

PARKLAND ALIENATION
MUNICIPALITY INFORMATION

GENERAL INFORMATION
Lands Being Alienated or Discontinued

1. Has the alienation been reviewed under the State Environmental Quality Review Act or a comparable statute?

Yes, SEQRA review has occurred a Negative Declaration issued. Attached as **Exhibit 1** is the Short Environmental Assessment Form (EAF), the Negative Declaration as well as the relevant Town Board Resolution adopting the Negative Declaration and approving the alienation.

2. How did the municipality acquire the parklands being alienated?

The Town of Amherst acquired the parcel in question as part of a larger transfer of property from the University of Buffalo to the Town per a deed dated March 20, 1962. This deed was recorded on March 30, 1962 in the Erie County Clerk's Office at Liber 6754, P508.

3. When were the parklands acquired?

Approximately March 20, 1962.

4. What is the size of the park in which the lands being alienated are located?

The Audubon Recreation Complex is comprised of approximately 262 acres.

5. What is its name (if not given above)?

Audubon Recreation Complex.

Has the park's name changed in the past?

No.

6. What is the size of the specific parcel being alienated?

All of the complex minus the 2.9 acres which were previously alienated for the construction of a hotel.

7. Were State or federal funds used in the acquisition or development of any portion of the park in which the lands being alienated are located? If the answer is "Yes" please provide details about the amount of the grant, its source, date of award and for what purpose it was used.

PARKLAND ALIENATION
MUNICIPALITY INFORMATION

Yes. Federal funds were used, in part, to acquire the lands known as the Audubon Recreation Complex from the University of Buffalo which was then a private entity. Specifically, on or about April 2, 1963, a grant was obtained in the amount of \$135,000 from the Federal Government under Title VII of the Housing Act of 1961 toward the purchase price of the parcel. The grant documents are attached as **Exhibit 2**. The United States Department of Housing and Urban Development (HUD) has determined to remove all federal restrictions on the use of lands acquired with Title VII assistance. A copy of a Memorandum from HUD's Assistant Secretary of Community Planning and Development dated May 18, 1984 is attached as **Exhibit 3**. Thus, federal conversion will NOT be required.

8. How are the lands to be alienated currently used?

The parcel sought to be alienated is presently used as the site of the 160,000 square-foot Northtown Ice Center consisting of a 4-surface indoor ice skating/hockey facility; a skate park; the Amherst Girls Softball Complex, which has six fields; two baseball diamonds; a football field; an 18 hole golf course; a driving range; and, a 9 hole, par 3 golf course.

9. Are there any structures 50 years old or older on the property?

No.

10. Does the property contain wetlands, streams, significant habitats, archaeological resources or other similar features?

The site contains a few small pockets of federal wetlands but no New York State wetlands. Ellicott Creek, a Class B stream, crosses the east portion of the Audubon Golf Course. The eastern half of the golf course is located within an archaeologically sensitive area identified by the New York State Office of Parks, Recreation and Historic Preservation.

11. What is the reason the lands are being alienated?

The existing parkland at Audubon is currently configured in a manner that does not best serve the Town's residents. The 18-hole golf course, the 9-hole course, driving range, sports fields, and parking lot surrounding the ice arena are used by leagues, but general public use is restricted to specific activities. By alienating this land, the Town can repurpose this property, acquire new property, and reinvest all sale proceeds into improving and acquiring parkland to achieve the following goals: create a new park area in the center of Town, Amherst Central Park; combing properties from Westwood Country Club which has been classified as a brownfield and currently houses an abandoned 18 hole golf course, abandoned tennis courts, an abandoned in-ground pool and an abandoned club house with

PARKLAND ALIENATION
MUNICIPALITY INFORMATION

this parcel presently being used as a parking lot where unsold inventory of cars associated with the North Town Companies are stored since November 2014, and the Audubon Recreational Complex; improve existing ball diamonds and access to same; preserve the Westwood Clubhouse as an Arts and Cultural Center; create a world-class sports and wellness facility anchored by the Northtown Center hockey complex; incorporate private development; coordinate the construction of an indoor field house to be used by the private sector, the Town, and our three school districts; and, better define the future for our municipal golf programs. These proposals support the Town's Comprehensive Plan which emphasizes the need to establish greenway corridors along streams as part of a town-wide open space system. The Westwood property is integral in increasing public access to the waterway as part of the Town's future plan for the Department of State Local Waterfront Revitalization Program.

12. Describe any alternatives which would make the alienation unnecessary and why they were rejected.

There are no alternatives to alienation, except the existing conditions, which are unacceptable.

13. How will any remaining parklands be affected by the alienation?

There will be an increase in the use of other parklands situated in the Town due to alienation. Any lost recreational uses will be recovered through the acquisition and development of new parkland, see response to paragraph 11.

14. What impacts, including aesthetic, environmental, social, cultural and recreational impacts, will the alienation of these parklands have on the surrounding neighborhood?

The surrounding neighborhood to the north and west consists of a four-lane state highway with an elevated interchange to the adjacent State University of New York at Buffalo's North Campus. The Audubon Recreation Complex includes an approximately 160,000 square-foot Northtown Ice Center consisting of a 4-surface indoor ice skating/hockey facility and the Amherst Girls Softball Complex, which has six fields; two baseball diamonds; an 18 hole golf course; and a par3, 9 hole golf course. The neighborhood to the south consists of medical offices, a multi-family residential development and a Residence Inn. There are no significant impacts to aesthetic, environmental, social or cultural resources due to the proposed alienation of the proposed property. A tax map of the parcel is attached as **Exhibit 4**. A street map of the parcel and surrounding area is attached as **Exhibit 5**.

PARKLAND ALIENATION
MUNICIPALITY INFORMATION

15. What public facility will provide residents of the community with park resources and recreational facilities to take the place of those being alienated?

The Town plans to retain an 18-hole golf course either on site or elsewhere in the Town. It is possible that some portions of the course will remain (reduced to a 9 or 6 hole facility) and will be rededicated as parkland. New football and softball fields will be replaced in kind with proceeds derived from the sale of Audubon. The hockey facility will functionally stay the same. Proceeds of the sale of this property will be used to offset the construction of a 5th ice pad at the facility.

16. Will other lands be dedicated for park purposes to replace those being alienated?

All moneys generated by the lease, sale or other disposition of the parklands at issue, or any portion thereof (a portion of the alienated parkland may be dedicated as parkland in the future), will be placed into a trust-agency account which will be solely utilized to purchase a substantial portion of the Westwood Country Club (approx. 172 acres) located at 772 North Forest Road, 385 Maple Road and 391 Maple Road in the south-central portion of the Town of Amherst with said purchased property to then be dedicated as a public park. The combination of these two sites creates Amherst Central Park. If any moneys remain after that purchase, they will be used to acquire additional parkland and/or to fund the capital improvement of existing Town owned parkland, specifically Amherst Central Park, and/or further Open Space acquisition.

Lands Proposed As Replacement

1. Describe the location and setting of the lands proposed as replacement in relation to the lands being alienated.

NOT APPLICABLE. See response to paragraph 16 above. Any proposed replacement property will be purchased from the moneys generated as a result of the disposition of a portion of the Audubon Recreational Complex

2. Give their approximate size.

NOT APPLICABLE.

3. How are the lands currently used? Who owns the lands? Describe any facilities located on the lands.

NOT APPLICABLE.

PARKLAND ALIENATION
MUNICIPALITY INFORMATION

4. Have they ever been used for park and/or recreational purposes?

NOT APPLICABLE.

5. Describe any natural or cultural resources on the lands in question (streams, wetlands, significant habitats, historic or archeological resources).

NOT APPLICABLE.

6. As a best guess, are the lands approximately equivalent in fair market value and potential for recreational usefulness to those being alienated or converted?

NOT APPLICABLE.

TOWN OF AMHERST

Dated: 5/30/19

Signed: Brian J. Kulpa

Brian J. Kulpa
Supervisor Town of Amherst

Please provide a survey map of the property being alienated and a map, such as a tax map or street map, showing its general location in the community. In addition, you are invited to include with this questionnaire any photos or other documents which will better enable us to understand this proposal.

Send a copy of this form to the Members of the Senate and the Assembly who will sponsor the parkland alienation legislation.

In addition, please send a copy of the form to: Counsel's Office, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12207, phone (518) 486-2921.

Exhibit 1



**Town of Amherst
Erie County, New York**

Adopted as Amended
May 20, 2019 7:00 PM

**Resolution
RES-2019-617**

Alienation of Audubon Complex

Information

Department: Town Attorney **Sponsors:**
Category: Resolution

Links

Link RES-2019-611 : Alienation of Audubon Complex

Attachments

Printout

Financial Impact

None for the purposes of this resolution.

Body

AGENDA ITEM : MAY 20TH, 2019

TO: Town Board
FROM: Stanley J. Sliwa, Esq., Town Attorney
DATE: May 15, 2019
RE: Alienation of Audubon Complex

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, the Audubon Recreational Complex consists of approximately 260± acres of designated Town parkland; and

WHEREAS, the Town seeks to make the majority of the former Westwood Country Club a park, seeks to improve our existing ball diamonds, preserve Westwood Clubhouse as an Arts & Cultural Center, create a world-class sports & wellness facility anchored by the Northtown Center hockey complex, coordinate the construction of an indoor field house to be used by the Town and our three school districts, and better define the future for our municipal golf programs; and

WHEREAS, facilitating a future transfer of land and partnering with private sector developers will be the most cost-effective way to achieve these goals for the Town; and

WHEREAS, the use of designated parkland for non-park or private sector use requires that the alienation of parkland process be undertaken with New York State Legislature; and

WHEREAS, all revenues generated by any sale or lease of said parkland shall be allocated to the purchase or additional parkland and/or the improvement and maintenance of the park; and

WHEREAS, the Town Board will rededicate additional parkland and create Amherst Central Park through this process; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Attorney's Office to initiate the process of alienating the Audubon Recreational Complex with the New York State Legislature and for authorization by the Governor to allow for creation of a world-class park, Amherst Central Park, and

BE IT FURTHER RESOLVED, that in the event there is no signed Memorandum of Understanding (MOU) for development of Town approved projects Audubon within 9 months from the Governor's signature on the Home Rule Bill, the Town Board directs the Town Attorney to re-designate the property as inalienable parkland, and

BE IT FURTHER RESOLVED, that a signed MOU for the Town's question of Westwood must be in place within 9 months or the Town Board directs the Town Attorney to re-designate the Audubon property as inalienable parkland, and

BE IT FURTHER RESOLVED, that the same MOU for the Town's acquisition of Westwood must be in place for the Town to consider any action related to development rights at Audubon, and

BE IT FURTHER RESOLVED, that any future development of this site would still require the approval of the Town Board for the rezoning of the property before any development on either the Audubon Complex or Westwood can transpire.

WHEREAS, the State of New York has published a "Handbook on the Alienation and Conversion of Municipal Parkland in New York"; and

WHEREAS, the said Handbook states on page three that "the Parkland Alienation Process derives from the 'Public Trust Doctrine', which imposes a duty to hold public land for the benefit of the people and restricts the ability of local governments to sell or convey certain land or change its use, including parks"; and

WHEREAS, the parkland alienation process requires that the Town of Amherst obtain a fair market value appraisal of the land that is to be alienated, as well as an appraisal of the replacement parkland, to make sure that the Town of Amherst receives equal or greater market value for the parkland that will be alienated.

NOW, THEREFORE, BE IT RESOLVED that Resolution 2019-617 be amended to require that all forms required in connection with the alienation process, as outlined in the above referenced handbook, be completed as soon as practicable. These forms include: (1) a Checklist for Municipalities Considering Parkland Alienation; (2) Parkland Alienation Form: Municipality Information; and (3) a Statement of Lands Proposed as Replacement; and

BE IT FURTHER RESOLVED that Resolution 2019-617 be amended to require that upon completion, all required forms and supporting documents be posted on the Town of Amherst website and individual copies be provided to Amherst Town Board members for council person acknowledgement and approval prior to their submission to the State legislature.

SJS:nmb

c: Kathy Cooper, Deputy Town Clerk (Agenda Item - May 20th, 2019)

5/20/2019

A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Bucki. A motion was then made by Supervisor Kulpa to amend, seconded by Councilmember Bucki and unanimously approved 5-0. Amendment adds the (first three bold paragraphs) sunset clause to the resolution.

Councilmember Bucki motioned a second amendment, seconded by Deputy Supervisor Spoth and unanimously approved 5-0. Second amendment adds (the last five bold paragraphs) additional requirements to the alienation process.

A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berge and unanimously approved via Roll Vote 5-0.

Meeting History

May 20, 2019 7:00 PM Video

Town
Board

Regular Meeting of the Town
Board

 Draft

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Brian J. Kulpa, Supervisor

SECONDER: Jacqueline Berger, Councilmember

AYES: Brian J. Kulpa, Francina Spoth, Deborah Bruch Bucki, Jacqueline Berger, Shawn Lavin

Discussion

 Add Comment

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**Town of Amherst
Erie County, New York**

Hearing Closed
May 20, 2019 7:00 PM

**Resolution
RES-2019-611**

Alienation of Audubon Complex

Information

Department: Town Clerk **Sponsors:**
Category: Resolution

Links

 **Link** RES-2019-617 : Alienation of Audubon Complex

Attachments

Printout
Alien Neg Dec_5.20.19
alien EAF-05152019113701

Financial Impact

N/A

Body

Public hearing with respect to the Alienation of the Audubon Complex.

Kindly Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department and Accept the Negative Declaration **prior to the Public Hearing being deemed closed.**

5/20/2019

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:04 PM.

Supervisor Kulpa presented.

The following speakers addressed the Town Board:

Michael T. Coleman, 274 Kings Hwy. - Opposed to the alienation, is an avid golfer at Audubon Golf Course

Jerry Schad, Meadowview Ln. - In favor of Amherst Central Park project

Michele Marconi, 35 Livingston Pkwy. - Spoke in opposition, they are 2 separate issues UBMD project and Westwood

Maryann Hochberg, 1075 N. Forest Rd. - Wants Westwood to remain green and new development to be north of Maple Rd.

Marian Grace - Questioned purchase of contaminated property

Judy Ferraro, 213 Donna Lea Blvd. - Goal to keep Westwood green

Jim Tricoli, Columbia Dr. - Questioned if this was a public hearing

Rick Gillert, Rosedale Blvd. - Questioned total area to be alienated, cost estimates, operation & maintenance costs

Mary Shapiro, 16 Royalwoods Ct. - Questioned SEQR info, have documents publicly available, clean up should be developers risk

Don Smith, N. Long St. - Listen to the people, make best decision for everyone

Nathan Hartrich, 47 Meadowbrook - Morningside Homeowners Assn. - In favor of resolution, sunset clause to protect town

Kathy Aqualina, Maple Rd. - Questioned Muir Woods; nursing home on Maple Rd.; sewer upgrades

Brian McGrath, UBMD - Wants to build medical center in Amherst

Chris Drongosky, Amherstdale Rd. - Give the town board the opportunity to try to make this project work

Beth Moon, 35 Gordon, Commissioner of Amherst Girls Softball - Questioned if they will keep their softball diamonds

A motion was made by Supervisor Kulpa to accept the negative declaration, seconded by Deputy Supervisor Spoth and unanimously approved 5-0. Supervisor Kulpa then motioned to amend the negative declaration to include #13, seconded by Councilmember Berger and unanimously approved 5-0.

13. This action to alienate parkland warrants a segmented review in accordance with Section 617.3(g) of the SEQR regulations. It is acknowledged that any subsequent actions will have several phases which may include land transfer/sale and various development plans. Information on future project phases is too speculative at this time and cannot be defined sufficiently to conduct an environmental review. A segmented review is no less protective of the environment.

Supervisor Kulpa then motioned to accept the negative declaration as amended, seconded by Deputy Supervisor Spoth and unanimously approved via Roll Call Vote 5-0.

Supervisor Kulpa motioned to close the public hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 8:13 PM.


Vote for the Alienation was taken under Town Attorney Res 2019-617.

Meeting History

May 20, 2019 7:00 PM Video **Town Board** **Regular Meeting of the Town Board**  **Draft**

RESULT: HEARING CLOSED

Discussion

 Add Comment

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 which 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: Alienation of Parkland			
Project Location (describe, and attach a location map): 500 Maple Road			
Brief Description of Proposed Action: Alienation of the Town's Audubon Recreation Complex at 500 Maple Road which is comprised of 262± acres. The lands proposed as replacement are portions of parcels located at 772 North Forest Road (former Westwood Country Club) and 1081 & 1121 North French Road (Muir Woods site). The purpose of this action is to allow creation of "Amherst Central Park." Alienation subject to approval by the New York State Legislature and authorization by the Governor.			
Name of Applicant or Sponsor: Town of Amherst		Telephone: (716) 631-7051	
Address: 5583 Main Street		E-Mail: dhowardt@amherst.ny.us	
City/PO: Williamsville		State: NY	Zip Code: 14221
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
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: NYS Legislature, NYS Governor			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 262 +/- acres b. Total acreage to be physically disturbed? _____ 262 +/- acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 262 +/- acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): recreational <input checked="" type="checkbox"/> Parkland			

Attachment: alien EAF-05152019113701 (RES-2019-611 : Alienation of Audubon Complex)

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
Any future development on the alienated land will be assessed for impact to existing federal wetlands. _____ _____				

Attachment: alien EAF-05152019113701 (RES-2019-611 : Alienation of Audubon Complex)

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

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
Any future development will be assessed for storm water impacts.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Applicant/sponsor name: Daniel Howard Date: 5/15/19

Signature: *Daniel Howard* Title: Planning Director

Attachment: alien EAF-05152019113701 (RES-2019-611 : Alienation of Audubon Complex)

DRAFT (5/20/19)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	Project: Alienation of Parkland
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	Date:

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

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

Title of Action:	Alienation of Parkland
SEQR Status:	Unlisted action.
Description of Action:	Alienation of the Town's Audubon Recreation Complex at 500 Maple Road which is comprised of 262± acres. The lands proposed as replacement are portions of parcels located at 772 North Forest Road (former Westwood Country Club) and 1081 & 1121 North French Road (Muir Woods site). The purpose of this action is to allow creation of "Amherst Central Park." Alienation subject to approval by the New York State Legislature and authorization by the Governor.
Location:	500 Maple Road, Town of Amherst, Erie County, New York
Petitioner:	Town of Amherst

Attachment: Draft Neg Dec 5.20.19 (RES-2019-611 : Alienation of Audubon Complex)

Negative Declaration – Alienation of Parkland
 date
 Page 2

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Short Environmental Assessment Form (EAF) - Part 1, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed action will not have a significant impact on the environment, as follows:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. Site-specific developments will be required to undergo thorough engineering study prior to approval of any project.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A portion of the site in the southwest corner of the Muir Woods property has been identified as having a Rare Animal (Spiny Softshell) that is listed as a Species of Special Concern by the State, however, the site not been included as a habitat for endangered or threatened species. The land proposed for alienation is a developed site consisting of buildings, sports fields and golf courses; lands proposed for replacement include a former country club site and a large undeveloped site, which contain significant areas of natural vegetation and wetlands. The alienation will therefore result in the Town's preserving areas of higher environmental quality that are directly adjacent to existing residential neighborhoods.
3. The action is not expected to create any material conflict with the Town Comprehensive Plan and is consistent with Policies 3-14 and 4-3 which promote a public acquisition program to achieve a Town-wide open space and greenway network, particularly in those areas with significant natural resources.
4. The Town's Audubon Recreation Complex and the former Westwood Country Club site proposed as replacement are within areas identified by the State as potentially containing significant cultural or archeological resources; however, no designated historic landmarks have been identified on these properties. Any future activity on these parcels will trigger the need for a thorough investigation prior to approval to ensure there will be no significant adverse impacts to historical or archeological resources.
5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for the alienation of 262± acres of parkland at the Town's Audubon Recreation Complex which includes a

Negative Declaration – Alienation of Parkland

date

Page 3

160,000± square-foot Northtown Ice Center, Amherst Girls Softball Complex, two baseball diamonds, an 18 hole golf course; and a 9 hole golf course (Par 3). This property is zoned Recreation Conservation (RC). The majority of land bordering this site is vacant land owned by SUNY at Buffalo, although some portions are adjacent to residential neighborhoods. Any future development on this property will require consideration of potential impact on these neighborhoods and include sufficient buffering and setbacks to ensure consistency with surrounding land use.

6. The proposed alienation of parkland will not cause a major change in the use of either the quantity or type of energy.
7. The alienation of parkland will not create any hazard to human health. The Town is seeking to replace the alienated parkland with lands that will provide enhanced recreational benefit to residents through creation of a world-class “Amherst Central Park”.
8. The alienation of parkland will cause a change in land use at the Audubon Recreation Complex as it will allow a more intensive development than currently permitted in the Recreation Conservation (RC) zoning district. An increase in the use of other parklands in the Town can be expected due to this alienation; however, any lost recreational uses will be recovered through the acquisition and development of new parkland.
9. The alienation of parkland will likely increase the number of people using the site over its current level of use; however, all required infrastructure is or will be in place to effectively manage the increase. In addition, any future development will undergo a thorough SEQR review by Town departments, outside agencies and the public to ensure any negative impacts are minimized.
10. Significant negative traffic impacts are not expected to result from the proposed action. Any future development on replacement lands will undergo review by appropriate transportation agencies and departments prior to approval.
11. Reviews of the action have been undertaken by Town Departments including Planning, Youth & Recreation and Attorney. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Negative Declaration – Alienation of Parkland
date
Page 4

Signature & title of preparer

date

Brian J. Kulpa, Supervisor

date

EK

X/Special Projects/Parks/Amherst Central Park/Alienation/Draft Neg Dec_5.20.19

- cc: Amherst Supervisor
- Amherst Town Attorney
- Amherst Town Clerk
- Amherst Youth & Recreation Department

Attachment: Draft Neg Dec 5.20.19 (RES-2019-611 : Alienation of Audubon Complex)

Exhibit 2

Housing and Home Finance Agency
URBAN RENEWAL ADMINISTRATION

UNITED STATES OF AMERICA
HOUSING AND HOME FINANCE AGENCY

CONTRACT FOR GRANT TO ACQUIRE OPEN-SPACE LAND
UNDER TITLE VII OF THE HOUSING ACT OF 1961

PART I

Program No. N. Y. OS-7

Contract No. N. Y. OS-7(G)

THIS AGREEMENT, consisting of this Part I and the Terms and Conditions (Form H-3180b, dated 5-62) forming Part II hereof (which Parts, together, are herein called the "Contract"), effective on the date hereinafter set out, by and between the Town of Amherst, New York (herein called the "Public Body") and the United States of America (herein called the "Government"), WITNESSETH: 4-2-63

In consideration of the mutual covenants, promises, and representations contained herein, the parties hereto do agree as follows:

SEC. 1. Purpose of Contract. -- The purpose of this Contract is to provide Federal financial assistance to the Public Body in the form of a grant of Federal funds (herein called the "Grant") under Title VII of the Housing Act of 1961, for the purpose of acquiring and preserving open-space land, and to state the terms and conditions upon which such assistance will be extended.

SEC. 2. The Program. --

(a) The Public Body agrees to undertake, carry out, and complete the acquisition of a fee simple interest in that certain land located in the Town of Amherst, County of Erie, State of New York, and more particularly described as follows:

SEE SCHEDULE "A" ATTACHED

(b) The Public Body agrees to retain said land for permanent open-space purposes, and the open-space uses of said land shall be:

Park and outdoor recreation activities and uses compatible with maintaining the open-space character of the lands involved.

SEC. 3. The Grant. -- In order to assist the Public Body in financing the cost of acquiring the land described in Section 2(a) hereof, which cost is estimated to be \$675,000.00, the Government agrees to make a Grant in an amount equal to twenty percent of the actual cost of such acquisition or in the amount of \$135,000.00, whichever is less.

SEC. 4. Counterparts of the Contract. -- This Contract may be executed in two counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Public Body has caused this Contract to be duly executed in its behalf and its seal to be hereunto affixed and attested; and, thereafter, the Government has caused the same to be duly executed in its behalf this 2nd day of April, 1963.

ATTEST:

TOWN OF AMHERST, NEW YORK

James M. Neeser By Henry C. Jones

PUBLIC BODY SEAL:

UNITED STATES OF AMERICA
Housing and Home Finance Administrator

By William L. Clayton
Urban Renewal Commissioner

CONTRACT FOR GRANT TO ACQUIRE OPEN-SPACE LAND

UNDER TITLE VII OF THE HOUSING ACT OF 1961

PART II

TERMS AND CONDITIONS

SEC. 101. Use of Certain Terms. --- Except where the context clearly indicates otherwise, the following terms, as used herein, shall have the meanings ascribed to them in this Section:

(a) The capitalized term "Administrator" means the Housing and Home Finance Administrator, Housing and Home Finance Agency, or the duly authorized representative of the Administrator.

(b) The term "Contract" means this Contract between the Government and the Public Body, and includes Parts I and II and any additional document or documents incorporated herein by special reference, as well as any amendment.

(c) The term "Application" means the written application for the Grant by the Public Body, including any revisions thereto, together with all explanatory, supporting, or supplementary documents filed therewith.

(d) The term "land" means the interest or interests in real property to be acquired by the Public Body as set out in Section 2(a) of Part I of this Contract and shall include a fee interest or such lesser interests as therein contemplated.

SEC. 102. Accomplishment of Program. --- The Public Body will commence and carry out the Program with all practicable dispatch, in a sound, economical, and efficient manner, in accordance with the Application and the provisions of this Contract, so that the acquisition of the land will be completed within one year from the date of notification by the Administrator of approval of the Application. Said term may be extended with the written consent of the Administrator.

SEC. 103. Meeting Requirements of State or Local Law. --- In carrying out the Program, the Public Body shall conform to all requirements of State and local law.

SEC. 104. Books and Records. --- The Public Body shall keep full and accurate books and records with respect to all matters covered by this Contract, in order that a speedy and effective audit may be made. The Public Body shall, at any time during normal business hours and as often as the Administrator and/or the Comptroller General of the United States may deem necessary, permit representatives of the Administrator and/or the Comptroller General to have full and free access to all such books and records.

SEC. 105. Reports and Information. -- The Public Body shall, at such times and in such manner as the Administrator may require, furnish him with periodic reports and statements pertaining to the Program and other matters covered by this Contract.

SEC. 106. Payment of Grant. --

(a) The Government will make payment of the Grant as set out in Part I of this Contract, upon the completion of the acquisition of the land and submission by the Public Body of its requisition for such payment on a form or forms prescribed by the Administrator with a certification by the Public Body as to the total acquisition cost. Provided, That the Public Body is not in default on any of the terms of this Contract. Payment of the Grant shall be based on the acquisition cost, which shall be limited solely to the consideration paid by the Public Body to its grantors for the land and shall not include any other items, such as fees or commissions paid for acquiring said land, title expenses or attorney fees, administrative expenses, or expenses incurred in clearing or developing said land for open-space use. Acquisition cost shall not include the cost of land acquired prior to the notification of the Public Body by the Administrator of his approval of the Application, or the cost of land acquired with the assistance of funds received directly or indirectly from the Government, or any Agency or instrumentality thereof, other than under the terms of this Contract.

(b) The Public Body shall furnish with its requisition for payment of the Grant an opinion of an attorney-at-law licensed to practice in the State wherein such land is located to the effect that the Public Body has complied with all applicable law in carrying out the Program, that it has fully performed all its obligations under this Contract, and that the land acquired by the Public Body is free from any impediment, lien, or claim which would prevent such land from being retained or utilized by the Public Body for the use or uses set out in Section 2(b) of Part I hereof.

SEC. 107. Fair Market Value. -- The Public Body shall take all appropriate steps to assure that the consideration it pays for the land does not exceed fair market value at the time of acquisition. If the Administrator determines that the consideration paid by the Public Body is in excess of fair market value, for purposes of computing the amount of the Grant, the acquisition cost shall be reduced by the amount of the excess.

SEC. 108. Title Evidence. -- Before submitting its requisition for payment of the Grant, the Public Body shall obtain adequate title evidence in the form of title policies, Torrens certificates, or abstracts and attorneys' opinions establishing that the land is free from any impediment, lien, or claim which would prevent or impair the use of the land for the use or uses set out in Section 2(b) of Part I hereof. This evidence shall be retained in the files of the Public Body and kept available for examination by representatives of the Government.

SEC. 109. General Requirements Concerning Land. --- The Public Body shall:

(a) Take all necessary steps to remove or abrogate all legally enforceable provisions pertaining to the restriction of the use of the land it is acquiring upon the basis of race, creed, color, or national origin.

(b) Not effect or execute, and will adopt measures to assure that there is not effected or executed by purchasers or lessees from it (or the legal representatives or successors in interest of such purchasers or lessees), any agreement, lease, or other instrument whereby the land is restricted by the Public Body or such purchasers, lessees, legal representatives, or successors in interest, upon the basis of race, creed, color, or national origin in the use, sale, or lease thereof.

(c) Not sell, lease, or otherwise dispose of the land except with the prior written approval of the Administrator.

(d) Not voluntarily create, cause, or allow to be created any debt, lien, mortgage, charge, or encumbrance against any of the land which in any way will impair or otherwise adversely affect the preservation of said land for the use or uses set out in Section 2(b) of Part I of this Contract.

(e) From time to time duly pay and discharge, or cause to be paid and discharged when the same become due, all taxes, assessments, and other governmental charges which are lawfully imposed upon any of the land and which if unpaid may by law become a lien or charge upon said land and thereby impair or otherwise adversely affect the holding of said land for the use or uses set out in Section 2(b) of Part I of this Contract.

(f) Faithfully observe and conform to all valid requirements of any governmental authority relative to the land and all covenants, terms, and conditions applicable to said land.

SEC. 110. Special Provisions Relating to Sale or Lease of Land. ---

If the Program proposes that the Public Body lease or sell all or part of the land, the Public Body must first obtain written approval of the Administrator before such leasing or sale is undertaken. Approval will be given only if such leasing or sale is consistent with the Program and adequate controls are embodied in the lease or deed to assure the preservation of the open-space use or uses of such land as set out in Section 2(b) of Part I of this Contract.

SEC. 111. Use of Land. ---

(a) The land shall be used only for the open-space use or uses set out in Section 2(b) of Part I of this Contract. No change in the open-space use will be permitted without the prior written approval of the Administrator.

(b) No change in the use of the land to a use other than open-space will be permitted without the prior written approval of the Administrator. Before such approval will be given, the Public Body must demonstrate to the Administrator's satisfaction that:

- (1) The conversion is essential to the orderly development and growth of the urban area involved.
- (2) The conversion is in accord with the then applicable comprehensive plan for the urban area.
- (3) The open-space land is being or will be replaced, without cost to the Federal Government, by other open-space land of at least equal fair market value at the time of conversion, and of as nearly as feasible equivalent usefulness and location.

(c) The Public Body shall not restrict the use of the land on the basis of race, creed, color, national origin, or place of residence, except that a reasonable fee charged nonresidents over and above any fee that may be charged residents shall not be interpreted as a restriction of the use of the land.

SEC. 112. Termination or Suspension of Contract. -- The Government may terminate or suspend this Contract at its discretion upon the happening of any of the following:

(a) The failure of the Public Body to complete the acquisition of the land within the time prescribed herein.

(b) The making of any misrepresentation by the Public Body in its Application or in the furnishing of any information to the Administrator.

(c) The violation of any of the terms or conditions of this Contract.

(d) Any event which makes the acquisition of all or part of the land by the Public Body impossible.

(e) The commencement of any litigation challenging the performance by the Public Body of any of its duties or obligations which may jeopardize or adversely affect the Program, this Contract, or the Grant.

SEC. 113. Transfer of Public Body's Interests in Land to Another Public Body. -- Before the Public Body transfers its interests in the land to another Public Body, it shall require its transferee to enter into a contract with the Administrator agreeing in writing to be bound by all of the applicable terms and conditions of this Contract.

SEC. 114. Interest of Public Body Personnel and Other Local Public Officials. -- The Public Body shall adopt and enforce measures to assure that no member or employee of the Public Body and that no officer or employee of the governing body or bodies in the urban area who exercises any function of responsibility in connection with the carrying out of the Program shall, prior to the completion of the acquisition of the land, voluntarily acquire any personal interest, direct or indirect, in any property included in the Program

or in any contract or proposed contract in connection with the acquisition of the land. If any such member, employee, or officer presently owns or controls, or in the future involuntarily acquires, any such personal interest, he shall immediately disclose such interest to the Public Body. Any member, employee, or officer who shall have or acquire such interest shall not participate in any action by the Public Body affecting the undertaking of the Program, unless the Public Body shall determine that, in the light of the personal interest disclosed, the participation of such individual in any such action would not be contrary to the public interest. The Public Body shall promptly advise the Administrator of the facts and circumstances concerning any disclosure made to it pursuant to this provision and the action taken by the Public Body upon being made aware of said facts and circumstances.

SEC. 115. Bonus or Commission. --- The Public Body shall not pay any bonus or commission for the purpose of obtaining the Administrator's approval of the Application or any other approval by the Administrator which may be necessary under this Contract.

SEC. 116. Forfeiture of Grant. ---

(a) If the Public Body should change the use of the land from the use or uses designated in Section 2(b) of Part I of this Contract without the prior written approval of the Administrator, or should it transfer its interests in the land to another Public Body without requiring the transferee to execute the contract with the Administrator provided for by Section 113 of this Part II, the Public Body shall at the request of the Administrator repay to the Government the amount of the Grant.

(b) For any other violation of any of the terms of this Contract, the Administrator may, in addition to such other remedies as may exist at law or in equity, require repayment of all or part of the Grant to the Government.

SEC. 117. Government Not Obligated to Third Parties. --- The Government shall not be obligated or liable under this Contract to any party other than the Public Body.

SEC. 118. When Rights and Remedies Not Waived. --- In no event shall the making by the Government of any Grant payment to the Public Body constitute or be construed as a waiver by the Government of any breach of covenant or any default which may then exist on the part of the Public Body, and the making of any such payment by the Government while any such breach or default shall exist shall in no wise impair or prejudice any right or remedy available to the Government in respect of such breach or default.

SEC. 119. How Contract Affected by Provisions Being Held Invalid. --- If any provision of this Contract is held invalid, the remainder of this Contract shall not be affected thereby if it is in conformity with the terms and requirements of applicable law.

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 61, Township 12, Range 7 of the Holland Land Company's Survey, bounded as follows:

On the south by a line parallel with the south line of said Lot No. 61, at a distance of 10 chains, 31 links north therefrom, 58 chains and 54 links; on the west by Lot No. 67, 15 chains, 32 links; on the north by a line parallel to the first mentioned line, 58 chains, 74 links; on the east by Lot No. 55, 15 chains, 32 links, containing 90 acres, be the same more or less.

EXCEPTING AND RESERVING THEREFROM, however, from the above described, all the land and premises conveyed by Louise Schmitt and Karl Schmitt, her husband, to Arthur L. Jones, by Warranty

SEE SCHEDULE "A" (cont'd.)

SCHEDULE "A" (Cont'd.)

Deed dated October 12, 1905, recorded in Erie County Clerk's Office in Liber 1026 of Deeds, page 563, October 17, 1905.

ALSO EXCEPTING AND RESERVING THEREFROM THE ABOVE described premises all the lands and premises conveyed by William C. Jacobi and Mary S. Ruch to Harry W. MacVittie, Jr. by Warranty Deed dated February 13, 1942, recorded in Erie County Clerk's Office in Liber 3224 of Deeds, page 521 on March 27, 1942.

PARCEL II

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 61, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the southwest corner of Lot No. 61; thence easterly along the south line of said lot, 1850 feet; thence north parallel with the west line of said Lot No. 61, 374 feet to the center of Ellicott Creek; thence northwesterly along the center of said creek following the meanderings thereof about 550 feet to the north line of lands conveyed by Andrew B. Wik by deed recorded in Liber 1309 of Deeds, page 248 in the Erie County Clerk's Office; thence westerly parallel with the south line of said Lot No. 61 and along the north line of said lands deeded to Wik as aforesaid, 1445 feet to the west line of said lot; running thence southerly along the west line of said lot, 681.38 feet to the place of beginning, containing 27.26 acres of land, more or less.

PARCEL III

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING on the east line of Lot No. 67, 666.85 feet southerly from the northeast corner of said lot, said point of beginning being the southeast corner of lands conveyed to George Hagelberger by Deed recorded in Erie County Clerk's Office in Liber 1085 of Deeds, page 73; thence southerly along the easterly line of Lot No. 67, 916.10 feet to the northeast corner of lands conveyed to John J. Gross and his wife by deed

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (Cont'd.)

recorded in Erie County Clerk's Office in Liber 1508 of Deeds, page 192; thence westerly along the north line of lands so conveyed to John J. Gross and his wife, a distance of 1331.18 feet; thence northerly in a straight line, 925.49 feet to a point in the south line of lands conveyed to George Hagelberger by aforesaid deed, which is 1330.39 feet westerly from the point of beginning; thence easterly along said George Hagelberger's land, 1330.39 feet to the place of beginning.

PARCEL IV

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the easterly line of said Lot No. 67, distant 30 chains 58-1/2 links northerly from the southeast corner of said lot; thence northerly along the east line of said lot, 390.72 feet; thence westerly along the northerly line of the parcel of land first described in a Quit-Claims Deed dated August 31, 1933 given by Maple Forest Land Company, Inc. to John J. Gross and Matilda Gross, his wife and recorded in the Erie County Clerk's Office on December 12, 1933 in Liber 2299 of Deeds, page 405, 1332 feet; thence southerly on a line parallel with the easterly line of Lot No. 67, about 394.20 feet to the southerly line of the parcel of land first described in said deed recorded in the Erie County Clerk's Office in Liber 2299 of Deeds, page 405; thence easterly along the southerly line of said parcel, 1332 feet to the place of beginning.

PARCEL V

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the westerly line of said Lot No. 67 at the distance of 29.875 chains northerly from the southwest corner of said Lot No. 67; thence easterly 58.71 chains to a point in the east line of said Lot No. 67, distant 30.585 chains northerly from the southeast corner of said Lot No. 67; thence southerly along said east line of Lot No. 67, 5.365 chains more or less to a point, distant 25.22 chains northerly

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (Cont'd.)

from the southeast corner of said Lot No. 67; thence westerly 58 chains more or less to a point in the west line of said Lot No. 67, distant 25.22 chains northerly from the southwest corner of said Lot No. 67; thence northerly along the west line of said Lot No. 67, 4.655 chains more or less to the point or place of beginning.

PARCEL VI

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the westerly line of said Lot No. 67 at the distance of 20 chains 89 links northerly from the southwest corner of said Lot No. 67 and said point of beginning being the northwest corner of land conveyed to Nehemiah Smith by deed bearing date May 21, 1819 recorded in the Erie County Clerk's Office in Liber 5 of Deeds, page 125; running thence easterly along the northerly line of said Smith's land, 232 rods to a stake on the east line of said Lot No. 67; thence north along the east line of said Lot No. 67, 17 rods and 8 links to a stake; thence westerly on a line parallel to the south boundary 232 rods to the west line of said Lot No. 67; and thence southerly along said westerly line of Lot No. 67, 17 rods and 8 links to the place of beginning.

PARCEL VII

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey and bounded as follows:

BEGINNING at a point in the west line of said lot, 13 chains and 97 links north from the southwest corner of said lot; thence east bounding on land now or formerly owned by J. Klein and on a line parallel with the south bounds of said lot, 57 chains, 62 links to the east bounds of said lot; thence north bounding on part of Lot No. 61, 6 chains, 92 links to a post; thence west on a line parallel with the south bounds 57 chains 96 links to the west bounds of said lot; thence south bounding on part of Lot No. 73, 6 chains, 92 links to the place of beginning, containing 40 acres of land, more or less.

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (Cont'd.)

PARCEL VIII

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 73, Township 12, Range 7 of the Holland Land Company's Survey, bounded as follows:

BEGINNING on the east line of said Lot No. 73, 14 chains, 41 links northerly from the southeast corner thereof and at the northeast corner of land now or formerly owned by J. Kline as a 10 acre parcel in said lot; thence north $84\frac{1}{4}^{\circ}$ west 13 chains, 99 links to the center of the Skinneraville Road; thence north 32° east along the center of said road 15 chains, 40 links; thence south $62^{\circ} 45'$ east 7 chains, 15 links to the east line of said Lot No. 73; thence southerly along said line 11 chains, 30 links to the place of beginning, containing 13.01 acres, more or less.

EXCEPTING THEREFROM ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 73, Township 12, Range 7 of the Holland Land Company's Survey, being more particularly bounded and described as follows:

BEGINNING at a point in the center line of the Millersport Highway, distant 896.26 feet southwesterly from its point of intersection with the east line of Lot No. 73, Township 12, Range 7, said point of beginning being the northwest corner of the second parcel of land conveyed to Joseph A. Schuchert by deed dated October 26, 1937, recorded in Liber 2719 of Deeds, page 380, on October 29, 1937, and the southwest corner of the land deeded by Henry J. Wolf to Matilda Gross by deed recorded in Erie County Clerk's Office in Liber 1673 of Deeds, page 650; thence south $62^{\circ} 45'$ east and along the division line between the lands so conveyed to Joseph A. Schuchert and the lands so conveyed to Matilda Gross as aforesaid, 350 feet to a point; thence southwesterly and parallel with the center line of Millersport Highway 125 feet to a point; thence northwesterly and parallel to the first described line 350 feet to the center line of the Millersport Highway; thence northeasterly along said center line 125 feet to the point or place of beginning, containing one acre of land more or less.

PARCEL IX

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (Cont'd.)

part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the point of intersection of the northerly line of Maple Road 85 feet wide and the east line of Lot No. 67; running thence northerly in the east line of Lot No. 67, 689.40 feet to a point; running thence westerly parallel to the south line of Lot No. 67, 885.14 feet to a point; running thence at right angles southerly 688 feet to the northerly line of Maple Road; running thence easterly in the northerly line of Maple Road, 841.15 feet to the point or place of beginning, containing approximately 13.633 acres of land, more or less.

PARCEL X

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the southerly line of Maple Road and the easterly line of said Lot No. 67; thence southerly along said easterly line of said Lot No. 67, 149.33 feet to the southeast corner of said lot; thence westerly along the southerly line of said Lot No. 67, 400 feet; thence northerly parallel with said easterly line of Lot No. 67, 149.33 feet to the said southerly line of Maple Road and thence easterly along said southerly line of Maple Road, 400 feet to the place of beginning.

PARCEL XI

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 67, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southerly line of Maple Road at a distance of 400 feet westerly from its intersection with the easterly line of Lot No. 67; thence southerly parallel with the easterly line of Lot No. 67, 149.33 feet to the south line of said Lot No. 67; thence westerly along the southerly line of said Lot No. 67, 65 feet; thence northerly parallel with said easterly line of said Lot No. 67, 149.33 feet to the southerly line of Maple Road; thence easterly along the southerly line of Maple Road, 65 feet to

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (cont'd.)

the point or place of beginning.

PARCEL XII

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 66, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at an iron pipe set in the ground at the north-easterly corner of said Lot No. 66; running thence westerly along the northerly line of said Lot No. 66, 615 feet to a stake set in the ground; thence southerly along a line drawn parallel with the easterly line of said Lot No. 66, 1691.20 feet to an iron pipe set in the ground; thence north-easterly in a direct line, 218.64 feet more or less to a stake set in the ground 465 feet westerly from the easterly line of said Lot No. 66 in a line drawn westerly at a north-westerly angle of $92^{\circ} 20' 30''$ with said easterly line of Lot No. 66, from a point therein marked by an iron pipe set in the ground, which is 1847.34 feet southerly from the north-easterly corner of said Lot No. 66; thence easterly along said line drawn at a north-westerly angle of $92^{\circ} 20' 30''$ with said easterly line of Lot No. 66, 465 feet to said iron pipe set in the ground in the easterly line of said Lot No. 66; thence northerly along the easterly line of said Lot No. 66, 1847.34 feet to the point or place of beginning.

EXCEPTING THEREFROM that part of the above described premises conveyed by Joseph A. Schuchert, Sr. to Nora Perry by Deed recorded in Erie County Clerk's Office in Liber 4987 of Deeds, page 117.

Exhibit 3



a, Stanley J.

From: Gimont, Stanley <Stanley.Gimont@hud.gov>
Sent: Tuesday, April 23, 2019 11:35 AM
To: Sliwa, Stanley J.; Meinel, Peggy M
Cc: Winship, Maggie; Kulpa, Brian J.; Gimont, Stanley
Subject: RE: Audubon golf course
Attachments: Open space-public facilities repealer.pdf

Mr. Sliwa - The attached memo from 1984 indicates that HUD's interest in property acquired under the Open Space program was effectively repealed by legislation in 1983. The town may proceed to use the property as it deems appropriate without further HUD approval.

Stan Gimont
Deputy Assistant Secretary for Grant Programs
US Department of Housing and Urban Development
Washington, DC 20410
202.402.4559

From: Sliwa, Stanley J. <ssliwa@amherst.ny.us>
Sent: Tuesday, April 23, 2019 10:40 AM
To: Meinel, Peggy M <Peggy.M.Meinel@hud.gov>
Cc: Gimont, Stanley <Stanley.Gimont@hud.gov>; Winship, Maggie <mwinship@amherst.ny.us>; Kulpa, Brian J. <bkulpa@amherst.ny.us>
Subject: Audubon golf course

Ms. Meinel:

As you may recall from prior correspondence, I am the Town Attorney for the Town of Amherst. We are presently exploring the possibility of having a medical office building erected on parkland adjacent to the Northtown Center located at 1615 Amherst Manor Drive, Williamsville, New York. This parkland was acquired from the University of Buffalo (UB) on March 30, 1962. According to the Town's records and our prior communications of March 2017, a federal grant under Title VII of the Housing Act of 1961 was obtained in April 1963 from the U.S. Housing and Home Finance Administration to assist in acquiring the property which is also the location of a municipally owned golf course, Audubon. A copy of the grant documents is enclosed.

Based upon our prior discussions, it is our understanding that the Administrator of the U.S. Housing and Home Finance Administration has waived all rights and interest in the property acquired per the aforementioned grant thus permitting us to utilize this property for uses other than as stated in the grant. Please confirm this in writing.



If you have any questions or concerns regarding this request, please contact

Stanley J. Sliwa, Esq.

Town Attorney

Town of Amherst

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 CPD Chron/Files 7286
 CCB Patch 7280
 CFF Cohen 7212
 CA Dodge 7242
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 GU Kenison 2144
 CU 7233

MAY 18 1984

MEMORANDUM FOR: All Regional Administrators
 All Regional Directors for CPD
 All Office Managers
 All CPD Division Directors

FROM: Stephen J. Bollinger, Assistant Secretary for Community
 Planning and Development, C

FOR

SUBJECT: Elimination of HUD's Role and Responsibilities with Respect
 to Changes in Land Use of Facilities in the Open
 Space Program and the Neighborhood Facilities Program

Section 126(b)(2) and Section 126(b)(3) of the Housing and Urban-Rural Recovery Act of 1983 repealed the use restrictions for the Neighborhood Facilities Program authorized by Title VII of the Housing and Urban Development Act of 1965 and the Open Space Program authorized by Title VII of the Housing Act of 1961, respectively.

It has been determined that the effect of the repealers for these programs is to remove all Federal restrictions on the use of open space sites and neighborhood facilities.

In view of the foregoing it is not necessary for the grantee or public body to obtain HUD's concurrence in conversions, etc. You may wish to advise grantees accordingly. The grantee may convert the land or facility to any purpose it deems appropriate to its needs.

CCBP Terrell/Jcc

755-6935

5/17/84

PRE- CON- CURREN- CE CODE	ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
	CCBP	CCB	CA	CFF	CD	
Name	Terrell/Meyer	Patch	Dodge	Cohen	Dodge	
Date						

proportion of assistance received under this section be utilized for any particular type of dwelling unit; or (2) any priority for the receipt of such assistance that is based on the receipt or use of funds by an applicant or area under any other program of Federal assistance for housing or community development, other than the urban homesteading program established in section 810 of the Housing and Community Development Act of 1974."

(b) Section 312(h) of such Act is amended—

(1) by striking out "November 30, 1983" and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "December 1, 1983" and inserting in lieu thereof "October 1, 1984".

12 USC 1706e.
Ante, p. 746.

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 125. Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended by striking out "title" and all that follows through "1982" and inserting in lieu thereof the following: "title not to exceed \$16,512,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985".

42 USC 8107.

REPEALERS

SEC. 126. (a)(1) Section 414 of the Housing and Urban Development Act of 1969 hereby is repealed.

(2) Notwithstanding paragraph (1), the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act if, prior to the date of the enactment of this Act, either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

(3) Notwithstanding paragraph (1), section 414(b) of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2).

(b)(1) Section 106(g) of the Housing Act of 1949 hereby is repealed.

(2) Section 703(d) of the Housing and Urban Development Act of 1965 hereby is repealed.

(3) Section 704, and the second sentence of section 706, of the Housing Act of 1961 hereby are repealed.

40 USC 484b.
Property disposal.
40 USC 484b note.

40 USC 484b note.

42 USC 1456.

42 USC 3103.
42 USC 1500c,
1500c-2.

TITLE II—HOUSING ASSISTANCE PROGRAMS

ALLOCATION AND USE OF ASSISTED HOUSING AUTHORITY

SEC. 201. (a)(1) Section 213(a)(1) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: "Upon receiving an application for such housing assistance, the Secretary shall assure that funds made available under this section shall be utilized to the maximum extent practicable to meet the needs and goals identified in the unit of local government's housing assistance plan."

(2) Section 213(d) of such Act is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

(1) The Secretary shall allocate assistance referred to in subsection (a) (other than assistance approved in appropriation Acts for use under sections 9, 14, and 17 of the United States Housing Act of

42 USC 1439.

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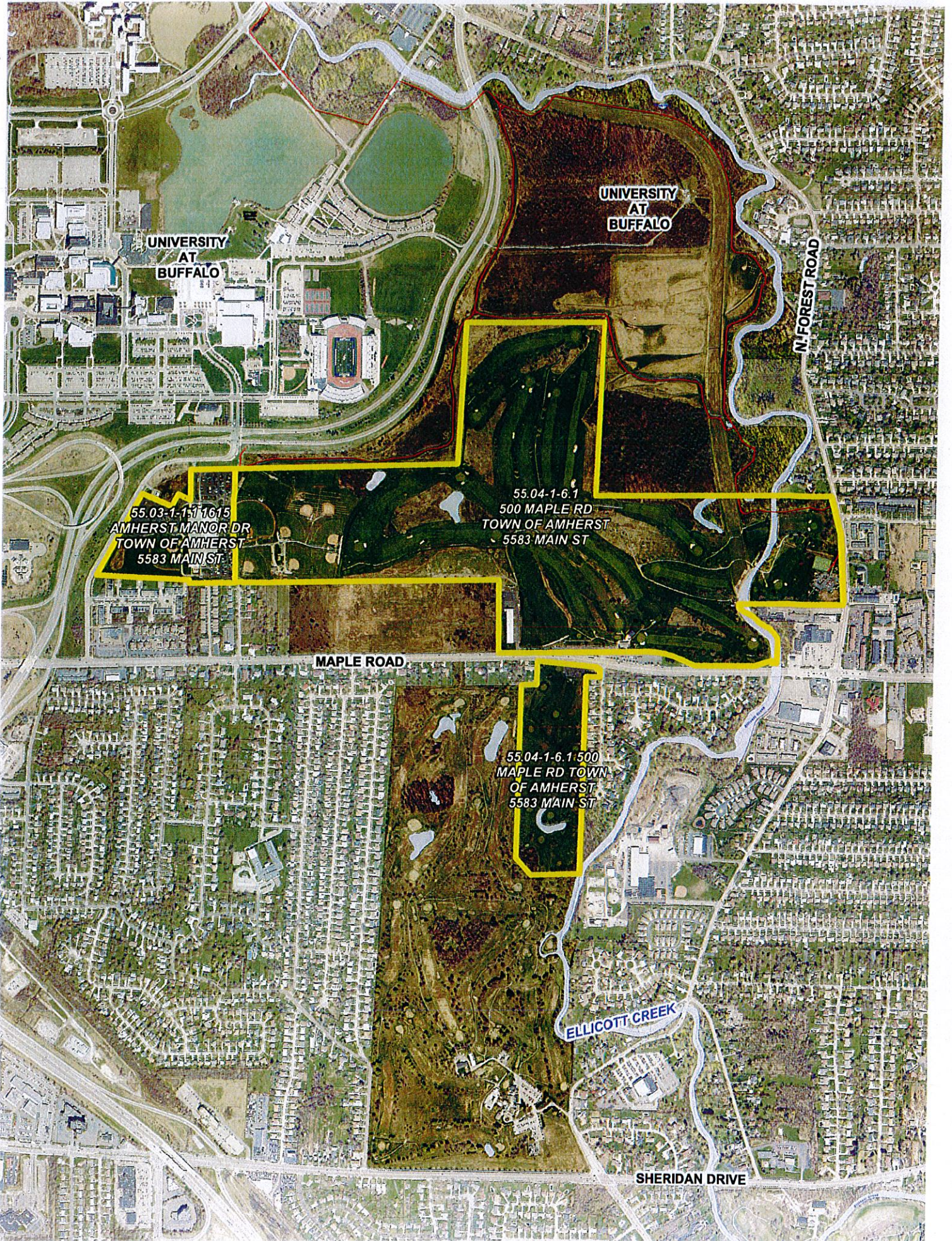
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Exhibit 4



UNIVERSITY AT BUFFALO

UNIVERSITY AT BUFFALO

N FOREST ROAD

55.03-1-1-1615
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TOWN OF AMHERST
5583 MAIN ST

55.04-1-6.1
500 MAPLE RD
TOWN OF AMHERST
5583 MAIN ST

MAPLE ROAD

55.04-1-6.1500
MAPLE RD TOWN
OF AMHERST
5583 MAIN ST

ELLICOTT CREEK

SHERIDAN DRIVE

Exhibit 5

