

**REZONING APPLICATION**

**In The Matter of the Application for Amendment of Ordinance**

-of-

**BOSTON STATE HOLDING COMPANY, LLC**

**3710 MILESTRIP ROAD**

**BLASDELL, NEW YORK 14219-1527**

Petitioner(s)

**To the Honorable Town Board of the Town of Hamburg, New York**

The Petition of: **BOSTON STATE HOLDING COMPANY, LLC**

Address           **3710 MILESTRIP ROAD**

Town               **BLASDELL, NEW YORK 14219-1527**

in the County of Erie and State of New York, respectfully shows:

The Petitioner(s) is the owner(s) of certain premises situation in the Town of Hamburg, County of Erie and State of New York, and more particularly described as follows:

**SBL# 170.00-2-32.111**

**Location: VACANT LAND WITH FRONTAGE ON HOWARD ROAD. A SURVEY DEPICTING THE PROPERTY TO BE REZONED FROM R-2 TO R-3 IS ATTACHED AS EXHIBIT "B".**

**Record Title Owner and Address: BOSTON STATE HOLDING COMPANY, LLC, 3710 MILESTRIP ROAD, BLASDELL, NEW YORK 14219-1527**

**Zoning change requested from R-2 SINGLE FAMILIY RESIDENCE, ATTACHED DISTRICT ("R-2") to R-3 MULTIFAMILY DISTRICT ("R-3")**

**Petitioner's Interest in Land Title: THE PETITIONER IS THE OWNER OF THE PROJECT SITE.**

The Petitioner(s) desire(s) that the said premises, or so much thereof as the Town Board shall approve, be rezoned for the following uses and for the following reasons:

**THE PETITIONER IS SEEKING TO AMEND THE ZONING CLASSIFICATION OF 8.1 ACRES OF THE PROJECT SITE FROM R-2 TO R-3 IN ORDER TO ACCOMMODATE A PROPOSED TOWNHOUSE PROJECT CONSISTING OF 66 LUXURY TOWNHOUSE UNITS WITH ATTACHED GARAGES.**

**A NARRATIVE DESCRIBING THE PROPOSED PROJECT IS ATTACHED AS EXHIBIT "A" AND THE APPLICATION ALSO INCLUDES THE FOLLOWING EXHIBITS:**

- **EXHIBIT "B" - SURVEY DEPICTING THE PROPERTY TO BE REZONED FROM R-2 TO R-3 IS ATTACHED AS EXHIBIT "B".**
- **EXHIBIT "C" – METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY TO BE REZONED FROM R-2 TO R-3 (THE PETITIONER IS PROPOSED A 50 FOOT WIDE CONSERVATION AREA ALONG THE EASTERN EDGE OF THE PROJECT SITE**
- **EXHIBIT "D" - SHORT ENVIRONMENTAL ASSESSMENT FORM (EAF)**
- **EXHIBIT "E" - COLOR CONCEPTUAL LAYOUT OF THE PROPOSED PROJECT**
- **EXHIBIT "F" – COLOR AERIAL PHOTOGRAPH SHOWING LOCATION OF THE PROJECT SITE**
- **EXHIBIT "G" – ZONING MAP SHOWING EXISTING ZONING CLASSIFICATION OF THE PROJECT SITE AND THE SURROUNDING VICINITY**
- **EXHIBIT "H" - COLOR CONCEPTUAL BUILDING ELEVATIONS**
- **EXHIBIT "I" – CONCEPTUAL FLOOR PLANS**
- **EXHIBIT "J" – LETTER INVITING PROPERTY TO ATTEND INFORMATIONAL MEETING DATED APRIL 27, 2012**

The Petitioner(s) enclose(s) herewith the sum of **\$1,000.00** to pay the cost of publishing a notice of a public hearing, which the petitioner(s) request(s) be called by your Honorable Body pursuant to the provisions of the said Zoning Ordinance.

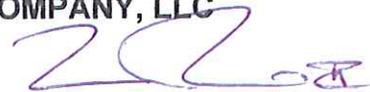
The Petitioner(s) hereby attach the following to this application:

**A LIST OF THE EXHIBITS ATTACHED TO THIS APPLICATION IS PROVIDED ABOVE.**

The Petitioner establishes that no previous application has been made for the relief herein sought except: **NOT APPLICABLE**

Dated this 10<sup>th</sup> day of July, 2012

**BOSTON STATE HOLDING  
COMPANY, LLC**



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Joseph Russo, II  
Managing Member

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# EXHIBIT A

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## **Exhibit A**

### **Narrative Describing Proposed Howard Greens Townhome Project**

The Applicant is seeking to amend the zoning classification of approximately 8.1 acres of the Project Site from R-3 to R-3 in order to facilitate its development as an attached townhome project that will consist of eleven 2 story buildings that will each feature 6 luxury townhome units with attached garages. The Project Site consists of vacant land located on Howard Road and a color aerial photograph showing the location of the Project Site and the surrounding vicinity is attached as Exhibit “F”.

A color conceptual layout of the proposed project prepared by the project architect is attached as Exhibit “E”. In recognition of the fact the Project Site is bordered by an existing residential subdivision to the east, the Applicant is proposing a 50 foot wide “Conservation Area” along the eastern edge of the Project Site to provide a permanent buffer for the benefit of the homeowners on the western side of Heatherwood Drive. The proposed Conservation Area would be left in its natural state and the Applicant will record a deed restriction at the Erie County Clerk’s Office in order to ensure the proposed Conservation Area is permanently preserved and protected. .

The anticipated sizes of the townhouse units will be between 700 and 1,000 sq. ft. the target market will be professionals, empty nesters, seniors interested in living in a modern townhome unit with upscale architecture and amenities. Color conceptual building elevations for the six unit townhome buildings are attached as Exhibit “H” and color conceptual floor plans are attached as Exhibit “I”. The color conceptual building elevations have been provided to present options in terms of building colors and the

building will feature residential style sloped roofs, vertical and horizontal relief to break up the massing of the buildings and attached garages to avoid the aesthetic impacts of large parking areas typically associated with multifamily projects. The color conceptual floor plans have been provided to demonstrate that the Applicant is proposing luxury townhomes with modern layouts including units with 2 bedrooms and 2 bathroom as well open style kitchen/dining areas often found in modern townhome units.

The rezoning of the Project Site from R-2 to R-3 is not inconsistent with the mixed use character of the surrounding vicinity or the zoning classifications of properties in the vicinity of the Project Site. A color map prepared by Nussbaumer & Clarke showing the existing zoning classifications of properties in the vicinity of the Project Site is attached as Exhibit "G" and it clearly demonstrates that the proposed R-3 zoning and development of the Project Site as luxury townhome project represents a suitable transition between the commercial uses on properties fronting on Camp Road that are zoned C-2 to the west of the Project Site and the existing residential subdivision on property zoned R-2 to the east of the Project Site.

Prior to filing this Rezoning Application, the Applicant held an informational meeting with the residents of the adjacent subdivision to the east consisting of the owners of homes on Heatherwood Drive and Pineview Drive. On April 27<sup>th</sup>, the Applicant sent a detailed letter to each of the approximately 70 homeowners in the adjacent subdivision to invite them to attend an informational meeting that was held on May 8<sup>th</sup>. A complete copy of the letter sent to the homeowners is attached as Exhibit "J". Approximately a dozen property owners attended the informational meeting held on May 8<sup>th</sup> and useful input was received regarding site plan related aspects of the project that will be addressed

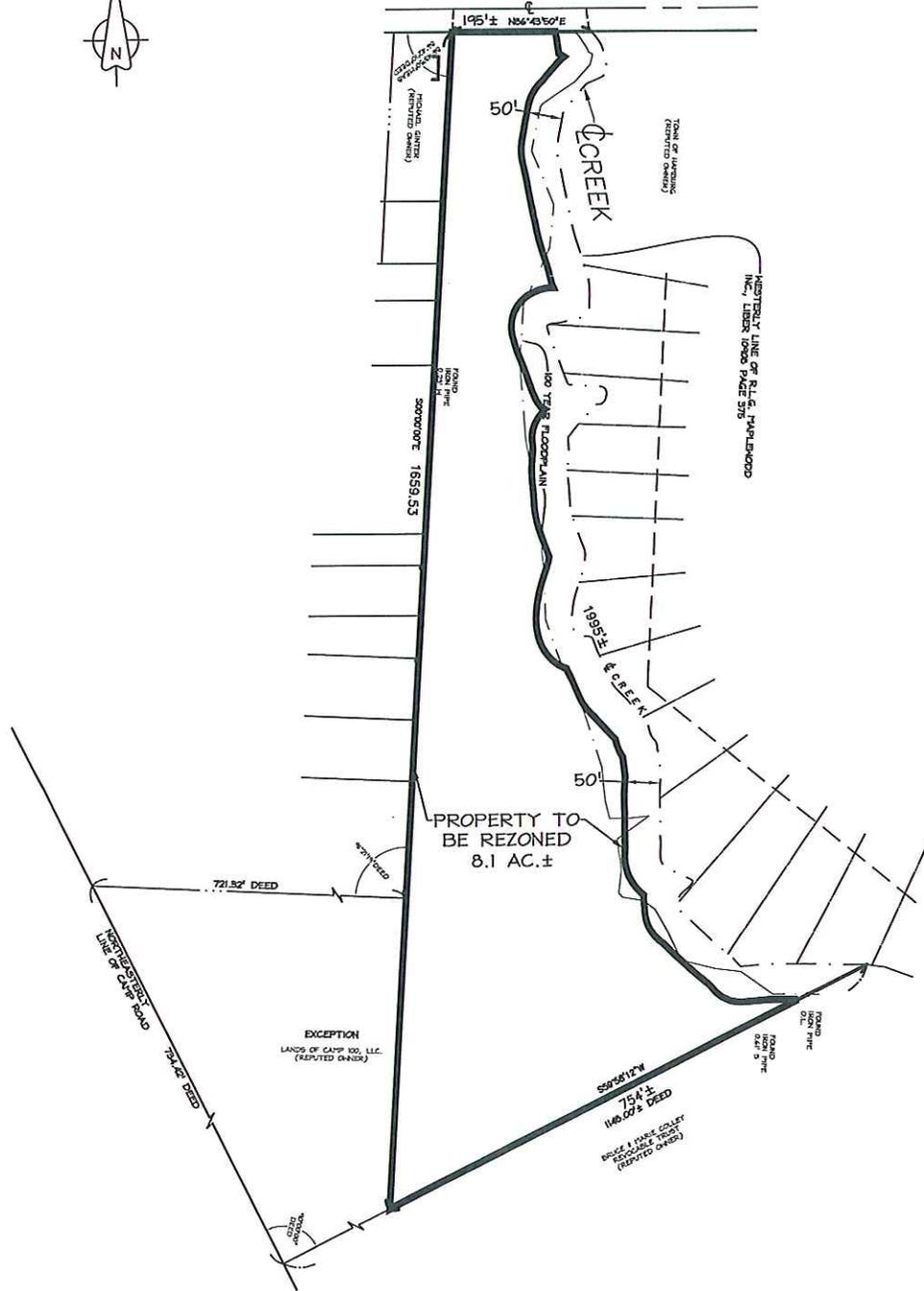
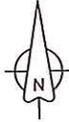
as the project moves forward. The Applicant will keep the property owners that attended the informational meeting updated regarding the status of the review of the project and this will include meeting with property owners to continue to make sure they are kept informed and to continue to solicit their input.

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# **EXHIBIT B**

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# HOWARD (66' WIDE) ROAD



PROPERTY TO BE REZONED  
8.1 AC. ±

EXCEPTION  
LANDS OF GAF 100, LLC.  
(REPUTED OWNER)



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7204, provision 2 of the New York State Education Law.

PART OF LOT(S) : 14	SECTION :	TOWNSHIP : 9	RANGE : 8	SCALE: 1" = 200'
LOCATION : TOWN OF HAMBURG	COUNTY OF ERIE	STATE OF NEW YORK		
<p>3556 Lake Shore Road Buffalo, New York 14219-1494 (716) 827-8000</p>	KIND	DATE	REQUESTED BY	JOB NO.
	EXHIBIT MAP	06/08/12	HOPKINS & SORGI, PLLC	10J5-0028A

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# EXHIBIT C

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## EXHIBIT C

### **Metes and Bounds Legal Description of Property to be Rezoned from R-2 to R-3**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York being part of Lot 14, Township 9, Range 8 of the Holland Land Company's Survey, being more particularly described as follows:

Beginning at a point in the south line of Howard Road, 50 feet west of the centerline of Waterfalls Creek;

Thence southerly along a line 50 feet west and parallel with the centerline of Waterfalls Creek as it meanders to the northeast line of lands conveyed to Bruce & Marie Colley Revocable Trust by liber 11106 of deeds at page 5600;

Thence southwesterly along said Colleys northeast line to a point in the southeast corner of lands conveyed to Camp 100, LLC. by liber 11142 of deeds at page 4393;

Thence northerly, a distance of 1659.53 feet to the northeast corner of lands conveyed to Michael Ginter by liber 11192 of deeds at page 9892, said point also being a point in the south line of Howard Road;

Thence easterly along the south line of Howard Road, a distance of 145 feet more or less to the point or place of beginning, containing 8.1 acres more or less.

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# **EXHIBIT D**

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**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
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)

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# **EXHIBIT E**

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**SITE PLAN OF SUBDIVISION**

**Howard Greens - Subdivision**

**S C H E M A T I C D E S I G N**



443 Delaware Avenue, Buffalo, New York 14202  
716.923.7000 Fax: 716.882.4993

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# **EXHIBIT F**

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**LOCATION PLAN**

**Howard Greens - Subdivision**

SCHMIDT P E D E S I G N

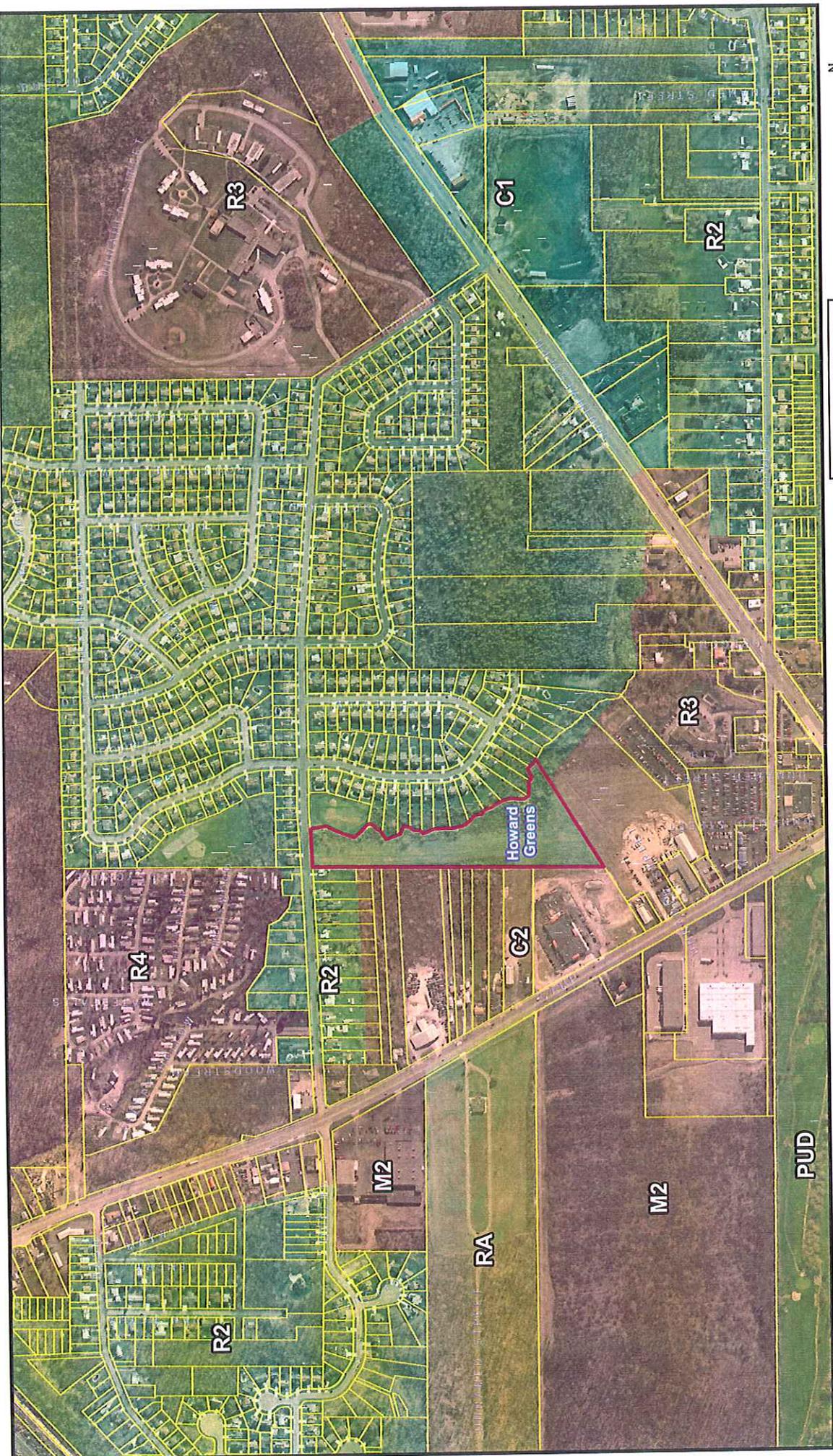


443 Delaware Avenue/Buffalo/New York/14202  
716.923.7000/Fx. 716.887.4793

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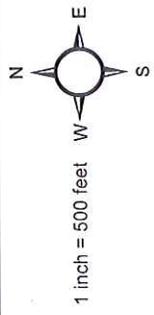
# **EXHIBIT G**

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**LEGEND**  
ZONING

C1	C2	C3	M1	M2	M3	NC	PR	PUD	R1	R2	R3	R4	RA	RE
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**Howard Road**  
**Town of Hamburg, New York**

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# EXHIBIT H

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TYPICAL FRONT ELEVATION - SIDING OPTION

Howard Greens - Subdivision

S C H I D L E R D E S I G N

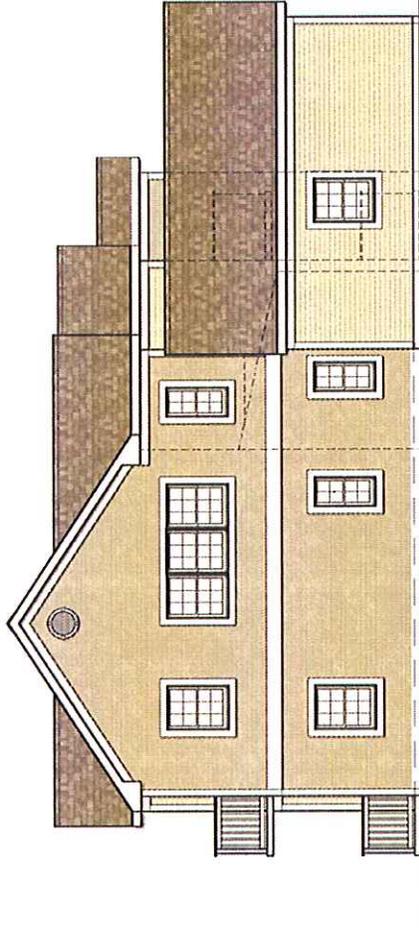


443 Delaware Avenue/Buffalo, New York 14202  
716.923.7000/fx. 716.887.4293



TYPICAL REAR ELEVATION - SIDING OPTION

Howard Greens - Subdivision



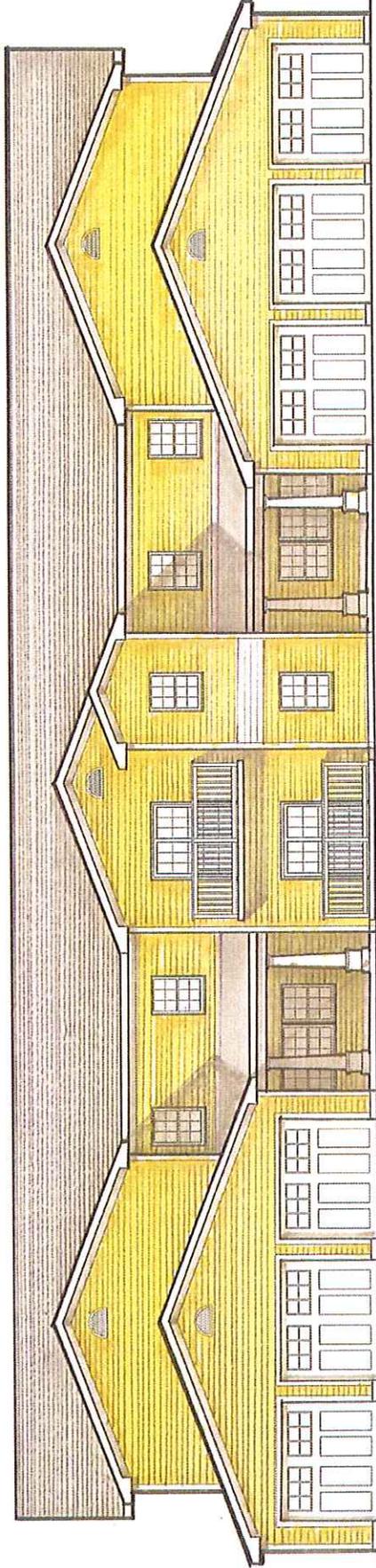
TYPICAL SIDE ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHEIDT & PERC DESIGN



443 Delaware Avenue/Buffalo, New York 14202  
716.852.1000/fx, 716.852.4993



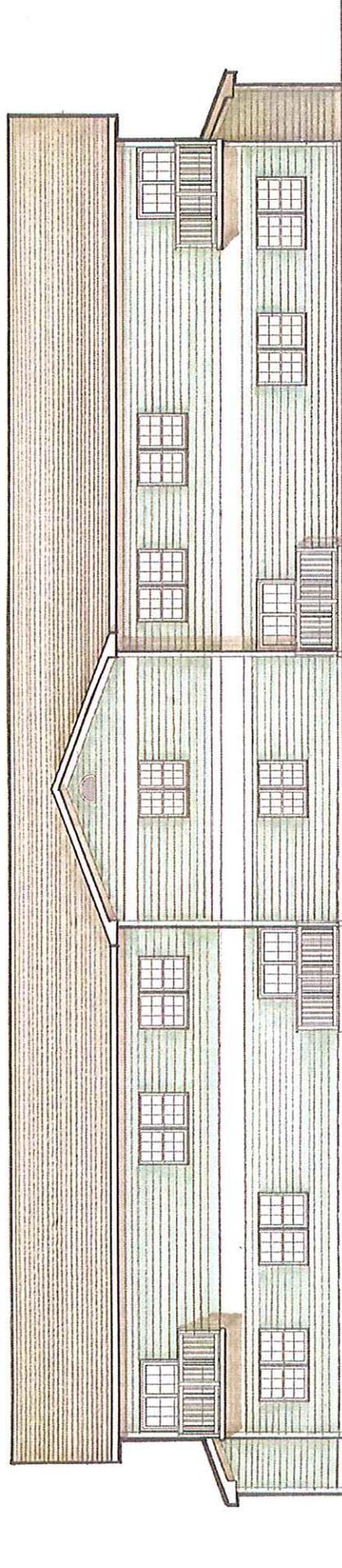
TYPICAL FRONT ELEVATION - SIDING OPTION

Howard Greens - Subdivision

S C H M I D T P E D E S I G N



443 Delaware Avenue/Buffalo/New York/14202  
716.892.7000/INT. 716.892.4293



TYPICAL REAR ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHEIDT & PEDESIGN

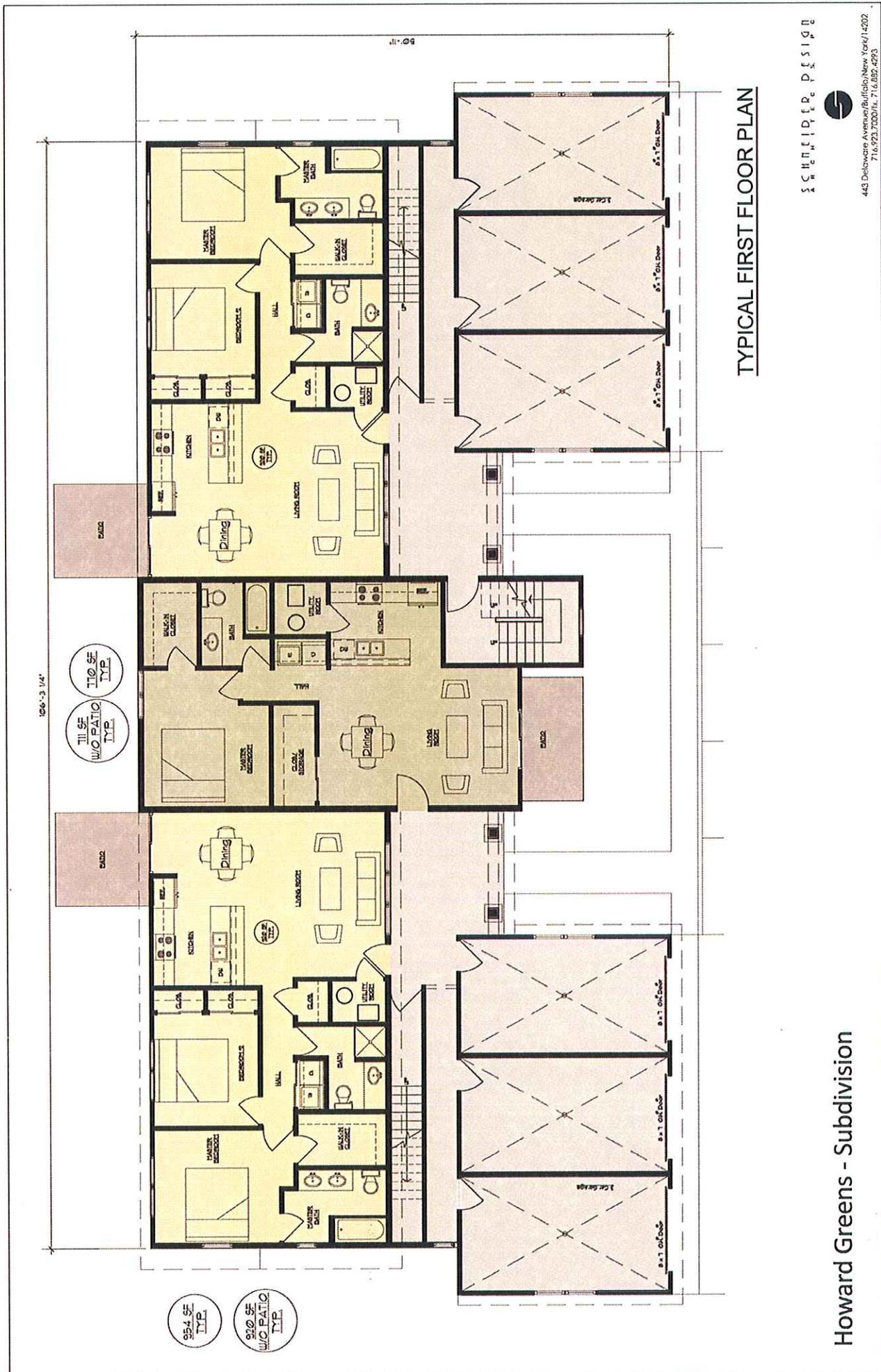


443 Delaware Avenue/Buffalo, New York 14202  
716.852.7000/fax 716.852.4293

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# **EXHIBIT I**

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TYPICAL FIRST FLOOR PLAN

Howard Greens - Subdivision

SCHEIDT & PEDESIGN  
 443 Delaware Avenue/Buffalo, New York 14202  
 716.852.1000/tx.716.852.4993



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# **EXHIBIT J**

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**BOSTON STATE**  
HOLDING COMPANY, LLC

3710 MILESTRIP ROAD  
BLASEDELL, NY 14219-1527

PHONE: 716.648.9501  
FAX: 716.931.9335

April 27, 2012

**Re: Invitation to Attend Informational Meeting  
Proposed Howard Greens Townhomes Project**

Dear Property Owner:

I am sending you this letter to invite you to attend an informational meeting to be held at Michael's Banquet Facility on Tuesday, May 8<sup>th</sup> from at 4885 Southwestern Boulevard from 6:00 p.m. to 7:30 p.m. for the purpose of discussing the proposed development of a 10± acre parcel of land located on Howard Drive to the west of the Creekview Subdivision by my company. Refreshments and beverages will be provided and representatives of the project will be in attendance. The location and configuration of the project site is depicted on the enclosed color "Location Plan".

Although final plans for the proposed project have not yet been prepared, it is anticipated that the project will consist of eleven two story buildings that will each feature six luxury townhome units with attached garages. We are also proposing to provide an approximately 50 foot wide "Conservation Area" along the eastern edge of the project site to provide a buffer for the homeowners on the western side of Heatherwood Drive. The proposed Conservation Area would be left in its natural state and we are willing to record a deed restriction at the Erie County Clerk's Office in order to ensure the Conservation Area is permanently preserved for the benefit of adjoining property owners.

The anticipated sizes of the townhouse units will be between 700 and 1,000 sq. ft. the target market will be professionals, empty nesters, seniors interested in living in a modern townhome unit with upscale architecture and amenities. We believe there is a need for modern townhome units in the Town of Hamburg.

In addition to the "Location Plan" I have enclosed color copies of the following documentation for your review:

1. Site Plan – The proposed Conservation Area to be provided along the eastern edge of the project site is depicted and the vegetation existing in the Conservation Area will remain undisturbed.
2. Typical Elevation Plans (3 sheets) – We have retained the services of an architect to assist in the design of the proposed 2 story townhome buildings. The colors to be used have not been finalized but we have provided color plans for your review. Instead of a flat roof, we are proposing a sloped residential style roof to ensure the

3. Typical Floor Plans (2 sheets) – We are proposing a modern layout including units with 2 bedrooms and 2 bathroom as well open style kitchen/dining areas found in many modern townhome units.

The proposed project required the zoning of the project site to be amended from R-2 to R-3. We have not yet begun the process required to seek to change the zoning of the project site and we want to take the opportunity to meet with property owners before commencing the required review process. We welcome input on the proposed project and this will be the purpose of the upcoming informational meeting to be held on May 8<sup>th</sup> at 6:00 p.m.

If you are not able to attend the upcoming informational meeting, please feel free to contact me at your convenience to discuss the proposed project. The best way to contact me is to either call my office at 844-8745 or by e-mail at [joerusso@russodev.com](mailto:joerusso@russodev.com).

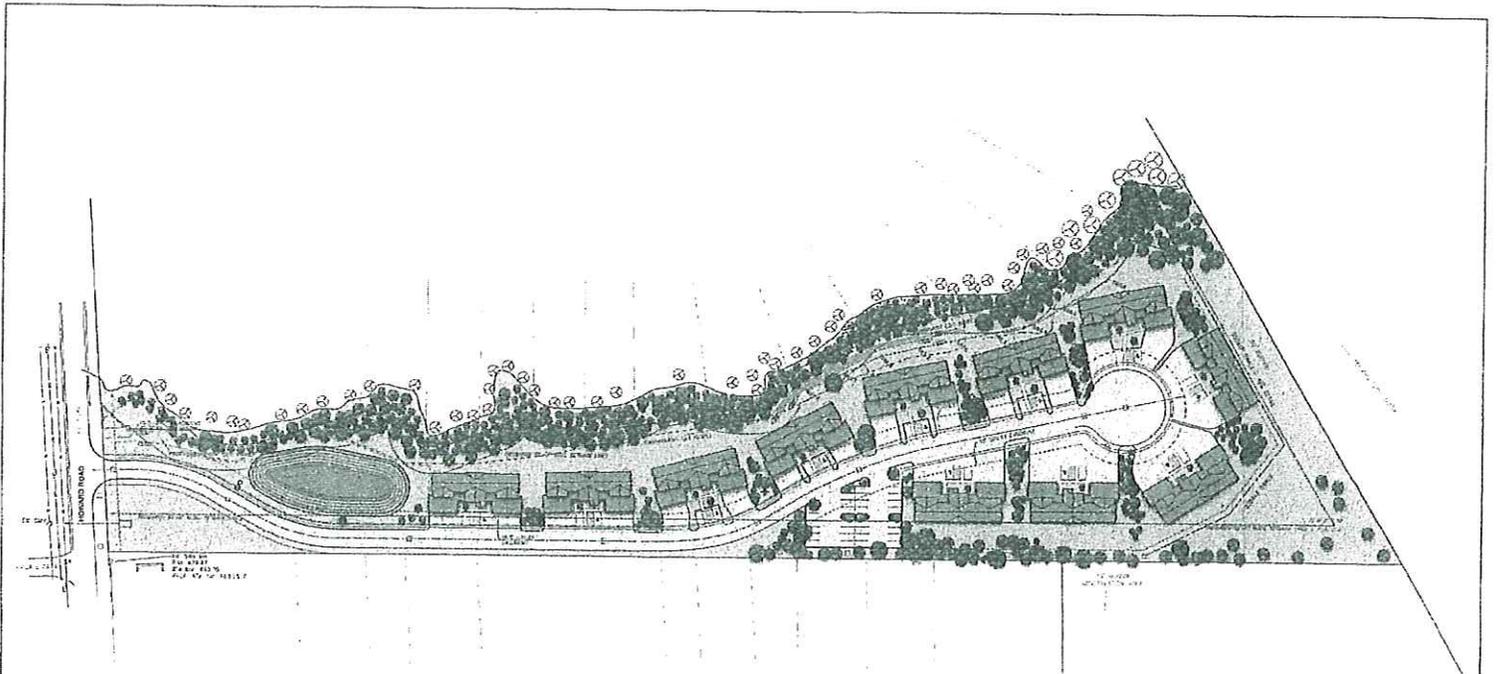
Thank you for taking the time to read this letter and to review the enclosed documentation. I look forward to meeting with you during the upcoming informational meeting.

Sincerely,

BOSTON STATE HOLDING COMPANY

Joseph L. Russo II,  
Vice President

Enc.



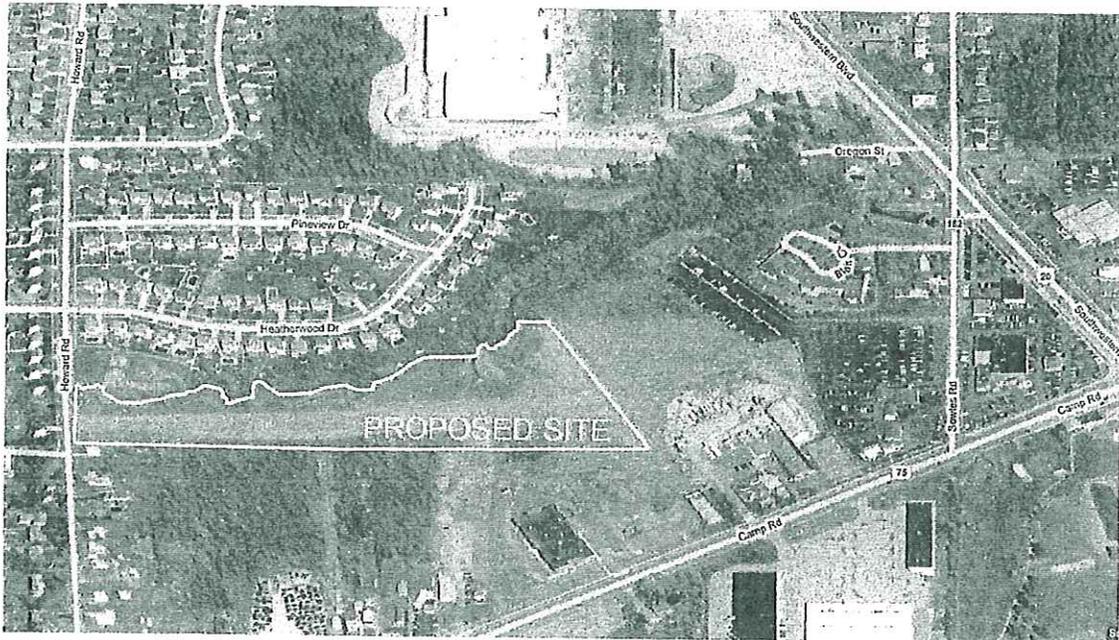
SITE PLAN OF SUBDIVISION

Howard Greens - Subdivision

SCHEIDT & PARTNERS



443 DEKORAY'S AVENUE, SUITE 100, NEWTON, MA 02459  
781.552.1000 ext. 718/552.4223



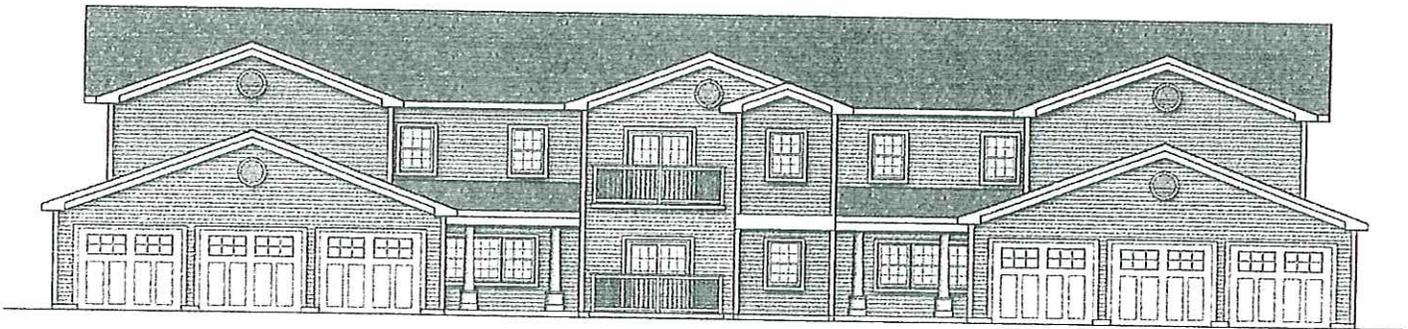
LOCATION PLAN

Howard Greens - Subdivision

SCAFFOLD DESIGN



443 Oldway Ave. Suite 100, Greenville, SC 29615  
716-922-7557 / Fax 716-922-4973



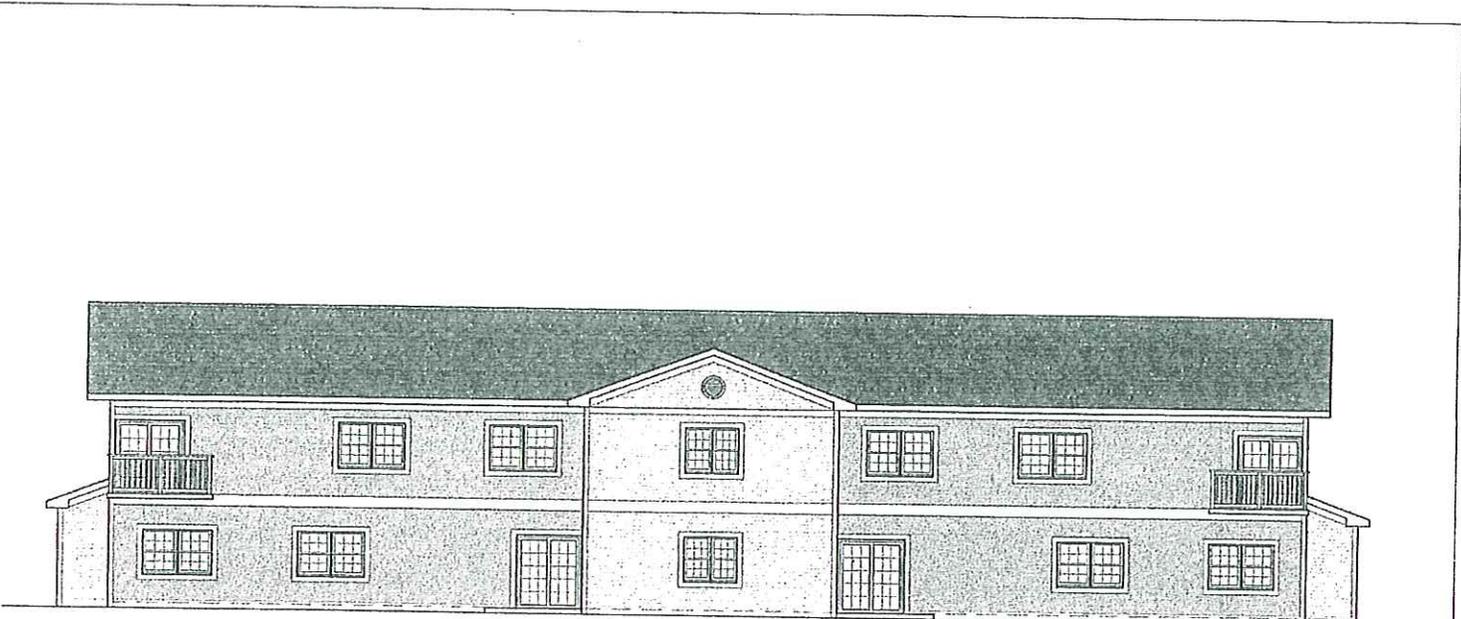
TYPICAL FRONT ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHREIDER DESIGN



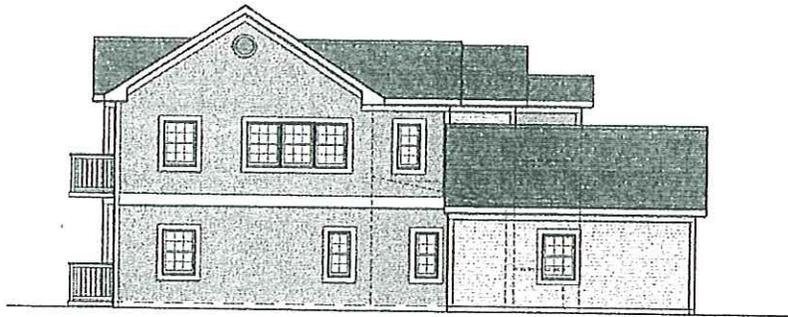
419 Delmar Road, Suite 101, New York, NY 11422  
718 993 7000 / 718 643 4193



TYPICAL REAR ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHNEIDER DESIGN  
143 Delaware Avenue, Suite 20, New York, NY 10022  
716.723.7000 / 716.682.4293



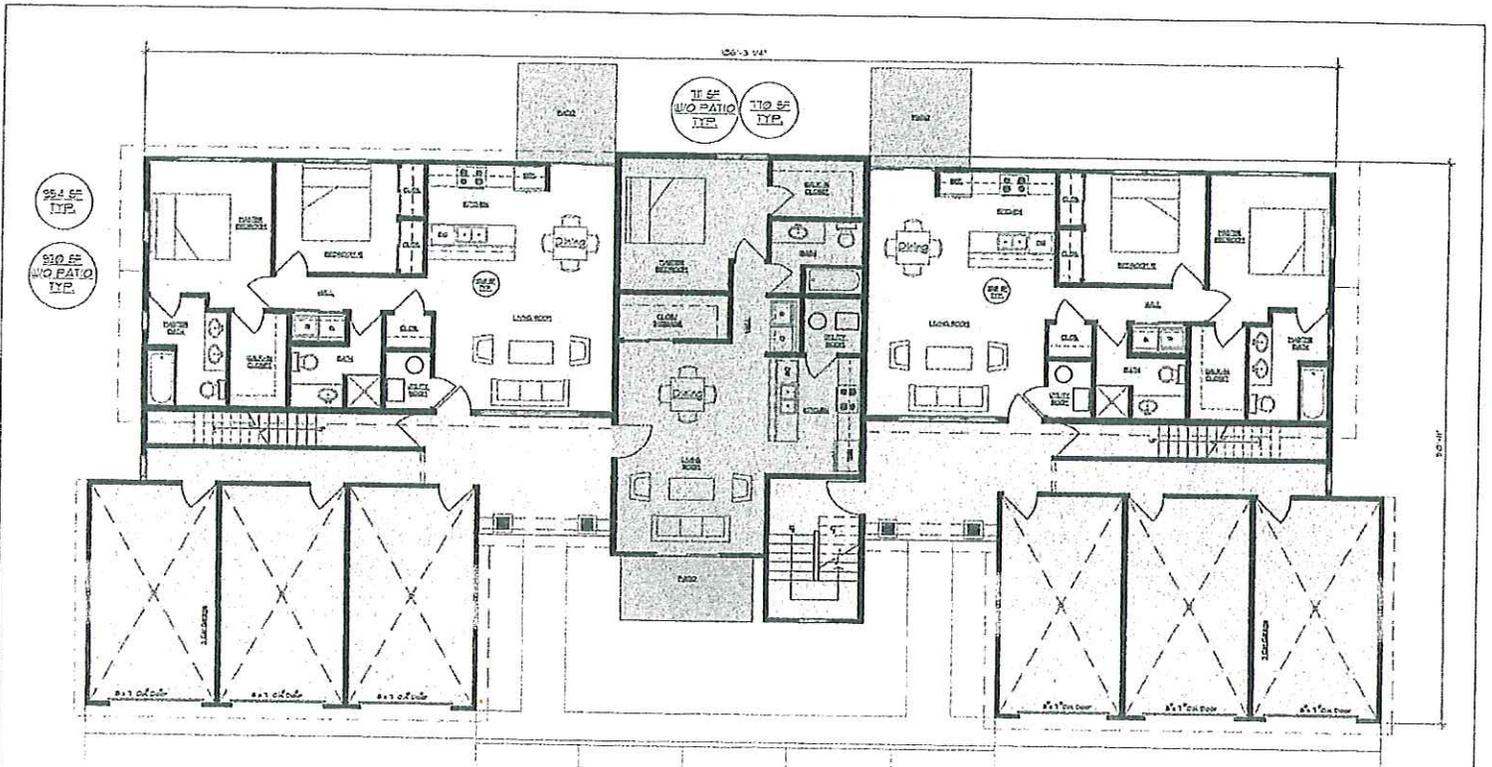
TYPICAL SIDE ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCENERIO DESIGN



143 Dorcas Ave. #101, Boston, MA 02111  
714.922.7000 / 714.952.4273



TYPICAL FIRST FLOOR PLAN

Howard Greens - Subdivision

SCHNEIDER DESIGN



443 DeCade Avenue, Houston, Texas 77002  
713-923-7000 Fax 713-837-4773



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# EXHIBIT J

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**BOSTON STATE**  
HOLDING COMPANY, LLC

3710 MILESTRIP ROAD  
BLASDELL, NY 14219-1527

PHONE: 716.648.9501  
FAX: 716.931.9335

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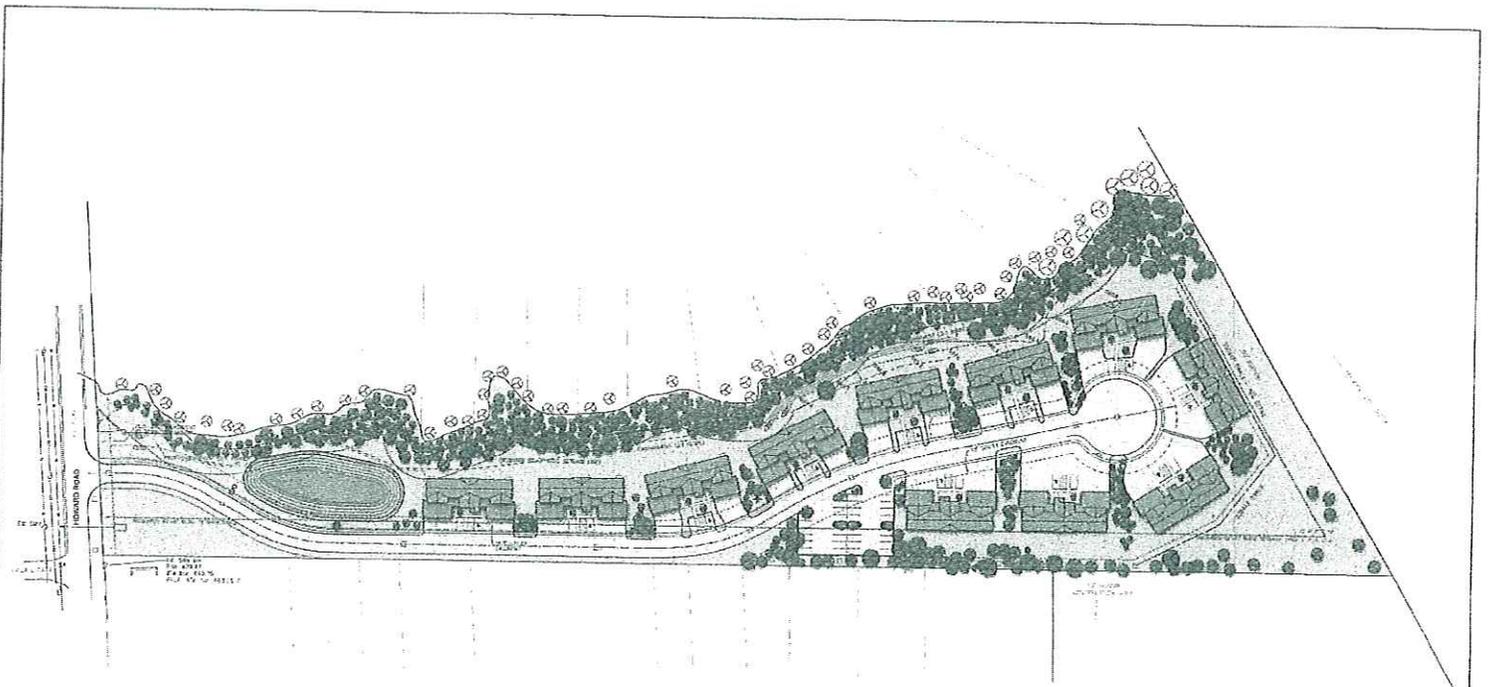
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Sincerely,

BOSTON STATE HOLDING COMPANY

Joseph L. Russo II,  
Vice President

Enc.



SITE PLAN OF SUBDIVISION

Howard Greens - Subdivision

landscape design



443 DUNDAS AVENUE, SUITE 101, MISSISSAUGA, ONTARIO L4X 1L5  
TEL: 905.276.4293



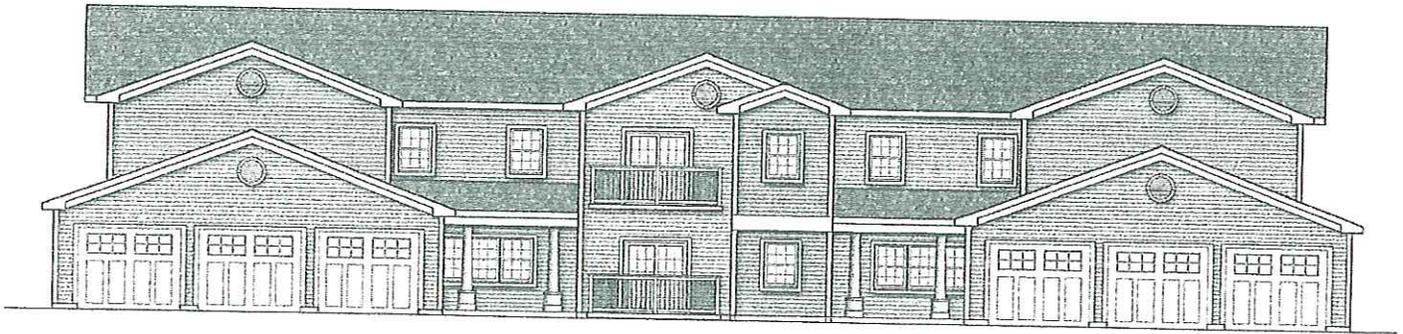
LOCATION PLAN

Howard Greens - Subdivision

SCENARIOS DESIGN



413 DAWSON AVE. #100 FORT LAUDERDALE, FL 33304  
774-973-7000 FAX 774-973-4713



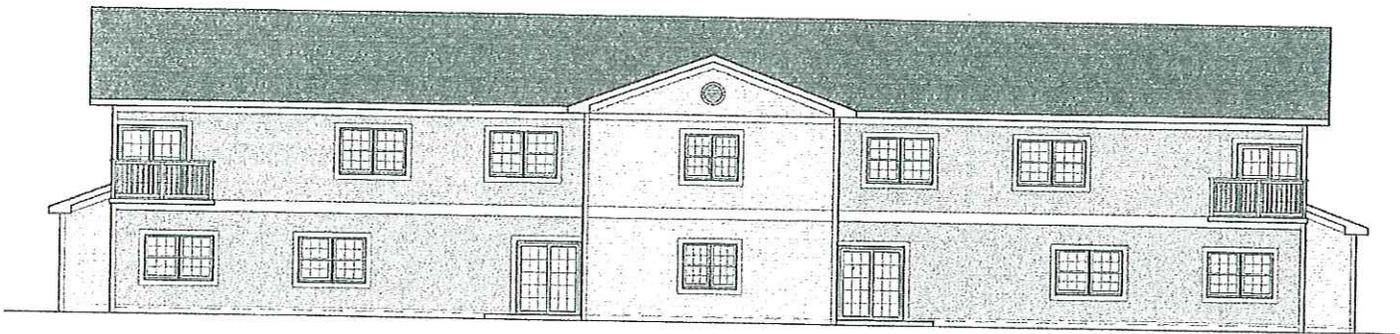
TYPICAL FRONT ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHULTE DESIGN



415 BOONVILLE AVENUE, SUITE 200, NEW YORK, NY 11422  
718 420-7550 FAX 718 687-4193



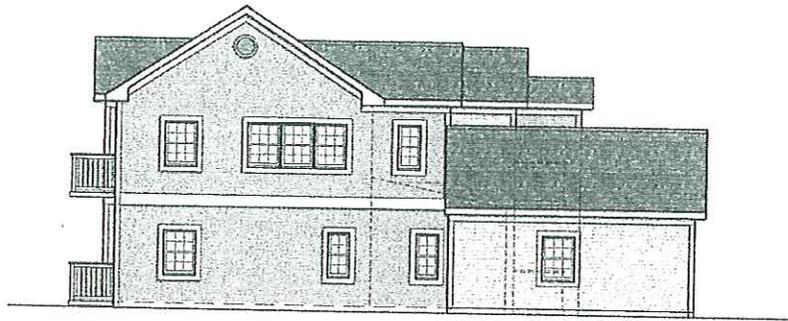
TYPICAL REAR ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHEIDT & DESIGN



443 Oldhouse Avenue, Westport, New York 10994-4207  
716.723.7000 / fx. 716.882.4293



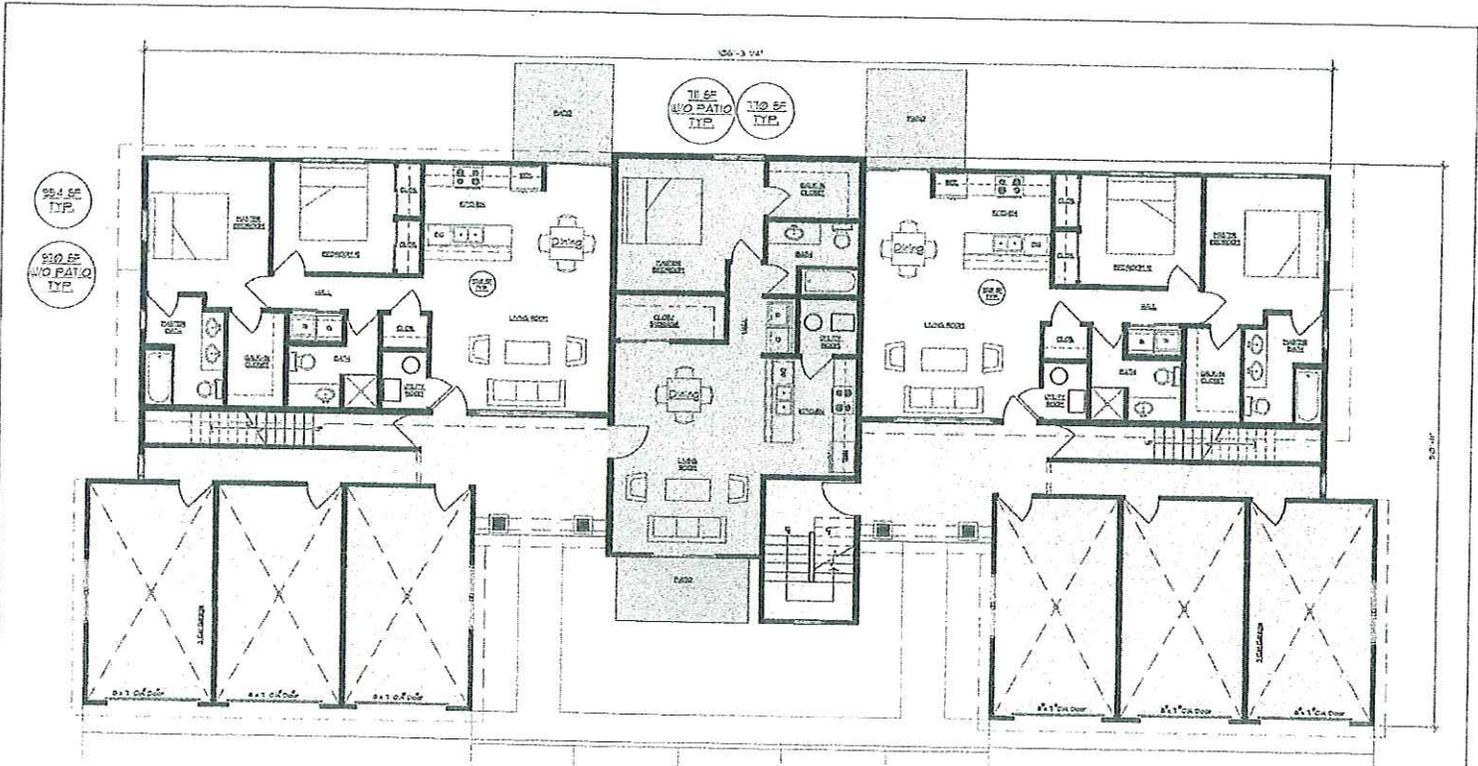
TYPICAL SIDE ELEVATION- SIDING OPTION

Howard Greens - Subdivision

SCHEIDT, DESIGN



343 Dufferin Avenue, Burlington, VT 05402  
716.924.7000 / 716.602.9223



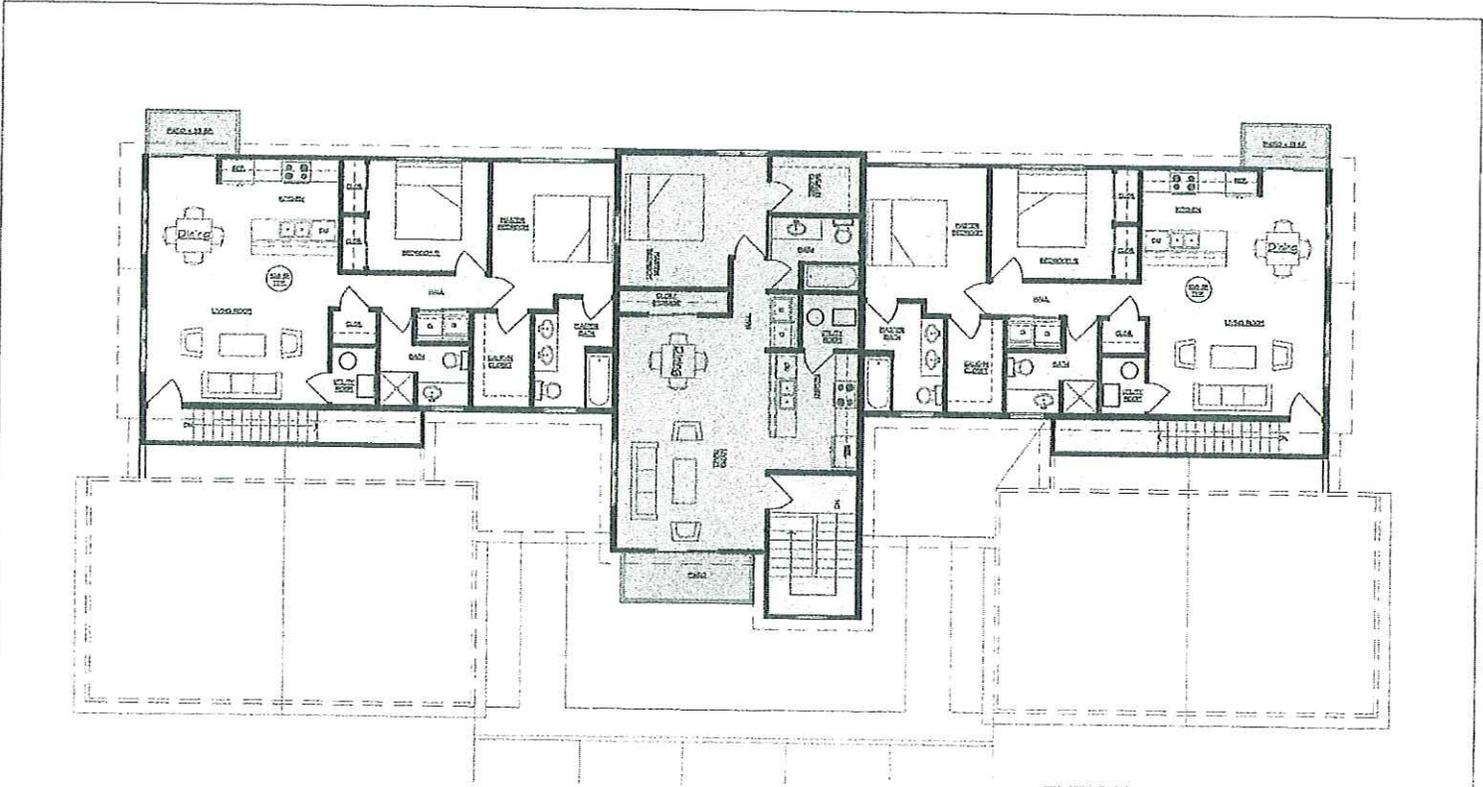
TYPICAL FIRST FLOOR PLAN

Howard Greens - Subdivision

SCHNEIDER DESIGN



443 DeCade Avenue, Suite 200, New York, NY 10002  
 718-923-7000 / Fax 718-887-4993



TYPICAL SECOND FLOOR PLAN

Howard Greens - Subdivision

SCHEFFOLD DESIGN



443 De Sautre Avenue, Port of Spain, Trinidad  
 718-923-2000 fax 716-532-4292