

**Proposed Westwood
Development FGEIS**

**Final Generic Environmental
Impact Statement**



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November 20, 2017

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1.0 INTRODUCTION

This document, in combination with the accepted Draft Generic Environmental Impact Statement (DGEIS) of December 28, 2015 for the proposed "Westwood Neighborhood" project, comprises the Final Generic Environmental Impact Statement (FGEIS) for the project. The purpose of the FGEIS is to incorporate all substantive comments received on the DGEIS during the public comment period and to provide responses to them.

This FGEIS and the associated revised figures and appendices include modifications to the project in response to comments received during the public comment period that ended on October 2, 2017. Comments were received from Town Departments, Town Committees, Town SEQRA consultant and the public.

The Amherst Town Board is serving as the SEQRA Lead Agency given that the Project Applicant (Mensch Capital Partners, LLC) is requesting that the zoning classification of portions of the project site be amended as follows:

- 134.79+/- acres from Recreation Conservation District ("RC") to Traditional Neighborhood Development District ("TND");
- 5.13+/- acres from Recreation Conservation District ("RC") to Multifamily Residential District Seven ("MFR-7"); and
- 1.16+/- acres from Recreation Conservation District ("RC") to General Business District ("GB").

1.1 SUMMARY OF SEQRA PROCESS TO DATE

Section 1.0 of the DGEIS contains a description and chronology of the "Amended Rezoning and Planned Unit Development Application" and subsequent SEQRA process up to the acceptance of the DGEIS on December 28, 2015. A Public Hearing on the DGEIS was held on November 17, 2016 by the Amherst Planning Board.

The initial Rezoning/Planned Unit Development (PUD) Application was submitted to the Town on July 14, 2014, together with the initial DGEIS. The first revision of the Rezoning/PUD Application was submitted on October 7, 2016. On December 19, 2016, the Applicant submitted a second revised "Amended Rezoning and Planned Unit Development Application" along with a revised Conceptual Master Plan that reflects project modifications based on comments received. The Planning Board continued the Public Hearing on January 19, 2017 to receive comments on the project modifications presented in the amended rezoning application.

On March 20, 2017, the Applicant submitted a third revised "Amended Rezoning and Planned Unit Development Application" and Conceptual Master Plan that reflected



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project modifications based on additional comments received during and after the January 19, 2017 Public Hearing. A copy of this final rezoning application is attached as Appendix A:, and this contains the Project details discussed herein. These details will be referenced as the Project hereinafter.

The Amherst Town Board, serving as the SEQRA Lead Agency, held a Public Hearing on the DGEIS on September 18, 2017. The public comment period was closed on October 2, 2017 with comments received.

1.2 SUMMARY OF PROJECT MODIFICATIONS

The following is a summary of the modifications made to the Conceptual Master Plan set forth in the DGEIS and constitutes the description of the current Project, which is the subject of this FGEIS. The Project Conceptual Master Plan can be referenced in Appendix A: and is summarized, below.

Relocation of Senior Living Development: The Applicant moved the senior living development closer to the center of the Project Site just to the north of the Focal Green. The senior living development was modified from two stories to be three stories in height in order to reduce the footprint of the senior building and make it consistent with the height of the proposed mixed use buildings.

New Townhome Community: The Applicant added a townhome community in the former location of the senior living development at the intersection of North Forest and Sheridan Drive with focal point permanent open space directly facing the intersection. The townhome community is proposed to consist of up to 75 townhomes that will be a maximum of three stories in height and include attached garages for at least one vehicle per unit on the front of townhomes. The townhome community has been designed to blend with the mixed-use neighborhood center.

Elimination of Office/Community Facility: The Applicant has eliminated the Office / Community Facility building, which consisted of approximately 112,800 square feet and redesigned the area adjacent to the 6.2-acre pond and the amphitheater to provide for a pedestrian "promenade" that will link the Focal Green with the Town Park along the pond.

Permanent Open Space and Trail Networks: The Applicant increased the amount of permanent open space from 64 acres (38% of the Project Site) to 83.3 acres (48.7% of the Project Site) and added a new focal park area facing the North Forest Road/Sheridan Drive intersection.

The Applicant also expanded and enhanced the pedestrian and bicycle trail network throughout the Project Site. The Applicant modified the trail network and included proposed public and shared parking areas to accommodate public use of the on-site trail network and the public park. The trails also include connections for crossing Maple Road and Sheridan Drive in an effort to accommodate connections to the existing and future trail network in the Town of Amherst. In addition, the Applicant included designated areas for social gathering and events consisting of a Focal "Green" centered in the neighborhood center and an outdoor amphitheater fronting the large lake.

Additional Townhomes along Frankhauser Road: The Applicant proposed an additional 15 townhomes along Frankhauser Road, which when combined with the original 40 townhomes depicted, adds up to 55 total townhomes on this portion of the Project Site.

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By way of summary, the FGEIS Conceptual Master Plan sets forth the following maximum numbers of the various components of the Project.

FGEIS Conceptual Master Plan

Proposed Townhouse Units:	130 Townhomes
Proposed Multi-Family Residential Units:	180 Multi-Family Residential Units
Proposed Larger Patio Homes:	26 Larger Patio Homes
Proposed Smaller Patio Homes:	57 Smaller Patio Homes
Proposed Single Family Homes:	41 Single Family Homes
Proposed Senior Independent Living Units:	104 Senior Independent Living Units (Note: Does not include the 200 assisted living units)
Proposed Hotel Bedrooms:	130 Hotel Rooms
Proposed Mixed-Use Residential Units	212 Multi-Family Residential Units in Mixed-Use Buildings

The Applicant proposed to construct the proposed project in three phases as described below:

Phase I: Construction of the entire north/south road from Maple Road to Sheridan Drive, along with the related primary public sanitary sewers and required mitigation, waterlines, drainage, lakes and all private utility infrastructure. Along with the north/south roadway, the landscaped buffers surrounding the site would be constructed. In addition, this phase would also include the roundabout along North Forest Road, the traffic signal on Maple Road, as well as the off-site transportation and sanitary sewer mitigation measures. The proposed traffic signal at Sheridan Drive will need to meet the necessary warrants from NYSDOT before it can be installed, and similarly the existing signal at Frankhauser will need to meet a series of requirements from NYSDOT before it can be removed. The Applicant will also complete the remediation of the property during this Phase I. The Applicant anticipates that this phase would take two years.

Phase II: Construction of necessary infrastructure improvements for individual project components. Initial construction of patio and single-family homes, hotel and senior residences, townhomes and apartments, office buildings and mixed-use buildings. Note: As part of this phase, the remaining landscaping for the construction of the public park, Focal Green and pocket parks would be constructed following the construction of the vast majority of the proposed buildings for the project. The Applicant anticipates that this phase would take one to two years.

Phase III: Continued construction and completion of patio and single-family homes, townhomes, apartments, and completion of mixed-use and office buildings within the Neighborhood Center. Because the homes are constructed as they are sold, the typical construction time period for a new residential neighborhood in Western New

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York is up to two years, which is why it may appear as though there is some overlap between Phases II and III. In addition, the construction of the mixed use and office buildings will be based on the demand for those spaces, which is why their construction was spread out between two phases. Overall, the Applicant anticipates that this phase would take one to two years as well.

1.3 UPDATED PROJECT ANALYSES AND INFORMATION

In addition to revising the Conceptual Master Plan as described in Section 1.2, the Applicant also provided updates to various studies and analyses to support the FGEIS Conceptual Master Plan. A listing of the supporting studies and analyses follows. Specific comments and responses on those studies are presented in Section 3.0 by subject matter/topic.

Sanitary Sewer Capacity: an updated sanitary sewer service analysis is provided in Exhibit "R" of the March 20, 2017 Amended Rezoning Application;

Traffic Impacts: A revised Traffic Impact Study ("TIS") prepared by SRF & Associates was provided to the Planning Department and Christopher Schregel, the Traffic Safety Coordinator on February 24, 2017. A letter prepared by Amy Dake of SRF & Associates summarizing the two NYSDOT safety studies along with copies of the studies are provided at Exhibit "U" of the Amended Rezoning Application.

Stormwater Treatment and Retention: The potential use of a stormwater pump station was included in the DGEIS. Since that time, the Applicant determined that the stormwater management for the three existing ponds in the northern portion of the Project Site will function without the use of a privately owned and maintained stormwater pump. See Exhibit "S" to the Amended Rezoning Application.

Residential Demand Concerns: In response to questions about the demand for the proposed residential and senior components of the mixed-use redevelopment project, the Applicant provided a Summary Analysis Report prepared by Donald Griebner, a licensed real estate appraiser, of Real Property Services LLC. See Exhibit "T" of the Amended Rezoning Application. The Summary Analysis also examined the demand for assisted living facilities in the Town of Amherst.

1.4 SEQRA PROCESS MOVING FORWARD

The Amherst Town Board, as Lead Agency is charged with the preparation of the FGEIS. After the Town Board issues the FGEIS, it will issue a Findings Statement concluding the environmental review and the SEQRA process.

It is important to note that a Generic Environmental Impact Statement (GEIS) is more general and conceptual in nature than a site-specific EIS. A GEIS is appropriate for this proposed project. GEIS's are commonly used for phased residential development and planned unit developments such as this project.

Per the NYSDEC "SEQRA Handbook", a GEIS is useful when there is a need to identify the important elements of the natural resource base and projected man-made features, patterns or character. They are particularly useful in setting forth the conditions, criteria or thresholds under which future site-specific actions may be

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undertaken. A GEIS should also include the thresholds and conditions that would trigger the need for supplemental determinations of significance or site-specific EIS's. Lastly, they provide for sound environmental planning and consideration of mitigation measures and alternatives at a time when there is greater flexibility.

A Final GEIS should not be expected to resolve site-specific issues, although some issues may be discussed and concluded to be non-significant. They should also identify those environmental issues for which supplemental determinations of significance and/or supplemental EIS's will be required. A supplemental GEIS to a Final GEIS must be prepared if any project components were not addressed or inadequately addressed in the GEIS and the subsequent action is likely to have significant environmental effects.

2.0 SUMMARY OF COMMENTS RECEIVED

2.1 COMMENT SUMMARY AND DESCRIPTION

Comments were received from various Town of Amherst Departments, regional agencies, the public and Stantec, acting as an independent consultant for the Town of Amherst over a period of one year and nine months. Comments were reviewed and categorized according to their main concerns. Each comment was given an identification (ID) of a letter followed by a 3-digit number. Comments received by agencies are identified by an "A", comments from the public with a "P", comments from speakers at public hearings by an "S" and Stantec by "STN". Three digit numeric values increase according to the order in which the comments were received.

Appendix B.3 provides a summary of all the received comments and the sections of this FGEIS that the comment applied to. Tables 2.1 and 2.2 in Appendix B.3 list comments by commenter ID number and by commenter last name, respectively. Within the text, applicable excerpts of comments are referenced in each section of the document. At the end of the excerpt the comment ID is referenced as "A-000" followed by the date the comment was received and name of the individual commenter. Due to the length of the comment period, some comments have been addressed in revised documents from the Applicant. For this reason, some comments may not be listed within the text, but are included in Appendix B.2.

3.0 RESPONSE TO COMMENTS

3.1 TOPOGRAPHY, GEOLOGY AND SOILS

3.1.1 Summary

Mensch Capital Partners, LLC ("Mensch") was accepted into the New York State Brownfield Cleanup Program (BCP) as a "Volunteer," and executed a Brownfield Cleanup Agreement with the New York State Department of Environmental Conservation ("NYSDEC") in March 2015. Mensch is a Volunteer because its liability to conduct the remediation arises based upon its status as the current owner of the site.

The first step in the BCP is to conduct a Remedial Investigation (RI) of the Site, which defines the nature and extent of the contamination on the entire Site. An RI generally includes both soil and groundwater sampling. Mensch submitted the RI Work Plan in early 2015, which was approved by NYSDEC in October 2015. Instead of implementing the full RI Work Plan, however, Mensch conducted two Pilot Studies. The first was conducted on the green, fairway, rough and tee of Hole # 6 in 2015. The results of this 2015 Pilot Study, which included 56 borings in Hole #6 and the analysis of 138 soil samples, was set forth in a March 2016 letter report. The Supplemental Pilot Study was completed in October 2016 and likewise focused on Hole # 6, and included approximately 60 soil borings and two groundwater monitoring wells. According to the report on the Supplemental Pilot Study dated January 18, 2017, the results will be used to refine the Site-wide RI Work Plan.

The revised RI Work Plan has not yet begun to be implemented at the Site. Once the RI is completed, a Remedial Work Plan ("RWP") will be prepared and approved by NYSDEC. The RWP will detail the steps necessary to complete the remediation of the Site. The NYSDEC sets various cleanup objectives based upon the future use of the property, including ones for unrestricted use, residential use, restricted residential, industrial or commercial uses.

The BCP sets forth cleanup tracks, with Track 1 for unrestricted use, Track 2 for unrestricted use with generic soil cleanup objectives, Track 3 for restricted use with modified soil cleanup objectives, and Track 4 for restricted use with site-specific soil cleanup objectives. Mensch stated at the Public Hearing that the intent is to clean-up the Site to the unrestricted standard, which would be a Track 1 remediation.

Mensch is obligated to comply with the NYSDEC-approved Citizen Participation Plan ("CPP") in completing the steps required by the BCP. As required by the CPP, documents related to the Site can be found at the document repository, which is at the Buffalo & Erie County Public Library.

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Mensch must complete the remediation and receive the Certificate of Completion ("COC") for the Site by December 31, 2019 in order to meet the current deadline to receive the more favorable Brownfield tax credits.

3.1.1.1 Agency Comments

1. The owners of the Country Club have been accepted into the New York State Department of Environmental Conservation's (DEC) Brownfield Cleanup Program (BCP), a voluntary remedial program, and is known as Site No. C915291. Acceptance into the BCP was based on data provided with the BCP application which indicated the presence of arsenic in the soil above DEC's Soil Cleanup Objectives (SCOs) for the proposed future use of the site.

DEC has approved a Remedial Investigation (RI) work plan that was prepared by the BCP applicant's consultant, in compliance with the SCP agreement. Implementation of the RI began last fall in a phased approach. Preliminary data has confirmed arsenic, along with other inorganic compounds including mercury, are present above their respective SCOs. The RI for the entire site is expected to continue through 2016. Once the nature and extent of contamination has been fully delineated, a cleanup plan will be developed and made available for public comment.

DEC is aware of the soil quality at the Westwood Country Club because the property is part of the BCP. DEC has no information regarding the presence of contamination at any other golf course in and around Amherst in Erie County, and DEC has no authority to require the course owners to test their soil. (A-009, 5/18/2016, Michael Cruden, NYSDEC).

Comment acknowledged. Also see Section 3.1.1, above, for additional information.

2. Given the multi-year construction period of the project, soils on a majority of the project site will be disturbed due to vegetation clearing, topsoil removal, site grading and excavation. These activities will have the potential to cause erosion and sedimentation impacts, particularly into Ellicott Creek. Specifically, what precautions, beside the usual plastic barrier and straw bales, will be taken to avoid sediment runoff to Ellicott Creek and bank erosion from happening?

The base rock for the project is limestone which maintains a constant temperature of about 57 degrees F. Has the use of geo-thermal heating and cooling been discussed for any of the structures, and if not, would you consider altering your plans for some of the structures to include this alternative energy source? Grants are available to help offset the cost of this process. Over the long run, geo-thermal energy is very cost effective.

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What is the updated plan for brownfield cleanup and how will future drainage of chemicals into Ellicott Creek be addressed? (A-011, 7/18/2016, Lois Shriver, ACAC).

A specific response to these comment is not possible until after the Remedial Investigation Work Plan has been reviewed and approved by the NYSDEC. See Section 3.1.1, above, for more information.

3. The Department of Environmental Conservation would like to provide you with an update on the status of the remedial investigation at the Westwood Country Club site. The Site owner has only just begun the first steps in the plan for the Remedial Investigation. A recent sampling report identified additional contaminants at levels that exceed the NYSDEC Soil Cleanup Objectives (SCOs) for all potential uses in the area sampled, including passive recreational uses. Based on the data available at this time, it is not possible to make a determination about future remedial efforts or future use for the Site. The total extent and significance of the environmental contamination at the former Westwood Country Club will not be known until the Remedial Investigation activities are completed and all of the sampling results are analyzed. Therefore, until the investigation is complete, the Department cannot predict what the results will be and what future uses are appropriate with or without remedial efforts. (A-030, 2/10/2016, James Strickland, NYSDEC).

Comment acknowledged.

4. In addition, ECDOH has a concern regarding the proposed realty subdivision (RSD) on land that has had significant chemical loading in the form of pesticides and herbicides. We recommend the developer prepare a soil management plan for ECDOH review and approval and then implement the plan prior to approval of the rezoning request. The plan should include, at a minimum, the following:
 - A study of the chemicals applied, including what type of chemicals; and when, why, and where applied (fairways, greens, etc.). Include information on where chemicals were offloaded, stored, spilled, or where any runoff would drain to.
 - A soil sampling plan including depths of soil, chemicals, and areas for testing, concentrating on potential human contact areas. (A-037, 8/22/2014, Dolores Funke, Erie County Department of Health).

Please see Section 3.1.1 for more information regarding the clean-up of the site.

5. Comments on the revised draft generic environmental impact statement.
 - Section 5.1.2 Soils states that SWPPP will be prepared pursuant to the requirements of the General Permit GP-0-10-001, effective January 29, 2010, since then the NYSDEC has revised the General Permit to GP-0-15-002, effective January 29, 2015. Please reference the revised general permit and stormwater management design manual (2015) in the report. (A-044,

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4/15/2015, Vaishali Reberholt, Town of Amherst Engineering Department, ACAC).

General Permit GP-0-15-002 is now the correct reference. Subsequent updates (if any) at the time of construction will need to be adhered to moving forward.

6. The following is a summary of all comments received by the Planning Department regarding the completeness of the revised Draft Generic Environmental Impact Statement (DGEIS) submitted on March 13, 2015 for the proposed "Westwood Neighborhood"

- Section 6: Mitigation Measures

Discuss mitigation of effect of a contaminated site on neighborhood. (A-046, 4/15/2015, Eric Gillert, Planning Director).

Please see Section 3.1.1, above, for more information.

3.1.1.2 Public Comments

7. Has all the soil testing been completed, analyzed and properly disseminated? If this hearing is being held now to meet a required town deadline on the calendar, opening this hearing presumably satisfies that need. No further review should be done until all information is received and made public. (P-023, 11/17/2016, Maryann Hochberg; S-073, 1/19/2017, Maryann Hochberg).

No. The soil testing has not been completed, analyzed and properly disseminated at this point. Please see Section 3.1.1, above, for more information.

8. With the requirement of the contamination clean-up, this whole process, at this juncture, is grossly premature. The clean-up is a long way from completion. NO ONE KNOWS the extent nor the cost of it. To say any differently is pure conjecture. The property owners are responsible for the clean-up, regardless of zoning. Just as homeowners are responsible for problems arising in and around their homes. (P-025, 11/19/2016, Judy Ferraro; S-032, 11/17/2017, Judy Ferraro).

Comment acknowledged. Please see Section 3.1.1, above, for additional information.

9. The soil testing must be completed and results made public before considering any plan. The developer is still working out methodology for testing, and they have only done a minimal pilot study. Without formal completion of testing and release of results, no plan should advance. (P-030, 1/19/2017, Maryann Hochberg; P-029, 1/19/2017, Jennifer Haas; P-032, 1/23/2017, Jennifer Haas; S-001, 9/18/2017, Jennifer Haas; S-056, 1/19/2017, Jennifer Haas).

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Comment acknowledged. Please see Section 3.1.1, above, for additional information.

10. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners.
- a. It is time for a reality check: The Town cannot afford to purchase the land. Or remediate the land and retain all the green space.
 - b. There are amazing advantages for the Town to go forward with the most recent Conceptual Plan being proposed by the Mensch Capital Partners Group.
 - c. Remediation of the brown field (P-132, 3/6/2017, Barbara Schuller).

Comment acknowledged.

11. It would be nice to have the earth that is contaminated cleaned for the public currently living in the vicinity. (P-148, 3/6/2017, Aimee Hecht).

Comment acknowledged.

12. Soil contamination is a real issue, and must be cleaned up. The pollution cannot be "swept under the rug" if this land is to be used for anything other than a golf course, it will have to be remediated- even if it is to become a park. Whereas it might be OK for a golfer to walk in spikes over ground contaminated with arsenic, lead, and banned pesticides. It isn't ok for a baby to crawl on it or families to picnic there. (P-172, 6/28/2017. Kaarsten Wisnock; P-200, 9/21/2017, Loise Bieron).

Comment acknowledged. Please see Section 3.1.1, above, for more information.

13. On more than one occasion have wondered whether contamination from the golf course could have impacted the health of my children. If the town can't clean it up, who will? What if more significant illnesses begin to crop up in residents that have lived on the edges of this site in the future. How will the town explain their reluctance to allow cleanup because some people prefer a Brownfield to cleanup? (P-035, 1/30/2017, Judith Hyatt; S-034, 11/17/2017, Judith Hyatt).

Comment acknowledged. Please see Section 3.1.1, above, for more information.

14. As a resident of the Town of Amherst, I have seen varying degrees of successful development. I feel the Westwood project will benefit the town in multiple ways: new tax revenue, job creation, remediation of tainted land and enhanced town parkland are just a few to mention. (P-048, 3/6/2017, Mark Wolfson; P-056, 3/6/2017, David Desmon; P-061, 3/6/2017, 3/6/2017, Scott Friedman; P-063, 3/6/2017, Jennifer

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Greco; P-067, 3/6/2017, Susan and Gerald Bergman; P-068, 3/6/2017, Stuart Angert; P-085, 3/6/2017, Mary D'Arrigo; P-086, 3/6/2017, Rise Kulick; P-087, 3/6/2017, Daniel Scully; P-095, 3/6/2017, Donald Hecht; P-106, 3/6/2017, Nancy Greenberg; P-109, 3/6/2017, Randi Morkisz).

Comment acknowledged.

15. This property needs to be developed since it is of little use to the Town in its current form considering its designation as a brownfield. Something needs to be done and this Master Plan appears to be a great solution! (P-069, 3/6/2017, Andrew MacDonald; P-114, 3/6/2017, Raymond Fink; P-117, 3/6/2017, Fred and Donna Saia; P-122, 3/6/2017, Nina Lukin).

Comment acknowledged.

16. Let's cleanup the brownfields. With approval of the project, MCP will remediate the contaminants left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's clean-up program will only reimburse MCP if MCP makes investments 10 times the cost of remediation. New York State's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and New York State. (P-054, 3/6/2017, Daniel Mecca; P-058, 3/6/2017, Walid Daham; P-060, 3/6/2017, Dan Shuman; P-083, 3/6/2017, Lorne and Lisa Steinhart; P-099, 3/6/2017, James Maloney, P-108, 3/6/2017, Philip Nanula; P-134, 3/6/2017, Leslie Kramer; P-144, 3/6/2017, Ronald Perry; P-146, 3/6/2017, Michael Mastrandrea; P-232, ND, Anonymous).

Comment acknowledged. Please see Section 3.1.1 above for more information.

17. I would like to voice my support for this project because in all my years of living in Amherst I have never seen a developer try to please so many different age groups. This seems like a win win for the residents and the town. The town gets a brownfield clean up, sewage investment, park space and tax money. We get a great new place to call home. (P-093, 3/6/2017, David Fiegel; P-120, 3/6/2017, Leah Blum; P-178, Warren Klein).

Comment acknowledged.

18. The designation of hazard associated with soil contamination is a non-issue if the park is preserved for passive recreational use by all Amherst residents. (P-188, 9/20/2017, Lee and Peggy Dryden).

Comment acknowledged. Please see Section 3.1.1 above for more information.

19. There is no evidence that the former Westwood Country Club is more contaminated or different than any other golf course in Amherst either private or public. There is no

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evidence that the Westwood Country Club couldn't be reused as a golf course or a public park without remediation. (P-214, 10/2/2017, Anonymous).

Comment acknowledged. Please see Section 3.1.1 above for more information.

20. I believe the entire contamination issue is a red herring and vastly overblown based typical incident and public hazard and cost. The owner has potential remediation costs now pegged at six to nine million dollars. I believe he is off by five to eight million. (S-002, 9/18/2017, Michelle Marconi).

21. But, my concern is once this is rezoned they' 11 do whatever they want, they' re giving us a proposed plan. We kept hearing the words a concept plan, but their concept plan does not address the environmental issues which is what I thought this particular meeting was supposed to be about tonight, it doesn't address the environmental issues and agree to pay \$600, 000 to help with sanitary sewers is a proverbial drop in the bucket of what it would cost to fix this issue (S-007, 9/18/2017, Tracy Hawk).

Comment acknowledged. Please see Section 3.1.1 above for more information.

22. I'd like to review a referendum in support of the development by the Mensch Group. Mensch acquired the former WCC study in 2012 and arsenic was recently discovered at the WCC site in levels that exceed acceptable standards as published by the New York State Department of Environmental Conservation.

And whereas the Mensch Group has since closed the golf course in the interest of public health. And whereas the DEC has accepted the site into its brownfields cleanup project. And whereas the Mensch Group is prepared to clean or remediate the site resulting in the site being certified for redevelopment by the DEC. (P-228, Chuck Rizzo; S-040, 11/17/2017, Chuck Rizzo).

Comment acknowledged.

23. When I buy a piece of property I'm always wondering what's going to come up next to it, what's the zoning next to it. To change it as this stage is not fair and I think that the whole business of brownfield is a big smokescreen and I base that partly on another meeting I attended years ago where the school district where I was working was doing soil samples, they were always concerned about what's in the soil in their school district and they found some arsenic. Not to worry, and the kids are still playing there to this day, they said because the arsenic was just from an old apple orchard. Apple seeds have arsenic.

We talk to people in our neighborhood, they said oh, yeah, I remember when there was an apple orchard here. So, you're going to take some 50-year-old apple orchard and use that as a basis to declare this unbuildable? And I agree with people that said it's not fair for somebody to buy a piece of property and just

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expect that it's going to be rezoned to what they want, that's not what zoning is for. This isn't a little ask, this is a huge ask. I would much rather see the property sit fallow, take the stupid fence down because it's really not brownfield. I don't think we have to spend a ton of money, I would be quite happy to see mother nature take it's course and just grow up around it, the town doesn't have to invest a lot of money in it. (S-050, 11/17/2017, Mark Rivard).

Comment acknowledged. Please see Section 3.1.1 above for more information.

24. How dare they now file for this cleanup that they didn't buy the dirtiest part, but because they found -what they did admit is like, they said it was from 13 parts per million is fine and 18 parts per million is industrial waste. I can't believe whatever cobalt or whatever metals are on there aren't in the rest of the town lawns. (S-070, 11/19/2017, Mark Rivard).

Comment acknowledged. Please see Section 3.1.1 above for more information.

25. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan! Add in the fact that this is a very contaminated Brownfield area and very toxic poisonous materials have already been found and many more could potentially be found! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged. Please see Section 3.1.1 above for more information.

3.1.1.3 Consultant Comments

26. Section 5.1.2 – Clarify anticipated soil balance. Provide estimated volumes of earth to be exported and imported to the project area? (STN-001, 10/2/2017,)

As part of the rough grading of the Project Site, the Project Sponsor would anticipate a balance of cut and fill soils, and as a result it is not anticipated that soil would need to be exported or imported, with the exception of the contaminated soil to be removed from the Project Site. The contaminated soil would be properly disposed of in accordance with the approved Remedial Action Work Plan approved by the New York State Department of Environmental Conservation (“NYSDEC”).

27. Section 6.1.2 - Correct the reference to the SPDES permit number to indicate it will be the General Permit and Stormwater Management Design Manual in effect at the time the notice of Intent is submitted to NYSDEC. (STN-002, 10/2/2017,)

Following the site plan and subdivision approval processes for the project, the Project Sponsor anticipates obtaining the proper SPDES General Permit number applicable at the time that the required Notice of Intent is submitted to the New York State Department of Environmental Conservation (“NYSDEC”).

3.2 WATER RESOURCES

3.2.1.1 Agency Comments

1. This pertains to the request submitted on behalf of Mensch Capital Partners, LLC, on January 13, 2016 for a confirmation of the validity of the approved jurisdictional determination issued on April 22, 2013 as well as letters received in 2014 from concerned citizens requesting that the USACE review and re-evaluate the April 22, 2013 jurisdictional determination for the 170 +/-acre Westwood Country Club site located at 772 North Forest Road in the Town of Amherst, Erie County, New York based on new information described in the letters. Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3. In November of 2014 we began our review and re-evaluation of the 2013 determination of federal jurisdiction over the subject parcel. We found that with the exception of the jurisdictional status of Channel I, the April 22, 2013 jurisdictional determination was valid and I am hereby verifying Federal wetland boundaries as shown on the attached wetland delineation map dated September 25, 2012 as amended with the addition of the annotation of Channel I (1,205 ft) near the bottom left-hand corner of the map. This verification was confirmed on June 28, 2016 and will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new wetland delineation will be required if a project has not been completed on this property and additional impacts are proposed for waters of the United States. Further, this delineation/ determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/ determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. (A-049, 7/21/2016, Lesta Ammons, Department of the Army)

This comment was provided on 7/21/2016 to the Project Applicant by the Army Corps of Engineers (ACOE) to document verification of the jurisdictional wetland delineation issued on 4/22/2013. It is provided here as background for subsequent comments.

2. With regard to the streams on the site, we were able to determine that the stream annotated as Channel 1 on the attached delineation map is a remnant of a stream that previously flowed westerly from the southeast across Sheridan Drive and then continued westerly across Frankhauser Road, across the 4176-4188 parcel and eventually flowing into Bizer Creek. Over time and through the installation of various infrastructure, this stream has been re-routed from its historical flow path and now

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enters the water collection system of the town through pipes located on the east side of Frankhauser Road.

With regard to the wetlands on the site, we determined that, except for a strip of acreage found in the southeast quadrant of the Westwood site (roughly equivalent to the area of the stream that is found in that area), the soils on the site are moderately well drained to poorly drained and are classified as non-hydric. Historical aerial photographs and topographic maps indicate that the water features annotated as Wetlands 1-10 on the attached wetland delineation map did not exist prior to the construction of the golf course.

The water features identified as Wetlands 3, 4, 6 and 9 are actually not wetlands as defined by the US Army Corps of Engineers. Instead they are open water features that appear to have been excavated in upland areas either as water hazards for the golf course, or as ponds created for aesthetic reasons and/or for irrigation. In general, the Corps does not consider artificial lakes or ponds created by excavating and/or diking dry lands used for irrigation or small ornamental bodies of water created by excavating and/or diking dry land for primarily aesthetic reasons to be regulated waters of the US (Preamble to the Federal Register Vol 51, No. 219, 33 CFR Parts 320-330). This is irrespective of any connection to other waters of the US.

The remaining wetlands on the site (Wetlands 1, 2, 5, 7, 8 and 10) appear to have developed through the grading and/or manipulation associated with the construction and maintenance of the golf course. We have found no evidence that these wetlands ever had a surface water connection to Ellicott Creek or other waters of the US. It has been documented that at some point in the history of the Westwood site, irrigation piping and/or drainage pipes were installed to either use water from some of the water features for irrigation or other needs of the golf course or to control storm water overflow from these ponds by draining it to Ellicott Creek. These artificial drainage pipes are not waters of the US and do not constitute a shallow subsurface connection that might bring the wetlands or artificial ponds under federal jurisdiction. In addition, based upon information we received from the project proponent and confirmed by correspondence from the Town of Amherst, the subsurface pipes have subsequently been blocked, an action over which the Corps has no jurisdiction.

Finally, due to the proximity of Wetland 9 to Channel 1, we walked the perimeter of Wetland 9 and could find no evidence of drainage into Channel 1 from Wetland 9 either on the surface or through a shallow subsurface layer.

Based on the Corps review and site re-evaluation of the Westwood site, the Corps issued a new jurisdictional determination to Mensch Capital Partners on July 21, 2016. This determination was coordinated with both USEPA and Corps of Engineers Headquarters in accordance with current requirements. The new jurisdictional determination adds Channel 1 as a regulated water of the US, and reaffirms that

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Ellicott Creek is a regulated water of the US. In addition, the new determination confirms that the features identified as Wetlands 1-10 are not regulated and are outside of the Corps jurisdiction.

(A-014, 8/19/2016, Steven Metivier, Department of the Army).

Comment acknowledged.

3. Mr. Hopkins' (1/13/16) letter to the USACOE deals with the wetlands on the property. One portion of the letter is relative to wetland areas 2/3, 4, 5, 6, 7 /8 and 11. The other wetland area discussed within the letter is area 9. Wetland 9 is a non-issue in the eyes of this office. We had previously asserted within Tom's memo to you (10/9/14) that the northern chain of wetlands (2/3, 4, 5, 6, 7 /8,) were all connected to each other and to Ellicott Creek (wetland 11) and the communication between one another represented an ecological continuum and therefore all of these areas should be considered a viable ecological habitat and should be re-reviewed and found to be Jurisdictional. Mr. Hopkins' letter indicates within Exhibit E that the petitioner installed a new bulkhead in May 2015 (after the town's correspondence on the matter) in an effort to cut off Ellicott Creek (wetland area 11) from the rest of the northern chain of wetland areas. The result is that wetland areas 2/3, 4, 5, 6, 7 /8 will now no longer drain at all and will simply hold water onsite and will not communicate at all with the Creek. First, I question whether this work required a TOA plumbing permit and if so, did the petitioner acquire said permit? Second, I question the environmental legality of the bulkhead installation considering it would likely be considered by USACOE as unauthorized wetland mitigation by severing the ecological continuum between these areas and the Creek. This is also likely to be viewed by USACOE as an admittance that all of these areas (2/3, 4, 5, 6, 7/8 and 11) all had/have a eco continuum and their actions were clearly meant as an unauthorized de facto mitigation of wetlands and therefore illegal as per environmental law. The petitioner's actions, in my opinion, not only represent concurrence with these northern areas being viable wetlands, but certainly warrant a reevaluation of the site including the petitioner's actions by USACOE. (A-004, 1/14/2016, Brian Armstrong, Town of Amherst Engineering Department).

The ACOE has confirmed that the wetlands 1-10 in question are not jurisdictional. Ellicott Creek (aka Wetland 11) and Channel 1, however, are jurisdictional. See Comment #1. The bulkhead in question may have been installed without a permit and will need to be revisited as a permit enforcement action.

4. Further, we continue to assert that that the northern chain of wetlands (2/3, 4, 5, 6, 7/8 from the EDI Wetland Delineation Report) are all connected to each other (above and below grade) and to Ellicott Creek (wetland 11). The communication between one another represents an ecological continuum and therefore all of these areas should be considered a viable ecological habitat and should be reviewed again by USACOE. Mr. Hopkins' has previously indicated that the petitioner

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installed a new bulkhead (gate valve) in May 2015 in an effort to cut off Ellicott Creek (wetland area 11) from the rest of the northern chain of wetland areas. This work was later found to have been completed without a Town plumbing permit and the result is that wetland areas 2/3, 4, 5, 6, 7/8 now no longer drain and hold water onsite. This office continues to view these actions as an attempt by the petitioner to isolate these areas (2/3, 4, 5, 6, 7/8 and 11). Lastly, it continues to be the opinion of this office that the owner's/petitioner's actions warrant a formal USACOE reevaluation of the site and identified wetlands, including the owner's actions. (A-010, 7/13/2016, Brian Armstrong).

See Comment #1.

5. How accurate is the drainage analysis and how were the results achieved?

- Will the water from the retention/detention ponds pass through a filtering device to remove fertilizers and other pollutants prior to discharge into Ellicott Creek?
- What is the level of the water table?
- Are the ponds perched?
- Given the clay soils in the area, how long would it take for the ponds to drain after a heavy rain event or in case of a heavy snowmelt in the spring? Would the ponds hold water for an extended time leading to a stagnant situation?
- What are the potential adverse effects of the altered flood-plain elevation and redirected surface water have on the surrounding residential areas? (A-011, 7/18/2016, Lois Shriver, ACAC).

The applicant will need to present detailed stormwater calculations at the time of overall preliminary site design that demonstrate that the project will be compliant with the SDPES General Permit for Construction Activities that is current at the time the project goes into construction. The study will address water quality, flood prevention and runoff reduction. Further, the analysis will include an analysis of groundwater depth in relation to stormwater infiltration.

Floodplain volume that is filled as part of this project will need to be compensated for elsewhere on the project site. This will also require verification that the flood plain/floodway elevations upstream and downstream of the project remain unchanged. This plan will need the final approval of the local flood plain administrator.

6. The rezone proposal includes provisions for the creation of wetlands in conjunction with the ponds and lake. The hardwood stand is already a large wetland area, so it makes sense to keep it as it so to provide a natural recreation area for residents to enjoy. Created wetlands are rather sterile for many years until they actually become

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wetlands. A few trees and some native plants does not make a wetland. (A-016, 11/17/2016, Lois Shriver, ACAC; S-038, 11/17/2017, Lois Shriver).

Created wetlands are likely necessary for water quality purposes and should not be classified as recreational areas. Wooded areas should be saved where possible.

7. As requested, we have reviewed the letter from Sean Hopkins, Esq. to the US Army Corps of Engineers (the Corps) dated January 13, 2016 in regard to wetlands on the former Westwood Country Club property now owned by the Mensch Partnership. At issue is a determination by the Corps that the wetlands at the northern end of the property are isolated and not subject to regulation. Upon completion of our review we concur with Brian Armstrong's findings that these wetlands are linked by subsurface connections to each other and Ellicott Creek as follows:

- Wetland 9 at the southern end of the site adjacent to Sheridan Drive is not connected to the wetlands at issue.
- as previously asserted in a memorandum from then Commissioner of Building, Thomas Ketchum, PE dated October 19, 2015, that the northern chain of wetlands (2/3, 4, 5, 6 and 7/8,) are connected to each other and to Ellicott Creek (wetland 11);
- subsurface connections between these wetlands represented an ecological continuum and therefore all of these areas should be considered a viable ecological habitat and should be re-reviewed and found to be Jurisdictional;
- Mr. Hopkins' letter indicates that Mensch Partnership installed a bulkhead in the outfall of the drainage system in May 2015 in an effort to cut the northern wetlands off from Ellicott Creek.
- the result of the installation of the bulkhead is that wetland areas 2/3, 4, 5, 6, and 7 /8 no longer drain and will simply hold water onsite and not discharge to the Ellicott Creek.
- it would appear that the bulkhead may have been installed without the required Town permit,

Based on these findings, we conclude that northern wetland areas (2/3, 4, 5, 6 and 7/8) are hydraulically connected and that the installation of the bulkhead was contrary to current wetland regulations and Town Code. We therefore recommend that this information be transmitted to the US Army Corps of Engineers and New York State Department of Environmental Conservation. (A-029, 1/27/2016, Eric Gillert, Amherst Planning Director).

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The ACOE has confirmed that the wetlands 1-10 in question are not jurisdictional. Ellicott Creek (aka Wetland 11) and Channel 1, however, are jurisdictional. See Comment #1.

8. Appendix III, Appendix M; Preliminary Drainage Analysis Report is incomplete as it does not address the Town's drainage policy where 25-year post-development conditions are compared against the 10-year pre-developed conditions. This Report is also lacking all detail regarding the proposed stormwater pump station, its ownership and associated operation and maintenance responsibilities. The Report is also devoid of existing flood elevations within Ellicott Creek, without which stormwater design parameters cannot be analyzed. (A-036, 8/24/2014, Thomas Ketchum, Town of Amherst Engineering Department).

The applicant recognizes the drainage requirement. Since the date of this comment (8/26/2014), the applicant has provided updated information for the pre and post-development comparison. The applicant has also indicated that the storm water pump station will be avoided. A detailed analysis that accounts for the water elevations in Ellicott Creek must accompany future applications.

9. This memorandum is written in response to your concerns relative to the wetland information that was presented by the petitioner within their request for rezoning submission. Within the submitted documentation, the petitioner presented a Wetland Delineation Report, dated September 2012 by Earth Dimensions, Inc. and a corresponding Department of the Army Acceptance of Wetland Delineation letter, dated April 22, 2013. The findings presented within these documents are based entirely on Earth Dimensions' assertion that the identified wetland areas are hydraulically isolated from each other.

In an effort to address your concerns, this office has now researched the topography and hydrology of the project site. While we concur with the presented locations of the identified wetland areas (attached Exhibit A), we do take exception to most of the these areas being considered isolated hydraulically and therefore non-jurisdictional. For your use, we have generated the attached plan (attached Exhibit B) based on detailed records and plans that were submitted by Westwood in 1999 during the plumbing permit process to install drainage system improvements. Since installation, those improvements now provide direct, unobstructed and uncontrolled hydraulic connectivity between most wetland areas and the creek and is regulated only by rain and flow parameters.

As per the above info and Exhibit B, it is the opinion of this office that wetland areas W2/3, W 4, WS, W6, W7/8 and WI I all exhibit hydraulic connectivity and therefore possible ecological continuum between each other and Ellicott Creek. It is also our opinion that via the drainage system, that all of these wetland areas directly affect Ellicott Creek and in turn, are all directly affected by Ellicott Creek recharge during times of seasonal rain/snow-melt events, as confirmed through conversations with

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numerous Westwood members, staff and surrounding neighbors. As a result of this hydraulic connectivity, we believe that these wetland areas should be reevaluated by the Army Corps of Engineers. (A-038, 10/9/2014, Thomas Ketchum, Town of Amherst Engineering Department).

The ACOE has confirmed that the wetlands 1-10 in question are not jurisdictional. Ellicott Creek (aka Wetland 11) and Channel 1, however, are jurisdictional. See Comment #1

10. Having reviewed and evaluated the Wetland Delineation Report and subsequent Wetland Delineation letter from your office, dated April 22, 2014, for the above referenced project, I formally request your office to review the attached letter from our Interim Town Engineer. In that letter, our Engineering Department has further researched the topography and hydrology of the referenced parcel and has determined that most of the identified wetland areas are in fact linked and, therefore, not isolated. Further, the linked wetland areas communicate directly with Ellicott Creek, therefore, representing an ecological continuum. Due to this information, our Engineering Department has concluded that a reevaluation of the identified wetlands by your office [U.S. Army Corp of Engineers] is warranted. (A-038A, 10/10/2014, Barry Weinstein, Town Supervisor).

The ACOE has confirmed that the wetlands 1-10 in question are not jurisdictional. Ellicott Creek (aka Wetland 11) and Channel 1, however, are jurisdictional. See Comment #1.

11. DGEIS Section 5.2.1.2 Water Quality states the stormwater management system, including the new ponds and a lake will be maintained, but the report does not specify who will own these water quality features and maintain them during the life of the post construction measures. Post Construction measures need to be regularly inspected and maintained by cleaning the accumulated silt at the bottom of the pond/lake once the pond reaches 50% of its original capacity. (A-044, 4/15/2015, Vaishali Reberholt, Town of Amherst Engineering Department, ACAC).

The Applicant suggests that the lake and "town park" are to be maintained by a "master association" though access easements will be granted to the Town of Amherst. The maintenance responsibility for the stormwater features needs to be clearly stated by the Applicant.

12. DGEIS Section 5 - Conjecture: "Westwood Park ... will preserve and enhance the natural resource of the creek, associated jurisdictional wetlands and adjacent riparian areas." (Section 5, pg. 9). "The project will result in the preservation and enhancement of the Ellicott Creek corridor." (Section 5, pg. 10). "Because the topography ... is generally flat, the project sponsor anticipates that the on-site storm water management system will require a subsurface stormwater pumping station to

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convey stormwater flows to the proposed lake." (Section 5, pg. 16). (A-045, 9/3/2014, Eric Gillert, Planning Director).

The Applicant has indicated the storm water pumping station is no longer required. Comments related to the enhancement of the natural resource are unsubstantiated opinions.

13. DGEIS 5.2 - Include a threshold for flooding of Ellicott Creek. (A-046, 4/15/2015, Eric Gillert, Planning Director).

DGEIS 5.2: Include information on how the base flood elevation of Ellicott Creek is calculated. (A-048, 6/30/2015, Eric Gillert, Planning Director).

See response #4. Furthermore, flooding elevations and threshold are based on mapping provided by FEMA. The proposed project will need to be analyzed for consistency with these base line studies.

The following comments encompass concerns and opinions stated by agencies.

14. Use SWPP's as engineered and detailed in plans, absolutely no use of surface booms. (A-040, 4/19/2015, Conn Keogh, ACAC).

Best management practices will be employed consistent with the SPDES Conventional Permit.

15. 1, 5, 10, 25, and 100-year floods can occur at any given year. Section 4.0 proposes filling the site 100-year flood plain. It is recommended any flood plains remain intact and that the 100-year plain be dedicated to Ellicott Creek stormwater management. (A-040, 4/19/2015, Conn Keogh, ACAC).

True, return intervals for design storms are only indications of the likelihood of a rain fall intensity at any given point in time. The final drainage design needs to accommodate the flood plain/floodway for Ellicott Creek. Any filling of the floodway storage must be compensated for in other areas of the project and approved by the Flood Plain Administrator.

3.2.1.2 Public Comments

16. Loss of natural water absorption. Concrete is impervious. (P-022, 11/17/2016, Maureen Schmitt; P-195, 9/21/2017, Martin and Gail Schwarz; S-045, 11/17/2017, Maureen Schmitt).

True. The increased impervious area will be mitigated by storm water management practices

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17. Impacts to Ellicott Creek including flooding and pollution. (P-022, 11/17/2016, Maureen Schmitt; S-045, 11/17/2017, Maureen Schmitt; S-046, 11/17/2017, Kim Utech).

Potential impacts to the creek will be mitigated based on the Town Drainage Policy and the SPDES General Permit requirements.

18. The developer, Mensch, created four very different layouts in 2014, 2015, 2016, and 2017. Each time they say they have listened to the people but each time the big problems remain. All four plans show the same disregard for the flood plain along Ellicott Creek. They have had four tries to scale back and stay out of this vital overflow area. There is a reason that this creek is a string of golf courses. Each spring, Park Country Club, Westwood, and the town golf courses flood and eventually drain without destroying homes. Every year Mensch shuffles the layout but won't back off of the flood plain. (P-192, 9/21/2017, Mark Rivard).

See response #4.

19. Attached are two more precise calculations of the runoff created by a 3 inch rainstorm. The first uses a weighted average curve number which results in 881,188 cubic feet of runoff. The second uses a weighted average volume which results in 1,026,388 cubic feet of runoff.

That runoff will hit Ellicott Creek upstream from where our surrounding neighborhoods are presently draining. The acreage of this Westwood project is about the same as the existing neighborhood bounded by Maple Rd, Fairways/Frankhauser Rd, Sheridan Dr. and 290. That means our existing neighborhood drainage slows until the bolus created by Westwood passes which translates into more flooded basements.

NOAA states that "Action Level" for Ellicott Creek occurs at 1260 cubic feet per second with "Minor Flooding" occurring at 2,090 cubic feet per second. Ideally, the one million cubic feet of runoff referenced above would minimally add 278 cubic feet per second over one hour of drainage. I say ideally because most rainstorms don't hit and run in just one hour - consideration must be given for longer storms, saturated ground, existing snow pack, etc.

Keep in mind this area north of Main Street is flatland. Ellicott creek drops almost 50 feet as it flows through Williamsville including the 27 feet at Falls at Glen Park which is the Onondaga Escarpment. This area below the Onondaga Escarpment drains slowly. Ellicott Creek is lined with trees and prone to log jams. The Town of Amherst is not actively maintaining Ellicott Creek as can be seen from all the dead trees along the Amherst Bike Path. It needs greenspace like Westwood, Buffalo Gun Club, and both Audubon golf courses to slow down and absorb runoff. You simply can't just

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keep dumping more runoff into the Creek without creating problems for the surrounding neighborhoods. (P-199, 9/26/2017, Phil Parshall).

See response #4.

20. All development plans by Mensch have this waterway paved over and built on. They would need a permit from the Army Corps of Engineers to be able to do so. While this waterway is not large or free flowing (anymore) and per Mr. Hopkins "was simply used to irrigate the golf course," it is still a federal jurisdictional waterway which at one time ran freely for several miles to connect Bizer Creek across Westwood to Ellicott Creek. So, its only purpose was NOT just to irrigate the golf course. It assisted in area flood control and water run-off. This waterway (Channel 1 per Army Corps and known as Ditch 5 to the Town of Amherst) flows under Frankhauser Road between #54 and #60 and then through the backyard of my neighbors and myself. Back before my time, my grandparents had a large vegetable garden in the back of my lot and the creek was used to irrigate that in the 1930s-1960s. The Town has also, unfortunately, had a hand in altering this waterway with storm and sewer Infrastructure changes that were made at some point in the 1980s on both Sunrise Boulevard and on Frankhauser Road where the channel flows under those roads. (Unfortunately do not have exact dates as I was a youngster then). (P-202, 9/25/2017, Alanna Hughes).

See response #4.

21. Our green fields and wetlands are an important part of the ecosystem, they prevent existing problems from becoming worse, together they are a sponge for central Amherst. It is mother nature's way of dealing with flood control during storm events, snow melt and rainfall. How much time, effort and money are being devoted to attempt to mitigate what is already provided by mother nature? (S-003, 9/18/2017, Judy Ferraro; P-216, 10/2/2017, Rochelle Lawless; P-217, 10/2/2017, Kara Eyre).

See response #4.

22. Hydraulic assessments performed during the summer of 2016 during a record drought in Amherst is disingenuous and reprehensible. It makes no difference who is conducting them. It should be noted also that winter wetland delineations are victoriously inaccurate (S-003, 9/18/2017, Judy Ferraro).

See comment #1 and response #4.

23. And yet my main thing tonight is to show you these four plans that are Mensch plans and you can see 2014, '15, and at the bottom here it shows '16 and here's '17, here's the purple they just showed. These are all their plans, there's much bigger, nicer copies downstairs in the Planning Department. And they keep talking about we

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can change, we can change. Here's four years of plans and you can see a common thing. This is the hundred-year floodplain and yet you see they're building in the hundred year floodplain like it was nothing (S-004, 9/18/2017, Mark Rivard; S-070, 1/19/2017, Mark Rivard).

See response #4.

24. ...I do --my property does back up to the creek and I've got some pictures I'm going to show you of the flooding in a moment. But could you pick up the flap? And it shows you where the community, the multi-family community is. And then put the flap back and that is the flood zone. If you're going to make a park out of this area, are you going to close it for the winter, because this is what happens when it rains and when the snow melts (S-005, 9/18/2017, David Newer; S-041, 11/17/2017, David Nuwer).

See response #4.

25. If you're going to make a park out of this area, are you going to close it for the winter, because this is what happens when it rains and when the snow melts. (S-005, 9/18/2017, David Newer).

See response #4.

26. On the flooding issue, the watershed is already at capacity. During hard rain there is horrible flooding, we've already had several this year. On two rain events this year I witnessed water gushing up and out from the grates, like a geyser almost two feet in the air on Fenwick, directly across from the Westwood Development, the south end. You can see the flooding here on Fenwick, this is directly across Sheridan from the proposed south entrance to the development. This spot on Fenwick as I said was directly across. We already need help with the existing capacity, it's already insufficient and there is no way that this area can absorb the amount of runoff and sewer volume this proposal would create (S-011, 9/18/2017, Michael Kankiwicz).

See response #4.

27. The initial blast of runoff from these intense rain storms is stressing the drainage of Amherst streams. The stream that crosses Frankhauser Road at Millbrook now almost fills its road culvert from a three inch rain storm. (S-013, 9/18/2017, Diane Weinert).

See response #4.

28. He glossed over the federal jurisdictional waterway that is on the Westwood property and it goes between 54 and 60 Frankhauser and comes across and runs across the back of my property. They have -- their plans show that they're building over this. I would assume they need a permit from the Army Corps of Engineers to do so. So, it's just a couple 100, 200 feet off of Sheridan on Frankhauser. So that's

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one point, that's an environmental impact, government jurisdictional waterway on no property, it may be small, but it's there. (S-020, 9/18/2017, Alanna Pohl Hughes).

See comment #1.

29. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act is required since the 1,205 ft. of channel 1 in the southwest portion of the project site is a federally jurisdictional wetland area.

- We need to protect our wetlands. (P-183, 9/14/2017, Maryann Hochberg).

See comment #1.

30. Drainage of water from this property

- This property is wet and soggy. Following periods of rain and snow melt, large amounts of water accumulate on this land. In addition, a portion of it is part of the Ellicott Creek floodplain and another part is a federal jurisdictional wetland area. This land has a problem with water and its drainage, and a large scale building on it will make the situation worse. If this property is rezoned and developed, the water drainage, one way or another, will become a major problem for the Town of Amherst. (P-186, 9/11/2017, Mary and Raymond Boehm).

See response #4.

3.2.1.3 Consultant Comments

31. Section 5.2.1.1 - The Stormwater Management Plan and C&S Companies Letter of 03/17/2017 contemplates discharging the lake and the northern pond separately to Ellicott Creek. These discharge points may require channelization once the discharge rates are determined. This work would most likely impact the stream bank. Detail the permitting process for this occurrence. (STN-003, 10/2/2017,)

Depending on the height of the discharge points, the Project Sponsor may need to seek a stream disturbance permit from the US Army Corps of Engineers ("USACE"), which is not atypical for a project of this type on property adjacent to a regulated creek.

32. Section 5.2.1.1 - Clarify that any grading within the regulated wetlands along Ellicott Creek will require NYSDEC and ACOE permits. (STN-004, 10/2/2017,)

Any grading activities within regulated wetlands associated with Ellicott Creek would require a permit from the USACE and the NYSDEC. It is also important to note that the Project Sponsor plans to enlarge the existing ponds on the Project Site comprised of non-jurisdictional wetlands, which represents a long-term environmental benefit associated with the proposed project.

33. Section 6.2.3 - Clearly state that the upstream and downstream floodplain elevations will not be increased after development, or specify the proposed change in elevations. (STN-005, 10/2/2017,)

The final elevations will be determined with the final design of the project. As the Project Sponsor has stated during the public hearings held by the Planning Board and the Town Board, the final site design will not increase the floodplain elevations within the regulated floodway and on-site storage capacity for impacts to the regulated 100-yr. floodplain associated with Ellicott Creek will be provided to compensate for impacts to the 100-yr. floodplain as depicted on the current Conceptual Master Plan.

3.3 BIOLOGICAL RESOURCES

3.3.1.1 Agency Comments

1. The stand of hardwood trees located at Wetland #5 has existed since 1927 and can be seen on p. 28, Attachment # 13. Hardwood swamp is of a greatest priority to be preserved, and this stand probably wouldn't be contaminated as it wasn't used as a green on the course. Could this stand of trees and wetland be preserved? (Appendix 1 -P. 148 Wetlands) (A-011, 7/18/2016, Lois Shriver, ACAC).

The stand of hardwoods mentioned will remain as they are not included in any of the proposed development footprints. The existing ponds are now proposed to be expanded in the current Conceptual Masterplan.

2. Will the area be sprayed for mosquitos? (A-011, 7/18/2016, Lois Shriver, ACAC).

There has been no discussion to date regarding the need to spray for mosquitos. The Applicant will address this question as part of the Site Plan review process once site grading and pond maintenance issues are better known.

3. The property has many mature trees of varied species. Specifically, how many trees will be removed in the proposed plan and will the developers provide a map of trees to be removed and those that will remain? (A-013, 7/18/2016, Ellen Banks, ACAC).

It is not possible to accurately determine the number of trees to be removed and those to remain. This information will be provided and reviewed by the Town Planning Board during the Site Plan Review process.

4. Does the plan include landscaping with predominantly native species? (A-013, 7/18/2016, Ellen Banks, ACAC).

It is anticipated that the landscaping plan will include as many native species as possible. The information will be provided and reviewed by the Town Planning Department during the Site Plan Review process.

5. I would like to comment on one issue of great concern to the ACAC. That being preservation of the old growth hardwood swamp area in the northwest quadrant of the proposed development. This stand of trees is visible as a mature forested area going as far back as 1927. (See photos)

It reads on page 4 of Exhibit "F" that "The Project Sponsor carefully considered redevelopment options that would take advantage of the physical characteristics of the site while respecting existing environmental features." Regarding Community Character, the document refers to (p. 7, Exhibit "F"), "the protection of woodlands". Yes, this is classified as a non-jurisdictional wetland "hardwood swamp", but it

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contains some very special trees, specifically an American Elm. (A-016, 11/17/2016, Lois Shriver, ACAC; S-038, 11/17/2017, Lois Shriver).

Comment acknowledged. It is important to note that the Applicant intends to preserve as much old growth hardwood swamp and trees as possible. See response #1 above.

6. Comments:

- Support Ellicott Creek habitat by aligning site initiatives with the NYS REDC Cleaner Greener Communities Sustainability Report. (A-040, 4/19/2015, Conn Keogh, ACAC).

Comment acknowledged.

7. This office has reviewed the submitted Revised DGEIS submitted for the proposed project located at the former Westwood Country Club property. We offer the following comments:

- If the proposed project causes the bed or banks (within 50 feet of the stream) of Ellicott Creek to be physically disturbed (i.e. land cleaning, filling, draining pipe/ditch installation, etc.), a Protection of Waters Permit (Article 15, Title 5 of the Environmental Conservation Law) will be required from this Department.

Comment acknowledged. A Protection of Waters permit application will be prepared and submitted to the NYSDEC if it is determined to be needed.

- Note that the United States Department of the Army, Corps of Engineers' Buffalo District Office (COE) has authority under federal law to regulated wetlands in New York State. A COE Permit may be required for this proposal due to project impacts to federal wetlands and Ellicott Creek. The COE may require the project sponsor to obtain Water Quality Certification from this Department.

Comment acknowledged. A COE Wetlands permit application and NYSDEC Water Quality Certification permit application prepared and submitted respectively if they are determined to be needed.

- The proposed project site is located partially within the 100-year floodplain and floodway of Ellicott Creek according to the Federal Emergency Management Agency (FEMA)'s Map No. 360226-0012/360226-0009, and the Town should seriously consider what development is reasonable in this situation.

Comment acknowledged.

- Since the project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant

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Discharge Elimination System General permit for Stormwater Discharge from Construction Activity (GP-0-15-002).

This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MSP 4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences. (A-042, 4/16/2015, David Denk, NYSDEC).

Comment acknowledged. Both the applicant and the Town of Amherst will fully comply with the requirements of GP-0-15-002.

8. Section 4: Existing Environmental Setting

- No discussion of unique specimen trees or vegetated areas, hardwood forest and type
- No mention of where mammals tend to specifically exist on the site
- No mention of invasive vegetative species on site - their removal and/or only using native species in future
- DEC wetland BN-01 is ½ mile south of site but not mentioned

Section 5: Evaluation of Potential Adverse Environmental Impacts

- No discussion of potential future people/vehicle/animal interactions as a result of the project
- No discussion of construction impacts (i.e, runoff to Ellicott Creek and adjacent storm systems) (A-045, 9/3/2014, Eric Gillert, Planning Director).

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These items will need to be addressed in subsequent environmental reviews for the project, specifically as each development phase is submitted for Site Plan Review as more specific project information is known.

3.3.1.2 Public Comments

The following comments were received from the public and have been grouped based on similar concerns. Each resident that has expressed concern is listed after the comment.

9. Currently the property in question is zoned RC (Recreation Conservation). It is home to a rich diversity of plant and animal life and serves as conservation area for them.

If this property is rezoned for the Westwood Neighborhood unit development,

- green space will be lost
- habitat will be destroyed
- animals will perish
- plants, including many old trees, will be bull-dozed to the ground and eliminated.

Once this happens, there will be no going back. This property will be damaged forever.

This planned unit development will have a profound effect on the land and its inhabitants and is not in the best interest for the Town of Amherst. Therefore, the request to rezone 146.7 ± acres for the Westwood Neighborhood must be denied. (P-016, 11/14/2016, Mary Boehm; P-018, 11/15/2016, Lee Dryden; P-020, 11/17/2016, Janet Bounds; P-024, 11/17/2016, Nathan Hartrich; P-038, 2/22/2017, Mary and Raymond Boehm; P-188, 9/20/2017, Lee and Peggy Dryden; P-189, 9/21/2017, Maryann Gerstle; S-033, 11/17/2017, Nathan Hartrich).

Opinion Noted.

10. There's the wildlife and cultural significance. The sponsor asserts that no endangered species would be affected by the project, but there is no denying that many animals call Westwood home and would be displaced. What will happen when their habitat is destroyed? And as noted previously, no provision has been made for saving the club house. (S-001, Jennifer Snyder Haas).

Comment Acknowledged. Any loss of natural habitat will result in wildlife displacement. The amount and specific locations of natural habitat loss will be identified as the phased portions of the project are submitted for Site Plan approval.

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11. As a group we are opposed to rezoning this site for residential and business uses. We are guided by both the Amherst Bicentennial Comprehensive Plan and the One Region Forward plan, which the town has indorsed and which calls for an end to sprawl and preservation of recreational green space. Both of these plans call for preserving as much as possible the green corridor through the town along Ellicott Creek. This is a once only time to convert one of the last open spaces in the town for public use, a site with many mature trees and other varied landscape features. (S-010, 9/18/2017, Ellen C. Banks).

Comment acknowledged.

12. We received a phone call from one of the residents of the area, the Westwood area and she may be here in the audience tonight, I'm not sure. So, she had concerns about wildlife and the environment and she explained how the residents really value where they live, the wetlands behind them and the wildlife (S-016, 9/18/2017, Randy Atlas).

Comment acknowledged.

13. They want to take away trees, they're trying to say well, we'll be conservative about it. But, each one of those full grown trees sucks up 100 gallons of water a day and lets it out into the air. And over a forty year period one tree will take out a ton of carbon dioxide out of the air (S-018, 9/18/2017, Michael Whalen).

Comment acknowledged.

14. The other thing that he said was non existent was endangered wildlife. Mr. Hopkins is the attorney for another development the neighborhood just a few hundred feet west of the Westwood property line and there are endangered bats on that property. So, the developer for that property was told how and when they could cut the trees on that property. They did cut the trees this spring in compliance with what they were told to avoid the mating season of an endangered bat. Okay, the trees are gone, where do the bats go this summer, spring and summer during mating season? I assume they've moved over to Westwood trees or other trees near, but they're there (P-202, 9/25/2017, Alanna Pohl Hughes; S-020, 9/18/2017, Alanna Pohl Hughes).

Comment acknowledged.

15. It would be detrimental to the wildlife and the environment. (P-184, 9/17/2017, Steve Albertson).

Comment acknowledged.

16. Loss of green space

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- If this property is rezoned and developed, trees will be cut down and habitat will be destroyed. The trees and grassy areas that provide homes for wild animals will disappear, and buildings and concrete will take their place. Once this happens, there will be no turning back. The Town of Amherst will lose a large portion of its valuable green space forever. (P-186, 9/11/2017, Mary and Raymond Boehm; S-057, 1/19/2017, Nathan Hartrich).

Comment Acknowledged.

3.4 LAND USE AND ZONING

3.4.1.1 Agency Comments

The following comments were received from concerned Agencies.

1. Are the medians, private green space, and buffers included in the 64 acres as of green space described in the Executive Summary? (A-011, 7/18/2016, Lois Shriver, ACAC).

Open space calculations were prepared by Wendel Companies for the layout depicted on the revised Conceptual Master Plan based on the definition contained in Section 2-4 of the Zoning Code and the Planned Unit Development Process regulations regarding open space [See Section 6-9 of Zoning Code - Planned Unit Development Process (PUD)]. The definition states that Open Space includes uncovered and unpaved lands or water areas in public, common or private ownership, except lots under single family ownership; lands covered by structures or other improvements may also be deemed to constitute open space under the limited conditions specified in this Section; large areas of land in a natural state; areas for active and passive recreation; parks and large landscaped or wooded areas; drainage, runoff areas and flood plain areas and areas for stormwater storage and protection of water quality; connectors between major open space areas; pedestrian and bicycle circulation systems; areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic; areas for public or private recreation, public education, community and cultural facilities when approved by the Town Board; conservation facilities and areas. Consistent with the above cited definition, the approximate 83 acres of open space as depicted on the revised Conceptual Master Plan includes open space and buffer areas that would be privately owned but does not include smaller areas of open space/greenspace such as landscaped islands in parking fields, walkways in front of buildings, right-of-way medians, yards on individual lots, etc. It is also important to note that while the buffer and open space areas outside of the proposed Westwood Park are technically planned to be privately owned, it is the intent of the Project Sponsor to utilize an association to be reviewed and approved by NYS Attorney General's Office to acquire ownership of these areas and certain portions will include provisions allowing for public access in appropriate areas. Therefore, these areas would be considered to have "common" ownership and may include provisions for public access.

2. How does the plan comport with the Amherst Bicentennial Development Plan provisions for:
 - Why does the plan resemble the "conventional subdivision development" model in section 3-21, with respect to the proportion of built and open space, much

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more than the "conservation development" pattern identified on the same page as the desirable model? (3-16)

- "New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the project or programmed through public sources." (3-16)

Given that the Town of Amherst participated in, and supported, the process and final report of the One Region Forward regional development plan (February 2015), how does the proposal comport with One Region Forward conclusion that "Business as Usual" and "Sprawling Smarter" models are far less desirable in terms of climate change, energy use, quality of life and other attributes in comparison to the "Region of Villages" and "Back to the City" models, which the report indicates as far more desirable. (The report provides evidence-based projections of the specific energy and quality of life implications of each of the four possible models.) (A-013, 7/18/2016, Ellen Banks, ACAC).

Note that Common Open Space is indicated adjacent to all of the residential uses north of the "Neighborhood Center". However, the Town Board agrees that, as proposed, the northerly two-thirds of the project site resembles a conventional subdivision, and the single-family and patio home lots could be clustered to result in more of a conservation development pattern. Sprawl applies to uncontrolled growth of urban development into previously rural areas, which does not pertain to this project. The Westwood project is more appropriately defined as an infill project.

3. How does the plan comport with the Amherst Bicentennial Development Plan provisions for:

"Recreation and other large-scale community facilities: Typically comprised of several acres, these facilities, such as private golf courses with club houses and public semipublic recreation fields, may provide important open space or recreation assets to surrounding neighborhoods. Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density." ? (3-15) Can the developers demonstrate that their plan "maintains the essential character of the site? (A-013, 7/18/2016, Ellen Banks, ACAC).

The Town Board agrees that, taken as a whole, the nature of the proposed mixed-use Westwood Neighborhood is too dense for the area and is not entirely consistent with the adopted Bicentennial Comprehensive Plan in that the site is not designated as a Mixed-Use Activity Center. The mix of uses, scale and density of the southernmost portion of the project is not compatible with the character of the surrounding neighborhoods. That said, the location, density and scale of the proposed residential uses is generally consistent with those neighborhoods

Consistency with Comprehensive Plan:

4. Policy 3-9: "Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density." Master planning for redevelopment of this RC-zoned site should maintain as much as possible the essential character of the site which is open/recreational space. The proposed density and land use do not maintain the essential character of the site or the surrounding neighborhood.

New development should complement the surrounding neighborhood and existing land uses in terms of scale, form, and character. The current proposal is far denser than the surrounding residential neighborhood and does not complement it. The office, commercial, and hotel uses are inappropriate at the scale they are proposed.

New development should positively address design issues identified in Policy 3-5, as well as take into account the criteria recommended in Section 3.3 of the Plan. The preferred concept plan does not take into account some of the design standards in Policy 3-5 especially regarding screening, placement of buildings and parking, and scale. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

While the northern two-thirds of the revised proposal is significantly less dense than previously submitted, the office, commercial, and hotel uses proposed for the southern third contrast with the previous golf course use and with the surrounding residential neighborhood.

5. Policy 3-14: "Encourage conservation development with incentives for the dedication of open space in private developments." While an effort has been made to preserve open space by maintaining 64 acres as undeveloped, the overall result is a series of disconnected open areas that will not serve the general public. A greater effort could be made to group roads and buildings closer together in compact development patterns to preserve valuable open space. A more cohesive system of open space with local trail connections to the recommended extension of the Ellicott Creek Trailway would be more appropriate. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The Applicant made the following changes to the Project in an effort to address this policy:

- ***Total open space preservation acreage has been increased from 64 acres to 81.6 acres. Existing wooded areas on the site, most notably areas in the west and central sections of the property, are proposed to be preserved.***

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- ***The pond areas in the center of the site have been enlarged to present a more usable and attractive public space.***
- ***A multi-purpose field has been added in the central pond area that takes advantage of proximity to Ellicott Creek.***
- ***The proposed trail system has been shifted to more interior locations to increase accessibility and connectivity.***

See also response to Agency comment #1 in this section.

6. Section 3.3.2: Regional Centers. None of the four road frontages of this project are located adjacent to commercial uses, which significantly reduces this project's appropriateness for development as a regional center. There should be minimal encroachment by new commercial development in this area, and if any, it should be consistent with the surrounding neighborhood in keeping with a neighborhood or community center. The southern portion of the site includes regional-scale uses (hotel, larger office buildings), which this section of the Comprehensive Plan does not recommend for this area. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The project is not in one of the preferred locations identified in the Comprehensive Plan for regional centers, yet the southern portion of the site includes regional-scale uses (hotel, larger office buildings). Any encroachment by new commercial development in this area should be minimal and complementary to the surrounding neighborhood.

7. Section 3.3.3: Mixed-Use Patterns. Seventeen activity centers are depicted on the Conceptual Land Use Plan as the primary locations for mixed uses in the Town. In addition, several other areas are designated for mixed uses as components of commercial centers. This area is not called out in the Plan to become a mixed use center and does not meet mixed-use criteria as described in the Comprehensive Plan:
 - no designated central public space, with the possible exception of the existing club house
 - pedestrian trails do not connect to the major roadways, existing trails or adjacent neighborhoods; also no linkages or parking for surrounding neighbors to access open space areas
 - commercial and office areas of the site are designed in typical suburban style with large expanses of surface parking; this does not create a walkable, pedestrian-friendly center with a sense of place (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

This area is not identified in the Comprehensive Plan as a mixed use center, yet at the time the Plan was adopted, that designation would not have been applicable for this property which was operating as a golf course. Some of the objectives in this section do not apply to the proposed Westwood plan, such as those which relate to the re-use and reinvestment in aging and obsolescent commercial areas and preserving and enhancing traditional commercial centers. The proposed Westwood site has never been a commercial area in Amherst, and its development would create a new commercial center that was not envisioned when the Comprehensive Plan was adopted.

It is noted that the Project does meet several mixed-use objectives as described in the Plan:

- ***It includes additional housing opportunities and choices.***
- ***It would provide a more compact livable and walkable alternative to the prevalent pattern of commercial strip development and separated uses.***
- ***It would support pedestrian and bicycle travel.***
- ***It includes a higher density center of activity that exhibits high-quality design and a sense of place.***

8. Consistency with Zoning Ordinance:

A Development Agreement, a required part of the Planned Unit Development process, was included in the rezoning application (Exhibit Q). The purpose of such an Agreement is to identify conditions and restrictions to be placed on the future development. Such restrictions could include maximum height, density or setbacks. The Agreement provided does not include specific area or bulk requirements to govern the development of the project. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

A Development Agreement does need to be finalized and will be included as part of the PUD process. Neither the Development Agreement (Exhibit "N") or the Design Standards Guide (Exhibit "O") provide include specific unit counts or bulk and area requirements. These exhibits are considered as first drafts that would be further enhanced as part of any approval process for the proposed project.

9. TND is an appropriate district for this project, as it satisfies the Comprehensive Plan recommendation for master planned redevelopment of Community Facilities. However, the proposal is inconsistent with Section 5-6, "Traditional Neighborhood Development District (TND)" as follows:

- Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood. "

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The scale of the proposed 'neighborhood center' is not consistent with the character of the surrounding residential neighborhood. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The Applicant has modified the Project in an attempt to make it generally consistent with this objective. Specifically, changes were made to address the edges of the development including:

- ***A parking lot for townhomes in the southwest corner of the site has been shifted inland and the townhomes have been moved closer to the property line to more closely correspond to the adjacent residential uses on Frankhauser Road.***

The proposed 3-story senior living facility has been relocated from the highly visible Sheridan/North Forest intersection to a more central site near the large pond. These changes result in a development with the following edge treatments:

- ***north side (adjacent to single-family homes on Maple Road): proposed patio homes***
 - ***south side (adjacent to Sheridan Drive and single-family homes on Sheridan Drive): berm and 100-ft. buffer, minimal parking and fire substation***
 - ***west side (adjacent to single-family homes on Frankhauser Road and Fairways Boulevard): proposed townhomes and single-family homes, berm and 100-ft. buffer***
 - ***east side (adjacent to golf course, creek, single-family homes): patio homes, Town park and townhomes***
- Density is highest in the center of the district and decreases with distance from the center. " The highest density of residential development is not at the center of the project, but at its southern extremity along Sheridan Drive and along Frankhauser/Fairways. There should be a transition from the existing adjacent lower intensity development to the project site. Large parking fields along Frankhauser Road and Sheridan Drive should be minimized. The proposed senior living facility should be centrally located within the site. The existing view to the clubhouse from the Sheridan/North Forest intersection is an important open space component for the community and should be kept open. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

As mentioned above, some changes have been included that minimize large parking fields along Frankhauser Road and Sheridan Drive and create transitions from the existing adjacent lower intensity development to the project site.

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However, the highest proposed density of development is not at the center of the project, but at the southern third of the site.

- Streets are interconnected and blocks are small. " Although streets are interconnected within the proposed development, they lack connections with the existing community street system (Frankhauser Road and North Forest Road). Blocks in the proposed residential section of the development appear to be typical of most subdivisions and do not comply with the unique TND criterion. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The Project was revised to include connections with the existing community street system (Frankhauser Road and North Forest Road), however, blocks in the proposed residential section of the development approximate a traditional subdivision layout.

- The proposed hotel and related GB zone are not consistent with the concept of the TND. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The requested GB zoning for the proposed hotel is required because hotels are not permitted uses in the TND. Inserting a GB use in the midst of a TND development conflicts with the overall concept of the TND.

Consistency/compatibility with surrounding development zoning:

10. The proposed rezoning to TND is appropriate for the subject site given its size and proposed mixed-use nature. However, a TND is designed to fit in and be consistent with the character of the surrounding neighborhood, which this proposal does not do. The predominant zoning on land surrounding this site- found on all four sides -- is R-3. The only other zoning designations abutting this site are CF for the Town Highway Department and RC for the Town's Par 3 golf course. There are no commercial uses in the vicinity. Introducing a commercial component into the area, while permissible in a TND, should be done in a way that preserves the existing neighborhood character. In this case, low-intensity commercial/office uses would be appropriate but not those of the scale proposed with this project.

The MFR-7 zoning for the proposed senior living facility is not inconsistent, since it would allow a specialized type of residential use, but it should be relocated within the development to a central part of the site to minimize negative impacts to residential neighbors.

The proposed GB zoning, as the most intense commercial district available in the Town, is not appropriate to the site or consistent with surrounding development/ zoning. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

TND: The revised development plan remains inconsistent with the overall residential character of the surrounding neighborhood, a requirement of the TND. Introducing a

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commercial component into the area should be done in a way that preserves the existing neighborhood character. In this case, low-intensity commercial/office uses would be appropriate but not those of the scale proposed with this project.

MFR-7: In response to previous comments, the proposed MFR-7 zoning for a senior living facility has been moved from the southeast corner of the site to a more central location just south of the large pond. This new location will minimize negative visual impacts by shifting a 3-story building away from the Sheridan Drive/North Forest Road intersection, a main focal point on the site. It will also allow future senior residents to take advantage of, and interact with, the other development components and amenities.

GB: The proposed GB zoning, one of the most intense commercial district available in the Town, is not appropriate to the site or consistent with surrounding development/zoning.

DGEIS Comments - Evaluation of Potential Adverse Environmental Impacts:

11. This section makes no mention of the proposed Westwood project creating an undesirable precedent for mid-block development elsewhere in the Town. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The potential undesirable precedent for mid-block development elsewhere in the Town remains valid.

Consistency with Comprehensive Plan:

12. Policy 3-9: "Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density. " While the northern two-thirds of the revised proposal is significantly less dense than previously submitted, the office, commercial, and hotel uses proposed for the southern third contrast with the previous golf course use and with the surrounding residential neighborhood.

Further revisions aimed at addressing Policy 3-9 include:

- replacing offices in the southwest corner of the site with townhomes, which will be more appropriate adjacent to the existing single-family homes on Frankhauser Road, and
- replacing multi-family units along the western side of the site with enlarged single-family lots that will back up to existing single-family homes on Fairways Boulevard. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #3.

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13. Policy 3-14: "Encourage conservation development with incentives for the dedication of open space in private developments." The revised plan shows an increase in total open space preservation from 64 acres to 81.6 acres. Existing wooded areas on the site, most notably the area in the northwest section of the property where a mature stand of trees is located, are proposed to be preserved. In addition, the pond areas in the center of the site have been enlarged to present a more usable public space. A multi-purpose field has been added in this area generally identified as a 'Town park' that takes advantage of proximity to Ellicott Creek. The proposed trail system has been shifted to more interior locations to increase accessibility and connectivity. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See also response to Comment #4.

14. Section 3.3.2: Regional Centers: The project is not in one of the preferred locations identified in the Comprehensive Plan for regional centers, yet the southern portion of the site includes regional-scale uses (hotel, larger office buildings). Any encroachment by new commercial development in this area should be minimal and complementary to the surrounding neighborhood. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #5.

15. Section 3.3.3: Mixed-Use Patterns. This area is not identified in the Comprehensive Plan as a mixed-use center and does not meet mixed-use criteria as described in the Plan. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #6.

Consistency with Zoning Ordinance:

The comments below relate to the standards included in Section 5-6, "Traditional Neighborhood Development District (TND)" as described in the Zoning Ordinance:

16. Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood." Overall, the scale of the proposed 'neighborhood center' is not consistent with the character of the surrounding residential neighborhood, although some changes have been incorporated into the master plan to soften the edges of the development. Office uses previously shown in the southwest corner of the site have been replaced with townhomes to more closely correspond to the residential uses on Frankhauser Road. However, there is a parking lot shown in this area that would be adjacent to the first few homes on Fairways Boulevard, an unacceptable treatment for the project edge. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #9.



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17. The requested GB zoning for the proposed hotel is required because hotels are not permitted uses in the TND. Inserting a GB use in the midst of a TND development conflicts with the overall concept of the TND. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #9.

Consistency/compatibility with surrounding development zoning:

18. TND: The revised development plan remains inconsistent with the overall residential character of the surrounding neighborhood, a requirement of the TND, introducing a commercial component into the area should be done in a way that preserves the existing neighborhood character. In this case, low-intensity commercial/office uses would be appropriate but not those of the scale proposed with this project.

MFR-7: The MFR-7 zoning for the proposed senior living facility is not inconsistent, since it would allow a specialized type of residential use, but it should be relocated to a central part of the site to minimize negative impacts to residential neighbors.

GB: The proposed GB zoning, as the most intense commercial district available in the Town, is not appropriate to the site or consistent with surrounding development/zoning. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

See response to Comment #10.

Section 5: Evaluation of Potential Adverse Environmental Impacts

19. Section 5.4.1 only mentions short-term impacts associated with site preparation; no discussion of long-term, permanent impacts of the project:

- Town costs of maintaining a new public park
- Town costs of maintaining new public roads
- Town costs of maintaining new infrastructure
- Increase in need for services (fire, police, schools, social services) Town costs of maintaining drainage areas. (A-045, 9/3/2014, Eric Gillert, Planning Director).

This comment remains valid.

20. No acknowledgement of Figure 6 (Conceptual Land Use Plan) in the Comprehensive Plan except to illustrate Westwood's location related to existing and proposed community centers as Figure 5-2. No mention of the proposed project requiring a Comprehensive Plan amendment. (A-045, 9/3/2014, Eric Gillert, Planning Director).

This comment remains valid.



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21. Figure 5-2 shows a "Proposed Westwood Activity Center" (yet no mention of Comp Plan amendment). (A-045, 9/3/2014, Eric Gillert, Planning Director).

This comment remains valid.

22. No mention of loss of existing golf course as recreational space and visual amenity. (A-045, 9/3/2014, Eric Gillert, Planning Director).

This comment remains valid.

3.4.1.2 Public Comments

The following comments address concerns and questions by residents of Amherst and the surrounding areas.

23. Some of the development has been good, but in recent years the development has become excessive. Even in the short stretch between Klein and Casey on Transit Road I see multiple empty storefronts and lease signs, yet more and more plazas are under construction (one right next to Doodlebugs, another next to Dessert Deli, they [sic] new plaza housing Tim Hortons and Oak Stave still has vacancies, etc.). I have three very young children (all under 3 years old) and would like to remain in the area, but I find my commute to work downtown is becoming longer and longer as the roads are become more congested and there is simply not enough green space for families. (P-005, 11/2/2016, Rochelle Lawless).

A current breakdown of land uses in the Town reveals that nearly half the total land area (47%) is devoted to residential uses. Also note, the Town has provided recreational space for residents with, on average, 9.9 acres of parkland per 1,000 residents.

24. Amherst is lacking a large town park similar to Delaware Park in Buffalo, Clarence Town Park in Clarence, Chestnut Ridge in Orchard Park, and Ellicott Park in Tonawanda, where multiple activities and features can be offered. There is not comparable community space in Amherst, which is really sad. Much of the park space in Amherst is single activity; you can go to Glen Falls for a nice walk but there isn't a playground or enough space to take a jog, Smallwood is a playground only, hockey and baseball are available at the Pepsi Center but nothing else, Clearfield has the pool and the playground, but there are no trails or shelters. We need a single, large, community park with many features that would serve as a center of recreational activities for the Town. Wouldn't it be ideal to have a town park with a golf course, a water feature, baseball diamonds, soccer fields, playgrounds, places to jog and bike, pavilions for picnics and events, where everyone · the Amherst community could centrally convene? [sic] Everything in Amherst feels scattered disconnected. The Westwood Property is ideal for this due to its size, central location, and its ability to easily connect to the Amherst Bike Path at Ellicott Creek. (P-005,

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11/2/2016, Rochelle Lawless; P-216, 10/2/2017, Rochelle Lawless; P-217, 10/2/2017, Kara Eyre).

The Town must coordinate the number of parks with the ability to provide adequate staff to maintain them. A current breakdown of land uses in the Town reveals that 22.5% the total land area is devoted to open space and recreation. Also note, the Town has provided recreational space for residents with, on average, 9.9 acres of parkland per 1,000 residents.

25. Mensch purchased the Westwood property knowing that it was zoned for recreational use. Their plan to rezone and create a "mixed use community" does not meet the bicentennial vision for the Town. It creates an extremely high windfall profit for the developers at the expense of the community as a whole. Amherst does not need more commercial real estate, hotels, patio homes, or apartments. (P-005, 11/2/2016, Rochelle Lawless; P-216, 10/2/2017, Rochelle Lawless).

The Town agrees that, taken as a whole, the nature of the proposed mixed-use Westwood Neighborhood is too dense for the area and is not entirely consistent with the adopted Bicentennial Comprehensive Plan in that the site is not designated as a Mixed-Use Activity Center. The mix of uses, scale and density of the southern-most portion of the project is not compatible with the character of the surrounding neighborhoods. That said, the location, density and scale of the proposed residential uses is generally consistent with those neighborhoods. Exhibit "T" of the Amended Rezoning Application submitted in March 2017 includes an analysis of market demand for patio homes and apartments, as well as the proposed assisted/independent living facility.

26. Commercialization that is inappropriate at this site, as noted by the Comprehensive Plan. It is in reality one large parcel situated within existing surrounding residential neighborhoods, and would be spot rezoning! (P-022, 11/17/2016, Maureen Schmitt).

The Town is unable to comment on Mensch's anticipated profit from the development. The Town Board agrees that it is one large parcel and components of the rezoning application could be considered spot zoning.

27. First, to gain some perspective, this is a parcel in the middle of long-established residential neighborhoods, with many existing homes literally backing up to it that were designed with the parcel's long history as a golf course in mind. Its only current access point is onto the two-lane north forest road. It is zoned recreation conservation. Now look at the revised concept plan. It contains huge areas of every sort of development type imaginable, from single family homes to town homes to large patio homes to small patio homes to multi-family housing, to senior living, to office space, to retail, to a hotel. The applicant cites to what seems like a significant percentage of the parcel as remaining green space, but much of that is comprised of green patches between these intense development areas. The largest water

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feature is designated as a "stormwater mgmt. basin". And the town park area is largely on an unusable flood plain, making its feasibility as a public park dubious. How can this be consistent with the comprehensive plan?

Second, see how far removed the proposed park space is from the existing neighborhood homes. The applicant's plan is to separate the existing homes from the development with a berm and trees. I went to the neighborhood meeting that the applicant held last week, and Mr. Shaevel indicated that his new design consultant recommended that there be more buffering, practically around the whole parcel. He then stated that the trees he would be "forced" to plant for this buffering would separate "our neighborhood from yours". How can a plan proposing such a separation be consistent with the characteristics of the surrounding neighborhood?

[...]

Fifth, this plan introduces office and commercial space along with a sea of parking lots into a residential area. Creating a whole new commercial district is not consistent with the comprehensive plan. Further, this is not smart growth, and flies in the face of the town's ongoing efforts to redevelop its existing commercial corridors. A new commercial area taking business away from other areas and a ten-year construction pit in the middle of what would be a ruined neighborhood of severely devalued homes is not smart growth. At the last hearing, there were comments that this project would be a "gateway" to the town. Are office space, a hotel, and senior living units what we envision as a "gateway"? No, this is shortsighted and not forward thinking. (P-029, 1/19/2017, Jennifer Haas; P-206, 9/27/2017, Ron and JoAnne Kotlik; P-212, 10/1/2017, Marjorie Rosteing; P-213, 10/1/2017, Maureen Schiener; P-223, 9/28/2017, Teresa and Dennis Johnson; S-001, 9/18/2017, Jennifer Snyder Haas; S-017, 9/18/2017, Nathan Hartrich; S-023, 9/18/2017, MaryAnn Hochberg; S-056, 1/19/2017, Jennifer Haas).

The proposed development does include several components. Mensch has increased the open space acreage to 48.7% of the site, and this acreage has been reorganized to create areas throughout the site that are linked via pedestrian paths. Some of the park areas are indeed within the floodplain, but since much of the developed land in Amherst is also within a floodplain, that fact does not render the land unusable. The water feature will serve a stormwater management function, but it will have the appearance of a pond. The proposed park space is shown as connected to adjacent neighborhoods via a trail system which connects to Maple Road, Frankhauser Road and Sheridan Drive.

The buffers which are proposed along the existing residential neighborhoods to the west were included as part of the Conceptual Master Plan dated March 2017 at the request of several of the neighbors in an effort to provide a vegetated buffer to the existing homes. In earlier version of the Master Plan, homes were proposed without

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substantial buffer, and in response to numerous comments received, the buffers were added to the current Conceptual Master Plan. These buffers are proposed to include a variety of trees as well as drainage to improve the existing drainage along the western portion of the property.

With regards to Smart Growth, one of the concepts from the American Planning Association's Policy Guide on Smart Growth states that "Smart Growth is largely about retrofitting communities to offer more choices in terms of housing types and prices but also in terms of transportation options." Within the Conceptual Master Plan, the Applicant has provided a range of housing options. In addition, with access to the I-290 interchanges at Sheridan Drive and Maple Road, the accommodation of bus routes within the Project Site, and the use of an extensive trail system that can accommodate bicycles, the Westwood Project meets many of the concepts of Smart Growth. See, however, issues discussed in Section 3.8, Transportation.

The TND zoning is aimed at large parcels such as the Westwood property; however, the proposed GB zoning for the hotel is inconsistent with the surrounding proposed TND zoning, as well as the surrounding area. No data or objective information has been provided that substantiates the premise that the project will "take business away from other areas." A marketing study commissioned by the petitioner and completed by a nationally recognized retail planning and real estate firm conclude that lease costs for the proposed commercial uses will not be competitive with those in the Village of Williamsville. No data or objective information has been presented that indicates that the proposed development will result in the devaluation of surrounding homes.

28. The residential character of the existing surrounding neighborhoods cannot be dismissed. The proposed zoning requests are a blank check that allow changes too intense for the area as a whole.

- Once rezoned, anything can be done on the parcel that meets the criteria of the code. Green space drawn on paper, no matter how respected the planner, is still only a concept with no promise of being realized. Larger outer buffers are often used to strip residents of their voice in the process. This plan is just a concept with examples of the type of elements that might be built, but it is the market that will drive the eventual reality. It is highly unlikely the final result will match this proposal given a 10 year messy, disruptive buildout.
- This is not smart growth. Consultants have recently presented before the town board stating that Amherst is essentially built out. The focus should be true redevelopment and preservation of remaining green space. This is not redevelopment. You cannot define land as obsolete, when you are the one that vacated it. That is self-serving. And do we really need more of the same? This project does not meet the goals of the bicentennial comprehensive masterplan.

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(P-030, 1/19/2017, Maryann Hochberg; P-188, 9/20/2017, Lee and Peggy Dryden; S-065, 1/19/2017, Robert Yunkes).

Through the SEQR process, a Findings Statement will be prepared that will include conditions that must be followed as the project is developed, no matter how long the process takes. While the developer may vary specifics of the overall plan (i.e. number of residential units, square footage, etc.), the Findings will contain thresholds for development of the different plan components which will not be able to be exceeded. Additionally, an element of the PUD rezoning process is the adoption of a Development Agreement that will bind the Town and Applicant (including subsequent owners) to specific uses, densities, bulk and area requirements and locations. If structured adequately, it effectively binds developers to the Conceptual Master Plan. Any deviation from the provisions of the Development Agreement would require the approval of the Town Board. The approval process provides for public hearings on all proposed modifications to the agreement.

29. In the map of the proposed development they claim 47% open space. Where? They colored in tightly packed patio homes with green to appear to be open space. The only way that's open space is when they have open houses to all the units. If they have to develop this property, why not leave the green space with mature trees and bushes that our near commuter roads, develop half the property as they claim, leaving the rest natural and open to the public. (P-034, 1/24/2017, Kim Rosteing).

The conceptual master plan shows areas designated as Town park, existing wooded area, pond areas, and buffer areas which total the 48.7% open space. It does not include yard area for individual residential lots.

30. Rezoning the Westwood parcel for this large scale development project is not in the best interest of the Town of Amherst and its residents for many reasons including:

- Vacant real estate. The Town of Amherst has plenty of unoccupied real estate ready for new offices, restaurants and shops and is not in need of more. The addition of excess commercial space is not in the best interest for the Town of Amherst. (P-038, 2/22/2017, Mary and Raymond Boehm; S-057, 1/19/2017, Nathan Hartrich).

The Town agrees that, taken as a whole, the nature of the proposed mixed-use Westwood Neighborhood is too dense for the area and is not entirely consistent with the adopted Bicentennial Comprehensive Plan.

31. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners. It is time for a reality check:

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- Will the town be able to bear the cost of sewer or traffic improvements without raising taxes? No!
- There are amazing advantages for the Town to go forward with the most recent Conceptual Plan being proposed by the Mensch Capital Partners Group.
- Sewer improvements. (P-132, 3/6/2017, Barbara Schuller, P-232, ND, Anonymous).

Comment acknowledged.

32. It was disconcerting that the public was not significantly involved when the swap with Audubon was proposed and when the resolutions to alienate parts of Audubon and buy Glen Oak were raised. Glen Oak is also privately owned, so I don't understand why the current private ownership of Westwood would prohibit analysis of the best future use and means of acquiring Westwood. The future best use of the Audubon, Glen Oak and Westwood properties is crucial to the Town as a whole and deserves a proactive, planned approach with public input. (P-003, 10/31/2016, Jennifer Haas).

Comment acknowledged.

33. I am very much in support of the Westwood Green Task Force proposed by Councilmember Bucki. When will that proposal be reconsidered? Would the Town consider purchasing the property if there was a fundraiser under way to assist financially? What can members of the community who are against the development do to stop the rezoning and create a park? (P-005, 11/2/2016, Rochelle Lawless).

Comment acknowledged.

34. I am a resident of the Town of Amherst and I strongly disagree with rezoning the Westwood Country Club for the purpose of residential or commercial development. I believe that Amherst needs more green space, not less--and I support any chance to make this property open to the public as a park. (P-010, 11/13/2016, Matthew Astridge; P-011, 11/14/2016, Margaret Astridge; P-012, 11/14/2016, Ronald Astridge; P-014, 11/14/2016, Alanya Zuniga; P-017, 11/15/2016, Alison Lagowski; P-019, 11/17/2016, Carlos Zuniga; P-187, 9/18/2017, Christine Att; P-204, 9/24/2017, The Greens; P-215, 10/2/2017, Alphonse Kolodziejczak; P-222, 9/28/2017, Ann Gee Casi).

See responses #3 – 10.

35. I am in favor of the property remaining open space and believe the Town of Amherst and the Village of Williamsville needs a central park to maintain the quality of life for its residents. (P-013, 11/14/2016, Curtis Robbins).

See response to #4.



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36. I live west of the Westwood site, and am concerned about plans to develop it in a way that increases traffic, congestion, and pollution. While it would be nice to live within walking distance of a grocery store, both for the convenience and for the health benefits of a walkable neighborhood, I feel the benefits would be erased if the store were paired with a big development, substantially more vehicular traffic, and much less green space.

Studies indicate that greener neighborhoods help people live longer, by reducing deaths from respiratory illness and cancer (<http://jwell.blogs.nytimes.com/2016/04/14/living-near-greenery-may-help-you-live-longer/>). Once large green spaces are gone, they are nearly impossible to get back. We especially need to think about preserving green spaces and reducing traffic given that our neighborhood is already bordered by high-traffic roads on three sides: Maple, Millersport/290, and Sheridan.

Long-term, preserving green space will help keep Amherst a desirable neighborhood (and one with high property values). (Though if you can figure out how to get a grocery store within walking distance without inviting in a whole huge development, that could be nice.) (P-015, 11/14/2016, Hanna Grol-Prokopczyk).

Comment acknowledged.

37. The Town Comprehensive Plan was designed with input from developers, residents and Town officials with residential, commercial and recreational development all in mind. Taxpayers paid for the plan at the tune of \$700,000.00. Mench Capital Partners bought the Westwood property as green space knowing the type of neighborhood that surrounded it, knowing in order to develop it, it would need to be rezoned. As a business person I understand the frustration they must be experiencing on this project, BUT it is not up to the Town of Amherst to "right" their speculative decision to purchase the property on the presumption this extreme change in rezoning would be granted, forever changing the character of an established neighborhood that has been present and active for many decades. (P-022, 11/17/2016, Maureen Schmitt; P-025, 11/19/2016, Judy Ferraro; S-025, 9/18/2017, Maureen Schmidt; S-032, 11/17/2017, Judy Ferraro).

See responses #8-10.

38. I oppose the rezoning of the Westwood Country Club parcel from RC (Recreation/Conservation) to TND (Traditional Neighborhood Development)/ MFR-7 (Multi-Family Residential)/ GB (General Business). It is important to preserve the integrity of the surrounding Central Amherst neighborhoods for the good of the entire town by denying this intensive proposed development.

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At this stage in the process the Planning Board is charged with considering land use, whether or not the combined 1ND/ MFR-7 I GB zoning is appropriate for this particular parcel.

Make no mistake, if rezoned, the Westwood parcel can be built out to the full extent that meets the criteria of the code.

- Grass drawn on any plan in the guise of green space conservation, and promises made can quickly evaporate.
- Case in point: Maple Road Gun Club site. Plans and promises were made. Rezoning occurred. The economy tanked, and the developer sold the rezoned property to another owner, who can now come in and build out the property to the full extent allowable. All previous plans and promises no longer exit.
- Given the push for the Imagine Amherst streamlined process form based zoning, the Westwood parcel could possibly be built out beyond our imagination.
- Given a 10 year build out period, it is highly unlikely any approved plan will match the actual end physical result.

Surely there are alternative uses within the RC zoning that will complement the character and integrity of this central area. (P-023, 11/17/2016, Maryann Hochberg; S-044, 11/17/2017, Maryann Hochberg; S-073, 1/19/2017, Maryann Hochberg).

See responses to #3 and #8.

39. The current plans don't seem to be any different from the plans submitted to the public several years ago, except for the addition of a synagogue and removal of an exiting street. This plan doesn't take into account the surrounding neighborhoods. It looks like the developers are trying to put a square peg in a round hole. They wish to use every available space to destroy this property and pollute the center of Amherst with more office buildings, shops and a hotel. Don't we have enough empty office space and medical office buildings in our town? (P-024, 11/17/2016, Nathan Hartrich; P-006, 11/3/2016, Margaret Markarian; P-042, 3/3/2017, JoAnne Kotlik; S-033, 11/17/2017, Nathan Hartrich).

The Town has received 3 revisions to the conceptual master plan since its first submittal in 2014. Please see the introduction to this section.

40. Until last August, I hadn't paid much attention to town government. I felt insulated and fairly confident that everything in Amherst was OK. Then you, the planning board, and the two republican, development-friendly members of the town board, tried and failed to alienate one of our neighborhood's precious green spaces, Garnet Park, twice.

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Both attempts to strip our parkland of its zoning, were not for the good of the people, but were instead, sweetheart deals made behind government doors to parcel out and lease the land to commercial interests-Verizon Wireless for a (150) one-hundred-and-fifty-foot cell tower and Northtown Automotive companies for more parking. Verizon as we all know now, returned to their original plan to lease and build behind Public Storage next door. Which we are currently fighting.

Westwood, like Garnet Park, is zoned recreation/conservation. Conservation. It was zoned this for a reason. The town identified and designated these special lands Recreation/ Conservation to insure that they would remain green spaces in the community for generations to come. Once re-zoned, they are gone.

Mensch bought Westwood and its zoning. They are not mutually exclusive. No developer including Mensch is entitled to a rezoning just because they made a bad deal. And we the taxpayers who are committed to this town, should not have to rescue developers when their speculative investments go sour. (P-028, 1/19/2017, Alissa Shields; S-060, 1/19/2017, Alissa Shields; P-004, 11/1/2016, Judy Ferraro).

Comment acknowledged.

41. From millennials to baby boomers-plus! Families, singles, and seniors can enjoy a lifestyle of convenience and camaraderie within a new beautiful community setting. Residents can choose from a variety of housing styles surrounded by ponds, parks, and natural wooded areas. And you can also tend to your daily needs at retail shops, professional service firms, and other walkable venues in the Westwood neighborhood. (P-054, 3/6/2017, Daniel Mecca; P-060, 3/6/2017, Dan Shuman; P-134, 3/6/2017, Leslie Kramer; P-230, 10/24/2017, Marilyn Cappellino; P-232, ND, Anonymous).

Comment acknowledged.

42. As a former resident of the Town of Amherst and Westwood country Club member, I would like to voice my support for this project because repurposing this land for a multi-use neighborhood is good for the community. (P-074, 3/6/2017, Lynne Battaglia; P-076, 3/6/2017, Linda Gellman).

Comment acknowledged.

43. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, would like to voice my support for this project because the benefits the town and the residents will enjoy. Several benefits such as a return to a functional use of valuable land. The developer has gone to great lengths to satisfy all concerns. it is now time to act. (P-080, 3/6/2017, Neil Frank; P-033, 1/23/2017, Jerry Kotowski; P-064, 3/6/2017, Leonard Katz; P-066, 3/6/2017, Ken Shuman; P-132, 3/6/2017, Barbara Schuller).

Comment acknowledged.



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44. Families, singles, and seniors will enjoy a lifestyle of convenience and camaraderie within a beautiful new community setting. Residents will be able to select a desirable housing style surrounded by ponds, parks, and natural wooded areas. Also, daily needs will be attended to via access to retail shops, professional service firms and other walkable venues in the Westwood neighborhood. (P-083, 3/6/2017, Lorne and Lisa Steinhart; P-129, 3/6/2017, Jonathan and Wendy Sadkin; P-165, 3/6/2017, Kevin Krumm; P-200, 9/21/2017, Loise Bieron).

Comment acknowledged.

45. I would like to voice my support for this project because the town needs the increased revenue from the development as planned, the property needs to be cleaned up, we have PLENTY of park space already (and the town can't afford to purchase then maintain this as a park without significant tax increases), the Westwood master plan calls for plenty of green space.

[...]

The "not in my back yard" opposition will only be happy if the town purchases this parcel, and unfortunately the town can't go buying up every development parcel that comes along just because the neighbors are not happy. (P-093, 3/6/2017, David Fiegel).

Comment acknowledged.

46. It seems that the proposal has a good balance of green space for general town use and the progressive development that will keep this area moving forward. (P-118, 3/6/2017, Steven Gattuso; P-073, 3/6/2017, Harvey Sanders; P-200, 9/21/2017, Loise Bieron).

Comment acknowledged.

47. While I understand the benefit of having businesses move into the town, tax revenue, convenience for residence etc., we are becoming concerned there is no longer a good balance of residential and commercial properties to uphold the quality of life Amherst residents have come to expect. That is why my wife and I strongly support the redevelopment of the former Westwood Country Club site into the new Westwood neighborhood. We would like to see that wonderful balance of residential and commercial properties continued so our children find Amherst as appealing as we did when they are ready to look for their first home. (P-123, 3/6/2017, Marc Lamoreaux).

Comment acknowledged.

48. I would like to see an increased buffer along the westerly border of the project, with a lower density of both homes and business throughout (especially bordering the

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residential area to the west) but keeping the same idea. I would like to see retail and dining options in greater proportion to office. If the theme and character of the project is similar to Easton Mall in Columbus Ohio, I believe it would be a spectacular draw for both visitors and residents. (P-143, 3/6/2017, Barbara Nuchereno).

The west side of the development that is adjacent to single-family homes on Frankhauser Road and Fairways Boulevard is proposed as townhomes and single-family homes, with a berm and 100-ft. buffer.

49. As a resident of Amherst, I have noticed that there is an odd dynamic between being excited about growth and resurgence and resistance to change. If Buffalo and Amherst is to grow - then change is necessary. Growth means new houses, new business, more hotels and so forth. This sort of development will meet the emerging needs of Amherst (afire station even!) and do it in a way that improves our community. (P-145, 3/6/2017, Kaarsten Wisnock; P-154, 3/6/2017, John Havrilla).

Comment acknowledged.

50. It provides green space that will be available for all Amherst residents. I would like the town to concentrate on the the green space and parks that we already have. Each of our parks could benefit from enhancements that would make them more family friendly (grills, new playground equipment, better maintained hiking trails etc.). The parks that we currently have are underutilized unless there is an organized event taking place. To convert Westwood property to green space is not practical or cost efficient. Walking the pathways at Amherst State Park and Glen Park in the morning in warm weather I pick up beer cans, broken bottles, not to mention numerous cigarette butts. There is often evidence of bonfires that took place on the trails. In the afternoons it is not unusual to see teens smoking pot by the edge of the water. I ask you does Amherst want to assume the liability, upkeep, and maintenance of an additional 170 acres of land or does it make more sense to enhance what we already have?

This project is an example of the type of mixed use developments that have been met with support and demonstrated success in other parts of the country (Memphis, Boston, Philadelphia to name a few).

The Westwood Project is the exact opposite of the urban sprawl that we live with on Sheridan Drive and Niagara Falls Boulevard and Transit Road. It is a planned community with so many of the components of the Village of Williamsville. (P-163, 3/6/2017, Jean Willis; P-155, 3/6/2017, Kevin Kulick; P-159, 3/6/2017, Thomas Lucia; P-160, 3/6/2017, Dorothy Stahlnecker Smith; P-161, 3/6/2017, Eve Feigelis; P-168, 5/1/2017, Norman Wahl).

Comment acknowledged.



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51. Do we really need more housing or business space along with more blacktop parking? With green space at a premium let's keep the land green with NO DEVELOPMENT. The exception would be a beautiful park for the residents to enjoy.

A few of my reasons:

- Green space. Once it is gone, it is gone for good Traffic, there is enough traffic giving off fumes I feel we should have a moratorium on building. Isn't there enough new apartments being built?

Could the State or a Grant help the town purchase back the property? Please share with other members of the council. (P-167, 4/3/2017, Jeannette Delmont; P-007, 11/5/2016, Fredrik Miller; P-042, 3/3/2017, JoAnne Kotlik).

See response to #4.

52. 4) This region could use more single family home plots as well as patio homes and apartment homes. When we talk about a regions [sic] rebirth and growth we are always talking about more people-people who need houses. I have no doubt Mensch has had considerable interest in housing in this part of the town. There is a lack of new construction and apartments here. This area is also close enough to UB that it could provide housing for students and faculty who wish to live off site. It might be developed as housing only but that would rob the town of the opportunity to add a new retail tax base in the area.

5) Mixed use retail space would be a major benefit to the community. We do not have a hub in this area. This area could easily become a destination area such as Main Street Williamsville. I would like to see an active retail area with a mix of offerings, including food and drink as well as retail sales. I hope it would draw things like restaurants, wine bars, coffee shops, dry cleaners, special interest stores, and maybe a Farmers market in the summer. Such an area would be nice for home owners, apartment renters, hotel guests and senior living facility guests as well. It would also be a draw as a neighborhood hub for this whole area around Sheridan and Maple. I have lived near these types of developments and they end up increasing property value and the tax base- a huge win- win for us all. (P-177, 11/28/2016, Kaarsten Wisnock; P-170, 5/5/2017, Harvey Brody; P-175, Bruce Kohn; S-048, 11/17/2017, Kaarsten Wisnock; S-051, 11/17/2017, Irv Levy).

Comment acknowledged.

53. Does an owner have a right under the law to build whatever they wish on property they own? No, they do not. There is no inherent right to a rezone. Does the uniqueness of this parcel given its location, size and characteristics call for a careful review? The size and scope of this problem calls for a careful review of expenses and burdens and the alternatives when it begins to vote. And the Planning Department has said that the project is not consistent, not adequate, not

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compatible with current zoning uses and is out of scale and character with its surroundings. (S-002, 9/18/2017, Michelle Marconi).

Comment acknowledged. See response to Comment #3.

54. There is much acceptance of what so called experts have to say about development and fixing related problems and yet a hired expert has told this town that Amherst is built out. We do not need any more hotels, apartments, etcetera, etcetera, we need to preserve what is left of green space, we need established neighborhoods, to protect we need to redevelop. Why is that expert advice ignored? (S-003, 9/18/2017, Judy Ferraro).

Comment acknowledged. See response to Comment #3.

55. ...And hotel, two went up on Main Street recently, another three are being developed on Niagara Falls Boulevard, next month you are considering another hotel in the Northtown Center, we do not need a hotel in this residential neighborhood. (S-008, 9/18/2017, Amy Klose).

Comment acknowledged. See response to Comment #3.

56. Whereas in order to justify the cost of this cleanup, Mensch has requested the Town of Amherst to rezone the site consistent with a preliminary Conceptual Master Plan and a Draft Generic Environmental Impact Statement to develop a new traditional-neighborhood in the heart of Amherst including residential and professional offices restaurants, hospitality and recreational uses.

[...]

And whereas the development plan submitted by Mensch Group maintains 38 percent of the site that's open greenspace and includes walking and biking trails and recreational palm trees for the general public. The alternative to this development is a permanent fence hazardous brownfield site located in the geographic center of the Town of Amherst. (P-228, Chuck Rizzo; S-040, 11/17/2017, Chuck Rizzo).

Comment acknowledged.

57. My third issue is there's a small piece of the property maybe somebody from Mensch can address this, that abuts to the proposed park, it's across the creek and there's a bridge, it used to be the 18th tee. That is right in our backyards, we don't want people crossing over and what are you going to do with a half acre or an acre of land across the creek in our backyards within 100 feet of my house? And I don't want that developed. (S-041, 11/17/2017, David Nuwer).

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Comment acknowledged. The bridge would be addressed at the time of site plan application.

58. I just want to say one thing this evening and that is we seem to get lost in the sea of things. We're here on a rezoning application, and for the 14 years when I sat on the Board the thing that always jumped out at me was how much people would come in and want to flip properties and make a big profit and forget about the overall - context that they're already in.

And if you just look at that map and look at all the families and homes that live near that. And this is an extremely if you look at more of that area, this is an extremely residential- area of this -- our town. The idea of plopping in the middle of it a four-story hotel, plopping in the middle of it tempts multi family units.

You know, if you just step back from all the noise for a second and just think if you were to just sit down as a designer and design what would be appropriate for this area, you would not be thinking about all those things. All those things are on the table because of the desire for profit. But as was stated earlier no one is entitled to rezoning. Zoning is the lot, when you buy a parcel you buy it with a zoning, that is the lot. (S-042, 11/17/2017, Debra Norton).

Comment acknowledged. See response to Comment #3.

59. And as far as the Comprehensive Plan, as far as the opportunity here, the reason why the county put the park down there in Tonawanda was for flood control, same thing with the University of Buffalo. (S-055, 11/17/2017, Thomas Frank).

Comment acknowledged. Please also see the Water Resources section.

60. Regarding office space, we have vacant big boxes throughout this town that eyesores already. If any of you who go to Sheridan and Harlem Plaza, when they extended the plaza back to 7-eleven, none of those spaces have ever been leased, they are still vacant and empty. How is this going to be any different? (S-061, 11/19/2017, Michael Kankiewicz).

Comment acknowledged. See the response to comment #6.

61. Even a town consultant stated unequivocally that Amherst is built out, that there is no need for more of what this proposal is promoting especially destroying a greenfield to accomplish it. It is backward thinking. Amherst needs redevelopment of large areas that are no longer viable, Amherst needs to preserve greenfields. Westwood is a greenfield no matter what we are being told. (S-062, 11/19/2017, Judy Ferraro).

62. The other thing I would like to address is the parcel is currently zoned RC, recreation conservation, they are talking about 39 acres of park land and water features,

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ponds and so on. Why does any of this pocket parks that they're throwing in and historic trees, why does any of this have to be rezoned away from recreation conservation on those parcels? They want the whole thing blanket rezoned with the exception of the other areas where there are specialty zonings. Those parcels should not have to be rezoned if they truly intend for them to stay what they are. (S-064, 11/19/2017, Alanna Pohl Hughes).

Comment acknowledged. Also see responses to Comments #5, 24, and 28.

63. Under current zoning as greenspace the development options for Westwood are limited. Current zoning would however prevent a big park and community gather space for the residents in the largest town in upstate New York.

[...]

Why does this forum lacking interplay with the public make any sense for a project of this magnitude on a huge greenspace smack dab in the middle of town? Why is it thought that the same top down developer driven project is the only way to undertake land use and planning and rezoning in Amherst? Have you not heard that Amherst residents aren't buying this project at this scale on this parcel at this time, where are the long-term figures? (S-066, 11/19/2017, Michele Marconi).

Comment acknowledged. Also see responses to Comments #5, 24, and 28..

64. Go down the road a little more to Northtown Plaza, it's basically empty. The only thing that we do have going in there hopefully which is redevelopment, redevelopment is smart development. Tearing down greenspace like Westwood just does not make any sense and once you destroy it, it's gone. (S-067, 11/19/2017, Dean Haas).

Comment acknowledged. See the response to comment #6.

65. There are many vacant stores and buildings along Sheridan Drive and other streets in Amherst. I feel that instead of approving a project that will add even more commercial buildings in the town, that every effort should be made to get the vacant stores occupied. A perfect example is the empty building that was built in the Sheridan-Harlem plaza quite a few years ago. Why is this building still empty? Millions were spend on building this structure (next to CVS and the 711 store), and tax dollars were wasted and taxes are not being collected on this property.

A few buildings at the Sheridan Center (Sheridan-Sweet Home plaza), the Former Burger King (Sheridan near Mill), the Gas station next to Burger King, and many more along Sheridan Drive in Amherst and other parts of town. These buildings are eye

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sores and need to be occupied before building more commercial buildings on the Westwood property. (P-179A, 9/22/2017, Rick Lecksell).

Comment acknowledged. See the response to comment #6.

66. The proposed zoning and development plan is not consistent with the Comprehensive Plan and Zoning Ordinance. The proposal is not consistent with the Conceptual Land Use Plan, which shows Recreation, Open Space & Greenways use in this area of the Town.

- Beyond the vast residential nature, historically this general area is the recreation center of Amherst.

The proposal is not compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

- The existing surrounding residential neighborhoods cannot be dismissed.
- This area should not have to drastically change to accommodate a new development.
- This project, if developed, would forever alter Central Amherst as we know it.

The proposed change does not tend to improve the balance of uses, or does not meet a specific demand in the Town.

- This is not smart growth. Consultants hired by the town have stated that Amherst is essentially built out. The focus should be on preservation of remaining green space and true redevelopment.
- This is not redevelopment. You cannot define land as obsolete, when you are the one that vacated it. That is self-serving.
- Do we really need more of the same? (P-183, 9/14/2017, Maryann Hochberg).

Comment acknowledged. See responses to Comments #1-10.

67. The project should NOT be in, or very close to, a residential area. (Yes, people's homes surround the location.) There are other, commercial, (mainly) vacant locations where this project could be built. The plan's design actually is good; it's just that the project belongs elsewhere. (P-184, 9/17/2017, Steve Albertson).

Comment acknowledged. The applicant is not required to evaluate alternative locations not under their ownership/control.

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68. Something much nicer and less destructive could go into that space -something green, very low profile, simpler. Not office buildings and things like that. (P-184, 9/17/2017, Steve Albertson).

Comment acknowledged. See the response to comments #1 - 10.

69. Excess commercial space

- Amherst has plenty of unoccupied real estate ready for retail and commercial development and is not in need of more. If this land is rezoned and this development occurs, it will be excessive and not in the best interest of the Town of Amherst. (P-186, 9/11/2017, Mary and Raymond Boehm).

Comment acknowledged. See the response to comment #6.

70. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan!

- Add in all the retail stores & shops. commercial office buildings, strip plaza shops. hotel, Amphitheatre! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged. See the response to comment #6.

71. There is no need for more housing in Amherst! There is already plenty of housing for sale in Amherst- I re-checked only 3 small web sites today and found over 2000 residences for sale I - I am sure with additional checking that I would find many more! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged.

72. Additional retail stores & shops in Amherst > It is common knowledge that brick & mortar stores are a thing of the past and many stores are rapidly closing-this Monsterous Project would result in even more stores & shops closing in the Boulevard Mall & Eastern Hills Mall & in the Village of Williamsville ! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged. See the response to comment #6.

73. Monster Plan Fails to Comply with the Town of Amherst Comprehensive Plan!

- The Amherst Comprehensive Plan requires the "goal of Exceptional Quality of Life based on 3 Fundamental Attributes"
 - Maintain Livability, 2. Maintain Community Character, 3. Maintain Shared Direction
- This goal also includes the directive to:

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- o "Preserve Natural and cultural Resources and Maintain Greenspace Throughout Amherst" and to "Achieve a Network of Parks. Open spaces and Greenways throughout the Community" This Monster Plan for sure does not follow these requirements & directives! ... It does just the opposite! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged.

74. I feel that the Mensch group's conceptual master plan looks good on paper. I believe it has been given a lot of thought and that it would include some nice amenities especially senior housing, other types of _ residences and open space. I just don't feel that the project belongs on that particular parcel of land. It would infringe on the existing homes surrounding the land and I agree with all the other comments which those residents have already stated time and time again. (I don't feel they need to be repeated here).

The park idea that I mentioned at the most recent public hearing would include having playground areas for youth, making the area more family friendly. I feel that a well-planned park plus a visitor center/art gallery space would be more in line with the cultural aspects of the-town and would be a nice alternative to driving down the stretch of Main Street that usually is congested with traffic.

Lastly, I would like to see a three-dimensional version of the conceptual master plan presented to the Town Board and the public. I'm especially interested to see how the proposed hotel might affect North Forest Road resident's view, facing west. Thus far all we've been presented with (as far I know) is the two dimensional plan. (P-225, 10/2/2017, Randy Atlas; P-213, 10/1/2017, Maureen Schiener).

Comment acknowledged.

3.4.1.3 Consultant Comments

75. The modified Rezoning application and attachments need to be attached to the DGEIS and identified as the new preferred alternative. (STN-006, 10/2/2017,).

The DGEIS was accepted as being adequate for public review by Town Board on December 28, 2015. Comment noted.

76. The revised Master Plan (03/20/2017) only provides areas of building types. Clarify that these are building areas. (STN-007, 10/2/2017,).

Within the Conceptual Master Plan dated March 20, 2017, a note was included which states: "Note: Buildings depicted on this Conceptual Master Plan are intended to be illustrative of a specific use. Actual design and precise building footprints will be specified and approved consistent with the site plan and subdivision review processes for each of the components depicted on the plan."



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The precise building locations and footprints will be identified as part of the site plan and subdivision review process for each of the components of the redevelopment project. The final number of units and square footages will not exceed those depicted on the final Conceptual Master Plan, which represents the maximum development of the Project Site. Furthermore, the Project is subject to the Town of Amherst's Planned Unit Development ("PUD") review process, and a Development Agreement will describe the manner in which the Applicant intends to comply with the applicable PUD performance standards, and also to define and stipulate the conditions and restrictions that shall be considered as conditions precedent to the issuance of building permits and certificates of occupancy for the buildings proposed.

77. Provide a summary table that lists:

- Maximum number of proposed Townhouse Units
- Maximum number of proposed Apartment Units
- Maximum number of proposed Large Patio Homes
- Maximum number of proposed Small Patio Homes
- Maximum number of proposed Single Family Homes
- Maximum number of proposed Senior Independent Living Units
- Maximum number of proposed Hotel Bedrooms.
- Maximum number & type of proposed residential units in the Mixed-Use Buildings (in aggregate) (STN-008, 10/2/2017,)

The table below sets forth the maximum number of each component corresponding to the March 2017 Conceptual Master Plan.

Proposed Townhouse Units:	130 Townhomes
Proposed Multi-Family Residential Units:	180 Multi-Family Residential Units
Proposed Larger Patio Homes:	26 Larger Patio Homes
Proposed Smaller Patio Homes:	57 Smaller Patio Homes
Proposed Single Family Homes:	41 Single Family Homes
Proposed Senior Independent Living Units:	104 Senior Independent Living Units
	(Note: Does not include the 200 assisted living units)
Proposed Hotel Bedrooms:	130 Hotel Rooms
Proposed Mixed-Use Residential Units	212 Multi-Family Residential Units in Mixed-Use Buildings

78. The design criteria discuss the use of shared parking and the discount to the parking requirement due to pedestrian access and proximity of the proposed residential uses. Identify the number of households necessary to support the proposed Business and Retail uses. In urban communities, this can be 1000 - 2000 households for 30,000

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to 50,000 SF of Retail. Relate this number to the amount of shared spaces that may be anticipated. (STN-009, 10/2/2017,)

As part of the evaluation of shared parking demand for the proposed project, the Applicant has indicated it has engaged SRF & Associates to conduct a Shared Parking Demand Analysis, which has not yet been submitted. Due to the mixed-use nature of the development and the interaction between the proposed uses located on the same site, the actual overall demand for off-street parking spaces will be less than the sum of the demands for each individual use. In addition, under the portion of the Town Code governing the Traditional Neighborhood Design ("TND") district, of which a large portion of the project will be located, the TND district guidelines, as described in Section 5-6 of the Town Code prescribe maximum (rather than minimum) parking requirements. The Applicant anticipates that the results of the Shared Parking Demand Analysis being prepared by SRF Associates will demonstrate there is sufficient on-site parking proposed for the Westwood Mixed-Use Neighborhood. With regards to the comment regarding the number of households necessary to support the business and retail uses, the Applicant indicated that the limited amount of the proposed commercial/office space is appropriate for the surrounding neighborhoods and the future residents of the proposed project.

79. Describe the ownership and maintenance plan for the "Town Park" & Lake". Is it intended to be dedicated to the Town of Amherst and if so what will be the cost of the maintenance of these features. How will access to this amenity be managed? (STN-010, 10/2/2017,)

As noted in the draft Development Agreement, the Applicant will form a Master Association to collect dues and fees from the various components uses of the Project, and the Master Association shall be responsible for exterior maintenance of the entire Project Site, once construction is completed. This responsibility for exterior maintenance will include the cost of maintenance of the proposed Town Park and Lake. In addition, the Applicant may also execute one or more access easements for the purposes of providing public access to the various public components of the project, including the Town Park and Lake. This access easement would be recorded in the Erie County Clerk's Office. Again, the Applicant does not envision the land within the proposed Town Park and Lake to be dedicated to the Town of Amherst. However, if the Town Board chooses to have this land dedicated to the Town of Amherst, the Applicant would anticipate that the maintenance would be funded through the additional tax revenues generated by the project.

3.5 RECREATIONAL AND VISUAL RESOURCES

3.5.1.1 Agency Comments

The following comments were received from concerned agencies:

1. Could part of the property become a public area for more open space and passive uses? (A-011, 7/18/2016, Lois Shriver, ACAC).

The proposed project does include public areas and open space for passive uses. See the Town Park, Multi-use Trail and Multi-Purpose Field depictions in the Conceptual Masterplan.

2. My only thought would be to keep the project 25 feet from Ellicott creek, and use this space for a [sic] hiking path or trail, and possibly y [sic] a canoe landing or fishing spot where the little island putting green is now located. (A-012, 7/18/2016, Bob Collins).

Comment acknowledged.

3. How does the plan comport with the Amherst Bicentennial Development Plan provisions for:
 - "A network of parks, open spaces, and greenways throughout the community." and a town-wide open space system linked by trails, greenways, stream corridors, and bicycle/pedestrian facilities along scenic roadways is proposed as a major priority of the Plan"? (Executive summary)
 - "We protect and preserve valued open spaces and natural and scenic resources throughout the community" (Community Character section, section 2-4.)
 - "In addition, the Town should identify and pursue properties for acquisition in residential areas that are under served by existing parks and recreational facilities."? (3-20) (The plan implies that parks should be within 1/2 mile of residential areas; other than the Amherst Bike Path are there any parks near the Westwood site?) (3-20) (A-013, 7/18/2016, Ellen Banks, ACAC).

The following aspects of the project comport with the Amherst Bicentennial Development Plan:

- ***Total open space preservation acreage has been increased from 64 acres to 81.6 acres. Existing wooded areas on the site, most notably areas in the west and central sections of the property, are proposed to be preserved.***
- ***The pond areas in the center of the site have been enlarged to present a more usable and attractive public space.***

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- **A multi-purpose field has been added in the central pond area that takes advantage of proximity to Ellicott Creek.**
 - **The proposed trail system has been shifted to more interior locations to increase accessibility and connectivity.**
4. After review of the rezoning application and Draft Generic Environmental Impact Statement (DGEIS), the Planning Department offers the following comments:

DGEIS Comments (3) Evaluation of Potential Adverse Environmental Impacts:

Recreational and Visual Resources. The main thoroughfare through the development should be designed using Complete Street principles to facilitate safe and direct bicycle and pedestrian transportation from Maple Road to the intersection of Sheridan Drive and North Forest Road. Any multi use trail included as part of the roadway design should be separated from the roadway and be consistently located on only one side of the roadway to prevent bicycles and pedestrians from having to cross vehicle travel lanes.

All privately owned open spaces and trails should be designated as common area to be maintained by a property owners' association. The Town will inspect said open spaces and trails annually to ensure that they are properly maintained for public safety purposes.

The proposed park area should include a public access easement if it is to be privately owned and maintained. The developer should prepare a plan to operate and maintain the park and provide it to the Town so that the Town can insure proper maintenance for public safety purposes. If the Town is considering public ownership of the proposed park, the property should be donated to the Town (after all trails and other improvements have been constructed) at no cost to the Town, and all Recreation and Open Space fees resulting from development of the property should be deposited into a Trust Account specifically dedicated to the operations and maintenance of that park. The Town shall develop a management plan for the park, identify anticipated costs and allocate sufficient resources annually to operate and maintain the park.

(A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

Comments Acknowledged. More information is needed from the Applicant in order to fully address these comments. Further discussions between the Town of Amherst and the Applicant will need to occur as the project progresses.

Section 4: Existing Environmental Setting

- Include libraries, senior services and youth services (A-045, 9/3/2014, Eric Gillert, Planning Director).

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3.5.1.2 Public Comments

The following comments were received from the public and have been grouped based on similar concerns. Each resident that has expressed concern is listed after the comment.

5. I also think it makes a lot of sense to take advantage of saving some of the former Westwood Country club park like amenities including water, trees and scenic landscape which can be made available to the public. I also think what Mensch Capital Partners has planned would be a location offering some very desirable living options with a variety of housing choices which would attract more people to move to the town of Amherst. (P-045, 3/6/2017, Rick Searns).

Comment acknowledged.

6. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, would like to voice my support for this project and explain why:
 - This development was very well thought out, providing almost 50% of the area as greenspace

Let's invest in the future of our town with a developer who cares about us, our town and our community ... there are not too many of these types of people, let's give them the support they deserve. (P-049, 3/6/2017, Martin Sadkin; P-080, 3/6/2017, Neil Frank; P-178, Warren Klein).

Comment acknowledged.

7. Happy trails, parks, and ponds. With 47 percent of the Westwood neighborhood designed as permanent open space and a trail network, residents will be surrounded by nature at every turn, including 100-year-old naturally wooded areas, a 6.5-acre lake along with smaller ponds, and recreational areas including a 39-acre publicly accessible park. (P-054, 3/6/2017, Daniel Mecca; P-058, 3/6/2017, Walid Daham; P-060, 3/6/2017, Dan Shuman; P-083, 3/6/2017, Lorne and Lisa Steinhart; P-086, 3/6/2017, Rise Kulick; P-134, 3/6/2017, Leslie Kramer; P-144, 3/6/2017, Ronald Perry; P-152, 3/6/2017, Robyn Neale).

Comment acknowledged.

8. As a long-time resident of the Town of Amherst, I have seen varying degrees of successful development. I feel the Westwood project will benefit the Town in multiple ways: new tax revenue, job creation, remediation of tainted land and enhanced town parkland are just a few to mention. (P-063, 3/6/2017, Jennifer Greco).

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Comment acknowledged.

9. As a resident of the Town1 of Amherst, I would like to voice my support for this project because I have confidence in the Town of Amherst as well as Mensch Capital Partners to work together developing a first-class asset in the best interest of the residents of the Town of Amherst. Having this project sit in limbo is hurting us as a community when the property could be developed into an important focal point that brings the best combination of living, working and relaxing space for all of our residents. (P-065, 3/6/2017, Brian Shine).

Comment acknowledged.

10. This creative and thoughtful project also bring benefits to the neighboring UB community for housing and shopping and positively impacts future ridership on the expected light rail expansion that will add value to this project for Amherst, UB and Buffalo as well. (P-066, 3/6/2017, Ken Shuman).

Comment acknowledged.

11. As a resident of the Town of Amherst, I would like to voice my support for this project because it will beneficially develop an unused, beautiful piece of land, which is presently in a dormant condition. My understanding of the development proposal is that the land will provide much park space and multi- level housing opportunities, which will benefit the town and school district. (P-088, 3/6/2017, Robert Sommerstein).

Comment acknowledged.

12. As a resident of the Town of Amherst, I would like to voice my support for this project because our town needs to offer attractive, new living environments like those envisioned at Westwood. Leveraging private investment is vital if Amherst is to remain competitive in our region. Westwood is the kind of development that will bring multiple benefits not only for those who are lucky enough to live there but also for the Town as a whole. It is an innovative and forward looking project while at the same time being especially sensitive to preserving green spaces.

I urge Town officials to move forward with this important development which holds such positive potential for the future of our wonderful Town. (P-096, 3/6/2017, Peter Fleischmann).

Comment acknowledged.

13. It will enhance the quality of life for the entire community. I am impressed with the balance that will be provided residential, commercial, parks, ponds etc. It will be a great place for families to spend quality time in a beautiful setting. (P-103, 3/6/2017, Levi Greenberg; P-106, 3/6/2017, Nancy Greenberg).

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Comment acknowledged.

14. As a resident of the Town of Amherst, I would like to voice my support for this project because as the rabbi of a neighboring synagogue I believe it will enhance the area and benefit our community. (P-105, 3/6/2017, Alex Lazarus-Klein).

Comment acknowledged.

15. To have shops and small businesses all in one area and in walking distance, is a huge plus. Also think of our senior citizens or those without access to transportation for a moment- living in Williamsville can be isolating for them and I believe this would give them the freedom they truly need!

We'll all be able to enjoy the nice feel of "city life" right here in the suburbs, even if just to a small degree. Then add to it parks, lots of green and gorgeous recreational areas and it will be a beautiful area, vs what's there now- nothing. Sad to drive by and see the area completely "dead". (P-107, 3/6/2017, Rivka Greenberg).

Comment acknowledged.

16. I am in favor of the rezoning proposal and Master Plan for the Westwood. I would like to voice my support for this project because of the following reasons;

- There is a very limited offering for Amherst residences to choose new construction and a change if [sic] lifestyle. This project offers them a variety of choices from single family, Multi- family, and empty nesters with the availability of Patio Homes and Town Homes.
- In addition to the housing needs it will provide it will also include many services from retail shops, and other professional services to create a walkable community.
- 47% of the project will be permanent open space and parks. (P-108, 3/6/2017, Philip Nanula).

Comment acknowledged.

17. In our town, there is no one community living/gathering/playing space with multi-generational appeal that is easily, safely and quickly accessible by foot, two-wheels or wheelchair. In essence, we have no 'heart.'

After decades of urban sprawl and generations of our best and brightest hemorrhaging, our families are regrouping ... sometimes, out of necessity, financial or otherwise.

I've experienced the advantages of multi-generational living first-hand. The inter-dependence and authentic mingling of traditions, values and skills is invigorating.

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How wonderful it will be to have strollers, tri-cycles, bikes and wheelchairs traveling the living, shopping and nearly 50% green space of our Westwood neighborhood. (P-111, 3/6/2017, Liza Kane).

Comment acknowledged.

18. Simply having the former golf club lie fallow is a travesty. It begs for smart re-development that incorporates green space and preserves the meandering Ellicott Creek. Certainly, high end patio homes (like Greythorne) and a higher end hotel/conference center would be appropriate and attractive, with perhaps a 9-hole executive course as an additional amenity. As a resident of the Town of Amherst, I find it distressing to continuously drive by the property and observe its current condition. (P-114, 3/6/2017, Raymond Fink).

Comment acknowledged.

19. I like the idea of the neighborhood center and the beautiful park-like setting that will be in the middle of our beautiful Town of Amherst. I think that the plan has been very well designed and I want to show my support for its approval. Thanks very much for your consideration of my comments. (P-119, 3/6/2017, Gerald Carlo).

Comment acknowledged.

20. Also, I appreciate that Mensch Partners have vowed to use almost 50% of the space to be accessible to the public devoted to trails, ponds and recreational areas open to the entire community. Passing up the opportunity to address the land issues, delaying the development of idyll land and delaying the incremental tax revenue is unwise and doesn't support the Town of Amherst or its resident's best interests. (P-122, 3/6/2017, Nina Lukin).

Comment acknowledged.

21. This project would make for a much better use of the land/area. I've seen similar projects and it really adds to the area/neighborhood. There would be some nice retail shops, and residential walkways. Especially in the spring/summer, it would give me a nice place to take my wife and 4 boys on a Sunday. I also have a large extended family that comes to Amherst to visit, and such a project would truly add to Amherst for out of town visitors. I drive by the current site every day for work and quite honestly, it's depressing to see the wasted potential, especially in its current state. (P-124, 3/6/2017, Eli Kaganoff).

Comment acknowledged.

22. The Westwood project would offer a beautiful community setting to families, singles and seniors to enhance their lifestyle. Who wouldn't want to live surrounded by ponds, parks and natural wooded areas with retail shops within walking distance.

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Great community concept! (P-125, 3/6/2017, Kathleen Benson; P-072, 3/6/2017, Brenda White; P-077, 3/6/2017, Benjamin Oppenheimer; P-099, 3/6/2017, James Maloney; P-109, 3/6/2017, Randi Morkisz; P-120, 3/6/2017, Leah Blum; P-126, 3/6/2017, Sonia Young).

Comment acknowledged.

23. As a country club, the former land owner could have been seen, as country clubs often are, as exclusive, discriminating, and not community-friendly. Now there would be a beautiful new development which would be inclusive rather than exclusive. It would be there for anyone and everyone who choose to take advantage of its offerings. (P-129, 3/6/2017, Jonathan and Wendy Sadkin; P-101, 3/6/2017, Craig Carrow; P-121, 3/6/2017, Laizer Labkovski).

Comment acknowledged.

24. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners.

- There are amazing advantages for the Town to go forward with the most recent Conceptual Plan being proposed by the Mensch Capital Partners Group.
- Mixed Use Development
- Green Space (P-132, 3/6/2017, Barbara Schuller).

Comment acknowledged.

25. I support any plan that provides local residence access to wooded hiking & mountain biking trails which currently are hard to find in the immediate area. Note that paved walking and biking paths are plentiful in Amherst - I would like to use my mountain bike and have a place to teach others to ride on a reasonably challenging system of trails that I would be willing to help plan, cut and maintain. It would not take much space - the equivalent of 2-3 football fields in total area. In the winter the trails would be excellent for both hiking and X-country [sic] skiing. In both hiking and mountain biking, falls and minor injuries associated with them are common. Helmets should be mandatory for all bikers. At present the closest set of trails that I have found to be adequate is in East Aurora in the Hunters Creek state land. (P-133, 3/6/2017, Steve Witt).

Comment acknowledged.

26. I strongly believe this proposed project will be a major improvement to the Amherst community based on all the Amenities that would be provide to the residential

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communities that will reside there. The proposed park system will add environmental value to our community as well as the commercial development which will provide jobs and help maintain our status as a leading commercial community. This site has been an enjoyment as a golf course, sad to see it end like it did. The new life proposed sounds very encouraging. (P-135, 3/6/2017, James Manguso).

Comment acknowledged.

27. Having attended meetings, and being personal friends with others who are adamant that this project be stopped in its tracks, I am familiar with the anxiety and fear of change that is motivating a lot of anger. It must be hard to be on the receiving end of all of that. I can appreciate how lovely it would be to have a massive park in Amherst. I think Amherst has a lack of great parks. That being said, as I understand it, the town a few years back considered buying or trading this property and in both cases decided they could not afford the cost of remediation. (P-172, 6/28/2017, Kaarsten Wisnock).

Comment acknowledged.

28. We do not need another hotel, new road or shopping mall into this property. If possible, maybe this could be a park or maybe put on the ballot for Amherst residents to decide, what are people willing to have and pay for? (P-197, 9/23/2017, John Radzikowski; P-173, 11/19/2016, James G. Witt; P-199, 9/25/2017, Phil Parshall; P-229, 10/16/2017, Paul Ankasm).

Comment acknowledged.

29. I am disappointed with the park that is currently in the plans. While the walking trails already included in the plan are nice, and I hope paved for strollers and wheelchairs, I would like to see a dedicated park area with large play structure and a basketball court. We do not have a basketball court in the area, it could also be an area to play street hockey. Pocket parks make neighborhoods vibrant. One can easily imagine stopping to get a coffee at a cafe and walking kids along a path to the park for a nice afternoon. Most of our existing play structures are on school grounds so are not available for public use during the day.

[...]

I do like the plan that Mench Partners has proposed. I like the most recent version more than the first (perhaps because I did write in with my concerns and I did see that the new plan addressed them.) I love that they made a real park- it was cute how they tried to pitch extra green space around million dollar houses as a park- but now I see a legitimate pocket park with parking. I wish I saw a basketball court (did you know there isn't one at Clearfield?) and I am glad there are still trails. I have lived near mixed use projects such as this in the past in other regions. They are lovely. They become hubs with nifty small retail and places to eat. I look at the plan and

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see positive zoning, a real retail area off a main road (as it should be) with office space and apartments to provide enough built in traffic to bring in retail/restaurant storefronts and close enough to single family homes to grow the retail. (P-177, 11/28/2016, Kaarsten Wisnock).

Comment acknowledged.

30. The thought of another under-utilized park in Amherst disgusts me. Where is your common sense? The only parks with any utilization are the ones with playgrounds and the usage is heavily influenced by playground activity. The Westwood plan includes public green park space as well as extensive greenspace within the project scope. If you turn this land into a park then the vocal few should bear the expense of maintaining it. (P-180, 9/25/2017, Jerry Kotowski).

Comment acknowledged.

31. The subject property is suitable for uses permitted by the current versus the proposed district.

- This parcel could and should be repurposed for reasonable recreation for the benefit and enjoyment of all Amherst residents. (P-183, 9/14/2017, Maryann Hochberg).

Comment acknowledged.

32. I would be very grateful if the town could purchase the Westwood property and make it into a large public park. This would be such a nice asset for the area. I am against the development of the property since it will only add to existing congestion in the area. (P-185, 9/10/2017, Fredrik Miller).

Comment acknowledged.

3.6 SOCIOECONOMICS

3.6.1.1 Agency Comments

The following comments were received from concerned Agencies.

1. The Town of Amherst Bicentennial Comprehensive Plan- Amended February 28, 2011, Section 8.2 states that a "priority of the Consolidated Plan is to provide and promote homeownership assistance for low-income families and first time homebuyers." Many of the policies outlined in this plan are aimed towards increasing "the diversity of housing in Amherst, which. will also serve to promote more affordable housing." As planning for the Westwood site continues, Town officials should consider working with the developers in identifying any opportunities for incorporating affordable housing units within the proposed housing stock. This would help carry out the Town's master plan goals and help address a regional need as well. (A-006, 2/1/2016, Elias Reden, County of Erie).

The Town agrees that this is a deficiency in the DGEIS.

2. Can you provide evidence that the Town has a need for the number of proposed residences, both in the original plan and in the modified plan proposed by David Copeland of the ACAC? Is there increased population growth in Amherst to support a need for the regular residences proposed and for the older adult housing proposed? (A-013, 7/18/2016, Ellen Banks, ACAC).

The Town has demonstrated a slow but steady rate of population growth for the past two decades. Although the turnover of existing housing stock is occurring, demand for additional housing to accommodate that growth has continued over that period. However, the growth rate for those residents attracted to senior citizen complexes is growing at a faster rate and is being accommodated with specialty housing units designed specifically for senior residents. Exhibit "T" of the Amended Rezoning Application submitted in March 2017 includes an analysis of market demand for patio homes and apartments, as well as the proposed assisted/independent living facility.

3. After review of the rezoning application and Draft Generic Environmental Impact Statement (DGEIS), the Planning Department offers the following comments:

DGEIS Comments (2) Existing Environmental Setting:

- Municipal Revenues. Assessor's review of revenue assumptions is pending. To make this section more readable, revenue table should be amended to include projected property tax revenue, not just the rate (data is located in subsequent sections and the Appendix). Update data in DGEIS for most recent year, as available.

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- Cost of Community Services. Projected cost to town, county, and school district (Williamsville) based on projected number of units/population should be included. Update data in DGEIS for most recent year, as available on single-family real estate data.

DGEIS Comments (3) Evaluation of Potential Adverse Environmental Impacts:

- Municipal Revenues (Taxes). DGEIS provides little substantive analysis on ability of the market to absorb the proposed retail space without cannibalizing or destabilizing commercial centers, other than the Village of Williamsville.
- Cost of Community Services. The impact of projected new students on the Williamsville School District for the most recent year, as available, should be updated. Include a discussion on redistricting existing schools. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

Comment regarding commercial centers other than Williamsville is acknowledged. Although the Section 5 of the DEIS does not specifically state that the petitioner will be requesting tax incentives for qualifying uses, Section 5.6.3 provides an assessment of tax revenues to the Town and Williamsville School district with and without payment in lieu of taxes that are a component of such tax incentive programs. Therefore such incentives were factored into revenue projections. Additional analysis will be required at the time of Site Plan application.

4. Section 4: Existing Environmental Setting

- This is the correct section to reference the CGR Report (Appendix 0) and its conclusions summarized, yet there is no reference to the report or its conclusions. (A-045, 9/3/2014, Eric Gillert, Planning Director).

Comment acknowledged.

5. Section 5: Evaluation of Potential Adverse Environmental Impacts

- This section only discusses the tax benefits to the Town of the project at completion. There is no discussion or acknowledgement of potentially adverse impacts, which is the purpose of this part. This section should present analysis of the market's ability to absorb the proposed uses, especially the various commercial uses. Particular attention should be focused on whether this project will cannibalize demand from existing similar uses in the Town and Region, with special focus on the Village of Williamsville.
- Petitioner acknowledges they will seek tax abatement for some components of the project; however, it is not clear whether those abatements were factored

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into the revenue projections. More detail is needed. (A-045, 9/3/2014, Eric Gillert, Planning Director).

Although the Section 5 of the DEIS does not specifically state that the petitioner will be requesting tax incentives for qualifying uses, Section 5.6.3 provides an assessment of tax revenues to the Town and Williamsville School district with and without payment in lieu of taxes that are a component of such tax incentive programs. Therefore such incentives were factored into revenue projections. Additional detail will be required at the time of Site Application.

6. Section 6: Description of Proposed Mitigation Measures

There is no discussion of proposed mitigation of adverse impacts, as none were identified in Sec. 5.6. (A-045, 9/3/2014, Eric Gillert, Planning Director).

Correct; a review of Sections 4 (Description of Existing Environmental Setting) and Section 5 (Evaluation of Potential Adverse Environmental Impacts) indicates that no adverse socioeconomic impacts were identified. Therefore, no discussion of mitigating measures is appropriate.

3.6.1.2 Public Comments

The following comments were received from the public and have been grouped based on similar concerns. Each resident that has expressed concern is listed after the comment.

7. Though presented as a tax windfall for the Town of Amherst, this intrusive development does not come without cost. Will there be tax abatements, PILOT program (Payment in Lieu of Taxes) or other similar developer perks at taxpayer expense? The burden of cost for new demands such as for infrastructure, schools, fire and police will fall on the residents, old and new. Taxpayers will also foot the bill for NYS brownfield funds. (P-022, 11/17/2016, Maureen Schmitt; S-045, 11/17/2017, Maureen Schmitt).

Although the Section 5 of the DEIS does not specifically state that the petitioner will be requesting tax incentives for qualifying uses, Section 5.6.3 provides an assessment of tax revenues to the Town and Williamsville School district with and without payment in lieu of taxes that are a component of such tax incentive programs. Therefore such incentives were factored into revenue projections. The project has been admitted into the New York State Department of Environmental Conservation's Brownfield Cleanup Program, and therefore is eligible for brownfield tax credits as a result of the anticipated cleanup and redevelopment of the Project Site. Numerous studies have demonstrated that after a brownfield site is remediated, property values increase in the surrounding neighborhood.

8. Comment



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- Property Values: Property values are at risk as the lifestyle currently enjoyed would adversely [sic] effected.
- Cost. While the developers argue an increased tax base, how much more police, fire, garbage, highway, and other related costs will the Town incur as a result of the increase population density.
- Lifestyle and Safety. Our pleasant, small town feel will be replaced by congestion, loss the green space and jeopardize the safety we enjoy in our Town. (P-115, 3/6/2017, Mary Ellen Hagar).

Comment acknowledged. Additional analysis will be required at the time of Site Plan application.

9. While other municipalities expand their recreational opportunities and reap the economic benefit, Amherst appears to be lagging behind. The reactionary approach has not been serving residents well. Hopefully as Mensch completes the soil testing, the Town will be in a better position to evaluate its options. (P-003, 10/31/2016, Jennifer Haas).

Comment acknowledged.

10. I strongly believe this development is not about enhancing our community; it's about creating a segregated neighborhood cut-off from the rest of the town and village, occupying important green space while suppressing our quality of life.

- The safety of our children and families will be put in jeopardy
- Our already fragile infrastructure will be put at the brink of collapse
- Traffic congestion will simply be unbearable, creating more accidents and pollution (P-013, 11/14/2016, Curtis Robbins).

Comment acknowledged.

11. Buffalo has a reputation for first saying no to development. I value growth as the alternative would be to tax existing properties and homeowners more to cover rising Town expenses. This property along Sheridan as well as the vast stretch of property along Maple Road begs for contemporary mixed use development. (P-033, 1/23/2017, Jerry Kotowski; P-200, 9/21/2017, Loise Bieron).

Comment acknowledged.

12. Our homes will not increase in value - THEY WILL DECREASE!! Who wants to deal with this massive traffic through a once quiet and much loved neighborhood? (P-042, 3/3/2017, JoAnne Kotlik).

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13. As a long time resident of the Town of Amherst and the owner of an office building on Sheridan Drive occupied by our company, I would like to voice my support for this project because I strongly support things that will enable the town to get more tax dollars resulting from growth of the community and perhaps as a result to be able lower [sic] the taxes per individual property owner making living in the town less expensive for each property owner which would make Amherst a more attractive place to live and to locate companies which would provide more job opportunities for local residents. (P-045, 3/6/2017, Rick Searns; P-048, 3/6/2017, Mark Wolfson; P-049, 3/6/2017, Martin Sadkin; P-051, 3/6/2017, Mitchell Reccocon; P-053, 3/6/2017, Melissa Cook; P-056, 3/6/2017, David Desmon; P-057, 3/6/2017, Blaine Schwartz; P-061, 3/6/2017, 3/6/2017, Scott Friedman; P-062, 3/6/2017, Joseph Sterman; P-063, 3/6/2017, Jennifer Greco; P-066, 3/6/2017, Ken Shuman;.P-067, 3/6/2017, Susan and Gerald Bergman; P-068, 3/6/2017, Stuart Angert; P-069, 3/6/2017, Andrew MacDonald; P-070, 3/6/2017, Sandra Felger; P-071, 3/6/2017, Barry Weinstein (Resident); P-077, 3/6/2017, Benjamin Oppenheimer; P-080, 3/6/2017, Neil Frank; P-086, 3/6/2017, Rise Kulick; P-087, 3/6/2017, Daniel Scully; P-090, 3/6/2017, Elad Levy; P-092, 3/6/2017, Anne Duggan; P-095, 3/6/2017, Donald Hecht; P-097, 3/6/2017, Scott Cassety; P-098, 3/6/2017, Margrit Mary DiCamillo; P-100, 3/6/2017, Paul Young; P-103, 3/6/2017, Levi Greenberg; P-104, 3/6/2017, Maxine Awner; P-106, 3/6/2017, Nancy Greenberg; P-107, 3/6/2017, Rivka Greenberg; P-108, 3/6/2017, Philip Nanula; P-109, 3/6/2017, Randi Morkisz; P-110, 3/6/2017, David Oestreicher; P-111, 3/6/2017, Liza Kane; P-116, 3/6/2017, Neil Block; P-117, 3/6/2017, Fred and Donna Saia; P-118, 3/6/2017, Steven Gattuso; P-120, 3/6/2017, Leah Blum; P-127, 3/6/2017, Jeremy Finn; P-130, 3/6/2017, Michael Newman; P-132, 3/6/2017, Barbara Schuller; P-137, 3/6/2017, Jeffrey Katz; P-138, 3/6/2017, Susan Freed-Oestreicher; P-139, 3/6/2017, James Kramer; P-142, 3/6/2017, Beth Steinberg; P-150, 3/6/2017, John Horn; P-153, 3/6/2017, Armen Saakyan; P-158, 3/6/2017, Charles Lannon; P-161, 3/6/2017, Eve Feigelis).

Comment acknowledged.

14. Let's talk numbers. Here are some projections: new property tax revenue for the Town of Amherst; Williamsville Schools and Erie County are estimated at over \$50 million (offsetting \$25 million increase for government services); \$17 million in additional sales tax revenue for state and local government; plus, \$10 million in additional income tax revenue to the State of New York. Westwood's redevelopment is a wise investment for the Town to grow its tax base.

Do it for the kids. Balancing the school budget has gotten harder with the recent two percent property tax cap. The largest economic beneficiary of the new Westwood Neighborhood will be the Williamsville Central Schools. We all know that investing in our schools pays dividends for generations to come.

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Creating jobs builds a strong community. Upon full development of Westwood, we estimate that 400 new permanent jobs will be created along with 2,300 temporary construction jobs throughout the process. (P-054, 3/6/2017, Daniel Mecca; P-058, 3/6/2017, Walid Daham; P-060, 3/6/2017, Dan Shuman; P-083, 3/6/2017, Lorne and Lisa Steinhart; P-134, 3/6/2017, Leslie Kramer; P-144, 3/6/2017, Ronald Perry; P-148, 3/6/2017, Aimee Hecht; P-154, 3/6/2017, John Havrilla; P-176, David Norman; P-231, ND, Anonymous).

Comment acknowledged.

15. I'm writing to express my support for the cleanup of Westwood Country club. Since the election, I've discovered a new local respectful activism. I feel as though it's important to get the brownfield cleaned up, infuse that area of the town with a multi-use development and add more homes to the town tax roles. (P-085, 3/6/2017, Mary D'Arrigo; P-177, 11/28/2016, Kaarsten Wisnock; P-178, Warren Klein).

Comment acknowledged.

16. Buffalo is entering a renaissance. Amherst risks being left far behind if our leadership fails to embrace modern living opportunities that new residents seek.

Comment acknowledged.

17. We will see a reduction in our property values as more flee to the living opportunities in the city and the newer communities currently being developed.

Now I have focused primarily on the project because I believe in the lifestyle community plans that are being proposed.

Let's not forget the benefits to our tax base and the creation of new publicly accessible green space. (P-141, 3/6/2017, Irv Levy).

Comment acknowledged.

18. I moved from the Seattle area, there is a lot of growth in the Seattle area. This kind of development is common; they become a boon to the region and are sought after. When one goes into your neighborhood it is great for your property value as you have a mini retail core with cute shops. The co-located housing provides a built in base to support small businesses at start up resulting in an idea [sic] situation for both residents and businesses. Beyond the benefit to our community of cleaning the land, adding park space, adding more transportation options between Sheridan and Maple, and providing mixed use retail, they also generate a lot more tax revenue than undeveloped land. I know we could all stand to have more tax revenue! (P-145, 3/6/2017, Kaarsten Wisnock).

Comment acknowledged.



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19. The amount of due-diligence, planning, immersion, and forward thinking that culminated in the Westwood Master Plan is evident. The Westwood Plan delivers on what the Town of Amherst is lacking in the area along Sheridan Drive. It's appealing to both millennials and baby-boomers providing a combination of patio homes, townhouses and apartments. There is an abundance of green space planned between the wooded area, 6.5 acre lake, and the 39-acre publically accessible park. It'll have a notable direct positive impact to the local school district, and it'll create close to 400 new permanent jobs.

I can empathize with those in the near vicinity of the project who are fearful of what the changes may mean for them. However, I challenge those in that court to really listen generously to those in favor of the Westwood Master Plan. Think about the net benefit to the community; both current generations and future generations. I think it will become clear that moving forward with the Westwood Master Plan makes sense both from an economic standpoint, environmental standpoint, and an overall quality of life standpoint. (P-151, 3/6/2017, Jamie Johnson).

Comment acknowledged.

20. The plan creates neighborhoods which may increase a sense of civic engagement that is often lacking in many of the newer neighborhoods in Amherst. (P-155, 3/6/2017, Kevin Kulick).

Comment acknowledged.

21. First of all its very unfortunate that we have 172 acres of prime land in the Town of Amherst standing idle. With all the new building in Downtown Buffalo and more and more young families returning to WNY, its unfortunate that we are arguing about this incredible vision for the Town Of Amherst. I visit many cities with this type of concept and they are terrific. You see many people riding bicycles, playing Tennis and having breakfast or lunch at the outdoor cafes. This is what young families look for. I would hate to lose the opportunity to attract these young families to the City of Buffalo. Now is the time to take advantage of the turnaround that is going on in WNY. Please don't be the people in power who ignore this great opportunity to enhance the quality of life in OUR TOWN. (P-157, 3/6/2017, Todd Sugarman).

Comment acknowledged.

22. There is nonsensical reference to possible impact on a well-written but pie in the sky comprehensive development "plan" for the 'Town of Amherst. The Town of Amherst is flooded with incessant vehicular traffic and the continuing bankruptcy of anchor retail stores causing fiscal crisis in all the major commercial shopping centers. Let us not ignore the increasing impact of adverse weather and sink holes. It is ironic that similar proposals for mixed-use of fiscally-distressed large shopping centers are being developed similar to Westwood. Claims of increased vehicular congestion are

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ridiculous. Instead the traffic congestion and dangerous use of vehicles provide revenue to balance the Town Budget. During the course of the reassessment process of residential properties in the Town aerial photographs actually show occupied homes with vehicles parked on lawns because of lack of driveway space. Westwood provides for actual intelligent storage of vehicles used for residential or timely commercial visitation to the site.

If the matter of vehicular congestion is used to stop the development of Westwood than [sic] the Town must then limit the quantity of vehicles associated with homes in the Town to limit vehicular congestion. Westwood is asking for no public funds from the Town of Amherst. It is asking to provide intelligent growth with the creation of residential and commercial taxpayers. Missing from the negative sentiments is the significant taxpayer costs that translate from the rejection of the Westwood Neighborhood Project. (P-170, 5/5/2017, Harvey Brody).

Comment acknowledged. Also refer to the Traffic section of this FGEIS.

23. Who has to pay for this infrastructure? Certainly not the developer. They make the profit on these homes and 10 years later, after suffering accidents and traffic snarls, the taxpayers end up paying for changes. Who pays for the additional road repairs due to the increased volume of cars. (P-190, 9/20/2017, Theresa Avery-Scigaj).

Comment acknowledged.

24. Will there be tax abatements, payment in lieu of taxes or similar developer perks at taxpayer expense? The burden of cost for new demands such as infrastructure, schools, fire and police will all fall on residents, old and new. Taxpayers will foot the bill for the New York State brown field ones. (S-025, 9/18/2017, Maureen Schmidt).

Although the Section 5 of the DEIS does not specifically state that the petitioner will be requesting tax incentives for qualifying uses, Section 5.6.3 provides an assessment of tax revenues to the Town and Williamsville School district with and without payment in lieu of taxes that are a component of such tax incentive programs. Therefore such incentives were factored into revenue projections.

25. The development plan submitted by Mensch is in concert with the Amherst comprehensive plan for redevelopment of an abandoned golf course' And whereas Mensch and it's development partners seek to invest over two hundred and thirty million dollars in this site, create over two hundred and twenty million dollars of new assessed valuation, create 1500 construction jobs, 400 permanent jobs approximately and generate over a ten year period \$10 million in new tax revenue for the Town of Amherst. \$37 Million for Williamsville school district and \$10 million for Erie County. (P-228, Chuck Rizzo; S-040, 11/17/2017, Chuck Rizzo).

Comment acknowledged

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26. I would have these questions for you, where is the community visioning for this 170 acre parcel, why is there no organized engagement of the town residents to elicit their ideas for the future of this property? Is there no understanding that greenspace and park land development is economic development and an intrinsic component of a healthy community over time? (S-066, 11/19/2017, Michele Marconi).

Community engagement, including multiple public meetings and opportunities to submit comments have been an integral part of the SEQR process for this project.

27. Would these proposed changes and continued maintenance fall on the county and state taxpayers shoulders, potentially turning the internal development roads over to the town which lead to the roundabout exiting onto county owned North Forest seems very questionable.

Additional cost for the Town of Amherst taxpayers to maintain these potentially acquired new internal roads should be considered. North Forest is a collector road intended to pass traffic through the area. These changes will negatively impact the way the roadway functions for the sole purpose of serving the development. For the 30 years that I have lived on North Forest many changes have been proposed to change the nature of the road. (S-068, 11/19/2017, Maureen Schmitt).

Comment acknowledged. Additional analysis will be required at the time of site plan application.

28. I believe the Town Boards have a responsibility to all citizens of Amherst not just a vocal few. I believe you should be acting for the town's greater good. This property would generate revenues and on a whole I find it to be aesthetically pleasing, unlike the neighborhood post -World War II housing structures that surround it. (P-180, 9/25/2017, Jerry Kotowski).

Comment acknowledged

29. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan!

- Add in the potential high crime factor which was pointed out by an ex-police officer at the Meeting! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged.

30. I also do not find any argument about increasing the tax base to be persuasive whatsoever. Despite ongoing development and building throughout Amherst, and thus "an increased tax base", my taxes have not gone down nor have the services provided by the Town improved. For instance, our neighborhood playground, Paradise Park, was destroyed by arson last year. It took over a year for the playground to be rebuilt, and the swings have still not be installed because the Town

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"ran out of funds" for the necessary safety surface. (P-005, 11/2/2016, Rochelle Lawless; P-216, 10/2/2017, Rochelle Lawless; P-217, 10/2/2017, Kara Eyre).

Comment acknowledged.

3.7 CULTURAL AND HISTORICAL RESOURCES

3.7.1.1 Agency Comments

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

The clubhouse of the Westwood Country Club was previously determined eligible by this office during a preliminary assessment of the project under the SEQRA process. This office has since reassessed the clubhouse property within the larger context of the country club grounds as part of the hard look required by the Section 14.09 review process. Per this re-assessment it has been determined that the Westwood Country Club and Clubhouse are not eligible for listing on National Register. Additionally, 375 Maple Rd, which has been recently added to the scope of the project, is not eligible for listing on the National Register. Because we have not identified any historic structures in the project area, it is the opinion of OPRHP that the project will result in No Historic Properties Impacted. (A-023, 5/2/2017, Sloane Bullough, New York Parks, Recreation and Historic Preservation).

Comment acknowledged.

2. Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the proposed Westwood Neighborhood project under the New York State Environmental Quality Review Act (SEQRA). As you know the role of this office in the SEQRA process is to provide the Lead Agency with our comments on historic preservation matters as part of its "hard look" at potential environmental impacts that may be associated with local discretionary reviews.

The Westwood Country Club has been determined to be eligible for listing on the State and National Register of Historic Places. We understand that the proposed project includes the development of a Traditional Neighborhood including single family homes, condominium townhomes, senior living, mixed-use commercial development, hotel, religious, public event space, and recreation. Adjacent new

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construction should take into consideration the character defining features of the existing site, so that it is both compatible and differentiated.

The OPRHP appreciates the opportunity to comment under the SEQRA review process as an interested agency. It should be noted that further consultation with the OPRHP will be necessary as the project moves forward if there is state or federal involvement (licenses, permits, or funding) in the project. Involvement of a federal or state agency triggers a more formal review with our office under the National Historic Preservation Act of 1966 and Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, respectively. (A-039, 4/13/2015, Eric Kuchar, New York Parks, Recreation and Historic Preservation).

This Comment is now moot per the re-assessment of the clubhouse property by the OPRHP. The Town Board agrees that, taken as a whole, the nature of the proposed mixed-use Westwood Neighborhood is too dense for the area and is not entirely consistent with the adopted Bicentennial Comprehensive Plan in that the site is not designated as a Mixed-Use Activity Center. The mix of uses, scale and density of the southern-most portion of the project is not compatible with the character of the surrounding neighborhoods. That said, the location, density and scale of the proposed residential uses is generally consistent with those neighborhoods.

3. Section 4: Existing Environmental Setting

Cultural and Historic Resources section should include reference to the Town's Reconnaissance Level Survey of Historic Resources and rating assigned to Westwood clubhouse. (A-045, 9/3/2014, Eric Gillert, Amherst Planning Department).

Comment acknowledged. Please see Comment #2, above, for additional information.

3.7.1.2 Public Comments

4. The former Westwood Country Club and Golf Course merit preservation as a national and local historic treasure. As the current Supervisor of the Town of Amherst and a long-time member of Westwood Country Club, I am hereby requesting that the Westwood Clubhouse be formally designated as a local and national Historic Site. The origins of the club date back to 1919 and its cultural significance is unmatched. The Westwood Country Club is one of the earliest examples of a Jewish Country Club nationally. While the Club was incorporated on March 14, 1945, it was preceded by the Willowdale Country Club and the Willmont Town and Country Club. Willowdale was organized in 1919 and began operations in 1921 as a nine-hole golf course designed by William Edward Harries, the noted Landscape Architect. His firm, Harries and Hill Landscape Architects, had offices in both Buffalo and Toronto and their work was well-known world-wide.

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After the stock market crash in 1929, Willowdale merged with another Jewish men's club to create the Wilmont Town and Country Club. The original plans for the club are thought to have been destroyed in a fire in the City of Buffalo. Shortly after the crash, that merger failed and the club was sold to a Chicago-based corporation and reopened as the Heath Country Club. Westwood was re-established as a private Jewish country club in 1945.

The second nine-holes were constructed in the 1940's. Noted golf course designer, Geoffrey Cornish, provided design and construction service for the numerous lakes that still exist on the course. Those water-features were completed in 1959. The Tudor-style clubhouse, designed by Louis Greenstein, was completed in 1921. Although the original structure has been modified over time, the original building remains and is structurally sound.

In its most recent form, Westwood served as a country club during the years both before and after World War II when Jews had limited access to housing, recreation and business opportunities. It was the site of numerous Bar and Bat Mitzvahs, and weddings in the Jewish community up to the time the clubhouse was closed.

The remaining structure and the significant golf landscape that surround it merit its designation as a national and local historic treasure. (P-201, 9/8/2017, Barry Weinstein, Town Supervisor).

Comment acknowledged. The Town of Amherst can pursue having the clubhouse designated as a local historic building. Per Comment #2, above, the OPRHP has determined that the clubhouse is not eligible for listing on the National Register

5. I want to start by referencing a comment that Mr. Shaevel made during a television news interview after a Planning Board meeting a few months back, he said that the Westwood project would be the second largest development in Amherst since UB.

Think about that staggering statement and then consider that the Westwood parcel is currently all green never developed land surrounded by established neighborhoods with numerous existing homes literally backing up right to it. And then consider that its only current access point is onto the two lane North Forest Road and consider that there is no commercial stakes [sic] currently near it. From this dark comparison versus what is versus what is [sic] proposed, how can the proposed project possibly be considered to preserve the character of the land? The details of the latest concept plan illustrate this point. (S-001, 9/18/2017, Jennifer Snyder Haas).

Comment acknowledged.

6. But moreover is my concern for the heart and soul of the community that I live in and love. Mensch Capital originally purchased this parcel under the guise of continuing it as a golf course only to turn around a year or so later and state that they actually intended to build this monstrosity of a development all the while

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gambling on the hope that this Board would ultimately acquiesce to yet another commercial developer seeking to corrupt our green space and our neighborhoods. A project like this may pad the town's coffers somewhat, with the minor increase in tax revenue that it will bring. But, it will do far more harm than good through the extirpation of our wildlife, value of green space, depreciation of our home values and loss of our quality of life. So, I'm here tonight to ask or rather to implore you the members of this Board to reject this assault on our town's heritage and our residents lifestyles. Reject this environmental assessment and ultimately deny this rezoning request (S-015, 9/18/2017, Michael Belor).

Comment acknowledged.

7. When we looked further at the proposed site plans it appears the existing clubhouse with all its [sic] deep historical significance would become a parking lot, which is right there and you can see that it's a parking lot [sic]. (S-057, 11/19/2017, Nathan Hartrich).

Comment acknowledged. Please see comment #2, above, for additional information.

3.7.1.3 Consultant Comments

8. While this was not a specific section of the DGEIS, please elaborate on what impact(s) the proposed project will have on the overall Community Character of this portion of the Town. The overall size, scale and magnitude of the Project, even over a ten-year period was thought by many residents to be overwhelming, as reflected by oral and written comments received to date. (STN-046, 10/2/2017,)

The Applicant proposes to redevelop the Project Site as a traditional mixed-use neighborhood with a pedestrian friendly design based on the mixed-use and redevelopment planning goals and objectives contained in the Town's adopted Bicentennial Comprehensive Plan ("Comprehensive Plan").

The proposed mixed-use redevelopment project will provide publicly accessible amenities such as an approximately 45-acre public park, including an approximately 6.2 acre lake adjacent to the Ellicott Creek corridor, pedestrian and bike trails, and designated areas for social gathering and events. Approximately 83.3 acres of the Project Site will consist of Permanent Open Space, including a substantial buffer area along the western and northern perimeter of the Project Site that will include berms and extensive landscaping.

The proposed mixed-use project is predominantly residential and includes a range of residential uses (single-family residences, patio homes, townhomes, upscale apartments and mixed-use buildings with residences on the upper floors); senior living components (assisted and independent living apartments); as well as a

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mixture of commercial uses including a four-story hotel, neighborhood businesses (shops, restaurants and service businesses), professional offices and an outdoor amphitheater.

However, Town Board agrees that, taken as a whole, the nature of the proposed mixed-use Westwood Neighborhood is too dense for the area and is not entirely consistent with the adopted Bicentennial Comprehensive Plan in that the site is not designated as a Mixed-Use Activity Center. The mix of uses, scale and density of the southern-most portion of the project is not compatible with the character of the surrounding neighborhoods. That said, the location, density and scale of the proposed residential uses is generally consistent with those neighborhoods.

3.8 TRANSPORTATION

3.8.1 Summary of Traffic Studies to Date and Needed Information

The Applicant has prepared a Traffic Impact Study (TIS) per the DGEIS Scope that addressed:

- Existing Conditions including base traffic volumes, existing congestion conditions and accident analysis;
- Projected Trip Generation per use including internal and pass-by trips. The mixed-use site consists of many different uses (commercial/residential/hotel/park) with the highest traffic generators being the commercial and residential components;
- Projected trip distributions and trip diversions within the project study area. The site generated traffic has been overlaid on the existing highway network based on existing travel patterns. In addition, the construction of a north-south roadway within the site has the potential to divert trips from the surrounding highway network;
- Proposed traffic mitigation measures. Where existing intersection capacity has been degraded due to the addition of site generated traffic, the applicant has evaluated mitigation measures such as additional turn lanes, re-designation of existing travel lanes and adjusted signal timings/coordination at each intersection. In addition, the need for signalization of the proposed access points on Maple Road and Sheridan Drive has been addressed and incorporated.

Stantec, on behalf of the Town of Amherst Town Board serving as their Traffic Consultant, has reviewed the TIS results for accuracy and adequacy pertaining to:

- Applicable methodologies including existing conditions modelling, Institute of Transportation Engineering (ITE) trip generation, trip distributions, trip diversions and mitigation strategies;
- Traffic Impact results. An assessment of whether or not the results are a reasonable approximation of future traffic conditions or are the potential traffic impacts underestimated;
- Have traffic impacts been mitigated to the maximum extent practical.

Stantec raised some questions and has requested additional information from the Applicant pertaining to the following components of the TIS:

- Methodologies. Specifically, the application of trip generation, trip distributions and trip diversions. The ITE Trip Generation Handbook (2012) should be used for

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all calculations. A shared parking analysis should also have been provided to evaluate methods to reduce the overall parking required;

- Intersection capacity and queue (storage) lengths. Specifically, do the Applicant's proposed traffic mitigation measures adequately address future traffic conditions on the surrounding highway network;
- Existing Conditions. Does the traffic modelling software used in the TIS provide a reasonable approximation of existing conditions including queueing conditions;
- Synchro Analysis. Stantec requested that the Applicant update traffic volume inconsistencies in the Synchro models and verify that lane widths and heavy vehicle percentages are project specific and not default values. Optimization of the Sheridan Drive coordinated corridor should evaluate the type of left turn phasing (lag vs lead) with NYSDOT confirmation of their recommendations; and
- Capacity Analysis. A queue analysis should be included for the "No Build" and "Build" conditions to compare the anticipated traffic impacts and clarify the impact of the additional delay at all intersections.

Additional information and updates to the analysis have been requested, including but not limited to shared parking analysis, internal trips, accident patterns and queue lengths. The updated analysis has not yet been submitted as the applicant has indicated they are currently conducting the additional analysis necessary to address these comments. If and when this supporting information and results are provided, it can be reviewed to determine if the projected traffic-related impacts have been mitigated to the maximum extent practical and whether or not additional traffic mitigation measures are required.

3.8.1.1 Agency Comments

1. Please note that Williamsville Central School District provides school bus transportation only on roads maintained by the Town of Amherst. The district does not traverse private property, which includes parking lots and private access roads. The District notes that it has received this information and placed it on file. (A-001, 10/14/2014, Thomas Maturski, Williamsville Central Schools).

Comment acknowledged.

2. The transportation corridors in and immediately surrounding the Village of Williamsville are not equipped to handle the density of development that is proposed. It is clear that this project as currently proposed would overburden the transportation infrastructure in the North Forest, Union Road and Sheridan corridors and would push more traffic into the Village of Williamsville and onto Main Street.

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Common sense and traffic counts will clearly show that the significant environmental impacts from the proposed development are going to be unworthy of a negative declaration. We look forward to reviewing and commenting on the alternatives presented in the DGEIS. (A-002, 12/22/2015, Brian Kulpa, Christopher Duquin, Village of Williamsville).

Comment acknowledged. Also, please see Section 3.8.1, above, for more information.

3. This Department has reviewed the second revised Draft Generic Environmental Impact Statement for the proposed Westwood Multi-Use Development and offer the following comments:

Permit Requirements:

This project is on two County highways North Forest Road (CR-294) and Maple Road (CR-192), however no access to North Forest Road is proposed. The project sponsor will be required to apply for and obtain the following Erie County Highway Work Permits prior to construction within the Maple Road right-of-way:

- Erie County Highway Work Permit for Non-Utility Work PERM-3 for construction of a new subdivision Street and for installation of traffic signal.
- Erie County Highway Work Permit for Utility Work PERM-2 for construction of utilities within the Maple Road right-of-way.
- An Erie County Highway Work Permit will be issued by this Department upon review and approval of design plans submitted, stamped and signed by a New York licensed professional engineer.

[...]

Traffic Impact Study

This department has completed our review of the subject project Traffic Impact Study prepared by SRF & Associates dated April 2014 (revised February 2015). We are in agreement with the methodology utilized and analysis conducted by SRF. We concur with the proposed mitigation to the surrounding roadway system, specifically in regards to the impact on Maple Road (CR 192) and North Forest Road (CR 294).

The analysis provides a reasonable expectation of trip generation and directional distribution. The amount of traffic projected to utilize the proposed signalized Maple Road driveway, as well as the volume of site generated traffic projected to utilize Sheridan Drive west of the project site, is anticipated to minimize the additional traffic introduced to the intersection of Sheridan Drive and North Forest Road to the east of the project site. The proposed north/south roadway within the development

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provides an alternate connection between Maple Road and Sheridan Drive, and should relieve traffic volumes on North Forest Road.

Within the report, a recommendation is made that the North Forest Road southbound right-turn lane should be extended to create additional capacity for southbound right-turning traffic onto Sheridan Drive. However, this improvement is not mentioned in the Conclusions and Recommendations portion of the report. This must be included in the off-site mitigation for the project.

The proposed development is anticipated to reach full build-out in approximately 10 years while occurring over multiple phases. Site plan modifications and/or other developments will likely be presented to the Town during this time period which could impact the future phases of development of the subject project. As a measure to better assess the actual impact of site generated traffic to the surrounding roadways, it is recommended that a post-development traffic analysis be performed pursuant to each completed phase of the development. It is also this department's recommendation that upon lead agency approval, a general construction phase schedule be provided.

The traffic signal installation proposed on Maple Road must be furnished by the project sponsor and a permit to operate and maintain such a device will be issued through this office prior to signal activation.

Please feel free to contact me at (716) 858-8371, should you have any questions. (A-005, 2/1/2016, John Loffredo, Garret Hacker).

Each of the comments presented above are acknowledged and duly noted and will be considered in context with the additional requested information by Stantec Consulting presented in Section 3.8.1, above.

4. The Department of Environment and Planning encourages the inclusion of sidewalks on both sides of interior roads and associated crosswalks at intersections. Sidewalks encourage non-vehicular travel, and allow for safe pedestrian movement within the development including safe connections between the various off-road segments of the proposed recreational trail. Section 6.8 Transportation Mitigation Measures notes the inclusion of sidewalks; however, they are not present on the conceptual master plan or any other visual representation of the developer's plans.

Please see the attached Department of Public Works (DPW) Division of Highways comments from Mr. Garrett M. Hacker, P.E., Senior Civil Engineer and Mr. John C. Loffredo, P.E., Commissioner of Public Works. (A-006, 2/1/2016, Elias Reden, County of Erie).

Comment acknowledged.

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5. The following are compiled comments and questions of the Traffic Safety Board after review of the above referenced project's Traffic Impact Study as revised in February 2015:

- Looking at the overall development it would be advisable to have more than two (2) ingress/egress points for a development of this size (170 acres). Review additional ingress/egress points for the development for easier access and emergency response vehicles. Possible locations are the existing driveway to North Forest or possibly an access point to Frankhauser I Fairway Blvd, especially in the commercial end of the proposed development.
- It is strongly recommended that the petitioner pursue a solution that eliminates the Frankhauser/Sheridan traffic signal by connecting the Frankhauser/Fairways subdivision into the Westwood Development to make use of the proposed signal.
- Proposed signals should be installed with the first phases of the main north/south roadway development.
- Traffic Impact Study indicates an exclusive right turn lane would be difficult to construct on Maple Road without impacting existing property owners. However, given the lower volume of right turning traffic (54 AM and 53 PM) during the peak hours it would not be necessary.
- Sheridan Drive at Fenwick Road/New proposed Roadway- The right turn lane should be constructed to accommodate peak traffic and to current design standards. The existing two-way left turn lane should be reconfigured to accommodate a left turn storage lane at the new proposed roadway.
- Given the commercial and retail uses at the south end of the development, it may be necessary to lengthen the throat length longer than the recommended 200 feet. The length should be calculated based on the peak hour volume while making sure that the queues will not back up past the first access entrance for the proposed parking lots.
- The proposed roadway between Maple to Sheridan drive, at all the juncture points (internal intersecting roadways), should have left turn storage lanes except for where the round-about is proposed.
- Eliminate all proposed perpendicular or angled parking shown on proposed public roadways. ATSB is not in favor of parked vehicles having to back into oncoming traffic.
- Page 7, third paragraph, in the TIS indicates that bicycle signage along the north/south internal road can be used to increase driver's awareness as well as encourage bicycle ridership. To further promote a multi-modal community, add

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designated bike lanes on the new proposed roadway from Sheridan Drive to Maple Road.

- ATSB supports the use of Transportation Demand Management (TDM) throughout the development.
- ATSB does not agree that parking spaces should be reduced based on the multi-use nature of the development.
- Page 16, Sheridan Drive at Frankhauser Road-Report indicates an overall LOS of "E" when it is actually LOS "A".
- Page 2, fourth paragraph, N. Forest Road is posted 35 mph, not 30 mph as the study indicates.
- Page 2, under planned/programmed highway improvements, add that the Town of Amherst is replacing the traffic signal equipment at the intersection of Maple Road and Maplemere Road in Spring/Summer of 2016.
- Confusion on the data presented for the Maple Road IN. Forest Road intersection. Are the reported Delay and Accidents before, during, after the County's reconstruction project?
- On Figures 7C and 7D, explain how several of the entering trips indicate a negative value at several intersections.
- The TIS is missing a figure showing the Trip Distribution by percentage for all combined site generated traffic.
- Page 22, Planning Dept. comment bullet 1, traffic data on Maple Road appears dated 2010. Traffic counts should be updated. Furthermore, do the counts take into consideration the recent development at the once vacant plaza on the southwest corner of N. Forest and Maple?
- The multi-use and pass-by trip reduction percentages that were chosen by the traffic engineer are on the high side. Provide back-up materials that support the percentages in the report given that the nature and type of commercial development is unknown at this time. The ATSB recommends the TIS use a more conservative, lower percentage value assigned to these variables.
- Does the petitioner have a desired speed limit of the proposed north/south roadway?
- TIS indicates synchronization of Sheridan Signals. Is there a possibility and benefit to synchronizing Maple Signals as well?

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- General concern over the proximity of the proposed Sheridan Drive Signal during the peak travel hours. Traffic is currently backed up on Sheridan Drive past Frankhauser Road. Unsure how a new signal isn't failing during the peak hours if a back-up is occurring now.
- Question the distribution percentages of outbound trips using the I-290 eastbound versus I-290 westbound. The distribution split should favor I-290 eastbound to a greater degree.
- The section of Sheridan Drive between Harlem Road and the I-290 west ramp has failing level of services and vehicles are often observed queued into the I-290 ramp intersection. TIS does not provide mitigation and has traffic adding to this pre-existing problem area. Report does not provide any recommendation or conclusion at this location.
- A Traffic Safety Board member is skeptical on the overall Level of Service at the Sheridan Drive I Harlem Road during the peak proposed hour with mitigation.
- Provide additional information on how public transportation will be scheduled at this location.
- Provide further information and projections on how many vehicles are expected to cut-through the development and removed from N. Forest Road.
- Is there a plan in place for public school transportation?
- Table IV in the TIS indicates a 'Northbound Left/Thru/Right movement at the Sheridan Drive I I-290 WB (S) intersection. It is unclear as to what this movement is referring to as there is no Thru movement allowed at this intersection leg.
- The plan shows a Synagogue with assumed trips during the weekend. Question if other activities or events would be scheduled during the week that would add to the number of weekday generated trips. If so, adjust analysis accordingly.

Please call me at my office should you have any questions on the above questions and comments generated by the Traffic Safety Board. (A-008, 3/8/2016, Christopher Schregel).

Each of the above comments are acknowledged and will be considered in context with the additional information and analysis requested by Stantec Consulting presented in Section 3.8.1, above.

6. Regarding parking - Have you considered and would you consider using a stacked parking structure with a ground floor and 1 or two additional floors to eliminate some of the impervious materials and lessen the giant footprint of this project?

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Could the sidewalks and other pathways be constructed using pervious materials so the project can be more environmentally friendly?

Have you considered or would you consider installation of "electric charging stations" for residents? Hybrid vehicles are becoming more popular and these stations are becoming more common. (A-011, 7/18/2016, Lois Shriver, ACAC).

The project sponsor has been asked to prepare a shared parking analysis (see Stantec Consulting comments in Section 3.8.7.3) in order to evaluate the possible reduction of parking within this multi-use site. The sidewalk and electric charging station comments are acknowledged.

7. The Town of Amherst Engineering Department strongly objects to the addition of another traffic signal within the heavily traveled corridor of Sheridan Drive/North Forest/1290. It is this department's opinion that other site configurations must be considered to minimize the traffic impact on the aforementioned corridor. (A-015, 11/11/2016, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

The project sponsor is proposing the removal of the Sheridan Drive/Frankhauser Road traffic signal if a new traffic signal is installed at the proposed South Driveway/Fenwick Road intersection. The proposed traffic signal on Sheridan and its impact on the corridor will be evaluated based on the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

8. The current TIS (the one included in the DGEIS), reduces the site generated trips entering and exiting the proposed multi-use site based on a percentage for multi-use and pass-by trips. NYSDOT used Trip Generation by Microtrans, Version 6.1 to verify the multi-use trip percentages. The Microtrans software results determined a reduction rate for the PM peak to be 23% rather than 36% that was used in the current TIS. While both numbers are just projections, the 23% reduction rate is more conservative relative to new traffic on the existing highway network and NYSDOT desires the 23% reduction rate to be used in the revised TIS for the PM peak. NYSDOT concurs with the 8% rate used in the current TIS for the AM peak.

The revised TIS should include an analysis that accounts for traffic potentially using the new development roads to bypass North Forest Road between Sheridan Drive and Maple Road and for any redistribution of traffic to and from Fenwick Road.

The current TIS considers optimization of signal timing at some of the intersections as mitigation. The revised TIS should first optimize the highway capacity analyses for both the background and future build conditions to provide a commensurable comparison between background and build conditions. Then, any mitigation should be determined based on the comparison between the optimized background and build conditions.

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A signal is proposed on Sheridan Drive at the intersection of Sheridan Drive and the proposed Westwood development road. If this proposed signal gets approved and installed, then there would be five traffic signals on Sheridan Drive between Harlem Road and North Forest Road. The addition of another traffic signal could lead to increased delays in this segment of Sheridan Drive. The revised TIS should consider a scenario or sceneries 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.

The manual intersection counts used in the TIS are all 3 years old or more. The revised TIS should use recent counts.

NYSDOT will not approve a traffic signal until such time that MUTCD traffic signal warrants are met based on actual traffic conditions. The Town's SEQR Determination/Findings should stipulate that it will be the developer's responsibility to provide an updated Signal Warrant Analysis and/or Traffic Impact Study, using actual counts, to NYSDOT for review and consideration. If NYSDOT determines that 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. If the proposed-development access road will be a Town Road, then NYSDOT will require a Phased Mitigation Agreement between the applicant/developer, the Town and NYSDOT, that will outline the developer's responsibility regarding the installation of a traffic signal, if warranted in the future.

A NYSDOT Highway Work Permit will be required for any work located within the State Highway Right-of-Way. 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. (A-017, 12/23/2016, Edward Rutkowski, NYSDOT).

NYSDOT trip distribution and capacity analysis comments will be addressed by the project sponsor in concert with the additional analysis and information requested in Section 3.8.1.

The project sponsor is proposing the removal of the Sheridan Drive/Frankhauser Road traffic signal if/when a new traffic signal is installed at the proposed South Driveway/Fenwick Road intersection. The proposed traffic signal on Sheridan and its impact on the corridor will be evaluated based on the additional analysis and information requested from the project sponsor as noted in Section 3.8.1. The Town has requested that the Frankhauser signal be evaluated for use as an emergency signal for a potential fire substation.

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The project sponsor will be required to obtain and follow NYSDOT highway work permit guidelines and will also be engaged along with the Town in the development of any Phased Mitigation Agreements.

9. The Town should consider making all ingress and egress points along the Westwood Neighborhood open to two-way traffic.

The Town should consider utilizing stacked parking structures with first-floor commercial in the Westwood Neighborhood Center. This method could eliminate some of the impervious materials proposed and allow for better storm water drainage within the Project area. (A-018, 1/5/2017, Elias Reden, County of Erie).

The ingress/egress comments are acknowledged and will be considered in context with the overall site circulation and access. The project sponsor has been asked to prepare a shared parking analysis (see Stantec Consulting comments in Section 3.8.7.3) in order to evaluate the possible reduction of parking within this multi-use site.

10. This office has reviewed the Rezoning Application for the Planned Unit Development, dated December 19, 2016 and offers the following comments:

- The Town of Amherst Engineering Department is concerned about the traffic management and capacity issues in the Sheridan Drive corridor adjacent to this project. The Town of Amherst Engineering Department is interested in the methods of the NYSDOT's arterial management project for the heavily trafficked Sheridan Drive corridor. It would be helpful if the petitioner would explain the mitigation measures proposed by the NYSDOT project in the application for rezoning.
- The Town of Amherst Engineering Department recommends that an independent consultant be engaged to review the final traffic impact study. The independent consultant should be hired by the Town, but funded by the petitioner. (A-019, 1/19/2017, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

The existing Sheridan Drive corridor is a time-based coordinated system which does not currently have an interconnection between the traffic signals and the Regional Traffic Operations Center. A 2009 "Traffic Signal Coordination Study" completed by a consultant for the NYSDOT has not been implemented due to the age of that study and due to the potential changes in traffic volumes and travel patterns. As part of the Highway Work permit process for the proposed Westwood project, the NYSDOT may require the Applicant to provide a wireless interconnection of the signals on Sheridan Drive.

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The Town has engaged Stantec Consulting to perform an independent review of the traffic impact study. Stantec provided comments on the TIS, which are provided in Stantec's October 2, 2017 comment letter to Supervisor Weinstein. In summary, Stantec requested that the Applicant provide additional traffic analyses and modelling. The Applicant has acknowledged that the additional analyses will be conducted and provided to the Town upon completion. Stantec will review the additional traffic analyses at that time.

11. Based upon the February 2017 updated TIS and subsequent letter from SRF Assoc. dated March 16, 2016 with updated trip generations, the ATSB has the following recommendations and comments:

- The Traffic Safety Board requests that an independent consultant be engaged to review the Traffic Impact Study. The consultant's services should be paid for by the petitioner, but administered by the Town of Amherst.

Stantec Consulting has been engaged to perform an independent review of the Traffic Impact Study.

- Perform a Gap Analysis on N. Forest Road specific to how the traffic entering N. Forest Road off side roads is impacted after the installation of a roundabout. The ATSB understands that this study will be based on current geometry.
- Analyze and compare how a Westwood connection at North Forest Road would operate with a conventional T-intersection, stop controlled on the Westwood leg. Indicate the LOS delay for eastbound exiting vehicles, and compare results to the roundabout proposal.
- Provide additional traffic information at the N. Forest Road curve where the roundabout is proposed. Specifically, provide accident data and speed data to better determine if traffic calming is necessary to reduce speed and accidents.
- The Multi-use trip reduction seems high at 23% (PM peak), but will defer to NYSDOT's guidance on this matter.
- As Identified during the April 2017 Traffic Safety Board meeting, projected traffic volume between N. Forest Road and the new signalized Intersection at Fenwick Rd. contain an error in Figures 8 and 4. Revise figures showing corrected volumes.
- As Maple is under the jurisdiction of Erie County and Sheridan Drive is under NYSDOT, the ATSB defers to those reviewing agencies. However, the State Intersections of North Forest Road/Sheridan Dr. and Mill Road/Sheridan Dr. have historically been prone to red-light running accidents. Traffic Mitigation and signal timing should make every effort to reduce and not add-to the overall accident rate.

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- Provided a traffic simulation of the roundabout including the N. Forest Rd. intersection during the AM and PM peaks to show visually how it will operate.
- The ATSB defers to NYSDOT on the timing of the removal of the traffic signal at Frankhauser Road. However, ATSB would like the developer to inquire and determine benefits of the signal remaining with a solid green/flashing red and used as a fire signal with a pre-empt for the fire substation proposed within the new development. (A-021, 4/13/2017, Christopher Schregel, Town of Amherst Traffic Safety Board).

Each of the above comments are acknowledged and will be considered in context with the additional information and analysis requested by Stantec Consulting presented in Section 3.8.1, above.

12. The Town of Amherst Engineering Department recommends that an independent consultant be engaged to review the final traffic impact study. The independent consultant should be contracted by the Town, but funded by the petitioner. (A-022, 4/28/2017, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

Stantec Consulting has been engaged to perform an independent review of the Traffic Impact Study.

13. This updates the Planning Department's previous review dated November 10, 2016 and is based on the revised rezoning application received December 19, 2016.

Consistency with Comprehensive Plan:

1. The plan does address a previous recommendation to include connections to North Forest Road and Frankhauser Road in order to allow better traffic flow and circulation. The amended plan now features a roundabout in the southeast corner of the site at the location of the existing sharp curve of North Forest Road.

Comment acknowledged.

Consistency with Zoning Ordinance:

The comments below relate to the standards included in Section 5-6, "Traditional Neighborhood Development District (TND)" as described in the Zoning Ordinance:

- "Density is highest in the center of the district and decreases with distance from the center." As mentioned above, some changes have been included that minimize large parking fields along Frankhauser Road and Sheridan Drive and create transitions from the existing adjacent lower intensity development to the project site. However, the highest proposed density of development is not at the center of the project, but at the southern third of the site. One of the most dominant features of the development - the senior living facility - is now shown in

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the southeast corner in perhaps the most visible spot in this development; it should be centrally located within the site. The existing view to the clubhouse from the Sheridan/North Forest intersection is an important open space component for the community and should be kept open.

- "Streets are interconnected and blocks are small." The concept plan has been revised to include connections with the existing community street system (Frankhauser Road and North Forest Road), however, blocks in the proposed residential section of the development appear to be typical of most subdivisions and do not comply with the unique TND criterion. (A-027, 1/6/2017, Eric Gillert, Amherst Planning Director).

14. After review of the rezoning application and Draft Generic Environmental Impact Statement (DGEIS), the Planning Department offers the following comments:

Consistency with Comprehensive Plan:

- "New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the project or programmed through public sources." There are issues with the capacity for sanitary sewer and stormwater management for this project that the petitioner has not addressed.
- "Site design should adequately address any issues that may arise with a change in the use of the property, such as changes to circulation or parking." The site should have connections to North Forest Road and Frankhauser Road in order to allow better traffic flow and circulation.

DGEIS Comments (4) Traffic Impact Study:

- The data collected and/or cited in the Traffic Impact Study (TIS) is dated, some are over 6 years old. More recent data are available from the GBNRTC Transportation Data Management System (TDMS). At some locations traffic volumes have increased, and at others it has declined. While general impacts associated with the proposed development may be identified with these older data, any conclusions about traffic safety or highway/intersection improvements should result from recently collected data.
- The TIS recommends the addition of a fifth traffic signal between Harlem Road and North Forest Road. The TIS notes that the NYSDOT was conducting an Arterial Management Study to recommend signal coordination measures. If the NYSDOT has not completed this study and addressed this issue. in their comments, recommend the Petitioner update its recommendation to include these measures as appropriate.

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- The number of traffic accidents at six intersections including Sheridan Drive and Mill Street exceeds the State average. At Sheridan and Mill the intersection capacity analysis also projects degraded Level of Service and longer delays (particularly westbound) following development. With longer delays how will the potential for more accidents along Sheridan Drive change, and how can it be mitigated?
- The TIS recommends the inclusion of bicycle facilities into the proposed road serving the project. It is not clear where cyclists exiting the development will go once they get to Maple Road or Sheridan Drive as there are no bicycle facilities on either arterial. The TIS should address this and make recommendations for connecting to surrounding bicycle facilities/multi-use trails.
- The new north/south corridor through the development will include sidewalks. The TIS should address who will clear and maintain sidewalks/pedestrian trails along common areas and housing with side and reverse frontage.

Comment acknowledged. Maintenance agreements to be developed in coordination with the Town.

- The existing traffic signal at Sheridan & Frankhauser should be eliminated and replaced with a signal where Sheridan intersects with the proposed main spine road. This would allow for a more direct north/south link between Maple and Sheridan and may deter cut-throughs down Frankhauser and Fairways Boulevard. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

The project sponsor is proposing the removal of the Sheridan Drive/Frankhauser Road traffic signal if/when a new traffic signal is installed at the proposed South Driveway/Fenwick Road intersection. The proposed traffic signal on Sheridan and its impact on the corridor will be evaluated based on the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

15. No Action Alternative

States that this alternative precludes the development of a north-south connector road between Maple and Sheridan but does not discuss the corresponding reduction in traffic generation attributed to the alternative.

Comment acknowledged.

Alternative Access

Should be based on the preferred alternative, but needs to reflect logical changes to site layout based on the revised access.

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- Adding commercial development adjacent to Frankhauser Road is not a necessary result of providing direct access to that roadway. No objective traffic data is provided that compares traffic impacts with the other alternatives

The December 19, 2016 conceptual master plan depicts Townhomes in the area next to Frankhauser Road.

Section 4: Existing Environmental Setting

- Some traffic data is 2-3 years old and should be updated. The lack of current data could be misleading.
- What assumptions were used to arrive at the multi-use trip reduction (11 % and 29%)?
- Plan will result in 5 traffic signals between Harlem & N. Forest - more discussion needed of interconnecting / synchronizing
- Discuss how transit can be integrated and accommodated within the development, not just along surrounding arterials (A-045, 9/3/2014, Eric Gillert, Planning Director).

The above comments will be evaluated based on the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

16. The following is a summary of all comments received by the Planning Department regarding the completeness of the revised Draft Generic Environmental Impact Statement (DGEIS) submitted on March 13, 2015 for the proposed "Westwood Neighborhood"

Section 4: Existing Environmental Setting

- 4.9 Transportation -Previous comment on the age of data does not appear to be addressed (AADT counts -2008; intersection counts - 2012/2013; accidents -2013)

Section 5: Adverse Environmental Impacts

- (pg. 5-72): No mention of adverse traffic impacts on existing neighborhoods (N. Forest, Frankhauser). (A-046, 4/15/2015, Eric Gillert, Planning Director).

The above comments will be evaluated based on the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

17. This department has completed our review of the subject project Traffic Impact Study (TIS) performed in April 2014 of SRF Associates including the Appendices to the

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TIS. We are in agreement with the methodology utilized and the analysis conducted by SRF. Based on our review of the traffic analysis contained in the TIS prepared by SRF Associates, we concur with the conclusions and recommendations contained in the TIS. Additionally, we concur with the recommendation to not install a right turn lane on eastbound Maple Road despite meeting the warrants, the benefits potentially achieved by its installed do not outweigh the disturbance and adverse impact to the existing neighborhood outside the entrance of the roadway to be built.

The department, as an involved agency in connection with the environmental review of the project pursuant to the State Environmental Quality Review Act, has determined that this project will not result in any adverse impacts to the affected county highway based on the projected trips to be generated, the capacity analysis contained in the TIS and the existing and proposed project roadway connections as evaluated in the TIS.

An Erie County Highway Work Permit will be required to the new driveway connection onto Maple Road, and the Work Permit will be issued upon approval of signed and stamped final site plan drawings. (A-047, 7/10/2015, John Loffredo, County Executive).

Comments acknowledged. Project Sponsor will be conducting a safety analysis as part of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

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3.8.1.2 Public Comments

The following comments were received from the public and have been grouped based on similar concerns. Each resident that has expressed concern is listed after the comment.

18. There is an ongoing traffic and accident problem in the Town of Amherst and especially on Sheridan Dr. between Evans & Harlem. As you know, a man in a wheel chair was killed last week at Sheridan & Evans.

I have spoken to the Town Board at a Board meeting, and the Planning Board on January 21, 2016 about traffic concerns and a request for a traffic study. I am very concerned about the already heavy traffic in our area. On top of that, if the Westwood is developed according to Mench' s plan, what will happen with perhaps thousands of additional cars in this area?

What has to happen in this town before our outcry is heard? Does someone have to die in a traffic accident? Please let common sense prevail here and consider the safety of not only our neighborhood residents, but the residents of the entire Town of Amherst! (P-001, 2/5/2016, Laura Tirone).

Project Sponsor will be conducting a safety evaluation as part of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

19. My point in writing this letter to all of you is to further point out the severe traffic problem we have in this stretch of Sheridan Dr. My neighbors and I have been very concerned about the proposed subdivision, called Sheridan Woods located at 4176-4188 Sheridan. There was a condition put on the Preliminary Platt plan for a school bus turnoff for that development. The planning board found that it was not necessary. Our neighbors would disagree!

We also have the Westwood Development to "look forward" to with utter dread because of the additional cars and traffic that will come with it.

In my letter below I asked the question - "Does someone have to die in a traffic accident?" I hope this is not the case. We have a very serious traffic problem here - PLEASE give this serious thought! In addition to texting drivers & drivers on drugs (as told to me by the attending EMT's in the ambulance) we have overdevelopment with so many cars on the road that safety has become a severe problem. (P-002, 10/27/2016, Laura Tirone).

Project Sponsor will be conducting a safety evaluation as part of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

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20. Opposes the project: Traffic at Sheridan – North Forest intersection already heavy and accidents happening – project will make traffic worse. (P-006, 11/3/2016, Margaret Markarian; P-188, 9/20/2017, Lee and Peggy Dryden; P-189, 9/21/2017, Maryann Gerstle; P-191, 9/25/2017, Charles Molnar; P-196, 9/25/2017, The Eckerts; P-208, 9/26/2017, Doris Orgek; P-209, 9/28/2017, Richard and Suzanne Stilson; P-220, 10/2/2017, Debra Mitchell; P-223, 9/28/2017, Teresa and Dennis Johnson; S-043, 11/17/2017, Carol Marychild; S-046, 11/17/2017, Kim Utech).

Comment acknowledged.

21. Amherst is already a traffic nightmare. I go to Cheektowaga to shop. Parking for over 2,000 cars, trucks, vans, buses? Do not rezone the property. This is ridiculous. (P-008, 11/9/2016, Linda Perkins).

Comment acknowledged.

22. I also strongly believe that this area of town is already congested enough and does not need thousands of cars clogging it up even more. (P-010, 11/13/2016, Matthew Astridge; P-011, 11/14/2016, Margaret Astridge; P-012, 11/14/2016, Ronald Astridge; P-014, 11/14/2016, Alanya Zuniga; P-017, 11/15/2016, Alison Lagowski; P-019, 11/17/2016, Carlos Zuniga; P-204, 9/24/2017, The Greens; P-226, 10/2/2017, Janice Fretz; P-227, 10/3/2017, Barbara Burgett).

Comment acknowledged.

23. Older neighborhoods like ours have seen huge increases in traffic and congestion on North Forest Road each year since we moved here.

Inadequate traffic planning to accommodate intensive residential development in the north and east of the town has funneled traffic down North Forest Road as it heads to and from the Thruway. Twice a day our beautiful, tree lined, curvy street resembles a freeway or a parking lot. The intersection of Sheridan and North Forest Road has at least one significant accident a week. Main Street traffic is a mess. Westwood development will exacerbate an already unacceptable traffic congestion situation. (P-018, 11/15/2016, Lee Dryden; S-059, 1/19/2017, Carol Marychild).

Comment acknowledged.

24. I would like to go on record as opposed to the rezoning of the Westwood property. I am all for smart development and if I were the developer I would think this is what this project is. Unfortunately, the present/future infrastructure does not and will not support a project of this magnitude. Anyone who travels Sheridan Drive or Maple Road knows the traffic congestion at North Forrest at rush hour. Placing a connector

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road within the plan connecting Sheridan with Maple will do nothing to alleviate this situation. It will only give residents of the Westwood Neighborhood an alternative to try and avoid these areas.

Also, with the already rezoned former Gun Club property and not knowing what is yet to be built, it most likely will increase traffic even more. (P-021, 11/17/2016, Richard Bosch; P-205, 9/27/2017, Mary Jo Healy).

Comment acknowledged.

25. Immense increase in number of vehicles entering and exiting Sheridan Drive and Maple Road. The traffic burden on Sheridan will be immediate. Maple Road has to be considered not as it appears now, but with the knowledge that the former Gun Club site is rezoned, but not yet built out. (P-022, 11/17/2016, Maureen Schmitt; S-045, 11/17/2017, Maureen Schmitt).

Comment acknowledged.

26. Now on to the largest problem with this proposed development----- TRAFFIC [sic]

As I sat in traffic on North Forest and Sheridan for 20 minutes, I thought about how it would be with another 2000 cars in the mix. How it would make these intersections even more unsafe than they already are. We already have severe issues with traffic at locations on Sheridan, North Forest and Maple Road. I have read the most recent traffic study that the developer has on their website. This was done by a third party vendor and only proves our point for us. These intersections can't support any more traffic without causing major gridlock. This study which as you know grades from A to F, A being the best and F is the worst, revealed that several locations received failing marks and others were D's and E's. How could this ever be acceptable? This area cannot support the traffic that this proposed development would create. (P-024, 11/17/2016, Nathan Hartrich; S-012, 9/18/2017, Robert Yankes; S-033, 11/17/2017, Nathan Hartrich; S-041, 11/17/2017, David Nuwer).

Comment acknowledged.

27. Enclosed please find a copy of the letter I received from the New York State Department of Transportation (NYSDOT) regarding a review of traffic conditions on Sheridan Drive between Harlem Road to North Forest. This study was requested because of the significant number of accidents that have been occurring at the intersections of Harlem Road and Sheridan Drive and North Forest and Sheridan Drive as substantiated by Amherst Police Reports over a five-year period.

As you will read, the study (for a segment of less than one mile) showed a total of 106 collisions over a three-year period. That would average 2.94 crashes per month.

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Because of these findings the NYSDOT is taking remedial action as noted in the attached letter for which they are to be commended. However, as with any action which is implemented, it will take time to determine if it is sufficient enough to curb the trend which has been occurring. My sincere hope is that another study by the NYSDOT will be completed at the end of three years from date of implementation to determine if safety for existing residents in this area has been restored.

Furthermore, reports of illegal parking by auto haulers were cited which compounds the current accident problem. Residents were instructed to look to our local law enforcement authorities when observing this activity.

I would now like to state my concerns regarding approved development within this segment as well as, potential development. As statistics bear out, many accidents are caused by drivers (whether intentionally or unintentionally) acting irresponsibly. As the number of drivers on a segment of road are increased, it would follow that the number of drivers which will cause accidents will increase as well. This has been the concern of area residents. I myself was rear ended on Sheridan at North Forest (with the other driver being ticketed) as was another Frankhauser Road resident just recently.

My request is that our Town Board take this traffic study and its report to heart when considering development. Thanks. to the NYSDOT we are on a path to restoring safety on this segment of roadway. Until it is substantiated that this has been done, increasing the numbers of drivers through development would only increase the chances of serious injury or death to area residents. (P-026, 11/30/2016, Sandra Keorber; P-203, 9/27/2017, Robin Raphael).

Comment acknowledged.

28. Third, existing traffic already overflows into side streets and alternate routes. This plan calls for a whole new north-south road that would spill an additional 2000 plus vehicles onto the already congested Sheridan drive corridor this traffic simply cannot be absorbed. Central Amherst would be left with a gridlock nightmare.

The applicant's tinkering with the traffic lights on Sheridan does not address the issue of the tremendous increase in traffic volume that its project would cause. And this doesn't even take into account the effects on maple road, in combination with the former gun club site that is already rezoned. And the elimination of the light at Frankhauser and addition of the east-west road within the parcel would create more, potentially dangerous problems. Residents in the neighborhood to the south would have to traverse through the parcel to get to the new light at Sheridan, and to re-access their neighborhood heading north on Sheridan, would have to make a left hand turn without the benefit of a light, as they could not return via the new light due to the east-west road being ingress-only on Frankhauser. The east-west road would also result in a significant new traffic burden on North Forest that cannot be

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resolved with a roundabout, unbelievably situated about 10 seconds from the intersection with Sheridan. If the plan does not fit the area and requires such extensive and potentially dangerous traffic pattern changes, including two new whole public roads run (P-029, 1/19/2017, Jennifer Haas; P-032, 1/23/2017, Jennifer Haas; S-001, 9/18/2017, Jennifer Haas; S-056, 1/19/2017, Jennifer Haas; S-064, 1/11/2017, Alanna Hughes).

Comment acknowledged.

29. Get rid of the traffic circle which would cause commuter confusion and not lessen traffic leading to Sheridan as they claim. (P-034, 1/24/2017, Kim Rosteing).

Comment acknowledged.

30. This letter is in regards to the proposed traffic circle, which we strongly oppose, for North Forest Road in front of Westwood's driveway and 805, 815, etc North Forest Road homes.

We oppose this traffic circle for the following reasons:

- Traffic, as it exists, is already a nightmare.
- Traffic circle would only give extra roadway to back up around. Traffic would still be just as slow.
- It would lower our property values.
- We'd never be able to sell our home(s) with driveway(s) and home(s) so close to traffic circle.
- Homeowner's cannot be forced to share driveways.
- The direct boundaries of other's properties cannot be changed.
- You'd be dealing with people's lives, not just property.
- It would be almost impossible to get in and out of driveway.
- Group home next door needs their large driveway for all of their vehicles.

Our property was purchased 23 years ago with the expectation that we would always have our half circle driveway, with an island, because that is what we paid for. Our property was purchased on this busy stretch of roadway only because of the existence of the half circle driveway allowing easier access. Without the driveway, being that it is a half-circle with two exit and entry points, we would not have purchased our home. I do not believe anyone can change, for their benefit, the direct boundaries of someone else's property.

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We have seen our share of accidents over the years on this busy stretch of roadway, but most of them were from vehicles exiting Westwood's driveway: our fence was knocked down twice, our island has been struck numerous times and our front lawn has been driven into and torn up.

I would say that not many people know the traffic situation at this point of North Forest Road better than we do. Traffic is consistently backed up in the South bound direction between 7:00am and 6:00pm and vehicles are constantly using our driveway and the mouth of Westwood's driveway as a turnaround. I invite anyone, who is willing to sit on our property for a few hours, to see that a traffic circle will not change anything.

Adding to already existing traffic with vehicles coming and going from the Westwood development would be an absolute nightmare. Our household alone has three cars with one of them parking in the driveway and the group home next door usually has four to five vehicles parked in their driveway at all times. The group home has buses and wheelchair vans coming and going at all hours of the day which require the half circle driveway to make a turn around. How can anyone expect us to share a driveway?!

We would like to make it known that we are vehemently opposed to this traffic circle in front of our property and to the installation of an East/West road in the Westwood development with entry/exit using North Forest Road. Would you like to lose part of your property and driveway to have a traffic circle sitting basically in your front yard? We ask that you please consider the existing residents potential quality of life when making your decision. (P-037, 2/17/2017, Patricia Fillipponi).

Comment acknowledged and will taken into consideration during the review of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

31. Rezoning the Westwood parcel for this large scale development project is not in the best interest of the Town of Amherst and its residents for many reasons including:
- Traffic congestion on Sheridan Drive and Maple Road. Sheridan Drive and Maple Road serve a great number of people. They are major east-west roads and are often very congested and the site of traffic accidents. With the addition of 1700 residents and their \pm 1700 cars and school busses, the Town of Amherst will have to deal with more traffic congestion and accidents. (P-038, 2/22/2017, Mary and Raymond Boehm).

Comment acknowledged.

32. North Forest Road is a collector road, and by definition we are not the destination, nor should we be in the middle of this residential area of Central Amherst.

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Given that, some concerns following the Jan. 4 meeting are:

- The curves historically provide traffic calming and reduce speed.
- A roundabout is not context-sensitive for the character of this area.
- How will this feature function for the many very large trucks at highway?
- How will roundabout traffic stack? If primarily on the internal road an intersection should suffice.
- Residential homes should not be on a roundabout.
- The suggestion of providing one common access to North Forest for the driveways of these 3 homes would devalue those properties, and which of them is responsible for maintenance and snow removal of this common pavement?
- If the internal road will become 2 way at Frankhauser with the removal of the traffic signal at Sheridan Drive, those residents should be told that right now!
- This board suggested buying or possibly taking residential land on Frankhauser to solve a development access problem.

The existing surrounding neighborhoods should not have to change to accommodate a new development.

I have other concerns. Please take the hard look regarding this important issue. Perhaps a town-wide traffic study is in order before proceeding with a project of this magnitude. The last one I know of is dated February 1997. (P-039, 3/1/2017, Maryann Hochberg).

Comment acknowledged and will taken into consideration during the review of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

33. I attended a Traffic Safety Committee meeting early last year and voiced my concerns about the traffic safety on Sheridan Dr. I have written to the Planning Board on February 5, 2016 and September 14, 2016 about these concerns. I also wrote to the Town Board, Planning Board and Zoning Board on October 27, 2016, the day after I was involved in a car accident at the corner of North Forest and Sheridan Dr. on October 26, 2016.

Supervisor Barry Weinstein wrote me a letter dated November 15, 2016 acknowledging my letter and said that it was discussed at the Town Board meeting on November 14, 2016 and referred to the Attorney's Office, the Planning, Engineering, Police Departments and to your Traffic Board.

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I have also been in contact with Thomas Messana from the DOT about my concerns prior to my accident and after. Following is a log of some of the accidents on this stretch of Sheridan Dr.

- 2/1/16 -2:30 at 290 entrance car flipped over
- 3/1/16 - 9:30 car carrier in road for Basil dealership (ongoing)
- 4/27/16- 8:45 car carrier in front of Keyser Cadillac (ongoing)
- 4/27/16 - 4:00 at 290 entrance car flipped over on its side- Snyder fue truck on site
- 10/26/16 - N Forest & Sheridan1:30 my accident (3 vehicles) 1st driver ran red light, hit 2nd driver then me.
- 11/10/16 - at 290 entrance several ambulances for accident
- 11/28/16 - 4-5:00 at 290 entrance, accident with injuries
- 12/6/16- accident with 2 police cars & flatbed to take car away
- 1/12/17 morning at Sunrise & Sheridan with injury- man taken in ambulance, fire truck & police were there. (Called Mr. Messana at DOT to report)
- 1/18/17 - 7:00 am aprox. North Forest & Sheridan 2 cars & flat bed for 1 car.

Please seriously consider the safety of drivers and residents using Sheridan Dr. With even more development proposed for this area, the accidents will only increase. (P-040, 3/1/2017, Laura Tirone).

A safety evaluation will be conducted as part of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

34. The proposed changes to the transportation infrastructure on and adjacent to North Forest Road are a serious concern. It is presumptuous for the developer to propose building a roundabout, within the current Westwood boundary, situated in close proximity to the large Sheridan Drive/ North Forest intersection. North Forest is a county road and falls under county jurisdiction. The developer states they will reconfigure and widen the road segment on the right side of North Forest for extended length towards the intersection to accommodate the added traffic from the proposed Westwood development. Sheridan is a state road and falls under NYS DOT jurisdiction, as does the North Forest/ Sheridan Drive intersection. It is not within the power of the developer to construct these changes without approval by the owning jurisdiction, neither of which have seen or studied a traffic impact study. Would these proposed changes and continued maintenance fall on the county and state taxpayer shoulders? Potentially turning the internal development roads over to the town, which lead into the roundabout, exiting onto County owned North

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Forest, seems questionable. The additional cost for the Town of Amherst taxpayers to maintain these potentially acquired new internal roads should also be considered.

North Forest is a collector road, intended to pass traffic through the area. These changes will negatively impact the way the roadway functions for the sole purpose of serving the development. For the 30 years I have lived on North Forest many changes have been proposed to change the nature of the road. But after considerable study, it has always been found that North Forest Road functions to move traffic smoothly and safely with the natural curves to slow traffic, while at the same time respecting those that live there.

All residences near the vicinity of the proposed North Forest roundabout would be adversely affected for ingress, egress and for future value on their homes. Particularly offensive is what will unfold for 3 residences situated directly on the roundabout; 1 of them being a group home. The plan even over-steps going as far as reconfiguring private residential driveways. This roundabout feature needs all those impacted to understand the downstream negative effects it could potentially bring to the existing surrounding neighborhood. (P-041, 3/1/2017, Maureen Schmitt; P-174, Maureen Schmitt).

Comments acknowledged. Both Erie County and the New York State Department of Transportation have reviewed and provided their comments on the traffic study.

35. TRAFFIC ISSUES ARE MAJOR on Sheridan drive. Left hand turns impossible without a light. The congestion at the thruway entrances are a nightmare. Many accidents there and near misses all the time now.

The traffic impact of shutting down the Frankhauser light and sending our neighborhood through this monstrosity will be huge! Also did you consider that Monster will use our neighborhood as a cut through to Millersport. Millersport is already a deathtrap if you have to make a left hand turn off of Flint Rd. I use this regularly and have seen so many near misses on those kids walking across Millersport from people making rights the opposite way and people trying as they might to make a left from the Maplemere Neighborhood. That already needs a left hand turn and a safe walk for the students. With increased traffic from The Westwood Monster as a cut through, people will continue to die there. This is not a safe environment for students or Amherst residents. (P-042, 3/3/2017, JoAnne Kotlik).

Comments acknowledged.

36. It adds a North-South street between Maple and Sheridan that would actually ease traffic on the surrounding streets. (P-073, 3/6/2017, Harvey Sanders).

Comment acknowledged.

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37. With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently. (P-081, 3/6/2017, Stuart Scheff).

Comments acknowledged.

38. Traffic Congestion: I fear the Town will eventually need to enhance infrastructure to support the added traffic, traffic that is already dense with its current level of population. North Forest Road is currently a two-lane road with homes lining most of both sides of the road in the area in question. If it were to be widened to accommodate increased traffic, the residents would experience a significant change in the current, quite, small town environment that we bought into when we purchased out homes. (P-115, 3/6/2017, Mary Ellen Hagar).

Comments acknowledged. The project sponsor will be responsible for any required highway improvements which are identified as mitigation for the additional site generated traffic.

39. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners.

- It is time for a reality check:
 - Will the town be able to bear the cost of sewer or traffic improvements without raising taxes? Not!
 - Improved traffic patterns. (P-132, 3/6/2017, Barbara Schuller).

Comments acknowledged.

40. I am interested however in ingress and egress traffic studies. I really think that the Audubon golf course with its proximity to UB and the absence of residential homes directly bordering as a better option, and have always hoped for that swap to become a reality. However overall, I think that if done properly, this could be a nice addition to Western New York. (P-143, 3/6/2017, Barbara Nuchereno).

Comments acknowledged.

41. I have read through the new plan. It is so exciting to see the changes that were made addressed all the concerns I had previously had. The road is now more usable and provides Amherst with the opportunity to improve traffic flow in this area. The

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park offerings are now very generous and useful with dedicated park area. The parking space has been improved. (P-145, 3/6/2017, Kaarsten Wisnock).

Comments acknowledged.

42. The State DOT already rates the corner of Sheridan and N. Forest a "F"

"F" is used to define a breakdown of flow. The amount of traffic arriving at a point exceeds the amount departing and queues begin to form. Extreme delays are encountered. (P-147, 3/6/2017, Robert Russo).

Comments acknowledged.

43. I am in favor of smart development and growth for Amherst since it benefits all residents, taxpayers, and employers.

The Master Plan appears to be well thought out and meets my expectations & requirements for smart development, with one exception.

The earlier concept plans I reviewed had shown NO connection to North Forest Road.

However, the current Master Plan now shows a direct connection to North Forest using a proposed round-about located less than 1/10 of a mile from the Sheridan Drive intersection.

As many of you are aware, this portion of North Forest is a very narrow and curvy road. It also suffers traffic back-ups during peak travel times. I fear the proposed round-about connection could cause grid-lock conditions in both travel directions on North Forest at many times during the day.

In summary, I am firmly in favor of the Westwood development plan with the exception of the North Forest Road connection, which I believe is dangerous and unnecessary. (P-149, 3/6/2017, James Boje).

Comments acknowledged.

44. Traffic – its very hard to get onto North Forest – or Sheridan Drive. Now and you want to add another 2 to 4 thousand cars. It won't work. (P-173, 11/19/2016, James G. Witt).

Comments acknowledged.

45. Despite the concerns of adding lights to Sheridan and Maple, this area does not have any main corridors between the two busy roads and consequently traffic currently diverts to small neighborhood roads like Troy Del Way and other small streets where children play.

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- Towards that end I would like to see a larger, straight, four lane road that connects these two main roads that is well lit, controlled by stop lights and contains ample turn lanes for side streets. This would pull traffic off neighborhood roads and speed up travel moving across town. Currently businesses on Sheridan and Maple are so separated they cannot benefit from each other's traffic. I do believe the current configuration of Maple and Sheridan requires work, synchronized traffic lights and improved turn lanes, to speed traffic. That work is needed regardless of this project, not because of it. Everything else this property hopes to provide would be vastly improved if travel into and out of this area and between Maple and Sheridan was expanded.

I would like to see ample parking for retail, including parking for restaurants at night. Parking areas should be well lit and well-marked. I do not support the developer's suggestion that parking can be shared between housing and retail. If there are to be public walking trails or park space they should also have dedicated parking for at least five vehicles. (P-177, 11/28/2016, Kaarsten Wisnock).

Comments acknowledged.

46. I want to express my concerns over the Westwood Development project. I live in Dana Heights and effectively "upstream" from the proposed development. For anyone that lives east of this giant housing development there is a great concern over traffic and infrastructure. Sheridan drive was already widened as far as it can be and both Sheridan and Maple road are already heavily congested. These roads continue to have both large and small office parks built and I have seen traffic get worse and worse over the years. For those at the Clarence border all the way down to Harlem road, driving will become nightmarish, especially in the winter. The congestion always runs from Youngs road to Harlem Road because this is the route to and from the 290 Expressway connecting to Downtown, the 33, and the Thruway. This project will add 1700 people to a concentrated area long with their cars, right in the midst of this congested stretch of road. (P-190, 9/20/2017, Theresa Avery-Scigaj).

Comments acknowledged.

47. If this wasn't enough, there is the traffic. They want to remove the signal light at Sheridan and Frankbauser. The country club is a very big property but the Frankhauser light serves a much larger established neighborhood. That traffic light is the only way out towards Sheridan Drive. How thoughtless they are. Look at GOOGLE MAPS and see what I mean. While you are at it look at North Forest Another large neighborhood relies on this as a main access. Neighbor after neighbor has raised this issue and what is their answer? Replace a "tight curve" with a much tighter curve traffic circle with hundreds of new cars coming and going to their new neighborhood. (P-192, 9/21/2017, Mark Rivard; P-193, 9/25/2017, Mary Rivard; P-194, 9/25/2017, Michele Moses; S-057, 1/19/2017, Nathan Hartrich; S-072, 1/19/2017, Terry Tolsma).



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Comments acknowledged.

48. Our concerns with Westwood Development are:

- Our home is on the South West side of North Forest and Sheridan Drive. Our concern is the amount of increased Traffic, which will make turning left from Wiltshire onto North Forest and left from Fenwick on to Sheridan impossible.
- Increase accidents at Sheridan and North Forest with increased traffic from Westwood. (P-195, 9/21/2017, Martin and Gail Schwarz).

Comments acknowledged. Proposed driveway opposite Fenwick on Sheridan Drive will provide access to a traffic signal. Project Sponsor will also be conducting a safety evaluation as part of the additional analysis and information requested from the project sponsor as noted in Section 3.8.1.

49. The traffic is out of control

- Millersport and Flint. EVERY DAY I see college kids crossing with people making lefts and rights in their pathway; It is taking your life in your hands as well, to make a left turn from the Flint Frankbauser subdivision; there. I am sure this will only become worse if an access road from that Westwood nightmare leads to Frankhauser in any manner.
- Maple Road. My car was totaled by a red light runner on Maple-Road when I was coming out of Maplemere. The driver was sited [sic] for a ticket but I lost out because I had no car for some time.
- Sheridan- Have you driven down that portion of Sheridan lately? ARRRRRGH!!! [sic] No further explanation needed.
- North Forest-the once quiet country road is now wall to wall traffic at peak drive times. (P-206, 9/27/2017, Ron and JoAnne Kotlik).

Comment acknowledged.

50. As we know from how fast the houses are selling, homes are needed. However, we do not have the road infrastructure to carry the traffic, particularly south to north. A hard decision, but keeping that property residential only or green space seems to be the choice. Thank you for your attention to this matter. (P-207, 9/28/2017, Ellen Doyno).

Comment acknowledged.

51. You cited the state statistics when you talked about traffic patterns, I'm not interested in state statistics. I'm interested in Williamsville statistics, I'm interested in our

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community not what happens across the state because I don't think that's a fair representation of our neighborhood. (S-007, 9/18/2017, Tracy Hawk).

Comment acknowledged.

52. The report submitted about their traffic study concerns me as there is nothing statistically reliable or valid about putting a monitor up for 24 hours on what they deem to be a typical day (S-008, 9/18/2017, Amy Klose).

Comment acknowledged.

53. The traffic already maxed out to capacity, it is literally impossible to enter traffic from the driveway or side street because there is no traffic flow, it is complete gridlock. Since People have talked about traffic, I'll mention a few specifics. The North Forest corridor is already backed up from the Union/Royce (sic) corner all the way back across Sheridan nearly to Maple. The proposal of an East/West Road, a North/South Road and a traffic circle in the development is pure folly and (inaudible) because any additional roads will not alleviate the problem which are the arterials. The traffic circle proposed at the east entrance is just folly and useless because it is several yards right from the traffic light at Sheridan and North Forest, it would back in moments, blocking the entire circle. The Sheridan Corridor is even worse, it is bumper to bumper gridlock all the way from Harlem to North Forest and often even to Mill, Evans and Youngs.

Even the traffic lights do no good for entering traffic because the gridlock blocks the intersections. When someone wants to enter traffic getting a green, it is impossible to enter because the cars on Sheridan are jammed up right into the intersections. I've seen several accidents just this past summer from the stream of drivers desperate to enter the traffic and taking chances. Imagine thousands more cars on a daily basis entering these arterials, it just will not work. (S-011, 9/18/2017, Michael Kankiwicz).

Comment acknowledged.

54. I haven't seen Indian Trail Road mentioned in the traffic studies, but it is becoming a key part of traffic flow. It's about a third of a mile long and it looks like a 30 mile an hour rural road, but all it does is connect Sheridan Drive with North Forest Road.

So as traffic increases, if you're driving on Indian Trail Road and you don't live there, you're traveling at high speed because you're trying to avoid and cut through to get around the congested, dangerous intersection at Sheridan and North Forest. So as traffic goes up, traffic on our street goes up and it's basically a quiet walk your dog street except for the cut through traffic. Getting off of our street has always got some difficulty getting onto Sheridan or getting into North Forest. But at peak traffic getting onto Sheridan is very difficult, dangerous and it's practically impossible to get onto to North Forest Road from Indian Trail Road because traffic as mentioned before backs up from Sheridan all the way to Maple. And as a point traffic on the

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proposed roundabout at the S curve would also be full and stopped on the roundabout. I am worried about a great increase in high speed traffic on a slow, short rural-ish road (S-014, 9/18/2017, Michael Watson; S-017, 9/18/2017, Nathan Hartrich).

The project sponsor is proposing capacity improvements at the North Forest Road and Sheridan Drive intersection including a Westbound right turn lane on Sheridan and widening on North Forest Road. These improvements combined with the additional queue analysis requested in Section 3.8 will be reviewed in order to evaluate the potential for any project related traffic increases to Indian Trail Road.

55. So, the sights and sounds have been incredible, the sounds usually exist of horns and not just a horn, it's a 10 second horn, it's the horn that you can sit in the back of our property and just hear somebody very upset and angry about sit ting, very upset and angry about sitting in that traffic, for a good 10 seconds and I know there is expletives going on along with them, I know that because I sit in front of the property when I'm waiting for my daughter's school bus. And I watch that line of traffic build up with all that construction in summer and I see angry people, really angry. And I have to say I thank those nice people that allow me to get in and out of my property, I truly thank them from the bottom of my heart. There are so many people that are so fed up with just this summer of the traffic. And what I'm looking at is ten years of build out on this with 2,200 temporary employees helping to build, and remember during that ten years Sheridan Drive of course will need regular maintenance as it does this summer. And then after the build out, we have one or two thousand residents and then you have mass transit that they're planning on being able to come in. And remember the 300 employees that are going to be there as well all on Westwood after the build out. And again, don't forget with all that additional traffic there will be maintenance on Sheridan Drive as promised (S-021, 9/18/2017, Meri Lee Dubany).

Comment acknowledged.

56. I watched last week three accidents between the park and North Forest all in one day. My child doesn't walk by that sidewalk, she gets nuts because I won't let her walk the sidewalk to get to another bus stop, she has to get off and on in front of my house because it's the safest way to do it. And even with that, cars have blown by that bus. It's crazy dangerous, crazy dangerous. The DOT is working on a traffic study, not just looking at what the traffic is, how safe it is.

It's crazy to think that this kind of development any kind of development going into that property is going to make anything safer for people who are going down Sheridan Drive and it's not just the people-e who live there. I'm not thinking micro here, I'm thinking macro. A lot of traffic goes down that area. Anybody who drives on it, they put themselves in jeopardy every time they cross the intersection of North Forest and Sheridan Drive, it's dangerous. This is only going to make it more

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dangerous and I cannot perceive anything that can be done to alleviate, if the DOT comes up with something, I love to see it. But, I can't imagine what's going to make it significantly safer that Mensch should be able to put in a project remotely, not even, nothing. I can't imagine anything that could go in there. (S-047, 11/17/2017, Marylee Debany).

Comment acknowledged.

57. First of all, I can't believe the impact that the Gun Club development, which will be spurred by the development at Westwood, will initiate on the through street, Westwood will become a shortcut to 290, and the thruway and everybody on Maple will come as far east as probably Transit, certainly Evans. So, you're going to increase dramatically not just the residents in this new development, not the residents in gun club thru area, but you're going to increase all the traffic from Maple who will want to get on the 290 rather than go to Millersport. (S-049, 11/17/2017, Toby Klyn).

Comment acknowledged.

58. I've spent some time at the light at Frankhauser, I've done my own personal study of 30 times crossing at Frankhauser, the average time you have to cross Sheridan Drive is seven seconds. I challenge everyone in this room to walk across Sheridan Drive in seven seconds, you cannot do it, it is not possible. The least amount of time I had was three seconds to walk across Sheridan Drive. (S-058, 11/19/2017, David LaFalce).

Comment acknowledged.

59. The second issue with that place is that the Fenwick Road that meets the new proposed light is very small side street, it doesn't really go directly through to North Forest, you have to zig zag all the way through. I'm very afraid of the traffic that will be coming out of the development through the green light right onto Fenwick at full speed and I really haven't heard that addressed at all. (S-061, 11/19/2017, Michael Kankiewicz).

Comment acknowledged.

60. If you were to come over to my home right now there's 45-foot skid marks going from the street up onto my sidewalk and going back down on the street. I've got trapped deer at neighbor's house across the street because of the fence that they had put in. And finally, just to close, a wonderful new addition to the string of accidents we've had all year long, coming over here there's a car accident that just happened at North Forest and Sheridan Drive. (S-063, 11/19/2017, Steven Striegel).

Comment acknowledged.

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61. Furthermore, with all of this development and all the heavy equipment that they're going to need to use on the roads plus an additional 2,000 cars, that is going to tear up the road. Who is going to pay to have those roads repaved? I really don't think Mensch is going to be willing to pony out that money, it's going to do to the taxpayer once again. (S-067, 11/19/2017, Dean Haas).

Comment acknowledged.

62. It is presumptuous for the developer to propose building a roundabout within the current Westwood boundary situated in close proximity to the large intersection to move traffic for the public. North Forest is a county road it falls under county jurisdiction. The same is true for North Forest at the Sheridan Drive intersection which the developer states they will reconfigure and widen the road segment on the right for an extended length.

Sheridan is a state road and falls under the New York State DOT jurisdiction. It is not within the power of the developer to construct these changes without approval by the owning jurisdiction neither of which have seen a traffic impact study.

[...]

But after considerable study it has always been found that North Forest Road functions to move traffic smoothly and safely with the natural curves to slow traffic while at the same time respecting all those that live. All residences near the vicinity of the North Forest would be adversely affected, ingress, egress for future value of their homes particularly offensive will unfold for the three residences situated directly on the roundabout one of them being a group home. (S-068, 11/19/2017, Maureen Schmitt).

63. This summer has seen traffic congestion on Sheridan much worse than I have ever experienced. The reason has been the repairs made on the bridge that is right before Sheridan-Harlem. The congestion this summer on Sheridan Drive is just a small glimpse to what it will be if the Westwood project is approved. The estimated 2,000 cars that will be added to the mix during the rush hour will make Sheridan Drive a parking lot. Sheridan cannot handle the increase traffic load.

The proposed 10 year project will see tons of construction vehicles adding to the already grid-locked Sheridan Drive and North Forest Roads. It will be much worse than the traffic snarls caused by the Sheridan-Harlem bridge construction. That construction has led to a parking lot of stalled cars, all the way from the bridge to North Forest Road and beyond every day at rush hour. There have been at least 4 accidents caused by cars trying to cut other drivers off on Sheridan near the bridge. The Westwood construction project will be much worse as far as congestion, and when it's completed, the estimated 2,000 cars added will be more than Sheridan Drive and North Forest Road can handle. (P-179A, 9/22/2017, Rick Lecksell).

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64. Living close to Sheridan Drive and having to enter the congested street during rush hour to get to and from work, I have found it difficult this summer with the Sheridan-Harlem Bridge repair project. Sheridan-Evans is another difficult intersection to travel through during the rush hour as the traffic signal seems to favor Evans/Hopkins road more than the travelers on Sheridan Drive. (P-179B, 9/22/2017, Rick Lecksell).
65. Attached is a petition of 85 signatures representing residents of Harding and McKinley Rds. who are in favor of extending Garfield Rd. through to Ferndale Rd. allowing access to Wehrle Dr. without traveling onto Transit Rd.

Also attached is a letter to Mr. Lucy which I had copied to you and the other Amherst Town Board members dated February 8, 2017 regarding this matter to refresh your memory of this situation.

I strongly urge you and the Town Board to consider this extension and not fall prey to the lone residents who are using town property as their own personal property and are opposed to this extension.

A few residents who live on Garfield are also opposed because they believe the traffic flow in their neighbor will increase. I, personally, as do many of the others who have signed the petition, do not believe this will happen.

If someone wanted to cut through from Main to Wehrle they would probably use either Ferndale or Berkley which is more direct. They would not choose Harding or McKinley because of the maneuver they would have to make. (P-182, 9/18/2017, Tom Quagliana).

Comments acknowledged. Public hearing on this matter has been scheduled.

66. Traffic would be more than a nightmare than it already is. (P-184, 9/17/2017, Steve Albertson).

Comment acknowledged.

67. Traffic on Sheridan Drive and Maple Road.

- Sheridan Drive and Maple Road are important east-west roads and serve a large number of people. They are heavily traveled and often the site of accidents. If this property is rezoned and developed, +/- 1700 cars belonging to +/- 1700 residents, numerous school buses for children and hundreds of vehicles for daily commuters to the site will be added to the already congested roadways. This will create a major problem for the Town of Amherst. (P-186, 9/11/2017, Mary and Raymond Boehm).

Comments acknowledged.

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68. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan!

- Add in 2000-3000 more cars and you have that much more traffic congestion and fumes and potential accidents added to an already very traffic congested area!
- Frankhauser Road is an extremely dangerous Road in the wintertime and should not have any more intersecting roads into it - this would cause even more accidents (P-219, 10/2/2017, Robert Yunkes).

Comments acknowledged.

69. Pursuant to the "Capacity Analysis" section (Section VIII) of the Traffic Study for the Proposed Mixed-Use Neighborhood (February 2017 Update), the "Levels of Service" for numerous key intersections around the proposed development site indicate that such intersections are already very congested during peak traffic hours. The analysis projects further deterioration in such Levels of Service if the project proceeds. This is unacceptable. (P-224, 9/30/2017, Dennis and Karla Harlow).

Comments acknowledged. The project sponsor will be responsible for any required highway improvements which are identified as mitigation for the additional site generated traffic.

70. I work as an attorney at a law firm downtown and I find that over time my commute is becoming longer and longer as the roads become more congested and additional traffic signals are erected. I don't dare enter the 290 from Sheridan or Millersport due to the congestion on Youngs, Sheridan, Maple, etc. Therefore, I find myself taking 990 to 290; however, as more developments are being built on Casey Road and in north Amherst, including the possibly of a huge neighborhood at Muir Woods, it appears to be only a matter of time before that route becomes even more congested. (P-005, 11/2/2016, Rochelle Lawless; P-216, 10/2/2017, Rochelle Lawless; P-217, 10/2/2017, Kara Eyre; P-218, 10/2/2017, Kevin Lawless).

Comments acknowledged. The project sponsor will be responsible for any required highway improvements which are identified as mitigation for the additional site generated traffic.

3.8.1.3 Consultant Comments

The following comments pertain to the Traffic Impact Study (TIS).

71. **Page v and Page 7:** Bicycle racks and lockers should be located near building entrances. Consider providing a bicycle repair station at some of the lockers/racks. Furthermore, considerations should be given to providing bike lanes on the main roadway through the site. (STN-013, 10/2/2017,)



As noted in the Traffic Impact Study (“TIS”) dated February 2017, specifically the Conclusion & Recommendation #17, SRF & Associates recommended that the mixed-use portion of the site should incorporate bicycle parking and related facilities into the design, and will consider locating facilities near building entrances or within the buildings themselves. At the time of site plan approval, the Applicant will work with the Planning Department to determine specific design and locations for bicycle facilities.

72. **Page v:** A shared parking analysis should be conducted to evaluate methods to reduce overall parking required on the site. (STN-014, 10/2/2017,)

The Applicant has said that it has engaged SRF & Associates to conduct a Shared Parking Demand Analysis for the project based on the Conceptual Master Plan dated March 20, 2017, but the analysis has not yet been submitted. Due to the mixed-use nature of the development and the likely interaction between the proposed uses located on the same site, the actual overall demand for off-street parking spaces will be less than the sum of the demands for each individual use. In addition, under the portion of the Town Code governing the Traditional Neighborhood Design (“TND”) district, of which a large portion of the project will be located, the TND district guidelines, as described in Section 5-6 of the Town Code prescribe maximum (rather than minimum) parking requirements. The Applicant believes that the results of the Shared Parking Demand Analysis will demonstrate there is sufficient on-site parking proposed for the Westwood Mixed-Use Neighborhood, per the March 20, 2017 Conceptual Master Plan.

73. **Page 3:** The text indicates that field observations were conducted during both peak periods at the study area intersections. However, it is not clear what was observed and what resulted. Queue measurements should have been taken in the field to determine if any unmet demand should be added to the existing condition traffic volumes. This will be particularly critical on Sheridan Drive where long queues are already reported during peak hours. (STN-015, 10/2/2017,)

The applicant has stated that field observations included general observations of queues, lane geometries and signal timings. A queue analysis has been requested to address any potential for queue spillback. The applicant has stated that the New York State Department of Transportation (“NYSDOT”) and the Town of Amherst Traffic Safety Board (“ATSB”) do not require queue measurements, and as such these were not provided in Traffic Impact Studies conducted in upstate New York or Erie County. The Applicant has told the Town that it has requested a proposal from SRF & Associates to conduct queue measurements in the field, but the results have not yet been provided to the Town.

74. **Page 4:** The results of the crash analysis show several intersections with significantly higher crash rates at seven of the study intersections, and crash clusters have been identified at five of the intersections. It is recommended that additional investigation

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of these five intersections be conducted to evaluate potential causes of the crash clusters so that mitigation measures can be assessed and recommended. (STN-016, 10/2/2017,)

As part of the TIS, the Applicant summarized the two recent safety studies conducted by the NYSDOT in 2016. The TIS concluded that the majority of the accidents at the largest intersections in the vicinity at Maple Road/North Forest Road and Sheridan Drive/North Forest Road are rear end and left turn accidents, and most accidents were caused by either driver inattention, following too closely, or failure to yield to the right of way. The Town has requested the project sponsor to conduct additional investigation at five of the intersections to evaluate potential causes of the crash clusters so that mitigation measures can be assessed and recommended. Stantec will coordinate with the Project Sponsor to identify the five intersections in which the additional investigation is necessary.

Page 9 and Appendix A2 (Trip Generation):

There appear to be some discrepancies between the trip generation methodology described on Page 9 of the TIS and the trip generation calculations contained in the table in Appendix A2. Please address the comments below:

75. The trip generation calculations shown in the table in Appendix A2 utilize occupied rooms to calculate the hotel trip generation. Trip generation should be calculated based on number of rooms. (STN-017, 10/2/2017,)

The trip generation calculations in Appendix A2 of the Traffic Impact Study used the total number of rooms as indicated in the Appendix. As a result, no revisions are necessary.

76. The report refers to the ITE Trip Generation Handbook (2001). The 2012 Handbook should be used. (STN-018, 10/2/2017,)

The 2012 ITE Trip Generation Handbook was used to prepare the TIS. The 2001 Handbook was incorrectly referenced in the report. As a result, no revisions are necessary.

77. The internal trip credits should be based on calculations outlined in the *Trip Generation Handbook*. Please include calculations utilizing the *Multi-Use Trip Generation and Internal Capture Summary Sheets* provided in on Page 109 of the *Handbook*. It is also unclear how the internal trip capture was applied to the trip generation calculations in the table in Appendix A2. The internal trips in the table are not consistent with the recommended percentages on Page 9. Furthermore, the resulting internal trip capture credit obtained from utilizing the calculation sheets provided in the *Handbook* should be applied to the

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total number of trips generated by each applicable land use. Please revise the calculations. (STN-019, 10/2/2017,)

Internal trip credits were derived based upon ITE Handbook calculations and will be provided.

78. The report states that a 10% pass-by trip credit was applied during the PM peak hour for the retail uses. However, the trip generation table in A2 appears to utilize a higher percentage for pass-by. The 10% credit should be applied to the subtotal of trips once the internal trip capture credit has been applied to eliminate a double credit. Therefore, the pass-by credit for the retail component should be 21 entering ($316 - 109 = 207 \times 10\% = 20.7$) and 19 exiting. (STN-020, 10/2/2017,)

The report erroneously stated that a 10% pass-by credit was applied during the PM peak hour. A 30% pass-by-credit was actually utilized.

Capacity Analysis Results:

79. The lengths of proposed turn lanes are only indicated for some of the intersections. Please indicate the recommended length of all proposed turn bays to be consistent. (STN-021, 10/2/2017,)

The Applicant has stated that SRF & Associates will provide recommendations for the lengths of the proposed turn lanes.

80. Please include a queue analysis for the No Build and Build condition to compare anticipated impacts. The queue analysis will clarify the impact of the additional delay, particularly at intersections where no mitigation measures are being recommended. It should also be utilized to ensure that the signal coordination between the proposed signal at Fenwick Road and the existing signal at Frankhauser Road is adequate to ensure no queue spillback between the intersections. Furthermore, the Build condition queues should be compared with turn lane storage lengths to determine if any turn lanes need to be extended. (STN-022, 10/2/2017,)

The applicant has stated that SRF & Associates will provide queue length comparisons.

Mitigation Measures:

81. Given that the site is going to be constructed in phases over 10 years, please indicate when the proposed mitigation measures would be constructed. A chart or table should be included in the executive summary to clearly define the implementation timelines. (STN-023, 10/2/2017,)

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The Project Sponsor anticipates that some of the traffic related mitigation measures would be constructed upfront, with the exception of the proposed new traffic signal at Sheridan/Fenwick. This signal requires a warrant analysis and approval by the New York State Department of Transportation (“NYSDOT”) prior to installation.

Synchro Comments:

82. The volumes utilized in the Synchro models are inconsistent with the volumes shown in Figure 8 of the TIS. The volumes in the Synchro file should match the TIS volume diagrams. (STN-024, 10/2/2017,)

The noted volume in Figure 8 appears to be a typo, and this will be corrected in future submissions.

83. It appears that Synchro defaults for factors such as lane width and heavy vehicle percentages were utilized. The models should be adjusted to utilize actual field measured lane widths and field-collected data for these values. (STN-025, 10/2/2017,)

The Synchro defaults can be updated for a future submission. It is noted that these updates are not likely to significantly change the Level of Service (“LOS”) results or the proposed mitigation.

84. The Build with Mitigation AM and PM model geometries are inconsistent with each other at the intersection of Sheridan Drive and North Forest Road. (STN-026, 10/2/2017,)

SRF & Associates will review the geometries and revise if necessary.

85. Caution should be used when optimizing lead-lag left-turn phasing. For example, the eastbound left-turn is lead in the AM peak hour and lag in the PM peak hour at the intersection of Sheridan Drive and North Forest Road in the Build with Mitigation file. Left-turn phases should be consistent between peak hours for driver expectation. Also, if lag left-turn phases are not common in the area, they should be avoided. (STN-027, 10/2/2017,)

SRF & Associates will work with NYSDOT when executing the optimization of left-turn phasing.

3.9 AIR QUALITY AND NOISE

3.9.1.1 Public Comments

1. Opposes the project: Project would generate too much noise. (P-006, 11/3/2016, Margaret Markarian).

Comment acknowledged.

2. We have wonderful neighbors and would hate to move, but the noise in this area from construction is already too much. Maple is paved and then repaved. This is constant noise and contrition is already over the top. I have seen more house for sale in this wonderful neighborhood already and the next step would be the sale of our home. And it is a home, not just a house. (P-196, 9/25/2017, The Eckerts).

Comment Acknowledged. Construction-related noise from this project will occur and is unavoidable even after noise mitigation measures have been put in place.

3. I am writing this letter with deep concerns over/with the severe health issues that will be created/or continued worse for the residents of the town, especially for those of us living near or residing on the very edge of Westwood CC – with a development of this very lengthy 10 year long magnitude planned, it sure will create severe havoc once everything is torn up, dust, chemicals, will become airborne and remain that way throughout the process of construction.

In summer or seasonal permitting times, it will be impossible to even sit out in our yards, for it will be unbearable for breathing; homes inside will be continuously dusty, dirty; those with pools will have an awful upkeep with contaminants that will still lurk as progress goes on. How can we live like this? (P-210, 9/25/2017, Karen Stanley).

Comment Acknowledged. Construction-related dust will be controlled to the greatest extent practicable though impacts are unavoidable even after the mitigation measure.

4. Who could possibly find that a ten-year construction project is acceptable for homeowners of properties that abut the Westwood Parcel? This may be nothing to investors, but it is a long time in the ownership of one's home to have a neighboring construction pit with attended noise and dust and it is a long time for the town to have a construction pit in its center. (S-001, Jennifer Snyder Haas).

Comment Acknowledged. Construction-related impacts, even after the implementation of mitigation measures will occur and are unavoidable.

5. This just will increase dramatically the risks, the safety plus noise, pollution as well as inconvenience. (S-049, 11/17/2017, Toby Klyn).

Comment Acknowledged

6. Pollution, clouds of dirt, etc. will have an adverse effect on the neighboring residents. (P-184, 9/17/2017, Steve Albertson).

Comment Acknowledged

3.9.1.2 Consultant Comments

It is stated in Section 5.9 that “minor, short-term and highly localized impacts to air quality and noise will result from both the site preparation activities and construction work”. It is later stated in this section that “the noise associated with the construction of the Project will represent a noticeable change in the outdoor background sound environment and may constitute a potential impact to nearby residential areas”, and that “Short term increases in noise levels (generally in the range of 80-100 dB) will result from the operation of construction and related equipment during project development”.

Given that the Project will be constructed in three phases over a 10-year period, the air and noise related impacts during construction will occur over the long-term with the potential to impact nearby residents. Therefore, a closer look at the construction related impacts and potential mitigation measures are warranted. Please address the following issues:

7. Please further describe the construction related impacts for each of the three phases described in Table 2.2. More specifically, give a range of the number of construction vehicles travelling to and from the site, where the construction entrance(s) might be, and where construction staging may occur throughout the site. This information will be used when each Project component is submitted to the Town for subsequent review and approval; (STN-028, 10/2/2017,)

The Project Sponsor envisions that at the start of construction, construction vehicles will utilize the driveway from North Forest Road until the main North-South spine road has been completed

The rough grading of the site, including preliminary drainage and utility infrastructure, would likely be installed immediately after the brownfield remediation work, both of which would be followed closely by the vertical construction for the various components of the Conceptual Master Plan, in accordance with the approved site and subdivision plans.

With regards to construction staging, the Applicant envisions that the staging will occur starting at the center of the Project Site, which will be the most efficient location on the site and furthest from any existing residential homes. Finally, the

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Applicant notes that, while it utilized a ten-year construction period for the purposes of the DGEIS, it was meant to be conservative. The Applicant does not envision, nor desire, a construction period lasting that long, and would hope to have construction, including the remediation, completed in substantially less time.

The Town of Amherst recognizes that noise and air quality related impacts can be mitigated via the incorporation of a carefully developed Construction Phasing Plan. However, the Applicant's proposed Construction Phasing Plan is ambiguous and requires more detailed information. Until then, it is not possible to determine the full extent of construction related noise impacts.

8. What other noise mitigation measures are available given that noise impacts during construction are not relatively minor and short term in nature? (STN-029, 10/2/2017,)

The Applicant asserts that noise during construction will be relatively minor, short-term and temporary in nature. The Town of Amherst believes that a project of this scale and magnitude constructed within a 10-year period will result in noise impacts that are proportional to intensity and duration of the project.

The March 2017 Conceptual Master Plan proposes to install landscaped berms along the perimeter of the site as a buffer to the residential neighbors. As part of the construction phasing, the Applicant plans to install these landscaped buffers as part of the initial phases of construction. The Town asserts that landscaped berms will need to be incorporated and maintained throughout the entire construction duration.

9. Please provide more information on how dust will be suppressed during construction, including attention to the construction entrance(s); (STN-030, 10/2/2017,)

As part of the Storm Water Pollution Prevention Plan ("SWPPP"), the Applicant will be required to provide for temporary stabilization of construction sites to control dust, further, dust control is normally handled by sprinkling water from a mawater truck when needed.

10. How will effective vegetative screening be maintained along the site perimeter during construction? (STN-031, 10/2/2017,)

The Conceptual Master Plan dated March 2017 depicts the installation of landscaped berms along the perimeter of the Project Site as a buffer for the benefit of the contiguous existing residential neighbors. The Applicant plans to install these berms as part of the initial phases of construction and will strive to preserve as many trees as possible within the Permanent Open Space to be provided within the perimeter of the Project Site.

The Town maintains that landscaped berms need to be constructed early in the project phasing and maintained throughout all phases of construction. These issues

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will be carefully reviewed during the Site Plan Approval process for the first and each subsequent phase of the project.

The Proposed Construction Phasing Schedule presented in Table 2-2 is very broad, leading to the need for additional information. The descriptions of Phases 2 and 3 appear to overlap as Phase 3 is merely a continuation of the construction of the project elements described in Phase 2. Once the north/south road and the respective public utilities are constructed, the entire site will be subject to construction at once.

11. A figure that depicts the project phasing is needed to understand how and when construction activities will progress throughout the site. (STN-047, 10/2/2017,)

Table 2-2 from the DGEIS was based on a different Conceptual Master Plan, but the Applicant believes that the phasing contained in that table is still valid. It is important to note that, given the weather in Western New York, construction typically either ceases or slows down during the winter months, so the Applicant anticipates limited vertical construction during the winter months. The Applicant also notes that while it may take some time to complete the final phases of the project, such as the last residential home or office space, the Amherst Town Code and the strict requirements of the NYSDEC SPDES permit require that no area of the site can be left without some sort of paved or vegetated cover for an extended period of time.

Phase I: Construction of the entire north/south road from Maple Road to Sheridan Drive, along with the related primary public sanitary sewers and required mitigation, waterlines, drainage, lakes and all private utility infrastructure. Note: Along with the north/south roadway, the landscaped buffers surrounding the site would be constructed. In addition, this phase would also include the roundabout along North Forest Road, the traffic signal on Maple Road, as well as the off-site transportation and sanitary sewer mitigation measures. Please also note that the proposed traffic signal at Sheridan Drive will need to meet the necessary warrants from NYSDOT before it can be installed, and similarly the existing signal at Frankhauser will need to meet a series of requirements from NYSDOT before it can be removed. The Applicant anticipates that this phase would take two years.

Phase II: Construction of necessary infrastructure improvements for individual project components. Initial construction of patio and single-family homes, hotel and senior residences, townhomes and apartments, office buildings and mixed-use buildings. Note: As part of this phase, the remaining landscaping for the construction of the public park, Focal Green and pocket parks would be constructed following the construction of the vast majority of the proposed buildings for the project. The Applicant would anticipate that this phase would take one to two years.

Phase III: Continued construction and completion of patio and single-family homes, townhomes, apartments, and completion of mixed-use and office buildings within the Neighborhood Center. Note: Due to the fact that homes are constructed as they

are sold, the typical construction time period for a new residential neighborhood in Western New York is up to two years, which is why it may appear as though there is some overlap between Phases II and III. In addition, the construction of the mixed use and office buildings will be based on the demand for those spaces, which is why their construction was spread out between two phases. Overall, the Applicant would anticipate that this phase would take one to two years as well.

12. The construction phasing schedule and figure should address the following, with emphasis placed on impacts to residents adjacent to the project:

- When will the proposed trail and public amenities be constructed;
- Identify when the off-site traffic improvements will be constructed;
- Identify the locations of the proposed construction entrances/exits;
- Where will the construction staging areas be placed as construction progresses? (STN-048, 10/2/2017,)

As noted above, the construction of the public park, including the public amenities such as the new pond, public amphitheater and trail system would be constructed as part of Phase II. The rationale for this is because it is important to install all necessary underground utility infrastructure before the park and amenities can be installed. The off-site traffic improvements would be installed in the initial phases of the project. The Applicant envisions that at the start of construction, construction vehicles will utilize the driveway off of North Forest Road until the main North-South spine road is constructed. With regards to construction staging, the Applicant envisions that the staging will occur starting at the center of the site, which will be the most efficient location on the site and also furthest from any existing residential homes. Finally, the Applicant would note that, while it utilized a ten-year construction period for the purposes of the DGEIS, it was meant to be conservative. The Applicant does not envision, nor desire a construction period lasting that long. Though it should be noted that phasing of the vertical construction may be subject to market absorption of the new uses. In any case, all disturbed soils will need to be stabilized in a permanent or temporary fashion.

3.10 COMMUNITY FACILITIES AND SERVICES

3.10.1.1 Agency Comments

1. I have reviewed the Westwood development packet that you sent to my attention (letter dated 3-1-16). With respect to the following:
 - Additional emergency calls - currently I do not see why the Snyder FD could not handle those additional calls.
 - Impact of additional traffic - I do not see that traffic will have a significant impact on our ability to respond to emergency calls.
 - Water supply - assuming that proposed water mains I hydrants mirror the current infrastructure within the Snyder Fire District that should not be a concern; however, I reserve judgement on that element until actual water line proposals are presented. (A-007, 3/4/2016, Paul Griebner, Snyder Fire Department).

Comment acknowledged.

3.10.1.2 Public Comments

2. I am writing to express my opinion that the Westwood Property should not be rezoned to allow residential and commercial development. Instead, I would prefer that the Town of Amherst consult with the group Western New York Land Conservancy to fund raise in order to purchase the Westwood from Mesches and maintain it as a park. (P-203, 9/25/2017, Robin Raphael).

Comment acknowledged.

3. I'm a retired police officer. These lovely pictures that the developers have put up here to show you, don't show you one thing. First of all when you have such a large diversity of different people you always will have problems. What the pictures don't show you, the burglaries that are going to happen, the car break in's that are going to happen, the loitering that's going to happen, the trespassing that's going to happen, the assaults, God forbid, on the bike path, by the water, by the pond that's going to happen. A couple years ago I pulled the accident reports for three years out here in Amherst just for like Sheridan and Harlem area, the North Forest and Sheridan area, the North Forest Maple area, it's unbelievable. I'm sure all of you know what it's like Monday through Friday 4:00 to 6:00 p.m. on Sheridan Drive. As an officer for over 24 years I've probably taken over thousands of accident reports. You can put in all the traffic lights you want, you can add all the streets you want. But, when it comes down to it, people are creatures of habit, they do what they're used to doing, meaning if there was a light here, they're used to doing what they did

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regardless if there's new streets, new lights, they're just creatures of habit (S-009, 9/18/2017, Jackie Santa Maria).

Comment acknowledged.

4. I see where they are adding a new fire station. So, it's like this project could easily grow into the new village of Westwood, another village in addition to Williamsville to take care of and maintain and the cost involved there. So, any tax set up there, they're going to need it to pay for this additional maintenance. (S-065, 11/19/2017, Robert Yunkes).

Comment acknowledged.

3.10.1.3 Consultant Comments

5. Section 5.6.4 - Discuss the demand and cost for increased ambulance service. Include the effect of the proposed senior housing component. (STN-011, 10/2/2017,)

Within the Town of Amherst, ambulance service is privately funded, and service is provided at no cost to the Town of Amherst or its taxpayers. Furthermore, the ambulance service which contracts with the Town of Amherst is responsible to ensure that there are adequate pre-hospital emergency medical services throughout the Town of Amherst. As with any additional residential uses to the Town of Amherst, one can anticipate that there will be an increase in the demand for ambulance services, but to reiterate, there is no cost to the Town of Amherst for ambulance service.

6. Section 6.6 - Clarify that currently the Fire, Police and most likely Ambulance services do not have adequate capacity to service this project. The DGEIS clearly states that the mitigation measures include a Fire substation which was added to the plan as part on the 03/27/2017 amendment and that Police and Ambulance service expansions would be funded through the normal tax benefit realized by the Town. At what point will these services need to be increased and will the project have developed enough tax revenue to fund those needed emergency services? (STN-012, 10/2/2017,)

The Applicant has indicated that there are adequate fire, police and ambulance to services the project. The purpose of the proposed fire substation is to satisfy the desire of the Snyder Fire Department to reduce response times to this portion of their fire district, but is not a reflection of the adequacy of service. Regardless, the Applicant envisions that, should those services need to be increased, the project will generate sufficient additional tax revenue to fund the additional services.

7. Section 4.10 - Discuss the current availability of EMT / Ambulance services. (STN-032, 10/2/2017,)



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As noted above, within the Town of Amherst, ambulance service is privately funded, and service is provided at no cost to the Town of Amherst or its taxpayers. Furthermore, the ambulance service which contracts with the Town of Amherst is responsible to ensure that there are adequate pre-hospital emergency medical services throughout the Town of Amherst. As with any additional residential uses to the Town of Amherst, one can anticipate that there would be increases in the demand for ambulance services, but to reiterate, there is no cost to the Town of Amherst for ambulance service.

3.11 LIGHTING

3.11.1.1 Agency Comments

1. The following is a summary of all comments received by the Planning Department regarding the completeness of the revised Draft Generic Environmental Impact Statement (DGEIS) submitted on March 13, 2015 for the proposed "Westwood Neighborhood"

Section 5: Adverse Environmental Impacts 5.11 Section lacks objective information or data. (A-046, 4/15/2015, Eric Gillert, Planning Director).

The Applicant will be required to submit a detailed Lighting Plan during the Site Plan Review process for review and approval by the Town Planning Department.

3.12 UTILITIES AND NON-TRANSPORTATION INFRASTRUCTURE

3.12.1 Sanitary Sewer Capacity Summary

This summary serves to document the Town of Amherst Engineering Department's determination of available downstream sanitary sewer capacity for the proposed "Westwood Neighborhood" Development during wet weather conditions. There is no disagreement that there is insufficient sanitary sewer capacity for the Project during wet weather conditions. There is an existing unavoidable capacity bottleneck within the downstream sanitary sewers that would service the Westwood project. The downstream capacity to service the Westwood project and other projects within that sewer shed are ultimately limited to the capacity within the Sweet Home Road Interceptor.

3.12.1.1 Background and History

There are significant sewer capacity constraints in the above referenced system corridor as depicted in the downstream sewer map accompanying the Amherst Engineering department memo dated August 24, 2017 (Appendix C:, A-026, Jeffrey Burroughs, Town of Amherst Engineering Department) and described in the following:

- The 54-inch West Side Interceptor at Sheridan Drive and the I-290 has a capacity of 36.5 million gallons per day (MGD). Peak wet weather flow in this pipe is currently at 38.75 MGD. The sewer shed of this interceptor contains Snyder, portions of Eggertsville and the Village of Williamsville. The alignment of the 54-inch West Side Interceptor is parallel to the I-290 until the I-990 interchange where it transitions to a northerly alignment.
- The 48- inch Hartford Road (West Side) Interceptor just upstream of its terminus with the 54-inch West Side Interceptor has a capacity of 24.6 MGD. Peak wet weather flow in this pipe is currently at 21.50 MGD. The sewer shed of this interceptor is primarily Eggertsville and the Bailey/Hartford area;
- The 54-inch West Side Interceptor just downstream of the above referenced junction point has a capacity of 38.5 MGD. Peak wet weather flow in this pipe is currently at 60.95 MGD;
- The 54-inch West Side Interceptor transitions from a 54-inch to 60-inch pipe at Chestnut Ridge Road. The 60-inch interceptor's alignment is due north and then jogs west and then north and runs under Ellicott Creek until its terminus with the Peanut Line Interceptor. The capacity of the 60-inch interceptor is 49.1 MGD and has a peak wet weather flow of 59.80 MGD. The sewer shed of this 60-inch pipe consists of all of the above areas including the Niagara Falls Boulevard corridor and Willowridge area.

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- Wet weather flow is diverted from the 60-inch West Side Interceptor to the Sweet Home Road Interceptor via an existing dead ended 24-inch sewer on Chestnut Ridge Road. A 21-inch pipe overflow set at the crown elevation of the 60-inch West Side Interceptor. The flow through the diversion can be modified by the end of pipe gate valve that is currently fully open. The design flow of the diversion was calculated to be approximately 5.0 MGD.
- The Amherst Manor sewer is a 15-inch pipe and has a capacity of 1.7 MGD with a peak wet weather flow of 1.64 MGD.
- The Sweet Home road interceptor is a 36-inch sewer that has a capacity of 9.64 MGD and a peak wet weather flow of 9.2 MGD with SUNYAB in session and the Chestnut Ridge by-pass flowing at 5.6 MGD.

3.12.1.2 Applicant Proposed Solutions

The Westwood project requires 0.95 MGD (peak flow) of sewer capacity. Relative to the Westwood Development, the Amherst Engineering Department has reviewed and commented on sewer capacity issues for a number of alternatives. The Applicant has proposed the following options for addressing the lack of sewer capacity in the downstream sewer:

1. The Applicant proposed sewage routing to the Sheridan Drive collector sewer and the West Side Interceptor.

It was determined that there is insufficient capacity along this sewer route.

2. The Applicant proposed routing sewage from the development to the Amherst Manor sewer and through the Augsperger Road sewer on the State University at Buffalo North Campus (SUNYAB) to the 36-inch interceptor sewer on Sweet Home Road.

It was determined that by increasing the Amherst Manor sewer and decreasing the flow rate of the Chestnut Ridge by-pass to 5.0 MGD an available capacity of 1.04 MGD could be created. As the Town will need to account for existing as well as future projects, this additional capacity would be equally allocated between Westwood, SUNYAB and future projects allowing 0.34 MGD for each.

3. The Applicant proposed to bypass SUNYAB and the Amherst Manor sewer restriction by means of a pump station to the 36-inch interceptor sewer on Sweet Home Road.

It is important to note that this proposed solution did not bypass the capacity restriction within the Sweet Home Road sewer. In addition, the Engineering Department was concerned by the length of forcemain proposed under this

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option and the approvals necessary from property and ROW owners for construction, operation and maintenance of said system. Further, the Town made it very clear that it would not accept the ownership or maintenance of said pump station and forcemain. Any solution containing a pump station would then need to be under the ownership of a sewerage works corporation.

4. The Applicant proposed an onsite retention treatment and equalization system, which would hold back (retain) the sanitary flows from the proposed Westwood project until downstream flows cleared the system adjacent to the Westwood Project.

More specifically, this option would utilize onsite sewage retention (storage) with real time control to stop discharge of sewage during wet weather conditions when downstream flows exceed the carrying capacities of the sewers. This would be accomplished with the construction of a 600,000-gallon onsite retention facility, pump station and the installation of permanent flow monitoring at downstream sewer locations. The flow monitors would relay information to the onsite pump station controls allowing a sewage discharge when capacity becomes available.

The Town has since rejected the on-site retention alternative for the following reasons:

- The facility is not just a tank with real time control that stores sewage, it is a significantly more complicated system due to handling large volumes of raw sewage for an unspecified length of time;
- Precedence – the Town and NYSDEC do not want to set a precedence of allowing in-system storage tanks to be constructed to create new capacity. These types of systems are typically only used to address combined sewage overflow conditions;
- Maintenance – given that the entire system including the pump station will be privately owned, the facility would require the establishment of a new sewerage works corporation. The maintenance functions and cost of the facility would be borne by this new sewerage works corporation which could become problematic due to its location immediately adjacent to residential properties;
- Long term viability – the Engineering Department anticipates an extended need for such a facility given that the overall I&I remediation program is a long-term solution with very few short-term options. The Engineering Department's concern is that there is precedence that pressure could be exerted by future residents of the development for Town ownership of the

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facilities once the sewerage corporation fees become too great or maintenance is lacking; and

- Fiscal sustainability of such a facility – The cost of O&M will not be spread over the district and will be a burden to the residents of the development served by the new sewerage works corporation.

5. Inflow and Infiltration Reduction Alternative

In addition to the scale of the proposed development and subsequent sewer demand, inflow and infiltration (I&I) of ground water or other sources of storm water are also primary contributors for the lack of sewer capacity. The Town has established a policy whereby I & I mitigation projects are funded by the developer thereby providing mitigation funds for Capital Improvement Program (CIP) expenditures. The petitioner has not presented an alternative that focuses on reduction of the I & I.

In practice the reduction of I&I is difficult to predict as it is influenced by a number of variables that range from the condition of the existing sewer, to ground water levels and the number of private inflow producing connections. The only way to verifiably determine the reduction in I&I is by utilizing a long-term flow monitoring program. This program would include monitoring flows under pre-construction and post-construction conditions and comparing flow rates for similar weather conditions (rainfall events). Once this additional capacity was determined to be available it could be allocated to the Westwood project and other users. This approach requires an extended phasing period for the initiation of a new user the size of the Westwood Neighborhood.

The Applicant has proposed a variation of this approach (November 14, 2017, Shaevel) and proposes to provide funds over and above the required contribution to the Town Sewer Remediation Fund. This proposal includes slip lining of 6,000 linear feet of 8'' sewer tributary to the Westside Interceptor. The applicant contends that this will reduce I & I flows by 0.69 MGD.

The Town finds the following issues with this approach:

- a. Reducing flows in the Westside Interceptor do not translate to added capacity in the Sweet Home Sewer. The reduction in bypass flow is already accounted for in Section 1.1.1.2-2, above.
- b. The only way to verify reduction in I & I is to complete pre and post construction monitoring. The value of 9 gpm reduction per 100 feet of pipe lining may be overly generous and is subject to localized conditions.

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3.12.1.3 Other Potential Solutions

Though not proposed by the applicant other potential solutions have been discussed that need to be fully vetted and may provide a solution to the sewer capacity issue.

1. Parallel Collector Sewer Alternative

This alternative contemplates the construction of a new collector sewer parallel to the 36-inch Sweet Home Road sewer from the SUNYAB campus to the 60-inch Peanut Line. This would potentially increase the capacity by approximately 2 MGD and would have capacity to serve the Westwood Neighborhood as well as provide future capacity in the system for other users. Such an undertaking would require an in-depth study and the approval of NYSDEC. The cost for such a project is anticipated to be restrictive.

This Petitioner has not proposed this approach.

3.12.1.4 Conclusion

The Town has determined that there currently is not sufficient capacity to allow the development of the Westwood project as proposed and that there are three potentially acceptable solutions to the sanitary sewer capacity issue:

1. An equal allocation of the available capacity, as based on 1.1.1.2-2 above, would be an appropriate approach to managing proposed and future sewer flows. This limits the available capacity for the Westwood Neighborhood project to 0.34 MGD;
2. The Applicant can take an active role in I & I reduction as proposed in 1.1.1.2-4, however it would require an extended project phasing period. A project phasing plan would limit the proposed use and only bring new uses on as the I & I issues are resolved and capacity confirmed by appropriate testing and monitoring of the flow rates This alternate could also be combined with solution "1" above.
3. The completion of a study by the applicant for a new collector sewer parallel to Sweet Home Road could be completed to determine if it is a fiscally feasible approach. If feasible, the construction of this alternative by the applicant would create the required sewer capacity.

3.12.2 Sanitary Sewer Comments

3.12.2.1 Agency Comments

The following comments were received from concerned Agencies regarding Sanitary Sewers.



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1. As noted within Appendix III, Appendix L; Preliminary Engineer's Report, wet weather sanitary sewer capacity does not exist to support the proposed development as surcharging is known to exist within sewers located downstream to the west along Maple and also west of the site along Sheridan Drive and within the west side interceptor. As such and in full agreement with the submitted documentation, we concur that sufficient flow monitoring and analysis during significant wet weather events has yet to be completed and provided which would allow this office to adequately review this proposed action. In addition, peak flow based computations and analysis must also be provided regarding the I/I remediation measures required of the project sponsor. (A-036, 8/24/2014, Thomas Ketchum, Town of Amherst Engineering Department).
2. As noted within Section 6.10.1 of the Revised DGEIS, flow monitoring completed by the petitioner confirms that "during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system". The petitioner also notes within this section that a full Downstream Sanitary Sewer Capacity (DSCA) will be required to be completed and approved by numerous regulatory agencies. It is important to note that the current NYSDEC policy requires that developments proposing to convey more than 2,500 gallons per day are also required to also provide a mandatory I&I flow offset mitigation plan. (A-041, Thomas Ketchum, Town of Amherst Engineering Department).

Sanitary sewer capacity along with I&I mitigation need to be fully accounted for in the proposed plan.

3. This office has reviewed the submitted Revised DGEIS submitted for the proposed project located at the former Westwood Country Club property. We offer the following comments:
 - A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the Westwood Country Club Project. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists. Recent wet weather system flow data can consist of:
 - The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis can be part of the Project's Engineering Report, and must be received as part of a complete sanitary sewer extension plan submission from the municipality (sewer owner) that signs the "Application for Approval of Plans" form. If adequate capacity is not available, the sewer extension

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will not be approved until an acceptable remediation plan is developed. (A-042, David Denk, NYSDEC).

Sanitary sewer capacity and services need to be fully accounted for in the proposed plan.

4. After review of the rezoning application and Draft Generic Environmental Impact Statement (DGEIS), the Planning Department offers the following comments:

Consistency with Comprehensive Plan:

- Policy 7-3: "Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development." This site, although located in the center of Town, is considered "greenfield" development since the only existing utilities required/provided on site were those for the existing club house. The proposed density and intensity of land uses on this site pose issues with the capacity of sanitary sewer and stormwater management. During wet weather periods, the existing system is not adequate to handle project flows. The project may require a lift station in order to adequately discharge the existing stormwater system. This approach, if acceptable to NYSDEC, may not be acceptable to the Town due to unacceptable long-term operation and maintenance cost.

DGEIS Comments (1) Alternatives:

- Alternative Sites. p. 18: Existing Infrastructure: Comment that "the existing public sanitary sewer can accommodate" the proposed project conflicts with statement on pg. 16 that "a surcharging issue has been identified" within the existing system. (A-028, Eric Gillert, Amherst Planning Director).
- While this office finds the submitted 2nd Revised Draft Generic Environmental Impact Statement (2nd Revised DGEIS) adequate for public review, we do however offer the following comments:

As noted within Section 6.12.1 of the 2nd Revised DGEIS, flow monitoring completed by the petitioner confirms that "during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system". The petitioner also notes within this section that a full Downstream Sanitary Sewer Capacity (DSCA) will be required to be completed and approved by numerous regulatory agencies. Further noted by the petitioner within the current revisions are the potential environmentally significant measures that may need to be employed to address the noted surcharging and to also meet the requirements of the NYSDEC policy requiring that developments proposing to convey more than 2,500 gallons per day are also required to also provide a mandatory I&I flow offset mitigation plan. While the cited measures may be physically viable, the petitioner has provided no comments by any regulatory agencies regarding their potential

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acceptability of these significant measures if they were proposed by the petitioner. It is important to note that substantial on and off-site measures will likely need to be employed to address the proposed sanitary sewer flows being added to a surcharging system as well as to address the mandatory requirements for I&I flow offsets. (A-033, Brian Armstrong, Town of Amherst Engineering Department).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

5. As noted within Section 6.12.1 of the current Revised DGEIS, sanitary flow monitoring completed by the petitioner confirms that "during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system". The petitioner also notes within this section that a full Downstream Sanitary Sewer Capacity Analysis (DSCA) will be required to be completed and approved by numerous regulatory agencies. Further noted by the petitioner within the current revisions are the potential environmentally significant measures that may need to be employed to address the noted surcharging and to also meet the requirements of the NYSDEC policy requiring that developments proposing to convey more than 2,500 gallons per day are also required to also provide a mandatory I&I flow offset mitigation plan. While the cited measures may be physically viable, the petitioner has provided no comments by any regulatory agencies regarding their potential acceptability of these significant measures if they were to be proposed by the petitioner. It is important to note that substantial on and off-site measures will likely need to be employed to address the proposed sanitary sewer flows being added to a surcharging system as well as to address the mandatory requirements for I&I flow offsets. (A-010, Brian Armstrong, Town of Amherst Engineering Department).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

6. This office has reviewed the Rezoning Application for a Planned Unit Development - Amendment I, and offers the following comments:
 - a. It is important to note that there is no available capacity in the Sheridan Drive trunk sewer which is the planned location for the sanitary sewage flows produced by the proposed development. During wet weather events, wastewater surcharges to an elevation of 586 feet within the Sheridan Drive trunk sewer. Noting that these surcharge conditions exist, and upon review of the (preliminary) elevations of the sanitary system as proposed in the DGEIS, the proposed onsite sewer would also surcharge to similar elevations leading to poor hydraulic conditions within the proposed development. Given these conditions,

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- the Town of Amherst Engineering Department will not grant downstream capacity approval for this development's tie in to the Sheridan Drive trunk sewer.
- b. The Town of Amherst Engineering Department disagrees with the petitioner's statement in Section 6.12.1 of the DGEIS that " ... the project sponsor will be required to provide for approximately 1,962,240 gallons of I&I reduction with the Town's sanitary system." It is the Town of Amherst Engineering Department's understanding of the NYSDEC's I&I offset requirement that project sponsors must provide I&I reductions of 4 times the peak flow, which for this development would be 3,997,600 gallons per day (999,400 gallons per day X 4).
 - c. Two of the three I&I reduction strategies proposed by the petitioner in Section 6.12.1 of the DGEIS such as sanitary retention facilities and oversized SSO relief sewers are unacceptable and will not be approved for I&I offset credits within the Town of Amherst. These strategies are peak flow mitigation strategies but do not reduce any existing in-system I&I.
 - d. As noted within the Amended Rezoning Application (Exhibit F) and Section 6.12.1 of the revised DGEIS, sanitary flow monitoring completed by the petitioner confirms that "during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system". The petitioner also notes within this section that a full Downstream Sanitary Sewer Capacity Analysis (DSCA) will be required to be completed and approved by numerous regulatory agencies. Further noted by the petitioner within the current revisions are the potential environmentally significant measures that may need to be employed to address the noted surcharging and to also meet the requirements of the NYSDEC policy requiring that developments proposing to convey more than 2,500 gallons per day are also required to also provide a mandatory I&I flow offset mitigation plan. While one of the three proposed methods may be acceptable to the Town (targeted sanitary system improvements), the petitioner has provided no comments by any regulatory agencies regarding their potential acceptability of these significant measures if they were to be proposed by the petitioner. It is important to note that substantial on and off-site capital improvements will be required to address the existing lack of downstream sanitary sewer capacity to accommodate this development and to address the mandatory requirements for I&I flow offsets. (A-015, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

7. This updates the Planning Department's previous review dated November 10, 2016 and is based on the revised rezoning application received December 19, 2016.

Consistency with Comprehensive Plan:

Policy 3-9: "New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the



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project or programmed through public sources." There continue to be issues with the capacity for sanitary sewer and stormwater management for this project that have not been addressed. (A-027, Eric Gillert, Amherst Planning Director).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

8. This office has reviewed the Rezoning Application for the Planned Unit Development, dated December 19, 2016 and offers the following comments:
 - The petitioner has defined a potential solution to the sanitary sewer downstream capacity issues of the Sheridan Drive/west side interceptor by identifying an alternate route for the sewage generated by the development. Given the analysis provided in the application, the Engineering Department requests the following information to complete its review:
 - A conceptual agreement of and modifications to the language in the document that confirms that the capacity upgrades to the Amherst Manor sewer (from Maple Road to its termination on Augspurgen Drive) as detailed in Figure 2-1 of Exhibit T (Downstream Sanitary Sewer Capacity Analysis) will be financed and constructed entirely by the petitioners under a public improvement permit.
 - Acknowledgement from the State University of New York at Buffalo accepting the additional 1 MGD peak flow within its sewer on Augspurgen Drive.
 - Acknowledgement that the Town of Amherst is not willing to accept the ownership, and/or the responsibility of operation and maintenance of a sanitary sewage pump station associated with this development. The responsibility for ownership, operation and maintenance must be assumed by the petitioner or a contractual third-party with appropriate financial assurances to satisfy the Town.
 - As stated in its prior review, it is the Town of Amherst Engineering Department's understanding of the NYSDEC's I&I offset requirement that project sponsors must provide I&I reductions of 4 times the peak flow, which for this development would be 3,997,600 gallons per day (999,400 gallons per day X 4). The proposed use of a sanitary retention facility is unacceptable and will not be approved for I&I offset credits within the Town of Amherst.
 - Please review the attached excerpt from Section 2 of Exhibit T. The Engineering Department recommends making the referenced changes shown in Exhibit T.

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- At the bottom of page 4 of the Cover Letter to Eric W. Gillert, AICP, Planning Director it states that the " ... existing sanitary sewer infrastructure can accommodate the projected sanitary sewer flows ... ". The Engineering Department is requesting that the statement reads " ... existing sanitary sewer infrastructure can accommodate the projected dry weather sanitary sewer flows ... " (A-019, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

9. This letter is to follow-up on our recent meetings regarding your plans to redevelop the former Westwood Country Club site. As we discussed, an upgrade in the Town of Amherst's sanitary sewer infrastructure along Amherst Manor Drive is necessary to accommodate the projected sanitary flows from the proposed development. This will require upgrading the existing 15" sanitary sewer line on Amherst Manor Drive to 18". The existing Amherst Manor Drive sanitary sewer line currently connects to the State University of New York at Buffalo's (UB) existing sanitary sewer line on Augspurger Drive. UB acknowledged that the proposed development stands to benefit Mensch, the Town of Amherst, Williamsville Central School District, Erie County and the State of New York.

As we discussed, there may be several different solutions that could be mutually beneficial for the parties. UB is willing to accept the incremental sanitary sewer flows related to the proposed upgraded sewer line from the Town of Amherst at Amherst Manor Drive or other reasonable solutions, subject to negotiating and entering into a mutually beneficial agreement, acceptable to UB, the Town of Amherst and Mensch, that would, at a minimum, include appropriate sharing of responsibility associated with the increased flows related to the proposed infrastructure upgrade. We discussed several possible solutions that could utilize UB property, while agreeing that the Town of Amherst would be the appropriate party to such an agreement. (A-020, Laura Hubbard, University of Buffalo).

Comment acknowledged.

10. This office has reviewed the amended Rezoning Application and Draft Generic Environmental Impact Statement (DGEIS) and a report detailing a second alternative for downstream sanitary sewer routing for the Planned Unit Development, dated March 2017 and April 11, 2017, respectively. The Engineering Department offers the following comments:

- The petitioner has defined two potential solutions to the sanitary sewer downstream capacity issues of the Sheridan Drive/west side interceptor by identifying two alternate routes for the sewage generated by the development.



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Given the analysis provided in the DGEIS and the April 11, 2017 report, the Engineering Department finds that:

- The Town of Amherst is not willing to accept the ownership, and/or the responsibility of operation and maintenance of a sanitary sewage pump station and force main associated with this development. The responsibility for ownership, operation and maintenance must be assumed by the petitioner (via a sewerage works corporation) or a contractual third-party with appropriate financial assurances to satisfy the Town.

With either alternative, as noted in the DGEIS and the April 11, 2017 report, there are significant improvements required to be constructed within the Town's existing sanitary sewer system to convey the peak sewage flow generated by the proposed development. The Town of Amherst Engineering Department will require that the petitioner fund noted improvements at their sole expense (A-022, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

Prior to the wet weather events of April and May 2017, downstream monitoring provided by the applicant detailed possible available sewer capacity for the project; however, further study during April, May and June of 2017 revealed an additional bottleneck in the Sweet Home Road interceptor sewer.

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

11. Please accept this memo as a supplement to the prior memo written relative to the above reference subject matter by the Engineering Department (Department) on April 28, 2017.

- The two alternatives put forward for sanitary sewer service of the development have identified the Sweet Home Road sanitary sewer interceptor as the downstream conduit for the additional flow.
 - Given the analysis provided in the DGEIS, the April 11, 2017 report, and also based on visual observations of the Sweet Home Road sanitary sewer interceptor during the month of April and early May, the Engineering Department is concerned with the available capacity in the Sweet Home Road sanitary sewer interceptor from its intersection with the Chestnut Ridge Road diversion sewer up to the Peanut Line interceptor. The analysis as provided by Wendel does not encapsulate a common rainfall event where the flows are recorded in the Chestnut Ridge Road diversion structure, the SUNY AB outfall sewer and the Sweet Home Road sanitary sewer interceptor from its intersection with the Chestnut Ridge Road

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diversion sewer to the Peanut Line interceptor. Visual observations have been made in the Sweet Home Road sanitary sewer interceptor during the April wet weather events which show surcharge levels atypical of the Sweet Home Road interceptor. The Department is concerned that there is a possibility that any available capacity in the Sweet Home Road Interceptor may be currently utilized by the Chestnut Ridge Road diversion sewer. Further flow analysis must be performed to allay the Department's concerns.

- The University at Buffalo alternative identified in the DGEIS not only shares the issues identified in item 1 above, but also has additional constraints which were enumerated in a meeting with SUNY AB officials during the week of 5/1/17. It is the opinion of the SUNY AB officials that the Augspurger Drive sanitary sewer has a capacity issue in at least one leg of the sewer and hence, the flow contribution of the proposed development will cause the Augspurger Drive sanitary sewer to surcharge. In the opinion of the SUNY AB officials said issues must be identified and solutions must be proposed, if necessary, to alleviate this potential issue. Unfortunately, this potential flow limiting condition cannot be confirmed until mid to late summer when the Town of Amherst will be allowed to access, clean and monitor the Augspurger Drive sewer.
 - In addition, the SUNY AB officials stated that any remedial sanitary sewer work to increase capacity (such as a parallel sewer) that occurs on SUNY AB property must be owned by the Town and an agreement must be authored and executed for said improvements.
- The alternative downstream plan as detailed in Figure 2-1 of the 4/11/17 Wendel report will require the construction of a much longer forcemain alignment assumedly within publicly owned right of way. The Department is requesting correspondence detailing discussions that have occurred with the various public agencies relative to permitting requirements for said construction and private ownership, operation and maintenance of the forcemain. (A-025, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

12. This report ultimately finds that there is an existing unavoidable capacity bottleneck within the downstream sanitary sewers that would service the Westwood project. The downstream capacity to service the Westwood project and other projects within that sewer shed are ultimately limited to the capacity within the Sweet Home Road Interceptor and the detail provided within this report discusses our recommendation for how a limited flow allocation could be provided towards the

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Westwood project of no more than 0.34 MGD (million gallons per day) peak flow. (A-026, Jeffrey Burroughs, Town of Amherst Engineering Dept).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

13. Please be advised that approvals from the ECDOH are needed in addition to approvals from other agencies as noted in the DGEIS. Because of the development proposed, the following approvals will be needed from ECDOH under NYS Public Health Law:

- Public sanitary sewer extension (as noted in the EAF)
- Public waterline extension (as noted in the EAF)
- Realty subdivision (as noted in the EAF)
- Sewer connection >2500 gpd (for connections to the public sanitary sewer)
- Pool (if proposed) (A-037, Dolores Funke, Erie County Department of Health).

Comment acknowledged.

14. Section 4: Existing Environmental Setting The narrative does not indicate that sewer districts have been consolidated. (A-045, Eric Gillert, Planning Director).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

3.12.2.2 Public Comments

15. Engineering has concluded that there is insufficient sewer capacity for the build out of the entire site, but something can clearly be built of the proper scale. Small scale impact development or impact 20 acres for single family housing in combination with senior rentals would leave 150 acres for public use, reasonable and perhaps an alternative. (S-002, 9/18/2017, Michelle Marconi).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

16. Storing raw sewage on site is not a viable option. The reality of inadequate sewer capacity is raw sewage in homes in this area and all the health hazards that come festering fecal material. Inadequate storm water and drainage capacity yields flooded yards and basements resulting in damage and health hazards that occur

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when water enters homes. Additionally untreated standing water in private yards is a breeding ground for mosquitoes and mosquito born diseases. Will these problems impact existing dwellings as well as new structures or just existing homes? (S-023, 9/18/2017, Mary Ann Hochberg)

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

17. Per the Engineering Department memorandum dated August 24, 2017, there is not adequate sewer capacity to handle the development as proposed.

- This cannot reasonably be overcome.
- Storing raw sewage onsite is not a viable option.
- Any decision by the Town of Amherst other than to DENY this TND-GB rezoning request would be irresponsible.

There are not adequate services and utilities available or proposed to be made available in the construction of the development.

- The proposed zoning request would allow changes too intense for this area as a whole.
- Additionally, traffic problems generated are inappropriate and solutions offered are self-serving. (P-183, 9/14/2017, Maryann Hochberg; P-203, 9/27/2017, Robin Raphael; P-216, 10/2/2017, Rochelle Lawless; P-217, 10/2/2017, Kara Eyre; P-226, 10/2/2017, Janice Fretz).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

18. We are opposed to the "Westwood Neighborhood" project proposed by Mensch Capital Partners, LLC. Traffic generated by the project would significantly complicate passage along already congested thoroughfares in our neighborhood during peak hours, making it very difficult for us and our neighbors to drive to work and our children to school within a reasonable amount of time. A related concern is that, due to increased traffic, realization of the project would dramatically and adversely change the character of our neighborhood. We are also concerned about sewage capacity issues in connection with the project, but would be opposed to the project even if such issues can be satisfactorily addressed. (P-224, 9/30/2017, Dennis and Karla Harlow; S-012, 9/18/2017, Robert Yunkes).

The Town Board agrees that there is not enough sanitary sewer capacity available to



serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

19. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan!

- Clearly the very much undersized sewer system already on a huge flood plane [sic] cannot handle this monster project and would result in more dangerous flooding. (P-219, 10/2/2017, Robert Yunkes).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

20. And wet weather stressing our capacity, what happens when we add all of these new residents to this already stressed system, they seem to be ignoring that fact. (P-188, 9/20/2017, Lee and Peggy Dryden; P-191, 9/25/2017, Charles Molnar; P-195, 9/21/2017, Martin and Gail Schwarz; P-197, 9/23/2017, John Radzikowski; S-008, 9/18/2017, Amy Klose).

The Town Board agrees that there is not enough sanitary sewer capacity available to serve the project as currently proposed. The applicant must investigate acceptable alternatives that result in creating adequate downstream sewer capacity.

3.12.2.3 Consultant Comments

21. Section 6.12.1 - The project has yet to determine and propose an acceptable means to provide adequate sanitary sewer service for the entire project as proposed. (STN-033, 10/2/2017.)

The Applicant acknowledges this and states that it continues to work with its consultant to identify and evaluate various potential downstream sanitary sewer solutions to address the wet weather capacity constraints throughout the Town of Amherst.

The Applicant indicates that an upgrade to the Amherst Manor sewer from the current 15" line to an 18" line and the installation of an additional 12" or 15" sewer line parallel to the existing line on Sweet Home Road would potentially provide adequate capacity during "wet weather" conditions for the Westwood Project as well as future projects located on the UB North Campus and in this section of the Town of Amherst, particularly the proposed hotel and additional ice rink at the Northtown Center.

3.12.3 Public Water System Summary

This summary is provided to document the Town of Amherst's finding relative to the domestic and fire water distribution system capacity and availability. The Petitioner has shown ample points of connection to the existing water system that is owned, operated, and maintained by the Erie County Water Authority (ECWA). The Petitioner shall provide documentation from ECWA of their conceptual agreement to the methodology for serving the project. Further, initial overall calculations demonstrating ample water pressure and capacity shall be provided to confirm the availability of this critical service.

In the future Site Plan and Subdivision review, the Petitioner will need to provide overall detailed calculations for the project further substantiating the system capacity. This detail modelled will then be utilized to forecast available water pressures and capacities at critical locations and for specific uses in the project.

3.12.4 Public Water System Comments

3.12.4.1 Consultant Comments

22. Section 4.12.3 Water - Show the existing pressures and available flow rates in the existing water distribution system. (STN-034, 10/2/2017,)

The Applicant has not yet provided any documentation describing the existing pressures and flow rates in the distribution system near the Project Site.

23. Section 5.12.3 Water - Provide a letter from ECWA confirming that there is adequate capacity to provide for the peak water demand. (STN-035, 10/2/2017,)

Given the existing pressures in the vicinity and throughout the Town of Amherst, the Applicant believes there will be adequate water capacity to provide for this project. However, the Applicant has not yet provided any documentation describing the existing pressures and flow rates in the distribution system near the Project Site.

24. Section 5.12.3 Water - Provide calculations that show there will be adequate pressures for the water service and fire flow at critical points in the system. (STN-036, 10/2/2017,)

Given the stage of the project as a Conceptual Master Plan, the Applicant can work with the Town to address this question. The Town notes that these types of calculations are typically required at the time of the submission of fully engineered plans and an Engineer's Report for a project, not as part of the preparation of a FGEIS based on a Conceptual Master Plan.

25. Section 5.12.3 Water - State the design of the water system will require the development of an overall water distribution system model which will show

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adequate capacity and pressures when a base domestic load is applied. (STN-037, 10/2/2017,)

As noted in the response to Comment #4 above.

26. Section 6.12.3 Water - Identify any improvements to the existing water distribution system that may be required. (STN-038, 10/2/2017,)

The Applicant has not yet provided any documentation describing the existing pressures and flow rates in the distribution system near the Project Site.

3.12.5 Stormwater Management

3.12.5.1 Agency Comments

- Although there is recognition by the applicant to find a solution such that stormwater does not need to be pumped, the Town of Amherst will not accept the responsibility for the ownership, operation and maintenance of a stormwater pump station. As defined in the prior reviews, please note that this arrangement would also dictate other infrastructure ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station. (A-019, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

Prior to the wet weather events of April and May 2017, downstream monitoring provided by the applicant detailed possible available sewer capacity for the project; however, further study during April, May and June of 2017 revealed an additional bottleneck in the Sweet Home Road interceptor sewer.

27. We also look forward to reviewing the section on storm water runoff. As you know, the Village of Williamsville controls the dam at Island Park. The Westwood golf course currently does a good job absorbing much of the storm water. We are very concerned that the development as currently proposed will shed substantially more water into Ellicott creek via runoff. The impact both up and downstream from the proposed development could be severe enough if not properly mitigated to constitute a serious negative environmental impact. (A-002, 12/22/2015, Brian Kulpa, Christopher Duquin, Village of Williamsville).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

28. Preliminary Drainage Analysis Report



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This department has completed our review of the Preliminary Drainage Analysis Report prepared by Professional Civil Engineering L.L.C. dated May 19, 2014. Based on our review of the Report we are in agreement with the methodology utilized and the analysis conducted by P.C.E. The proposed stormwater management design controls the peak discharge from the developed site by collecting stormwater runoff and routing it through a series of detention basin that discharge at pre-developed rates directly to Ellicott Creek. No stormwater will be directed to a County storm sewer system.

Please feel free to contact me at (716) 858-8371, should you have any questions. (A-005, 2/1/2016, John Loffredo, Garret Hacker, Erie County Department of Public Works Division of Highways).

Comment acknowledged.

29. Stormwater sections of the current revised DGEIS continue to present the likely requirement for a Stormwater pump station to be employed due to "preliminary assessment of existing site topography, storage capacity requirements and the flood elevations within Ellicott Creek". As also noted further, "as the detailed stormwater management elements of the proposed project evolve and are further evaluated, analyzed and designed the Project Sponsor will evaluate the avoidance of utilizing a stormwater station in favor of a traditional gravity stormwater management system". We continue to note that if a new stormwater pump station is ultimately proposed by the petitioner that it would be required to be owned, operated and maintained by the petitioner or contractual third-party. Further, please note that this arrangement would also dictate other ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station. (A-010, 7/13/2016, Brian Armstrong).

Comments acknowledged. Also note that Applicant's revised application dated March 20, 2017 indicates that a storm water pump station is no longer proposed.

30. How effective will the pumps be that are proposed to drain the north area into the lake and subsequently into Ellicott Creek? (ref- "natural water courses" -ES. P.12 Stormwater Runoff) (A-011, 7/18/2016, Lois Shriver, ACAC).

Comments acknowledged. Also note that Applicant's revised application dated March 20, 2017 indicates that a storm water pump station is no longer proposed.

31. What will be the capacity of the ponds in case of a heavy rain or snowmelt event? (A-011, 7/18/2016, Lois Shriver, ACAC).

Rain events are analyzed as part of the drainage design which anticipates varying levels of rainfall intensity. These are standardized requirements for the stormwater management required by the Town's Drainage Policy and NYSDEC.



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32. Please clarify "detention pond" vs. "retention pond". They are referred to in different parts of the EIS as one or the other. The difference would have a large impact on the area in terms of pest insects and possible overflow during heavy rain or snow melt events. What provisions have been made to control these potential issues? (A-011, 7/18/2016, Lois Shriver, ACAC).

Detention ponds may not hold water continuously, however the terms are often used interchangeably. The proposed pond features are proposed to hold water at all times and may have a wetland edge to treat drainage. These features need to have an adequate upstream tributary drainage area to maintain a healthy water body.

33. In a heavy rain or snowmelt event, what provisions have been made to accommodate the increased runoff from the parking lots, other impervious surfaces and/or gutter discharge? (A-011, 7/18/2016, Lois Shriver, ACAC).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

34. At full development, how will the ponds be filled and how will they be drained for periodic maintenance? (A-011, 7/18/2016, Lois Shriver, ACAC).

These types of ponds are typically filled by groundwater and tributary drainage. It is unclear if the pond can be drained without pumping. Maintenance would include the dredging of sediment which should be minimized if the upstream area is stabilized and the ponds are cleaned after construction. Maintenance of this type of pond might include pumping to some low point and then dredging accumulated silt.

35. This office has reviewed the Rezoning Application for a Planned Unit Development - Amendment I, dated November 11, 2016, and offers the following comments:

[...]

- e) Exhibit F of the Amended Rezoning Application is devoid of any information relative to the required detailed hydraulic analysis that must be provided to the Town's Floodplain Administrator and also submitted to the Federal Emergency Management Agency ("FEMA") for review and approval. This analysis is required due to the proposed placement of earthen fill within the 100-year floodplain of Ellicott Creek and requires a Letter of Map Revision Based on Fill ("LOMR-F") to be obtained from FEMA. The LOMR-F is a revision and modification of the effective Flood Insurance Rate Map ("FIRM") as the result of fill placement within the

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floodplain of Ellicott Creek. The LOMR-F process requires that a detailed hydraulic analysis prepared by a licensed engineer be completed and submitted for review and approval. The detailed hydraulic analysis will determine any base flood elevation impacts associated with filling within the 100-year floodplain area as proposed and will also be used to analyze and establish limits of fill to mitigate any of these potential impacts.

- f) It is important to note that the proposed incorporation of fill into a portion of the 100-year floodplain will ultimately remove the filled portion(s) of the project site from the 100-year floodplain and without the submission of this detailed analysis, the impacts to the balance of the Ellicott Creek floodplain are impossible to determine.
- g) Stormwater sections of the Amended Rezoning Application and revised DGEIS continue to present the likely requirement for a Stormwater pump station to be employed due to "preliminary assessment of existing site topography, storage capacity requirements and the flood elevations within Ellicott Creek". As also noted further, "as the detailed stormwater management elements of the proposed project evolve and are further evaluated, analyzed and designed the Project Sponsor will evaluate the avoidance of utilizing a stormwater station in favor of a traditional gravity stormwater management system". We continue to note that if a new stormwater pump station is ultimately proposed by the petitioner that it would be required to be owned, operated and maintained by the petitioner or contractual third-party. Further, please note that this arrangement would also dictate other ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station. (A-015, 11/11/2016, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

Comments acknowledged. Also note that Applicant's revised application dated March 20, 2017 indicates that a storm water pump station is no longer proposed.

36. This office has reviewed the amended Rezoning Application and Draft Generic Environmental Impact Statement (DGEIS) and a report detailing a second alternative for downstream sanitary sewer routing for the Planned Unit Development, dated March 2017 and April 11, 2017, respectively. The Engineering Department offers the following comments:

...

The petitioner has supplied documentation (DGEIS Exhibit S) from its consultant regarding the proposed development's stormwater design. While it is acknowledged by this department that there may be a technical solution to all gravity flow and discharge of the onsite generated stormwater runoff, the solution may impact the existing 100 year floodplain. Until the drainage and grading plans, hydrology and

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hydraulic calculations and stormwater management plan is submitted, the details of the plan will be unknown. The document comprising Exhibit S states that the petitioner and its consultant identify potential for scaling to meet the Town of Amherst and FEMA regulations. As such, and at a minimum, the petitioner in its development plans must meet Section 7-7 of the Amherst Zoning Ordinance. (A-022, 4/28/2017, Jeffrey Burroughs, Town of Amherst Engineering Dept.).

Comment acknowledged.

37. While this office finds the submitted 2nd Revised Draft Generic Environmental Impact Statement (2nd Revised DGEIS) adequate for public review, we do however offer the following comments:

...

Stormwater sections of the 2nd revised DGEIS continue to discuss the likely requirement for a Stormwater pump station to be employed due to "preliminary assessment of existing site topography, storage capacity requirements and the flood elevations within Ellicott Creek". As also noted further, "as the detailed stormwater management elements of the proposed project evolve and are further evaluated, analyzed and designed the Project Sponsor will evaluate the avoidance of utilizing a stormwater station in favor of a traditional gravity stormwater management system". We continue to note that if a new stormwater pump station is ultimately proposed by the petitioner that it would be required to be owned, operated and maintained by the petitioner or contractual third-party. Further, please note that this arrangement would also dictate other ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station. (A-033, 11/25/2015, Brian Armstrong, Town of Amherst Engineering Department).

Comment acknowledged. Applicant's revised application dated March 20, 2017 indicates that the storm water pump station is no longer proposed.

38. Comments:

- The Amherst stormwater system is at capacity; Reduce stormwater discharge from the site by 110% of present.
- No stormwater discharge to adjacent par 3 golf course at any phase of this project. (A-040, 4/19/2015, Conn Keogh, ACAC).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of

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the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

39. Within Appendix Volume IV, Appendix V, the storm drainage analysis has been expanded to include further details regarding compliance with the Town's drainage policy. Within those discussions, the petitioner notes that a new stormwater pump station will be required due to "preliminary assessment of existing site topography, storage capacity requirements and the flood elevations within Ellicott Creek". As also noted further, "as the detailed stormwater management elements of the proposed project evolve and are further evaluated, analyzed and designed the Project Sponsor will evaluate the avoidance of utilizing a stormwater station in favor of a traditional gravity stormwater management system". It is important to note that if a new stormwater pump station were proposed by the petitioner that it would be required to be owned, operated and maintained by the petitioner or contractual third-party. More importantly, this arrangement would also dictate other ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station. (A-041, 4/16/2015, Thomas Ketchum, Town of Amherst Engineering Department).

Comment acknowledged. Applicant's revised application dated March 20, 2017 indicates that the proposed storm water pump station is no longer proposed.

40. This office has reviewed the submitted Revised DGEIS submitted for the proposed project located at the former Westwood Country Club property. We offer the following comments:

- A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the Westwood Country Club Project. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists. Recent wet weather system flow data can consist of:
- The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis can be part of the Project's Engineering Report, and must be received as part of a complete sanitary sewer extension plan submission from the municipality (sewer owner) that signs the "Application for Approval of Plans" form. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed. (A-042, 4/16/2015, David Denk, NYSDEC).

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Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

3.12.5.2 Public Comments

The following comments encompass concerns and opinions stated by residents. Comments that were deemed similar were grouped for the purposes of uniform responses.

41. The Town itself admits that it does not have the infrastructure to support their grand-scale development plans. (P-028, 1/19/2017, Alissa Shields; S-060, 1/19/2017, Alissa Shields).

Utility capacities and services need to be fully accounted for in the proposed plan.

42. The sewer and storm water drainage systems are already overburdened, and again, the gun club is already rezoned and must be considered as fully functional for impacts on sewer and storm water drainage. This plan now calls for building a new sewer line to another area and for an even bigger potential retention pond. The applicant's own consultant has acknowledged that drainage issues in developing the site are challenging and expensive. Doesn't it worry you that with their last revised proposal, they were going forward without this new line, and have now added it after comments received from the town's engineering department? Why would the town want to go down this road, after enduring the past debacles with sinking homes? Can you really trust that this latest plan wouldn't create major flooding problems? (P-029, 1/19/2017, Jennifer Haas; S-001, 9/18/2017, Jennifer Haas; S-056, 1/19/2017, Jennifer Haas).

Utility capacities and services need to be fully accounted for in the proposed plan.

43. Rezoning the Westwood parcel for this large scale development project is not in the best interest of the Town of Amherst and its residents for many reasons including:

- Existing water problems. Following periods of rain and snow melt, large amounts of water accumulate on this land and flood it. In an attempt to control this water, the former Westwood owners dug ponds and installed drains. The drainage problem, however, was never solved and remains a serious issue today. In addition, a portion of the property is part of the existing floodplain for Ellicott Creek. This property is wet and soggy and unsuitable for large scale development, and building on it will create problems for the Town of Amherst.

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(Please see attached photos.) (P-038, 2/22/2017, Mary and Raymond Boehm; P-206, 9/27/2017, Ron and JoAnne Kotlik; P-209, 9/28/2017, Richard and Suzanne Stilson).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

44. With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently. (P-081, 3/6/2017, Stuart Scheff; P-083, 3/6/2017, Lorne and Lisa Steinhart).

Comment acknowledged.

45. How wonderful for the entire town body to benefit with remediated infrastructure, an expanding tax-base, thousands of construction jobs and hundreds of permanent jobs in our own neighborhood. (P-111, 3/6/2017, Liza Kane; P-066, 3/6/2017, Ken Shuman; P-098, 3/6/2017, Margrit Mary DiCamillo).

Comment acknowledged.

46. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners.

It is time for a reality check: There are amazing advantages for the Town to go forward with the most recent Conceptual Plan being proposed by the Mensch Capital Partners Group.

- Sewer improvements. (P-132, 3/6/2017, Barbara Schuller; S-053, 11/17/2017, Helaine Sanders).

Comment acknowledged.

47. I saw with dismay the flooding in the course and could only think of the pollution that was being moved all over backyards and people's vegetable gardens. Any good zoning would have sewer and wastewater discharge as part of the plan. I see

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this plan had retaining ponds to create beauty and also deal with excessive rain. (P-172, 6/28/2017, Kaarsten Wisnock).

Comment acknowledged.

48. Sanitary and Storm Sewers. Lines are old and poor at best. Our yards back up to Morningstar -all that water flows into our yards -making our yards unusable – this is due to poor planning. We don't need more of this. We are concerned that the developer will be adding about 3 to 4 thousand lines to the old system, causing us more problems. (P-173, 11/19/2016, James G. Witt).

Comment acknowledged.

49. As a resident of the Town of Amherst, I would like to voice my support for this project because in all my years of living in Amherst I have never seen a developer try to please so many different age groups. This seems like a win win for the residents and the town. The town gets a brownfield clean up, sewage investment, park space and tax money. We get a great new place to call home. (P-178, Warren Klein).

Comment acknowledged.

50. Finally, where does the rainwater go? You have grass, dirt and trees that soak up water. There is a creek not far from North Forest. When the snow melts quickly or we have a lot of rain, if the creeks rise, what are these nearby homeowners supposed to do with the excess run-off. (P-190, 9/20/2017, Theresa Avery-Scigaj; P-229, 10/16/2017, Paul Ankasm).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

51. When this area was built up in the forties, drainage ditch #9 drained the area. It has widened considerably over the years and has not been dredged for a long time. I am worried about what development of the Westwood property would do exacerbate the drainage issue. (P-207, 9/28/2017, Ellen Doyno)

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of

the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

52. There were rain volume issues long before Westwood/Mensch entered the picture. All fixable, but The Town turned a blind eye instead of being proactive. The problems mostly are cross-connection between the sanitary sewers and the storm in the older neighborhoods. Many houses have no sump-pumps which the town finally took action on, starting in October. But what needs to happen is a town survey to see how many rain downspouts, area drain tile, basement floor drains and sump pumps that are going into the sanitary. Only then we can develop a plan of correction. This problem if fixed would open up sanitary capacity to dry weather conditions. Quite a flow difference. This correction takes many years but must be implemented soon as possible. We must consider fixing the influx of storm water into the sanitary before making a capital investment on larger sewers.

One other note, this testing with ½ minimum rainfall is asking for more problems. How about basing data on something more realistic like “3” (P-211B, 9/24/2017, Thomas Foegen).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

53. As you can imagine covering grass land with blacktop and concrete exacerbates the initial runoff, there simply isn't enough local capacity to handle the development of the former Westwood Country Club (S-013, 9/18/2017, Diane Weinert).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

54. Many houses have no sump pumps, which the town finally took action on starting in October. But, what needs to happen is a town survey to see how many rain down spouts, area drain tile, basement floor drains and sump pumps that are going into the sanitary, only then can we develop a plan of correction. This problem, if fixed, would open up sanitary capacity to dry weather conditions, quite a flow difference.

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This correction takes many years, but must be implemented as soon as possible. We must consider fixing the influx of storm water into the sanitary before making a capital investment on larger sewers to support more development that no one wants (S-022, 9/18/2017, Thomas Foegen).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

55. According to this plan we're going to have about 90 acres under development paved in concrete. One acre of ground during a three inch runoff will produce about 11,000 cubic feet of water. 90 acres is going to produce about a million cubic feet of water. This property borders Ellicott Creek, that water is going to hit Ellicott Creek before all of our basements, we're going to have to wait in line for this development to empty. I don't want my basement to become a retention pond and I don't think these people do (S-024, 9/18/2017, Phillip Parshall).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

56. The questions concerning sewer capacity, detailed hydraulic analysis and traffic are still not answered completely. All issues that this development brings should be taken care of first, please. (S-035, 11/17/2017, 11/17/2017, Thomas Foegen).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

57. Can't support the project: I can't support a traffic circle on North Forest, or another hotel. I don't think it is safe to be dumping all that traffic onto North Forest. I have lived on Brookedge Drive for many years, and I see the water problems there. A neighbor spoke at the hearing Monday evening referring to his elderly mother with

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Alzheimers that went into the water when it got high to her peril. That really happened. We get water in our yards because of the rain and the sewer problems. The sewers don't fit. If the sewers don't fit, we can't have this project. (P-181, 9/24/2017, Kim Utech).

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency (FEMA) requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

3.12.5.3 Consultant Comments

58. Section 5.12.2 Stormwater - Correct the reference to the SPDES permit number to indicate it will be the General Permit in effect at the time the Notice of Intent is submitted to NYSDEC. (STN-039, 10/2/2017,)

As noted above, following the site plan and subdivision approval for the project, the Applicant anticipates obtaining the proper SPDES General Permit number in place at the time that the Notice of Intent is submitted to the NYSDEC.

59. Section 5.12.2 - Discuss the required Green Infrastructure Planning process, the timing for that to occur and the anticipated practices that will be incorporated into the project. (STN-040, 10/2/2017,)

As part of the preparation of the Storm Water Pollution Prevention Plan ("SWPPP"), the Applicant will be required to provide for the necessary green infrastructure for the construction of the project, and these practices would include the use of bioretention, preservation of existing buffers, and other common practices used in similar projects throughout Western New York.

60. Section 5.12.2 - Water quality measures should be integrated into the infrastructure and be located at the source when appropriate discuss how the goal will be achieved. (STN-041, 10/2/2017,)

As mentioned above, as part of the SWPPP, the Project will need to meet the NYSDEC's water quality measures, which will be integrated into the infrastructure. This is common practice for similar projects throughout Western New York, and can be achieved with bioretention and other similar measures.

61. Section 5.12.2 - This project does not meet the current definition in the SPDES Permit for a "Redevelopment Project". How will the project achieve the runoff reduction volumes required as part of the SPDES Permit? (STN-042, 10/2/2017,)

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The Applicant disagrees that this project does not meet the definition of a Redevelopment Project, which will be addressed directly with NYSDEC. In accordance with NYSDEC guidelines, it would be considered a Redevelopment Project with an increase in impervious surfaces. Regardless of the categorization, the Applicant agrees that the Project will need to meet the required runoff reduction volumes as part of the SPDES permit and plan to meet the required runoff reduction volumes with the use of green infrastructure. In addition, it is also important to note that nearly 50% of the Project Site will be preserved as Permanent Open Space, further assisting with the runoff reduction for the SPDES permit.

62. Section 5.12.2 - The C&S Companies letter dated 03/27/2017 indicates that the north ponds will drain to Ellicott Creek independent of the proposed lake. Will this piped discharge require substantial fill placement to raise the areas serviced by these stormwater management facilities and if so where will this fill come from? If an offsite source is anticipated, discuss the amount of additional construction traffic that will be required. (STN-043, 10/2/2017,)

The Applicant does not believe that the piped stormwater discharge from the northern ponds will require substantial fill placement. Furthermore, should any fill be necessary to elevate the areas serviced by these facilities, the Applicant anticipates that on-site sources of fill would be utilized.

63. Section 5.12.2 - Existing Drainage Areas DA4 & DA 5 do not discharge to Ellicott Creek and should be removed from the total existing discharge rate for comparison to the proposed condition which discharges directly to the creek. (STN-044, 10/2/2017,)

Given the large watershed of Ellicott Creek, it is important to note that it is likely that eventually the stormwater for these two drainage areas empties into Ellicott Creek. The Applicant understands that a revised Drainage Analysis for the project will need to be submitted as the project details develop.

Storm sewer capacity and services need to be fully accounted for in the proposed plan. This includes the preparation of a stormwater management study and design that meets the requirements of the Town Drainage Policy, the NYS SPDES General Permit for Construction, the Town Floodplain Administrator and the Federal Emergency Management Agency ("FEMA") requirements related to modification of the floodplain. This will be completed in detail during the overall site plan and subdivision approval phase for the project.

64. Section 5.12.2 - The proposed "lake" has been increased in size (03/27/2017 plan) to 6.3 acres. Discuss whether there is ample drainage area to maintain a healthy water body of this magnitude and if not what actions would be employed to maintain the water quality of this impoundment. (STN-045, 10/2/2017,)

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Based on the conceptual nature of the March 2017 Conceptual Master Plan, the Applicant believes that the 6.2-acre lake would have ample drainage areas to maintain it as a healthy water body. If necessary, the size of the lake could be decreased or additional measures such as aeration systems can be utilized to ensure its health.

3.13 MISCELLANEOUS

3.13.1.1 Agency Comments

Comments 1 – 8 address adequacy of the DGEIS and general comments for the FGEIS.

1. Over and over again through the years the Town of Amherst has allowed development around the Village of Williamsville without adequate concern for the negative environmental impacts. We hope that it will not happen again with this proposed development. We encourage the Amherst Town Board to accept the DGEIS and release it for public comment. Be assured that the Village of Williamsville as an Interested Agency will be an active participant in the conversation going forward. (A-002, 12/22/2015, Brian Kulpa, Christopher Duquin, Village of Williamsville).
2. The Planning Department has reviewed the subject revised DGEIS submitted on October 23, 2015 and determined that all comments have been addressed and recommends that the DGEIS is adequate for public review.

We also recommend that to improve readability, footnotes be added to Section 4.12 to refer the reader to the information contained in Appendices. (A-032, 11/23/2015, Eric Gillert, Amherst Planning Director).

3. In response to your memorandum of August 7, 2014 concerning the above matter, we have no concerns at this time. (A-034, 8/18/2014, Nicole Burroughs, Town of Amherst Attorney's Office).
4. The Assessor's Office has no objection. (A-035, 8/20/2014, Peg Pidgeon, Town of Amherst Assessor's Office).
5. This office has reviewed the submitted Revised DGEIS submitted for the proposed project located at the former Westwood Country Club property. We offer the following comments:
 - As shown in Appendix Z of the DGEIS, the project sponsor applied to have this property entered into the Department's Brownfield Cleanup Program and has been accepted. (A-042, 4/16/2015, David Denk, NYSDEC).
6. Regarding your letters of March 18 and April 6, 2014, ECDOH has no further concerns regarding development of the above project. The developer's application to the NYSDEC's Brownfield Cleanup Program, after testing results indicated arsenic contamination, satisfies our concern. (A-043, 4/16/2015, Dolores Funke, Erie County Department of Health).
7. The following is a summary of all comments received by the Planning Department regarding the completeness of the revised Draft Generic Environmental Impact

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Statement (DGEIS) submitted on March 13, 2015 for the proposed "Westwood Neighborhood"

- mixed-use project. When possible, a summary statement(s) describing the information found in the various appendices should be included in the DGEIS to accompany the references made.
 - The formatting of DGEIS sections should be consistent among chapters.
 - An electronic copy of the revised DGEIS should be submitted along with the paper copy. (A-046, 4/15/2015, Eric Gillert, Planning Director).
8. This third set of comments is submitted in response to the comments received at the Town Board work session of May 11, 2015 and the June 18, 2015 letter from Sean Hopkins, Esq. which addressed our memo of April 15, 2015. In addition, Planning staff met with the petitioner on two occasions to discuss the DGEIS. As a result of its further review, the Planning Department reviewed the letter and concludes the DGEIS document will be adequate for public review if the following items are addressed:

The formatting of DGEIS sections should be consistent among chapters. When possible, a summary statement(s) describing the information found in the various appendices should be included in the DGEIS to accompany the references made. (A-048, 6/30/2015, Eric Gillert, Planning Director).

Comments 1 – 8 acknowledged.

9. Can this project be down sized? The project is way too large and creates an enormous footprint.

Could "garden roofs" be used for some structures as part of energy conservation? (Garden roofs have been shown to aid in cooling a structure.) (A-011, 7/18/2016, Lois Shriver, ACAC).

Sizing of the project is addressed in Section Error! Reference source not found.. Inclusion of garden roofs and other renewable/green options can be addressed at the time of site plan application.

10. Why does the plan omit consideration of solar power, on individual roofs and in a solar array like the one on SUNY North campus? Have the developers investigated grants and other support available for community solar projects? (A-013, 7/18/2016, Ellen Banks, ACAC).

Inclusion of garden roofs and other renewable/green options can be addressed at the time of site plan application.



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3.13.1.2 Public Comments

11. 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. (P-009, 11/12/2016, S. Doyle)

Comment acknowledged.

12. I hope very much that you and your Council colleagues will listen to the concerns of residents who have opposed this development since we first learned of it. This kind of intensive development does not belong on the Westwood property. If anything, it should be located immediately adjacent to the UB North Campus. Please oppose the zoning change that will facilitate Westwood redevelopment and continue to explore alternatives that would preserve that beautiful property for the enjoyment of all town residents. (P-018, 11/15/2016, Lee Dryden; S-052, 11/17/2016, Michael Kaplan).

Comment acknowledged.

13. As a resident of a unique and valued established neighborhood of Central Amherst, I request:

- on the short-term that this hearing remains open, and
- on the long-term that this rezoning request be denied. (P-023, 11/17/2016, Maryann Hochberg; S-073, 1/19/2017, Maryann Hochberg).

Comment acknowledged.

14. It wasn't till the past several weeks that the developer wished to set a meeting to discuss the property with our group Keep Westwood Green. The first Email that was sent to our group was dated Monday October 17th 2016 at 3:14PM. We have been here the whole time waiting to hear from the developer to listen to our concerns. Now the timing of these emails seems very suspicious, it seems to show that there was an attempt, though feeble to meet with our resident group. I still haven't heard back from the developer after an email dated Friday October 21st, 2016 at 5:01pm was sent. This invited the developers to meet at another time.

The developer's wish to flip this property for the highest dollar amount possible, and has no vested interest in the community surrounding it.

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[...]

Any person I have shown this possible site plan too shakes their head in disbelief.

We all can clearly see the purchase of this property was never to run a golf course, but to develop and flip one of the last remaining large parcels of green space in the center of our town (P-024, 11/17/2016, Nathan Hartrich; S-033, 11/17/2017, Nathan Hartrich).

Comment acknowledged.

15. This is like ground hog day. The latest iteration of the Westwood plan is not much better or different than the first. It is basically the same one the Planning Dept. and residents agreed that mitigation of traffic, sewage, drainage, stormwater runoff, etc. was not.. Is not.. acceptable. The serious issues have still not been addressed seriously. It appears that the Planning Dept. and the developers have more work ahead of them to bring this massive plan into even remote compliance with, not only the Comprehensive Plan, but reality. (P-025, 11/19/2016, Judy Ferraro; S-032, 11/17/2017, Judy Ferraro).

Comment acknowledged.

16. The Mensch Group presentation was at best, vague on all counts. The presentation wasn't specific regarding what the actual plan completely entails and there was a lack of concrete answers about the many concerns expressed by the large majority of citizens. Do not be fooled by the chicanery used by Mensch to push for rezoning because there is too much at stake.

It seems that any form of proposed development with the promise of tax dollars and jobs, that's presented in a manner filled with half truths, is all that is needed for elected officials to sign on. And anyone who raises valid concerns such as traffic, noise, water runoff, sewer capacity and property values is silently dismissed.

Not enough dissecting of this project has been done by our elected officials. You are obligated to do your due diligence because you are entrusted with the welfare of all who live in Amherst. The questions and concerns raised by those who spoke at the meeting should also be yours!

As a citizen and voter I strongly object to even the consideration of rezoning Westwood for this behemoth project. There is no precedent or legal basis to rezone this property because it has not been proven by Mensch or the Town of Amherst that it would benefit the common good. I am counting on your NO vote to stop this project from ruining our town. (P-027, 1/3/2017, Louise Ganley).

Comment acknowledged.

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17. In looking at this revised conceptual plan, it is readily apparent that the changes that have been made are largely just shuffling around the component parts of a project that is entirely too intense, and remains inconsistent with the comprehensive plan; inconsistent with the existing surrounding neighborhoods; and inconsistent with smart growth for our town's future.

In closing, I want to emphasize that the current situation of the parcel was self-created by the applicant. For the applicant to use the brownfield status as justification for its project is like Lizzie Borden killing her parents and then asking the court for leniency because she is an orphan. That argument should be rejected outright. The issue is whether this project is consistent with the comprehensive plan, which for the various reasons stated we argue it is not. It is further in contravention of reasonable smart growth principles and would have severe negative effects on. (P-029, 1/19/2017, Jennifer Haas; P-032, 1/23/2017, Jennifer Haas; S-056, 1/19/2017, Jennifer Haas).

Comment acknowledged. Also see Section 3.4.

18. The Mensch group is trying to convince themselves (not the residents of Amherst) that their project has some type of approval. It does not. It is a disaster. Ms. Snyder-Hass gave a terrific rebuttal at the 1/19/17 meeting. Please listen to the residents who pay the Amherst taxes. You have a time frame to build up a case against this nightmare. I sincerely hope that in March you will find it impossible to approve it. (P-031, 1/22/2017, Linda Perkins).

Comment acknowledged.

19. On a side note, the representative from Mensch at the meetings was overheard mocking the residents. This is typical of developers that only see green in their pockets and not in natural surroundings. (P-034, 1/24/2017, Kim Rosteing).

Comment acknowledged.

20. As an interested observer with nothing to gain or lose, I wanted to learn more about the "Westwood Project." Not living near the area but having some history with the former country club, I wanted to understand the pros and the cons behind the group of developers who want to build on the former golf course. After a thorough review by the developer's representative, where he explained step by step the various changes they have made based on neighbor's suggestions, members of the community had a chance to speak. What I heard was appalling.

One by one, community members complained - from traffic to sewage to a general "not in my neighborhood" - and the Westwood Project team was soon becoming members of The Evil Empire. One brave soul, who simply stated that as he approaches retirement age would be for the project and interested in moving to a community such as this was almost booed off the podium. One "gentlemen" yelled,

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"Move to Florida!" while others tried to drown him out with mumbling and chatter as he spoke. What has our country, and our town for that matter, come to? Why can't we listen to each other, discuss alternatives and compromise more for what appears to be a win/win solution for the developers and the town? Do we really need to berate each other just because of differing opinions (and only one of 20 who spoke)? It appears to me that the developers have listened, and while their plan may not be 100% shovel ready today, they have made significant changes to appease neighbors and hopefully obtain the town's re-zoning approval.

Just to be clear- and I don't want to generalize - most of the speakers against the project were well spoken and raised points for further discussion, but it was almost shameful that no one thought about the potential positives that a development like this could bring to the town. I see homes going up off of Casey, off of Maple and off of Main ... but the heart of the town should remain an a closed golf course with a fence around it? Sorry, but we already have the former gun club on Maple that was supposed to be developed as an eye sore. We don't need another!

So while I left the meeting still as an innocent observer trying to learn more, I wish the developers well. Their development appears visionary, bringing new jobs and new tax dollars to our town. I only wish more people had a chance to speak their mind to share both sides of the story. It would be nice if those who approve of the project let their voices be heard as well.

Where do we go from here? My wish for the future is that we collectively stop complaining and find a solution, together. Maybe if we can hope for that in our country, we can start by doing it right here in the Town of Amherst. It starts with being open-minded and respectful. (P-036, 2/6/2017, Ken Polk).

Comment acknowledged.

21. On January 4, 2017, Sean Hopkins presented major changes to traffic patterns for the newest proposed Westwood development plan before this board for just short of 20 minutes-not listed on the agenda - under the guise of 3 minutes at the podium - under the public radar. Didn't signed in before the meeting; the board asked him to sign in after speaking. As this hearing was not properly posted on the town website ahead of time, there was no opportunity for the public to be aware or to comment.

Residents are told an item must be on the agenda in order to speak. It is our understanding that this same scenario regarding Westwood may be repeated this evening. On Jan. 4th, Mr. Hopkins stated he will probably be back in March. Then why isn't this item on the March agenda? We are asking your help in making this STOP, and follow proper procedure. Anything less puts the town at legal risk.

- We are asking that no presentation or extended back and forth with this board occur tonight regarding Westwood.



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- The item should be properly posted on the agenda prior to presentation and consideration by this board.
- Ample time should be allowed for this board and the public to review and analyze materials presented by the developer before rendering decisions. (P-039, 3/1/2017, Maryann Hochberg).

Comment acknowledged.

22. I am a resident and am totally opposed to this horrible overdevelopment. It will be a nightmare to get around this area. Mensch will not want to back off the plans as they want to become disgustingly rich. Let the residents decide! (P-043, 3/4/2017, Linda Perkins).

Comment acknowledged.

23. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because it is well thought out, and I do not see one negative factor! (P-044, 3/6/2017, Sandra Rifkin).

Comment acknowledged.

24. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because I believe it will, in the long run, benefit the town, our schools and residents. (P-046, 3/6/2017, Adam Field).

Comment acknowledged.

25. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a long time resident of the Town of Amherst, I would like to voice my support for this project because as a baby boomer it gives us a great location to down-size my residence to.

My offices and children and more importantly my grandchildren are all near-by and new housing options for my wife and me would be welcomed. (P-047, 3/6/2017, Ron Papa).

Comment acknowledged.

26. As a resident of the Town of Amherst, I would like to voice my support for this project because it will benefit our community. (P-052, 3/6/2017, Bruce Weiss).

Comment acknowledged.

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27. I feel this project represents the type of “smart development” our community needs and should be approved.

With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently implement. (P-054, 3/6/2017, Daniel Mecca).

Comment acknowledged.

28. I am in full agreement with the wonderful proposal for the Westwood Master Plan. I hope you support it, as I would love to move there in the future when I downsize from my East Amherst home. If you give the proposal a full and objective review, I am sure you will see the many benefits to our community. (P-055, 3/6/2017, Ilene Fleischmann).

Comment acknowledged.

29. Amherst is a wonderful community, but I'm extremely disappointed that development is not seen as the catalyst that it can be if done correctly. Andy and his team have gone above and beyond what I've seen in other communities in terms of creating an environmentally friendly development that efficiently uses greenspace to create a livable and workable community that will be a welcome addition to our terrific town. I hope you don't let a few naysayers who are against any change, growth and improvement hold up what can be an exciting crown jewel of living and working environments in Amherst. (P-057, 3/6/2017, Blaine Schwartz).

Comment acknowledged.

30. As a resident of the Town of Amherst, I would like to voice my support for this project because it will be a wonderful addition to our community. It will be a significant improvement to the quality of life in Amherst! (P-059, 3/6/2017, Julie Weinberg).

Comment acknowledged.

31. With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently implement. (P-060, 3/6/2017, Dan Shuman).

Comment acknowledged.

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32. As a resident of the Town of Amherst, I would like to voice my support for this project for many reasons. I feel Mensch Capital Partners have spent considerable time and resources and have left no stone unturned in their planning for this project. (P-063, 3/6/2017, Jennifer Greco).

Comment acknowledged.

33. The plan looks great and it would be great to see that prim [sic] piece of land in Amherst developed according to their plan. It would add a new level of class to our town. (P-078, 3/6/2017, Chaya Shuman).

Comment acknowledged.

34. As a resident of the Town of Amherst, I would like to voice my support for this project because unless the town purchases it for a public park. I see no better use and the benefits outweigh any detriment. (P-079, 3/6/2017, James Scime).

Comment acknowledged.

35. I am very much in favor of the rezoning proposal and the Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because I think the Westwood Project would be a positive and unique addition to the Town of Amherst. (P-082, 3/6/2017, Ethel Melzer).

Comment acknowledged.

36. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because it can make a really good town to live in a truly outstanding town to live in! I would compare this planned community to one that was planned - and ultimately successfully developed to rave reviews - in the Virginia suburbs of Washington: Shirlington. Westwood is a community friendly project which will enrich the community socially, financially and reputationally. (P-084, 3/6/2017, Rick Steinberg).

Comment acknowledged.

37. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because there will be an opportunity to solve existing town problems. (P-091, 3/6/2017, David Norman).

Comment acknowledged.

38. As a resident of the Town of Amherst, I would like to voice my support for this project because I am a supporter of private industry and bettering our town. Projects like this are needed to keep our town growing and making it a more vibrant place to live. (P-094, 3/6/2017, Darren Ascone).



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Comment acknowledged.

39. As this community and area continue to grow we will need what this master plan provides. I would strongly support this groups [sic] efforts to make what should be a great improvement to our community. (P-097, 3/6/2017, Scott Cassety).

Comment acknowledged.

40. I am in favor of the rezoning proposal and Master Plan for the Westwood. I would like to voice my support for this project because of the following reasons;

- Many current town problems will be improved and or corrected by this development. (P-108, 3/6/2017, Philip Nanula).

Comment acknowledged.

41. This mixed use project should be a real benefit to the Town of Amherst. It seems well planned and provides types of residential that are in demand. (P-112, 3/6/2017, Arthur Gellman).

Comment acknowledged.

42. I think generally that we would all benefit from having a community lie this nearby, I have occasionally lived near similar communities in other cities and I think they benefit all. I think that the traffic problems can be solved. (P-113, 3/6/2017, Ryan Gellman).

Comment acknowledged.

43. The current owners seem to have been bending over backwards to accommodate reasonable concerns of the neighbors. But not all of the neighbors are reasonable and simply seem to be obstructionists. (P-114, 3/6/2017, Raymond Fink).

Comment acknowledged.

44. Property Swap. I am also unclear as to the reason why the offer made by Mensch Capital Partners to swap the Audubon property for the Westwood property is not being reconsidered. It is my understanding that the cost of the swap was the initial reason for rejecting this alternative.

I suggest the Town reconsider. The Audubon property solves all the issues I have listed above as it is located near the University. When the University was built and over time, infrastructure has kept pace with increased population. Safety is augmented by University police. There would be much less impact in the lifestyle of Town of Amherst residents. To me, just a simple resident concerned for her Town and home, a swap makes a whole lot of common sense.

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Learn From History. It would be inexplicable for the current political body to make a short-term decision that has negative effects on not just long-term, but that will last multiple life-times. I ask the leaders of the Town of Amherst to learn from history - the decision made in the late 1960's to destroy Humbolt Parkway. 60 years later we are regretting the unnecessary destruction of a beautiful, peaceful and lovely part of the City of Buffalo. It will cost 100s of millions of dollars to restore if it is even possible.

Let us not repeat history in the Town of Amherst. We face a crossroad in our Town. Let us take advantage of this opportunity to preserve the beauty of this green space, the peacefulness of the neighborhood and provide many years of enjoyment in the heart of the Town of Amherst. (P-115, 3/6/2017 Mary Ellen Hagar).

Comment acknowledged.

45. While every project of this size and scope raises concerns, I strongly believe Mensch Capital Partners have gone out of their way to address many of the resident and the Board's concerns. (P-122, 3/6/2017, Nina Lukin).

Comment acknowledged.

46. I have really two reasons for endorsing this plan. The first and most important is that Mark Hamister is a strong, reliable developer who has been committed to the structured growth of WNY. My experience with him has been at several levels including the Entrepreneur School of Leadership Management at UB where I succeeded him as Chairman, and fund raising for numerous charities. Pretty much speaks to the character of the man. Secondly, I'm very familiar with the Westwood Country Club, and, while disappointed with its demise, realize that going forward, the most productive use of that site will come from decisive action with experienced developers and a plan that compliments the long range growth of Amherst. (P-128, 3/6/2017, Tom Culligan).

Comment acknowledged.

47. In our opinion, the positives of such a development far outweigh any negatives, and we feel this project would be an asset to the people of the Town of Amherst. (P-129, 3/6/2017, Jonathan and Wendy Sadkin).

Comment acknowledged.

48. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project because it will make for a beautiful reuse of an otherwise park which quite frankly we have enough of and most important will add significant revenue to our tax coffers thereby keeping taxes low. This will become a destination for many! (P-131, 3/6/2017, Ed and Carin Case).

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Comment acknowledged.

49. I am in favor of ending the stalemate that has stalled the implementation of a Westwood Master Plan. As a resident of the Town of Amherst, I would like to add my voice to support the most recent Conceptual Plan being proposed by Mensch Capital Partners.

- The Mensch Capital Partners for the proposed site has established themselves as a reputable and responsive company.
- The Mensch Group has been diligent in their efforts to meet with Town officials and has revised plans to comply with Town standards.
- The Mensch Group has modified plans to incorporate the needs of the community. They have listened. (P-132, 3/6/2017, Barbara Schuller).

Comment acknowledged.

50. With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently implement. (P-134, 3/6/2017, Leslie Kramer).

Comment acknowledged.

51. They have put together a wonderful planned [sic] which I reviewed on their website. I think it's a WIN-WIN situation for the town and its residents. (P-136, 3/6/2017, Julie Kianof Fink).

Comment acknowledged.

52. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project. I feel it would be a lovely addition to the Amherst area. Growth should be embraced, not discouraged. (P-140, 3/6/2017, Karen Norman).

Comment acknowledged.

53. There is a unique opportunity to create a community based upon the latest thinking in living, recreation and work.

I believe that Westwood will spur an interest in Amherst and draw younger families and successful retirees both to the site and the surrounding area who will add to the Westwood community and invest in the older housing stock much of which is in need of renovation and updating.

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Our greater WNY community is often afraid of change. But when we embrace the change and the community works with the developers we get a much better project.

Canal side is a great example of how plans can change and although there may be resistance at first we get a project that creates a better community.

The Westwood developers have listened to the concerns and have created a much better project than the one originally proposed.

[...]

Please don't let the opinions of a small vocal group get in the way of a great enhancement that the entire town of Amherst can be proud of. (P-141, 3/6/2017, Irv Levy).

Comment acknowledged.

54. First off I urge the zoning committee to move forwards on this project. Leaving a vacant and polluted property in the center of my neighborhood is an eyesore, a danger to our safety, and a nuisance that is sure to attract crime.

[...]

I appreciate that I have been given a chance to provide my feedback to the board. It would be terrible to let this parcel of land go unused and unmitigated. There is real opportunity for growth and to help with the rebirth of the greater Buffalo region. Our city needs to join with this developer to design a positive addition to our area. (P-145, 3/6/2017, Kaarsten Wisnock).

Comment acknowledged.

55. With development comes the opportunity to solve existing problems that the Town of Amherst lacks the financial resources to address. The town has growing challenges to its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion issues exist along specific roads. By approving the Westwood redevelopment plan, Mensch will invest in solutions that the town cannot afford to independently implement. (P-146, 3/6/2017, Michael Mastrandrea).

Comment acknowledged.

56. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project. I just wish it was slightly larger in scale. (P-156, 3/6/2017, Jibreel Riley).

Comment acknowledged.

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57. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project. I feel the project would be good for the town. (P-162, 3/6/2017, Susan Carrel).

Comment acknowledged.

58. This plan is congruent with the town's Comprehensive Bicentennial Plan. It clearly addresses Amherst's changing demographics. The developer has incorporated feedback from residents.

[...]

I support this innovative and well thought out project. I hope that the residents of Amherst educate themselves about the opportunities for increasing the quality of life for all residents that this project will provide. (P-163, 3/6/2017, Jean Willis).

Comment acknowledged.

59. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project. (P-164, 3/6/2017, Paul and Katherine Schweitzer).

Comment acknowledged.

60. The Planning Board agenda for March 16 has, as its first order of business, a public hearing on the Westwood rezoning and PUD application. The agenda does indicate that the item will be adjourned. However, the project is scheduled for a public hearing, nevertheless. This action is totally inconsistent with the requirements of Town Code Section 203-8. Town Ordinance provides that only COMPLETE applications are afforded public hearings. Westwood had previous public hearings in November, 2016 and January, 2017 in violation of the law because they too were INCOMPLETE.

The Planning Board agenda for March has been developed in direct contravention of the Amherst Town Code and must be changed. It would be permissible and acceptable, if Westwood were on the Planning Board agenda under "Unfinished Business," not subject to a public hearing. To do otherwise is a blatant violation of the law and a monumental disservice to the public. (P-166, 3/12/2017, Judy Ferraro).

Comment acknowledged.

61. At its meeting of January 19, 2017, the Planning Board considered the request to rezone the subject property from RC to TND, GB & MFR-7 and voted to adjourn the request pending favorable review from Town department/other agencies regarding proposed stormwater and sanitary sewer components, the updated traffic analysis, and the effect of this project on the carrying capacity of Ellicott Creek including

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determination on the need for a hydraulic analysis. This request will be placed on the Planning Board agenda for the March 16, 2017 meeting.

At its meeting of March 16, 2017 the Planning Board considered the application to rezone the subject property from RC to TND, GB & MFR-7 and voted to adjourn the application until such time that all outstanding Engineering conditions are met.

All board minutes and responses, including the current one (April 28, 2017) from the Engineering Dept. are irrefutably broadcasting INCOMPLETE.

It is unlawful to proceed with another public hearing until the obligations are met by the petitioner. It is a waste of peoples' time and taxpayer money to continue this charade.

If more effort were put into carrying out the requests made by boards and department, and less time composing or speaking of why they should not, they might be further along in the process. I'm happy to note there are some who are not bamboozled-by pompous, empty, verbosity, whether printed or spoken.

There should not be another public hearing on Westwood, at this time. Period. It is just another message sent to the public that something is seriously amiss in Amherst: (P-169, 5/2/2017, Judy Ferraro; P-174, Maureen Schmitt).

Comment acknowledged.

62. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project. (P-171, 5/23/2017, Penelope & Charles Shuman)

Comment acknowledged.

63. But the reason that motivated me to finally reach out to you directly is more philosophical. If the town of Amherst is going to be the kind of place that is willing to essentially steal from a developer I cannot imagine who will ever invest in us again. This kind of action- without a truly legitimate reason for the eminent domain action would be devastating to the developer community. I hear people talk like developers are the "other" but we know they are not, they are us. They invest in Amherst and Amherst grows.

Since moving to Amherst (and the WNY area) I have noticed this pathological fear of change. It seems to go hand in hand with a declaration that Buffalo is rising. Of course that doesn't work. If we are rising, we are growing. Buildings are being built, housing and businesses are expanding. Things have to change if we are to grow.

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We need new housing- new construction- in Amherst. (P-172, 6/28/2017, Kaarsten Wisnock).

Comment acknowledged.

64. It would be terrible to let this parcel of land go unused and unmitigated. There is real opportunity for growth and to help with the rebirth of the greater Buffalo region. Our city needs to join with this developer to design a positive addition to our area. (P-177, 11/28/2016, Kaarsten Wisnock).

Comment acknowledged.

65. I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for the project because [sic] (P-050, 3/6/2017, Gretchen Gross; P-075, 3/6/2017, Shelia Weisman; P-089, 3/6/2017, Val and Larisa Pollak; P-102, 3/6/2017, Kathleen Benson).

Comment acknowledged.

66. After my presentation one of the board members asked Mensch if the development could be scaled back. After beating around the bush and talking about all the open green space they left us, they said no, we will NOT scale back the project. They want it all. (P-192, 9/21/2017, Mark Rivard).

Comment acknowledged.

67. Mensch, in its recently filed lawsuit argued the hearing conducted on Monday, September 18, 2017, was "premature". This request for rezoning has been dragging on for at least four years. In that time period elections were held and some of the newer members stated that they were against any rezoning or development of the Westwood property. I particularly remember getting a 'vote for me' flyer from Deborah Bucki implying she was against rezoning the Westwood property.

The primary reason Mensch wants to delay any vote until at least November is that elections will be over by then and they are hoping for a new supervisor and board who will be more amenable to their request. (P-193, 9/21/2017, Mary Rivard).

Comment acknowledged.

68. If the green space is gone, then so are we and about 1/2 our neighborhood. (P-196, 9/25/2017, The Eckerts).

Comment acknowledged.

69. I attended the September 18, 2017 meeting with the Town Board. We heard from the developer (Mensch) present their plan about turning Westwood's 171 acres into: single family homes (41), patio homes (83), townhomes (130 attached units), senior

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living; assisted living (200) and independent (104), multi-family; (180) apartments with clubhouse & pool, (212), Apartments (upper story). (P-197, 9/23/2017, John Radzikowski).

Comment acknowledged.

70. This group of investors bought the property to try to trade Westwood for prime land at the town owned Audubon Golf Course. This idea failed and now they (Mensch) are trying to convince the town of Amherst leadership, and its residents of the merits of this massive urbanization of the now dormant golf course. They are meeting stiff resistance from the surrounding neighbors and rightfully so. The residents bought their homes in an area where the golf course was a neighbor. A golf course is hardly been an intrusive neighbor. I would have no problem living in area where a golf course was my neighbor. It is quiet and a very natural place.

I have not seen one resident standing up and asking for this project to go forward. If this was such a worthy endeavor for the good of Amherst where are they? The only ones who want this project to go forward is Mensch Capital who are in it to make money. Do they care about the impact this project has on Amherst? No! Again it is a development idea only conceived by Mensch Capital. It is a profit motive, not a quality of life project (P-198, 9/21/2017, Lawrence Schiro).

Comment acknowledged.

71. The "water problem" is another reason we do not need more people and buildings. Draining etc., will test us. We are a suburb not a city needing to utilize all land for our needs. There are many more reasons to keep land public, as a wonderful natural park area, which this part of Amherst could appreciate and enjoy, and remain a source of nature in our surroundings. (P-205, 9/27/2017, Mary Jo Healy).

Comment acknowledged. Also see Section 3.4

72. Please remember to do the right thing for your residents. You were all elected to protect our quality of life. Developments of this size can not be built without destroying existing neighborhoods. Everyone in Amherst knows this will be a disaster. Please be strong and put this Westwood project to bed – Vote No Rezone. (P-211A, 9/24/2017, Thomas Foegen).

Comment acknowledged.

73. Developer and Green

We keep hearing the developer say how they have added greenspace. When I think of the developers and green, that translates to dollar signs and money. They are just concerned about their own pockets, and their idea of green for this

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proposed project has nothing to do with the residents. (P-181, 9/24/2017, Kim Utech; S-027, 9/18/2017, Kim Utech).

Comment acknowledged.

74. The overall Scope has actually grown since 2014 -proposed 10 years of construction for Monster Plan!

- Houses & Condos & Townhouse Buildings have been pushed out from the center closer to the neighborhood roads so it would be even more intrusive & disruptive to our neighborhoods!
- At the meeting during 2014, I specifically asked how many residences would be involved and was told 985 residences and said this shocked me! Now this Monstrous Project calls for 1700 residences! (P-219, 10/2/2017, Robert Yunkes).

Comment acknowledged. Also see Section 3.4.

75. As a resident of Amherst, I'm opposed to your building plans for the Westwood Gold Club. Please find a better way to utilize this area. (P-221, 10/2/2017, Olga Lockwood).

Comment acknowledged.

76. In short, the proposed development is not consistent with the comprehensive plan or smart growth principles and it's downright irresponsible. Please do the right thing and take the steps necessary to determine that it does not comply with SEQR requirements (S-001, 9/18/2017, Jennifer Snyder Haas).

Comment acknowledged.

77. Reinvestment in already developed areas is preferred over development of green field sites such as Westwood. This, at its core, is the definition of phrase of smart growth and anti-sprawl and is the single basic tenant of one reaching forward, a plan for regional growth and is to discourage investment infrastructure extensions or to build in such areas as wild things and wetlands. (S-002, 9/18/2017, Michelle Marconi).

Comment acknowledged.

78. This is our best opportunity to enjoy the green space without asking the rest of Amherst to fund it, because I'm pretty sure that if you asked outside of a handful of people here what the Town of Amherst taxpayers felt about purchasing that property, remediating the brown field, creating and maintaining a park if it was

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worth coming out of their tax dollars, I don't think they would be in favor (S-006, 9/18/2017, Judy Hyatt).

Comment acknowledged.

79. Furthermore we are concerned about the damage to our creek by construction, chemical draw out from the pesticides and herbicides by future home and business owners and the impact on water, sewers and traffic. We are not inclined to be comforted by the developer's invitation to trust us (S-010, 9/18/2017, Ellen C. Banks).

Comment acknowledged. See also sections 3.1, 3.8, and 3.12.

80. What I'm showing here is different foundation problems that they've had since the '80's to 2004. These are all, all the little dots are places where people had to have it repaired or if they were interested in finding out what they could do to repair them. That little orange or pink or whatever it is spot that I filled in there is the course, the golf course. And could you put the second one up. This is a closer look. And these are all the people that had to have work done on their houses because of shifting soils and shifting basements, cracked basements, piping, your sewer lines would be, you know, discombobulated. And what gets me is knowledge that they're going to put all of this, you know, apartment buildings and everything else on this property, it's going to add to the weight which is going to compact the soil, which also gives you more runoff. (S-018, 9/18/2017, Michael Whalen).

Comment acknowledged. See also sections 3.1 and 3.2.

81. The reason I mention trust is because I have a hard time trusting many of the things that were presented in the first hour under the guise of responding to the environmental impact of the proposed development. Many of them seem to take us in other directions and I do understand that we all need to have the broader context in mind and to collaborate.

But, when the presentation of collaboration appears to be over the years just wear them down, it's hard to trust. When every effort will be made to mitigate, but it's not clear how that's going to happen after all these years, it's hard to trust (S-019, 9/18/2017, Larry Hawk).

Comment acknowledged.

82. I just wanted to help open up a dialog and just show that the people that showed up here are seeing what's been going on in this town with the development, there's been so much development going on, people are just so frustrated and I was frustrated myself (S-028, 9/18/2017, Terry Tolsma).

Comment acknowledged.

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83. This is a demonstration project as far as the Westwood Pharmaceutical Country Club being the central park of the Town of Amherst and really as far as the Western New York region, they're calling for these projects. And it was interesting that the Supervisor of the Town of the county at Daemen College was speaking about my CFA application that you're the lead agency for as far as the Ellicott Creek watershed, the green way, state parks and trails project for the 45 miles and lets see, 112.2 square miles that it drains, okay, that's contaminated (S-029, 9/18/2017, Thomas Frank).

Comment acknowledged.

84. This evening you heard from the petitioner, sponsor, developer or whatever you want to call him about what project they want to put here is huge. My purpose here is only to say from the point of view of the residents, we the residents would like to thank the Town Board for considering this issue. (S-030, 9/18/2017, Donald Smith).

Comment acknowledged.

85. I'm the president of the Amherst Chamber of commerce which represents over 3,000 members and over a 100,000 employees in the community. And we support movement on the Westwood property. We're not saying that we support everything we saw there, we support movement. As a gateway to our beautiful town it is a travesty if this beautiful- parcel of property is a overgrown vacant eyesore.

[...]

I hope that as it relates to the Westwood project that level has prevailed. The idea of turning the parcel into a park is a nice one, but not a realistic one. I'm extremely empathetic to the homeowners that are going to be impacted by the change of use in this parcel. However, the town cannot afford the purchase price and certainly can't afford the remediation cost. And tax payers cannot bear the cost of building and maintaining a park.

Approval by the Planning Board allows the developer to move forward with the necessary remediation and begin the process of securing input and ratification of the site plan that amenable to the majority of the town's 115,000 residents. And all decisions by the town should be made with the desires of the entire town and not just the percentage of homeowners adjacent to the property. Again, I know that's an unpopular position for the residents here tonight, but it's the obligation of the leadership of the Town Board and the Planning Board to consider the ramifications and implications to the entire space. (S-036, 11/17/2017, Colleen DiPirro; S-037, 11/17/2017, Joe Heins).

Comment acknowledged.

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86. I just want to correct Sean Hopkins in his statement earlier that the group bought this property to develop, that's not true. They bought the property to swap with the town the Audubon golf course. And why do I know that, because I used to sit on this Planning Board, Mr. Gilmour, I left to go to the Recreation commission, was asked by the Board to try to resolve the financial problems that we had with our present golf program. And I knew that Westwood was in financial difficulty and I made a recommendation that proves far less expensive to acquire the Westwood golf course versus trying to modernize and upgrade our present golf course, what is now the Audubon Golf Course. A couple different people tried to do this a finally the Mensch Group was able to do it, the reason, a I want everyone to understand this, the reason that this swap did not happen was pure greed, and I what I believe was the supervisor's desire to have his legacy of never raising taxes during his term. If you recall- he wanted ten million dollars from the Mensch Group, and he had a ten million dollar hole in his budget that year because the state wasn't reimbursing the town for the contractor who created the loss. That's how the numbers all add up and that's tragedy that his only legacy, and that's why we're here tonight, and this has created such a tragedy for the town. And I really sympathize with the woman who spoke earlier, those people cannot sell their homes over there, they can't and something needs to be done. (S-039, 11/17/2017, Chris Drongosky).

Comment acknowledged.

87. Is it legal to have a billboard outside parked illegally in your parking lot? Ciminelli Mench has a billboard out there with a neon sign, lights are open, free advertisement, I mean, do they have a permit for that? I've never seen anything like that. (S-046, 11/17/2017, Kim Utech).

Comment acknowledged.

88. You also have as someone stated a little earlier about the legislative intent of SEQR and they read you a portion of that, but I think you should know that it goes on to say that it was the intention of the legislature the I protection and enhancement of environment and human and community resources should be given appropriate weight in social and economic considerations in determining public policy and that those factors are to be considered together reaching decisions on proposed activities.

There's more to SEQR than just simply being stewards of the land, it's all about the community and that's really one of the things that I want you to think about when you're considering this project and all of the projects that you do quite frankly. (S-054, 11/17/2017, William Tuyn).

Comment acknowledged.

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89. My argument is a long-term viability and feasibility of the Westwood site. Has there been any feasibility study done on Westwood site at all? Personally, I don't really feel that the Westwood site is going to be feasible or viable past the baby boomer generation. There is a major difference between baby boomers and my generation financially, a huge difference.

Over 74 percent of baby boomers will retire with a pension. Only 40 percent of my generation will retire with a pension. How are we supposed to fill these spaces after baby boomers are gone, what are you going to do with the site after that generation? Is it going to be Section 8 housing? What will it gain after baby boomers? So, I don't really see any feasibility. And for the elements of this magnitude there should be a feasibility study and I just don't see any. (S-058, 11/19/2017, David LaFalce).

Comment acknowledged. See also section 3.6.

90. Now, I live on 1.3 acres, but this is nearly 150 acres. And before it was fenced off I'd walk the area, it's massive, it's huge, huge area and with almost 50 percent of greenspace, I think it's a good proposal. As I stated before we're ready to downsize, we love the state town residents and we're definitely considering moving into this area. (S-069, 11/19/2017, Chester Grososky).

Comment acknowledged.

91. And I'm here to support the Westwood project. The problem with being on a board is that the people that show up to these meetings are only the people that have a vested interest on either side whether you're for it or against it. And when you're on a board you represent the entire Town of Amherst trying to figure out what's the best to do when you have a fenced off brownfield in the middle of our town, do you leave it like that forever or do we do something else with it? (S-071, 11/19/2017, Thomas Topper)

Comment acknowledged.

3.14 ALTERNATIVES ANALYSIS

One of the components of the DGEIS is to provide a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives of the project sponsor as set forth in 6 NYCRR 617.9(b)(5)(v). The Lead Agency agrees with the commenters that DGEIS did not adequately address all reasonable alternatives, although it is acknowledged that the Concept Plan has developed since the DGEIS was approved for public comment. As set forth herein, however, there are environmental factors that have been identified since the DGEIS was deemed adequate for public comment, such as the limited sewer capacity. As such, the Lead Agency has determined that there are other reasonable alternatives to the proposed Project that could and should be evaluated in further detail. Specifically, the following alternatives need to be provided:

- 1) A predominantly residential alternative with a lower intensity neighborhood-scale commercial component. The alternative should consider a more gradual transition from the surrounding single-family neighborhoods to the more intense uses on the subject parcel; and
- 2) An alternative whereby the scale and magnitude of the project is commensurate with the existing utility capacities. This alternate may consider future phases that could be developed as available utility capacities are realized.

3.14.1.1 Agency Comments

The following comments were received from concerned Agencies.

1. DGEIS Comments (1) Alternatives:

- There is no reference to Figure 6, Conceptual Land Use Plan, which shows the Westwood Country Club property as "recreation, open space, and greenways" - it does not show it as a future developed area.
- Alternative Plan No. 3 -R-3 Zoning. p. 44: The use of a condominium form of ownership should be minimized in all alternatives.
- Alternative Plan No. 4 -TND Zoning. pp. 56-57: Traffic Impacts: Section discusses trips generated from the office and commercial space, but does not mention traffic produced by the largely residential sections of the site-these will generate as much if not more traffic at peak AM and PM hours as people go to and come home from work. Overall, there is more traffic generation than other alternatives on a more regular basis, but this is not mentioned.

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- Alternative Plan No. 5 -GB Zoning. NB zoning district could be used instead of GB, as it allows many of the same uses (except hotel), but is more geared towards neighborhood context. It also allows for commercial use closer to the street with parking in back and better pedestrian networks for walkability.
- All alternatives except # 1 (RC Plan) show vehicular connection to Frankhauser Road, and all alternatives except #1 and #2 show connection to North Forest Road. The preferred concept plan shows neither connection. Including these connections only in the alternatives could be interpreted as an attempt to increase the appeal of the preferred plan.
- The discussions of the alternatives tend to focus mainly on the negative aspects that may occur from that alternative while overlooking some of the positive elements it could contribute.
- The DGEIS seems to claim that the Preferred Action will improve existing traffic problems with the addition of a new north-south road, but the project will also add significant additional traffic to this area. (A-028, 11/10/2016, Eric Gillert, Amherst Planning Director).

Refer to Section 3.14 summary.

2. Why has the developer not considered the following alternative scenario?
 1. Retain the high density development in the southern part of the parcel including
 - a. Westwood Neighbor Center
 - i. A - Office - 200,00 SF
 - ii. B - Residential -72 units
 - iii. C - Hotel 130 Rooms
 - iv. D - Multi Family Over Neighborhood Business 280 MFU's/115,00 NFB
 - v. E - Town Homes - 37 units
 - vi. F-Town Homes-56 Units
 - vii. G - Event Space -1.2 acres
 - viii. H - Existing Clubhouse
 - b. Westwood Residential
 - i. L- Senior Living Facility 200 assisted living/96 independent

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- ii. M- Synagogue -25,000 SF (move to southern portion of property)
2. Remove the following low density development in the northern part of the parcel
 - i. I --Patio Home Lots -113 Units
 - ii. J - Larger Lots -Single Family-47 Units
 - iii. K- Town homes - 84 units
3. Add the following in the high density section close to the L - Senior Living Facility
 - i. Add an additional Senior Living Facility 200 assisted living/96 Independent (close to the L - Senior Living Facility)

This alternative has the following advantages:

- Roughly doubles the amount of Open Space preserved
- Preserves Wetlands 1-8 and 11 much better and provides better buffer areas for these wetlands
- Reduces, if not eliminates the need for wetland mitigation that would be required for the project.
- Increases the amount of living units by 52 units
- Minimizes the road and utility infrastructure that needs to be developed
- Reduces or eliminates needing to actively manage the stormwater in the northern half of the project site by pumping stormwater and re-grading portions of the site (as it is currently proposed under proposed alternative).

This should make this alternative as financially feasible and more environmentally preferable as the proposed action if not even more attractive. (A-031, ND, Dave Copeland).

Refer to Section 3.14 summary.

3. Section 3: Alternatives:
 - General
 - All of the elements of an analysis of alternative actions are included in this section. Issues arise, however, in the quality of the data/information provided and its analysis specifically in environmental terms;
 - If investment value and tax revenue are financial impact attributable to each alternative, these attributes should be consistently used to evaluate

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- every alternative and should be augmented with estimates of municipal cost;
- A set of performance criteria against which each alternative is measured should be established. Lacking these, the alternatives are only evaluated against the preferred alternative and without consistent evaluation criteria.
 - No alternatives assess compatibility with surrounding development, especially single family housing to the west, northeast and southeast;
 - None acknowledge the zoning code requirement for Town Board "involvement" for parcels of 30 acres or greater
 - The alternatives should consistently compare applicable environmental impacts based on the different concept plans. The alternatives analysis as presented is more focused on the economic viability of each plan and does not adequately compare the actual impacts.
 - The criteria used to develop the various alternatives that were consistent to each, such as the amount of greenspace, level of build out, location of access points, etc. should be stated. A brief discussion of how they arrived at the criteria should also be discussed. Any deviations that were specific to an individual alternative should be stated and discussed.
 - A better effort should be made to present more attractive and viable concepts for each alternative.
 - A discussion of how each alternative is consistent with Sec 3-9 of the Comp Plan; specifically the redevelopment of "Recreation and other large scale community facilities" as stated on page 3-15.
 - Alternative site development site plans appear to be crafted to discourage serious consideration. No consideration is given to design guidance provided in the TOA Subdivision Regulations that would improve the visual impact and functioning of a development of single-family residences.
 - Does the open space calculation for each alternative include the entire site not covered with impervious surfaces?
 - Table 3-1 (Section 3, page 4)- "Public or private golf course and country clubhouse" is incorrectly noted as a permitted use.
 - Table 3-2 (Section 3, page 11)- Several entries are listed as permitted uses that were removed effective 8-1-14.
- No Action Alternative
 - Narrative highly subjective and lacks substantive information regarding prospective impacts of the alternative.

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- states that "there is no sustainable economic viability for the golf course as a private country club" without exploring management structure that could positively impact its viability or whether the addition of other RC uses might positively influence that viability.
- States that the alternative does not meet the applicant's objectives, which can be said of all of the alternatives except the preferred alternative.
- States that this alternative would result in the loss of \$238M in private investment without including the cost to the community, particularly long-term O&M costs.
- States that this alternative precludes the development of a north-south connector road between Maple and Sheridan but does not discuss the corresponding reduction in traffic generation attributed to the alternative.
- Includes statement that this alternative does not create a "smart growth" community without defining the term.
- The DEIS combines the null and as-of-right alternatives. The null needs to be a discreet alternative that is used to compare the relative impacts associated with each alternative that is presented.
- As-of-right alternative (RC)
 - There should be a separate alternative based on permitted uses in the RC district, i.e. providing additional services or different management/ownership model for the existing golf course.
- Alternative Sites
 - A partner in the petitioner's group controls a site of sufficient size (1121 & 1081 North French Road; "Muir Woods") that could accommodate this development. That site should be evaluated.
- Alternative Uses
 - CF - describes the alternative with no systematic assessment of impacts
 - R-3 - primarily a description of the alternative without meaningful assessment of impact that would facilitate comparison of the alternatives
 - Mixed-use - No meaningful presentation of objective data/information; includes subjective conclusion on stormwater runoff, a topic not addressed previously
 - Office/Research - Data essentially presents a financial/real estate reason to not construct
 - offices for any of the alternatives; in addition, it suggests that offices are not compatible with residential uses, a conclusion that could apply to all alternatives evaluated.

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- Transitional Alternative
 - A predominantly residential alternative with a lower intensity, neighborhood scale commercial component that is designed to provide a more gradual transition from surrounding single-family neighborhoods to higher intensity uses on the subject parcel should be provided.

(A-045, 9/3/2014, Eric Gillert, Planning Director).

Refer to Section 3.14 summary.

4. The following is a summary of all comments received by the Planning Department regarding the completeness of the revised Draft Generic Environmental Impact Statement (DGEIS) submitted on March 13, 2015 for the proposed "Westwood Neighborhood"
 - Include a less-intensive TND alternative.
 - Include an alternative with smaller golf course surrounded by single-family residential uses.
 - Include an alternative to north-south roadway.
 - Include economics of the alternatives.
 - Include sanitary sewer and drainage adverse effects. of the alternatives presented.
 - Include an alternative of cleaning up the site prior to rezoning, trading, selling or donating the property.
 - Include an alternative for 320-350 single-family homes.
 - No discussion of alternatives to a Sheridan Drive traffic signal.
 - Include an alternative of donating the site to a municipality in lieu of cleaning it up.
 - Include an alternative of cleaning and trading the site.
 - If it is not economically feasible to deviate from the preferred alternative, there is no financial discussion; assumptions, comparisons, financial parameters, requirements, or rates of return.

(A-046, 4/15/2015, Eric Gillert, Planning Director).

Refer to Section 3.14 summary.

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3.14.1.2 Public Comments

5. No Land Swap of the Westwood Parcel for Audubon Recreation Areas

I don't think we need a swap. I am not sure how we previously came to that, but I am not for a land swap. The supervisor does not need to be put on notice to explain why a previous attempt at a land swap did not happen. I don't think the residents here want a land swap. I cannot support it.

Developing the Audubon site instead of Westwood would just kick all the same problems down the road about a mile, and create some new problems more specific to that location. Shifting high-density development slightly to the north within this same central area of Amherst would do nothing to resolve the major issues that cannot be overcome, for example sewers and traffic. No Amherst Town Board, current or future, should support a land swap. (P-181, 9/24/2017, Kim Utech).

Refer to Section 3.14 summary.

6. Much better Keep Precious Westwood Greenspace Alternative Plans!

- Town should obtain the land thru Eminent Domain!
- Make a Large Park for Picnics & Small General Recreation Area & Small Bicycle Path | (No New Roads | | [sic]
- Make a Small 9-hole Par-3 Golf Course next to Historic Classic Clubhouse!
- Make a Small Fishing | Boating Pond & Small Cross Country Skiing | Skating area! (No New Roads!),
- Utilize the Historic Classic Clubhouse for banquets, receptions, other events! (P-219, 10/2/2017, Robert Yunkes).

Refer to Section 3.14 summary.

7. To my liking, the preferred alternative and highest and best use is that it passes both the park and community gathering space for the town citizens. Consider this, the Westwood assessment was just reduced to one million dollars based on a petition from the owners. The Town can acquire the parcel through eminent domain and after cleanup, rehab the clubhouse which hopefully would still be standing back online as a restaurant and a banquet venue. Add new public bathrooms in key locations on the site, paths and trails for walking and biking, adopting the concept of cheaper and faster like was used jump start the outer harbor using boulders, benches and backgrounds. Westwood could be on line as a community jewel in a short time using the eight million dollars in bonding authority earmarked for the 5th sheet of ice at Northtown in 2018 (S-002, 9/18/2017, Michelle Marconi).

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Refer to Section 3.14 summary.

8. They did not buy this property to develop it, they bought the property to swap, a swap that has 72 percent of the residents in favor of it (S-026, 9/18/2017, Christopher Drongosky).

Refer to Section 3.14 summary.

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Appendix A: Amended Rezoning Application

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Appendix B: Comments

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B.1 Public Hearing Transcript

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B.2 Written Comments

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B.3 Comment Summary (Tables 2.1 and 2.2)

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Appendix C: Town Memos - Sewer Capacity