	33	19	18	28
Change in Trip Generation Compared to 2023 TIS			**+1**	**+3**	**+1**	**0**	**-16**	**-2**
Change in Trip Generation Compared to 2024 Approved Site Plan			**+1**	**+3**	**+3**	**+1**	**+2**	**+3**

Note:
1. LUC = Land Use Code.
2. DU = Dwelling Units.

When compared to 2023 TIS, the proposed project is expected to generate approximately 4 additional vehicle trips during the weekday AM peak hour, 1 additional vehicle trip during the weekday PM peak hour and 18 fewer vehicle trips during the Saturday peak hour. The change in the proposed number of dwelling units results in a net change in trip generation that will be negligible during the peak hours.

CONCLUSIONS

The 2023 TIS determined that "the projected minor traffic impacts resulting from full development of the proposed mixed-use project …. during the peak hours can be sufficiently accommodated by the existing transportation network and study area intersections. No capacity improvements are required." Given the very small change in trip generation resulting from the 3 additional residential units, the analysis, results, and conclusions contained in the 2023 TIS remain valid. No further analysis is required.

Please feel free to contact me directly with any questions.

Sincerely,

Amy C. Dake, P.E., PTOE
Senior Managing Traffic Engineer

ATTACHMENTS

October 19, 2026

Letter to
Mr. Paul Bliss

5695 & 5731 Transit Rd Mixed-Use Development

Trip Generation Comparison

Town of Clarence
Erie County, New York

PASSERO
engineering architecture

Scenario - 1

Scenario Name: AM Peak Hour
User Group:
Dev. phase: 1
No. of Years to Project Traffic : 0
Analyst Note:
Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
220 - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	84	Weekday, Peak Hour of	Best Fit (LIN)	10	32	42
Data Source: Trip Generation Manual, 12th Ed	Urban/Suburban			Adjacent Street Traffic,	T = 0.35(X) + 12.93	24%	76%	
220(1) - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	94	Weekday, Peak Hour of	Best Fit (LIN)	11	35	46
Data Source: Trip Generation Manual, 12th Ed	Urban/Suburban			Adjacent Street Traffic,	T = 0.35(X) + 12.93	24%	76%	

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	24	76
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	24	76

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	10	32	0	0	10	32
	42		0		42	
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	11	35	0	0	11	35
	46		0		46	

Scenario - 2

Scenario Name: PM Peak Hour
User Group:
Dev. phase: 1
No. of Years to Project Traffic : 0
Analyst Note:
Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
220 - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	84	Weekday, Peak Hour of	Best Fit (LIN)	30	18	48
Data Source: Trip Generation Manual, 12th Ed	Urban/Suburban			Adjacent Street Traffic,	T = 0.48(X) + 7.35	62%	38%	
220(1) - Multifamily Housing (Low-Rise) - Not	General	Dwelling Units	94	Weekday, Peak Hour of	Best Fit (LIN)	33	20	53
Data Source: Trip Generation Manual, 12th Ed	Urban/Suburban			Adjacent Street Traffic,	T = 0.48(X) + 7.35	62%	38%	

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	62	38
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	62	38

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	30	18	0	0	30	18
	48		0		48	
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	33	20	0	0	33	20
	53		0		53	

Scenario - 3

Scenario Name: SAT Peak Hour
User Group:
Dev. phase: 1
No. of Years to Project Traffic : 0
Analyst Note:
Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
220 - Multifamily Housing (Low-Rise) - Not	**General**	**Dwelling Units**	**84**	**Saturday, Peak Hour of**	**Average**	**16**	**26**	**42**
Data Source: Trip Generation Manual, 12th Ed	**Urban/Suburban**			**Generator**	0.49	38%	62%	
220(1) - Multifamily Housing (Low-Rise) - Not	**General**	**Dwelling Units**	**94**	**Saturday, Peak Hour of**	**Average**	**18**	**29**	**47**
Data Source: Trip Generation Manual, 12th Ed	**Urban/Suburban**			**Generator**	0.49	38%	62%	

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	38	62
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	38	62

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	16	26	0	0	16	26
	42		0		42	
220(1) - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	18	29	0	0	18	29
	47		0		47	

Agency Use Only [If applicable]

Project: PB Investors Development – Density In

Date: 11-18-2026

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project: PB Investors Developme

Date: 11-18-2026

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

After a thorough review with involved and interested agencies, it has been determined that the Action will not have significant adverse impacts to the environment. See attached part 3b for the reasons supporting this determination.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Clarence Planning Board	11-18-2026
Name of Lead Agency	Date
Robert Sackett	Town of Clarence Planning Board Chair
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

FEAF Part 3b Reasons Supporting this Determination:

Project Name: 5695 & 5731 PB Investors Development – Density Increase

Project Location: 5695 & 5731 Transit Road SBL: 57.09-6-2 & SBL: 57.05-5-8

Date: 11-18-2026

Executive Summary:

The "Project Site" is located at 5695 & 5731 Transit Road SBL: 57.09-6-2 & SBL: 57.05-5-8. The Project Site consists of +/- 10.0 acres of vacant land that is zoned as Commercial ("C") and Restricted Business ("RB") pursuant to the Town of Clarence Zoning Map.

The Project Sponsor previously received a State Environmental Quality Review Act ("SEQRA") Negative Declaration on February 1, 2023 for a previously approved mixed-use project containing 22,810 sq.ft. of commercial space and 84 multiple-family housing units (the "Project"). This Project was coordinated in October 2021 and had a project number of TOC10212021.

The "Action" for this SEQRA determination involves the residential density increase of 10 additional multiple-family housing units. This would result in a total of 94 multiple-family units while the commercial space of 22,810 sq.ft remains unchanged. Three new 4-unit townhome buildings are proposed, in place of previously approved detached garage buildings, and 2 residential units would be removed from the mixed-use building.

After a thorough coordinated environmental review, it has been determined that the Action will not result in any potentially significant adverse impacts to the environment. Compared to the criteria listed in Section 617.7 of the SEQRA Regulations, the Planning Board, acting in its capacity as the Lead Agency, has determined that the identified areas of environmental concern have been adequately addressed, and that the Action will not result in any potentially significant adverse impacts to the environment. The reasoned elaboration of the Planning Board in support of the Negative Declaration is provided below.

Reasons Supporting this Determination:

The Action does not result in a sharp contrast to nearby land use patterns, which include commercial operations, mixed-use buildings, and residential neighborhoods. The residential increase will come in the form of three new 4-unit townhome buildings, which are compatible in scale and design with the adjacent residential homes. *Clarence 2030 – Town of Clarence Comprehensive Plan*, encourages the development of mixed-use projects. The Project is consistent with the recommended land use, design guidelines and site layout guidance for the relevant portion of the Town along Transit Road. Map 8 of *Clarence 2030* ("Future Land Use Map") designates the Project Site as appropriate for Business Center. The Project Site was previously rezoned to better align the Project Site with *Clarence 2030*. Business Center Use is described on Pages 51-52 of the Comprehensive Plan. Business Center areas are generally characterized by the following: a wider range of commercial activity within the community; and large-scale buildings and parking areas. These areas are located along travel routes with high daily traffic volume.

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The Action will result in the Project requiring variance consideration by the Zoning Board of Appeals. The area variance would be to increase the multiple-family housing density by 10 residential units. The Project would contain a total of 94 units. If the area variance is not approved, the Project Sponsor would be required to adjust the unit count for the Project.

In an email correspondence dated August 19, 2026 from Thomas Nieswiadomy of the New York State Department of Transportation ("NYSDOT"), it was stated that NYSDOT requests an updated Traffic Impact Study ("TIS") based upon the size and scope of the Project. The Project Sponsor, in collaboration with the Town of Clarence and NYSDOT, provided additional information to NYSDOT; which resulted in a letter from Brianna M. Ciccone of NYSDOT dated September 8, 2026 being issued. The aforementioned letter stated that NYSDOT would accept a letter from a Traffic Engineer indicating what the additional trip generation is from the additional 10 multi-family units, and an explanation of the impact to the State system. A Trip Generation Comparison Memo from Amy C. Dake of Passero was issued on October 19, 2026 to address the comments from the NYSDOT. The memo stated that the 2023 TIS determined that "the projected minor traffic impacts resulting from full development of the proposed mixed-use project…. during the peak hours can be sufficiently accommodated by the existing transportation network and study area intersections. No capacity improvements are required." The memo then stated that given the very small change in trip generation resulting from the additional residential units, the analysis, results, and conclusions contained in the 2023 TIS remain valid and that no further analysis is required. In a letter dated October 30, 2026 from Brianna M. Ciccone of the NYSDOT, it was stated that after review of the Trip Generation Comparison Memo, the NYSDOT agrees with the findings and offers no further comments.

The Project will connect to existing water services and will require review and approval by the Erie County Water Authority ("ECWA"). In a letter dated August 4, 2026 by Mark S. Carney of ECWA, it was stated that the Project will require ECWA review for new water service to the Project Site. Additionally, due to the size of the Project, any new additional demand must be evaluated in conformance with the ECWA Design Manual for Watermains and any necessary improvements required may be the responsibly of the Project Sponsor. The comment from the Water Authority will be addressed during the Development Plan Application review process.

On September 3, 2026, Michael Larson of the Erie County Division of Sewerage Management ("ECDSM") issued a letter containing the following comments:

- The Project is located in ECSD #5. The sanitary sewers near the proposed project are owned by the Town of Clarence. The sanitary flows are tributary to Erie County and Town of Clarence trunk and interceptor lines and ultimately the Amherst Wastewater Treatment Plant.
- Until the completion of the parallel peanut line, there is no further capacity to accommodate new projects or subdivisions in this area and all new project proposals that generate liquid waste may be put on hold. Upon the completion of the parallel peanut line, the project developer is encouraged to resubmit for approval.

As part of the previously reviewed and approved Project, conditional downstream sanitary sewer capacity for phase 1 of the Project was granted once improvements were made in conjunction with the ECDSM and the Town of Amherst. Phase 1 of the Project consists of the

three-story mixed-use building fronting Transit Road, and the conditional downstream sanitary sewer capacity is for 73,896 gallons per day of peak sanitary sewer flow. It is anticipated that the subsequent phases that result in more than 73,896 gallons of peak daily sanitary sewer flow for the Project will require construction of a parallel interceptor at the Peanut Line Right-of-Way in the Town of Amherst, and additional review and approvals for the agencies with jurisdiction over such off-site sanitary sewer infrastructure improvements will be required; including but not limited to the Town of Amherst Engineering Department, the Town of Clarence, Erie County Sanitary Sewer District No. 5, and the NYSDEC. It has been determined that the downstream sanitary sewer flows from the additional residential units as part of this Action do not represent a potentially significant adverse environmental impact since there are numerous governmental agencies that will need to review the sanitary sewer flows during wet weather conditions for the Project. The Project Sponsor will also be required to implement I&I remedial work or a financial contribution per the NYSDEC policy that applies to projects that will generate more than 2,500 gallons per day of sanitary sewer flow. While the Parallel Sewer Project will be subject to its own environmental review pursuant to SEQRA, the Planning Board has determined that the issuance of this SEQRA determination for this Action does not constitute segmentation, which is defined in 6 NYCRR Part 617.2(ah) as "[T]he division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQRA."

The Action does not create any further potentially significant impacts beyond that which was already reviewed and approved as part of the initial Project; including but not limited to geological features, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, and critical environmental areas. The Action does not involve any additional land clearing beyond that which was already reviewed and approved as part of the initial Project. Additionally, the residential density increase would not cause additional negative impacts to noise, odors, and lighting. A Stormwater Pollution Prevention Plan ("SWPPP") is required for the Project due to the disturbance of more than one acre of land. Alterations and additions to any existing or proposed stormwater management systems on the Project Site shall be reviewed and approved by the Town Engineering Department prior to site disturbance. The Action will cause an increase in the use of energy compared with the Project Site's current state; however, the overall use of power will not exceed the amount of power currently available at the site. The Project shall be designed to meet energy compliance standards through the installation of energy efficient facilities and features having minimal impact on the environment. As part of the Development Plan review process, the Project Sponsor shall coordinate with the appropriate utilities to obtain all appropriate permits as required.

Construction of the Project is still anticipated to occur in two (2) phases and the construction of the Project will occur for a period of more than one year. Construction activities in furtherance of the Project will be intermittent and represent a temporary and unavoidable adverse impact that is not potentially significant. During the construction phases, the Project will need to comply with the applicable stringent standards for stormwater quality and storm

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quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan Application review process.

As part of the coordinated review of the Action pursuant to SEQRA, the East Amherst Fire Company, the Williamsville Central School District, and the Town of Amherst were included as involved and/or interested agencies. A copy of the Amended Site Plan and Application was provided to the involved and interested agencies. All involved and interested agencies were provided an opportunity to comment on the Action. After thorough review with involved and interested agencies, it has been determined that the Action will not have significant adverse impacts to the existing community services.

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