

Suspension

Appendix D
11/20/17

response to Mensch

The Town Board provided the Applicant with a deadline of Monday, November 13, 2017 at noon to provide the Lead Agency with any additional information it wanted included in the FGEIS. After that deadline, the Applicant submitted the following documents:

- Shared Parking Analysis prepared by SRF dated November 13, 2017
- Revised Downstream Sanitary Sewer Capacity Analysis prepared by Wendel dated November 13, 2017

Both reports are attached in this Appendix D.

Notwithstanding the late submittal, the Lead Agency reviewed the Revised Downstream Sanitary Sewer Capacity Analysis, and incorporated its findings into the FGEIS. The Shared Parking Analysis was one of numerous items requested related to traffic, and as a result, it was not reviewed to be incorporated into the FGEIS.

On November 20, 2017, the Applicant sent a letter alleging that four agency letters and 27 public comment letters were not included in the FGEIS. All referenced letters that were submitted to the Lead Agency in fact were included in the FGEIS, except the following, which are attached hereto:

NYS DOT – Edward Rutkowski	5/26/2017
Randy Atlas	9/14/2017
Linda Perkins	8/22/2017

The Lead Agency reviewed these letters and found no change necessary to be included in the FGEIS.

Additionally, the Applicant identified the following public comments that were sent to the Lead Agency before the Applicant submitted its final revised Master Plan on March 20, 2017, which is the subject of the FGEIS. As such, the Lead Agency found no changes necessary to be included in the FGEIS, as each of the comments were duly noted.

Public Commenter	Date
Leon A Colucci	1/9/2016
SANDRA M. KOERBER	1/16/2016
Stephanie K. Maier	1/25/2016
Stuart Angert	1/12/2016
Paul Brozyna	5/28/2016
Judith Ferraro	10/13/2016
Judith Ferraro	10/14/2016
Francine Golonka	5/28/2016
Richard J. Herdlein	4/28/2016
Teresa Johnson	2/5/2016
Brenda McIntyre	2/6/2016
Linda Perkins	2/6/2016
Nicole Pohancsek	5/27/2016

Appendix D
11/20/17

Public Commenter	Date
Dan Sagun	2/4/2016
Sharon Schneider	2/11/2016
Michael Sobol	7/5/2016
Theodore Steinberg	2/4/2016

All copies of these letters are included in this Appendix D.

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
COMMENTS RECEIVED VIA EMAIL ON MAY 26, 2017**

From: Rutkowski, Edward (DOT) [mailto:Edward.Rutkowski@dot.ny.gov]
Sent: Friday, May 26, 2017 2:41 PM
To: Kost, Ellen <EKost@amherst.ny.us>
Cc: Sean Hopkins (shopkins@hsr-legal.com) <shopkins@hsr-legal.com>; Amy Dake <adake@srfa.net>; David Kruse <dkruse@srfa.net>
Subject: Proposed Westwood Mixed Use Neighborhood

Dear Ellen,

New York State Department of Transportation (NYSDOT) reviewed the Traffic Impact Study (TIS) for the proposed development and has following comments:

Northbound Millersport Highway off ramp to Maple Road

- NYSDOT concurs with #3 of the Conclusions which recommends restriping the northbound Millersport Highway off ramp to Maple Road to provide a left/thru/right turn lane and a right turn only lane. However, we will require advanced overhead lane designation signs further back on the ramp along with supplemental lane designation signs and pavement markings at the intersection/signal.

Sheridan Drive and Mill Street

- #4 of the Conclusions recommends signal optimization at the intersection of Sheridan Drive and Mill Street for future traffic. The Capacity Results table on Page 14 of the TIS shows that even with signal optimization there is still a drop in level of service (LOS) for the eastbound Sheridan Drive traffic compared with the background conditions. Also, the table shows increased delays of 14 seconds and 10 seconds in the a.m. and p.m. peak respectively, for the westbound through movement on Sheridan Drive. In effort to reduce these additional delays, the installation of a right turn lane on eastbound Sheridan Drive should be analyzed to determine the capacity benefits. If the right turn lane is beneficial in mitigating the additional delays, then it should be determined if the lane can be constructed within the existing highway Right-of-Way.

Sheridan Drive and North Forest Road

- #5 of the Conclusions states that mitigation at the intersection of Sheridan Drive and North Forest Road is to add a westbound right turn lane on Sheridan Drive, adding a northbound through lane by combining the northbound through and right turn movements in the curb lane on North Forest Rd, and increasing the length of the southbound right turn lane on North Forest Road to reduce queues. Also, suggested is optimizing the signal timing. While we concur with the proposed mitigation, the modeling does not adjust the Lane Utilization Factor to reflect the actual conditions where a small percentage of motorists use the outer southbound through lane on North Forest Rd. because that lane drops after the intersection. Also, we expect the similar situation to occur with the proposed mitigation to convert the northbound curb lane from a right turn only to a shared through/right turn lane since that lane will drop after the intersection as well. Therefore, this intersection should be re-analyzed using a representative Lane Utilization Factor for existing, background and build conditions.

Harlem Road and off-ramp from Eastbound I-290

- #6 of the Conclusions recommends combining the right and left turn movements into the current left turn lane to allow for dual rights and to optimize the signal timing at the intersection of Harlem Road and I-290 off-ramp. The Synchro file for the PM Full Development with Mitigation models this intersection with 3 lanes on the I-290 off-ramp approach, 1 left only and 2 right turn lanes, rather than 2 lanes as described in the Conclusions. Based on the Synchro file, which shows desirable results, mitigation at this intersection should include the construction of an additional lane on the I-290 off-ramp that will result in 3 lanes, 1 left turn and 2 right turn lanes at Harlem Road. Also, due to the large number of vehicles turning left, over 300 in the am peak for Full Build, NYSDOT would not agree with allowing right turns to be combined into the existing left turn lane.

Sheridan Drive at Fenwick Road/ Proposed Project Access/Town Road

- Concur with #8 of the Conclusions that an eastbound left turn lane on Sheridan Drive is warranted at the proposed project access/town road.
- Concur with #9 of the Conclusions that a westbound right turn lane on Sheridan Drive is warranted at the proposed project access/town road.
- #11 and #12 of the Conclusions are contradictory since #11 says to install a traffic signal on Sheridan Drive at the proposed project access/town road when the proposed town road is constructed and #12 says to perform a signal warrant analysis when development has reached 20% of the projected full development trip generation to determine if a signal is warranted at that time. Based on the analysis within the TIS, it appears that the proposed signal on Sheridan Drive at the intersection of Fenwick Road/ proposed project access/town road will be warranted in the future. However, a new traffic signal at this intersection will not be considered until such time that the MUTCD traffic signal warrants are met based on actual traffic conditions. Also, multiple thresholds need to be established rather than just one at 20% as stated, such as at 20%, 40%, 60%, 80% and 100% of projected full development trip generation and/or at time intervals such as every 18 months until a signal is approved or full build out is completed, whichever comes first.

The Town's SEQR Determination/Findings should stipulate thresholds and that it will be the developer's responsibility to provide a Signal Warrant Analysis, Delay Study and/or Traffic Impact Study using actual counts at prescribed thresholds to NYSDOT for review and consideration. It should also stipulate that if NYSDOT determines a new traffic signal is warranted, it will be the developer's responsibility to design, construct and fund all costs associated with the traffic signal. Additionally, assuming the proposed project access road will be a Town Road, NYSDOT will require a Phased Mitigation Agreement between the developer, the Town of Amherst and NYSDOT, which will outline the thresholds for future studies along with stating the developer's responsibility regarding future studies and the installation of a traffic signal, if warranted in the future.

- Highway construction to add the right turn lane on Sheridan Drive and to widen the Fenwick Road approach should take place the same time as the proposed project access/town road connection to Sheridan Drive is being constructed. Also, underground components of the proposed traffic signal components should be installed at the same time to avoid future disruption of traffic when installing the traffic signal, if warranted in the future.

- Concur with 2 lanes exiting and 2 lanes entering for the proposed project access/town road at the Sheridan Drive approach to facilitate traffic movements and desired alignment as recommended in #14 of the Conclusions. Although not proposed in the TIS, NYSDOT will require that the northbound Fenwick Road approach is reconstructed from a 1 lane approach to a 2 lane approach also based on facilitating traffic movements and on our current practices for approaches at a signalized intersection.

Sheridan Drive and Frankhauser Road

- In #13 of the Conclusions it states, "In response to NYSDOT's direction allowing only one traffic signal at either Frankhauser Road or the proposed roadway intersection along Sheridan Drive..." In correspondence to Ellen Kost on December 23, 2016, NYSDOT stated "The revised TIS should consider a scenario or scenarios where there is a roadway connection between the proposed Westwood development road and Frankhauser Road and where only one signal is provided on Sheridan Drive whether it utilizes the existing one at Frankhauser Road or the one proposed opposite Fenwick Road." Regardless, based on the information provided in the TIS, NYSDOT concurs with the recommendation to remove the signal on Sheridan Drive at Frankhauser Road and at the same time the traffic signal on Sheridan Drive at the proposed project access/town road is installed, assuming it gets approved. However, before a traffic signal can be removed, the following steps must be followed, which will be the responsibility of the developer:

- Determine the appropriate traffic control to be used after removal of the signal.
- Notify local public officials and law enforcement agencies of the intent to remove the traffic signal.
- Inform the public of the removal study, for example, by installing an information sign(s) with the legend TRAFFIC SIGNAL UNDER STUDY FOR REMOVAL at the signalized location in a position where it is visible to all road users. Press releases to local newspapers and radio and television stations should also be considered.
- Remove any sight distance restrictions as necessary. If inadequate sight distance cannot be increased to standard (See Chapter 5, Section 5.10.5.1 of the NYSDOT Highway Design Manual) the traffic signal should be retained.
- Flash or cover the signal heads for a minimum of 90 days, and install the appropriate stop control or other traffic control devices.
- Remove the signal heads if the engineering data collected during the removal study period confirms that the signal is no longer needed. The signal poles and cables should remain in place for a maximum of 1 year after removal of the signal heads for continued analysis.

If after the 90 days the data collected during the removal study period indicates the signal should remain, a revised TIS will be required to analyze the resulting impacts on the State Highway and determine if alternate forms of mitigation are required.

Sheridan Drive/I-290 WB On & Off Ramps and Sheridan Drive/Harlem Road

- On page 18 of the TIS under Sheridan Drive/I-290 WB it states that "All approaches are projected to operate at LOS "E" or better under background conditions with the NYSDOT planned protected left turn phasing and coordination." The Safety Study performed by NYSDOT dated November 4, 2016, which is included in Appendix 8 of the TIS, actually recommended that the eastbound left turn lane on Sheridan Drive is "Protected Only" during the non-peak hours only.

- On page 18 of the TIS, signal optimization and coordination are proposed as mitigation at the Sheridan Drive/I-290 WB intersection and at the Sheridan Drive/Harlem Road intersection. NYSDOT will also require installation of advanced overhead lane designation signs and pavement markings as mitigation for the westbound Sheridan Drive traffic. This will increase driver awareness of the lane designations in advance of the 2 closely situated intersections, especially since there are nearly 300 additional site generated trips projected westbound on Sheridan Drive in this area.

General Comments

- In the TIS, recommended mitigation at multiple signalized intersections on State highways is through coordination and optimization of traffic signals. As part of this proposed signal coordination, the developer will be responsible to extend the State network to each of the signals studied in the TIS on State highways that will be operating as actuated-coordinated. This will be accomplished by utilizing a combination of hardwired and wireless communications equipment. Also, the developer will be responsible to provide adequate vehicle detection in all travel lanes at signals proposed to operate as actuated-coordinated.
- A NYSDOT Highway Work Permit will be required for the work located within the State Highway ROW. More detailed plans will be required for the Highway Work Permit application. Additional site engineering review will be performed as part of the Highway Work Permit process. This correspondence does not constitute approval for the purpose of a Highway Work Permit.

If you have any questions please contact me either by email or phone.

Sincerely,
Ed

Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator
NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575



McClary, Susan

From: Jaeger, Marjory
Sent: Friday, September 15, 2017 2:27 PM
To: TownBoardDL
Cc: Cooper, Kathy
Subject: FW: Westwood Project

FYI

Marjory Jaeger
 Amherst Town Clerk

5583 Main Street
 Williamsville, New York 14221
 phone: 716.631.7021
 fax: 716.631.7152
www.amherst.ny.us

From: Randy Atlas
Sent: Thursday, September 14, 2017 18:14 PM
To: Jaeger, Marjory
Subject: Westwood Project

Dear Marjory Jaeger:

I feel that the whole area where the proposed Westwood Project might be should be made into a beautiful park and not turned into a "mixed use" development.

There are so many things wrong with the Mensch Capital Partners plan, in my opinion. Let's keep it green and make the whole area family friendly.

Please pass this on to the Amherst Town Board.

Thank you,
 Randy Atlas

Attachment: Westwood Comments (COM-2017-241 : Westwood Communications)



Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

14.10

Marjory Jaeger
Town Clerk

Meeting: 09/05/17 07:00 PM
Department: Town Clerk
DOC ID: 17477

COMMUNICATION 2017-222

Linda Perkins - Westwood

Letter from Linda Perkins in opposition to the Westwood development.

Aug. 22, 2017

To: Town Bd. Members and Planning Dept.
 From: Linda Perkins 147 Canterbury Mm.
 150 So. Union Rd.

Subject: Rezoning Application Hearing in
 Sept. 2017, from the Melch Group
 (Westwood)

Please do not approve this. I have
 been following the plan. The issues of
 sewers, traffic, water, pollution and
 most of all, the impact on our right
 to a peaceful and manageable
 way of life.

Amherst has exploded in building
 projects for the past 15 years with
 more on the way.

Have respect for your taxpayers
 and our green space.
 Just say No.

Respectfully,

Linda Perkins

Attachment: perkins (COM-2017-222 : Linda Perkins - Westwood)

Voigt, Shirley

From: Leon A Colucci [leonacolucci@gmail.com]
Sent: Saturday, January 09, 2016 7:27 AM
To: Weinstein, Barry
Subject: Westwood/Norhtown Rec.

Please consider selling UB , the complete Norhtown Recreation property. Including the ice facilities . Having UB operate the ice facility , and TOA to schedule ice time. TOA to buy Westwood, move all TOA fields to Westwood property. Include a road through the Westwood property to Maple. Using some of the par 3 property, moving some holes, for the road. New signal on Maple.

Attachment: ww-01112016141136 (COM-2016-20 - Leon A. Colucci - Westwood / Norhtown)

SANDRA M. KOERBER
 54 Frankhauser Road
 Williamsville, New York 14221
 (716) 565-1150

January 16, 2016

Lesta M. Ammons
 Biologist
 USACE Buffalo District
 Regulatory Branch
 1776 Niagara Street
 Buffalo, New York 14207

Re: Application No. 1990-97632 - 772 North Forest Road, Town of Amherst, Erie County, New York
 AND
 Application No. 2014-00488 - 4176 - 4188 Sheridan Drive, Town of Amherst, Erie County, New York

Dear Ms. Ammons:

This letter is in response to Sean Hopkins' letter of January 13, 2016 and in response to Scott Livingstone's September 30, 2014 letter to you regarding his evaluation of my correspondence. First of all, I would like to refer back to my original letter to you of July 31, 2014, and **reiterate** that my concerns originated from the conflict of opinions in Earth Dimensions own two reports (which you have) under the above two applications, as well as their General Vegetation Map dated September 25, 2012 of Westwood showing a connection to Wetland 9.

That being said, I think it is important to start at the beginning regarding the Wetlands and ditch (tributary) on these properties. While it seems plausible by the aerial photos Mr. Livingstone submitted previously (*please see erie.gov's website disclaimer regarding these photos) that there is no connection to Wetland 9 (which contradicts their map), I do **NOT** agree that there is no historical tributary connection -- **BOTH** surface and subsurface -- to navigable waters, as well as a connection between the Sheridan properties and 772 North Forest (Westwood). First, I ask that you refer to the enlargement of the 1920 aerial map* Earth Dimensions submitted and the Town of Amherst Engineering Dept. provided to me previously and forwarded to you on November 3, 2014, showing that the tributary is connected to Wetlands 1 and 2 on the Sheridan properties and 772 North Forest (Westwood). This would **substantiate** Earth Dimensions report of 2014 on the Sheridan Drive properties stating under Results and Conclusions, page 12, "Wetlands 1 and 2 are interconnected to the ditch (ditch 1) that flows to the south and east eventually emptying into Ellicott Creek." This Ditch is known as Ditch 5c and is clearly marked on the Town of Amherst Highway Department Storm Water Drainage map (copy previously submitted to you) running through the Sheridan Drive properties and into the Westwood (772 North Forest Road) property. It would also confirm Ms. Pohl's and Mr. Schintzius' reports, as well as the photos I submitted to you on September 17th, 2014 showing the current recharging of this stream.

In summary, we have a historical jurisdictional surface and subsurface stream that recharges on the surface, connected to Wetlands 1 and 2 connected to navigable waters, connected to the Westwood (as testified by Alanna Pohl Hughes and Edward Schintzius, and **NOT** man-made as Mr. Livingstone stated in his letter), and is now disconnected by human intervention. The questions I now pose to the Army Corps are these: (1) Is there evidence of a significant nexus to traditional navigable waters past and/or present? (2) Are these wetlands adjacent to/and or connected to traditional navigable waters? (3) Is there a sub-surface hydrologic connection? (4) Since resident aquatic species (e.g.: amphibians and ducks) rely on both the wetlands and jurisdictional waterway for part of their life cycle does this demonstrate a neighboring wetland? Finally, and **most importantly**: According to the Draft Guidance on Identifying Waters Protected by the Clean Water Act ** it is stated in the first paragraph of page 28 as follows:

Attachment: Koerber to Ammons (COM-2016-32 : Sandra Koerber - 772 N. Forest & 4176-4188 Sheridan Drive)

"Moreover, waters that have had at least seasonal flow on a **historic basis remain jurisdictional despite the fact that man-made diversions** for irrigation, water supply or other reasons have caused a tributary, or portion thereof, to flow less than seasonally." I contend that this applies to our tributary known as Ditch 5c (or W9 Ditch according to Mr. Hopkins).

Secondly, I would like a definition from the Army Corps as to the term "isolated waters". From the delineations I have read it appears that determinations of isolated wetlands are based solely on surface water and does not take ground water into consideration. In an article appearing in BioOne entitled "Isolated Wetlands and Water Quality" written by Dennis F. Whigham and Thomas E. Jordan, Smithsonian Environmental Research Center Box 28, Edgewater, Maryland, the Abstract states as follows:

"Isolated wetlands occur in many hydrogeomorphic settings, and while they appear to be physically isolated from other water bodies, they are almost never completely decoupled from surface-water or ground-water systems."

The abstract concludes as follows:

"Alteration of hydrologic conditions (e.g., ditching, filling), however, usually results in increased nutrient export to downstream systems. From a water-quality perspective, we conclude that so-called isolated wetlands are rarely isolated, and isolation is a term that is not very useful from an ecosystem perspective. Isolated wetlands are nutrient sinks and, because most are hydrologically connected to other waters and wetlands, the loss of isolated wetlands would potentially have negative impacts on the water quality of downstream systems."

This statement would seem to fit the significant nexus analysis in that it takes into consideration that waters alone or in combination with other similarly situated waters in the same watershed have an effect on the chemical, physical, or biological integrity of traditional navigable waters.

I make this point because I believe our watershed should be taken as a whole and both surface water and ground water interaction should be considered. The reason I make this statement is that, "Ground water and surface water are essentially one resource physically connected by the hydrologic cycle." *** As an example, if a high weather water event were to occur would a hydrologic recharge of Ditch 5c occur (as my photos previously submitted to you show). Are Wetlands 1 and 2 on the four Sheridan Drive properties connected to other Wetlands on Frankhauser which are adjacent (or abut) and should these be considered by the Army Corps when making a determination of 4176 - 4188 Sheridan? Is this considered in the delineation process.

Taking into consideration that "ecological effects can manifest themselves far from the source of disturbance and environmental issues can become major crises"; considering that wetlands provide a natural flood control measure; understanding the variety of life our ecosystem supports in which wetlands and connecting tributaries are an integral part, from organisms to terrestrial animals to amphibians (which I have many in my back yard); I stand in agreement with Alanna Pohl Hughes and urge the Army Corps to prevent the further destruction of our natural resources and watershed, as well as negative impacts both upstream and down, when considering issuing a permit for 4176 - 4188 Sheridan Drive and reconsidering your 772 North Forest Road (Westwood) determination. Thank you.

Sincerely,

Sandra M. Koerber
Resident with 5c ditch adjacent (abutting) to property

Attachment: Koerber to Ammons (COM-2016-32 : Sandra Koerber - 772 N. Forest & 4176-4188 Sheridan Drive)

- * www2.erie.gov/aerial_photos/index.php?q=erie-county-aerial-photos-1920s-atlas-no-8
- ** [www.epa.gov](http://www.epa.gov/wous_guidance_4-2011.pdf): (wous_guidance_4-2011.pdf)
- *** California Department of Water Resources, Water Interaction, www.water.ca.gov/groundwater

Attachment: Koerber to Ammons (COM-2016-32 : Sandra Koerber - 772 N. Forest & 4176-4188 Sheridan Drive)

Maier
299 Donna Lea Blvd
Williamsville, NY 14221

January 25, 2016

Mr. Steven D. Sanders, Councilmember
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Dear Mr. Sanders,

My husband and I are in support of the proposed mixed use Westwood Neighborhood project by Mensch Capital Partners. We have lived in the adjoining neighborhood for 29 years and look forward to this development. The Second Revised Draft Generic Environmental Impact Statement-October 2015, accepted in December 2015 by the Town of Amherst for review, is exciting to us. We love living in this area of the town, and are ready to make our next move into a patio home. The proposed intelligent design and mixed use along with recreation trails and ponds is very appealing.

We are avid cyclists and appreciate the incorporation of the recreational trailway, the development of ponds and the stormwater detention lake, and the incorporation of neighborhood businesses for a vibrant mixed use neighborhood. The overall design is appealing to us as we plan our next move and want to remain within this section of the Town of Amherst instead of moving elsewhere to another new development outside of Amherst.

The multitude of recreational opportunities in this immediate area with the proximity of the Ellicott Creek Trailway, its tennis courts, the nearby Northtown Centre, and a current neighborhood park on Sunrise Blvd are primary reasons that Mensch acreage should be developed into a residential mixed use neighborhood. Spending taxpayers money (whether local or state funding) to purchase this property and removing it from the town's tax rolls is not fiscally responsible.

Developing this acreage into a mixed use neighborhood and the accompanying tax roll revenue to our town makes both fiscal and community planning sense. The area is close to two exits of the I-290. It is unfortunate that a vocal minority are raising the "not-in-my-backyard" mentality rather than relying on public officials to ensure that any water run-off issues are properly engineered to make this property a benefit to all.

We look forward to your thorough consideration of this proposed project. Please do not let a vocal minority rule against both fiscal and planning sense.

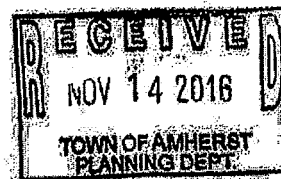
Sincerely,


Stephanie K. Maier


Thomas J. Maier

Attachment: COMMUNICATIONS Sanders 02.08.2016-02022016133212 (COM-2016-34 : Resident Input/Westwood)

Stuart H. Angert
94 Harbridge Manor
Amherst, NY 14221



Town of Amherst Planning Board
Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

November 12, 2016

Dear Board Members.

I have been a Town of Amherst resident from birth. During the ensuing years I have witness development that I would characterize as well-planned and executed, and other projects, in retrospect, for which there was a gap that existed between vision and execution.

I have followed the evolution of the proposed Westwood Country Club development from inception. This carefully planned project should provide the residents with confidence that it will enhance quality of life, while creating amenities from which our entire community will benefit.

Moreover, I am familiar with other projects that Paul Ciminelli, Mark Hamister, Paul Kolkmeier and Andrew Shaevel have developed. I would define them as best practices. From the thoughtful planning process, environmental impact studies, sensitivity to, and consideration for the quiet enjoyment and preservation of quality of life for the neighboring communities, all potential issues have been vetted and fully addressed to the satisfaction of all concerned constituents. As importantly, recognize that there are brownfield issues to be remediated. The project obviates the currently existing concerns for the health and welfare of the surrounding neighborhoods.

On every level, the Westwood project appears to have met the stringent criteria from the perspectives of the environmental concerns, remediation, lifestyle, quality of life, and, concomitantly, from a pragmatic stance, it will have a most positive economic impact for the town of Amherst. Reflect also on the expansion of the tax base, the multiplier effect, and job creation. From no standard of judgment can I envision any negative or unintended consequences.

I advocate for the approval of the proposed development of the Westwood Country Club as provided by Mensch Capital Partners

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart H. Angert", with a horizontal line drawn underneath.

McClary, Susan

From: Paul H. Brozyna
Sent: Saturday, May 28, 2016 3:53 PM
To: Weinstein, Barry
Subject: Westwood Comments

Supervisor Weinstein,

I feel the following , is the role and responsibility of the Town Board in the Westwood property.

1. Ensure that the community is represented and heard from .
2. That everyone involved in this process is following the rules of engagement . This involves the town, county, state and above all the Mensch Partnership.

Right now we have a situation, where a group of investors are dead set on pushing their grand \$238 million plan on the town and immediate community. Unfortunately their plan is falling apart and they are now looking for help from the town and it's citizens to bale them out.

If I made a bad investment and purchased a home in Amherst that I couldn't afford , I very much doubt that I could ask and get the town and county to drop my assessment to ZERO.

The dealings with the Mensch Partnership is turning out to be a one way street. We need the Town of Amherst to make sure that this project represents us all and not a hand full of investors who will line their pockets with dollars and leave us holding the bag.

The Mensch Partnership needs to make some serious decisions about their investment . Do they invest more money into project once they have the scope and cost of the remediation ?
 What will be the size of the project that will be approved by the community ?

If they feel that the cost is too great and the project too small then they need to sell and cut their losses like any investor would do.

I do not feel that the tax payers of Amherst should subsidize their investment.

Sincerely,

Paul H. Brozyna

Attachment: Paul Brozyna - Westwood comments-05312016125615 (COM-2016-146 - Westwood Comments)

Cooper, Kathy**Subject:** FW: Message to Town Board

From: Judith Ferraro
 Sent: Thursday, October 13, 2016 15:33 PM
 To: Jaeger, Marjory
 Subject: RE: Message to Town Board

Please put the following on the Agenda under "Communications."
 Thank you.
 Judy Ferraro.

Message to Town Board, October 10, 2016 The taxpayers paid many thousands of dollars for the Town Comprehensive Plan that was supposed to protect the residents from inappropriate development in their neighborhoods.

There are many examples of how that plan has been violated since it was adopted in January, 2007. The most glaring and recent example is the Hyatt Hotel. There are trust and credibility factors that are missing because of the history of what people have seen and experienced in neighborhoods.

Changing zoning codes through the Imagine Amherst prism is nothing more than front loading for developers to go into areas where development may or may not be appropriate and done without ordinary citizens having a voice.

What we see in Amherst now is what our planners and leaders systematically promoted as the best-of-the-best for Amherst. Taxes, flooding, sinking homes, sewage, drainage, traffic, wetlands. Simply not a problem. They can all be mitigated through a development du jour. The residents knew and know, most of it was and is, nonsense. They have suffered the consequences of inappropriate development. Formed-based zoning is just another ploy to get around any opposition to what developers propose.

Resolution 2016-1049 put forth by Councilmember Bucki to form a task force for Westwood is certainly a step in the right direction.

It will provide residents with valuable information about the efforts being made to acquire the land for a park for all Amherst residents to enjoy. Backroom charrettes between developers and town planners is not and has not been helpful. Hopefully, this resolution will remedy that situation.

Traffic should be addressed before any new development is approved. All these shoehorned developments feeding into arterials with a stated "no impact" is ludicrous. It is the cumulative effect throughout Amherst and Williamsville that is producing horrific traffic. Small, neighborhood streets are effected as drivers try to avoid gridlock on main roads. Something needs to be done. It starts with you and needs to be done now.

Perhaps a moratorium should be implemented until serious issues are dealt with and planning is done in a GENUINE, comprehensive way..not simply to accommodate a developers' every whim.

Judy Ferraro

Attachment: Ferraro Comm_1 (COM-2016-302 : Ferraro Email)

Cooper, Kathy

Subject: FW: Message to Town Board

From: Judith Ferraro
Sent: Friday, October 14, 2016 9:05 AM
To: Jaeger, Marjory
Subject: Re: Message to Town Board

Good morning..to you too,,
November 1 is fine.

Please include the following on the Agenda under "Communications." also:
Thank you.

Message to Town Board regarding 190 Maple Road--
Another medical office complex is not needed in Amherst, especially not in a residential area, where wetlands exist and traffic, sewage and drainage problems abound. I would encourage all of you to visit the corner of North Forest and Maple, approximately one mile away from this location.
A cardiovascular office is there in addition to over 20,000 square ft. of medical office space still available to any medical professional. Is there ever a study done on need for any given development? Or does that not enter into the equation when a developer tells you what they bought and what they expect to do with that property? Your job is to protect the best interest of the voters who elected you. Not to bend over backwards to accommodate developers no matter what their plan.

It is obvious, we are engaged in another glut of buildings whether it is general or medical offices, apartment housing, hotels, retail. Even the "planners" are owning it. So, why do we continue venturing down the same destructive hole?
Judy Ferraro

Attachment: Ferraro.2 (COM-2016-303 : Email from Judy Ferraro. (2))

McClary, Susan

From: Francine Golonka
Sent: Saturday, May 28, 2016 10:16 AM
To: Weinstein, Barry
Subject: Re Westwood...your request for comments

Dear Sir, I am responding to your request for comments regarding the mensch group application to have the Westwood reassessed to zero value.

Sir, as a resident of over 50 years, homeowner of the Morningstar Ct community I would like to inquire regarding the following:

1. Did the Westwood country club apply to the greens unlawful chemicals? If no, then were the chemicals used which have given cause to the brownfield designation similar to those that the town of Amherst has applied to the golf courses and park areas?

Are these chemicals similar to the toxicity of the chemicals that for example companies similar to True Green apply to resident properties?

If there is a similarity to the use of applications applied by both the town and lawn companies, then my opinion is that there is NO basis to reassess Westwood property to ZERO.

2. If there is a basis, then my opinion is that the mensch group should not be relieved of paying their share of property taxes when they are CURRENTLY LANDLORDS assuming they are COLLECTING RENT FROM THE CAR DEALERSHIP THAT HAS BEEN INCREASING INVENTORY OF THE NUMBER CARS PARKED ON THE PROPERTY, Unless the arrangement is that no Monies are collected/paid as in a landlord/lease arrangement.

3. Because the mensch group has requested a zero assessment, then it may be practical for the Town to collect in lieu of taxes all of the monies that the mensch is collecting in the form of rent/lease payments from the car dealership and have those monies applied to their tax bill.

4. Did the Westwood Country Club disclose at the time of sale the hazards, risks, contaminants of the soil. Did the mensch before purchase act diligently and request a soil sample, Etc?

Is it the Westwood country club or the town of Amherst that the mensch group should be looking toward to make them whole again?

5. Is the town responsible to this business group to assist them in a sale that has gone bad?

6. Is the town responsible to the residents first? If so, then how is a zero assessment thus relieving the mensch group of their tax responsibility going to be a plus vs a hinderence?

Without tax monies will the snowball effect eventually raise school taxes?

7. If the town were to come forward to assist this company, then should the town use residents taxpayer dollars to purchase back the Westwood.

If so, then who will this purchase help..golfers ? Little league? School ? Elderly? Unemployed? Sick? The town homeless?

8.. I would also at this time like to request of you to ask the town code enforcers to please enforce the lawn maintenance on all sides of Sheridan Dr and N Forest Rd along with weed control/removal to ensure that all stakeholders are duels maintaining the property.

Respectfully submitted,
Francine Golonka

Sent from my iPad

Attachment: Francine Golonka-Westwood comments-05312016125844 (COM-2016-146 Westwood Comments)

RECEIVED

MAY 04 2016

TOWN OF AMHERST
SUPERVISOR'S OFFICE

April 28, 2016

Amherst Town Board
5583 Main Street
Amherst, New York 14221

To:

Dr. Barry Weinstein
Steven Sanders
Ramona Popowich
Deborah Bruch Bucki
Francina Spoth

Dear Supervisor & Town Board Members:

Over the past several years, I have closely followed the Mensch Capital purchase of the Westwood Country Club site in the middle of Amherst. As a resident of the Town of Amherst for more than sixty years, I as well as many other residents are deeply concerned about the Mensch proposals for development of the site. Part of that concern relates to obvious environmental issues such as the inevitable increase in air pollution, traffic and potential crime which are all by-products of greatly increasing the business/population density of this section of Amherst.

The fact of the matter is that Mensch Capital is not to be trusted to operate in a manner that is in the best interest of the Town. While attending the initial "Town Meetings" several years ago on Sheridan Drive, it took ten questions from the audience for Mensch representatives to admit that the proposal for a "Memorial Garden" actually involved a proposed cemetery for 70 of the available acres. Knowing the income resulting from selling burial plots clearly indicates that the entire project is a money driven endeavor with little regard for the best interests of Town residents.

The next major smokescreen related to the project was the discovery of traces of arsenic on some tee boxes and greens at the sight. Mensch has very effectively used this argument of remediation as consistent pressure to allow them to move forward when in fact the issue is full of absurdities. In a recent Buffalo News Article, Dr. Weinstein was quoted as saying: "From the discussion (with a state environmental official) I was told that it needed to be remediated no matter what (whether Westwood was used as a golf course or a park). This entire argument and the information forthcoming from the state is perplexing since it is highly likely that every country club and historic golf course in Amherst are in the same situation.

A knowledgeable source has told me that any golf course built and operated prior to 1945 would have the same trace levels of arsenic etc. and likely much more, as Westwood was the last course opened. This means that the following courses in the Towns of Amherst and Clarence should be subject to the same two to three million dollar remediation as Westwood (1945): Audubon (1942), Park Country Club (1928), Brookfield (1927), Country Club of Buffalo (1926), Transit Valley (1921) and Grover Cleveland (1902). If Westwood was purchased by the Town to be used as a golf course, would not all of the other country clubs and public courses also be

Attachment: Richard Herdlein, PhD - Westwood Country Club-05052016112115 (COM-2016-130 : Richard J. Herdlein, PhD - Westwood Country

required to effect remediation any time new tees, sand traps or additions to facilities were initiated such as recently occurred at CCB and Park Country Clubs. It would be interesting to see the responses of members of these clubs to be required to pay hefty assessments to cover remediation costs.

Reflecting back again on Mensch Capital's grandiose plans, it should be noted that currently attempting to drive on Main Street, Sheridan Drive, Maple Road & Transit during rush hour is not what residents of the Town of Amherst expect in suburban living. Recent news reports have indicated the serious health risks associated with air pollution and over population of many urban areas in the United States. Let's hold the line on the commercial development of Amherst and maintain its status as a clean and safe place to live and raise our children. Let's have a beautiful public golf course in the middle of Amherst (at Westwood) and use Audubon as a further developed Town recreational site and parkland assuming we are allowed to do so re. arsenic hoax. The efforts of Dr. Weinstein to purchase the Glen Oaks Golf Course should be applauded but the fact of the matter is that Westwood is located in the center of Amherst and more accessible to the majority of residents. Any plans in this regard hinge on the future interpretations of the state environmental agency or soon Audubon could be treated like Westwood and also affect a broader constituency of golf courses, county clubs and recreational sites. Your wisdom and effort in this regard are greatly appreciated.

Respectfully Submitted,

Richard J. Herdlein

Richard J. Herdlein, Ph.D.
Amherst Resident

Attachment: Richard Herdlein, PhD - Westwood Country Club-05852016112115 (COM-2016-130) Richard J. Herdlein, PhD - Westwood Country

Subject: FW: Proposed New Private Road 4176-4188 Sheridan Dr.

From: teresa johnson
Sent: Friday, February 05, 2016 3:34 PM
To: Jaeger, Marjory
Cc: Edard.Rutkowski@dot.ny.gov
Subject: Proposed New Private Road 4176-4188 Sheridan Dr.

To Marjory Jaeger, Town Clerk,
Please forward the following to the Amherst Town Board, Amherst Planning Committee, & Town Attorney,
Stanley J. Sliwa:

As a long time resident of this area of Amherst I demand Mr. Sliwa review the variance granted to allow a private road to be built at this location without a traffic study and without the proper requirements having been met. This is a very congested area with frequent accidents. The signal at Frankhauser is routinely run by cars trying to beat the red light. When the Harlem/Sheridan intersection is congested at rush hour, the back-up often extends back to Frankhauser.

How can the New York State Department of Transportation determine that a traffic study was not needed?

Thank you for your attention to this important matter.

Sincerely,
Teresa Johnson
215 Fairways Blvd.

Attachment: Johnson (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

Subject: FW: Traffic study

From: Brendan McIntyre
Sent: Saturday, February 06, 2016 8:45 AM
To: Jaeger, Marjory
Cc: Edward.Rutkowski@dot.ny.gov
Subject: Traffic study

Town Planning Board and Town Attorney (c/o Marjory Jaeger),

In light of the accident that occurred February 1st at 2:30 on Sheridan Dr. at the Youngman entrance to the highway, as well as any other serious accidents on Sheridan between Harlem and North Forest Rd, I would like to add my name to the growing list of residents desiring to see a traffic study performed to the new proposed road at 4176 - 4188 Sheridan Drive.

The town attorney should review the variance granted to allow the road without a study, as the proper requirements may not have been met.

From,
A Concerned Resident

Attachment: McIntyre (COM-2016-54: Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

Subject: FW: Need for a traffic study.

From: LINDA PERKINS
Sent: Saturday, February 06, 2016 1:04 PM
To: Jaeger, Marjory
Subject: Need for a traffic study.

The town is getting oversized. All the housing and development has attracted more and more cars. Harlem, Sheridan, and North Forest are dangerous. I live in the village off Union Rd. For several years, I have been shopping and moving my health care needs to Cheektowaga, The Westwood property cannot be developed as requested. Way too many more cars will join the mess. How long will this go on?

Attachment: Perkins (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

McClary, Susan

From: Nicole Pohancsek
Sent: Friday, May 27, 2016 7:31 AM
To: Weinstein, Barry
Subject: Westwood country club

Mr Weinstein,

I would like to take a moment of your time to talk about Westwood Country Club. I am in full support of turning Westwood into a residential community. The small amount of people against this development is the NIMBY (Not in my backyard) neighbors to the property. We have a lot of parks and golf courses in Amherst compared to other Erie County towns. How many other towns own two golf courses, a driving range and a par 9? The town of Amherst needs to get out of the golf course business. The reason why so many private golf courses are going up for sale is because golf courses are no longer a profitable business. Amherst can not even take care of the golf courses that they own. The Oakwood golf course had so many mosquitoes last year, that I saw people leaving after a few rounds because they were getting eaten alive.

If there is a residential community built there or not, a study needs to be done on how the traffic on North Forest can be alleviated. I ask you to drive down North Forest on a weekday at 5 pm. It is almost impossible. The same can be said about Youngs and Main Street. The Williamsville tolls need to be moved to Pendleton or a free entrance needs on Youngs to be created to alleviate the traffic in Amherst. Twice as many people are in the town of Amherst during the day to work then live in Amherst. Traffic concerns need to be addressed. The New York State Thruway authority is the 3rd largest tax entity in NY state (#1 is taxes and #2 is the DMV). The New York state Thruway can spare money to address traffic in Upstate NY. They have been focused on downstate and it is time that they spend some money upstate. One of the projects that we need to have them focus on is the Williamsville tolls and Youngs thruway entrance/exit.

The third thing that needs to be addressed is the car lots that are popping up in Amherst. A bill needs to be passed to minimize how many of these lots can be developed in Amherst. Even Westwood has cars parked there. Where were these cars parked before?

You need to start listening to the majority of the residents of Amherst instead of the minority. The NIMBY's can not run the town.

Nicole Pohancsek

Attachment: Nicole Pohancsek - Westwood Country Club-05272016134826 (COM-2016-145 - Nicole Pohancsek - Westwood Country Club)

Subject: FW: Objection to Westwood Development Project

-----Original Message-----

From: Dan Sagun
Sent: Thursday, February 04, 2016 1:11 PM
To: Jaeger, Marjory
Cc: edward.rutkowski@dot.ny.gov
Subject: Objection to Westwood Development Project

Dear Mr. Sliwa,

As a resident of the neighborhood adjacent to the Westwood property, I wish to voice my strong opposition to the proposed development project for the Westwood property which would radically increase the amount of traffic on an already congested section of Sheridan Drive between Harlem Road and North Forest. It is my understanding that a variance has been granted to allow a new private road at 4176 - 4188 Sheridan Drive without a traffic study. I would like to know why the variance was granted to allow this road without a traffic safety study and without the proper requirements being met. Not only will the proposed Westwood development project radically change the quiet and tranquil neighborhood which I live in with the influx of additional traffic, but it also has the potential to reduce the property values in the neighborhood. Please fight to Keep Westwood Green!

Thank you for your consideration in this matter.

Daniel Sagun
150 E. Maplemere Road
Amherst

Attachment: Sagun (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

Subject: FW: Terrible

From: bluesbeatm
Sent: Thursday, February 11, 2016 10:21 AM
To: Jaeger, Marjory
Subject: Terrible

There should definitely be a traffic study regarding the plans for Westwood in Amherst. There are way too many cars on the road in this area already. People have to wait for a light to turn three or four times just to get through it.

Sharon Schneider
Hickory Hill
Amherst, NY 14221

Attachment: Schneider (COM-2016-54) Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

From: Michael Sobol
Sent: Tuesday, July 05, 2016 10:59 AM
To: Weinstein, Barry
Subject: Westwood Country Club

Dr. Weinstein:

My name is Michael Sobol, and I live in the town of Amherst. I am a member of Boy Scout Troop [redacted] and I am writing to you as a part of my Citizenship in the Community merit badge. One of the requirements is to interview an elected official about an issue. I live near Westwood Country Club and am concerned about its status. Please email your responses to these questions--short answers are fine! If possible, please respond within the next few days, as I will use this next week at Scout Summer Camp. Thank you for taking the time to help me finish this merit badge, which is required for Eagle Scout!

1) What are the current health and environmental concerns about Westwood?

Contamination with Asbestos + heavy metals

2) How concerned should neighbors be about health risks?

I Do not think it spreads

3) What ideas does the town have to develop the land?

It is owned privately Not by the town

4) What does the term "brownfield" actually mean?

Contaminated property

5) What, if anything, can young people do to help?

Disruption that the owner should clean up the site

Thank you again for taking the time to answer these questions--I truly appreciate it!

Best wishes,
 Michael Sobol

Subject:

FW: Sheridan Road

From: Theodore Steinberg
Sent: Thursday, February 04, 2016 4:59 PM
To: Jaeger, Marjory; edward.rutkowski@dot.ny.gov
Subject: Sheridan Road

Dear Ms. Jaeger,

Please forward this letter to the Amherst Planning Board and the Amherst town attorney.

Dear Planning Board Members, Mr. Sliwa, and Mr. Rutkowski,

It is simply outrageous that you are permitting the construction of a private road at 4176-4188 Sheridan Road without even a traffic safety study. There are already enough accidents and enough danger on Sheridan Drive, and for you to proceed without a mandated traffic safety study shows a terrible disregard for the safety of all who travel on that road.

Surely you should be aware that the mood of the country has become quite dark thanks to such disregard of citizens' feelings on the part of their elected and appointed officials. While we are not sympathetic to most of their complaints, in light of actions such as your own, we can certainly understand them.

We call on you to review the variance and conduct a proper traffic study to determine whether the creation of this private road will endanger the lives and well-being of those who travel and live along Sheridan Drive.

Sincerely,

Theodore and Phyllis Steinberg
32 Cobblestone Lane
Williamsville, NY

Attachment: Steinberg (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)