

**Proposed Westwood  
Development FGEIS**

**Final Generic Environmental  
Impact Statement**



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November 20, 2017

# PROPOSED WESTWOOD DEVELOPMENT FGEIS

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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 NYDSEC. 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'll 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 at 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.**

- 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.**

- 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 [sic] 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; P-237, 9/29/2017, Maureen Schmitt; 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; P-237, 9/29/2017, 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 #5.***

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 #5.**

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 #5.**

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 #5.**

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 #5.**

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 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

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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 #5.**

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 #5.**

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 #5.**

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 #5.**

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 #5.**

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 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).

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### **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 #5.**

31. When at the recent meeting when residents had the opportunity to speak about the Westwood property I read the following written by Phil Parshall published in the Buffalo News:

Our atmosphere is warming, warm air carries more moisture. That's why our rainstorms are, on the average, delivering more rain. that, plus the weakening of the jet stream, will allow more Gulf moisture to make it north.

The initial blast of runoff from these intense rainstorms is stressing the drainage of Amherst streams. The stream that crosses Frankhauser Road at Millbrook now almost fills its road culvert from a 3" rainstorm. This stream and others in the area have not and cannot be properly dredged/maintained because, due to development, there is not longer [sic] any access to these streams. Many are full of the limbs that fell in the October Surprise snowstorm. As you imagine, covering grassland with blacktop and concrete exacerbated the initial runoff; there simply isn't enough local capacity to handle the development of the former Westwood Country Club. Acres of grassland have recently been covered in this area, specifically around the Marriott Courtyard Hotel and auto sales lots on Sheridan Drive, the Comfort Inn on Millersport Highway, the Frankhauser substation, Dent Tower, Sheridan-Harlem Plaza, several new housing complexes surrounding the University at Buffalo, and many more. Where does it stop? Do you really think the developers of Westwood will return to fix their mistakes, let alone take responsibility for anything once they are gone? The hidden truth in their design is that all basements of the surrounding

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neighborhoods will probably become temporary holding ponds. Is there anyone in Amherst government willing to stand up for these neighborhoods? (P-236, 9/30/2017, Phil Parshall).

**See response #5.**

### 3.2.1.3 Consultant Comments

32. 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.**

33. 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.**

34. 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](http://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](http://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, 4<sup>th</sup> 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; P-233, 9/22/2017, Mary Therese Kruder).

#### ***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; P-237, 9/29/2017, 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

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of green patches between these intense development areas. The largest water 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 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

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project does not meet the goals of the bicentennial comprehensive masterplan. (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; P-233, 9/22/2017, Mary Therese Kruder).

### ***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).

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### **See response to #4.**

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; P-237, 9/29/2017, Maureen Schmitt; 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 exist.
- 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).

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

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### ***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.***

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.***

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### 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:
  - "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."***

***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***

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***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.***

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

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 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***

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**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; P-237, 9/29/2017, 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 Recco; 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 to night 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 it's *[sic]* deep historical significance would become a parking lot, which is right there and you can that it's a parking lot *[sic]*. (S-057, 11/19/2017, Nathan Hartrich).

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

8. I oppose the proposed rezoning and development of the Westwood Country Club parcel located at 772 North Forest Road. It threatens our valuable historic cultural and archeological resources and our quality of life. I urge you to deny the rezoning.
  - Westwood Country Club site is listed in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 -Area 4:
    - The Westwood site is historically significant in association with the social and recreational history of the town.
    - The Westwood site is historically significant in association with Jewish history in the Buffalo area.
    - The Westwood Country Club clubhouse is significant for its Tudor Revival style architecture.
  - Risk to Historic Cultural & Archeological Resources:
    - The Westwood Country Club clubhouse would be demolished with the development as proposed.
    - The corresponding setting, which is the former golf course, would be replaced with high-density, multi-use development.
    - There are several other important identified historic resources in close vicinity to the Westwood parcel, which may be threatened by long-term

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construction activity and drastic changes to the area. These are located at:

- 829 North Forest Road (J. Getz House)-Area 4
  - 895 North Forest Road (Stimm House)-Area 4
  - 954 North Forest Road -Area 9
  - 1000 North Forest Road (Haussauer House) -Area 9
  - 1109 North Forest Road-Area 9
  - 1134 North Forest Road-Area 9
  - 1323 North Forest Road (District No. 17 School - one room schoolhouse at Maple Road) - Area 9
  - 251 Frankhauser Road - Area 4
  - Siegfried Drive Historic District -Area 9
- Indian artifacts have been found on the Westwood site, and the land should not be disturbed.
  - The millrace on North Forest Road, which has already been identified as archaeologically significant, is located within 0.5 miles from the Westwood parcel, and may also be potentially threatened by long-term construction activity and drastic changes to the area.

The Westwood Country Club and its beautiful clubhouse have been a familiar long-time anchor of stability standing like a gateway to the surrounding neighborhoods in this area for many decades. The current proposed plan results in the destruction of the current Westwood clubhouse. Even if the clubhouse would ultimately be spared, it would stand as a symbol of great loss due to the drastic changes that would come to this area of central Amherst with the loss of the vast greenspace that currently is the former golf course.

Development of the Westwood Country Club site would be one of the largest losses of a significant historic cultural resource in the entire Town of Amherst. A look at the Area 4 map in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 reveals the immensity of the loss given the size of the property as shown shaded in blue. No potential threats are listed in the town's historic resource document for the Westwood site; obviously this is no longer the case.

The proposed development of this parcel would not be done in a vacuum. This area of town is rich in identified historic cultural resources. Though the Westwood Country Club site is a stand-alone site of historic cultural importance for both architectural

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and social significance, in a town that is essentially built out, you must additionally look at the big picture.

Structures of high value like the Getz House at 829 North Forest Road, a pre-Civil War structure, and the Haussauer House at 1000 North Forest will need added protections if any development at Westwood should occur, especially given the long-term build-out period that would result.

Of note, a public hearing to consider local landmark designation for the Stimm House at 895 North Forest Road is scheduled for Dec.2017 for that structure.

There is a genuine concern for the fate of our older housing stock and devaluation in the surrounding neighborhoods. These identified properties are particularly vulnerable.

Additionally, there are areas of archeological significance located here. As noted in the historic resource document on page I, the survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.

I offer the following abstracted information from the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011, provided as documentation of the importance the Westwood parcel in its entirety, and of this central area of town for its important historic resources. The intent is not to plagiarize, but to utilize the town's own information to validate concerns for impacts on resources and to educate the public to these matters.

### Westwood Country Club

#### *Non-Residential Properties: Recreational*

- Westwood Country Club 772 North Forest Road (Corner of Sheridan Drive)  
Area 4 ( 4BG2)  
ca. 1920s - \*Color Code GREEN  
Tudor Revival style clubhouse  
Reason for Inclusion: Early 20th century social/recreational architecture in Tudor Revival style. Social history.

### The Big Picture -Area 4/Area 9

Other North Forest Road Resources:

Residential Properties and Suburban Development:

- The J. Getz House. 829 North Forest Road

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Area 4 (4BB3- NRE) - SHPO NR Listing Number 02902.000257 /I

ca. 1840s - \*Color Code BLUE

Greek Revival

Reason for Inclusion: Early to mid-19th century brick vernacular residential architecture. Greek Revival inspired massing and form. National Register Eligible.

Rarity of Resource: 19th century brick residential construction is relatively rare in Amherst.

The building is one of the oldest in town. An inventory form is on file at the NYS - OPRHP (USN 02902.000257). The property has been determined to be National Register Eligible.

- The Stimm House. 895 North Forest Road (Part of the Zion Dominion property)

Area 4 (4BB4- NRE) - SHPO NR Listing Number 02902.000485/1

1942 - \*Color Code BLUE+

International Style

Reason for Inclusion: Outstanding example of WWII-era international style residential architecture. Possible significance for technology; early use of radiant heat.

Rarity of Resource: International style is relatively rare

An inventory form is on file at the NYS - OPRHP (USN 02902.000485/1). The property is National Register Eligible.

- 954 North Forest Road

Area 9 (9BY2) - SHPO NR Listing Number 02902.000486

ca. 1890-- \*Color Code

Queen Anne

Reason for Inclusion: Late 19th century Queen Anne residential architecture.

Rarity of Resource: Queen Anne's are rare in Amherst.

An inventory form is on file at the NYS - OPRHP (USN 02902.000486). There has been no determination of National Register eligibility.

- Haussauer House 1000 North Forest Road

Area 9 (L-9BB3- NRE) - SHPO NR Listing Number 02902.000487/1 ca. 1920 - \*Color Code BLUE-

Craftsman Bungalow style

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Reason for Inclusion: Early 20th century Craftsman/Bungalow residential architecture. National Register Eligible. The building is a Designated Local Landmark.

Rarity of Resource: Hip roof Craftsman/ Bungalow form is relatively rare.

An inventory form is on file at the NYS - OPRHP (USN 02902.000487). The building is National Register Eligible and is a designated Local Historic Property.

- 1109 North Forest Road (Southeast corner of Noel Drive)

Area 9 (9BY 4)

ca. 1885 - \*Color Code YELLOVV

late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century residential architecture (Farmhouse)

- 1134 North Forest Road

Area 9 (9BBF5)

ca. 1870 (?) - \*Color Code BLUE (F)

late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century vernacular residential architecture (Farmhouse). Farm complex. Agricultural history.

Potential threats - Moderate threat: Adjacent residential development

### Frankhanser Road Resource - Area 4:

- 251 Frankhauser Road

Area 4 (4BG1)

ca. 1870s - \*Color Code G.IU:EN

Italianate residence

Reason for Inclusion: Late 19th century Italianate residential architecture of brick construction.

Rarity of Resource: 19th century brick buildings are relatively rare in Amherst

### Siegfried Drive Historic District - Area 9:

- Siegfried Drive Historic District. Includes: 22 to 256 Siegfried Drive and 11 to 275 Siegfried Drive. 76 properties, all contributing.

Area 9 (9DB8)

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ca. 1950s - \*Color Code BLUE

post - World War II collection of houses

Reason for Inclusion: Post World War II suburban residential development significant for their association with suburban residential development and standardized design in the town of Amherst in the mid-twentieth century.

Rarity of Resource: Cohesive standardized residential suburban neighborhood is rare.

### The Non - Residential Buildings - Education:

- Schoolhouse in District No. 17 School, 1323 North Forest Road

Area 9 (L-9BB6) - SHPO NR Listing Number 02902.000054/N

ca. 1860- \*Color Code BLUE+

A one - room, front - gable brick building, schoolhouse

Reason for Inclusion: The schoolhouse has been designated a local landmark by the Amherst HPC. Meets criteria I, II, and V. Significant as last remaining brick one room schoolhouse in town; embodies distinctive architectural characteristics of rural schoolhouse; highly visible landmark. Not National Register eligible, but locally significant.

Potential Threats: Moderate threat: Busy corner; commercial development area.

Rarity of Resource: 19th century brick buildings are relatively rare in the town. Only remaining brick one room schoolhouse in town.

An inventory form is on file at the NYS - OPRHP (USN 02902.00047). The building has been determined to not be eligible for listing on the National Register, however it is locally significant and has been designated as a Local Historic Landmark

### Extended North Forest Resources:

- 1500 North Forest Road, Area 9 (9887), ca. 1913 - \*Color Code BLUE-, Former estate
- The George Kibler House 1841 North Forest Road (corner of Swanson), Area 1 (IBB12), ca. 1840 - \*Color Code BLUE: Appears to be the only surviving historic resource associated with Amherst Center. (The tavern at this crossroads is gone.)
- Brunner Farmhouse 2751 North Forest Road, Area 3 (3BB 12- NRE), ca. 1870 - \*Color Code BLUE, National Register Eligible

### Archeological Significance

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### Methodology Section- Page I

- The survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.<sup>4</sup>
- <sup>4</sup>Appendix 5 provides a list of Reports of the Archaeological Survey conducted in the Town of Amherst as a general reference archaeological resources within the town.

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#### 6. Investigate Archaeological Resources

Extensive archaeological investigations have been completed in the town. The rivers and streams, and settlement patterns in the town suggest a high sensitivity for Archaeological resources (historic and prehistoric). Appendix 5, Reports of the Archaeological Survey, Town of Amherst, NY provides a useful tool in understanding the historic and prehistoric resources in the town. This information is vital in preservation planning, land-use planning and development.

NOTE -Appendix 5 online is appears as a repeat of the Methodology section, and was not available for viewing.

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#### 5.Develop programs for public education and to promote awareness of the value and treatment of historic resources.

The attitude the public has concerning the town's cultural resources, including their own property, is vital if the integrity of those resources is to be maintained. An informed public makes better decisions.

\*Color Codes -UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011

A rating system was established to provide a basis of comparison for the relative merit of properties on a town-wide and regional context. The architectural significance -locally, regionally and nationally; the architectural integrity; the integrity of the setting or context, and the historic significance -locally, regionally and nationally were all considered when evaluating a property. It should be noted that a local resource might be given a higher rating despite a loss of integrity if the resource is rare and not well represented in the town. Each of the properties on the Annotated Lists (Appendix 1 and 2) has been assigned one of the following color codes:

- BLUE Extremely high architectural and/or historic significance. These properties would likely also meet the criteria for to be considered National



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Register eligible. A locally significant district. A resource that is rare and lacks individual distinction. All districts are considered Blue as are most farmsteads. Updated Reconnaissance Level Survey of Historic Resources Town of Amherst 4

- GREEN Above average architectural and/or historical significance. May have some alterations that compromise the integrity such as replacement windows. Would possibly meet the criteria for to be considered National Register eligible.
- YELLOW Moderate architectural and/or historical significance. Has been altered, but still retains sufficient historic fabric to convey historic meaning. Important local resources. Would likely not meet the criteria for to be considered National Register eligible. (P-235A, 10/1/2017, MaryAnn Hochberg; P-235B, 10/1/2017, MaryAnn Hochberg).

**Commenter references the *UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011*. Comment acknowledged.**

### 3.7.1.3 Consultant Comments

9. 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; P-233, 9/22/2017, Mary Therese Kruder).

### **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; P-237, 9/29/2017, 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 & Sheridan: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; P-237, 9/29/2017, 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; P-237, 9/29/2017, 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,)



***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; P-233, 9/22/2017, Mary Therese Kruder).

**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***

**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**

**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.***

8. I have been a resident of the town of Amherst for the past 28 years and very simply would like to remain a resident as I retire in the next 5-7 years. The Westwood Project would offer maintenance free property options all in the setting of a very vibrant community. This is very attractive to me, since it not only would have green space; biking and walking paths, as well as retail space, making it a self contained neighborhood. I enjoy the close proximity I have to the shops, restaurants, and churches of Snyder and Williamsville now, and this move would allow me to continue this same quality of life.

I think more would be gained if we all worked together to make this happen, rather than hide under the pretense of traffic and more greenspace. If this was such a concern, more would be done to correct the traffic problems we already experience. I would be very disappointed if I had to consider another community to retire to. I have been a dedicated taxpaying resident, supportive of the various increases in both property and school taxes. I have never fought these increases even though my children attended private schools. So, let's look ahead to our whole community, and offer something that no one else has. (P-234, 9/29/2017, Maria Yee).

***Comment acknowledged.***

## **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 interceptors 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.

### 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**



***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 3.4. 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 17<sup>th</sup> 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 21<sup>st</sup>, 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. We need new housing- new construction- in Amherst. (P-172, 6/28/2017, Kaarsten Wisnock).



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### ***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 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).

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### **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 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.**

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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 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

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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.**

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,

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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.***

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

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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.***

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

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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.**

92. Proposed Westwood development will be a 10 year build out in the center of town. See related Buffalo News article link below and attached to understand some of our concerns regarding the proposed Westwood development regarding construction:

Williamsville East sportsplex neighbors irked by summer of construction

By Joseph Popiolkowski | Published September 27, 2017 | Updated September 27, 2017

<http://buffalonews.com/2017/09/27/williamsville-east-neighbors-irked-summer-construction/> (P-238, 10/2/2017, Frank Wopperer).

**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. This issue has been raised with the Applicant, but to date there have been no additional alternatives provided to the Lead Agency.

#### **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.
- 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.



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- 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
      - 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

## PROPOSED WESTWOOD DEVELOPMENT FGEIS

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- 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 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

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- 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.
  - 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.

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- 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.
- 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

## PROPOSED WESTWOOD DEVELOPMENT FGEIS

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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.**

### 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

## PROPOSED WESTWOOD DEVELOPMENT FGEIS

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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 I (No New Roads I I [sic])
  - Make a Small 9-hole Par-3 Golf Course next to Historic Classic Clubhouse!
  - Make a Small Fishing I Boating Pond & Small Cross Country Skiing I 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).

### **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



March 20, 2017

Eric W. Gillert, AICP, Planning Director  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, NY 14221

**Re: Amended Rezoning & Planned Unit Development Application**  
**Project Name: Westwood Neighborhood**  
**Project Site: 772 North Forest Road, 375, 385 & 391 Maple Road**  
**Applicant/Project Sponsor: Mensch Capital Partners, LLC**

Dear Mr. Gillert:

Enclosed is an original and twenty (24) copies of the Amended Rezoning and Planned Unit Development Application and supporting documentation (“Amended Rezoning Application”) being submitted on behalf of Mensch Capital Partners, LLC (“Project Sponsor”) in connection with the proposed Westwood Neighborhood project (“Project”).

The Amended Rezoning Application includes the updated Conceptual Master Plan for the proposed mixed use redevelopment project prepared by Wendel Companies dated March 2017 and detailed supporting documentation. A summary of the modifications to the previous version of the Conceptual Master Plan as submitted to the Planning Department on December 19, 2016 is provided below in Part II of this letter. A complete listing of the exhibits to the Amended Rezoning Application is provided at Exhibit “A” (“Exhibit Listing”).

The Amended Rezoning Application reflects project modifications that have been made in response to the comments received during the public hearings held by the Planning Board on November 17, 2016 and January 19, 2017 as well as input from Town Departments, Town Committees and the public. In addition to the two public hearings previously held by the Planning Board, the Project Sponsor also hosted a community meeting on January 11, 2017 and all property owners within 600 ft. of the Project Site were invited. We look forward to presenting the revised Conceptual Master Plan to the Planning Board during its next meeting on Thursday, April 20<sup>th</sup> at 6:30 p.m.

Parts IV and V of this letter consist of the Project Sponsor’s responses to written comments received to date from the interested agencies, specifically those comments issued by the Planning Department on January 6, 2017 and from the Engineering Department on January 19, 2017. For your convenience, each of the written comments of these Town Departments are listed in *italics* in Parts IV and V followed by the Project Sponsor’s responses.



**I. Overview of Proposed Mixed Use Redevelopment Project:**

The Project Sponsor 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 a new pedestrian friendly and sustainable traditional neighborhood in the heart of Amherst featuring a variety of residential uses, an appropriately sized and scaled neighborhood center and numerous publicly accessible amenities such as an approximately 45 acre public park, including an approximately 6.2 acre lake adjacent to the Ellicott Creek corridor, over 2 miles of pedestrian and bike trails, and designated areas for social gathering and events. Approximately 83.3 acres (an increase from the previously proposed 81 acres from the December 2016 Amended Rezoning Application) 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.

A full size color version of the updated Preliminary Conceptual Master Plan prepared by Wendel Companies for the mixed use redevelopment project is provided at Exhibit "G" of the Amended Rezoning Application. Please note that the buildings depicted on this Conceptual Master Plan are intended to be illustrative of a specific use. The 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 Conceptual Master Plan.

The proposed mixed use project is predominantly residential and includes a broad 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 mixture of commercial uses including a four-story hotel, neighborhood businesses (shops, restaurants and service businesses), professional offices and an outdoor amphitheater.

**II. Revised Conceptual Master Plan:**

Based on input that has been received by the Project Sponsor, the Conceptual Master Plan for the mixed use redevelopment project has been modified and a full size copy of the revised Conceptual Master Plan prepared by Wendel Companies is provided at Exhibit "G" of the Amended Rezoning Application.

The following is a summary of the modifications from the Conceptual Master Plan that was included with the Amended Rezoning Application filed in December 2016:

- Relocation of Senior Living Development: As part of the various hearings, meetings and comment letters, we heard multiple times of a desire to provide smaller scale residential uses and permanent open space on the portion of the Project Site as the corner of North Forest Road and Sheridan Drive rather than the senior living development as depicted on

the Conceptual Master Plan submitted in December of 2016. Based on the input that has been received, the senior living development has been relocated closer to the center of the Project Site just to the north of the Focal Green. In prior versions of the Conceptual Master Plan, the senior living development was two stories in height. Based on the relocation to the neighborhood center, the senior living development has been modified to be three stories in height in order to reduce the footprint of the senior building and also to make it consistent with the height of the proposed mixed use buildings.

- New Townhome Community: With the relocation of the senior living development from the portion of the Project Site at the intersection of North Forest Road and Sheridan Drive, we are now proposing a townhome community on this portion of the Project Site with focal point permanent open space directly facing the intersection. This townhome community would 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. This new townhome community has been designed to blend in well with the mixed use neighborhood center but was designed and located in response to the various comments over the past several months expressing a preference for residential uses on the edges of the Project Site.
- Elimination of Office/Community Facility: With the relocation of the senior living development to the focal green, we have redesigned the area near the focal green and the amphitheater and eliminated the previously proposed Office/Community Facility building which consisted of approximately 112,800 square feet from the Conceptual Master Plan. The elimination of this component is consistent with input expressing a preference for a decrease in the amount of commercial space. As part of the elimination of the Office/Community Facility building, we have 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 size of the permanent open space to be provided has once again been increased. The Conceptual Master Plan presented during the public hearing held by the Planning Board on November 17, 2016 provided 64 acres of permanent open space (38% of the Project Site) and the Conceptual Master Plan included with Amended Rezoning Application dated December 19, 2016 as presented to the Planning Board during the public hearing on January 19<sup>th</sup> depicted 81.6 acres of permanent open space (approximately 47% of the Project Site). The revised Conceptual Master Plan included with this Amended Application provides 83.3 acres of permanent open space (48.7% of the Project Site) as well as a new focal park area facing the North Forest Road/Sheridan Drive intersection.

In addition to the substantial increase in the amount of permanent open space as compared to the original Conceptual Master Plan, the revised Conceptual Master Plan expands and enhances the pedestrian and bicycle trail network throughout the Project Site from the previous plans. As described above, we have included a public promenade adjacent to the new 6.2 acre pond that links the Focal Green with the Town Park. We also 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, designated areas for social gathering and events have been added to the revised Conceptual Master Plan consisting of a Focal “Green” centered in the neighborhood center and an outdoor amphitheater fronting the large lake.

- Additional Townhomes along Frankhauser Road: During the Community Meeting held on January 11, 2017, a number of residents along southern portion of Frankhauser Road requested that additional townhomes be added along the parking lot on the west side of the neighborhood community in an effort to buffer the homes along Frankhauser from the parking lot. As part of the revised Conceptual Master Plan, we have proposed an additional 15 townhomes along Frankhauser Road, which when combined with the 40 townhomes depicted on the December 2016 plan, adds up to 55 total townhomes on this portion of the Project Site.
- Sanitary Sewer Capacity: Downstream sanitary sewer capacity concerns have been raised in connection with the coordinated environmental review of the project pursuant to SEQRA. While the existing sanitary sewer infrastructure can accommodate the projected dry weather sanitary sewer flows from the mixed use redevelopment project, there are downstream capacity issues during wet weather conditions attributable to existing inflow and infiltration. The Project Sponsor recognizes that the existing capacity within the sanitary sewer system along Sheridan Drive is a constraint, and has worked with Wendel Companies to prepare a revised Downstream Sanitary Sewer Capacity Analysis (“DSCA”) for the project. The updated analysis is provided at Exhibit “R” of the Amended Rezoning Application. The analysis conducted by Wendel Companies determined that there will be sufficient capacity for the project with the installation of a new dedicated force main along Maple Road that would connect to the existing lines along Amherst Manor Drive. In the DSCA which was included with the December 2016 Amended Rezoning Application, we had proposed to upsize the existing 15-inch Amherst Manor sewer line with a 21-inch line. With the current Conceptual Master Plan, the size of the upgraded line has been reduced to an 18” line as the projected sanitary flows from the project have decreased. With regards to the sanitary sewer line update along Amherst Manor Drive, the Engineering Department, in its comment letter dated January 19, 2017, requested an acknowledgement from the State University of New York at Buffalo (“UB”) accepting the additional flow within its sewer line on Augspurgen Drive. We have attended recent meetings with officials at UB regarding this matter, and a letter issued by Laura E. Hubbard, Vice President of Finance and Administration of the University at Buffalo addressing this comment is provided at Exhibit “X” of the 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. This TIS was prepared based on the Conceptual Master Plan dated December 19, 2016 which included the eliminated 112,800 sq. ft. office/community building but not the new townhome community at the corner of North Forest Road and Sheridan Drive. In lieu of updating the TIS for the changes in the

Conceptual Master Plan, we have included as Exhibit “J” a letter from SRF & Associates which describes the traffic impacts from the elimination of the 112,800 sq. ft. office/community building and the addition of the townhome community. It is also important to note that the TIS submitted last month includes copies of the two safety studies completed by the New York State Department of Transportation (“NYSDOT”) for the sections of Sheridan Drive and North Forest Road in the vicinity of the Project Site. 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 Application.

- Stormwater Treatment and Retention: One of the comments of Engineering Department in its letter dated January 19, 2017 was that the Town of Amherst will not accept the responsibility for the ownership, operation and maintenance of a stormwater pump station. The potential use of a stormwater pump station was included in the Draft Generic Environmental Impact Statement (“DGEIS”) which was accepted as being adequate for public review by the Town Board in December 2015. Since that time, the Project Sponsor has been working with the design team to ensure 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. Included as Exhibit “S” with this Amended Rezoning Application is a letter from C&S Companies regarding the stormwater design is provided at Exhibit “S” of the Amended Rezoning Application stating that the stormwater management for the northern portion of the Project Site will be accomplished without the use of a private stormwater pump.
- Residential Demand Concerns: During the public hearing held by the Planning Board on November 17<sup>th</sup>, a comment was received from a member the Planning Board regarding whether there is demand for the proposed residential and senior components of the mixed use redevelopment project. Included with the Amended Rezoning Application at Exhibit “T” is a Summary Analysis Report prepared by Donald Griebner, a licensed real estate appraiser, of Real Property Services LLC. The analysis conducted by Mr. Griebner demonstrates there is sufficient demand for the residential homes (patio and single family) as well as the proposed apartments. In addition, the Summary Analysis examined the demand for assisted living facilities in the Town of Amherst. It is important to mention that the assisted living and independent living facility proposed as part of the project contain a high level of care for their inhabitants. This level of care is different than that of the senior housing facilities that were examined in Market Demand for Senior Rental Housing in Erie County dated September 2012 that was prepared by the University at Buffalo Regional Institute and the Urban Design Project, which was limited to evaluating independent living apartment communities designated for residents over 55 years of age. Where appropriate, Real Property Services LLC has cited the sources of the data for the Summary Analysis Report. It is also important to note that most of the data comes from the expertise of Mr. Griebner, as he is a reputable licensed appraiser with knowledge of the residential market in Western New York, and in the Town of Amherst in particular.
- Brownfield Cleanup Program Update: The property was accepted into the New York State Department of Environmental Conservation (“NYSDEC”)’s Brownfield Cleanup Program

in March 2015. As an update, in January 2017 the Supplemental Pilot Study Report for Hole #6 was transmitted to the NYSDEC and we are awaiting the comments from the NYSDEC. This summer, the Project Sponsor plans to conduct the Remedial Investigation for the remainder of the site, but prior to commencing that work, the NYSDEC must approve of the scope of that investigation. Following the completion of the Remedial Investigation for the remainder of the site, the Project Sponsor's consultant will prepare a Remedial Action Work Plan (RAWP) which describes in detail the preferred approach to the removal of contamination from the site. The anticipated remedy for the contaminated areas on the site is simply excavation of the impacted soils to get to clean soils. Following the completion of remediation, the NYSDEC issues a Certificate of Completion.

### **III. Requested Rezoning Description:**

In order to accommodate the mixed use project as depicted on the revised Conceptual Master Plan, the Project Sponsor 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")

It is important to mention that the proposed mixed use redevelopment project is subject to the Town's Planned Unit Development ("PUD") review process since the size of the Project Site is greater than 30 acres.

The Project Sponsor has thoroughly considered the PUD performance standards in connection with the revised Conceptual Master Plan and Exhibit "M" of the Amended Rezoning Application provides a detailed narrative prepared for the purpose of describing the manner by which the Project Sponsor intends to comply with the applicable PUD performance standards. Additionally, Exhibit "N" consists of a draft of the proposed Planned Unit Development Agreement ("PUD Development Agreement"), which is intended 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 to be in connection with the proposed mixed use project.

The conditions and restrictions as defined within the draft PUD Development Agreement are further detailed within the Westwood Design Standards ("Design Standards") attached at Exhibit "O" of the Amended Rezoning Application. The Standards, which were developed for the Conceptual Master Plan submitted in December 2016, provide a general framework of desired characteristics for the development of the mixed-use neighborhood and include design considerations for architectural features, materials, building massing, vehicular circulation, parking, pedestrian access, site landscaping, lighting and signage. The Design Standards were developed based on the December 2016 Conceptual Master Plan, and while some of the uses have

been eliminated and the precise location of some of the uses has changed, the Design Standards are meant to provide a document which will establish the design criteria that will be implemented to ensure the mixed use project will be in compliance with the PUD objectives.

**IV. Responses to Memorandum of the Town of Amherst Planning Department dated January 6, 2017:**

The Memorandum issued by the Planning Department based on its review of the revised rezoning application contained eleven (11) comments, each of which are reproduced below in *italics*, followed by the Project Sponsor's responses.

**Consistency with Comprehensive Plan:**

1. *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 and with the surrounding residential neighborhood.*

**Response:** We believe that the revised Conceptual Master Plan will complement the surrounding neighborhood. Neighborhoods similar to the one proposed have been constructed at numerous locations throughout the country. We believe that the Westwood redevelopment will be a long-term asset to the Town of Amherst. With the revised Conceptual Master Plan for the project, we have proposed that 48.7% of the property, or over 83 acres, will consist of permanent open space including on-site amenities that will be accessible to the public consisting of the large park area, trails, a Focal Green, and an approximately 6.2 acre lake.

It is also important to mention that Policy 3-9 as contained in the adopted Comprehensive Plan calls for the redevelopment of larger tracts of land of former recreational land to accommodate significant changes in use and density. The Project Site consists of an obsolescent former private country club and we believe that is precisely what is being proposed as part of the redevelopment of the former private country club site. As it is proposed, the neighborhood center which consists of the office, commercial and hotel uses, will have no buildings taller than 4 stories, and that tallest building is proposed in the center of the neighborhood center. In addition, permanent landscape buffers will be provided on those portions of the Project Site that are directly contiguous with existing residential uses. Additionally, the senior living development has been relocated closer to the center of the site and included a new townhome community in its place because of a concerted effort to more closely balance the uses with the surrounding residential neighborhood.

*"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 continue to be issues with the capacity for sanitary sewer and stormwater management for this project that have not been addressed.*

**Response:** As part of the Amended Rezoning Application submitted on December 19, 2016, we included a Downstream Sanitary Sewer Capacity Analysis (“DSCA”) prepared by Wendel Companies. Based on further analysis, this DSCA was revised and the revised version is provided at Exhibit “R” of the Amended Rezoning Application. This capacity analysis evaluates the conveyance of sanitary sewer flows from the project through a new force main along Maple Road that would connect into the Town’s sanitary sewer system in the Amherst Manor and Maple Road area. The existing 15” diameter gravity sewer running along Amherst Manor was shown to be under capacity during the sanitary sewer flow monitoring, but the proposed new flows would exceed the capacity of the sewer. Therefore, the existing gravity sewer along Amherst Manor would be upsized with a new 18” diameter gravity sewer, which would then tie into the existing 24” gravity sewer in the area of Augspurgen Drive. With the implementation of the expensive off-site sanitary sewer improvements described above, the analysis conducted by Wendel Companies demonstrated the existing sewer system will provide adequate capacity to handle the projected sanitary sewage flows from the Project. With regards to the concern regarding stormwater management, the size of the large lake has been increased from 5 acres to 6.2 acres. In addition, the revised Conceptual Master Plan proposes to expand the size of the existing ponds throughout the site. Finally, we plan to include an updated drainage analysis in the Final Generic Environmental Impact Statement for the Project.

*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.*

*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.*

**Response:** No response necessary.

2. *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.*

**Response:** No response necessary.

3. *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.*

**Response:** The revised Conceptual Master Plan provides a mixed use neighborhood center that will be compatible and complementary with other project components and the surrounding vicinity. In addition, we believe that the scale of the proposed Neighborhood Center is consistent with the recommendations of the Comprehensive Plan, particularly the proposing of no building taller than four stories and the proposed Focal Green to be located in the center of the neighborhood center. The Neighborhood Center has been designed to provide an active and vibrant location for the Town's residents including the surrounding neighborhood.

4. *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 the mixed-use criteria as described in the Plan:*

**Response:** The revised Conceptual Master Plan includes several central public spaces for gatherings, including the large proposed publicly accessible new park area adjacent to Ellicott Creek, the outdoor amphitheater facing the new large lake, and the Focal Green located within the center of the neighborhood center. The revised Conceptual Master Plan also incorporates an extensive system of trails that both connect to adjacent roadways and existing neighborhoods, and also includes public and shared parking for access to the trails and parks. Finally, the proposed mix of commercial uses within the neighborhood center, many of which include mixed-use buildings with commercial uses on the first floor and residential uses above, are intended to create a walkable, pedestrian friendly neighborhood center.

**Consistency with Zoning Ordinance:**

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

1. *"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.*

**Response:** The proposed mixed use redevelopment project includes a neighborhood center that has a clearly identifiable center with the Focal Green at its center. With the revised Conceptual Master Plan, we have included patio homes and single family homes on the northern portions of the Project Site so that the existing residential uses along Fairways Boulevard will be adjacent single family homes and patio homes. In addition, we have located attached townhomes opposite the existing homes on Frankhauser Road in an effort to design the proposed project to be consistent



with the character of the surrounding residential neighborhood while also accommodating the new neighborhood center. With regards to the comment regarding the parking lot adjacent to the first few homes on Fairways Boulevard, additional townhomes have been added along this portion of the edge of the Project Site to provide a buffer and complement the residential uses on Fairways Boulevard. Finally, with the revised Conceptual Master Plan, the senior living development has been relocated closer to the center of the site and a townhome community with permanent open space has been provided on the portion of the site at the intersection of North Forest Road and Sheridan Drive.

2. *“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 residential 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 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 Sheridan/North Forest intersection is an important open space component for the community and should be kept open.*

**Response:** The proposed redevelopment includes a neighborhood center on the southern portion of the site because that portion of the site is not contiguous with existing homes and also since it is the wider part of the site. The updated project layout as depicted on revised Conceptual Master Plan demonstrates the effort that has been made to modify the layout depicted on the original Conceptual Master Plan in order to transition from the lower intensity development of the residential townhomes on the west side of the site (near Frankhauser Road) and the southeast corner of the site. In response to this comment and those received from residents, the senior living development has been relocated closer to the center of the site and adjacent to the Focal Green. In its place at the corner of North Forest Road and Sheridan Drive, we are now proposing a townhome community which would include a small park facing the intersection. In addition, we have incorporated an extensive amount of landscaping in the form of landscaped berms along the east, south and west borders of the site.

3. *“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.*

**Response:** In order to address this comment, the revised Conceptual Master Plan includes smaller blocks, many of which are approximately 300 feet long. The neighborhood center, with its Focal Green at the center and its proposed mix of commercial uses (many of which include mixed-use buildings with retail uses on the first floor and residential uses above), are intended to create a walkable, pedestrian friendly neighborhood center which is consistent with the criteria for the Traditional Neighborhood Development District.

4. *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.*

**Response:** The proposed hotel, which will be limited to four stories, will be consistent with the architecture and scale of the proposed neighborhood center. In addition, the revised Conceptual Master Plan depicts the hotel in the center of the site so that it is setback as far as possible from existing residential uses to the west, south and north of the Project Site.

**Consistency/compatibility with surrounding development zoning:**

*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.*

**Response:** There are commercial uses in the vicinity of the Project Site to the west and east of the project site on Sheridan Drive and Maple Road. Additionally, the land to the north of the site on the opposite side of Maple Road is zoned General Business District. We believe that the neighborhood center as depicted on the revised Conceptual Master Plan will be consistent with existing neighborhood character and the scale of the overall redevelopment project, which is predominantly residential with a substantial amount of permanent open space including the 45 acre park area that will be accessible to the public.

As noted in the Town of Amherst Economic Study dated November 9, 2016, Delta Associates notes that “Although Amherst remains one of the most attractive communities for residential and retail development in Western New York, it will be challenged in the future by several factors, including: a lack of suitable sites for new development, a perception that it is anti-growth, a glut of obsolete commercial buildings and parks, and issues with both regional and local transportation infrastructure.” We believe that the redevelopment of the Project Site, which is an obsolete former golf course, in a manner consistent with the revised Conceptual Master Plan, as a mixture of residential and neighborhood retail development and a smaller amount of office space, along with the proposed 83.3 acres of permanent open space (48.7% of the Project Site), fits perfectly with the conclusions of the recent Economic Study.

*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 within the development to a central part of the site to minimize negative impacts to residential neighbors.*

**Response:** In response to this comment, the senior living center has been relocated as suggested from the corner of North Forest Road and Sheridan Drive to the center of the site, just to the east of the Focal Green to minimize the negative impacts to the residential neighbors. This modification was made so that the senior living will be an integral part of the Neighborhood Center. The relocation of the senior living center will also allow the future senior residents to have direct pedestrian access to the on-site amenities.

*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.*

**Response:** The proposed hotel, which will be limited to four stories, will be consistent with the architecture and scale of the proposed Neighborhood Center. In addition, the revised Conceptual Master Plan depicts the hotel in the center of the site so that it will be located as far as possible from existing residential homes.

**DGEIS Comments:** *As no modifications to the DGEIS were submitted with this revised application, the previous comments made regarding the DGEIS remain in effect.*

**Response:** No response necessary.

**V. Responses to Memorandum of the Town of Amherst Engineering Department Dated January 19, 2017:**

The Memorandum issued by the Engineering Department based on its review of the revised rezoning application contained seven (7) comments.

1. *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. *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.*
  - b. *Acknowledgement from the State University of New York at Buffalo accepting the additional 1 MGD peak flow within its sewer on Augspurgen Drive.*
  - c. *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.*

**Response:** With regards to the modification to the language in the Downstream Sanitary Sewer Capacity Analysis (“DSCA”), we are currently reviewing the design details for the proposed upgrades to the Amherst Manor sewer line. To the extent that the upgrades are completed to solely service our project, we acknowledge that those upgrades will be financed and constructed entirely by the Project Sponsor pursuant to a public improvement permit. It is important to note that the Town of Amherst has proposed additional ice rinks at the Northtown Center as well as a hotel along Amherst Manor, both of which would benefit from the capacity upgrades to the Amherst Manor sewer. Notwithstanding, if we are proposing to upgrade the Amherst Manor line as a result

**Cover Letter to Eric W. Gillert, AICP, Planning Director**

**March 20, 2017**

**Page 13 of 16**

of our project, we will agree to finance the upgrades that are attributable to our project. With regards to the acknowledgement from UB accepting the additional flows as a result of our proposed project, we have attended recent meetings with officials at UB regarding this matter, and a letter issued by Laura E. Hubbard, Vice President of Finance and Administration of the University at Buffalo addressing this comment is provided at Exhibit “X” of the Amended Rezoning Application. Finally, with regards to the sanitary sewage pump station, if a sanitary sewage pump station is necessary as part of the project, we acknowledge that the Project Sponsor will be responsible for its ownership, operation and maintenance.

- 2. 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 the 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.*

**Response:** The Project Sponsor has been advised by the Engineering Department that the use of a sanitary retention facility for I&I reduction is unacceptable. Please note that the required I&I offset requirement of nearly 4 million gallons per day is based on the previous Conceptual Master Plan. Based on the updated project layout depicted on the revised Conceptual Master Plan submitted with the Amended Rezoning Application, a revised Downstream Sanitary Sewer Capacity Analysis prepared by Wendel has been included which estimates the peak hourly flow to be equal to approximately 947,000 gallons per day. The revised calculations are included in the revised Downstream Sanitary Sewer Capacity Analysis which is provided at Exhibit “R” of the Amended Rezoning Application.

- 3. Please review the attached excerpt from Section 2 of Exhibit T. The Engineering Department recommends making the referenced changes show in Exhibit T.*

**Response:** We have received the attached excerpt from Section 2 and have included the revised calculations in the revised DSCA, which is provided at Exhibit “R” of the Amended Rezoning Application.

- 4. 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...”.*

**Response:** We acknowledge this change and have incorporated a statement to this effect on Page 4 of this cover letter.

- 5. 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.*

**Response:** The Project Sponsor acknowledges that the Town of Amherst will not accept the responsibility for the ownership, operation and maintenance of a stormwater pump station. A letter from Victor O'Brien, P.E., of C&S Companies is provided at Exhibit "S" of the Amended Rezoning Application describing the conceptual stormwater design without the necessity of a privately owned and maintained pump station for stormwater. C&S' review of the available topographic information and the updated Conceptual Master Plan indicates that it will be feasible from a technical perspective to drain the three smaller ponds on the northern portion of the Project Site to Ellicott Creek via gravity and separately from the discharge from the proposed large lake. Once detailed topographic survey and design plans with finish elevations are determined in connection with the preparation of fully engineered plans that are required to accompany Site Plan and Subdivision Applications, the exact routing, slope and location of the discharge pipe will be determined.

We also recognize that we will need to prepare a Stormwater Management Plan, Stormwater Pollution Prevention Plan ("SWPPP") and a revised Engineer's Report for the project as part of the Site Plan and Subdivision review processes for the components of the proposed mixed use redevelopment project as depicted on the updated Conceptual Master Plan.

**Required Technical Review and Approvals for Filling in 100 Year Floodplain:**

Finally, as noted in Section 5 of the Draft Generic Environmental Impact Statement that was accepted as adequate for public review by the Town Board in December 2015, the development of the Project Site in manner consistent with the Conceptual Master Plan envisions the placement of fill within a portion of the regulated 100-year floodplain of Ellicott Creek located on the Project Site. The Project has been planned and will be designed to avoid adverse impacts to the Ellicott Creek flood storage capacity. A Floodplain Development Permit, which requires performance of a hydraulic evaluation, will need to be obtained from the Town of Amherst's Floodplain Administrator ("FPA"). The final sizing of open water storage and hydraulic structures will be performed as part of the Floodplain Evaluation Report to be prepared by a licensed engineering firm for review by both FEMA and the FPA.

The stringent technical review process requiring approvals by both FEMA and the FPA ensures that the development of a portion of the Project Site in the 100-year floodplain will not result in adverse flooding impacts. In the unlikely event that FEMA determines that the required detailed technical analysis is insufficient to satisfy its stringent standards, the project layout would need to be adjusted to decrease the scope of the mixed use neighborhood. There is not any circumstance in which FEMA and the FPA will issue the required approvals for filling in the 100-year floodplain if such filling would result in downstream flooding impacts.

- 6. 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*

**Cover Letter to Eric W. Gillert, AICP, Planning Director**

**March 20, 2017**

**Page 15 of 16**

*would explain the mitigation measures proposed by the NYSDOT project in the application for rezoning.*

**Response:** A letter prepared by Amy Dake of SRF & Associates describing the results of the two studies along Sheridan Drive that were recently completed by the NYSDOT is provided at Exhibit “U” of the Amended Rezoning Application. For reference, we have also enclosed copies of the 20% PIL Investigation on North Forest Road between Wiltshire Road and Sheridan Drive dated August 18, 2016 and the Safety Study on Sheridan Drive between Harlem Road and North Forest Road dated November 4, 2016.

7. *The Town of Amherst Engineering Department recommends that an independent consultant be engaged to review the final traffic impact study funded. The independent consultant should be hired by the Town, but funded by the petitioner.*

**Response:** The revised Traffic Impact Study (“TIS”) prepared by SRF & Associates that was submitted on February 24<sup>th</sup> will be reviewed by the New York State Department of Transportation, the Erie County Department of Public Works, and the Town of Amherst Traffic Safety Board (“ATSB”). The revised TIS was prepared based on input that has been provided by the governmental agencies with jurisdiction over Sheridan Drive, North Forest Road and Maple Road as well as the ATSB, which has expertise to review the revised TIS on behalf of the Town. The ATSB’s expertise is demonstrated by its exhaustive comment letters issued as part of the coordinated environmental review of the Project pursuant to SEQRA as well as the numerous modifications that have been made to the project layout based on the ATSB’s input. Retaining a third party consultant to review the updated TIS is not necessary.

**VI. Conclusion:**

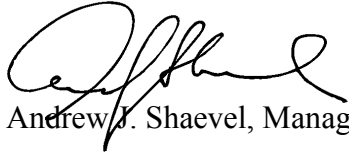
The Project Sponsor has worked diligently in collaboration with locally and nationally respected consultants and in consultation with the various neighbors and interested agencies to design and propose the new Westwood Neighborhood as a mixed use development that is purposefully aligned with the development and planning goals and objectives outlined in the Town’s Comprehensive Plan.

The redevelopment of the Project Site in a manner consistent with the revised Conceptual Master Plan will generate significant social, environmental and economic benefits for the Town and its residents, and will further support and enhance the quality of life and livability in the Town of Amherst.

If you have any questions regarding the enclosed Amended Rezoning Application or the proposed mixed use redevelopment project as depicted on the revised Conceptual Master Plan, please feel free to contact Andrew Shaevel at 362-7880 or via e-mail at andy@menschcapitalpartners.com, Matt Roland at 839-4000 or via e-mail at mroland@hamistergroup.com, or Sean Hopkins, Esq. at 510-4338 or via e-mail at shopkins@hsr-legal.com.

Sincerely,

**MENSCH CAPITAL PARTNERS LLC**



Andrew J. Shaevel, Managing Partner

Enc.

cc: Dr. Barry A. Weinstein, Supervisor  
Steven D. Sanders, Deputy Supervisor  
Ramona D. Popowich, Councilmember  
Dr. Deborah Bruch Bucki, Councilmember  
Francina J. Spoth, Councilmember  
Robert J. Gilmour, Chairperson, Planning Board  
Duncan Black, Planning Board  
Stephanie S. Gelber, Planning Board  
Dal Giuliani, Planning Board  
Steven L. Herberger, Planning Board  
Mary Pfeifer-Shapiro, Planning Board  
Daniel J. Ulatowski, Planning Board  
Ellen Kost, AICP, Associate Planner  
Marjory Jaeger, Town Clerk  
Jeffrey S. Burroughs, P.E., Town Engineer  
Christopher P. Schregel, Traffic Safety Coordinator  
Lois Jeanne Shriver, Chairperson, Amherst Conservation Advisory Council  
Sean Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC  
Matt Roland, AICP, Hamister Group, LLC  
Brad Packard, AICP, Ciminelli Real Estate Corporation

**Amended Rezoning & Planned Unit Development  
("PUD") Application**

**Petitioner:** Mensch Capital Partners, LLC  
**Subject Property:** 772 North Forest Road  
375 Maple Road  
385 Maple Road  
391 Maple Road  
**Project Proposal Name:** Westwood  
**Date Submitted:** March 20, 2017

### **EXHIBIT "A"- EXHIBIT LISTING**

- **Exhibit A-** Exhibit Listing
- **Exhibit B-** Amended Rezoning Application
- **Exhibit C-** Boundary Survey of Area Proposed to be Rezoned as Prepared by Nussbaumer & Clarke, Inc. dated March 17, 2017
- **Exhibit D-** Legal Descriptions of Lands to be Rezoned
  - **D1-** Traditional Neighborhood Development District ("TND") Zoning
  - **D2-** Multifamily Residential District Seven ("MFR-7") Zoning
  - **D3-** General Business District ("GB") Zoning
  - **D4-** Lands to remain Recreation Conservation ("RC") Zoning
- **Exhibit E-** Rezoning Application Question #11 Responses
- **Exhibit F-** Rezoning Application Question #16 Responses
- **Exhibit G-** Revised Preliminary Conceptual Master Plan as Prepared by Wendel dated March 2017 (18" x 24")
- **Exhibit H-** Revised Preliminary Conceptual Master Plan as Prepared by Wendel dated March 2017 (8.5" x 11" reduction)
- **Exhibit I-** Project Representative List
- **Exhibit J-** Letter from SRF & Associated regarding the Traffic Impact Study dated March 17, 2017
- **Exhibit K-** Floodway and 100 Year Floodplain Location Map
- **Exhibit L-** Amended Draft Local Law
- **Exhibit M-** Planned Unit Development Process (PUD) Assessment



- **Exhibit N-** Draft Planned Unit Development (PUD) Agreement
- **Exhibit O-** Westwood Design Standards Guide (PUD Development Standards)
- **Exhibit P** - Amherst Planning Department Memorandum dated January 6, 2017
- **Exhibit Q-** Amherst Engineering Department Comment Letter dated January 19, 2017
- **Exhibit R** - Downstream Sanitary Sewer Capacity Analysis dated March 16, 2017 as Prepared by Wendel Companies
- **Exhibit S-** Letter from Victor O'Brien, P.E., of C&S Companies regarding Stormwater dated March 17, 2017
- **Exhibit T-** Summary Analysis for Residential and Senior Housing Demand as Prepared by Donald Griebner, Licensed Real Estate Appraiser, of Real Property Services, LLC dated December 1, 2016
- **Exhibit U-** Letter from Amy Dake of SRF & Associates regarding recent results of two studies completed by the New York State Department of Transportation for traffic along Sheridan Drive
- **Exhibit V-** Conceptual Master Plan - Specific Plans as Prepared by Wendel dated March 2017 (18" x 24")
  - Conceptual Master Plan (Existing Trees Only)
  - Greenspace and Trail Plan
  - Roads and Parking Plan
- **Exhibit W-** Conceptual Master Plan - Specific Plans as Prepared by Wendel dated March 2017 (8.5" x 11" reduction)
  - Conceptual Master Plan (Existing Trees Only)
  - Greenspace and Trail Plan
  - Roads and Parking Plan
- **Exhibit X-** Letter from State University of New York at Buffalo regarding Sanitary Sewer dated March 16, 2017

Amended Rezoning &  
Planned Unit Development  
("PUD") Application\*  
Date: March 20, 2017



Petitioner: Mensch Capital Partners, LLC  
Subject Property: 772 North Forest Road  
Project Proposal Name: Westwood

**TOWN OF AMHERST PLANNING DEPARTMENT**

***Application for Rezoning Review and, if required Comprehensive Plan Amendment***

For Official Use

File #: \_\_\_\_\_ Acreage See Below Fee \$ Previously paid

Total Property Acreage: 171.10 acres

Acreage to be Rezoned: 141.08 acres

Address Verified by  
Assessor's Office \_\_\_\_\_  
VERIFIED BY DATE

Materials Accepted by  
Town Clerk & Fee Paid \_\_\_\_\_  
ACCEPTED BY DATE

Materials Checked by  
Building Dept. \_\_\_\_\_  
RECEIVED BY DATE

Materials Received by  
Planning Dept. \_\_\_\_\_  
RECEIVED BY DATE

**Fill In  
Applicable Fees**

2 ACRES OR LESS	\$1,250	_____
2 – 20 ACRES \$1,250 + \$250/acres or fraction thereof over 2 acres		_____
20 – 30 ACRES \$5,700 + \$150/acre or fraction thereof over 20 acres		_____
OVER 30 ACRES \$6,900 + \$75/acre or fraction thereof over 30 acres		\$15,625.50 Previously paid
Request for Relief of/Change to Conditions of Zoning Approval	\$ 1,200	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	\$ 15.00	\$15.00
<b>TOTAL FEE:</b>	<b>\$ 15,640.50</b>	<b>Previously paid</b>

\* Please find attached to this Application Exhibit "A"- Exhibit Listing, which will provide a full list and description of all additional Exhibits incorporated into and referenced within this Amended Rezoning Application.

**TO BE COMPLETED BY APPLICANT**

1. **Petitioner:** Name: Mensch Capital Partners, LLC  
Address: 5477 Main Street  
Williamsville NY 14221  
City State Zip Code  
Phone: 716.362.7880 Fax: 716.580.3137  
E Mail andrew.shaevel@bobalew.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

Please refer to Exhibit "C" - Boundary Survey of Area Proposed to be Rezoned

- A. From Recreation Conservation District ("RC") To Traditional Neighborhood Development District ("TND"), 131.71 acres
- B. From Recreation Conservation District ("RC") To Multifamily Residential District Seven ("MFR-7"), 13.59 acres
- C. From Recreation Conservation District ("RC") To General Business District ("GB"), 1.40 acres

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

772 North Forest Road; 375, 385 & 391 Maple Road  
Williamsville, NY 14221  
SBL #: 68.01-1-1; 55.18-4-8; 55.18-4-9; 55.18-4-10

4. **Area of land to be rezoned (in acres):** 141.08 acres\*

Please refer to Exhibit "C" - Boundary Survey of Area Proposed to be Rezoned  
5. **Owner of Land:**

Name: Mensch Capital Partners, LLC (Managing Partner- Andrew Shaevel)  
Address: 5477 Main Street, Williamsville, NY 14221  
Telephone: 716.362.7880

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or **Attorney**): Please refer to Exhibit "B" - Project Representatives for a complete list of project consultants/representatives

Name: Sean Hopkins Esq., of Hopkins, Sorgi & Romanowski PLLC  
Address: 5500 Main Street, Suite 343  
Williamsville, NY 14221  
Tel: 510-4338 - E-mail: shopkins@hsr-legal.com  
City State Zip Code

**7. Petitioner's interest in property**  
 Option to purchase (375 Maple Road Only)  
 Owner  
\_\_\_\_ Other (explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)**  
Not Applicable.  
\_\_\_\_\_  
\_\_\_\_\_

**9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Survey attached as Exhibit "C" and legal descriptions attached as Exhibits "D-1", "D-2", "D-3" and "D-4"

**10. Said property has the following deed restrictions or Covenants: (attach copy)** Not Applicable.  
Liber \_\_\_\_\_ Page \_\_\_\_\_

**11. Information on proposed project:** The responses to Question 11, Parts A & B have been attached to this Application as Exhibit "E"

A. Description of the character of the proposed development:  
Please refer to attached Exhibit "E"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Rationale for rezoning request:  
1. Why was this site chosen? \_\_\_\_\_  
Please refer to attached Exhibit "E"  
\_\_\_\_\_  
\_\_\_\_\_

2. Why cannot land be used with the existing zoning?

Please refer to attached Exhibit "E"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. How will this rezoning impact surrounding properties?

Please refer to attached Exhibit "E"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. How will this rezoning impact the school system?

Please refer to attached Exhibit "E"

\_\_\_\_\_

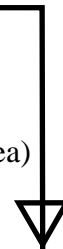
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**12.**

**Quantitative Data:**

- A. Total # of dwelling units 950 Dwelling Units (Anticipated as per Attached
- B. Distribution of dwelling units by type Conceptual Master Plan)
- C. Gross Residential Density per acre 5.55 +/- units/acre
- D. Total amount of Open Space 83.3 acres +/- (48.7% of site area)
- E. Proposed Non-Residential Floor Area 404,200 +/- square feet



**Distribution of Dwelling Units by Type**

Single Family:	124 Units
Upper Dwelling Unit Multifamily:	212 Units
Attached Multifamily:	180 Units
Attached Townhome:	130 Units
Senior Living (Independent):	104 Units
Senior Living (Assisted):	200 Units
<b>Total Dwelling Units:</b>	<b>950 Units</b>

**13.**

**Development Schedule:**

- Start January 2018\*
- Finish January 2028\*
- Stages (# of) Multiple

\*The project will utilize a Draft Generic Environmental Impact Statement ("DGEIS") and as such the development schedule will be subject to market demand and tenant requirements over time.

**14.**

**If any portion of the proposed development is planned to be sold or leased, please describe:**

Mensch Capital Partners LLC will be responsible for the Rezoning and Planned Unit Development ("PUD") approval processes for the Westwood neighborhood. Following the approval process, portions of the Project Site may be sold and/or leased subject to the conditions imposed during the project review and approval process.

**15. Open Space ownership and maintenance provisions (if applicable):**

The Petitioner will establish Community Associations to provide for the ownership and management of Open Space provided within the Westwood neighborhood. Additionally, the Open Space areas will be subject to the requirements and restrictions of the Planned Unit Development Process (Section 6-9).

**16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)**

The responses to Question 16, Parts A-E have been attached to this Amended Application as Exhibit "F"

**A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.**

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at [www.amherst.ny.us](http://www.amherst.ny.us)). Add sheets as needed.

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:**

- 1. Sanitary Sewer Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 2. Storm Sewer/Drainage Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 3. Water Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 4. Other Please refer to attached Exhibit "F"  
\_\_\_\_\_

**C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_

**D. Suitability of the subject property for uses permitted by the current versus the proposed district:**

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_

**E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Previously paid

- 17. The petitioner encloses herewith the sum of \$15,640.50 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
- 18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

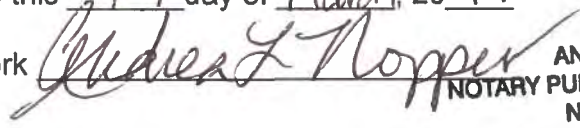
The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.



Signature of Petitioner, Mensch Capital Partners, LLC

Subscribed and sworn to before me this 17 day of March, 20 17

Notary Public, Erie County, New York



ANDREA L NOPPER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01NO6074044  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES MAY 6, 2018

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

- 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.



2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
  - (a) is the applicant, or
  - (b) is an officer, director, partner or employee of the applicant, or
  - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

## Rezoning Application Requirements and Checklist

The following checklist outlines the information required by the Town of Amherst to accept a Rezoning application. *It is strongly recommended that you make an appointment with Planning Staff to discuss what information will be needed to address the items shown on the checklist.*

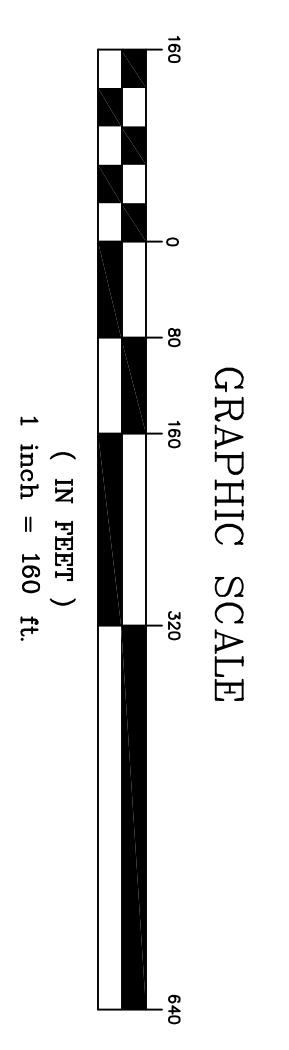
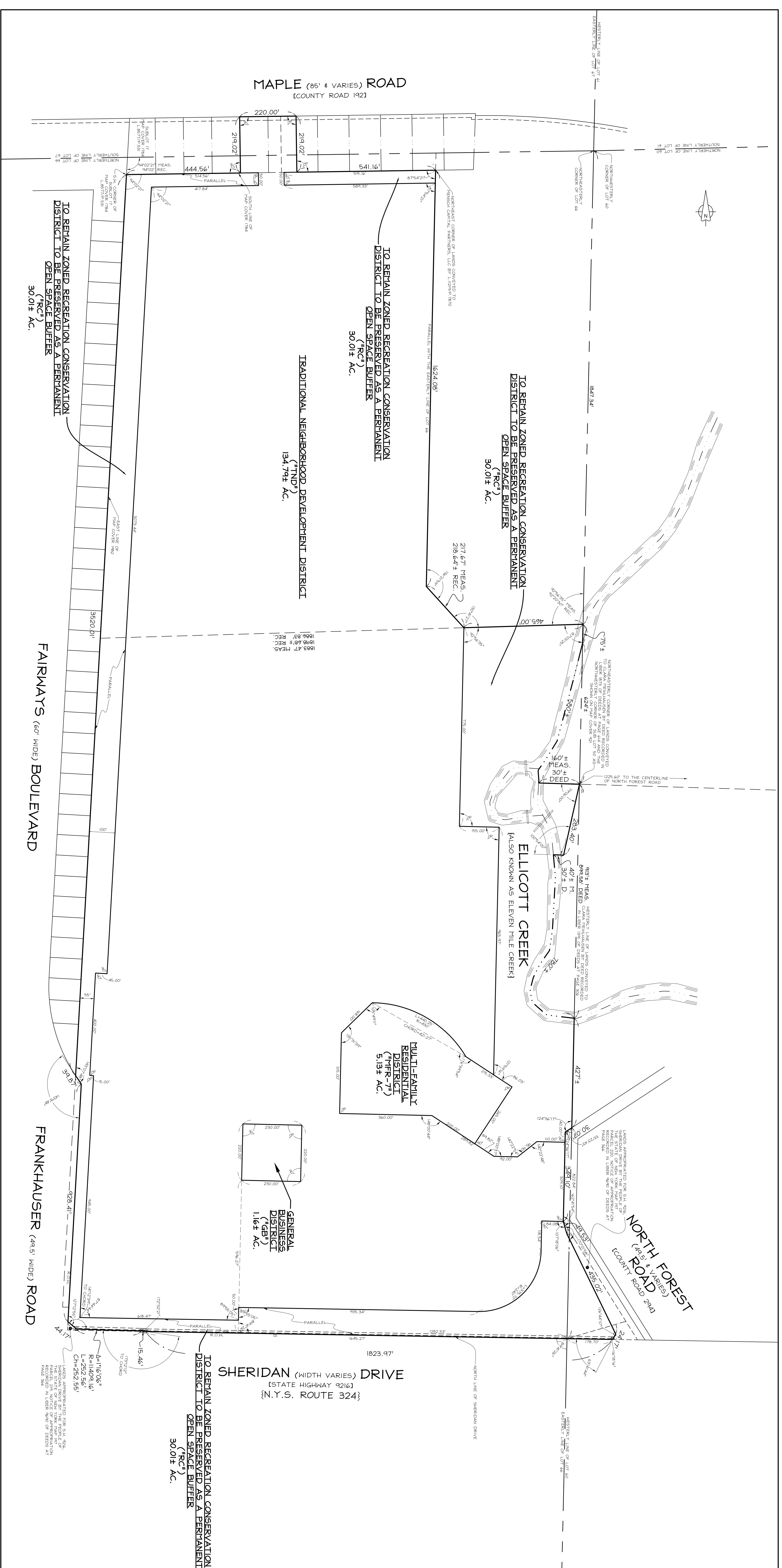
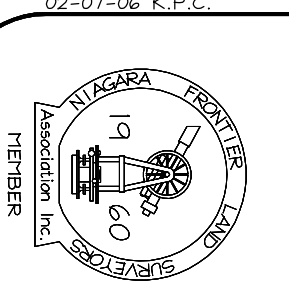
Item No.	Item	Submitted	Official use
<b>I Application Information</b>			
1.0	<b>Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)</b>	✓	
1.1	Name, address, and contact information of the petitioner	✓	
1.2	Name and address of property owners(s) – if different than petitioner	✓	
1.3	If petitioner is different than property owner, provide statement describing interest in property and a letter from the property owner authorizing the application	✓	
1.4	Identify existing and proposed zoning and acreage of area proposed to be rezoned	✓	
1.5	Parcel addresses and Section, Block, and Lot (SBL) numbers of all properties proposed to be rezoned. Indicate if a portion of any parcel is involved, if applicable	✓	
1.6	Statement of planning objectives to be achieved by the proposed rezoning, including the following: <ul style="list-style-type: none"> <li>• How the proposed zoning and development plan meets the objectives of the Comprehensive Plan</li> <li>• A description of the character of the proposed development</li> <li>• The rationale behind the assumptions that are presented</li> </ul>	✓	
1.7	Cite specific maps and / or figures in the Comprehensive Plan that must be amended to support the proposed zoning and provide suggested amendments	✓	
1.8	A general statement about how any proposed open space will be maintained (if applicable)	✓	
1.9	A development schedule indicating the approximate date when construction is expected to begin and be completed. Identify schedule of any proposed phasing of the development (attach pages as necessary)	✓	
1.10	A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development	✓	
<b>II Survey and Legal Description</b>			
1.0	<b>Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor</b>	✓ Exhibit "C"	
1.1	Raised/wet seal and signature of licensed surveyor	✓	
1.2	Clear delineation and acreage of area to be rezoned if different than property boundary	✓	
2.0	<b>Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)</b>	✓ Exhibit "D"	

\*

\*

Item No.	Item	Submitted	Official use
<b>III Concept Plan (if required by the Planning Board)</b>			
1.0	Conceptual development plan drawn to scale (no larger than 24" x 36" format and folded into 8 1/2" x 11" size)	✓ Exhibit "G"	
1.1	North arrow	✓	
1.2	Scale of drawing	✓	
1.3	Property lines (existing and proposed)	✓	
1.4	Unique natural features and tree cover	✓	
1.5	Information on land controlled by the applicant located within 500 feet of the perimeter of the area proposed to be rezoned	✓	
1.6	Location of all proposed structures and other improvements	✓	
1.7	Number and type of dwelling units (if applicable)	✓	
1.8	Gross square feet of commercial space (if applicable)	✓	
1.9	Maximum structure heights	✓	
1.10	Architectural sketches	Exhibit "I" ✓	
1.11	Existing and proposed contours	✓	
1.12	Existing utility systems (sanitary sewers, water, storm drainage)	✓	
1.13	Location of proposed storm water detention or retention facilities	✓	
1.14	Proposed land use arrangement	✓	
1.15	Location of all parking, loading, stacking and interior circulation drives	✓	
1.16	Location of proposed curb cuts	✓	
1.17	Location of cross access drives to adjacent parcels	✓	
1.18	Pedestrian circulation system	✓	
1.19	Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status	Exhibit "J" ✓	
1.20	Location of floodway and 100-year floodplain (if applicable)	Exhibit "K" ✓	
1.21	Location and purpose of any proposed easements	✓	
1.22	Location and proposed development of all open spaces, including parks, playgrounds, conservation areas, and dedicated open space; indicate intended ownership of such areas	✓	
1.23	Additional data as required by the Planning Board	✓	
<b>V Other Required Information</b>			
1.0	Completed and signed Environmental Assessment Form	Exhibit "L" ✓	
1.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)	✓ "DGEIS"	
1.2	Traffic impact study (if applicable)	✓ "DGEIS"	
1.3	Archaeological assessment (if applicable)	✓ "DGEIS"	
1.4	Wetland Delineation report (if applicable)	✓ "DGEIS"	
2.0	8 1/2" X 11" reduction of concept plan drawing (see appendix B)	✓ Exhibit "H"	
3.0	A CD containing a PDF of the complete submittal package, including all drawings.	✓	

Rev. 07/02/08, 10/24/08, 11/4/13



**REZONING EXHIBIT MAP**  
**WESTWOOD COUNTY CLUB**

PART OF LOTS 62 & 63 & 64 & 67  
RANGE 7  
TOWNSHIP 12  
COUNTY OF ERIE  
STATE OF NEW YORK

**Mussbunig & O'Neil, Inc.**  
Professional Engineers  
3656 Lake Shore Road  
Buffalo, New York 14219-1494  
(716) 827-8000  
www.mussbunig.com

PREPARED BY: BRUNN BFK-R.A.  
DATE: 06-09-14  
SCALE: 1" = 160'

REVISED: 12-16-15, 12-15-16, 03-15-17, 03-17-17  
JOB NO: 12.5-0226B  
DWG. NO: T-710B

SHEET NO. 1 OF 1

NOTE: UNALTERED/REVISED ALTERATIONS OR ADDITIONS TO ANY REZONING EXHIBIT MAP SHALL BE SHOWN BY A VISIBLE LINE OR SHADING. ANY CHANGES TO THE EXHIBIT MAP SHALL BE SHOWN BY A VISIBLE LINE OR SHADING. ANY CHANGES TO THE EXHIBIT MAP SHALL BE SHOWN BY A VISIBLE LINE OR SHADING.

## SUGGESTED LEGAL DESCRIPTION

### FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT ("RC") TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TND")

134.79+/- Acres

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lots 60 & 66 & 67, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 444.56 feet to a point;

Thence north measured at right angles, a distance of 219.02 feet to the south line of Maple Road;

Thence east along the south line of Maple Road, a distance of 220.00 feet;

Thence south measured at right angles, a distance of 219.02 feet;

Thence east measured at right angles, a distance 541.16 feet to the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence south at an interior angle of  $87^{\circ}54'21''$ , a distance of 1624.08 feet;

Thence southeast at an exterior angle of  $136^{\circ}21'59''$ , a distance of 217.67 feet;

Thence east at an exterior angle of  $130^{\circ}41'27''$ , a distance of 465.00 feet to the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 75 feet more or less to the centerline of Ellicott Creek;

Thence south along the centerline of Ellicott Creek, a distance of 580 feet more or less to a point;

Thence east 160 feet more or less to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence southwest at an interior angle of  $79^{\circ}06'00''$ , a distance of 283.40 feet;

Thence west at an interior angle of  $100^{\circ}54'00''$ , a distance of 40 feet more or less the centerline of Ellicott Creek;

Thence southerly and easterly along the centerline of Ellicott Creek, a distance of 780 feet more or less to a point in the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 427 feet more or less;

Thence southwest at an interior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet;

Thence south along the west line of North forest Road, a distance of 349.10 feet;

Thence southeast at an exterior angle of  $162^{\circ}41'54''$  and along the west line of North Forest Road, a distance of 49.53 feet;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$  and along the west line of North Forest Road, a distance of 435.02 feet;

Thence southwest at an interior angle of  $126^{\circ}44'10''$ , a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 171.09 acres more or less.

EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road;

Thence southwest along the northwest line of North Forest Road at an angle to the right of  $55^{\circ}23'43''$ , a distance of 30.07 feet to the west line of North Forest Road;

Thence south along the west line of North Forest Road at an angle to the right of  $124^{\circ}36'17''$ , a distance of 40.00 feet;

Thence west measured at right angles, a distance of 110.00 feet;

Thence southwest at an angle to the right of  $140^{\circ}22'48''$ , a distance of 95.90 feet;

Thence west at an angle to the left of  $140^{\circ}22'54''$ , a distance of 92.00 feet;

Thence northwest at an angle to the left of  $148^{\circ}00'37''$ , a distance of 89.82 feet to the Point of Beginning;

Thence continuing along said line, a distance of 200.00 feet;

Thence west at an exterior angle of  $148^{\circ}00'44''$ , a distance of 360.00 feet;

Thence north measured at right angles, a distance of 315.00 feet;

Thence northeast at an interior angle of  $135^{\circ}31'39''$ , a distance of 168.00 feet;

Thence southeast at an interior angle of  $105^{\circ}49'11''$ , a chord distance of 421.27 feet, having a radius of 430.0 feet and an arc length of 440.25 feet;

Thence southeast at an interior angle of  $176^{\circ}39'54''$ , a distance of 215.33 feet;

Thence southwest measured at right angles, a distance of 265.00 feet to the point of beginning, containing 5.13 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of  $89^{\circ}41'26''$ , a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;



Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 514.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running west parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 3073.44 feet to a point;

Thence west measured at right angles, a distance of 45.00 feet to a point;

Thence south measured at right angles, a distance of 400.00 feet;

Thence east measured at right angles, a distance of 15.00 feet;

Thence south measured at right angles, a distance of 945.00 feet;

Thence east at an exterior angle of  $87^{\circ}44'44''$ , a distance of 618.47 feet;

Thence north at an exterior angle of  $89^{\circ}55'05''$ , a distance of 50.00 feet;

Thence east at an interior angle of  $89^{\circ}55'05''$ , a distance of 935.34 feet to the point of curvature;

Thence easterly and northerly along a curve to the left having a radius of 240.0 feet and an arc length of 375.70 feet to the point of tangency;

Thence north along said tangent line, a distance of 118.54 feet;

Thence east measured at right angles, a distance of 84.08 feet;

Thence southeast at an interior angle of  $107^{\circ}18'06''$ , along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$ , along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of  $126^{\circ}44'10''$ , a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 14.87 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road to the Point of Beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of  $100^{\circ}54'00''$ , a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Mehlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of  $79^{\circ}06'00''$ , a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of  $87^{\circ}03'25''$ , a distance of 465.00 feet;

Thence south at an interior angle of  $92^{\circ}56'35''$ , a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 965.97 feet;

Thence southeast at an interior angle of  $121^{\circ}59'16''$ , a distance of 86.03 feet;

Thence southwest measured at right angles, a distance of 265.00 feet;

Thence southeast measured at right angles, a distance of 89.82 feet;

Thence east at an interior angle of  $148^{\circ}00'37''$ , a distance of 92.00 feet;

Thence northeast at an interior angle of  $140^{\circ}22'54''$ , a distance of 95.90 feet;

Thence east at an exterior angle of  $140^{\circ}22'48''$ , a distance of 110.00 feet to the west line of North Forest Road;

Thence north measured at right angles along the west line of North Forest Road, a distance of 40.00 feet;

Thence northeast along the northwest line of North Forest Road at an exterior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet to the point of beginning, containing 14.46 acres more or less.

## SUGGESTED LEGAL DESCRIPTION

### FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT ("RC") TO MULTI-FAMILY RESIDENTIAL DISTRICT ("MFR-7")

**5.13+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road;

Thence southwest along the northwest line of North Forest Road at an angle to the right of  $55^{\circ}23'43''$ , a distance of 30.07 feet to the west line of North Forest Road;

Thence south along the west line of North Forest Road at an angle to the right of  $124^{\circ}36'17''$ , a distance of 40.00 feet;

Thence west measured at right angles, a distance of 110.00 feet;

Thence southwest at an angle to the right of  $140^{\circ}22'48''$ , a distance of 95.90 feet;

Thence west at an angle to the left of  $140^{\circ}22'54''$ , a distance of 92.00 feet;

Thence northwest at an angle to the left of  $148^{\circ}00'37''$ , a distance of 89.82 feet to the Point of Beginning;

Thence continuing along said line, a distance of 200.00 feet;

Thence west at an exterior angle of  $148^{\circ}00'44''$ , a distance of 360.00 feet;

Thence north measured at right angles, a distance of 315.00 feet;

Thence northeast at an interior angle of  $135^{\circ}31'39''$ , a distance of 168.00 feet;

Thence southeast at an interior angle of  $105^{\circ}49'11''$ , a chord distance of 421.27 feet, having a radius of 430.0 feet and an arc length of 440.25 feet;

Thence southeast at an interior angle of  $176^{\circ}39'54''$ , a distance of 215.33 feet;

Thence southwest measured at right angles, a distance of 265.00 feet to the point of beginning, containing 5.13 acres more or less.

**SUGGESTED LEGAL DESCRIPTION**

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT  
("RC") TO GENERAL BUSINESS DISTRICT ("GB")**

**1.16+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of  $89^{\circ}41'26''$ , a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

## SUGGESTED LEGAL DESCRIPTION

### LANDS TO REMAIN ZONED RECREATION CONSERVATION DISTRICT (“RC”) TO BE PRESERVED AS A PERMANENT OPEN SPACE BUFFER

**30.01+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company’s Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk’s Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk’s Office under cover 1784, a distance of 514.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;



Thence running west parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 3073.44 feet to a point;

Thence west measured at right angles, a distance of 45.00 feet to a point;

Thence south measured at right angles, a distance of 400.00 feet;

Thence east measured at right angles, a distance of 15.00 feet;

Thence south measured at right angles, a distance of 945.00 feet;

Thence east at an exterior angle of  $87^{\circ}44'44''$ , a distance of 618.47 feet;

Thence north at an exterior angle of  $89^{\circ}55'05''$ , a distance of 50.00 feet;

Thence east at an interior angle of  $89^{\circ}55'05''$ , a distance of 935.34 feet to the point of curvature;

Thence easterly and northerly along a curve to the left having a radius of 240.0 feet and an arc length of 375.70 feet to the point of tangency;

Thence north along said tangent line, a distance of 118.54 feet;

Thence east measured at right angles, a distance of 84.08 feet;

Thence southeast at an interior angle of  $107^{\circ}18'06''$ , along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$ , along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of  $126^{\circ}44'10''$ , a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 14.87 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road to the Point of Beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of  $100^{\circ}54'00''$ , a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of  $79^{\circ}06'00''$ , a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of  $87^{\circ}03'25''$ , a distance of 465.00 feet;

Thence south at an interior angle of  $92^{\circ}56'35''$ , a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 965.97 feet;

Thence southeast at an interior angle of  $121^{\circ}59'16''$ , a distance of 86.03 feet;

Thence southwest measured at right angles, a distance of 265.00 feet;

Thence southeast measured at right angles, a distance of 89.82 feet;

Thence east at an interior angle of  $148^{\circ}00'37''$ , a distance of 92.00 feet;

Thence northeast at an interior angle of  $140^{\circ}22'54''$ , a distance of 95.90 feet;

Thence east at an exterior angle of  $140^{\circ}22'48''$ , a distance of 110.00 feet to the west line of North Forest Road;

Thence north measured at right angles along the west line of North Forest Road, a distance of 40.00 feet;

Thence northeast along the northwest line of North Forest Road at an exterior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet to the point of beginning, containing 14.46 acres more or less.

## EXHIBIT “E”

### **Application Question #11- Information on Proposed Project**

**A. Description of the character of the proposed development:**

The Rezoning Application has been filed in connection with the request to approve the Conceptual Master Plan for the proposed mixed use infill redevelopment project. The proposed Westwood Neighborhood is planned as an approximately 170 acre mixed use project that integrates public spaces with smart growth practices and traditional neighborhood design including residential, recreation, neighborhood shops, hospitality uses and professional office components.

The Project Sponsor is requesting that the zoning classification of a majority of the Project Site be amended from Recreation Conservation District (“RC District”) to Traditional Neighborhood Development District (“TND”). The TND zoning designation allows for the development of new and redeveloped sites that are fully integrated, mixed-use and pedestrian oriented. The Project has been designed so as to encourage walkability among the various proposed uses, minimize traffic congestion through the implementation of transportation demand strategies and maximize existing public infrastructure investments.

**B. Rationale for rezoning request:**

**1. Why was this site chosen?**

The Project Sponsor purchased the approximately 170 acre Westwood project site because of its suitability for redevelopment as a mixed-use neighborhood consistent with the Town of Amherst Bicentennial Comprehensive Plan (for further details, please refer to Exhibit “F” of this Rezoning Application), and its particular attributes in terms of size, availability,

location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive and the I-290), proximity to major regional employment and recreational resources (e.g. University at Buffalo North Campus, Audubon 18 Hole Golf Course and Ellicott Creek recreational bike path), and lack of certain categories of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources and no threatened/ endangered species or habitat).

**2. Why cannot land be used with the existing zoning?**

The Project Site is currently zoned Recreation Conservation District (“RC District”), a special zoning classification intended to provide for public, private and civic uses related to recreation and conservation.<sup>1</sup> At the time the Project Site was acquired in March of 2012, the zoning classification of the Project Site was Community Facilities District (“CF”). However, the zoning classification was subsequently amended to RC District by the Town on June 2, 2014. The RC District provides for limited use of property outside of recreational and conservation uses and the allowable uses of RC zoned property are limited to the following pursuant to Section 5-9-2A of the Zoning Code:

<b>PUBLIC AND CIVIC USES</b>			
Day-care center [Added 7-7-2014 by L.L. No. 22-2014]	✓		§ 6-3-2
Indoor recreation facilities			
Outdoor recreation facilities	✓		
Outdoor ice-skating facility	✓		
Outdoor tennis, racquetball or handball facility	✓		
Park or open space	✓		
Place of worship	✓		6-3-3
Public or private golf course and country club	✓		

<sup>1</sup> See Section 5-9-1 of the Zoning Code.

[Added 7-7-2014 by L.L. No. 22-2014]			
Public utility service structure or facility		✓	6-3-4
Swimming facility	✓		
Telecommunication facility		✓	§ 6-7
Wildlife reservation or conservation area	✓		
<b>COMMERCIAL</b>			
<i>No commercial uses allowed</i>			
<b>INDUSTRIAL</b>			
<i>No industrial uses allowed</i>			

No residential, commercial or industrial uses are permitted in the RC District. The RC District would not allow for an economically viable use of the Project Site and it would not provide the Project Sponsor with the opportunity to develop a mixed use neighborhood center project that incorporates the Project Site’s attributes including size, location, proximity to major education and employment centers and lack of significant environmental resources.

The Project Site was previously operated as a private golf course and country club but is now vacant and has been designated as a brownfield as per the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”). The Project Site has been designated as a brownfield due to the presence of arsenic concentrations within the on-site soils which exceed regulatory thresholds as per Remedial Program Soil Cleanup Objectives (“SCO”) of the NYS Environmental Conservation Law.<sup>2</sup> The former private golf course and country club operation was initially made available for sale and ultimately acquired by the Project Sponsor due to competing facilities in close proximity that are managed both

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<sup>2</sup> See New York State Department of Environmental Conservation. “Environmental Conservation Law-Subpart 375-6: Remedial Program Soil Cleanup Objectives.” December 14, 2006. Available online at [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/part375.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/part375.pdf)

publicly and privately that made continued use of the Project Site as a private golf course and country club no longer economically viable. The Project Sponsor acquired the Project Site in March of 2012, an opportunity that became available because the previous Club ownership was facing systemic financial issues and struggling to maintain a solvent enterprise for over a decade. The option of selling the Project Site provided the previous owner with an opportunity to stabilize its situation and avoid a more serious economic situation including potential bankruptcy. Upon acquiring the Project Site and as required by the purchase contract, the Project Sponsor worked with a management group to sustain Club operations at the site in an effort to mitigate certain contingent liabilities. However, this obligation was short term only and the Project Sponsor was eventually unable to sustain the excessive operating and lease subsidies that were necessary to sustain the continued use of the Project Site as golf course and country club. The operation of the Project Site as a golf course was further stressed and ultimately determined to be non-feasible due to liability concerns upon the discovery of the arsenic related contamination during the Project Sponsor's due diligence process in considering a redevelopment strategy for the Project Site. Therefore, a reasonable rate of return on investment made by the Project Sponsor and realization of full tax potential for the Town cannot be facilitated through use of the Project Site based on the current RC zoning designation. This condition has arisen as a function of competing service providers within the existing market, both public and private and the presence of environmental contamination that will require a significant capital investment to remediate. In terms of the loss of the Project Site as a golf course, the Project Site is directly adjacent to the Town of Amherst Public Audubon 18-hole Golf Course and Public Audubon 3-hole Golf Course. Additionally, the Project Site is within a

one-mile proximity of the private Park Country Club and golf course, and a five-mile proximity of the private Country Club of Buffalo and golf course, Transit Valley Country Club and golf course and Glen Oak Country Club and golf course.

The operation of the Project Site as a private golf course and country club is not only constrained by proven local fiscal challenges and environmental issues. In addition, both private and public clubs across the country are facing serious concerns with sustaining membership due to a shift in demographic bases, standards of living and societal needs and wants. The National Golf Course Owners Association (“NGCOA”) was established in Charleston, South Carolina in 1979 and is considered the leading authority on the business of golf course ownership and management<sup>3</sup>. The not-for-profit organization is the only trade association dedicated exclusively to golf course owners and operators. The NGCOA is considered a valuable resource of information and education for the industry. The NGCOA hosts an annual conference that is nationally recognized as the largest gathering of the industry at a single event. The conference showcases thought leadership for golf course owners and operators looking to increase efficiencies and profits while enhancing the experience they offer their members.

The conference features a number of trade related companies and presenters that speak to current issues facing the industry. One such company, the McMahon Group, was present for the 2013 annual conference and provided a seminar on the membership challenges facing private and semi-private clubs in today’s market. The McMahon Group is a full service, private club consulting firm dedicated to serving clubs in all aspects of their planning, clubhouse, golf and

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<sup>3</sup> National Golf Course Owners Association webpage, About Us, <http://www.ngcoa.org/pageview.asp?doc=1616>. 2013.



membership needs.<sup>4</sup> William McMahon, Sr. (“McMahon”), the founder of the McMahon Group and member of the American Institute of Architects as well as the National Club Association presented at the 2013 annual conference on the behalf of the McMahon Group. The presentation clearly established that the number of private clubs within the country has been facing a serious decline throughout the past 20 years with a 16% decrease between 1990 and 2010 and an additional 10% reduction anticipated between 2010 and 2020.<sup>5</sup> This data suggests that the total numbers of private clubs will likely realize a nearly 30% reduction in the time period between 1990 and 2020. The question for existing club owners is why this loss of membership enrollment and lack of interest in clubs is becoming increasingly more common. McMahon suggests that challenges for private clubs are not simply a function of cyclical economic trends related to the recent Great Recession, as these concerns and decreasing membership rates were documented long before that period. Instead, McMahon suggests that the aging of baby boomers, changing lifestyles, lack of corporate support for memberships, competition amongst clubs, changing standard of living, and loss of disposable income have all contributed to lessening interest for and ultimately the loss of private clubs throughout the country.<sup>6</sup> These cyclical, secular, and general cultural trends have created a systemic concern for private country clubs nationally and will continue to forecast serious financial challenges for their operation. This bleak forecast is confirmed by Steven Ekovich (“Ekovich”), vice president for investments at Marcus &

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<sup>4</sup> McMahon Group webpage, About Us,

<http://www.mcmahongroup.com/club/scripts/public/public.asp?GRP=15150&NS=PUBLIC>. 2014.

<sup>5</sup> McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 2.

<sup>6</sup> McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 4.

Millichap's National Golf & Resort Group, the only national brokerage firm strictly specializing in golf & resort brokerage services in the United States.<sup>7</sup> Ekovich noted that club owners should not consider the consistent rate of club closings over the years as a sign that lessening supply and stable demand will ultimately create resurgence in market performance. According to Ekovich in a recent article published in Golf Business magazine in June of 2014, "Closures should remain over 100 courses per year in the foreseeable future."<sup>8</sup>

Given the intensive local competition and general national trends concerning private country club membership coupled with the underlying environmental issues specific to the Project Site, it is clear that the operation of the Project Site as a private club is simply not viable. The proposed zoning designations provide the Project Sponsor with an opportunity to redevelop the site as a mixed-use neighborhood that is well suited for the Project Site because of its size, location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive, I-290); proximity to major regional employment and recreational resources (e.g. University at Buffalo North Campus, Audubon 18 Hole Golf Course, Ellicott Creek recreational bike path); and lack of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources, no threatened/endangered species or habitat). Whereas the direct adjacency of competing golf courses and country clubs inhibit economic viability of the use of the Project Site under the current RC zoning designation, their presence serves as an amenity to the proposed zoning classifications and Westwood neighborhood.

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<sup>7</sup> Marcus & Millichap National Golf & Resort Properties Group webpage, About M&M, <http://www.nationalgolfgroup.com/aboutmandm.html>. 2014.

<sup>8</sup> Golf Business, Official Publication of the National Golf Course Owners Association. "On the Rebound", June 2014. Steve Eubanks. <http://www.golfbusiness.com/article.aspx?id=2973>.

### **3. How will this rezoning impact surrounding properties?**

The Project Site is primarily surrounded by residential single family development and community facilities. The proposed zoning classifications and associated mixed-use Westwood Neighborhood has been designed to be compatible with the surrounding properties in terms of use, scale, and density and is consistent with the Town of Amherst Bicentennial Comprehensive Plan (for further details, please refer to Exhibit “F” of this Application). The Westwood Neighborhood has been designed without vehicular roadway connections to Frankhauser Road and North Forest Road in order to limit direct traffic impacts from the Project Site to nearby residential neighborhoods. Connections to the roadway network surrounding the Project Site will be limited to Sheridan Drive and Maple Road. In addition, the Project Sponsor has included permanent greenspace buffers along the majority of the boundary of the Project Site to provide buffering and screening for adjacent residential property owners. The Project Sponsor will be implementing a stormwater management system designed to comply with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation (“NYSDEC”) and to provide for additional alleviation areas for the high stormwater flooding that periodically occurs in the adjacent neighborhoods and Par 3 Golf Course.

The Project Sponsor does not believe that the requested zoning classifications to accommodate the proposed mixed use redevelopment project will have negative impacts on surrounding properties. Instead, the Project Sponsor believes redevelopment of the Project Site will have positive impacts on surrounding properties by providing pedestrian access for the surrounding properties to a mixed use neighborhood that provides both recreational and

commercial amenities that will likely materially improve quality of life and property value in accordance with the Town of Amherst Bicentennial Comprehensive Plan.

**4. How will this rezoning impact the school system?**

The Project Sponsor retained the services of the Center for Governmental Research, Inc. (“CGR”) to perform a fiscal impact analysis of the proposed Westwood mixed use redevelopment project. The student growth calculations within the report, based on current United State Census Bureau data, anticipates an estimated total of 270 new school age children to the Williamsville Central School District (“WCSD”). The Project Sponsor has shared these findings with the WCSD Administration and they have confirmed that they do not anticipate a capacity concern with accommodating the forecasted increase in enrollment. In fact, given the proposed mix and diversity of housing in association with the proposed mixed use project, the Administration indicated they would likely expect a lower enrollment impact than anticipated by CGR based on their typical enrollment figures. Therefore, assuming the WCSD Administration is correct concerning overall enrollment increase anticipated with the Project, the positive economic impact to the WCSD may be understated within the CGR report. The WCSD will be an involved agency that will be provided with the opportunity to comment and participate in the coordinated environmental review of the proposed mixed use redevelopment project pursuant to the State Environmental Quality Review Act (“SEQRA”).

## EXHIBIT “F”

### Application Question #16- Basis For Findings

#### (Section 8-3-5 of the Town Zoning Code)

**A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.**

**1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the Plan that support the proposed zoning at this location.**

Starting in September of 2000, the Town began the process of preparing the Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”) as the official document that serves as a guide to the long-range physical development of the community.<sup>1</sup> The process utilized by the Town to prepare the Comprehensive Plan involved an extensive and lengthy planning effort led by Wallace Roberts & Todd, LLC, a reputable planning firm, that was retained by the Town Board to assist in the preparation of the Comprehensive Plan<sup>2</sup> and involved extensive input and participation by numerous stakeholders including the Comprehensive Plan Advisory Committee<sup>3</sup>, the Planning Board and the Town Board as well as the Town’s residents.

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<sup>1</sup> On September 18, 2000, the Town Board adopted a resolution by a unanimous vote for the purpose of creating a Comprehensive Plan Advisory Committee to prepare an official comprehensive plan for the Town of Amherst pursuant to Town Law §272-a.

<sup>2</sup> Wallace Roberts & Todd, LLC has won numerous awards for its work in connection with municipal planning projects.

<sup>3</sup> The Comprehensive Plan Advisory Committee was created by the Town Board pursuant to Town Law §272-a(4) for the purpose of creating a “special board” responsible for preparing a proposed Comprehensive Plan for consideration by the Town Board. The Comprehensive Advisory Plan Committee consisted of the seven (7) members of the Town’s Planning Board as well as twenty-one (21) individuals with a broad range of community perspectives. Public meetings and workshops were held by the Comprehensive Plan Advisory Committee including those held starting on December 5, 2000 and ending on November 14, 2002.

Pursuant to Town Law §272-a(6)(b), the Comprehensive Plan Advisory Committee held public hearings on its proposed Comprehensive Plan on September 24, 2002 and October 22, 2002. On November 14, 2002, more than two (2) years after being formed by the Town Board, the Comprehensive Plan Advisory Committee adopted a resolution recommending adoption of the draft Comprehensive Plan it had prepared by the Town Board.

The Town Board held public hearings on the draft Comprehensive Plan as recommended by the Comprehensive Plan Advisory Committee during its meetings on March 3, 2003, March 17, 2003 and April 7, 2003. On February 23, 2004, the Town Board voted to “accept” the Comprehensive Plan as the Town’s official comprehensive plan pursuant to Town Law §272-a.

Subsequently, on January 2, 2007, the Town Board voted unanimously to “adopt” the Comprehensive Plan pursuant to Town Law §272-a as the official comprehensive plan of the Town of Amherst. The decision of the Town Board to “adopt” the Comprehensive Plan was important since pursuant to Town Law §272-a(11), “All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section and shall take such plan into consideration.”

The adopted Comprehensive Plan is organized into a series of “Plan Elements” that cover community functions as follows:

- Land Use and Development;
- Natural and Cultural Resources;
- Economic Development;
- Transportation;
- Infrastructure;
- Housing and Neighborhoods; and

- Community Facilities

Each element describes a set of goals, objectives, and policies that are designed to achieve that aspect of the Comprehensive Plan Vision Statement.

In connection with the review of the Project Sponsor's request to amend the zoning classification of portions of the Project Site to accommodate the proposed Westwood Neighborhood, the Town will evaluate the proposed integrated mixed use project for consistency with the adopted Comprehensive Plan.

The Westwood Country Club ("WCC") was a long standing private golf course and country club prior to its closure at the end of 2014. However, due to shifting demographics and increased competition from both public and private golf courses in close proximity to the WCC, the club membership increasingly found itself in a financially challenged and difficult position. After more than a decade of financial challenges and failed attempts to reinvigorate the club's membership, the Board of Directors decided to avert insolvency and concluded it was necessary to solicit bids to sell the property and operations. Prior to considering the purchase of the golf course and country club, Mensch Capital Partners LLC ("Project Sponsor") carefully evaluated both the physical attributes and development potential of the approximately 170 acre site ("Project Site"). This analysis indicated the Project Site offered exceptional size, location, infrastructure access, and environmental features that would position the property very well for mixed use redevelopment. While the physical characteristics of the Project Site proved ideal for redevelopment, the Project Sponsor recognized that the long term planning objectives and development goals of the community were also a significant consideration beyond the physical attributes of the property.

The Project Sponsor recognized the WCC as a site that was economically distressed given

its function as a golf course and social club but also realized the incredible locational and infrastructure attributes the site offers. Therefore, the Project Sponsor carefully considered redevelopment options that would take advantage of the physical characteristics of the site while respecting existing environmental features. Early in the redevelopment planning process and prior to purchase, it was clear that the Project Site provided an exceptional opportunity for infill redevelopment of underutilized and obsolescent land within the Town of Amherst.

Recognizing the significance of redeveloping a Project Site of this nature and size within the Town, prior to purchasing the site the Project Sponsor carefully evaluated the Comprehensive Plan to understand the long term desires of the community as it relates to future land development and project planning. Fortunately, the Comprehensive Plan provides a very clear and thorough description of new land development strategies that prioritize “infill” development opportunities utilizing a mixed use development platform that is integrated into the surrounding community. In fact, a Key Initiative of the Comprehensive Plan as identified in Section 2.3 is to focus on revitalization efforts by “rezoning and/or providing incentives for reuse of underutilized/obsolescent land for economically viable uses.”<sup>4</sup> This Key Initiative of the Comprehensive Plan speaks directly in support of a mixed use infill project such as the Westwood Neighborhood.

It is important to recognize that the proposed Westwood Neighborhood represents an opportunity to realize high quality, carefully balanced and economically viable infill development within the Town. The Comprehensive Plan defines Infill Development as “development of vacant

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<sup>4</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 2-6).



or underutilized properties within a predominantly built-up neighborhood or commercial area.”<sup>5</sup>

It is clear the Project Site exactly meets the defined criteria of infill development as per the Comprehensive Plan. The Project Site is centered within the core of a developed neighborhood that includes a concentration of single family housing (i.e. Fairways Boulevard, Sandhurst Lane, Brookedge Drive, Morgan Parkway, Fenwick Road, etc.), public and private recreational spaces (nearly 700 acres of open space and parkland within a 1 mile proximity including the Audubon Golf courses, Park Country Club, Amherst State Park, State University of New York at Buffalo North Campus (“UB North Campus”) and the Northtown Center at Amherst), UB North Campus as a major regional educational and employment center and direct access to both major regional vehicular transportation networks (including the I-290 and the I-990) and local transportation networks [including Maple Road (County Road 192) and Sheridan Drive (State Route 324)]. In addition, the Project Site has direct access to primary public infrastructure including sanitary sewers, potable water supply, and the Ellicott Creek corridor as a stormwater conveyance channel. The Westwood Neighborhood presents the community with an opportunity to utilize existing public and private investments to facilitate new and significant sources of tax revenue that is complimentary to the existing development in the surrounding vicinity in a manner that is directly aligned with the objectives, goals, and initiatives of the Comprehensive Plan.

Prior to acquiring the Project Site, the Project Sponsor carefully reviewed the Comprehensive Plan in an effort to establish the preferred redevelopment strategy for the Project Site. While the Comprehensive Plan generally provides a broad analysis of the community and

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<sup>5</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page A-7)

specific implementation strategies for multiple planning principles established to guide future development in the Town, the following is a careful examination of the Comprehensive Plan and identification of the Sections that are directly applicable to the Project and its consistency with the Comprehensive Plan. The outline below has been organized to follow the order and structure of the table of contents of the Comprehensive Plan:

**I. Comprehensive Plan Summary:**

**A. Vision Statement:**

The Vision Statement for the Town defines community values and aspirations and provides the benchmarks to measure progress in implementing the Comprehensive Plan vis-a-vis three (3) fundamental attributes as discussed below that are intended to sustain the exceptional quality of life for local residents in the Town of Amherst.<sup>6</sup>

- ***Livability*** is identified as one such fundamental attribute. The Comprehensive Plan identifies a range of lifestyle options within pedestrian friendly mixed use development patterns as a critical component of providing a livable neighborhood. The Westwood Neighborhood responds to this desire by providing a mixed use development with a traditional neighborhood center featuring a mixture of single family, rental, condominium and senior housing options.

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<sup>6</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 2-3).

- **Community Character** is identified as a fundamental attribute defined by the protection of open space and natural scenic resources, respect for history and heritage and support of visual character through enhanced landscaping measures and the protection of woodlands. The proposed mixed use project proposal responds to this principle through expanding recreational options for local residents, preserving and enhancing approximately 83.3 acres of the Project Site as permanent open space areas. The Project will facilitate the conversion of existing private open space resources into fully accessible open space areas that are available for recreation, public gathering, and socialization.
- **Shared Direction** is identified as a fundamental attribute and includes intergovernmental cooperation, diversified economies providing a strong tax base, and coordination with the State University of New York at Buffalo (“UB”) and other educational institutions. The Project proposal respects this goal by providing a mixed use development that includes a diversified commercial component including neighborhood business and office, medical and professional office parks, and senior care facilities; supporting a diversified economic platform that strengthens and reinforces the local tax base.

## **II. Plan Elements:**

The Comprehensive Plan includes specific policies, strategies, and actions that can be undertaken with respect to the different elements of land development and community planning that will ultimately work to implement the overall Vision Statement of the Comprehensive Plan. The following is an assessment of the Comprehensive Plan elements as identified and the means by which the Westwood Neighborhood has been designed to realize the Vision Statement as it relates to the individual elements.

### **A. Land Use and Development:**

According to the Comprehensive Plan, the Land Use and Development Element is designed to guide new development, redevelopment, and preservation activities within the Town to achieve:

- Revitalized older neighborhoods and commercial corridors.
- Quality new development.
- A network of parks, open spaces, and greenways throughout the community.<sup>7</sup>

As indicated above, the Comprehensive Plan identifies the revitalization of older neighborhoods through quality new development that includes a network of parks, open spaces, and greenways as a primary focus of land use within the community. According to the Comprehensive Plan, policies should be adopted which support compact, pedestrian-friendly development forms focused on mixed use. The Comprehensive Plan places a priority on redevelopment and reinvestment as opposed to greenfield development. The Westwood Neighborhood directly addresses these objectives by providing a compact, pedestrian-friendly mixed use development positioned directly adjacent to older single family residential developments within the community. In addition, the Project represents an infill development opportunity that takes advantage of existing public and private investments as opposed to a greenfield development approach that requires the extension of physical infrastructure and districts to accommodate new development. The infill approach to land development ensures the most efficient and effective utilization of tax dollars by realizing full utilization of existing infrastructure investments.

**B. Natural and Cultural Resources:**

The Comprehensive Plan recognizes the preservation and enhancement of the Town’s rich natural and cultural resources for the future as a critical concern within the community. The creation and preservation of open space areas that establish a town-wide system of greenways is

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<sup>7</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page ii).

identified as a goal of the Comprehensive Plan. The Project Sponsor has designed the Westwood Neighborhood in consideration of this goal through incorporating open space areas, preserving existing environmental features and sustaining historical elements. The Westwood Project will include the preservation and permanent protection of approximately 83.3 acres of open space area, encompassing 48.7% of the Project Site. In addition, the design of the integrated mixed use project reflects the effort made by the Project Sponsor and its consultants to carefully maintain existing areas of significant woodland and tree growth. The Ellicott Creek corridor, a jurisdictional federal wetland that includes an associated floodway, will remain entirely undisturbed and be complimented by the inclusion of a directly adjacent approximately 45-acre park area (“Westwood Park”) including an approximately 6.2-acre lake that will be utilized for detention purposes as part of the stormwater management system for the Project.

**C. Economic Development:**

According to the Comprehensive Plan, the Economic Development Element sets forth policies to promote sustainable, quality economic development and redevelopment that respects the character and quality of life of Amherst’s residential communities as follows:

- Promoting a healthy tax and employment base.
- Increasing economic development partnerships with governmental agencies and private businesses and institutions, particularly UB.
- Preventing adverse commercial development impacts on community character and quality of life.
- Working to promote regional economic development.<sup>8</sup>

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<sup>8</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page iii).

Consistent with the above, the Comprehensive Plan sets forth policies to promote sustainable, quality economic development and redevelopment that respects the character and quality of life of the Town's residential communities. The policies focus on promoting a healthy tax and employment base, increasing economic development partnership with governmental agencies, preventing adverse commercial development impacts on community character and quality of life, and promoting regional economic development. The Westwood Neighborhood will advance these defined economic development goals by contributing to the Town's existing healthy tax and employment base.

The Project Sponsor utilized the services of the Center for Governmental Research Inc. ("CGR"), a local government management and fiscal planning consulting firm, to perform a Fiscal Impact Analysis of the proposed Westwood Neighborhood. Based on a ten year projection of full-build out revenues, their findings concluded that the Project is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services. The ten year projection additionally anticipates approximately \$15 million in increased sales tax revenue and \$10 million in additional State of New York income tax revenue. In terms of job creation, the report estimates that 2,200 temporary construction jobs and 300 permanent jobs will be created as a result of the full build-out of the Westwood Neighborhood. As demonstrated by the projections contained in the report prepared by CGR, the Project will clearly help to sustain a healthy tax and employment base while protecting the quality of life and character of the surrounding residences.

**D. Transportation:**

According to the Comprehensive Plan, the Transportation Element is intended to

encourage a more balanced, multi-modal transportation system that emphasizes alternative means of travel, including walking, biking, and public transportation. Specific policies address the following:

- Targeted capital and operational improvements to the road network to increase mobility and address severe congestion problems.
- Investments in creating a town-wide bicycle/pedestrian network comprised of on-street and off-street facilities.
- Improved transit service linked to mixed use activity centers proposed in the Land Use and Development Element.<sup>9</sup>

The Comprehensive Plan recognizes a need to encourage a more balanced, multi-modal transportation system that emphasizes alternative means of travel, including walking, biking, and public transportation. There are targeted examples provided to accomplish this task such as capital and operational improvements to the road network to increase mobility and address congestion problems, the creation of town-wide bicycle and pedestrian networks, and the expansion of transit service into mixed use centers to provide ease of access for residents and shoppers to public transit options.

The Westwood Neighborhood directly accomplishes all of the transportation initiatives described above. The Project provides a new north-south public roadway connection extending from Sheridan Drive to Maple Road. This neighborhood design feature represents a major capital improvement to the Town's road network that will help to potentially alleviate congestion at intersections along adjacent north/south connectors in the immediate area. The proposed mixed use project also integrates a mix of multi-modal transit options including vehicular, pedestrian,

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<sup>9</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page iv).

bicycle and public transit. The neighborhood will include a complete sidewalk network extending throughout the mixed-use components in addition to a separate bike path and trail network that will terminate at existing sidewalks and paths adjacent to the Project Site. Additionally, the Project Sponsor has met with the Niagara Frontier Transportation Authority (“NFTA”) to discuss an extension of the Route #49-Millard Suburban public bus line into the Westwood Neighborhood to provide both residents and visitors with ease of access to and from the Project Site. The Project Sponsor will continue to coordinate with the NFTA throughout the project review process to maximize the likelihood of this public transportation option being realized at the time of the development of the mixed-use project.

**E. Infrastructure:**

According to the Comprehensive Plan, the Infrastructure Element is designed to ensure the Town is provided with well-maintained and cost-effective public water, sewer, stormwater, and other utility infrastructure systems that support other Comprehensive Plan elements. The specific Infrastructure Element policies are as follows:

- The policies for stormwater management call for the Town to develop a comprehensive program integrating measures to address flooding problems with standards and techniques to reduce water quality impacts from existing and new development.
- The sanitary sewer policies emphasize maintaining and upgrading infrastructure that serve existing development rather than extending new lines to currently undeveloped areas.<sup>10</sup>

As indicated above, the infrastructure policies focus primarily on issues related to stormwater management and sanitary sewer. Specifically, the Comprehensive Plan calls for the

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<sup>10</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page iv).



Town to address flooding problems by implementing standards and techniques to reduce water quality impacts from existing and new development. The sanitary sewer policy emphasizes maintaining and upgrading existing infrastructure to service development rather than extending new lines to currently undeveloped areas. The Westwood Project has specifically been designed to align with both policies relative to stormwater and sanitary sewer systems management.

The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”) to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan was specifically designed to work in unison with the existing site topography and includes the establishment of a primary stormwater detention lake in the center of the Project Site, as the existing topography is generally flat with a slight pitch towards the center of the site. The Stormwater Management Plan and analysis includes specific calculations and findings that indicate the mixed-use layout depicted on the Conceptual Master Plan will provide for sufficient storage of stormwater as per the stringent stormwater quantity standards of the New York State Department of Environmental Conservation (“NYSDEC”) and the Town of Amherst. The Stormwater Management Plan has been designed with consideration of Best Management Practices (“BMPs”). These provisions include integrating sediment control measures during construction, limiting impervious surfaces, incorporating open space into development plans as areas for stormwater permeation and run-off limitation, and including areas of bio-retention as a component of the stormwater management plan to efficiently cleanse and remove sediments prior to discharge from the Project Site. In addition, the layout for the mixed use project as depicted on the Conceptual Master Plan completely preserves the Ellicott Creek corridor and associated Floodway while also limiting development within the 100 Year

Floodplain.

The Project Sponsor also retained the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”) to perform a Preliminary Engineers Report that identifies the preferred routing and existing capacity within the sanitary sewer and potable water system adjacent to the Project Site and Wendel Companies (“Wendel”), a national multi-disciplined engineering and land surveying corporation, to develop a Downstream Sanitary Sewer Capacity Analysis (“DSCA”). The Preliminary Engineers Report identified that sufficient capacity exists within the surrounding public networks to service the Project and that major public capital improvements or system extensions will not be required. As an infill project, the Westwood Neighborhood has been designed to utilize existing infrastructure improvements; maximizing previous investments in the public network and avoiding costly system extensions and improvements to accommodate new development.

**F. Housing and Neighborhoods:**

The Comprehensive Plan directly supports the development of quality affordable housing that strengthens healthy and diverse neighborhoods for all of the Town’s residents. Policies for housing diversity are designed to encourage a variety of housing types, including higher density residential uses in locations such as mixed use developments. The Westwood Neighborhood directly responds to the Housing and Neighborhoods Element by providing a mix of housing types with higher density options surrounding the mixed use core of the Project Site. Throughout the proposed mixed use project, the layout provides for single-family detached (at a variety of lot sizes), townhouses, condominiums, apartments, and both assisted and independent living senior units at a mix of price levels and construction types.

## **G. Community Facilities and Services:**

According to the Comprehensive Plan, the Community Facilities and Services Element seeks to maintain the excellence and contributions of Amherst's community facilities and services to quality of life in a fiscally responsible manner. The specific Community Facilities and Services are as follows:

- Establishing an on-going system to objectively identify community facility and service needs for use in planning and programming by town providers.
- Identifying opportunities to locate community facilities to achieve Comprehensive Plan objectives, for example strengthening neighborhoods or reinforcing mixed use activity centers.
- Pursuing a variety of strategies to ensure that community facility and service costs are reconciled with the fiscal capability of the Town.<sup>11</sup>

As indicated above, maintaining the excellence of the Town's community facilities and services to quality of life in a fiscally responsible manner is identified as a critical goal of the Comprehensive Plan. Specifically, the Comprehensive Plan suggests that the community should identify opportunities to locate community facilities that will strengthen neighborhoods or reinforce mixed use development. Additionally, the Comprehensive Plan indicates that strategies should be adopted which ensure that community facility and service costs are reconciled with the fiscal capability of the Town. The Project Sponsor specifically pursued the Westwood Project Site because it is physically located to have a synergistic relationship with directly adjacent existing community service points. In terms of active recreational and open space, the Project Site borders the Audubon 3-hole golf course and the Audubon 18 hole golf course is located in close proximity

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<sup>11</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page v).

on the north side of Maple Road directly opposite the Project Site. In addition, the Northtown Center at Amherst is located within approximately one-half mile of the Project Site and provides multiple recreational amenities for the Town's residents such as ice hockey and skating, roller skating, community meeting rooms, health and fitness center, youth activity center as well as numerous outdoor athletic fields for baseball, softball, soccer and football. The Project Sponsor envisions these existing community facilities as major assets to the Westwood Neighborhood that will strengthen the integration of the mixed use project into the community and provide future residents of the Project with a diverse range of recreational opportunities within walkable distances of the Project Site.

Additionally, the Westwood Neighborhood will provide new recreationally based community facilities by way of open space integration and trail network development. The Project will include an approximately 45-acre publicly accessible park area that will include an approximately 6.2-acre lake that contiguous to the Ellicott Creek corridor. The Westwood Neighborhood will also provide for the installation of several miles of pedestrian and bike path trails connected to a network of approximately 83.3 acres of permanent open space area dispersed throughout the Project Site.

In combination with the development of new community facilities associated with the Project, the findings of the CGR Fiscal Impact Analysis report suggest that the Westwood Neighborhood will help contribute toward ensuring that community facilities and service costs are reconciled with the fiscal capability of the Town by providing substantial tax revenues beyond additional governmental service costs associated with the Project. Specifically, based on a ten year projection of full build-out revenues, the CGR findings concluded that the Westwood

Neighborhood is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services provided for the Project.

### **III. Analysis of Specific Sections of the Comprehensive Plan:**

The following sections of this narrative regarding the consistency of the proposed mixed use project with the adopted Comprehensive Plan evaluate specific sections of the Comprehensive Plan in the content of the proposed mixed use project as depicted on the Conceptual Master Plan.

#### **A. Land Use and Development (Section 3):**

- **Expand provisions and incentives for mixed use development in designated Activity Centers (Part 3.1):**

According to the Comprehensive Plan, an “Activity Center” is identified as an area that provides a focus for surrounding neighborhoods while promoting land use objectives such as compact, pedestrian-friendly development. By definition, such Activity Centers are higher in density and incorporate a wider range of uses than the lower density, predominantly residential areas surrounding them. The Conceptual Land Use Plan for the proposed mixed use project looks to integrate the development of mixed use Activity Centers in two contexts as follows: 1.) within established centers of community activity; and 2.) in appropriate locations where centers of community activity currently do not exist. Specifically, the Comprehensive Plan recommends locating such centers approximately one mile apart.<sup>12</sup>

The Project Site provides a unique and exciting opportunity to establish a mixed use

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<sup>12</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 3-32).

development at a location currently surrounded by predominantly residential areas that can provide a compact and pedestrian friendly traditional neighborhood center for existing and new residents. Furthermore, per the Conceptual Land Use Plan, the Project Site is ideally located more than 1 mile from any existing or planned Activity Center within the Town.

- **Encourage compact, pedestrian-friendly development through Planned Residential options, including but not limited to neo-traditional design (Part 3-2):**

The Comprehensive Plan recognizes that the predominant pattern of new residential development in the Town is one of automobile-oriented subdivisions that are typically isolated both from each other and other uses. Developments that provide compact, interconnected, pedestrian-friendly neighborhoods are identified as the preferred alternative to the typical isolated homogenous single-family subdivisions. The Comprehensive Plan suggested the creation of a separate zoning designation known as Traditional Neighborhood Development District (“TND”) that would facilitate developments which feature interconnected, pedestrian-oriented streets systems with a mixture of land uses that are coordinated with transit service. In response to this recommendation of the Comprehensive Plan and in an effort to facilitate new mixed use development within the community, the Town Board amended the Zoning Code by creating the Traditional Neighborhood Development District in May of 2006. The Westwood Neighborhood has been specifically designed in accordance with TND principles. The Project Sponsor is seeking to rezone a majority of the Project Site to TND to accommodate the proposed mixed use project. Therefore, the Project will further a specific goal of the Comprehensive Plan by facilitating mixed use development within the community that is integrated into a pedestrian friendly, interconnected and compact neighborhood model.

- **Employ design standards to enhance community appearance and sense of place (Part 3-5):**

Design standards are effective tools to guide and shape new development and revitalization initiatives and are important in addressing such issues as impacts on the visual character of public roadways and on adjacent residential areas. Specifically, the Comprehensive Plan calls for the consideration of design standards on a per project basis that address landscaping and lighting, screening of visually obtrusive elements, placement of buildings and parking areas, general building design, scale, access and connectivity, public safety and signage. The Project Sponsor recognized the consideration of design standards as an integral part of the planning process and carefully reviewed the Zoning Code to ensure the Westwood Neighborhood has been designed in conformance with the intent, objectives, and performance standards in the Zoning Code. Since the Project involves the development and rezoning of a site larger than 30 acres, the Project Sponsor will be required to meet the standards and design guidelines as identified Section 6-9 of the Zoning Code (titled “Planned Unit Development Process (“PUD”)). For a complete description of conformance with the PUD standards, please refer to the Planned Unit Development Process Assessment, attached as Exhibit “M” of this Rezoning Application. Additionally, for a complete description of the design standards that have been planned to guide the development of the Westwood Neighborhood, please refer to the Westwood Design Standards, attached as Exhibit “O” of this Rezoning Application.

- **Protect and retain the identity of special places through design guidelines (Part 3-7):**

Certain places within the Town have a special identity defined by factors such as historic character, geographic location, or presence of an important community resource such as a major

park, public or private buildings or open space or an educational campus. The Comprehensive Plan calls for the establishment of design guidelines that are sensitive to the context and needs of any surrounding special places that should be sustained or celebrated by adjacent development. In evaluating redevelopment options for the Project Site, the Project Sponsor recognized the Ellicott Creek corridor as a critical natural community resource in need of being protected and also celebrated as a visual amenity within the Project. Toward that end, the Westwood Design Standards provided at Exhibit “O” of this Rezoning Application establish the Ellicott Creek corridor as a preserved environmental feature of the Project and the Project Sponsor has prioritized the importance of the creek corridor by positioning a proposed approximately 45-acre park area adjacent to the creek. Most importantly, the Project Sponsor envisions the Westwood Neighborhood as an opportunity to create a new “special place” within the community, therefore the established design standards are intended to sustain the neighborhood intent and objectives for the benefit of generations to come.

- **Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses (Part 3-9):**

The Comprehensive Plan acknowledges that as the Town continues to mature and market conditions evolve, some developed properties may no longer be economically viable as a result of changing economic conditions. The Comprehensive Plan recognizes that existing public and semi-public land uses, such as schools, churches, golf courses and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends. The redevelopment of these areas is identified as requiring careful master planning that maintains the essential character of the site while accommodating significant changes in use and density. The Project Sponsor has engaged in a very



thorough review of the existing site and potential options for redevelopment given the financial insolvency of continuing operation of the Project Site as a golf course and country club. The Comprehensive Plan identifies three (3) primary obsolete site revitalization techniques that are described as follows:

- **Reinvestment:** Existing buildings are updated or improved and continue to accommodate existing or similar land uses.
- **Adaptive reuse:** Existing buildings are retained but are converted or adapted for new uses. This approach has the potential benefit of retaining buildings with an established neighborhood presence or that are historic and valued assets within the neighborhood.
- **Partial to full redevelopment:** Existing buildings and land uses are either partially or fully replaced; this may also involve changes to the layout of the site. New uses may also be accommodated on the redeveloped site.<sup>13</sup>

In terms of the former 18 hole golf course, the Comprehensive Plan specifically acknowledges the following, “In addition to commercial and residential land uses, public and semi-public land uses, such as school, churches, *golf courses* and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends.”<sup>14</sup> The Westwood Country Club is a specific example of an existing private recreational facility that has failed to remain economically viable due to changing demographic, economic and social trends. Therefore, it is the intent of the Project Sponsor to utilize a Partial to Full Redevelopment strategy in revitalizing the existing Westwood Country Club golf course site. Toward that end, the Comprehensive Plan identifies specific principles by

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<sup>13</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 3-14).

<sup>14</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 3-15).

which redevelopment of a site should be evaluated:

- **New development should complement the surrounding neighborhood:**

The Westwood Neighborhood has been carefully designed to be appropriately scaled to match the character of the surrounding residential and community facility developments. Please refer to the Westwood Design Standards for a complete description, attached to this Application as Exhibit “O”.

- **New development should positively address design issues identified in Policy 3-5, as well as take into account the criteria recommended in Section 3 of the Plan:**

The Project Sponsor has developed specific neighborhood design standards to ensure the Project provides for quality, consistent and sustainable site development. In terms of place making, places for public gathering, social engagement, and recreational pursuits have been directly integrated into the site layout and were critical components of the Project planning process. Please refer to the Westwood Design Standards for a complete description of the neighborhood design approach and standards, attached to this Rezoning Application as Exhibit “O”. In terms of the Conceptual Land Use Plan, as depicted in Section 3 of the Comprehensive Plan, the Project Site is designated as Recreation, Open Space & Greenways. It is important to note that the Comprehensive Plan expressly indicates as follows: “The Conceptual Land Use Plan is neither a zoning map nor is it meant to show the existing or proposed use of individual parcels of land. It is not meant to dictate land use, nor is it meant to show any phasing or timing of development. The Comprehensive Plan is intended to communicate the overall direction and concept of future development.”<sup>15</sup> That being said, while the Project Site was historically operated as a golf course

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<sup>15</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 3-28).

and country club that provided for a recreational and open space resource within the community, it is important to note that the facility was private and only accessible to those limited number of members who paid a substantial sum to gain access to the site and its existing facilities. Furthermore, given the current state of the Project Site as a privately owned vacant and environmentally contaminated brownfield site, there is no opportunity for the property in its current condition to be utilized as a recreational and open space resource within the community. In contrast, the proposed Westwood Neighborhood will provide free access to the Project Site for the general public and residents to enjoy the amenities to be provided in connection with the integrated mixed use project.

Furthermore, in terms of open space vistas, the Project Site is not visible from Maple Road and is additionally screened by a substantial berm along Sheridan Drive, which reduces the value of the Project Site to the community as an open space resource. The Project Sponsor is proposing a Partial to Full Redevelopment revitalization strategy that will provide for substantial new tax revenue and the creation of several publicly accessible open space and recreational areas. The Westwood Neighborhood includes an approximately 45- acre park featuring an approximately 6.2- acre lake, public event and gathering space contiguous to the lake, a neighborhood center, and an integrated and well-planned network of pedestrian and bike trails throughout the Project Site. All these open space areas are intended to be interconnected by the trail system and integrated into the surrounding community. This development approach will ensure the long-term use of the Project Site will include the permanent preservation of a substantial portion of the Project Site as an open space and recreational resource in a manner that is consistent with the Conceptual Land Use Plan designation.

- **New development should support adopted redevelopment and reinvestment policies and be consistent with relevant area plans or adopted regional plans:**

The Framework for Regional Growth (“Framework”) is a document prepared and supported by Erie and Niagara Counties. It is recognized as a blueprint to support the actions of county and regional agencies relating to the area’s physical development. It is also utilized to inform state and local governments, private developers, and non-profit organizations about the process and actions County government could undertake when making decisions affecting the region’s development. The Framework grew out of a formal agreement entered into by the counties in the Fall of 2002. The Framework is designed to help County and regional leaders make better policy and investment decisions, more effectively leverage limited resources, and provide more consistent direction and useful support to municipalities.<sup>16</sup>

The Framework divides the region into multiple categories classified as either Developed, Developing or Rural Areas. This approach is intended to provide the overall direction for the Framework, defining in broad terms where County policies encourage development and public investment, where development and public investment may be appropriate subject to careful evaluation, and where conservation strategies generally take precedence over plans for development and public investment. The Developed Area extends outward from the cities of Buffalo, Niagara Falls, and Lockport and includes contiguous blocks of urban and suburban development served with public sewer, water and transportation infrastructure. Please refer to Figure 1 on page 27 for a depiction of the Planning Policy Areas and their relationship to the physical setting of the region.

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<sup>16</sup> Framework for Regional Growth, Erie and Niagara Counties, New York, Final Report, October 2006 (page 4).

The Project Site is located within the Developed Area as per the Framework. In addition, the Framework generally identifies Regional Centers, Growth Corridors, and Rural Centers throughout the region. These places are considered sub areas that are most favored for future development and public investment. For these areas, county planning and growth management strategies are designed to promote appropriate reinvestment, redevelopment, conservation, adaptive reuse, and infill development.<sup>17</sup> The Project Site is located at the convergence of the Millersport Road (NYS Route 263) Growth Corridor, UB North Area Regional Center, and ECC North Area Regional Center. The Framework acknowledges that these regional center areas are recognized for their existing and potential economic vitality, diverse mix of land uses, concentrations of public facilities and services, and potential as locations for higher intensity, mixed use development and enhanced public transportation service. Please refer to Figure 2 on page 28 for a depiction of the Framework Centers & Corridors and their relationship to the physical setting of the region. Given the location of the Westwood neighborhood site within the Developed Area and strategic proximity to major Regional Centers and Growth Corridors, it is clear that as per the Framework, the Project Site is considered most favored for future development and public investment.

- **New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided within the project or programmed through public sources:**

The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”) to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan was specifically designed

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<sup>17</sup> Framework for Regional Growth, Erie and Niagara Counties, New York, Final Report, October 2006 (page 35).

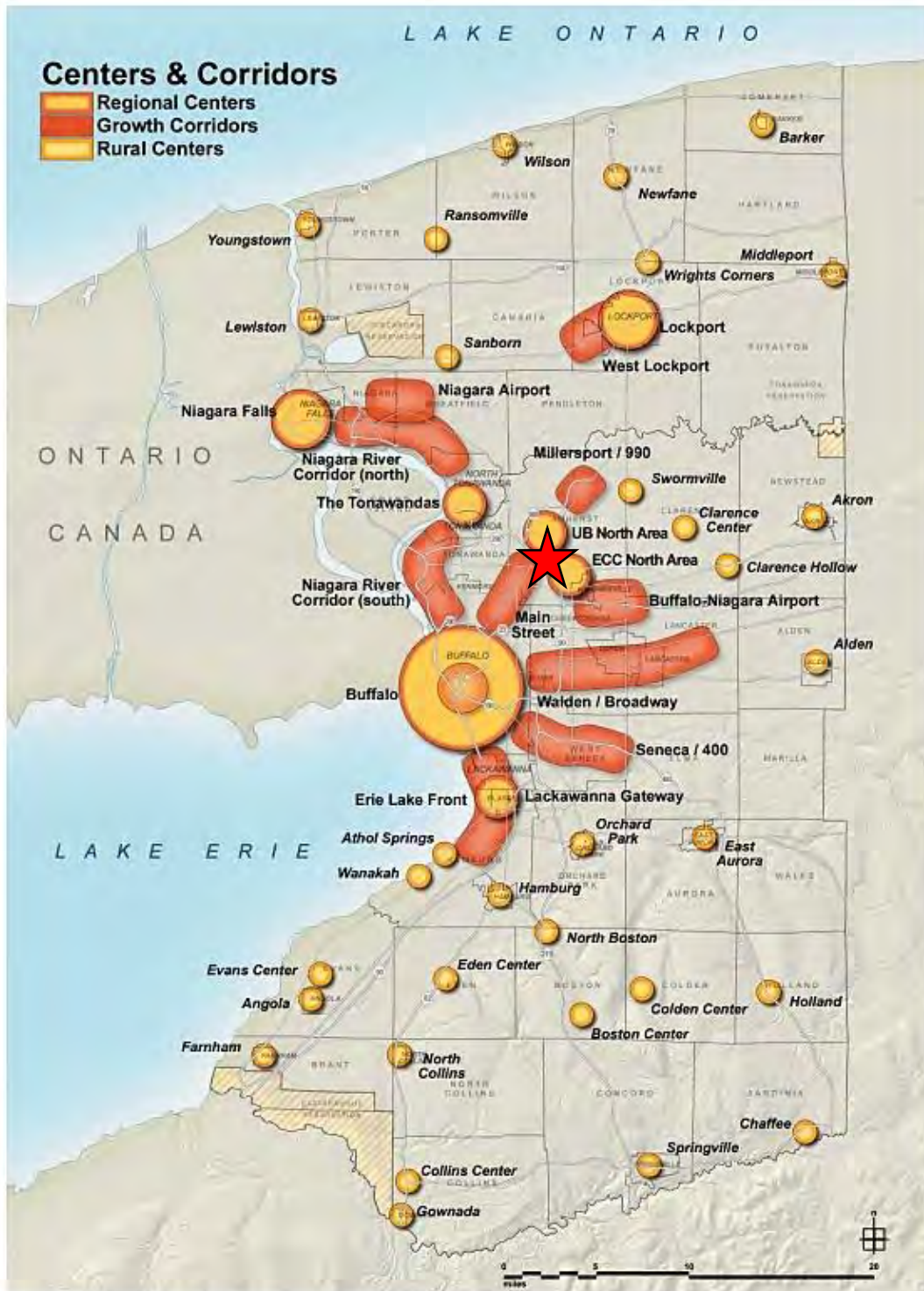
to work in unison with the existing site topography and includes the establishment of a primary stormwater detention lake in the center of the site, as the topography is generally flat with a slight pitch towards the center of the Project Site. The Stormwater Management Plan and analysis includes specific calculations and findings that suggest the current plan will provide for sufficient storage of stormwater as per the regulatory requirements of the New York State Department of Environmental Conservation (“NYSDEC”) and the Town of Amherst.

**FIGURE 1-**  
Framework for Regional Growth, Erie and Niagara Counties  
 Planning Policy Areas



★ -Westwood Project Site

**FIGURE 2-**  
Framework for Regional Growth, Erie and Niagara Counties  
 Centers & Corridors



**★ -Westwood Project Site**



The Project Sponsor utilized the services of Wendel Companies (“Wendel”), a national multi-disciplined engineering and land surveying corporation, to develop a Downstream Sanitary Sewer Capacity Analysis (“DSCA”) that identifies the preferred routing and existing capacity within the sanitary sewer system adjacent to the site. The DSCA was supplemented by the services of TECSmith, Inc., a local water and wastewater monitoring company, to install flow monitoring equipment at specified sanitary sewer manhole locations. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient downstream sanitary sewer capacity to service the projected sanitary flows for the mixed use neighborhood. However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.

It is important to note that this condition is not a unique or new concern within the existing Town of Amherst sanitary sewer system. The temporary system surcharging that occurs during storm events is a long standing condition that is subject to a number of management and remediation strategies that have been developed with coordination between the Town of Amherst Engineering Department, New York State Department of Environmental Conservation (“NYSDEC”) and Environmental Protection Agency (“EPA”). There exists multiple mitigation options that could be employed by the Project Sponsor in coordination with the Town of Amherst Engineering Department including Inflow & Infiltration (“I&I”) Flow offset practices, site specific remedial actions which include the potential construction of a sanitary retention facility or oversized sanitary sewer overflow relief sewer, and targeted sanitary system improvements designed to address or correct existing areas of known or chronic sanitary overflow events. Please refer to Section 6.12.1 of the Draft Generic Environmental Impact

Statement for the proposed Westwood Neighborhood for a complete description of all potential sanitary system overflow mitigation options.

- **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 Westwood Neighborhood has been very carefully designed to ensure a safe and efficient connection to surrounding major road networks. In addition, the internal development and site circulation plan has also been carefully engineered to provide a safe and effective means for vehicular, bicycle, and pedestrian circulation. The Project Sponsor utilized the services of Wendel Companies (“Wendel”), a national multi-disciplined engineering and land surveying corporation, as well as Goody Clancy, a nationally recognized planning and architectural firm, to develop the site plan and circulation network for the Westwood Neighborhood. For a complete description of the development circulation strategy, please refer to Section VI. Circulation of the Westwood Design Standards (attached to this Rezoning Application as Exhibit “O”).

- **Target capital investments to improve the aesthetic character of key locations within the Town (Part 3-11):**

The Land Use and Development policies describe a range of regulatory and incentive-based approaches to achieve the Comprehensive Plan objectives such as promoting mixed use, considering aesthetic quality, and prioritizing revitalization. Strategic investment in physical improvements to public landscapes can also contribute to achieving these objectives. As part of the “Greening Amherst” initiative, the Town should initiate a phase program of visual improvement in highly visible locations, including:

- **Major corridors:** The primary State and County roadways that are connected to broader regional transportation corridors provide direct linkages throughout the community that set

the tone for the generalized physical appearance and development standards throughout the Town. The Comprehensive Plan recommends that the Town work with State and County jurisdictions to establish context sensitive design standards that address elements such as street tree planting and other landscaping, lighting, and pedestrian amenities. The Westwood neighborhood provides an opportunity to develop a signature site along two major corridors, those being Maple Road (County Road 192) and Sheridan Drive (State Route 324). The Project will create defining entry ways along both corridors that are well landscaped, inviting, and accommodating for pedestrian users.

- **Landmarks:** The Project Sponsor recognizes the historical sensitivity and unique architectural styling that the existing Westwood Clubhouse offers to the community, however it is important to note that as currently positioned within the ownership of a privately managed social club, the Clubhouse is not fully realized as a general community asset both in terms of its basic utilization and historic value.
- **Public facilities and spaces:** Great public spaces are critical to civic life and the visual identity of the community. The Comprehensive Plan recognizes the need to sustain existing public spaces through careful maintenance but also the desire to develop additional public spaces that are strategically placed throughout the community. The Westwood neighborhood provides an opportunity to realize a significant public recreational space within the Town that is integrated into the surrounding community and pedestrian networks. The proposed Westwood Park will provide a new approximately 45-acre recreational amenity within the Town adjacent to the natural setting of the Ellicott Creek corridor and includes a proposed approximately 6.2-acre stormwater detention lake.

The Comprehensive Plan recognizes that the key initiatives related to the Aesthetic/Community Character and Revitalization goals cannot be fully realized by relying on public investment only. Both public and private sources of funding are acknowledged as necessary to fully pursue the necessary improvements as identified within the community character and revitalization initiatives. The Westwood neighborhood provides an opportunity to make significant advances in both goals on the basis of private investment.

- **Designate a Town-wide open space and greenway network to be achieved through a variety of mechanisms (Part 3-13):**

The Comprehensive Plan recommends that the Town work towards establishing an interconnected open space network within Amherst that integrates public parks, open spaces, and environmentally sensitive resources. The Comprehensive Plan also indicates that already protected open space should be augmented by additional properties protected through a variety of mechanisms. The Comprehensive Plan offers a number of techniques to protect privately owned land that should be considered within the expansion of the open space system, including the following:

- **Regulatory approaches:** Conservation Development is identified as one regulatory technique to help preserve open space. Specifically, establishing requirements for easements or dedications when new developments abut greenway corridors identified on the Open Space and Greenways Plan is one approach identified. In respect of the long-term plan relative to securing open space along the Ellicott Creek corridor within the Open Space and Greenway Plan, the Project Sponsor has specifically programmed a substantial open space area and park area along the creek corridor and adjacent to the Town's existing

parkland. Furthermore, the design of the Westwood Neighborhood includes other areas of significant open space throughout the Project Site and the Project Sponsor is prepared to record deed restrictions upon these open areas at the time of project approval and development.

- **Off-street greenways or recreational trail connections:** The Comprehensive Plan recommends placing path connections along stream corridors, rights-of-way and other available routes where they do not negatively impact existing residential subdivisions. The Westwood Neighborhood provides an opportunity to facilitate an entirely new trail network that is integrated throughout the approximately 170 acre Project Site. Furthermore, the trail system would be programmed to include a segment that is directly adjacent to the Ellicott Creek corridor, a significant natural resource that will provide the off-street greenway extensions that the Comprehensive Plan desires.
- **On-street sidewalk/bike lane connections:** The Town will benefit from the extension and creation of linkages between existing on-street sidewalk and bike lane connections throughout the community. The Comprehensive Plan calls for the consideration of facilitating extensions and connections where feasible in association with new development. The Westwood neighborhood will provide an opportunity to create a new north/south connection between the Sheridan Drive and Maple Road on-street sidewalk network. Please refer to Figure 3 on the following page for a depiction of the existing On-Street Bicycle / Pedestrian Network within the Town of Amherst and the connection the Project will provide. This connection will also facilitate a safe and efficient off-street option via the bike path trail throughout the Project Site for adjacent residents to access the

Maple Road sidewalk network and connect to the broader Ellicott Creek Trailway Bike Path.

- **Encourage Conservation Development with incentives for the dedication of open space in private developments (Part 3-14):**

Endorsed by environmental interests and development organizations, conservation development is a “win-win” alternative to conventional subdivisions that both accommodates development and preserves valuable open space. The Comprehensive Plan currently identifies the existing WCC site as a “private recreation area” and speaks to encouraging opportunities which provide for the expansion of publicly accessible open spaces and recreational trail connections. The Project Sponsor has intentionally designed the Westwood Neighborhood in accordance with the principles of Conservation Development to provide major open space opportunities that will be available to the public for recreational purposes. In addition, the Project provides an opportunity to both connect and expand existing trail networks within the Town. The Project design directly accommodates the open space preservation intent of the Comprehensive Plan by

**FIGURE 3-**  
**Town of Amherst Bicentennial Comprehensive Plan**  
**On-Street Bicycle/Pedestrian Network**



converting an existing private recreational resource to a mixed use project that will serve as a publicly accessible recreational resource with large areas of open space that will be subject to either permanent conservation easements and/or deed restrictions. The Comprehensive Plan suggests the establishment of standards for the use, ownership, and maintenance of dedicated open space areas. The Comprehensive Plan offers a number of options to provide this permanent stewardship of the open space including ownership on the part of a private homeowners association, private land trust, or actual dedication of the land to the Town of Amherst as public parkland. While the Project Sponsor currently envisions the formation of homeowners associations with conservation easements and deed restrictions as the vehicle for permanently protecting the open space within the Westwood neighborhood, the Project Sponsor is open to discussion concerning the preferred route of the community regarding the permanent protection of open space areas.

- **Conceptual Land Use Plan (Section 3.3):**

Section 3.3 of the Comprehensive Plan is titled “Conceptual Land Use Plan” and describes in detail the various components and intent of the Conceptual Land Use Plan. Within this section, a Neighborhood Center is defined as the smallest scale center, providing convenience shopping for the day-to-day needs of residents in the immediate neighborhood. The Comprehensive Plan suggests developing Neighborhood Centers at the intersections of neighborhood collector streets with arterial streets. These centers should promote good pedestrian and bicycle access to the neighborhood they serve and minimize traffic impacts on local streets. Where possible, these centers should be located in conjunction with neighborhood-scale civic uses, parks, and public spaces. The Comprehensive Plan suggests placing these centers approximately one mile apart.



The Project incorporates all of these design principles including limited traffic impacts to local streets, incorporating public and civic uses and locating near arterial streets. Additionally, as per the objectives of the Comprehensive Plan, the Project Site is located more than one mile from any existing Neighborhood Center in the Town.

**B. Natural and Cultural Resources (Section 4.0):**

According to the Comprehensive Plan, the Town's rich environmental and cultural resources contribute greatly to the Town's quality of life and community character. The Comprehensive Plan recognizes that while a large portion of the Town is developed, there still exist many valuable sensitive lands and historic resources that have been preserved throughout the Town. Important resources identified in Section 4 of the Comprehensive Plan include surface waters, floodplains, wetlands, woodlands, soils, and historic and cultural resources. The Comprehensive Plan speaks to the importance of preserving natural, historical, and scenic resources throughout the Town. The Project Sponsor has carefully considered these resources and made efforts throughout the design process to ensure that the Westwood Neighborhood preserves and celebrates these existing features within the Project Site.

- **Establish buffer/setback standards for new development to help protect streams of significance (Part 4-4):**

Riparian or streamside buffers comprised of native vegetation are one of the most effective methods of protecting water quality. Stream banks and associated natural buffer zones are extremely important to the health of the stream. The Comprehensive Plan suggests instituting policies to ensure these riparian buffers throughout the Town are permanently protected and incorporated into new development as natural scenic setback areas. Recognizing the importance

of streamside buffers and the unique physical attributes that are offered by the Ellicott Creek corridor within the Project Site, the Project Sponsor has designed the layout for the mixed use project intentionally to preserve the Ellicott Creek corridor. Furthermore, in an effort to provide a more substantial buffer to the existing Ellicott Creek riparian corridor, the Project Sponsor has programmed an approximately 45-acre publicly accessible park area directly contiguous to the creek corridor. This adjacent and permanently protected open space area will ensure the riparian corridor remain undisturbed and vegetated to support the health of Ellicott Creek, exactly as the Comprehensive Plan intends.

- **Support protection of designated wetlands and implement best management practices to maintain Town owned wetland areas. Work with regulatory agencies to encourage permitted wetland mitigation of an equal or higher level of function and quality to be located near impacted areas or within the Town (Part 4-5):**

Section 4.5 of the Comprehensive Plan indicates that wetlands provide numerous benefits, including flood mitigation, filtering of contaminants from stormwater runoff, provision of wildlife habitat and recreational opportunities. While applicable state and federal laws and regulations regulate the development or filling of jurisdictional wetland areas, the Comprehensive Plan suggests the implementation of local efforts to supplement these regulations and help prevent an overall net loss of wetlands within the Town. The Project Sponsor undertook a proactive approach in identifying and delineating potential wetland areas on the Project Site. The services of Earth Dimensions Inc. (“EDI”), a reputable environmental consulting firm, were utilized to perform a wetland inventory and prepare a wetland delineation of the Project Site. EDI’s findings indicated that the site contains 11 wetlands, including Ellicott Creek, totaling approximately 7.4 acres. The Wetland Delineation Report prepared by EDI was submitted to the New York State Department of Environmental Conservation (“NYSDEC”) and United States Army Corps of Engineers

(“USACE”) for their review. Both of these agencies have issued written determinations concurring with the findings contained in the Wetland Delineation Report. Specifically, with the exception of Ellicott Creek being considered a federal jurisdictional wetland per the Jurisdictional Determination issued by the USACE, none of the wetlands on the Project Site are subject to the jurisdiction of either the USACE or the NYSDEC. Although the Project Sponsor recognized Ellicott Creek as the only jurisdictional wetland and has completely avoided any disturbance to the creek corridor, ensuring no net loss of overall wetland areas to include non-jurisdictional wetlands was established as an important consideration in planning for the Westwood Neighborhood. Therefore, the Westwood Neighborhood has been designed to preserve approximately 44% (3.24+/- acres) of the 7.4 acres of non-jurisdictional wetlands on the Project Site. While development of the Project will result in filling or modification of the remaining approximately 4.17 acres of small non-jurisdictional wetland areas (approximately 2.5% of the overall Project Site), it is important to note that the Project will also result in the creation of approximately 6.7 acres of new open water wetland habitat in association with the lakes and ponds for the stormwater management system. This means the Westwood Neighborhood will result in a net benefit to wetland resources by preserving or creating a total of approximately 9.94 acres of on-site wetlands. This effort results in a 34% increase in the acreage of wetland resources currently located on the Project Site. Therefore, the Westwood Neighborhood not only meets the goal of the Comprehensive Plan by sustaining no net loss of existing wetland within the Town, the Project actually exceeds the goal by creating additional wetland resources within the Town.

- **Apply “best management practices” (BMP’s) to reduce water quality impacts of development (Part 4-7):**

Development typically results in an increase in impervious cover and removal of natural

vegetation. An increase in impervious cover creates more overland flow, causing water to be unable to infiltrate into the ground and be filtered of sediments and contaminants. Best Management Practices (“BMP’s”) consist of measures designed to minimize the impacts of stormwater runoff from land development on water quality. The Comprehensive Plan recommends implementing BMP’s when reviewing and permitting new development to ensure water quality impacts are minimized. The Project Sponsor has utilized a number of these techniques in programming and engineering the Westwood neighborhood. The following is a description of the techniques and strategies being employed in the Westwood neighborhood plan:

- **Preserve natural vegetation and institute clearing limits for new construction:**

Vegetation can be one of the most effective and cost effective methods of improving stormwater quality. Large cleared areas can result in much higher erosion and sedimentation rates and corresponding greater potential adverse impacts on water quality. The Project Sponsor has intentionally designed the Westwood Neighborhood to maintain substantial amounts of existing vegetation, land cover, and open space areas. Specifically, approximately 83.3 acres or 48.7% of the existing Project Site will remain largely undisturbed as permanent open space throughout the Project Site. In addition, the Project Sponsor has developed a construction phasing plan that will work to limit the amount of large scale clearing and will organize site work throughout an efficient scheduling process. Furthermore, the Project Sponsor will be required to implement BMP’s for soil erosion and sedimentation control throughout construction in conformance with a Storm Water Pollution Prevention Plan (“SWPPP”) to be prepared by a licensed engineer per the stringent standards of the NYSDEC.

- **Protect or restrict development on steep slopes:**

Steep slopes are generally defined as land with a slope angle of 20% or greater for a minimum of 30 feet horizontally. The protection of unstable or steep slopes will decrease the potential for erosion based sedimentation in stormwater runoff. Construction on steep slopes also requires special foundation and building considerations to ensure long term stability. In terms of mapping steep slopes, Erie County hosts a Geographic Information System (“GIS”) mapping site known as the Erie County Internet Mapping System that identifies all steep slopes within the Town ranging from 8% to 15+%. The map layer data is referenced from the Soil Survey of Erie County as well as from the United States Natural Resources Conservation Service. The Project Sponsor reviewed the GIS data and prepared topographical surveys of the Project Site to confirm the Westwood property does not contain any areas of steep slopes.

- **Detention/retention:**

Retaining stormwater onsite reduces downstream flooding and allows pollutants to filter out over time. Several methods can be utilized to accomplish this task including the creation of wet detention ponds and the establishment of wetland areas in conjunction with detention ponds that allow nutrients to be removed by vegetation, this approach helps to supplement conventional sediment controls. The creation of wetlands helps to retain stormwater and decrease water quality impacts. The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”), a local engineering design firm, to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan utilizes a network

of multiple smaller ponds throughout the Project Site that ultimately collect and slowly release stormwater flows and surface runoff to the primary approximately 6.2-acre stormwater detention lake at the center of the Westwood Neighborhood. This approach to fragmented stormwater collection and slow passage to primary detention areas helps to alleviate sediments and cleanse stormwater through multiple chamber distribution prior to final release. The Stormwater Management Plan includes an analysis of stormwater capacity within the preliminary system design and includes findings that indicate there is sufficient volume capacity for the anticipated storm events and typical surface runoff associated with the Westwood neighborhood development. In addition, the Project Sponsor intends to utilize bio-retention channels to collect and process surface runoff water collection prior to distribution to the detention ponds throughout the Project Site. This approach is recognized as a BMP as per the NYSDEC and will further help to cleanse surface runoff prior to final alleviation to the Ellicott Creek corridor.

- **Limit impervious cover:**

As previously stated, impervious cover (pavement and roofs) increase the rate and water quality impacts of stormwater runoff. Limiting the amount of impervious cover can reduce the amount of runoff coming from a site. The Project Sponsor has accomplished this recommendation of the Comprehensive Plan by sustaining a significant portion of the Project Site as pervious open space (approximately 83.3 acres or 48.7%), utilizing a high density/centralized land use approach within the core of the Neighborhood Center and providing for mixed use development that minimizes paved surface and maximizes utilization of paved areas through shared parking design standards.

- **Part 4-9- Reduce air quality emissions by pursuing Comprehensive Plan strategies such as compact, mixed use development patterns; tree planting; transit and other alternatives to automobile use, etc.:**

Air quality loss is related to several causes; the primary contributor to local air quality loss is automobile use. Automobile use is directly tied to local land use and transportation patterns. While social dependency on the automobile will continue to impact air quality for the foreseeable future, the Comprehensive Plan references a number of strategies that are available to help reduce the number of vehicles on the road and vehicle miles traveled. These strategies include developing a comprehensive bicycle and pedestrian network as well as working with the Niagara Frontier Transportation Authority (“NFTA”) to improve transit service and provide connections to Activity Centers. The Project Sponsor has specifically designed the Westwood Neighborhood to include a complete network for bicycle and pedestrian users that includes both on-street sidewalk and off-street trail options. Furthermore, this network has been designed so as to connect with the broader community sidewalk paths along Sheridan Drive, Maple Road and North Forest. Additionally, as it is the intent of the Project Sponsor to develop the Westwood Neighborhood as a mixed use project in accordance with the objectives of the Comprehensive Plan, preliminary discussions have been had with the NFTA regarding the extension of the existing Route #49-Millard Suburban public bus line into the Project Site. Finally, the Project Sponsor is pursuing the rezoning of the majority of the Project Site to Traditional Neighborhood Design Development (“TND”) in an effort to facilitate development of the Westwood Neighborhood as a compact, mixed use project. This development type reduces automobile dependency by providing opportunities to walk, bike or take public transit (or simply shortens automobile trips) to retail and service areas and possibly

to work.

In addition to land use development approaches that provide for effective public transit and vehicle trip reduction strategies, the planting and preservation of trees will help to avoid potentially significant air quality impacts. Trees and wooded areas not only enhance aesthetics and contribute to community character; they also reduce flooding impacts and soils erosion, improve air quality, reduce water and noise pollution, and provide shade and habitat. Consistent with the Comprehensive Plan Vision Statement, tree canopy and woodlands should be preserved where possible and tree plantings should be encouraged on public and private lands. As currently developed, the Westwood Project Site provides for the operation of a private 18 hole golf course and country club. This land use required the general clearing and complete tree removal across a majority of the Project Site to establish course fairways. The current operation also requires the constant maintenance of the existing fairways to ensure open, even landscapes that are entirely devoid of new tree growth. The Project Site does include limited areas of mature woodlands that have been preserved as natural features throughout the course. The Westwood Neighborhood has been designed so as to sustain the existing significant woodland areas and additionally incorporate them into the broader open space and trail network throughout the Project Site so they can be enjoyed as natural recreational amenities by future residents and visitors.

Furthermore, the Project Sponsor is proposing a Landscape and Berm Plan in association with the Westwood Neighborhood that will utilize High Impact screening standards as contained in the Zoning Code to establish a sufficient buffer to adjacent residents. The proposed berm plan will result in the planting of approximately 600 additional deciduous, coniferous and ornamental trees on the Project Site. In addition to the new trees to be planted in relation to the proposed berm



plan, the individual mixed use components of the Project will be subject to separate site plan review application and approval processes through the Town of Amherst. Section 7-2 of the Zoning Code (titled “Landscaping, Buffers and Screening”) includes specific measures and standards for the inclusion of landscaping and tree planting within project site plan review and approvals. The stringent landscaping standards provide for required tree planting within parking areas and landscaped islands, the preservation of existing trees and the establishment of buffer and screening areas that consist of trees, shrubs, and other plant materials as determined by the Planning Board or Planning Director. The Project Sponsor has carefully reviewed the Town’s landscaping and screening standards and incorporated the design requirements into the proposed Landscaping and Berm Plan for the Westwood Neighborhood. In addition, Section VII of the Westwood Design Standards Guide (titled “Landscape Strategy”) includes a complete description of the landscape approach and design strategy for the Project Site (please refer to the Westwood Design Standards Guide, attached to this Rezoning Application as Exhibit “O”). Ultimately, the Westwood Neighborhood offers an opportunity to provide for the planting of well over 1,000 new trees on the Project Site. This significant increase in trees at the Project Site will support the Comprehensive Plan goal of improving local air quality, providing for pleasant recreational experiences, and improving the aesthetic value of the community.

**C. Economic Development (Section 5):**

Section 5 of the Comprehensive Plan includes an analysis of historic employment trends within the Town of Amherst and opportunities for future economic growth and development within the community. The Comprehensive Plan identifies that in the past 20 years, Amherst has led the Western New York region in job creation and commercial development. The Town of Amherst

realized an increase of nearly 37,000 jobs in the past 20 years while the overall change in employment in Western New York during this period was about 47,000; meaning that Amherst alone accounted for over 75 percent of the region’s job growth during that time.<sup>18</sup> Projections of employment conducted for the Comprehensive Plan have shown that ultimately there is an anticipated 28,000 new jobs that will be realized within the Town of Amherst between 2000 and 2020. This data suggests that Amherst will clearly continue to play a significant regional role in sustaining existing employment and providing opportunities for new employment through new economic development and expansion.

The Comprehensive Plan Vision Statement defines the desired characteristics of future commercial development to include pedestrian-friendly, interconnected, mixed use development patterns, incorporating preservation of open space, balancing of economic growth interests and livability, and the revitalization of older neighborhoods and commercial corridors through new development.<sup>19</sup> The Westwood Neighborhood provides an opportunity to accomplish all of the initiatives of new economic development in the community as stated within the Vision Statement. The Westwood Project provides for the realization of new commercial and neighborhood service based economic development that is placed within the context of a broader mixed use community featuring fully integrated open space and recreational amenities adjacent to older neighborhoods.

- **Economic Development Goals, Objectives, and Policies (Section 5.2):**

The Comprehensive Plan states the Economic Development goal of the Town as realizing

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<sup>18</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 5-1).

<sup>19</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 5-2).

a strong tax base and ample economic opportunities for a diverse base of employers and employees, housed in attractive, state-of-the-art commercial development in convenient and accessible locations. Given the strategic regional setting of the Westwood Project site in terms of proximity to major vehicular and public transportation routes, the Project provides a convenient and very accessible location for commercial development. Furthermore, the Comprehensive Plan speaks to the development of diversified commercial bases which increase the convenience factor by locating multiple service providers that can have a synergistic relationship in growing and sustaining local business districts. The Westwood Neighborhood has been designed to provide for a wide range of commercial sector growth opportunities including neighborhood shops and business, medical office, professional office, hospitality, entertainment and healthcare service providers. The ability to satisfy such a wide range of business and service needs in the context of a connected, pedestrian friendly and accessible neighborhood is a unique opportunity that provides a strong localized market foundation.

Ultimately, the Comprehensive Plan proposes a set of policy guidelines that are intended to secure and aid in growing a strong local tax base. The Project Sponsor recognizes this consideration as a critical factor in project planning and new land development. In an effort to ensure the Westwood Neighborhood provided for an optimal balance of residential, commercial, and open space development within the Project Site, the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis (“Analysis”) of the Project. Specifically, based on a ten year projection of full build-out revenues, the CGR findings concluded that the Westwood Neighborhood is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27

million increase in the cost of government services provided for the Project. This means the Westwood Neighborhood represents an opportunity to satisfy the community's preferred vision of new commercial development that is tax revenue positive and works to support a strong local tax base.

**D. Transportation (Section 6.0):**

Section 6 of the Comprehensive Plan is titled "Transportation" and Section 6.1 states that as part of the comprehensive planning process the Town's transportation system has been evaluated with respect to vehicular, bicycle, and pedestrian circulation and public transportation. The Comprehensive Plan suggests the implementation of a more efficient and sustainable transportation system by addressing issues such as the need for more connections among neighborhoods (e.g. sidewalks, paths, roadways linkages, etc.) and the need for more bicycle and pedestrian routes.

- **Enhance transportation system capacities through operational improvements, including improved access management and a comprehensive signal-timing plan (Part 6-4):**

The Comprehensive Plan suggests that existing transportation networks and future development should be guided by access management strategies and land use practices that include limiting the number of driveways and intersections on major and minor arterial highways, constructing medians and other devices to control turning movements, and encouraging compact development patterns that feature shared curb cuts with internal connections and service drives.<sup>20</sup>

The Project Sponsor utilized the services of Wendel Companies ("Wendel"), a national multi-

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<sup>20</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 6-12).

disciplined engineering and land surveying corporation, and Goody Clancy, a nationally recognized planning and architectural firm, to develop the circulation network for the Westwood Neighborhood. The project design, as depicted on the Conceptual Master Plan for the mixed use project, incorporates all of the Comprehensive Plan's suggestions for access management including the utilization of medians throughout the primary north/south spine road, direct alignment of intersections in properly-spaced sections along the primary roadway, and compact development within the neighborhood center that benefits from shared curb cuts, shared parking, and shared service drives. For a complete description of the development circulation strategy, please refer to Section VI. Circulation of the Westwood Design Standards (attached to this Rezoning Application as Exhibit "O").

In addition, and in an effort to identify and evaluate the potential impacts associated with additional traffic created by the Project, the Project Sponsor utilized the services of SRF & Associates ("SRF"), a professional traffic engineering and transportation planning consultant firm, to prepare a comprehensive Traffic Impact Study ("TIS") for the Project. The TIS included a Level of Service ("LOS") Capacity Analysis of the adjacent intersections both prior to site development as well as the anticipated additional traffic associated with the Project. Capacity Analysis is the recognized standard used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the Capacity Analysis is referred to as an LOS. LOS is calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. The TIS analyzed fourteen (14) intersections in the study area within the general proximity of the Project Site. In total, the TIS proposes signal timing

alterations for several of the study intersections surrounding the Project Site that will improve LOS conditions. In association with the development of the Westwood neighborhood, the Project Sponsor is prepared to work with regulatory agencies and consultants to facilitate these improvements. Therefore, consideration of the Westwood Neighborhood and associated traffic mitigation measures identified by SRF Associates in the TIS directly accomplishes a goal of the Comprehensive Plan through implementing signalized intersection timing improvement strategies.

- **Accept a certain level of traffic congestion as a “given” and expand investments in alternative transportation modes and compact, mixed use development patterns (Part 6-6):**

Section 6.6 of the Comprehensive Plan acknowledges that given the Town’s established and growing function as a regional employment center, it is not realistic to expect that transportation policies in the Comprehensive Plan will prevent there from being congestion on all roadways in the Town at all times. However, Section 6-6 does expressly indicate that compact, mixed use development patterns should be encouraged since such developments can reduce automobile dependency and encourage walking.

The Westwood Neighborhood provides a unique opportunity to both better manage existing traffic congestion and expand investment in alternative transportation modes through compact, mixed use development patterns. The Project includes the construction of a new north/south public roadway between Sheridan Drive (State Road 324) and Maple Road (County Road 192) which may help to alleviate existing peak hour traffic congestion along adjacent north/south public roadways, most notably North Forest Road (County Road 294). Additionally, potential traffic impacts will be managed through utilizing a mixed use development pattern that takes advantage of multi-use and pass-by vehicular trips within the neighborhood. This

development strategy is specifically recommended by the Comprehensive Plan as a means to better manage traffic congestion issues while supporting a balanced transportation system.

- **Develop a comprehensive bicycle and pedestrian network, using a rating system to identify and prioritize improvements (Parts 6-7 & 6-8):**

The Comprehensive Plan suggests the implementation of an ongoing program to identify and prioritize improvements to achieve a town-wide bicycle network. According to the Comprehensive Plan, the network should include both on-street bicycle lanes and off-street trails. Furthermore, the Comprehensive Plan directly speaks to requiring future development to provide connections to the town-wide pedestrian/bicycle network. The Project Sponsor has responded to this transportation objective by incorporating both on-street sidewalk networks and off-street trails within the Conceptual Plan for the mixed use project. In an effort to facilitate pedestrian and bicycle linkages to the surrounding community, the Project Sponsor has also identified the connection points from the Project Site to existing sidewalk and trail connections along North Forest Road, Sheridan Drive and Maple Road. Both on-street and off-street path systems have been designed as critical components of the Westwood neighborhood that are fully integrated throughout the Project Site and into the surrounding community.

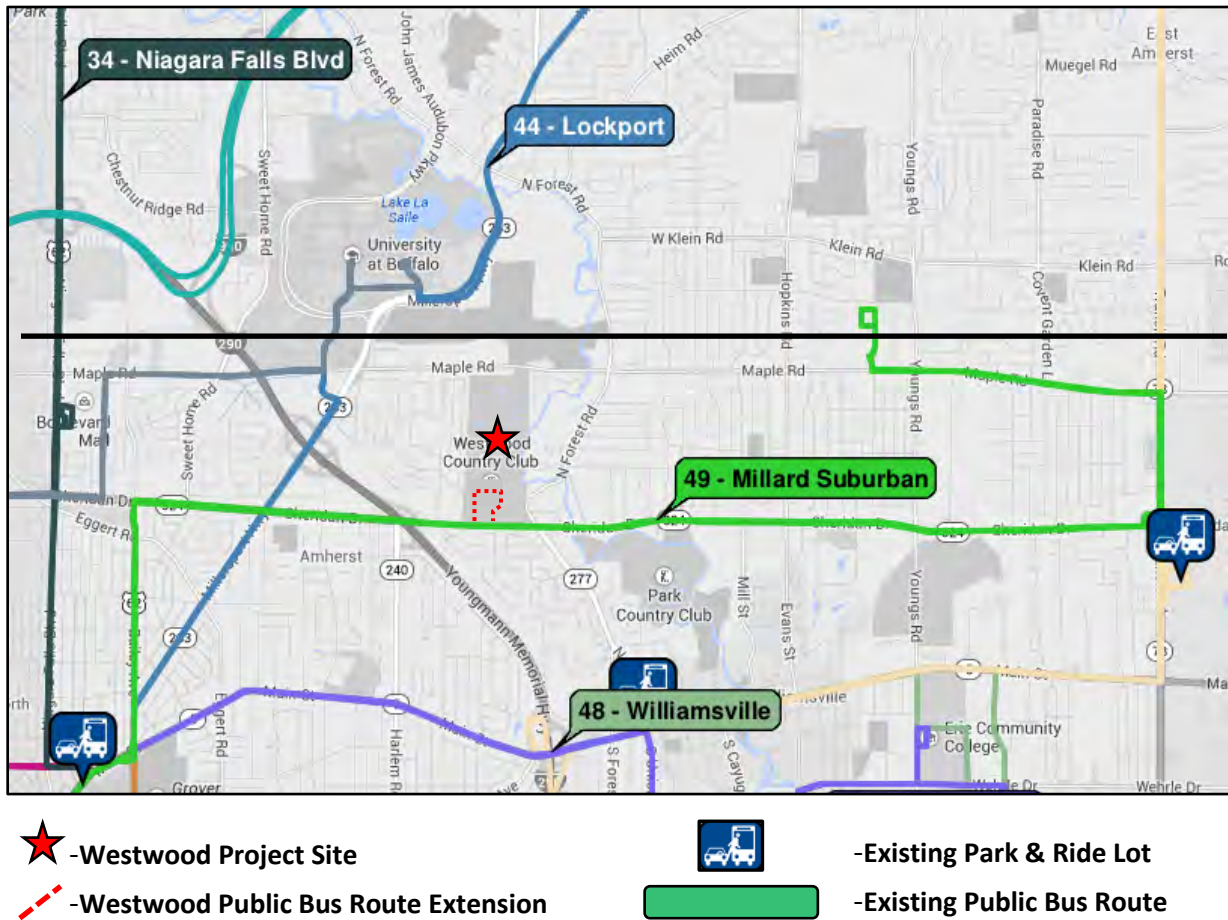
- **Work with NFTA to improve transit service and provide connections to Activity Centers (Part 6-9):**

Public transit is a vital component of the Town's transportation system, both to reduce the number of vehicles on the road and to serve segments of the population who do not have access to private automobiles. Currently, the number of Town residents who choose to ride on the Niagara Frontier Transportation Authority's ("NFTA") Metro Bus system is increasing as a result of creating routes that access industrial parks within the Town. In the future, establishing more

extensive and frequent service that connects to mixed use developments within the community will increase the benefits and utility of public transit service. The Comprehensive Plan suggests encouraging a variety of activities in mixed use neighborhood centers featuring compact residential development within walking distance that will create nodes for transit service. The Project Sponsor recognizes the value that a public transit component can bring to the Westwood Neighborhood both in terms of limiting vehicular trips and increasing market potential for the neighborhood shops and business that will occupy the center. In an effort to facilitate that connection, the Project Sponsor has engaged in preliminary discussions with the NFTA concerning the extension of the existing Route #49-Millard Suburban public bus line into the Project Site. Please refer to Figure 4 on the following page titled Niagara Frontier Transportation Authority System Map for a depiction of the existing route line and possible extension to service the Westwood Neighborhood. Given the mix of activities and potential service users within the Neighborhood Center including the general residents, senior living residents, businesses and shops, hotel, event space, and recreational park spaces, the Project Sponsor is confident that a well utilized and vibrant transit stop can be incorporated into the Project.



**FIGURE 4-**  
Niagara Frontier Transportation Authority System Map  
 Public Bus Route Lines



**E. Infrastructure (Section 7.0):**

- **Implement “low-impact development” standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development (Part 7-2):**

An alternative to conventional stormwater management that reduces development impacts on natural drainage systems is known as Low Impact Development (“LID”). The intent of this approach is to control stormwater runoff in a cost-effective and ecologically sound manner. It minimizes the disturbance to natural systems, reduces the coverage of impervious surfaces and

infiltrates stormwater on site with the goal of retaining pre-development hydrologic conditions. LID techniques include permeable pavement, bioretention areas (wetlands), and grass swales. Several street design strategies also can reduce the impact of development on stormwater flows. Center islands can be incorporated into cul-de-sacs and within right of ways to absorb stormwater runoff. Parking areas and driveways can be shared to limit total impervious surfaces. Setback standards for homes can be reduced to limit the extent and total surface area of onsite driveways. These strategies are all consistent with the pedestrian-oriented, compact development pattern that the Traditional Neighborhood Design Development (“TND”) zoning classification facilitates. The Project Sponsor specifically designed the Westwood neighborhood pursuant to the TND zoning classification for this reason and has incorporated every one of the LID strategies mentioned above into the site, program, circulation, and landscaping plans of the Westwood Neighborhood. For a complete description of these efforts and their incorporation into the neighborhood plan, please refer to the Westwood Design Standards (attached to this Rezoning Application as Exhibit “O”).

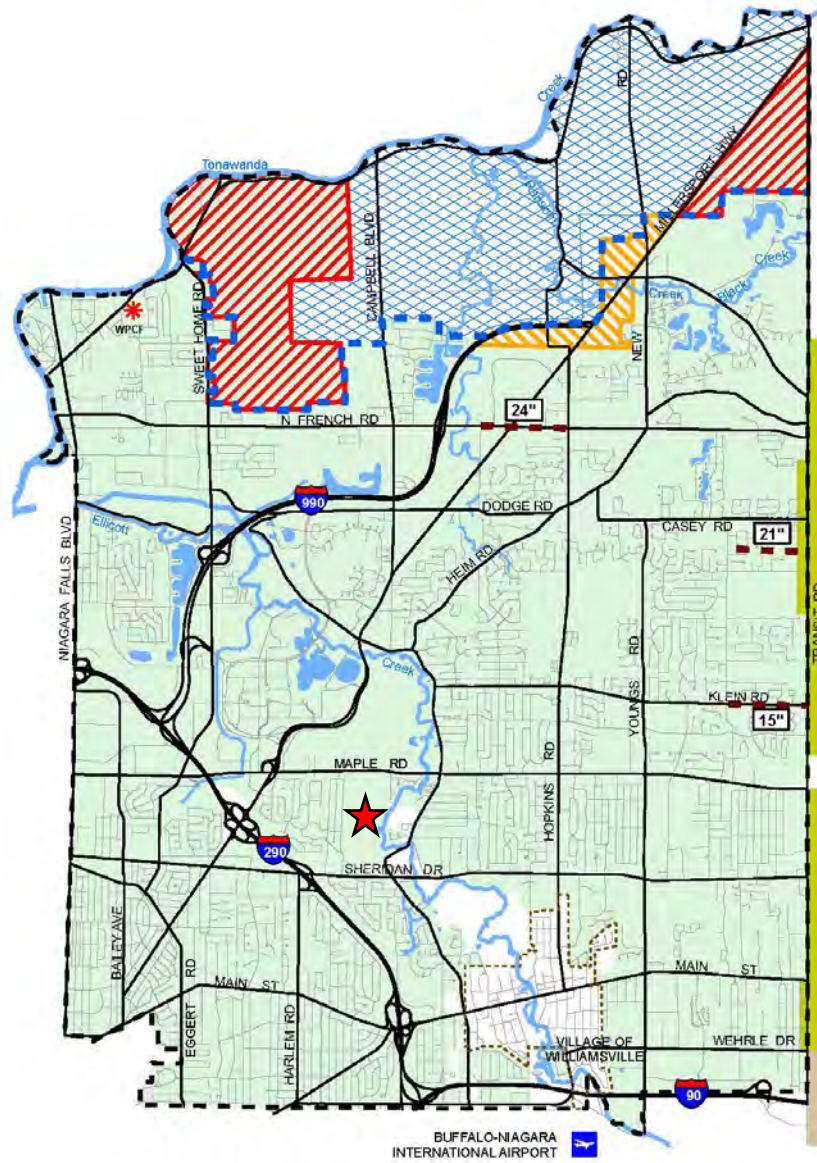
Conservation Development is another LID strategy. By maintaining substantial open space areas in natural cover, this approach maintains natural drainage patterns and reduces development impacts on stormwater runoff and water quality. In an effort to accommodate the Conservation Development design principle of the LID strategies and provide for substantial recreational opportunities at the Project Site, the Project Sponsor has designed the Westwood neighborhood to include approximately 83.3 acres of permanent open space which represents approximately 48.7% of the Project Site.

- **Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development (Part 7-3):**  
The Comprehensive Plan identifies that sanitary sewer capital programming should place

priority on updating existing components of the system in order to meet existing and projected demands. The lowest priority should be given to the extension of new lines to serve currently undeveloped areas. As an infill development project, sanitary sewer service to the Westwood Neighborhood can be provided with no public capital programming improvements or sanitary district expansions. The Project Sponsor utilized the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”), a local multi-disciplined engineering and land surveying corporation, to perform a Preliminary Engineers Report (“Engineer’s Report”) concerning the preferred infrastructure routing and service options for sanitary sewer and potable water service to the Project Site. In addition, the Project Sponsor also utilized the services of Wendel Companies, a national multi-disciplined engineering firm, to perform a Downstream Sanitary Sewer Capacity Analysis (“DSCA”). The findings of the Engineer’s Report and DSCA show that the Project Site is located within the Town of Amherst’s Consolidated Sanitary Sewer District and has access to existing public infrastructure with sufficient capacity to service the Project. Please refer to Figure 5 on the following page titled Future Sanitary Sewer Service, for a depiction of the Westwood Project Site relative to existing sanitary sewer service districts. Sanitary sewer flows from the Westwood neighborhood are planned to be collected by new gravity sewers installed along Westwood Parkway, the central north-south roadway (planning, design, and construction of the new sanitary sewer lines will be at the sole expense of the Project Sponsor). Flows will be conveyed northerly to a new forcemain sanitary sewer along Maple Road. Sewage flows will then be conveyed westerly along Maple Road to tie into the existing system at Amherst Manor Road, and ultimately to the Town of Amherst Wastewater Treatment Facility located on Tonawanda Creek Road. Ultimately, in terms of public infrastructure planning and funding, the Westwood Neighborhood

presents an opportunity to realize additional tax revenue from existing public improvements without public capital programming and construction costs to facilitate and fund development extensions. This type of infill development approach is exactly as recommended by the Comprehensive Plan.

**FIGURE 5-**  
**Town of Amherst Bicentennial Comprehensive Plan**  
**Future Sanitary Sewer Service**



FUTURE SANITARY SEWER SERVICE			
<b>LEGEND</b>		<b>SOURCE NOTES:</b>	
<b>Existing Sanitary Sewer Districts</b>	<b>Future Sanitary Sewer District</b>	<b>Planned Interceptor Improvements</b>	Original Source Data Provided by the Town of Amherst Engineering Department
Town of Amherst Consolidated Sanitary Sewer District (CSSD)	Add to Amherst CSSD	24" Interceptor / Diameter	Map Compiled by the Town of Amherst Planning Department
Erie County Sewer District No. 4	Delete from Amherst CSSD	Water Pollution Control Facility	Date: September 2015
Erie County Sewer District No. 5	No Expansion of Amherst CSSD	Municipal Boundary	0 0.25 0.5 0.75 1 1.25 Miles
No Sewer District	No Expansion of Amherst CSSD Limit of Future Sanitary Service	Village of Williamsville Boundary	
		Surface Water Body	

 **-Westwood Project Site**

**F. Housing and Neighborhoods (Section 8):**

Section 8 of the Comprehensive Plan is titled “Housing and Neighborhoods” and contains housing related goals, objectives and policies. The Town has a variety of neighborhoods and housing types reflecting the development of the Town through the 20<sup>th</sup> century. In recent decades, the predominant trend has been a conversion of open space and vacant lands into single-family homes, resulting in a more suburban setting throughout the Town compared to traditional neighborhoods within the community like Eggertsville, Snyder and Williamsville. The Comprehensive Plan takes into account the concern of largely suburban build out throughout the Town and suggests increasing availability of affordable housing to all socioeconomic groups, promoting a diverse housing stock with higher density focused around mixed use Activity Centers and implementing a coordinated program to conserve and revitalize the Town’s older neighborhoods as strategies for sustaining healthy and livable areas throughout the community.

- **Promote the development of a variety of housing types (Part 8-2):**

Approximately two-thirds of Town’s current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g. dormitories and assisted living). National and local demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters and students. Housing diversity enhances affordability and, if properly managed, can contribute to neighborhood stability and character. The Comprehensive Plan states the following, “The Town should encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouse,

condominiums, apartments, and housing as part of mixed use developments.”<sup>21</sup> The Westwood Neighborhood provides for every one of the housing types stated within the Comprehensive Plan in a mixed use setting and additionally offers a purpose built environment for both assisted care and independent living senior housing.

- **Encourage higher density residential uses in mixed use developments and other appropriate locations (Part 8-3):**

The following is a direct passage from the Comprehensive Plan regarding multi-family housing within the Town, “During the 1990s, approximately two-thirds of new housing constructed in Amherst consisted of multi-family housing, indicating a shift away from the historic pattern of predominantly single-family development. While this trend has generated concerns regarding the impacts of multi-family development on the single-family character of the Town, two major points should be noted. First, even if the current rate of multi-family development were to continue in the future, Amherst will remain a predominantly single-family community. In fact, current market conditions and the decreasing amount of available land make it unlikely that the current rate will continue. Second, if properly managed, higher density housing will contribute to achieving a number of Comprehensive Plan objectives. Examples include increasing housing diversity and affordability, decreasing automobile dependency, and reducing consumption of open space through more compact development patterns.”<sup>22</sup>

The Comprehensive Plan provides specific recommendations for the development of multi-family housing in the community including incorporating housing as part of mixed use centers

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<sup>21</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 8-4)

<sup>22</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 8-4)

(e.g. apartments above ground floor retail or offices), providing housing next to commercial centers, and developing mixed use areas that are designed to integrate single-family with other housing types. Providing housing in conjunction with commercial and retail centers will also decrease automobile dependency. Incorporation into mixed use developments will help maintain and reinforce the character of established neighborhoods. Specifically, the Comprehensive Plan states “In some areas, redevelopment of obsolete commercial and other properties for multi-family use could contribute to neighborhood revitalization.”<sup>23</sup> The Project Sponsor carefully reviewed this section of the Comprehensive Plan and has designed the Westwood Neighborhood to directly address and satisfy the objectives and intent of the multi-family housing integration within mixed use developments strategy.

- **Establish standards for multi-family housing to promote high quality design and neighborhood compatibility (Part 8-5):**

The Comprehensive Plan recognizes that the location and development of higher density housing must be carefully managed to ensure it does not negatively affect the overall character of the Town’s existing neighborhoods. Equally important is the establishment of standards addressing the design and appearance of multi-family housing and its relationships to adjoining land uses. Toward that end, the Comprehensive Plan recommends the consideration of design standards that address the creation of multi-family housing via renovation or redevelopment of existing properties as well as new developments. The standards should address all forms of multi-family housing including apartments, townhouses, and mixed use developments. In an effort to address this recommendation of the Comprehensive Plan and to ensure the Westwood

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<sup>23</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 8-5)



Neighborhood has consistent, high quality, and compatible community design throughout, the Project Sponsor utilized the services of Fontanese Folts Aubrecht Ernst, P.C., a local full service architecture firm, to develop the Westwood Design Standards. The Design Standards provide a framework for the desired characteristics for the development of the Westwood neighborhood. Specifically, Section IV of the Westwood Design Standards (titled “Neighborhood Character”) provides a by project component analysis of the different building types and land uses within the Westwood Neighborhood. For a complete description of the proposed design guidelines, please refer to the Westwood Design Standards (attached to this Rezoning Application as Exhibit “O”).

**G. Community Facilities and Services (Section 9):**

Section 9 of the Comprehensive Plan is titled “Community Facilities and Services” and consists of an evaluation of existing community facilities as well as applicable goals, objectives and policies for community facilities. The Town has excellent community facilities and services that are consistently rated by residents as major contributors to the Town’s high quality of life. The Comprehensive Plan evaluated the existing community facilities and suggests certain strategies relative to the effects of population growth, shift in geographic focus as a function of growth and cost implications as a function of growth.

- **Part 9-1- Establish an ongoing system to identify and prioritize community facility and service needs (Part 9-1):**

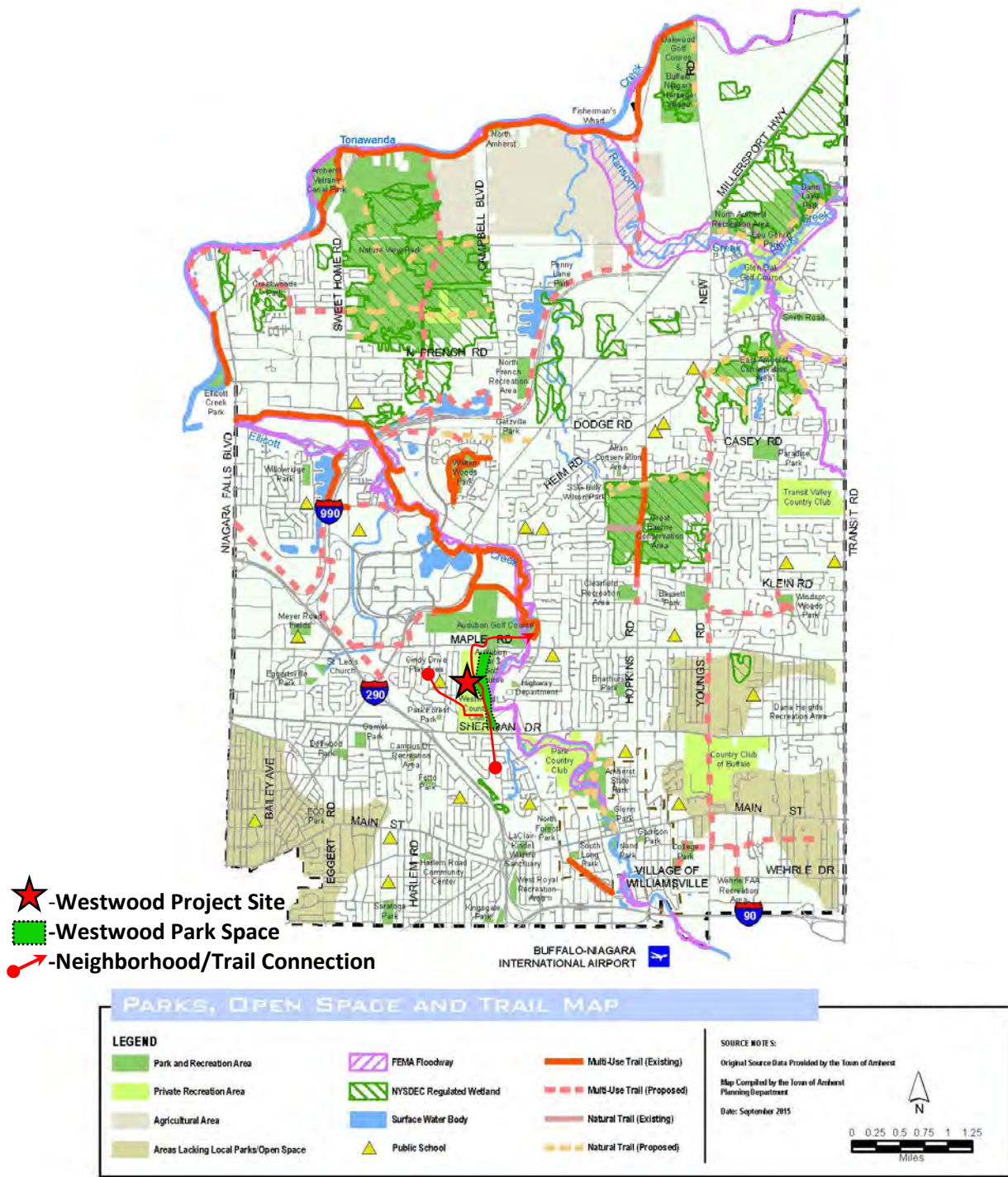
According to Section 9-1, a proactive approach is required if the Town is to maintain the high quality community facilities and services expected by residents at affordable costs. Systematic approaches for the allocation of community services is recommended by the Comprehensive Plan as a consideration for the on-going planning and programming activities of

Town departments. The Comprehensive Plan suggests that future planning for parks and recreational facilities strive to achieve the following:

- **Integrate parks and recreational facilities into an interconnected open space system of parklands, greenways and trails:**

Although the Town has made considerable progress in developing a system of off-road recreational trails, most existing parks are isolated from each other. The predominantly developed nature of most of the Town makes it more difficult to establish a truly connected system. The Comprehensive Plan suggests actively seeking opportunities to connect public parks and open spaces through pedestrian and bicycle trails, sidewalks, and lanes along streets. Given the geographical position of the Project Site, the Westwood Neighborhood provides a unique opportunity to provide adjacent neighborhoods and future residents of the mixed use project with the ability to connect through the site via off-road trails to the Town of Amherst Audubon Golf Courses. Please refer to Figure 6 on the following page titled Parks, Open Space and Trail Map for a depiction of the opportunity for additional park space and trail connectivity that the Westwood neighborhood provides. The Project will provide new park space within the neighborhood that will be fully integrated with connections to existing neighborhoods and recreational amenities through both on-street and off-street pedestrian and bike trail linkages.

**FIGURE 6-**  
**Town of Amherst Bicentennial Comprehensive Plan**  
**Parks, Open Space and Trail Maps**



- **Provide a more even distribution of parks and recreational facilities throughout the community:**

While the Town's existing supply of neighborhoods and community parkland (3.98 acres/1,000 residents) is only slightly lower than the standard established by the 2003 Recreation & Parks Master Plan (4.25 acres/1,000 residents), parkland is not evenly distributed throughout the Town.<sup>24</sup> In order to correct the parkland deficit between the existing and proposed standards, the Comprehensive Plan recommends that future planning activities seek to establish more neighborhood level park and recreational facilities in under-served areas. The Comprehensive Plan acknowledges that creative approaches will be necessary in the southern and central parts of the Town where availability is limited. One specific recommendation of the Comprehensive Plan to address these areas is to consider the evaluation of infill/redevelopment sites for potential acquisition and park development. The Comprehensive Plan also suggest that whenever vacant land is available for development, the community should consider the application of Conservation Development that will encourage the dedication of parkland and open space in new subdivisions and developments. As per the narrative and recommendations of the Comprehensive Plan, the Project Sponsor recognized the need for the creation of neighborhood level park space, especially within the central part of the Town where the availability of land is limited. In an effort to achieve a goal of the Comprehensive Plan, the Project Sponsor has provided programmed park spaces and open space throughout the Westwood Neighborhood that is integrated and connected to broader sidewalk, bike trail,

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<sup>24</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 9-3)

and neighborhood circulation systems. The Project provides an opportunity for the Town to create additional park space capacity within the community and accomplish a goal of the Comprehensive Plan.

- **Identify opportunities to strategically locate certain facilities to strengthen neighborhoods and serve local needs (Part 9-3):**

In addition to meeting community needs for specific facilities and programs, community facilities provide centers of neighborhood and community activity. In this capacity, community facilities can play an important role in promoting Comprehensive Plan policies such as neighborhood revitalization and the establishment of mixed use developments. The Comprehensive Plan recommends that the Town pursue opportunities to increase the contributions of new facilities, such as neighborhood parks and youth/family centers, by locating them to both meet identified needs and serve as “anchors” that enhance neighborhood life. The Project Sponsor recognized this desire of the Comprehensive Plan and has designed the Westwood Neighborhood to take advantage of the synergies created through well placed and actively utilized community facilities. The proposed approximately 45-acre Westwood Park and Focal Green have been integrated into the Conceptual Master Plan so as to be central to the critical mass of neighborhood residents and also adjacent to the core of the neighborhood center. This strategic placement of both community facilities will create public areas of social engagement and recreation between a diverse mix of residents and visitors to the neighborhood. This site planning approach will contribute to sustaining the Westwood neighborhood as an active and vibrant mixed used development center.

- **Allow continued growth of the nonresidential tax base consistent with the Comprehensive (Land Use) Plan (Part 9-5):**

According to Section 9-5 of the Comprehensive Plan, continuing to provide high-quality community facilities and services to a growing population will have significant implications for the Town's fiscal situation. The Comprehensive Plan offers a variety of strategies to manage the future provision of community facilities and services in a cost-effective manner that allows the Town to maintain the high levels of service that residents expect. One example includes taking advantage of opportunities to grow the nonresidential tax base within the community. The Plan recognizes that Amherst's nonresidential (commercial retail, office and industrial) development partially subsidizes the costs of providing community facilities and services to residents. In December of 2006, the Amherst Industrial Development Agency ("AIDA") commissioned Fox & Company LLP, a local certified public accounting firm, to perform a Cost of Servicing/Revenues Generated Land Use Study ("Land Use Study"). The purpose of the Land Use Study was to quantify both the cost of providing local units of government services to major land use categories as well as the local units of government revenues attributable to major land use categories for taxable real property located within the Town of Amherst. The findings showed that the commercial land use category receives 8% of the total government expenditures, while providing 16% of the revenues. Conversely, residential properties receive 91% of the expenditures, while providing 83% of the revenues. Please refer to Figure 7 on the following page titled Town of Amherst, New York Cost of Servicing/Revenues Generated for a graphical depiction of the relationship between costs and revenues relative to commercial and residential development. As Figure 7 clearly identifies, responsible development must provide for a balanced pattern that includes a mixed use growth approach including residential and commercial development. The

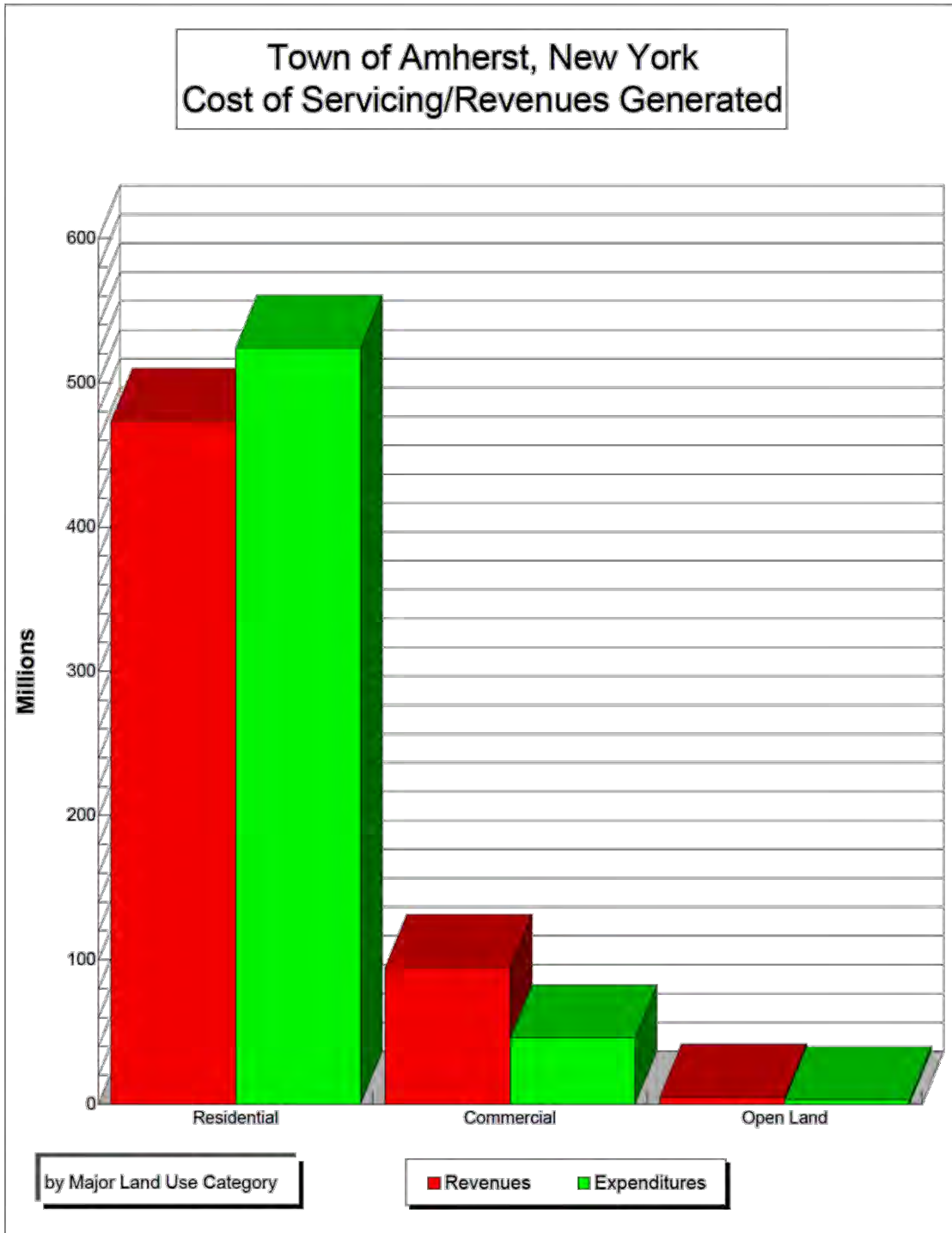
additional revenues created through commercial development are necessary to offset the additional expenditures associated with residential development. The Report supports this position within the conclusion section by stating the following, “A balance of various land uses is needed within the community to ensure the quality of services remains, while increase in real property taxes are kept to a minimum.”<sup>25</sup>

The Westwood neighborhood provides an opportunity for the community to realize infill development that is balanced and will expand a fiscally positive tax base for the Town. In an effort to ensure the Project was fiscally sound and would provide financially responsible development within the community, the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis of the Westwood neighborhood. Based on a ten year projection of full build out revenues, their findings concluded that the Project is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services. The ten year projection additionally anticipates approximately \$15 million in increased sales tax revenue and \$10 million in additional State of New York income tax revenue.

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<sup>25</sup> Town of Amherst Industrial Development Agency, Cost of Servicing/Revenues Generated Land Use Study, Fox & Company LLP, December 2006 (page 9).

**FIGURE 7-**  
Town of Amherst Industrial Development Agency Land Use Study (December 2006)  
 Cost of Servicing/Revenues Generated





## **H. Focal Planning Areas (Section 10):**

Section 10 of the Comprehensive Plan is titled “Focal Planning Areas” and consists of an evaluation of six defined geographic areas in the Town that were selected for further analysis. The Comprehensive Plan includes a series of town-wide goals and policies designed to guide the Town of Amherst as it works to achieve the Comprehensive Plan Vision Statement. The examination of smaller geographic areas (referred to as “focal planning areas”) is provided in an effort to identify opportunities to apply the town-wide policies in more detail, with a particular emphasis on urban design. The Westwood Project Site is located in the University focal planning area that is discussed in Section 10.3 of the Comprehensive Plan.

- **The University Focal Planning Area (Section 10.3):**

The Project Site is located within the University at Buffalo North Campus Focal Planning Area. The key planning issues considered for this area are focused around the impacts of the ongoing expansion of the UB North Campus student population, need for coordination between the Town and UB on campus growth/edge issues, and the potential for research/economic development spin-off from UB activities. Section 10.3.2 of the Comprehensive Plan provides a Concept Plan and Strategies for new development and redevelopment of areas within the University Focal Planning Area. Specifically, the Comprehensive Plan includes the following strategy, “Enhance physical connections to the UB North Campus from surrounding neighborhoods by establishing a linkage or linkages across Ellicott Creek from North Forest Road.”<sup>26</sup> The Project provides an opportunity to provide a link in the physical trail connection for

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<sup>26</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 10-16)

the adjacent neighborhoods through the Project Site and north toward UB.

### **III. Conclusion:**

The Project Sponsor believes the Westwood Neighborhood represents an exciting opportunity to provide fiscally responsible development within the Town that is directly aligned with the Goals, Objectives, and Vision Statement of the adopted Comprehensive Plan. Prior to acquiring the Project Site and throughout the Westwood neighborhood plan development process, the Project Sponsor carefully reviewed and considered the Comprehensive Plan as a critical guiding document in shaping their efforts. It is the belief of the Project Sponsor that the Westwood Neighborhood is the embodiment of the Comprehensive Plan and its vision for the Town. That is, the realization of a community that is renowned for an exceptional quality of life that is derived from excellence in livability, community character, and shared direction.

2. **Pursuant to NYS Town Law Section 272a(11), “all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section.” The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable. Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

The Project Sponsor has carefully reviewed the adopted Comprehensive Plan and has designed the Westwood Neighborhood in conformance with the intent, objectives, and design principles as identified within the Comprehensive Plan. Therefore, the Project Sponsor believes the action of amending the Project Site zoning to accommodate the Westwood neighborhood will not require any amendments to the existing Comprehensive Plan. Contained within the Comprehensive Plan on page 71 is Figure 6 titled “Conceptual Land Use Plan”. The Project Site is identified as entirely Recreation, Open Space & Greenways. However, Section 3.3 Conceptual Land Use Plan describes the intention of the Conceptual Land Use Plan as a tool that “depicts a generalized future pattern of land use in the Town of Amherst.” Within this Section of the Comprehensive Plan, the following statement is made, “The Conceptual Land Plan is *neither a zoning map nor is it meant to show the existing or proposed use* of individual parcels of land. It is *not meant to dictate land use, nor is it meant to show any phasing or timing of development*. The Comprehensive Plan is intended to communicate the overall direction and concept of future development.”<sup>27</sup>

As the description of the Conceptual Land Use Plan clearly identifies that Figure 6 is not intended to represent a literal interpretation of complete and actual future land use for the

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<sup>27</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended September 2015 (page 3-28)

community, the designation of the Project Site on the Conceptual Land Use Plan does not result in the need for the Comprehensive Plan to be amended. It is also important to note that the Westwood Neighborhood has been designed to preserve approximately 48.7% of the Project Site as permanent open space within which an approximately 45-acre publicly accessible park area (“Westwood Park”) has been included as a significant component of the Project. As a result, the Project Sponsor will be preserving the intent of Figure 6 through providing Recreation, Open Space & Greenways in association with the development of the Westwood neighborhood.

**3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:**

The purpose of the Town of Amherst Zoning Ordinance (“Zoning Code”) and the intent of the legislative authority in its adoption is to promote the environment of the Town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the limits of the Town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance.

The following is a summary and analysis of how the Project Sponsor has designed the Westwood Neighborhood and associated Rezoning Application to address the general intent and objectives of the Town of Amherst Zoning Code.

Section 1-2 of the Zoning Code is titled “Purpose” and states that the Zoning Code is intended to achieve, among others, the following objectives:

**A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;**

The consideration of existing community character when planning new land development is a critical concern to ensure compatibility and harmony between land uses. The Project Sponsor engaged in a thorough review and assessment of the Project Site and adjacent land uses prior to planning a redevelopment strategy for the Project Site. This

assessment revealed that the land uses surrounding the Project Site largely consisted of single family residential uses (e.g. the Fairways Boulevard, Sandhurst Lane, and Morgan Parkway neighborhoods) and community facility uses (e.g. The Town of Amherst Audubon 18 hole and 3-hole golf courses, The Town of Amherst Engineering and Highway Department, and the Town of Amherst Northtown Recreational Center). In consideration of the surrounding land uses, the Project Sponsor selected a mixed use redevelopment strategy featuring a neighborhood center as the preferred approach for the Project Site. Specifically, the majority of the site will be rezoned Traditional Neighborhood Development District (“TND”). The TND zoning district is intended to provide for new development of fully integrated, mixed use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation. The proposed redevelopment strategy will provide for a mix of housing options and a neighborhood center that is complimentary and accessible to the surrounding residents. The Project Sponsor has intentionally designed the site at a scale that is cognizant and respectful of the surrounding residential character.

**B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;**

The Project Sponsor has filed a Rezoning Application for a site that is larger than 30 acres and as such the proposed mixed use project will be subject to the Planned Unit Development Process (“PUD”) per the standards contained in Section 6-9 of the Zoning Code. The PUD review process is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants. The PUD process is

required for development or redevelopment of a portion of any lot measuring 30 acres in size or larger. The PUD regulations identify standard Development Standards (Section 6-9-3) that include particular regulations for the inclusion of open space. Specifically, “in any PUD a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, must be in open space”<sup>28</sup> While the Project Sponsor recognized the need to provide a minimum of 25 percent open space throughout the Project Site, in an effort to ensure ample opportunities for recreational uses and park amenities exist throughout the Project, the Project Sponsor has designed the Westwood neighborhood to feature a total of approximately 83.3 acres of open space (48.7% of the Project Site). While approximately 45 acres of this open space has been consolidated in a central park that features an approximately 6.2 acre lake, the remaining 38.3 acres of open space within the Project has been dispersed throughout the Westwood Neighborhood to ensure all residents and visitors will have sufficient access to recreational opportunities and open space. Additionally, the design of the mixed use project includes a programmed bike path network that will be integrated into the existing recreational paths and sidewalk network.

**C. To prevent overcrowding of the land;**

The Project Sponsor is seeking to rezone a majority of the Project Site to Traditional Neighborhood Development District (“TND”), a Special Purpose zoning district that is designed to encourage walkability and minimize traffic congestion and sprawl. In an effort to prevent overcrowding associated with new land development, the TND zoning designation provides for a maximum residential unit density of ten (10) units per acre. The

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<sup>28</sup> See Section 6-9-3E)(3)(a) of the Zoning Code.

Project Sponsor has intentionally designed the Westwood Neighborhood with an overall residential unit density less than that. This relatively low density development approach has allowed the Project Sponsor to utilize the TND zoning regulations to design a mixed use neighborhood that preserves approximately 83.3 acres of open space (48.7% of the site area). In addition, the mixed use development approach allows for shared parking and lessens overall vehicular trips associated with the Project; providing for less surface parking and reduced overall traffic volume.

**D. To prevent excessive concentration of population and to prevent sparse and uncoordinated development;**

The Project Sponsor carefully examined the surrounding land uses and development patterns at the Project Site prior to submitting this Rezoning Application. The analysis revealed an existing land use pattern that was focused around single family residential development and community facilities. In an effort to avoid new development that would further concentrate single family housing in the vicinity of the Project Site without providing for complimentary commercial development, the Project Sponsor is proposing TND zoning that will provide a mixed use neighborhood center for the existing residents and new users associated with the Westwood Neighborhood. Furthermore, the Project Sponsor has carefully reviewed the adopted Comprehensive Plan to ensure that the Westwood Project is compatible and coordinated with the long term planning efforts and land use strategies within the community (please refer to Section A.1. of this Exhibit for a further explanation).



**E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan;**

The Project Sponsor has carefully reviewed the adopted Comprehensive Plan to ensure the proposed mixed use project is meeting the intent and policies of the Comprehensive Plan (Please refer to Section A.1. of this Exhibit for a further explanation). Specifically, the Westwood Neighborhood has been designed to concentrate neighborhood center buildings within the core of the Project Site, positioned along the primary north/south spine road. This development configuration has provided the Project Sponsor with an opportunity to provide a minimum of 100 foot permanent open space buffers on those portions of the Project Site that are directly contiguous to adjacent existing residential development (or a minimum of 50 foot permanent open space buffers on those portions that are either parkland or single-family or patio homes) and concentrate higher density uses within the center of the Project Site. Through focusing and carefully positioning the neighborhood center, the Project maximizes pedestrian networks and minimizes traffic congestion. Additionally, the Comprehensive Plan suggests the placement of new development neighborhood centers approximately one mile apart from any existing centers. The Project Sponsor has requested TND zoning as the Project Site is currently greater than the recommended minimum one (1) mile proximity from any existing neighborhood center.

**F. To protect persons and property from damage and injury due to fire or flood;**

The requested rezoning designations include specific provisions for Flood Hazard Reduction (Zoning Code, Section 7-7) and Bulk Storage of Combustible or Flammable

Liquids (Zoning Code, Section 7-10). The Project will be subject to the regulations and requirements as stated within the Zoning Code as it relates to those items. In addition, any future building construction at the site will be subject to the Town of Amherst Building Construction Administration regulations and process (Town Code, Chapter 83). The Building Construction Administration Code includes specific provisions for fire resistant construction and inspections by certified officials prior to the issuance of a certificate of occupancy for new structures. In terms of site access and circulation for fire apparatus, any future development at the site will be subject to the regulations within the Town of Amherst Fire Apparatus Access Road Requirements (Zoning Code, Section 7-6-7). The Project Sponsor has designed the Westwood Neighborhood in conformance with the fire apparatus and access road requirements.

Additionally, while the Project Site includes land within a designated Floodway and the 100 Year Floodplain, the Westwood Neighborhood does not include any development or construction within the Floodway and development in the 100 Year Floodplain will be subject to a stringent review process. Construction within the 100 Year Floodplain will be subject to the regulations of the Town of Amherst Building Construction Administration Code and Flood Hazard Reduction Code as well as review and approval by the Federal Emergency Management Agency (“FEMA”)

**G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only;**

The Project Sponsor has intentionally designed the Westwood Neighborhood to preserve approximately 83.3 acres (48.7% of the site area) of open space throughout the

Project Site. Furthermore, as the Project Site was previously utilized as an 18 hole golf course that occupied all available acreage, the property has a limited amount of significant natural features and vegetation. The Project Sponsor utilized the services of Earth Dimensions, Inc. (“EDI”), a soils investigation and environmental consulting firm, to prepare a Wetland Delineation Report (“Wetland Report”). The Wetland Report revealed a total of 11 wetland areas scattered throughout the 170 acre Project Site totaling approximately 7.4 acres (4% of the site area). With the exception of the Ellicott Creek corridor, none of the wetlands on the Project Site are subject to the jurisdiction of either the USACE or the New York State Department of Environmental Conservation (“NYSDEC”). The Westwood Neighborhood has been designed to preserve approximately 44% (3.24 acres) of the approximately 7.4 acres of existing wetland areas; resulting in the filling or removal of approximately 4.16 acres of non-jurisdictional wetland areas (2% of the site area).

However, ultimately, on a long term basis the Westwood Neighborhood will result in a net benefit to wetlands resources by preserving and creating a total of approximately 9.94 acres of wetland area (a net 34% increase in wetland area). Furthermore, the Project provides for the establishment of an approximately 45 acre park concentrated along the Ellicott Creek corridor within the Project Site. The publicly accessible park area will provide public access to this natural resource which is currently only accessible on the Project Site by the membership of the Westwood Country Club. Ultimately, the proposed mixed use project will facilitate land development that increases existing wetland resources and expands the accessibility of public recreational space opportunities.

**H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures;**

Please refer to Letter E above.

**I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety;**

The purpose of the TND zoning district is to provide for new development of fully integrated, mixed use, pedestrian oriented neighborhoods that encourage walkability and minimize traffic congestion. The Westwood Neighborhood has been designed to meet this intent by concentrating density within the neighborhood center along interconnected blocks that are small and pedestrian accessible. The Project Sponsor utilized the services of SRF & Associates (“SRF”), a professional traffic engineering and transportation planning consultant firm, to prepare a Traffic Impact Study (“TIS”) for the purpose of evaluating potential traffic impacts associated with the Project. The TIS confirmed that mixed use developments provide for better traffic management and lessened vehicular trip generations as trips can be made within a single Project Site without engaging the off-site road system. This capture of trips internal to the site has the net effect of reducing vehicle trip generation between the overall development site and the external street system (as compared to the total number of trips generated by one dimensional land development projects). Following a thorough review of the proposed site plan and associated vehicular trip generation as per the methods prescribed within the Institute of Traffic Engineers (“ITE”) Trip Generation Handbook, SRF anticipates that the layout of the proposed mixed use project and density pattern will result in an overall trip generation reduction of 16-19%

and 23% during the AM and PM peak hours, respectively. Ultimately, this reduction in overall vehicular trip generation through the basis of mixed use neighborhood design will lessen street congestion and provide for a safer, more accommodating pedestrian experience. The Westwood Project has been designed to provide for a focused neighborhood center that provides internal pathways and sidewalks between uses. This approach prioritizes the pedestrian and can further reduce vehicular trips by providing multimodal transportation options such as walking, biking, and public transport.

**J. To establish zoning patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;**

The Project Sponsor has retained the services of multiple professional engineering, transportation, and public utility design experts to preliminarily assess the anticipated public utility needs of the Westwood Neighborhood. In addition, an analysis of existing public utilities capacity has been performed. The results have shown that the sufficient capacity exists within the existing public sanitary sewer, storm sewer, and potable water systems. For further information regarding individual system districts and capacity analysis, please refer to Section B of this Exhibit.

Within a one (1) mile proximity of the Project Site, there currently exists a concentrated pattern of public recreational facilities including The Town of Amherst Audubon 18 hole and 3-hole golf courses, Northtown Recreational Center and the Ellicott Creek Trailway Bike Path. The Westwood Neighborhood has been designed to provide additional recreational opportunities for current and new residents by designating approximately 48.7% of the site area (83.3 acres total) to open space including an

approximately 45 acre park area (“Westwood Park”) featuring an approximately 6.2 acre lake. The Project will also provide for the connection and extension of existing sidewalks and recreational trails into and throughout the Project Site.

In terms of existing capacity within the Williamsville Central School District (“WCSD”), the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis (“Analysis”) of the Project. Based on the projections as identified within their Analysis, CGR anticipates the Project will bring an additional 270 students to the WCSD. The Project Sponsor has previously met with the WCSD administration and has confirmed that the District does not anticipate capacity concerns with the projected increase in school age children. The District will be an Interested Agency during the coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and as such will have the opportunity to provide its input.

**K. To guide the future development of the town so as to bring about the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan;**

Please refer to Section A.1 above within this Exhibit.

**L. To accomplish the specific intents and goals set forth in the introduction to the respective sections;**

In association with the proposed mixed use project, the Project Sponsor has requested three rezoning classifications for portions of the Project Site. The following is a basic description of the rezoning request and analysis of the manner by which the Project has been designed to accomplish the specific intents and goals of the respective zoning designations:

**a. Traditional Neighborhood Development District (TND) – 134.79 acres:**

The purpose of the TND zoning district as stated in Section 5-6-1 of the Zoning Code is “To provide for new, greenfield development of fully integrated, mixed use, pedestrian oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation.”

The Project Sponsor has designed the Westwood Neighborhood in a manner consistent with this intent by proposing a 170 acre mixed use project with diversified housing types, neighborhood shops and services, hospitality development, and varying office space environments. The Project Sponsor specifically acquired the Project Site because of its particular attributes in terms of size, availability, location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive, I-290), proximity to major regional employment and recreational resources (e.g. UB North Campus, Audubon 18 Hole Golf Course, Ellicott Creek recreational bike path) and lack of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources, no threatened/endangered species or habitat). It is these locational and physical attributes that position the property to meet the intent and fully address the objectives of the TND zoning district.

**b. Multifamily Residential District Seven (MFR-7) – 5.13 acres:**

The purpose of the MFR-7 zoning district as stated in Section 3-13-1 of the Zoning Code is “To provide areas within the Town for high-density development of adult care facilities, such as senior housing, nursing homes, intermediate care facilities,

and single-family detached dwellings not on individual lots.” The Project Sponsor has designed the Westwood Neighborhood to meet this intent by including a consolidated Senior Living component that will include 200 Assisted Living units and 104 Independent Living units. The intent is to master plan a facility that will provide services to all inhabitants and take advantage of the sense of community and activity that is offered by being sited within the overall Westwood Neighborhood. The inclusion of a purpose built senior living facility is mutually beneficial for the Westwood Neighborhood as it further diversifies the housing and resident types while supporting the neighborhood shops, businesses, and services that are available to all residents. Positioning the MFR-7 zoning within the mixed use Westwood project furthers a goal of the Comprehensive Plan by “promoting a diverse housing stock, with higher density housing focused on mixed use Activity Centers.” The Westwood Neighborhood will provide senior residents with adjacent services and amenities that are easily accessible and support a healthy and active lifestyle.

**c. General Business District (GB) - 1.16 acres:** The purpose of the GB zoning district as stated in Section 4-4-1 of the Zoning Code, is “To provide community centers within existing and proposed commercial nodes and mixed use Activity Centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the Comprehensive Plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic and



may generate large amounts of evening activity.” The Project Sponsor has designed the Westwood Neighborhood to meet this intent by following the purpose statement exactly as stated and proposing a focused portion of GB zoning within the core of the Westwood TND mixed use neighborhood center. In recognition of the potentially negative impacts associated with large volumes of traffic and evening activities that can take place with certain uses permitted in the GB zoning district, the Project Sponsor has specifically limited the GB rezoning request to only 1.16 acres (less than one percent of the Project Site acreage) in consideration of a four-story hotel that is planned to be positioned in the core of the Neighborhood Center. By carefully positioning and limiting the GB zoned land, the Project Sponsor has met the intent of this zoning designation while still maintaining the priority of safely managing pedestrian movement within the overall Neighborhood Center.

**M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.**

As the Westwood Neighborhood and associated Rezoning Application concerns the review and rezoning of a proposal greater than 30 acres in size, both will be subject to the Planned Unit Development Process (“PUD”). The purpose of the PUD review process as stated within Section 6-9-1 of the Zoning Code is to “Permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants.” The PUD process incorporates standardized use regulations and development standards that must be applied to the review and performance of the project or rezoning application being considered. Specifically, Section 6-9-3(G) of the PUD process includes specific performance and construction standards for signage. This section clearly identifies

limitations relative to the design, number, and positioning of signage throughout the development. In an effort to address the PUD regulations and provide a standardized approach to future development at the site, the Project Sponsor has drafted a document entitled Westwood Design Standards (attached to this Rezoning Application as Exhibit “O”). Section IX of the Westwood Design Standards is titled “Signage: and includes specifications for signage at the Project Site and throughout development of the Westwood Neighborhood.

Furthermore, while the PUD process provides the Town Board with an opportunity to place specific restrictions on the Project Sponsor relative to site signage, the Project Site will also be subject to the signage standards as identified within Section 7-8. Sign Regulations of the Zoning Code. It is the intention of the Project Sponsor to provide for signage that is non-obtrusive to the general character of the mixed use neighborhood center.

**B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:**

**1. Sanitary Sewer:** The Project Site is located wholly within the Town of Amherst's Consolidated Sanitary Sewer District. Sanitary sewer flows from the proposed mixed use project will be collected by new sewers installed at the expense of the Project Sponsor along the primary north/south spine road that will service the Project. Flows will be conveyed northerly a point along Maple Road. Sewage flows will be conveyed westerly along Maple Road utilizing a new 6" dedicated forcemain from a new pump station along Maple Road. From there, the new forcemain would tie into the Town of Amherst sewer system in the area of the intersection of Maple Road and Amherst Manor and ultimately to the Town of Amherst Wastewater Treatment Facility located on Tonawanda Creek Road. The Project Sponsor utilized the services of Wendel Companies ("Wendel"), a national multi-disciplined engineering and land surveying corporation, to develop a Downstream Sanitary Sewer Capacity Analysis ("DSCA") that will be subject to the review and approval of the Town of Amherst and New York State Department of Environmental Conservation ("NYSDEC").

The Project Sponsor utilized the services of TECsmith, Inc., a local water and wastewater monitoring company, to install flow monitoring equipment at specified sanitary sewer manhole locations to evaluate the existing condition and capacity of the adjacent sanitary sewer system. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient

downstream sanitary sewer capacity to service the projected sanitary flows for the mixed use neighborhood with the new 6” forcemain along Maple Road.

However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.

The issues related to downstream sanitary system constraints during storm events can be managed via the implementation of specific mitigation measures that have been developed with coordination between the Town of Amherst Engineering Department, New York State Department of Environmental Conservation (“NYSDEC”) and Environmental Protection Agency (“EPA”). Specifically, amendments have been made to Part 750 of the New York State Environmental Conservation Law requiring that new sewer connections for projects that will convey 2,500 gallons per day or more of residential sewage are made subject to mandatory I&I flow offset requirements. Complete details regarding the I&I flow offset requirements for Erie County can be found within Section 6.12.1 of the Draft Generic Environmental Impact Statement for the proposed Westwood Neighborhood and the DSCA.

**2. Storm Sewer/Drainage:** The Project Sponsor utilized the services of Professional Civil Engineering LLC (“PCE”), a civil engineering and drainage analysis firm, to develop a Preliminary Stormwater Management Plan and Drainage Analysis for the Westwood neighborhood. According to the findings of PCE, the proposed system of stormwater management ponds and the new 6.2 acre primary

detention lake will provide sufficient stormwater quantity control that will limit discharge from the Project Site to rates that are equal to or less than pre-development rates. Additionally, the site is directly adjacent to and borders Ellicott Creek, a primary stormwater discharge channel that will provide an alleviation point for stormwater flows off the site. Ultimately, the finalized stormwater management system for the Project Site will be designed and constructed in accordance with NYSDEC and the United States Environmental Protection Agency (“USEPA”) requirements, as well as pursuant to the New York State Stormwater Management Design Manual.

**3. Water:** The Erie County Water Authority (“ECWA”) currently supplies potable water to the Town of Amherst under the terms and conditions of a Lease Management Agreement. The ECWA would also operate and maintain the new Westwood neighborhood waterlines under the terms of the existing Agreement, which would be installed at the cost of the Project Sponsor. The existing water source for the Project consists of an 8 inch watermain located on the south side of Maple Road as well as a 16 inch watermain located along Sheridan Drive. Each of these watermains would be tapped and interconnected throughout the Project Site. The Project Sponsor has utilized the services of Nussbaumer to develop a preliminary water service routing and pressure analysis report. The report has revealed that sufficient water capacity and pressures are present within the existing potable water supply network to service the Project.

**C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

The Project Site is currently zoned Recreation Conservation District (“RC”) and the majority of surrounding uses include single family residential development. The proposed rezoning of portions of the Project Site to accommodate the Westwood Neighborhood would allow for the development of a mixed use neighborhood center that is compatible with the scale, density, and character of the surrounding community. The Project will provide for complimentary development that has been designed in accordance with the principles of the Comprehensive Plan.

**D. Suitability of the Project Site for uses permitted by the current versus the proposed district:**

The Project Site is currently zoned Recreation Conservation District (“RC District”), a zoning designation intended to provide for public, private and civic uses related to recreation. The RC zoning district provides for very limited use of property outside of recreational pursuits and as such residential, commercial and industrial land uses are not permitted. Therefore, the RC District would not provide the Project Sponsor with any opportunity to develop a mixed use neighborhood center development that incorporates the Project Site’s attributes including size, location, proximity to major education and employment centers, and lack of significant environmental resources.

In terms of the current utilization of the property, the Project Site consists of a vacant brownfield that was previously operated as a private 18 hole golf course and country club. While the physical characteristics and setting of the Project Site are suitable for the operation of a golf course and private country club, competing facilities in close proximity and the recent discovery of arsenic based contamination within Project Site soils makes the Project Site unsuitable for use as a golf course.

In terms of competing golf course and country club facilities in close proximity to the Project Site, multiple locations that are managed both publicly and privately have historically challenged the economic feasibility of the Project Site as a private golf course and country club. The Project Sponsor acquired the Project Site in March of 2012, an opportunity that became available because the previous Club ownership was facing systemic financial issues and struggling to maintain a solvent enterprise for over a decade. The option of selling the Westwood site provided the previous ownership with an

opportunity to stabilize their situation and avoid more expansive financial concerns to include potential bankruptcy. Upon acquiring the Project Site and as required by the sale contract agreement, the Project Sponsor worked with a management group to sustain Club operations at the site in an effort to satisfy certain existing contingent liabilities. However, this obligation was short term only and the Project Sponsor was eventually unable to sustain the excessive operating and lease subsidies that were necessary to sustain the golf course and clubhouse operations at the Project Site. A reasonable rate of return on investment for the Project Sponsor and realization of full tax potential for the Town cannot be facilitated through utilization of the site in accordance with the current RC zoning designation. This condition has arisen as a function of competing service providers within the existing market, both public and private. The Project Site is directly adjacent to the Town of Amherst Public Audubon 18-hole Golf Course and Public Audubon 3-hole Golf Course. Additionally, the Project Site is within one mile proximity of the private Park Country Club and golf course, and a five mile proximity of the private Country Club of Buffalo and golf course, Transit Valley Country Club and golf course, and Glen Oak Country Club and golf course.

The operation of the Project Site as a private golf course country club is not only constrained by proven local fiscal challenges; in addition, both private and public clubs across the country are facing serious concerns with sustaining membership due to a shift in demographic bases, standards of living, and societal needs and wants. The National Golf Course Owners Association (“NGCOA”) was established in Charleston, South Carolina in 1979 and is considered the leading authority on the business of golf course ownership and



management.<sup>29</sup> The not-profit organization is the only trade association dedicated exclusively to golf course owners and operators. The NGCOA is considered a valuable resource of information and education for the industry. The NGCOA hosts an annual conference that is nationally recognized as the largest gathering of the industry at a single event. The conference showcases thought leadership for golf course owners and operators looking to increase efficiencies and profits while enhancing the experience they offer their members.

The conference features a number of trade related companies and presenters that speak to current issues facing the industry. One such company, the McMahon Group, was present for the 2013 annual conference and provided a seminar on the membership challenges facing private and semi-private clubs in today's market. The McMahon Group is a full service, private club consulting firm dedicated to serving clubs in all aspects of their planning, clubhouse, golf and membership needs.<sup>30</sup> William McMahon, Sr. ("McMahon"), the founder of the McMahon Group and member of the American Institute of Architects as well as the National Club Association presented at the 2013 annual conference on the behalf of the McMahon Group. The presentation clearly established that the number of private clubs within the country has been facing a serious decline throughout the past 20 years with a 16% decrease between 1990 and 2010 and an additional 10%

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<sup>29</sup> National Golf Course Owners Association webpage, About Us, <http://www.ngcoa.org/pageview.asp?doc=1616>. 2013.

<sup>30</sup> McMahon Group webpage, About Us, <http://www.mcmahongroup.com/club/scripts/public/public.asp?GRP=15150&NS=PUBLIC>. 2014.

reduction anticipated between 2010 and 2020.<sup>31</sup> This data suggests that the total numbers of private clubs will likely realize a nearly 30% reduction in the time period between 1990 and 2020. The question for existing club owners is why this loss of membership enrollment and lack of interest in clubs is becoming increasingly more common.

McMahon suggests that challenges for private clubs are not simply a function of cyclical economic trends related to the recent Great Recession, as these concerns and decreasing membership rates were documented long before that period. Instead, McMahon suggests that the aging of baby boomers, changing lifestyles, lack of corporate support for memberships, competition amongst clubs, changing standard of living, and loss of disposable income have all contributed to lessening interest for and ultimately the loss of private clubs throughout the country.<sup>32</sup> These cyclical, secular, and general cultural trends have created a systemic concern for private country clubs nationally and will continue to forecast serious financial challenges for their operation.

This bleak forecast is confirmed by Steven Ekovich (“Ekovich”), vice president for investments at Marcus & Millichap’s National Golf & Resort Group, the only national brokerage firm strictly specializing in golf & resort brokerage services in the United States.<sup>33</sup> Ekovich noted that club owners should not consider the consistent rate of club closings over the years as a sign that lessening supply and stable demand will ultimately create resurgence in market performance. According to Ekovich in a recent article

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<sup>31</sup> McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 2.

<sup>32</sup> McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 4.

<sup>33</sup> Marcus & Millichap National Golf & Resort Properties Group webpage, About M&M, <http://www.nationalgolfgroup.com/aboutmandm.html>. 2014.

published in Golf Business magazine in June of 2014, “Closures should remain over 100 courses per year in the foreseeable future.”<sup>34</sup>

While both local competition and national trends have challenged the economic viability of the operation of a golf course and country club as permitted by the existing RC zoning, the recently discovered underlying environmental concerns have only further exacerbated these challenges. The Project Site is currently vacant and has been designated as a brownfield as per the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”). The Project Site has been designated as a brownfield due to the presence of arsenic concentrations within the site soils which exceed regulatory thresholds as per Remedial Program Soil Cleanup Objectives (“SCO”) of the NYS Environmental Conservation Law.<sup>35</sup> The Project Sponsor has entered into a Brownfield Cleanup Agreement with the NYSDEC to remediate the environmental issues at the Project Site and is in the process of thoroughly investigating the site soils and groundwater to fully scope the extent of contamination. Following completion of the comprehensive site investigation, the Project Sponsor will be required to develop a Remedial Action Work Plan in accordance with the BCP and stringent standards of the NYSDEC. This process will require a substantial capital investment on the part of the Project Sponsor and will further the economic infeasibility of reestablishing the operation of a golf course and country club at the Project Site. This is both due to the necessary

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<sup>34</sup> Golf Business, Official Publication of the National Golf Course Owners Association. “On the Rebound”, June 2014. Steve Eubanks. <http://www.golfbusiness.com/article.aspx?id=2973>.

<sup>35</sup> See New York State Department of Environmental Conservation. “Environmental Conservation Law-Subpart 375-6: Remedial Program Soil Cleanup Objectives.” December 14, 2006. Available online at [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/part375.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/part375.pdf)

financial investment as well as the extensive site work that will ultimately result in substantially removing and re-grading the existing course grounds and associated infrastructure.

Given the intensive local competition and general national trends concerning private country club membership coupled with the underlying environmental concerns, it is clear that the continued operation of the Project Site as a private club and golf course is not viable. Conversely, the proposed zoning classifications provide the Project Sponsor with an opportunity to redevelop the site as an integrated mixed use neighborhood that is ideally suited for the Project Site because of its size, location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive, I-290), proximity to major regional employment and recreational resources (e.g. UB North Campus, Audubon 18 Hole Golf Course, Ellicott Creek recreational bike path) and lack of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources, no threatened/endangered species or habitat). Whereas the direct adjacency of competing golf courses and country clubs inhibit the economic viability of the Project Site under the current RC zoning designation, their presence serves as an amenity to the proposed zoning designations and Westwood Neighborhood and will be accretive to the success of the Project.

**E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

The neighborhood surrounding the Project Site largely consists of single family residential development and community facilities. The proposed rezoning and Westwood Project provides an opportunity to develop a mixed use neighborhood center that will offer a pedestrian accessible shopping, employment, housing, and recreational space for the existing and new residents within the surrounding neighborhood. The Comprehensive Plan specifically expresses the need to expand provisions and incentives for mixed use development within the Town of Amherst. The proposed rezoning and Westwood Neighborhood provides an opportunity to satisfy this objective of the Comprehensive Plan by establishing a mixed use development that is currently surrounded by predominantly single family residential development.



A Traditional Neighborhood  
in the heart of Amherst.

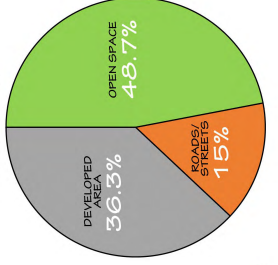
Prepared by:  
**MENSCH**  
Capital Partners, LLC

March 20, 2017

## CONCEPTUAL MASTER PLAN

\*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.

### OVERALL DEVELOPMENT BREAKDOWN



COLOR KEY	BUILDING TYPES	AREA
[Orange]	<b>Offices</b> a. Office Buildings	152,000 sf (2 stories)
[Yellow]	<b>Residential</b> a. Multi-Family Community - Condo/Apartments b. Townhomes (130 total)	18,000 sf (3 stories) per building 2,000sf - 3,000 sf (3 stories) per townhome
[Pink]	<b>Special Uses</b> a. Inn/ Boutique Hotel b. Fire Substation (Snyder Service Area)	89,600 sf (4 stories) 3,600 sf (1 story)
[Light Blue]	<b>Mixed-Use Development</b> a. Mixed-Use Structures b. Community Clubhouse	477,000 sf (3 stories) 17,400 sf (2 stories)
[Light Green]	<b>Patio Home and Single-Family Home Lots</b>	Varies per lot type
[Dark Green]	<b>Open/ Green Space</b>	243,600 sf (3 stories)
[Light Blue]	<b>Ponds/ Stormwater Features</b>	83.3 Acres
[Light Blue]	<b>Streets and Parking Lots</b>	12.0 Acres



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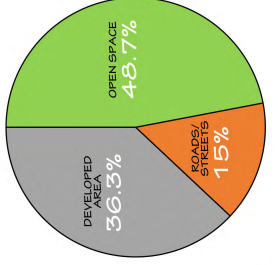
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A Traditional Neighborhood  
in the heart of Amherst.

## PROJECT TEAM



### Project Sponsor/Developer & Owner

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**Project Engineering & Remediation Consultant**

C&S Companies  
141 Elm Street, # 100  
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Mr. Lowell Dewey, P.E. – 716.847.1630



**THE SLATER  
LAW FIRM**

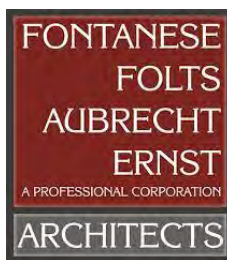
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### **Project Wetland & Hydrological Consultant**

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### **Project Geotechnical Consultant**

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### **Project Cultural Resource Investigation Consultant**

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### **Project Stormwater Management Engineering Consultant**

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**Project Traffic Engineering Consultant**

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3495 Winton Place  
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 Rochester, NY 14623

phone 585.272.4660  
 fax 585.272.4662

March 16, 2017

Eric Gillert, Planning Director  
 Planning Department, Town of Amherst  
 5583 Main Street  
 Williamsville, NY 14221

RE: Westwood Mixed Use Neighborhood Development, Town of Amherst, NY  
 Updated Trip Generation Information

Dear Mr. Gillert,

This letter provides updated trip generation resulting from recent changes to the overall proposed masterplan for the Westwood Mixed Use Development Site. The revised trip generation calculations are shown in Table II below.

**TABLE II: SITE GENERATED TRIPS**

DESCRIPTION	SIZE/ UNITS	AM PEAK		PM PEAK	
		ENTER	EXIT	ENTER	EXIT
Senior Housing	104 Units	7	14	14	12
Assisted Living	200 Beds	18	10	19	25
Smaller Patio Homes	57 Units	6	13	12	12
Multifamily Community Apartments	180 Units	18	74	76	41
Large Patio Homes (26) and Single Family Detached Housing (41)	67 Units	14	43	46	27
Condominium Townhomes	130 Units	11	53	50	25
Hotel	130 Rooms	41	28	40	38
Apartments in Commercial/Retail Buildings	212 Units	22	86	87	47
Commercial/Retail – Shopping Ctr	159,000 SF	128	79	392	425
Professional Office	152,000 SF	235	32	42	207
City Park	45 Acres of Land (6 Acres pond)	114	89	90	68
<b>Total Site Generated Trips*</b>		<b>614</b>	<b>521</b>	<b>868</b>	<b>927</b>

\* Total Site Generated Trips do not include adjustments for internal trips or pass-by trips.

Re: *Westwood Mixed Use Neighborhood Development, Town of Amherst, NY*  
*Updated Trip Generation Information*

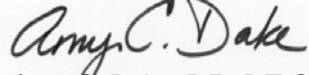
*March 16, 2017*

The updated trip generation indicates the revised Masterplan will generate 106 fewer entering trips during the AM peak hour, 7 fewer exiting trips during the AM peak hour, 26 fewer entering trips during the PM peak hour, and 107 fewer exiting trips during the PM peak hour.

If you have any comments or questions concerning these materials, or require any additional information, please contact our office.

Very truly yours,

*SRF & Associates*



Amy C. Dake, P.E., P.T.O.E.

Senior Transportation Engineer

SRF/dlk

S:\Projects\2016\36069 Westwood Update\Corresp\Westwood Trip Generation Letter 03-16-17.docx

Project Information	
Project Name:	Westwood Update
No:	36069
Date:	2/9/2017
City:	Amherst
State/Province:	NY
Zip/Postal Code:	
Country:	
Client Name:	Mensch
Analyst's Name:	ACD
Edition:	ITE-TGM 9th Edition

February 2017 Plan

Land Use	Size	AM Peak Hour		PM Peak Hour	
		Entry	Exit	Entry	Exit
<b>252 - Senior Adult Housing - Attached</b>	104 Dwelling Units	7	14	14	12
Reduction		0	0	0	0
Internal		0	0	4	4
Pass-by		0	0	0	0
Non-pass-by		7	14	10	8
<b>254 - Assisted Living</b>	200 Beds	18	10	19	25
Reduction		0	0	0	0
Internal		0	0	0	0
Pass-by		0	0	0	0
Non-pass-by		18	10	19	25
<b>220 - Apartment</b>	180 Dwelling Units	18	74	76	41
Reduction		0	0	0	0
Internal		0	2	21	15
Pass-by		0	0	0	0
Non-pass-by		18	72	55	26
<b>210 - Single-Family Detached Housing</b>	67 Dwelling Units	14	43	46	27
Reduction		0	0	0	0
Internal		0	1	12	9
Pass-by		0	0	0	0
Non-pass-by		14	42	34	18
<b>230 - Residential Condominium/Townhouse</b>	40 Dwelling Units	4	21	19	9
Reduction		0	0	0	0
Internal		0	0	6	3
Pass-by		0	0	0	0
Non-pass-by		4	21	13	6
<b>220 - Apartment - 1</b>	89 Dwelling Units	9	38	44	23
Reduction		0	0	0	0
Internal		0	1	12	9
Pass-by		0	0	0	0
Non-pass-by		9	37	32	14
<b>310 - Hotel</b>	130 Rooms	41	28	40	38
Reduction		0	0	0	0
Internal		0	15	3	4
Pass-by		0	0	0	0
Non-pass-by		41	13	37	34
<b>220 - Apartment - 2</b>	221 Dwelling Units	22	90	90	49
Reduction		0	0	0	0
Internal		0	3	26	17
Pass-by		0	0	0	0
Non-pass-by		22	87	64	32
<b>820 - Shopping Center</b>	166 1000 Sq. Feet Gross Leasable Area	131	81	404	437
Reduction		0	0	0	0
Internal		20	15	60	107
Pass-by		0	0	102	98
Non-pass-by		111	66	242	232
<b>710 - General Office Building</b>	264.8 1000 Sq. Feet Gross Floor Area	367	50	64	311
Reduction		0	0	0	0
Internal		31	14	9	28
Pass-by		0	0	0	0
Non-pass-by		336	36	55	283
<b>411 - City Park</b>	33 Acres	83	66	66	50
Reduction		0	0	0	0
Internal		62	50	50	38
Pass-by		0	0	0	0
Non-pass-by		21	16	16	12
<b>9211 - Patio Homes</b>	57 Dwelling Units	6	13	12	12
Reduction		0	0	0	0
Internal		0	0	3	4
Pass-by		0	0	0	0
Non-pass-by		6	13	9	8
<b>Total</b>		720	528	894	1034
<b>Total Reduction</b>		0	0	0	0
<b>Total Internal</b>		113	101	206	238
<b>Total Pass-by</b>		0	0	102	98
<b>Total Non-pass-by</b>		607	427	586	698

Updated Masterplan 3-16-17

Size	AM Peak Hour		PM Peak Hour	
	Entry	Exit	Entry	Exit
104 Dwelling Units	7	14	14	12
	0	0	0	0
	0	0	4	4
	0	0	0	0
	7	14	10	8
200 Beds	18	10	19	25
	0	0	0	0
	0	0	0	0
	0	0	0	0
	18	10	19	25
180 Dwelling Units	18	74	76	41
	0	0	0	0
	0	2	21	15
	0	0	0	0
	18	72	55	26
67 Dwelling Units	14	43	46	27
	0	0	0	0
	0	1	12	9
	0	0	0	0
	14	42	34	18
130 Dwelling Units	11	53	50	25
	0	0	0	0
	0	0	5	6
	0	0	0	0
	11	53	45	19
130 Rooms	41	28	40	38
	0	0	0	0
	0	15	3	4
	0	0	0	0
	41	13	37	34
212 Dwelling Units	22	86	87	47
	0	0	0	0
	0	3	43	23
	0	0	0	0
	22	83	44	24
159 1000 Sq. Feet Gross Leasable Area	128	79	392	425
	0	0	0	0
	16	9	93	140
	0	0	98	94
	112	70	201	191
152 1000 Sq. Feet Gross Floor Area	235	32	42	207
	0	0	0	0
	21	9	15	28
	0	0	0	0
	214	23	27	179
45 Acres	114	89	90	68
	0	0	0	0
	86	67	68	51
	0	0	0	0
	28	22	22	17
57 Dwelling Units	6	13	12	12
	0	0	0	0
	0	0	3	4
	0	0	0	0
	6	13	9	8
<b>Total</b>	614	521	868	927
<b>Total Reduction</b>	0	0	0	0
<b>Total Internal</b>	123	106	267	284
<b>Total Pass-by</b>	0	0	102	98
<b>Total Non-pass-by</b>	491	415	499	545
<b>Total Trips Difference</b>	-106	-7	-26	-107
<b>Total Non-pass-by Trips Difference</b>	-116	-12	-87	-153



# Westwood

A Traditional Neighborhood  
in the heart of Amherst.

## FEMA PRELIMINARY FLOODPLAIN AND FLOODWAY MAP

Prepared by:



March 20, 2017

**LOCAL LAW NO. \_\_\_\_\_-2017**

**TOWN OF AMHERST**

**COUNTY OF ERIE, STATE OF NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE; KNOWN AS THE ZONING ORDINANCE, TO REZONE 772 NORTH FOREST ROAD, 375 MAPLE ROAD, 385 MAPLE ROAD AND 391 MAPLE ROAD FROM RECREATION CONSERVATION DISTRICT (RC) TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), MULTIFAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), AND GENERAL BUSINESS DISTRICT (GB) AND TO AMEND THE ZONING MAP ACCORDINGLY.**

Be it enacted by the Town Board of the Town of Amherst as follows:

**Section 1. Title.**

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) and to Amend The Zoning Map Accordingly."

**Section 2. Legislative Findings and Intent.**

The Town Board of the Town of Amherst finds that an application to rezone 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

**Section 3. Amherst Zoning Map.**

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from Recreation Conservation District (RC) to Traditional Neighborhood Development District (TND), Multifamily Residential District Seven (MFR-7), and General Business District (GB) the zoning of 772 North Forest Road, 375 Maple Road, 385 Maple Road and 391 Maple Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:



**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT  
("RC") TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT ("TND")**

**134.79+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lots 60 & 66 & 67, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 444.56 feet to a point;

Thence north measured at right angles, a distance of 219.02 feet to the south line of Maple Road;

Thence east along the south line of Maple Road, a distance of 220.00 feet;

Thence south measured at right angles, a distance of 219.02 feet;

Thence east measured at right angles, a distance 541.16 feet to the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence south at an interior angle of  $87^{\circ}54'21''$ , a distance of 1624.08 feet;

Thence southeast at an exterior angle of  $136^{\circ}21'59''$ , a distance of 217.67 feet;

Thence east at an exterior angle of  $130^{\circ}41'27''$ , a distance of 465.00 feet to the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 75 feet more or less to the centerline of Ellicott Creek;

Thence south along the centerline of Ellicott Creek, a distance of 580 feet more or less to a point;

Thence east 160 feet more or less to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence southwest at an interior angle of  $79^{\circ}06'00''$ , a distance of 283.40 feet;

Thence west at an interior angle of  $100^{\circ}54'00''$ , a distance of 40 feet more or less the centerline of Ellicott Creek;

Thence southerly and easterly along the centerline of Ellicott Creek, a distance of 780 feet more or less to a point in the east line of Lot 66;

Thence south along the east line of Lot 66, a distance of 427 feet more or less;

Thence southwest at an interior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet;

Thence south along the west line of North forest Road, a distance of 349.10 feet;

Thence southeast at an exterior angle of  $162^{\circ}41'54''$  and along the west line of North Forest Road, a distance of 49.53 feet;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$  and along the west line of North Forest Road, a distance of 435.02 feet;

Thence southwest at an interior angle of  $126^{\circ}44'10''$ , a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 171.09 acres more or less.

EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road;

Thence southwest along the northwest line of North Forest Road at an angle to the right of  $55^{\circ}23'43''$ , a distance of 30.07 feet to the west line of North Forest Road;

Thence south along the west line of North Forest Road at an angle to the right of  $124^{\circ}36'17''$ , a distance of 40.00 feet;

Thence west measured at right angles, a distance of 110.00 feet;

Thence southwest at an angle to the right of  $140^{\circ}22'48''$ , a distance of 95.90 feet;

Thence west at an angle to the left of  $140^{\circ}22'54''$ , a distance of 92.00 feet;

Thence northwest at an angle to the left of  $148^{\circ}00'37''$ , a distance of 89.82 feet to the Point of Beginning;

Thence continuing along said line, a distance of 200.00 feet;

Thence west at an exterior angle of  $148^{\circ}00'44''$ , a distance of 360.00 feet;

Thence north measured at right angles, a distance of 315.00 feet;

Thence northeast at an interior angle of  $135^{\circ}31'39''$ , a distance of 168.00 feet;

Thence southeast at an interior angle of  $105^{\circ}49'11''$ , a chord distance of 421.27 feet, having a radius of 430.0 feet and an arc length of 440.25 feet;

Thence southeast at an interior angle of  $176^{\circ}39'54''$ , a distance of 215.33 feet;

Thence southwest measured at right angles, a distance of 265.00 feet to the point of beginning, containing 5.13 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of  $89^{\circ}41'26''$ , a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk's Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 514.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running west parallel with the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk's Office under cover 1982, a distance of 3073.44 feet to a point;

Thence west measured at right angles, a distance of 45.00 feet to a point;

Thence south measured at right angles, a distance of 400.00 feet;

Thence east measured at right angles, a distance of 15.00 feet;

Thence south measured at right angles, a distance of 945.00 feet;

Thence east at an exterior angle of  $87^{\circ}44'44''$ , a distance of 618.47 feet;

Thence north at an exterior angle of  $89^{\circ}55'05''$ , a distance of 50.00 feet;

Thence east at an interior angle of  $89^{\circ}55'05''$ , a distance of 935.34 feet to the point of curvature;

Thence easterly and northerly along a curve to the left having a radius of 240.0 feet and an arc length of 375.70 feet to the point of tangency;

Thence north along said tangent line, a distance of 118.54 feet;

Thence east measured at right angles, a distance of 84.08 feet;

Thence southeast at an interior angle of  $107^{\circ}18'06''$ , along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$ , along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of 126°44'10", a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 14.87 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

ALSO EXCEPTING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road to the Point of Beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of  $100^{\circ}54'00''$ , a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Meihlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of  $79^{\circ}06'00''$ , a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of  $87^{\circ}03'25''$ , a distance of 465.00 feet;

Thence south at an interior angle of  $92^{\circ}56'35''$ , a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 965.97 feet;

Thence southeast at an interior angle of  $121^{\circ}59'16''$ , a distance of 86.03 feet;

Thence southwest measured at right angles, a distance of 265.00 feet;

Thence southeast measured at right angles, a distance of 89.82 feet;

Thence east at an interior angle of  $148^{\circ}00'37''$ , a distance of 92.00 feet;

Thence northeast at an interior angle of  $140^{\circ}22'54''$ , a distance of 95.90 feet;

Thence east at an exterior angle of  $140^{\circ}22'48''$ , a distance of 110.00 feet to the west line of North Forest Road;

Thence north measured at right angles along the west line of North Forest Road, a distance of 40.00 feet;

Thence northeast along the northwest line of North Forest Road at an exterior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet to the point of beginning, containing 14.46 acres more or less.

**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT  
("RC") TO MULTI-FAMILY RESIDENTIAL DISTRICT ("MFR-7")**

**5.13+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road;

Thence southwest along the northwest line of North Forest Road at an angle to the right of  $55^{\circ}23'43''$ , a distance of 30.07 feet to the west line of North Forest Road;

Thence south along the west line of North Forest Road at an angle to the right of  $124^{\circ}36'17''$ , a distance of 40.00 feet;

Thence west measured at right angles, a distance of 110.00 feet;

Thence southwest at an angle to the right of  $140^{\circ}22'48''$ , a distance of 95.90 feet;

Thence west at an angle to the left of  $140^{\circ}22'54''$ , a distance of 92.00 feet;

Thence northwest at an angle to the left of  $148^{\circ}00'37''$ , a distance of 89.82 feet to the Point of Beginning;

Thence continuing along said line, a distance of 200.00 feet;

Thence west at an exterior angle of  $148^{\circ}00'44''$ , a distance of 360.00 feet;

Thence north measured at right angles, a distance of 315.00 feet;

Thence northeast at an interior angle of  $135^{\circ}31'39''$ , a distance of 168.00 feet;

Thence southeast at an interior angle of  $105^{\circ}49'11''$ , a chord distance of 421.27 feet, having a radius of 430.0 feet and an arc length of 440.25 feet;

Thence southeast at an interior angle of  $176^{\circ}39'54''$ , a distance of 215.33 feet;

Thence southwest measured at right angles, a distance of 265.00 feet to the point of beginning, containing 5.13 acres more or less.



**FOR LANDS TO BE REZONED FROM RECREATION CONSERVATION DISTRICT  
("RC") TO GENERAL BUSINESS DISTRICT ("GB")**

**1.16+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence westerly along the north line of Sheridan Drive, a distance of 1282.53 feet to a point;

Thence north forming an angle in the northeast quadrant of  $89^{\circ}41'26''$ , a distance of 596.27 feet to the POINT OF BEGINNING;

Thence continuing north on the previous course, a distance of 220.00 feet to a point;

Thence easterly measured at right angles, a distance of 230.00 feet to a point;

Thence southerly measured at right angles, a distance of 220.00 feet to a point;

Thence westerly measured at right angles, a distance of 230.00 feet to the point of beginning, containing 1.16 acres more or less.

**LANDS TO REMAIN ZONED RECREATION CONSERVATION DISTRICT (“RC”) TO  
BE PRESERVED AS A PERMANENT OPEN SPACE BUFFER**

**30.01+/- Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 60 & 66, Township 12, Range 7 of the Holland Land Company’s Survey, more particularly described as follows:

BEGINNING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence west along the north line of Sheridan Drive, a distance of 1645.27 feet to a point in the lands appropriated by the People of the State of New York Map 197, Parcel 219 by Notice of Appropriation recorded in Liber 9690 of Deeds at Page 366;

Thence continuing along the north line of Sheridan Drive and said appropriation, at an interior angle of  $172^{\circ}32'21''$  a distance of 15.46 feet to a point;

Thence continuing along the north line of Sheridan Drive and said appropriation, forming an exterior angle of  $173^{\circ}12'12''$  to the chord of a curve having a radius of 11409.16 feet and an arc length of 252.56 feet to a point;

Thence northwest forming an interior angle of  $141^{\circ}12'39''$  from the chord of the previous curve, a distance of 44.17 feet to point in the east line of Frankhauser Road;

Thence north at an interior angle of  $127^{\circ}12'55''$  along the east line of Frankhauser Road, a distance of 928.41 feet to a point;

Thence northwest along the east line of Frankhauser Road at an exterior angle of  $143^{\circ}08'48''$ , a distance of 39.87 feet to a point;

Thence north at an interior angle of  $143^{\circ}07'48''$  along the east line of a map cover filed in the Erie County Clerk’s Office under cover 1982, a distance of 3520.01 feet to a point;

Thence east at an interior angle of  $94^{\circ}02'21''$  along the south line of map filed in the Erie County Clerk’s Office under cover 1784, a distance of 514.56 feet to a point;

Thence south measured at right angles, a distance of 50.00 feet to a point;

Thence running west parallel with the south line of map filed in the Erie County Clerk’s Office under cover 1784, a distance of 417.84 feet;

Thence running south parallel with and 100.00 feet east of the east line of map filed in the Erie County Clerk’s Office under cover 1982, a distance of 3073.44 feet to a point;

Thence west measured at right angles, a distance of 45.00 feet to a point;

Thence south measured at right angles, a distance of 400.00 feet;

Thence east measured at right angles, a distance of 15.00 feet;

Thence south measured at right angles, a distance of 945.00 feet;

Thence east at an exterior angle of  $87^{\circ}44'44''$ , a distance of 618.47 feet;

Thence north at an exterior angle of  $89^{\circ}55'05''$ , a distance of 50.00 feet;

Thence east at an interior angle of  $89^{\circ}55'05''$ , a distance of 935.34 feet to the point of curvature;

Thence easterly and northerly along a curve to the left having a radius of 240.0 feet and an arc length of 375.70 feet to the point of tangency;

Thence north along said tangent line, a distance of 118.54 feet;

Thence east measured at right angles, a distance of 84.08 feet;

Thence southeast at an interior angle of  $107^{\circ}18'06''$ , along the southwest line of North Forest Road, a distance of 49.53 feet to a point;

Thence southeast at an exterior angle of  $170^{\circ}01'58''$ , along the southwest line of North Forest Road, a distance of 435.02 feet to a point;

Thence southwest at an interior angle of  $126^{\circ}44'10''$ , a distance of 24.17 feet to the north line of Sheridan Drive;

Thence west along the north line of Sheridan Drive, a distance of 178.70 feet to the point of beginning, containing 14.87 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

BEGINNING at a point in the northeast corner of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870 also being the south line of line of map filed in the Erie County Clerk's Office under cover 1784;

Thence west along the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 591.16 feet;

Thence south measured at right angles, a distance of 50.00 feet;

Thence running east parallel with and 50.00 feet south of the south line of map filed in the Erie County Clerk's Office under cover 1784, a distance of 589.33 feet to the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870;

Thence north along the east line of lands conveyed to Mensch Capital Partners, LLC by deed recorded in the Erie County Clerk's Office in Liber 11219 of Deeds at Page 7870, a distance of 50.00 feet to the point of beginning, containing 0.68 acres more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 66, Township 12, Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the intersection of the north line of Sheridan Drive and the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 822.84 feet to the northwest line of North Forest Road to the Point of Beginning;

Thence continuing along the east line of Lot 66, a distance of 427 feet more or less to the centerline of Ellicott Creek;

Thence westerly and northerly along the centerline of Ellicott Creek, 780 feet more or less to a point;

Thence east 40 feet more or less to a point;

Thence northeast at an interior angle of  $100^{\circ}54'00''$ , a distance of 283.40 feet to the northeast corner of lands conveyed to Clara Mehlhausen by deed recorded in the Erie County Clerk's Office in Liber 1873 of Deeds at Page 614 and the northwest corner of subdivision lot 50 as shown on map filed in the Erie County Clerk's Office under cover 921;

Thence west at an interior angle of  $79^{\circ}06'00''$ , a distance of 160 feet more or less to the centerline of Ellicott Creek;

Thence north along the centerline of Ellicott Creek, a distance of 580 feet more or less to the east line of Lot 66;

Thence north along the east line of Lot 66, a distance of 75 feet more or less;

Thence west at an interior angle of  $87^{\circ}03'25''$ , a distance of 465.00 feet;

Thence south at an interior angle of  $92^{\circ}56'35''$ , a distance of 775.00 feet;

Thence east measured at right angles, a distance of 155.00 feet;

Thence south measured at right angles, a distance of 965.97 feet;

Thence southeast at an interior angle of  $121^{\circ}59'16''$ , a distance of 86.03 feet;

Thence southwest measured at right angles, a distance of 265.00 feet;

Thence southeast measured at right angles, a distance of 89.82 feet;

Thence east at an interior angle of  $148^{\circ}00'37''$ , a distance of 92.00 feet;

Thence northeast at an interior angle of  $140^{\circ}22'54''$ , a distance of 95.90 feet;

Thence east at an exterior angle of  $140^{\circ}22'48''$ , a distance of 110.00 feet to the west line of North Forest Road;

Thence north measured at right angles along the west line of North Forest Road, a distance of 40.00 feet;

Thence northeast along the northwest line of North Forest Road at an exterior angle of  $124^{\circ}36'17''$ , a distance of 30.07 feet to the point of beginning, containing 14.46 acres more or less.

## **EXHIBIT “M”**

### **Planned Unit Development Process (“PUD”) Assessment Prepared Pursuant to Section 6-9 of the Zoning Code**

#### **I. Introduction:**

The Westwood Project is subject to the Planned Unit Development (“PUD”) review process as set forth in Section 6-9 of the Town of Amherst Zoning Ordinance (“Zoning Code”). The PUD review process applies to the development or redevelopment of any site that is 30 acres in size or greater.<sup>1</sup> Section 6-9-1 of the Zoning Code was adopted by the Town Board on May 20, 2013 and Section 6-9-1 of the Zoning Code (titled “Purpose”) states that the purpose of the PUD process is “to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants.” Section 6-9-2 of the Zoning Code establishes criteria for projects subject to the PUD review process are intended to result in “optimum development and use of land in the Town.”<sup>2</sup>

This Exhibit “M” of the Rezoning Application has been prepared by the Project Sponsor and project consultants to provide information regarding the concerted effort made by the Project Sponsor to design an integrated mixed-use redevelopment project consistent with the criteria and standards contained in Section 6-9 of the Zoning Code for the purpose of ensuring that projects involving the development or redevelopment of parcels that are 30 acres or larger will be consistent with the planning objectives the Town has established for ensuring high quality projects.

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<sup>1</sup> See Section 6-9-1 of the Zoning Code which sets forth the criteria in which the PUD standards contained in Section 6-9 of the Zoning Code apply. It is important to mention that Section 6-9-1 of the Zoning Code states that the PUD process can run concurrently with the review of a requested rezoning.

<sup>2</sup> See Section 6-9-2A of the Zoning Code.

## **II. Description of Planned Unit Development (“PUD”) Review Process:**

The PUD Application Process is described within Section 8-4 of the Zoning Code. This section of the Zoning Code indicates the Project Sponsor must provide a conceptual development plan that is consistent with the Zoning Code, Comprehensive Plan and the PUD Development Standards as set forth in Section 6-9-3 of the Zoning Code. A full size color version of the Conceptual Master Plan for the mixed-use project is provided at Exhibit “G” of this Rezoning Application and this plan constitutes the conceptual development plan for purpose of the PUD review process.

In reviewing the PUD conceptual development plan, the Town Board may choose to adjust any regulations, standards or criteria in the Zoning Code in order to protect the public health, safety, welfare and environmental quality of the community. Any additional conditions and/or adjustments to the existing Zoning Ordinance as per the PUD application review and approval process must be clearly detailed by way of an official attachment to the resolution approving said application.

This Exhibit “M” of the Rezoning Application provides a description of the Westwood Project and an assessment of conformance with the PUD Use Regulations and Development Standards set forth in Sections 6-9-2 and 6-9-3 of the Zoning Code.

The summary below also includes a description of any necessary conditions and/or adjustments to the underlying zoning regulations being sought by the Project Sponsor to meet the intent and objectives of the PUD application. The Project Sponsor has also developed project design guidelines to assist the Town in connection with the PUD review process and a complete copy of the “Westwood Design Standards Guide” is provided at Exhibit “O”.

The intent of the Design Guidelines is to provide a framework of desired characteristics and standards for the development of the Westwood mixed-use neighborhood. It is important to mention that the framework is intended to be flexible and to acknowledge the uniqueness of the individual districts that comprise the proposed mixed-use neighborhood.

### **III. Planned Unit Development Process Use Regulations:**

The PUD process includes additional standards and regulations with respect to site planning, layout, and open space requirements that are designed to work in tandem with the underlying zoning regulations to achieve a balanced development approach. The underlying zoning requirements concerning permitted uses, accessory uses, dimensional standards, parking, and general development standards still apply.<sup>3</sup> The PUD process enhances these existing standards with specific design principles that are intended to ensure high quality development and redevelopment projects that are consistent with planning objectives contained in Section 6-9 of the Zoning Code and the adopted Bicentennial Comprehensive Plan (“Comprehensive Plan”).

### **IV. Planned Unit Development Standards:**

Section 6-9-3 of the Zoning Code is titled “Development Standards” and consists of a detailed description of the standards applicable to projects subject to the PUD review process. This section of the Zoning Code consists of seven categories of standards for projects subject to the PUD review process consisting of the following: off-street parking and loading; landscaping, buffering and screening; local circulation system; topography and site appearance; open space; utilities and signs.

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<sup>3</sup> See Section 6-9-1C(1) of the Zoning Code stating, “All uses permitted in the underlying zoning district shall be permitted in a PUD as provided in this Section”



A detailed description of the applicable design criteria and a description of the manner by which the Project Sponsor has designed a Conceptual Master Plan for the proposed integrated mixed use neighborhood project that is consistent with the detailed PUD Development Standards is provided below. For purposes of convenience, each of the applicable categories of Development Standards as contained in Section 6-9-3 of the Zoning Code has been listed below in *italics* followed by description of the manner by which the Westwood Project is consistent with the applicable standards.

**A. Off-Street Parking and Loading (Section 6-9-3A):**

Section 6.9.3A of the Zoning Code is titled “Off-Street Parking and Loading” and contains six performance standards that apply to off-street parking and loading areas. More specifically, Section 6-9-3A of the Zoning Code states as follows:

*“Off-Street Parking and Loading. The design criteria set forth in this Section are intended to provide desirable latitude and freedom to encourage variety in the location and arrangement of uses, to encourage convenience in accessibility to these uses through provision of pedestrian and bicycle pathways and public transportation services and to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards shall apply:*

- (1) Pedestrian connection between parking areas and buildings shall be along walkways to the extent necessary to assure pedestrian safety.*
- (2) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.*
- (3) Any above-grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness and should be separate from private vehicles and pedestrians where feasible.*
- (4) The design of buildings and parking facilities shall take advantage of the topography of the site where appropriate to provide separate levels of access.*

- (5) *Off-street parking and loading spaces shall be provided for all new buildings at the time of erection and for all enlargements of existing buildings and shall be maintained in usable shape and good condition.*
- (6) *Off-street parking and loading spaces shall be provided so as to minimize overflow of parked or standing vehicles onto public or common vehicular or pedestrian rights of way.”*

Section 6-9-3A of the Zoning Code acknowledges the benefits of flexibility in providing off-street parking and requires an applicant to give appropriate consideration to pedestrian access and safety and the screening of parking areas that can be unsightly is not properly designed based on the content of an overall proposed project and nearby existing land uses. The Conceptual Master Plan for the proposed mixed-use project satisfies the six performance standards contained in Section 6-9-3A of the Zoning Code by providing a layout that integrates pedestrian pathways and trailways throughout the mixed use project that feature direct connections and extensions to primary parking areas.

The parking areas within the Westwood Neighborhood have been carefully designed to provide for safe and efficient access to the interior road network. The site landscaping has been specifically designed to include measures to provide the screening of parking areas.<sup>4</sup>

In order to ensure the safe management of vehicular, pedestrian, and bicycle traffic, the Project Sponsor has carefully developed a circulation plan that includes consideration for vehicular road networks, vehicular parking areas, pedestrian sidewalks, and recreational trailways.<sup>5</sup>

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<sup>4</sup> Please refer to Section VII. Landscape Strategy of the Westwood Design Standards Guide (attached to this Rezoning Application as Exhibit “O”) for a full description of landscaping standards that will apply to parking areas.

<sup>5</sup>Please refer to Section VI. Circulation of the Westwood Design Standards Guide for a full description of the circulation plan for the Westwood Neighborhood.

**B. Landscaping, Buffering and Screening (Section 6-9-3B):**

Section 6-9-3B of the Zoning Code is titled “Landscaping, Buffering and Screening” and contains three subsections titled “Landscape Features and Building Arrangements”, “Landscaping Standards”, “Aesthetics” and “Screening” that are each reproduced below and addressed as follows:

*“(1) **Landscaping Features and Building Arrangements.** The design criteria set forth in this Section supercede those in § 7-2. They are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Buildings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the buildings so as to provide privacy and to form a unified composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall, however, be assured in any PUD. Yards, building setback and spacing and building height and shape, landscape features and building arrangement shall be designed in a manner to assure:*

- (a) Proper light, air and views for the residents, tenants and the public;*
- (b) Safety in accommodating pedestrian and vehicular circulation and vehicular storage and service;*
- (c) Usability of and convenient access to open space;*
- (d) Screening to minimize the unsightliness and monotony of parked cars;*
- (e) Availability of open land for landscaped features, recreation or other private uses;*
- (f) Privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas;*
- (g) The creation of a variety of common open spaces and private areas, through the planning of landscape features such as walls, fences, hedges and other features.”*

Section 6-9-3B(1) of the Zoning Code indicates the landscaping, buffering and screening standards applicable to the PUD review process are intended “to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open

space and landscape features. Buildings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the buildings so as to provide privacy and to form a unified composition of buildings and space.” Section 6-9-3B(1) of the Zoning Code as cited above contains seven performance standards that apply to ensure that landscaping, buffering and screening elements fulfill the PUD planning objectives and the Conceptual Master Plan has been designed in consideration of these criteria.

The Project Sponsor has carefully designed the Westwood Neighborhood to take advantage of and sustain existing natural resources on the Project Site. Consistent with this planning objective, the portions of the Project Site that contain environmental features such as pockets of mature tree growth and the Ellicott Creek corridor, have been incorporated into the permanent open space areas that are provided on the Conceptual Master Plan. The total permanent open space areas on the Project Site will be comprised of approximately 83.3 acres including the approximately 45 acre Westwood Park. The project design reflects an effort to evenly disperse the permanent open space throughout the Project Site to provide convenient access and usability of open space from the various mixed use components. The approximately 45 acre Westwood Park, which will include an approximately 6.2-acre new lake, will provide a significant space for recreational activity and public gatherings. While the existing landscaping features of the site are largely being maintained based on its current use as a private golf course, the Project Sponsor will be enhancing the Project Site with new landscaping berms, water features. Specifically, new landscaped areas including undulating berms with appropriate drainage improvements will be established to provide screening for the benefit of adjacent residential uses and also to screen vehicular parking areas. The Project Sponsor has designed the preliminary Landscape Plan to provide for variation in open space types that create both public

and private landscaped areas that can be enjoyed within the Westwood Neighborhood.

*“(2) Landscaping Standards. Landscaping plans shall meet the following standards:*

- (a) Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.*
- (b) Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.*
- (c) Landscape treatment for public and private plazas, roads, paths, service and parking areas shall be designed as an integral part of an entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other Town requirement for trees in public street rights of way.*
- (d) The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must be not less than five percent of the total vehicular area in parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.*
- (e) Landscape materials shall be appropriate to the growing conditions on the site and the Town's environment.*
- (f) Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours and outstanding vegetational, topographical and geological features are encouraged to be preserved and incorporated in the open space areas and in the landscaping of the development.*
- (g) Plastic or other types of artificial plantings or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two and one half inch caliper, measured six inches above the ground, per residential unit, including existing trees on the site which are preserved. Trees to be planted throughout the district and along the vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year round benefit of such plantings.*
- (h) Trees shall be of numerous species as to minimize the impact and spread of disease.*

Section VII of the “Westwood Design Standards” as attached as Exhibit “O” is titled “Landscape Strategy” and includes a complete description of the planning objectives for the implementation of an integrated landscaping plan for the mixed use project. The Project Sponsor utilized the services of Frank T. Brzezinski, Registered Landscape Architect, to carefully review the Town of Amherst Landscaping, Buffers and Screening Standards as contained within Section 7-2 of the Zoning Code to ensure compliance with the general design standards as well as the PUD landscaping standards in Section 6-9-3B(2) of the Zoning Code as cited above. Mr. Brzezinski evaluated landscaping species type, size, location, disease avoidance measures, and installation methods. The Landscape Plan incorporates stormwater management elements including sufficient areas for storage of runoff from impervious surfaces, designated permanent open space areas to provide pervious surfaces, and bio-retention systems that will treat runoff. In order to ensure stormwater runoff from new impervious surfaces is properly managed per the applicable stringent stormwater quantity and quality standards of the New York State Department of Environmental Conservation (“NYSDEC”), the project layout includes approximately 83.3 acres of permanent open space areas that will consist of pervious areas (approximately 48.7% of the Project Site). The dispersed permanent open space will assist in the management of stormwater runoff by creating areas that will be capable of handling stormwater runoff per the applicable requirements. The Landscape Plan was designed as an integral part of the Westwood Neighborhood and played an integral role in the layout, placement, and arrangement of buildings and related improvements depicted on the Conceptual Master Plan. The planning process stressed the importance of incorporating and maintaining existing environmental features and the development of a mixed-use neighborhood that actively embraces open spaces and publicly accessible recreational opportunities.

Section 6-9-3B(3) of the Zoning Code is titled “Aesthetics” and establishes development standards to ensure the projects subject to the PUD process will have a quality appearance in terms of buildings and other related improvements. Section 6-9-3B(3) states as follows:

***“Aesthetics.***

*(a) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.*

*(b) The sides and rear of all buildings shall be designed in such manner as to avoid undue sacrifice of amenity and design values when viewed from side and rear vantage points.”*

The above cited standards require that construction materials are of a good appearance and easily maintained. In addition, the sides and rear of all buildings within a PUD shall be designed in such a manner as to avoid sacrificing building amenities and design values when viewed from side and rear vantage points. In order to accommodate these building standards, the Project Sponsor has included specific construction and building façade execution standards within the “Westwood Design Standards” attached as Exhibit “O” of this Rezoning Application. Section IV of the Westwood Design Standards is titled “Neighborhood Character” and provides a framework for design principles specific to each of the mixed use project components to be included in the Westwood Neighborhood. The standards are focused around providing high quality buildings that offer complete facades on all sides of new buildings. The elements of the Westwood neighborhood are designed to offer distinctive architectural environments that include thematic references to each other in order to provide a sense of place, continuity and community.

Section 6-9-3B(4) of the Zoning Code is titled “Screening” and establishes screening standards applicable to projects requiring PUD approval by stating as follows:

*“(4) **Screening.** Visual and noise screening devices shall be designed and maintained to serve their intended purposes set forth in this Section. Artificial planting materials shall not be allowed. Landscape screening should be given priority where effective, easily maintained and botanically feasible. Decorative masonry walls in conjunction with berms and plant materials are encouraged.”*

The above cited PUD development standard requires that projects subject to the PUD review process feature architectural and landscaping elements to screen potential visual and noise impacts. In consideration of this requirement, the Project Sponsor has designed the Westwood Neighborhood to include landscape buffering and screening to all parking areas within the Project Site. In addition, the physical layout of the buildings have been designed to provide for an engaging streetscape that accommodates the pedestrian experience, with the massing and facades of buildings providing screening for the parking areas behind them. Existing adjacent residential uses are screened from the scale of new buildings and vehicular parking areas through permanent open spaces buffer areas that will include berms and extensive landscaping.

**C. Local Circulation System (Section 6-9-3C):**

Section 6-9-3C of the Zoning Code is titled “Local Circulation System” and contains two subsections titled “Vehicular Circulation” and “Pedestrian Circulation”. Each of these subsections are reproduced in *italics* below and addressed as follows:

***“Vehicular circulation.***

- (a) The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile safely and efficiently without allowing it to dominate and destroy the form of the area, and with screening and buffering as may be required to satisfy the environmental standards of this Section.*
- (b) Dwellings and other buildings shall be served by streets, drives or emergency accessways planned to assure access by service and emergency vehicles.*



- (c) Driveways and streets serving group and cluster developments shall be connected to collector and arterial streets at locations where traffic can be controlled and operated effectively and safely with minimum interference to the capacity of the arterial and collector streets, bicycle routes and pedestrian ways.*
- (d) Streets may be either private or public.*
- (e) Standards of design and construction for all roads to be dedicated shall meet applicable town standards unless specifically modified as part of the site plan approval. The right of way and pavement widths, locations and designs for private ways, roads and alleys shall conform to generally accepted planning and engineering practices, taking into account the estimated needs of the full proposed development.*
- (f) There shall be provision of safe bicycling routes throughout the district which may be coincident with pedestrian ways but which shall be separated from the motorized vehicle system wherever feasible.”*

The Westwood Design Standards attached as Exhibit “O” of this Rezoning Application includes vehicular circulation objectives for the mixed-use project. Section VI of the Westwood Design Standards is titled “Circulation” and it describes the Vehicular Circulation objectives utilized in designing the mixed use project. The “Neighborhood Character” Framework map provided in Section III of the Westwood Design Standards depicts the roadway network, bike path route and connection as well as the pedestrian access points for the mixed use project. This map demonstrates that a key planning objective of the mixed-use project are to integrate the mixed use components and to provide direct non-vehicular access points for existing residents in the surrounding vicinity.

The Westwood Neighborhood has been designed with a priority on providing a connected, contiguous road network. The Westwood Neighborhood has been designed to establish a clear hierarchy in terms of street patterns and the primary public roadway will be a spine road that extends through the center of the Project Site from Maple Road to Sheridan Drive. The spine road has been designed to include medians throughout and a traffic circle to

safely manage vehicular speed and the integration of pedestrian and bicycle networks. Intersections with the internal roadways of individual mixed-use project components along the spine road have been evenly placed to create an orderly and safe line of sight for vehicular users, limiting the potential for conflict points.

While vehicular travel is managed in a safe manner with sufficient capacity for anticipated vehicular traffic to be generated by the mixed-use project, the road network has deliberately been designed to ensure it will not dominate the landscape. Instead, streets have been designed with landscaping and spacing to create an aesthetically pleasing vehicular network.

The layout for the mixed-use project as depicted on the Conceptual Master Plan reflects a concerted effort to incorporate safe bicycling routes on the Project Site as required by Section 6-9-3C(1)(f) of the Zoning Code cited above. In an effort to avoid conflict points with vehicular traffic, the circulation plan includes bicycle lane crossings at the primary intersection with the spine road and a key component of the Westwood Neighborhood is the complete and separate bike path and trail system that extends throughout the Project Site and provides access to all of mixed use components.

***“Pedestrian Circulation.***

- (a) Pedestrian ways shall connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas and public transportation.*
- (b) The system of pedestrian walks, malls and landscaped spaces shall be of such extent and the elements of such system shall be so distributed in location and number so as to assure safety of pedestrians from vehicular traffic and encourage pedestrian travel within such system instead of in vehicular rights of way, without restraints imposed by public, private or common ownerships.*
- (c) Major pedestrian walks, malls and public transportation loading places where feasible shall be separated from general vehicle circulation.*

*(d) Landscaped, paved and comfortably graded pedestrian walks shall be provided, particularly from building entrances to adjacent buildings, play areas, parking areas and streets.*

*(e) Sidewalks, pathways and bikeways to be located within a public right of way shall meet town standards as to width, location and materials unless specifically modified as a part of the site plan approval.*

The Westwood Neighborhood has been designed in accordance with the Traditional Neighborhood Development District regulations (“TND”) contained in Section 5-6 of the Zoning Code. As per the purpose and intent section of the TND regulations, development in the TND District is intended to encourage walking, biking, and use of public transportation as alternatives to automobile trips. The Project Sponsor carefully considered the layout, design, and circulation of the site to ensure pedestrians will have a safe, inviting, and engaging experience within the Westwood Neighborhood. The pedestrian network includes both sidewalks and trail networks that are interconnected and accessible by all of the mixed use components of the project. The network is extended to connect all the single-family residential, multi-family, medical and professional office park, senior living, and neighborhood center on the Project Site. Furthermore, the paths are also directly connected to and extended throughout permanent open space areas including the approximately 45 acre Westwood Park.

In an effort to ensure the sidewalks, open space areas, and trail networks are publicly accessible, the Project Sponsor has ensured all sidewalks and paths are located either within public right-of-ways or within common areas. Safe and efficient means of pedestrian travel between buildings and within parking areas have been included and coordinated within the design of the site Landscape Plan. Please refer to Section VI. Circulation of the Westwood Design Standards Guide for a full description of the circulation strategy as well as a cross-section of the street design including an assessment of vehicular paths, on-street parking, pedestrian

pathways and median design.

Section 6-9-3C of the Zoning Code provides for circulations systems that allow for the safe and efficient movement of vehicular, bicycle, and pedestrian users within new developments. New development should be designed to accommodate multi-modal transportation options that do not place a priority on private vehicular traffic while neglecting pedestrian and public transit options. Most importantly, projects should provide a distinction between surface materials and visual effect that provide for easily discernible and safe paths that are intended for differing users whether vehicular, pedestrian, or bicycle. In an effort to satisfy this critical concern within the Westwood neighborhood, the Project Sponsor utilized the services of Goody Clancy, a nationally recognized architecture, planning, and preservation firm with a core focus and proven success in developing lively mixed-use neighborhood centers, to develop the Westwood neighborhood streets, sidewalk, and path circulation and integration strategy. Please refer to Section III. Development Strategy of the Westwood Design Standards Guide (attached to this Application as Exhibit “O”) which includes a “Neighborhood Character” map that depicts the path routes and connection points within the neighborhood. Further details regarding the site circulation strategy can be found within Section VI. Circulation of the Westwood Design Standards Guide (attached to this Application as Exhibit “O”).

**D. Topography and Site Appearance (Section 6-9-3D):**

Section 6-9-3D of the Zoning Code is titled “Topography and Site Appearance” and is reproduced in *italics* below and addressed as follows:

*“Topography and Site Appearance. PUD's shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to provide for water storage and control of water runoff, to protect natural drainage courses, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. Significant natural features and other characteristics of the site shall be preserved and incorporated as distinctive features of the development.”*

Section 6-9-3D of the Zoning Code as cited above requires that projects subject to the PUD review process be designed to take advantage of the topography of the land in order to utilize the natural contours, to provide for water storage and control of water runoff, to protect natural drainage courses, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. The Westwood Project Site as it currently exists is relatively flat and Ellicott Creek is a significant environmental feature located along portions of the eastern boundary of the Project Site. The Project Sponsor has carefully designed the Westwood Neighborhood to maintain existing areas of natural tree cover and the Ellicott Creek corridor. The Project Sponsor utilized the services of Professional Civil Engineering, LLC to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report. The Conceptual Master Plan was specifically designed to work in unison with the existing site topography and includes the establishment of a primary stormwater detention lake in the center of the Project Site, as the overall topography is generally flat with a slight pitch towards the center of the Project Site. The overall stormwater management plan and analysis includes specific calculations and findings that indicate the current plan will provide for sufficient storage of stormwater as per the stringent stormwater quantity and quality standards of the New York State Department of Environmental Conservation (“NYSDEC”) as well as the Town’s drainage standards. The fully engineered plans for mixed use components that will require site plan approvals will include detailed drainage calculations to ensure compliance with

the applicable stringent standards for stormwater management.

**E. Open Space (Section 6-9-3D):**

Section 6-9-3D of the Zoning Code is titled “Open Space” and contains detailed performance standards to ensure that PUD projects involve the preservation of substantial areas as permanent open space as part of the overall PUD planning objective of requiring high quality development projects. Section 6-9-3D of the Zoning Code contains seven subsections titled “Definition”, “Scale and Character”, “Area and location”, “Open Space Alterations”, “Physical Improvements”, “Public Open Space” and “Perimeter Treatment”. Each of these subsections are reproduced in *italics* below and addressed as follows:

***“(1) Definition.***

- (a) Open space includes:*
- (i) Uncovered and unpaved lands or water areas in public, common or private ownership, except lots under single family ownership;*
- (ii) Lands covered by structures or other improvements may also be deemed to constitute open space under the limited conditions specified in this Section;*
- (iii) Large areas of land in a natural state;*
- (iv) Areas for active and passive recreation;*
- (v) Parks and large landscaped or wooded areas;*
- (vi) Drainage, runoff areas and flood plain areas and areas for stormwater storage and protection of water quality;*
- (vii) Connectors between major open space areas;*
- (viii) Pedestrian and bicycle circulation systems;*
- (ix) Areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic;*

- (x) *Areas for public or private recreation, public education, community and cultural facilities when approved by the Town Board;*
- (xi) *Conservation facilities and areas.”*

The above quoted definition of “open space” is broad and reflects an effort to provide for diversity in terms of recreational opportunities and varying aesthetic value in open space areas. In recognition of the broad definition of “open space” the Project Sponsor has included a wide range of permanent open space areas as depicted on the Conceptual Master Plan including an approximately 6.2 acre lake that will be used for stormwater management and as an aesthetic and recreational feature; multiple smaller stormwater detention ponds; large natural land areas; and the approximately 45 acre Westwood Park that includes significant mature woodlands, connecting trails through major open space areas, pedestrian and bicycle circulation systems, preservation of the jurisdictional wetlands associated with the Ellicott Creek corridor, and the creation of new wetland areas.

*“(2) **Scale and Character.** Such proposed uses must be appropriate to the scale and character of the new district, considering its size, density, expected population, topography and the number and types of dwelling units.”*

Section 6-9-3E(2) of the Zoning Code indicates that open space requirements are not fulfilled by simply allocating acreage for permanent open space and that it is important for open space features to be an integral element of a PUD project. The intent of Section 6-9-3E(2) of the Zoning Code is to ensure that open spaces are sufficient in terms of size and access to allow for a healthy and engaging environment for residents and visitors of the development.

The Project Sponsor utilized the services of Goody Clancy, a nationally recognized planning and site design firm, to carefully “right-size” the open space areas in

relationship to the mixed-use project components they will serve. This process involved an analysis and comparison to other successful open space models throughout the country. Open space character was another critical consideration. The Westwood neighborhood includes multiple types of open space areas that are intentionally varied in terms of function and purpose relative to the development types they serve. This arrangement provides residents and visitors with diversity in terms of recreational modes and options throughout the Project Site.

The Project Sponsor has carefully designed the Westwood neighborhood to incorporate open spaces that will facilitate healthy, active lifestyles and socialization within great public spaces. The permanent open space areas have been designed as large recreational areas in the context of a natural space such as Westwood Park; as smaller green spaces for public gathering such as the Focal Green; and as small pockets of social engagement space within an activity center such as the Westwood neighborhood plaza.

***“(3) Area and location.***

*(a) In any PUD a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, must be in open space.*

*(i) At least 70 percent of this total open space shall be in private ownership open to the public or in public or common ownership.*

*(ii) Any part of the total open space, either in a natural state or improved as permitted by and meeting the standards of this Section, may be offered for dedication or other disposition without cost to the Town or other public entity for recreation and other open space uses for use by the public and acceptable to the Town Board and other public entity and to the owner and if accepted constitutes a credit to paragraph (a) above. Offers for dedication or other disposition of major open space for public use may be made at any time after approval of the development plan.*

*(b) Any public or common open space shall be located and organized to be readily accessible by foot and bicycle to residential populations served thereby (preferably without their having to cross limited access and arterial roadways). In addition, access and parking for vehicles shall be provided*



*where appropriate.*

*(c) The location, condition, size and configuration of the open space must be suitable for its use as proposed in the development plan and/or site plan. Lakes or other water areas may not occupy so large a proportion of the major common open space that other open space and recreational uses cannot be adequately provided for.”*

Section 6-9-3E(3) of the Zoning Code as quoted above requires that open space comprise a minimum of 25 percent of the total land area of any new development, less the amount used exclusively for nonresidential purposes. In an effort to sustain the existing natural features and ensure that substantial open space areas will be readily accessible and dispersed throughout the Project Site, the Project Sponsor has intentionally exceeded the minimum 25 percent open space requirement by proposing mixed-use layout providing approximately 83.3 acres of permanent open space, representing 48.7 percent of the Project Site. This represents a commitment on the part of the Project Sponsor to provide 95 percent more open space areas than required.

In terms of accessibility, the permanent open space areas are dispersed throughout the Project Site and connected by an active bike path and trail system. All components of the mixed-use project will have access to the common trail system, meaning all residents and visitors can readily engage the Project Site via pedestrian and bicycle travel.

*“(4) **Open Space Alterations.** The continued use of common open space for the purposes contemplated in this Section shall be assured through appropriate deed restrictions which shall include a provision that such open space use shall not be materially altered or abridged without the approval of the Town Board.”*

The Project Sponsor is willing to ensure the proposed open space remains open space on a permanent basis by recording a Declaration of Restrictions at the Erie County Clerk’s Office. The content and form of the Declaration of Restrictions for the permanent open space will be submitted to the Town Attorney’s Office for review and approval prior to recording at Erie

County Clerk's Office.

***“(5) Physical Improvements.***

- (a) Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved.*
- (b) The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.”*

Section 6-9-3E(5) of the Zoning Code as quoted above encourages PUD project layouts in which permanent open space areas containing significant natural features worthy of preservation be left unimproved. In an effort to incorporate and preserve existing natural features into the Westwood Neighborhood, the Project Sponsor has intentionally designed the Project around existing woodland areas and the Ellicott Creek corridor. Furthermore, the physical improvements and buildings within the Westwood Neighborhood have been intentionally positioned to take advantage of the existing natural scenic landscapes to be preserved as well as the new landscaping. The Project Sponsor is not proposing any new commercial or residential buildings in the permanent open space areas to be provided on the Project Site.

***“(6) Public Open Space. The standards for the Planning Board's determination whether to recommend Town Board approval of an offer for the dedication or other disposition to the Town or other public entity of public open space lands shall, without excluding any other applicable requirements of this Section, include the following:***

- (a) The need for public open space in the PUD. In determining the manner of public ownership, the usage by the Town's population outside the PUD shall be considered.*
- (b) The potential for an open space connection with other public open space*

areas.

- (c) *The desirability of public access due to the special physical and biological characteristics of the area which make it suitable for public open space uses.*
- (d) *The desirability of public acquisition of floodways, drainageways and areas subject to flooding for water management and recreational uses.*
- (e) *Review and acceptability of covenants or similar provisions proposed for inclusion in dedication instrument, intended to assure that public use remains consistent with the objectives of the development plan and site plan.”*

Section 6-9-3E(6) of the Zoning Code as quoted above includes specific criteria for the Planning Board to consider in evaluating whether to recommend that the Town Board consider an offer for the dedication or disposition to the Town or any other public entity of “public open space lands” within a proposed PUD project. The Project Sponsor is willing to discuss the possible dedication of the Westwood Park area to the Town and other publicly accessible open space areas with the Planning Department, Planning Board and Town Board in connection with the review of the proposed mixed-use project.

*“(7) **Perimeter Treatment.** The design of improvements and landscaping along the boundaries of a PUD should be visually harmonious and functionally compatible with adjoining development. Extensive parking areas, service areas and other features likely to have adverse effects on surrounding property (due, e.g., to adverse views, lights, noise) shall be screened against viewing from first stories both inside and outside the district. Screening shall also be provided to protect against lights, noise or other undesirable conditions in the surroundings.”*

Section 6-9-3E(7) of the Zoning Code as quoted above requires that improvements and landscaping along the boundaries of a PUD development be harmonious and functionally compatible with adjoining development. The design of the mixed-use project as depicted on the Conceptual Master Plan was prepared based on a recognition of the need for the project to be compatible with the existing land uses in the immediate vicinity of the Project Site including the

Fairway neighborhood directly west of the Project Site. Section 6-9-3E(7) of the Zoning Code also states that extensive parking fields and lighting shall be screened to protect adjacent residents from light, noise or other undesirable conditions.

The Project Sponsor utilized the services of Wendel Companies to develop a Conceptual Master Plan that includes the implementation of undulating berms around the perimeter of the Project Site in the proposed permanent open space areas to ensure proper screening and buffering to adjacent residents including the Fairways neighborhood directly west of the Project Site. The specific design for the landscaping and screening in the permanent open space areas along the perimeters of the Project Site including conceptual berm cross sections is provided in Section VII of the Westwood Design Standards attached as Exhibit “O” of this Rezoning Application.

In an effort to avoid lighting spillover from the mixed-use project onto nearby residential parcels, the lighting for the Westwood Neighborhood will be designed according to the Town of Amherst’s stringent lighting standards contained in Section 7-3 of the Zoning Code for residential, multifamily and nonresidential buildings to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Section VIII of the Westwood Design Standards is titled “Lighting” and contains guidelines for both sight and building lighting to ensure lighting improvements do not have adverse impacts on existing nearby residential uses and also to ensure the lighting is consistent with the high quality design for the mixed-use project.

Lighting will be designed in a consistent and coordinated manner for the entire Project Site. The lighting and lighting fixtures will be designed to enhance the visual impact of the Project on the community and blend into the surrounding landscape. Lighting fixtures will be designed, sized and located in such a manner to not cast direct rays of light upon adjoining premises or cause glare hazardous to pedestrians or persons using adjacent public streets.

**F. Utilities (Section 6-9-3F):**

Section 6-9-3F of the Zoning Code establishes a standard for utilities improvements for PUD projects by stating:

*“F. Utilities: In association with PUD design standards, the Project Sponsor will ensure that all utilities will be generally placed underground.”*

All utility improvements to be installed in connection with the mixed-use project including electric lines will be installed underground.

**G. Signs (Section 6-9-3G):**

Section 6-9-3G of the Zoning Code establishes criteria for signage to be installed in connection with a PUD project and states as follows:

***“G. Signs.***

- (1) Freestanding signs in a PUD shall be limited to traffic and pedestrian directional and control signs, street signs and signs identifying the development.*
- (2) Pole signs shall be prohibited in a PUD.*
- (3) One identification sign shall be permitted for each nonresidential use, identifying use on the premises as permitted on the site plan, of not more than 20 square feet, not projecting beyond the building to which it is attached more than 12 inches, not projecting more than 10 feet in height above grade. Signs shall be designed as an integral part of a Coordinated Sign Plan in accordance with § 8-11.*
- (4) Any illuminated sign visible from any public street or from adjoining property used for residential purposes shall be so shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads or highways.*

Section 6-9-3G of the Zoning Code includes specific standards for the placement, type, construction, and number of signs within a PUD development. In addition, the Project Sponsor

will be subject to the regulations as stated within Section 7-8 Signs of the Zoning Ordinance. The Project Sponsor has included specific consideration for site signage within Section IX of the Westwood Design Standards attached as Exhibit “O” of the Rezoning Application.

As Section IV(G) of this Exhibit “M” identifies, there are specific standards for signs in a PUD project. The Project Sponsor will not be installing any pole signage per Section 6-9-3G(2) of the Zoning Code. However, the Project Sponsor anticipates that the Coordinated Sign Plan for the mixed use project may require some deviations from the standards in Section 6-9-3G of the Zoning Code. The Coordinated Sign Plan for the Project will be prepared based on discussions with the Planning and Building Departments.

**V. Proposed Planned Unit Development Underlying Zoning District Amendments:**

The PUD process is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants with new development projects. PUDs are a nationally recognized land use tool typically associated with “mixed-use residential development of single-family dwellings in conjunction with rental, condominium, cooperative or town house properties.”<sup>6</sup> It is important to recognize the intent of PUD regulations as a tool to develop large, integrated developments that adhere to a comprehensive plan and advance a number of important smart growth and sustainability objectives. The American Planning Association (“APA”) is an independent, not-for-profit educational organization that provides guidance in the development of communities and is nationally recognized as a leader in furthering the practice and policies related to urban planning. The APA regularly issues briefs and papers regarding current issues related to land use planning and decision making. In particular, the APA has noted that when

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<sup>6</sup> Source: United States Department of Housing and Urban Development, Housing Handbooks- Valuation for Single Family One – to Four- Unit Dwellings (4150.2) (July 1, 1999).

considering PUD developments communities may either limit the gross density of the tract to what would be permitted under conventional zoning, or may choose to allow more units than would otherwise be allowed. The benefits of concentrated higher density development include the ability to require a greater percentage of the tract as common open space. Properly applied, PUD is capable of mixing residential and nonresidential land uses, providing broader housing choices, allowing more compact development, permanently preserving common open space, reducing vehicle trips, and providing pedestrian and bicycle facilities. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements, as well as accommodate environmental and scenic attributes.

**A. Town Board Discretionary Authority:** In an effort to accomplish the smart growth and sustainability objectives contained in Section 6-9 of the Zoning Code, the language contained in Section 6-9-2A recognizes the need for each PUD project to be reviewed on its merits and that there will be a need for flexibility in applying standards in the Zoning Code. Section 6-9-2A of the Zoning Code includes language stating, “Conditions placed on individual use areas of a PUD shall supersede regulations elsewhere in this Ordinance, unless otherwise noted.”

In addition to clearly noting the discretionary approval authority of the Town Board to supersede underlying zoning regulations in the review of a PUD development, PUD review process prescribes a specific manner by which conditions and/or adjustments to underlying zoning regulations shall be noted and enforced. Specifically, Section 8-4(F) of the Zoning Code states as follows: “The determination by the Town Board of whether to approve rezoning to a planned district or a PUD application to adjust any regulations, standards or criteria of this Ordinance shall be based on its review of the proposed conceptual development plan, the report

of the Planning Board and the Planning Director and any matter brought forth at the hearing and approval or rejection of a development plan where the Town Board has acted on its own initiative. Such approval shall include the making of the findings.”

**B. Proposed Westwood Neighborhood Underlying Zoning District Amendments:** As per the definition and objective of PUD legislation both nationally and locally, it is in some instances necessary to amend or supersede the regulations and provisions of underlying zoning regulations when attempting to effectively permit a PUD. When considering the Westwood Neighborhood in particular, the Project Sponsor has proposed a mixed-use neighborhood that efficiently concentrates living spaces and associated services within a vibrant and sustainable Neighborhood Center while additionally providing for substantial amounts of permanent open space and publicly accessible recreational opportunities. Toward that end, and in an effort to ensure the broader vision of the Westwood PUD is realized, the Project Sponsor is respectfully requesting the consideration of the Town Board for a limited number of PUD amendments to the requested underlying zoning designations. The following is a description of the necessary amendments by zoning classification to facilitate the Westwood neighborhood design objectives.

**(1) Traditional Neighborhood Development District (TND):** Neighborhood centers positioned within PUD’s rely upon being within close proximity of high density residential development to support a local market within the spirit of a walkable and pedestrian accessible district. Additionally, successful neighborhood centers include diversified housing options that allow for variation in terms of residents, households, and visitors that support a mix of commercial development.

Section 5-6 of the Zoning Code limits the density of attached dwelling units in the Traditional Neighborhood Development District (“TND”) to four (4) units per wholly



residential building. This standard limits the ability to provide for a concentration of housing types and residents that engage the mixed use district and that will support the proposed Neighborhood Center. The limit of four (4) unit attached dwellings in a residential building on property zoned TND seems to contradict one of the primary objectives of the TND purpose statement design principles, “Uses and housing types are mixed or in close proximity to one another.”<sup>7</sup> By placing a restriction of no more than four (4) units per attached dwelling units per building, the Project Sponsor will be limited in the ability to provide for mixed housing types in close proximity to the Neighborhood Center. Based on the objective of the Westwood PUD and TND zoning purpose statement, the Project Sponsor is respectfully requesting the discretionary authority of the Town Board in approving a PUD application that provides for a unit density greater than four (4) per attached dwelling on the portion of the Project Site to be rezoned to TND to accommodate the proposed mixed-use project.

**(2) General Business District (GB):** The Project Sponsor has planned the Westwood Project to include a four-story hotel at the core of the Neighborhood Center. The four-story hotel is a critical component of the project that will be synergistic with the neighborhood businesses and offices that will be located in the center of the Neighborhood Center. As per Section 5-6-2 of the Zoning Code, hotels and motels are not included as a permitted use within the TND zoning classification. Therefore, the Project Sponsor is requesting the consideration of General Business District (“GB”) zoning classification for a small area within the core of the Neighborhood Center. Specifically, the GB zoned property would be limited to approximately 1.16 acres. The

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<sup>7</sup> See Section 5-6-1(B) of the Zoning Code.

Project Sponsor firmly believes that the inclusion of GB zoning for a small portion of the Neighborhood Center would not impede the overall intent and objective of the TND. In fact, one of the primary objectives of the TND Purpose Statement (Section 5-6-1 of the Zoning Ordinance) is to ensure “density is highest in the center of the district and decreases with distance from the center.” Positioning a focused area of GB zoning accomplishes this TND design principle by facilitating highest density development on a limited portion of land area (approximately 1.16 acres) at the core of the Neighborhood Center. Furthermore, the GB zoning regulations also support this effort by identifying the following as the GB Purpose Statement (Section 4-4-1 of the Zoning Ordinance), “to provide community centers within existing and proposed commercial nodes and mixed use activity centers for the location of commercial uses which server a larger market area than a neighborhood center, as articulated in the comprehensive plan, and provide for community-wide needs for general good and services and comparison shopping.” The Project Sponsor is looking to meet the objectives of both the TND zoning classification and GB zoning classification by positioning a concentrated pocket of GB zoning within the Westwood neighborhood center.

The challenge in this approach is presented by the underlying setback requirements for property zoned GB. Section 4-4-2(B) of the Zoning Code identifies dimensional and setback standards and for principal and accessory uses on GB zoned property. As a principal use structure, the proposed four-story hotel within the Westwood Neighborhood Center would require a minimum front yard setback of 75 feet, a minimum rear yard setback of 25 feet and minimum side yard setbacks of 25 feet. As it is the intent of the Project Sponsor to develop the Westwood neighborhood as a

pedestrian friendly center with an engaging streetscape that encourages walking, the setbacks for GB zoned property as cited above would not be conducive to the project intent and PUD objective. By comparison, as per Section 5-6-2 (B) of the Zoning Ordinance, the TND setback regulations permit a maximum front yard setback of 6 feet and do not require minimum rear yard or side yard setbacks adjacent to nonresidential development. Relative to the general spirit and approach to Neighborhood Center at the site, the GB setbacks would detract from the project intent. Therefore, the Project Sponsor is respectfully requesting the discretionary authority of the Town Board in approving a PUD application that provides for the application of TND zoning setbacks for the approximately 1.16 acre site for the proposed four-story hotel.

**DEVELOPMENT AGREEMENT**

**Westwood Neighborhood  
772 North Forest Road, 375, 385 Maple Road & 391 Maple Road  
(Town of Amherst Planning Department File No. Z-2014-23)**

**THIS DEVELOPMENT AGREEMENT** (“Agreement”), made this \_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the Town of Amherst, a municipal corporation organized under the State of New York (“Town”) and Mensch Capital Partners, LLC, a limited liability company formed pursuant to the laws of the State of New York, having an office at 5477 Main Street, Williamsville, New York 14221 (the “Project Sponsor”).

**WITNESSETH:**

WHEREAS, Mensch Capital Partners, LLC (“Project Sponsor”) submitted a Rezoning Application (“Application”) to the Amherst Town Board (“Town Board”) on July 14, 2014, requesting an amendment of the zoning classification of portions of the property at 772 North Forest Road, 375 Maple Road, 385 Maple Road & 391 Maple Road (“Project Site”) from Recreation Conservation District (“RC”) to Traditional Neighborhood Development District (“TND”), Multifamily Residential District Seven (“MFR-7”) and General Business District (“GB”) in furtherance of the redevelopment of the approximately 170 acre Project Site into a mixed-use neighborhood including residential, multi-family, commercial, office, senior living and permanent open space components known as the Westwood Neighborhood (“Proposed Action”); and

WHEREAS, the Town Board declared Lead Agency status on September 8, 2014 and determined that the Proposed Action may have potentially significant adverse environmental impacts on the environment and as such required that a Draft Generic Environmental Impact Statement (“DGEIS”) to be prepared in connection with the coordinated environmental review of the Proposed Action pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, The Project Sponsor submitted an initial DGEIS on July 14, 2014; and

WHEREAS, on September 7, 2014, the Town Board adopted a resolution by which it determined the initial DGEIS was not was not adequate for public review; and

WHEREAS, the DGEIS was determined to be complete and adequate for public review by the Town Board on December 28, 2015; and

WHEREAS, the Planning Board held a public hearing on the DGEIS and Application on November 17, 2016; and

WHEREAS, The Project Sponsor submitted an Amended Application on December 19, 2016; and

WHEREAS, the Planning Board held a second public hearing on the DGEIS and Application on January 19, 2017; and

WHEREAS, The Project Sponsor submitted an Amended Application on March 20, 2017;  
and

WHEREAS, on \_\_\_\_\_ 20 \_\_, the Planning Board held a third public hearing and finalized its review of the DGEIS and Application and adopted a resolution providing its recommendation to the Town Board; and

WHEREAS, a public hearing on the DGEIS and Application was held by the Town Board on \_\_\_\_\_; and

WHEREAS, following acceptance of the completed DGEIS and public hearings held by the Planning Board and the Town Board, the Town Board accepted and issued the Final Generic Environmental Impact Statement (“FGEIS”) on \_\_\_\_\_, and a Notice of Completion of the FGEIS was duly filed with the Town Clerk’s Office on \_\_\_\_\_; and

WHEREAS, the Town Board having thoroughly evaluated the content of the DGEIS, the FGEIS and all other documents related to the Proposed Action and issued a Findings Statement on \_\_\_\_\_ in accordance with 6 NYCRR Section 617.11 duly; and

WHEREAS, the Findings Statement considers the relevant environmental impacts, provides a thorough rationale for the Town Board’s determination, and sets forth the mitigation measures to be implemented that were identified as the reasonable considerations in avoiding or minimizing potential adverse environmental impacts to the maximum extent practicable in association with the Application and Proposed Action; and

WHEREAS, in accordance with Part 6, Section 6-9-1, Planned Unit Development Process (“PUD”) of the Town of Amherst Zoning Code (“Zoning Code”), any development or redevelopment of a portion of any lot measuring 30 acres in size or larger is subject to the PUD Review process to allow flexibility to respond to market demands and needs of tenants. The Project Sponsor provided a Conceptual Master Plan (“Concept Plan”) that has now become part of the Application in accordance with Section 8, Part 8-4-1(B) of the Town of Amherst Zoning Code (“Zoning Code”) and as such the Concept Plan has been thoroughly reviewed by the Planning Board and the Town Board concurrently with the review of the Application and Proposed Action; and

WHEREAS, the determination by the Town Board of whether to approve rezoning or a PUD application includes the authority and discretion to adjust any regulations, standards or criteria of the Zoning Code based on its review of the proposed Concept Plan.

NOW THEREFORE THE TOWN BOARD FINDS AND DETERMINES THAT:

1. This declaration of conditions and requirements has been issued based on the authority of the Town Board as set forth within Section 8-4-6(G) of the Zoning Code whereby the Town Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving an Application additional conditions or requirements consistent with the PUD process and generally consistent with the policies of the

Comprehensive Plan. These conditions and restrictions are issued by the Town Board in reliance upon the mitigative measures as determined necessary and appropriate within the Findings Statement issued for the Proposed Action having been prepared in compliance with 6 NYCRR Section 617.11.

2. The following conditions and restrictions shall be considered as conditions precedent to the issuance of building permits and certificates of occupancy for the Proposed Action. The Project Sponsor hereby accepts and acknowledges that the conditions and restrictions herein imposed shall be permanent and binding upon the Project Sponsor and any subsequent owner of all or portions of the Project Site.

3. The following conditions and restrictions shall be considered as provisions applicable to the development of the Project Site as mixed use neighborhood and shall be imposed in combination with all other applicable laws, rules and regulations as set forth in the Zoning Code.

4. The Town Board and the Project Sponsor intend to restrict the development of the Project Site as follows:

A. To provide for the development of a fully integrated, mixed-use, pedestrian-oriented neighborhood that encourages walkability and minimizes traffic congestion, sprawl, infrastructure costs and environmental degradation to the maximum extent practicable based on the following principles:

i. An identifiable mixed use neighborhood center with edges that are consistent in design, scale and context with the surrounding neighborhood;

ii. Uses and housing types that are mixed and in close proximity to one another;

iii. Density is highest in the center portion of the PUD as depicted on the Concept Plan and decreases with distance from the defined center;

iv. Substantial portions of the Project Site are to consist of permanent open space including areas that will be accessible to the public;

v. Pathways, sidewalks and circulation are designed to encourage and provide opportunities for walking and biking, as alternatives to vehicular trips;

vi. Streets are interconnected to minimize dead ends; and

B. To provide for a mixed-use neighborhood per the Design Standards of the Traditional Neighborhood District, as set forth in Section 5-6 of the Zoning Code. To achieve this goal, the architectural guidelines attached as **Exhibit "A"** will be implemented by the Town of Amherst Planning Board ("Planning Board") during review of the components of the Project requiring site plan and subdivision approval. As a further assurance to the Town Board, the Project Sponsor intends to retain architectural approval over the buildout phases of the various components of the project in an effort to achieve an architectural style throughout the Project Site that is uniform and consistent with Project Sponsor's vision for the Project Site.

5. Site Development Requirements and Restrictions - The Project Sponsor shall comply with the following requirements and restrictions in connection with the development of the Project Site:

A. Obtain all applicable approvals and permits for the Project from governmental agencies and municipal departments, including but not limited to site plan approvals, subdivision approvals, building permits, sanitary sewer permits, driveway curb cut and highway work permits, stormwater SPDES permits, and certificates of occupancy.

B. The development of the Project Site shall be generally consistent with the Conceptual Master Plan dated \_\_\_\_\_, submitted by the Project Sponsor on \_\_\_\_\_, and considered and approved by the Town Board on \_\_\_\_\_, 20\_\_\_\_ as attached as **Exhibit “B”**. The approved Conceptual Master Plan is intended to guide the future development of the Project Site and is not meant to illustrate a precise layout of the location of the various components of the mixed use neighborhood.

C. The development of the Project Site shall be further limited to the uses, building heights, and number of units identified in the Parcel Plan (“Parcel Plan”) which is attached as **Exhibit “C”**.

D. The Project Sponsor shall comply with all mitigation measures set forth in the Statement of Findings adopted by the Town Board on \_\_\_\_\_, which are all incorporated herein in their entirety by reference.

E. The Project Sponsor shall comply with the Brownfield Cleanup Agreement dated March 10, 2015 between Mensch Capital Partners, LLC and the New York State Department of Environmental Conservation for the for the Project Site.

F. The Project Sponsor shall record in the Erie County Clerk’s Office, the Declaration of Restrictions in form and substance as attached hereto as **Exhibit “D”**. A copy of the recorded Declaration of Restrictions and the recording receipt shall be provided to the Town Attorney’s Office, Building Department, Planning Department and the Town Clerk’s Office.

G. The Project Sponsor, as well as any association to be formed by the Project Sponsor, and its successors and assigns, shall maintain and be responsible for (a) all privately owned permanent open space / conservation areas within the boundary of the Project Site at its own cost and expense; (b) all sidewalks; and (c) the approved stormwater management system including the ponds within the boundary of the Project Site.

H. The Project Sponsor, as well as any association to be formed by the Project Sponsor, and its successors and assigns, shall allow access to all drainage facilities to the Town of Amherst and its employees for the purposes of maintenance. Said access shall be during normal business hours except in the case of emergencies.

I. Any transfer of ownership of all or portions of the Project Site by the Project Sponsor, including any transfer of development rights, shall subject the transferee to the terms contained in this Agreement, the Declaration of Restrictions, the mitigation measures contained in

the Findings Statement and the Resolution adopted by the Town Board on \_\_\_\_\_ approving the amendment of the zoning classification of portions of the Project Site.

6. Site Specific Zoning District Amendments and Variances - In an effort to achieve the desired concentration, density and proximity of residential uses to the proposed neighborhood center and also to provide for an opportunity to provide substantial amounts of contiguous permanent open space areas, the Town hereby authorizes the following amendments and/or variances to the following zoning districts as it specifically relates to the Application and the Project Site:

A. Traditional Neighborhood Zoning District (TND) - Section 5-6 of the Zoning Code limits the density of attached dwelling units in the TND to four (4) units per wholly residential building. This standard limits the ability to provide for a concentration of housing types and residents that engage the mixed-use district and that will support the proposed Neighborhood Center. Based on the objective of the Westwood PUD and the purpose statement for the TND zoning district, the Town Board hereby authorizes a maximum density of forty-eight (48) units per wholly residential attached dwelling building on the portion of the Project Site to be rezoned to TND in order to accommodate the proposed mixed-use neighborhood project. Notwithstanding the list of Permitted Principal Uses in the TND district identified in Section 5-6-2 of the Zoning Code, the following uses shall be prohibited on the Project Site: (1) animal grooming, animal hospital or veterinarian; and (2) service station.

- i. The Concept Plan attached as Exhibit B includes proposed patio homes within the TND district. The minimum front yard, rear yard and side yard setbacks for these residential areas within the TND district shall be restricted as follows:

	Front Yard Setback (Minimum)	Rear Yard Setback (Minimum)	Side Yard Setback (Minimum)
Single-Family Homes (approximately 12,000 square foot lots)	30 feet	35 feet	8 feet
Larger Patio Homes (approximately 8,000 square foot lots)	25 feet	20 feet	5 feet
Smaller Patio Homes (approximately 6,000 square foot lots)	Minimum Dimensional Standards per §3-15-5 of the Zoning Code		

- ii. The Concept Plan attached as Exhibit B also includes a proposed fire substation to service the demands of the Snyder Fire Department. The land will be donated to the fire department for its possible future construction of



a fire station that it is expected would consist of approximately 3,600 square feet and be one story in height.

- iii. The overall development within Parcel VI (Neighborhood Center), as identified on the attached Parcel Plan (Exhibit C) shall not exceed 152,000 square feet of office space, 159,000 square feet of commercial space and 650 Residential Units (“Units”). For the purposes of this Agreement, Residential Units shall include all multi-family residences included in Parcel VI. Furthermore, within Parcel VI, no individual retail establishment shall be greater than 30,000 square feet in size.

B. General Business District (GB) - The Westwood PUD has been approved to include a four-story hotel at the core of the Neighborhood Center. Pursuant to Section 5-6-2 of the Zoning Code, hotels and motels are not included as a permitted use within the TND zoning classification. Therefore, the zoning classification of the 1.16 acres of land associated with the four-story hotel located at the core of the Neighborhood Center has been amended to General Business District (“GB”). Principal Use Structures within the GB zoning district require a minimum front yard setback of 75 feet, a minimum rear yard setback of 25 feet and minimum side yard setbacks of 25 feet. As it is the intent of the Westwood PUD to develop a pedestrian friendly center with an engaging streetscape that encourages walking, the setbacks for GB zoned property as cited above would not be conducive to the intent of the Project intent PUD objectives. By comparison, per Section 5-6-2 (B) of the Zoning Code, the TND setback regulations permit a maximum front yard setback of 6 feet and do not require minimum rear yard or side yard setbacks adjacent to nonresidential development. Relative to the general spirit and development approach of the Neighborhood Center at the site, compliance with the minimum GB setbacks would detract from the Project intent. Therefore, the Town Board hereby authorizes the utilization of TND setback standards for the construction of the four-story hotel (principal use structure) on the 1.16 acres of the Project Site zoned GB in order to accommodate the proposed mixed-use project. Notwithstanding the list of Permitted Principal Uses in the General Business district, as identified in Section 4-4-2 of the Zoning Code, the following uses shall be prohibited on the Project Site: (1) animal grooming, cat boarding facility, hospital or veterinarian; (2) dog day care facility; (3) farm equipment sales or service; (4) funeral home; (5) house and camping trailer sales, camping equipment and accessories and related repair and service; (6) nurseries for sale of plants, shrubs and trees; (7) vehicle parts sales; (8) vehicle sales (new), rental, leasing and related repair, used vehicle sales and vehicle rental in conjunction with new vehicle sales only; and (9) wholesale store.

7. This Agreement may be altered or amended only by a written instrument setting forth such amendments and modifications as approved by the Town Board and signed by all parties to this Agreement.

8. This Agreement shall be governed by the laws of the State of New York.

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Date: \_\_\_\_\_, 20\_\_

**TOWN OF AMHERST**

By: \_\_\_\_\_  
Dr. Barry A. Weinstein  
Supervisor

Date: \_\_\_\_\_, 20\_\_

**MENSCH CAPITAL PARTNERS, LLC**

By: \_\_\_\_\_  
Andrew J. Shaevel  
Managing Partner



# Westwood

A Traditional Neighborhood  
in the heart of Amherst.

2014 Design Standards Guide

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The following Design Standards have been developed by Fontanese Folts Aubrecht Ernst Architects, P.C. in accordance with The Town of Amherst Planned District Rezoning and Planned Unit Development (“PUD”) Process Applicatio (Sectio 8-4 of the Amherst Town Code).



The following Design Standards have been prepared for:  
 Mensch Capital Partners, LLC  
 350 Essjay Road  
 Williamsville, NY 14221



## I. PURPOSE OF DESIGN GUIDANCE

The intent of these guidelines is to provide a framework of desired characteristics for the development of the Westwood mixed-use neighborhood. The framework is intended to be flexible and to acknowledge the uniqueness of the individual districts, which comprise the neighborhood. Westwood is intended to provide for a variety of building and spatial experiences, which acknowledge the residential character of the surrounding existing residential neighborhoods. The intent is to provide defining guidelines for the development of Westwood that are flexible, allowing for variety and adaptation as the demands of the market warrant over time. Given the size and scope of the Westwood Neighborhood, future development at the site will be subject to the Planned Unit Development (PUD) guidelines and regulations as presented in Sections 6-9 of the Town of Amherst Zoning Code. The PUD is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of project tenants and residents. The Design Guidance works in concert with the existing regulatory environment and is supplemental to the minimum requirements of the Town of Amherst.

Emphasis of the Design Guidance is to the exterior visual manifestation of the building use and to the creation of harmonious exterior spaces which transition in character from district to district. The objectives are to create a general consistency of design, which is complimentary to each other and is at a minimum acceptable standard that reinforces the character and vitality of the neighborhood, in short to encourage a better quality of life environment.

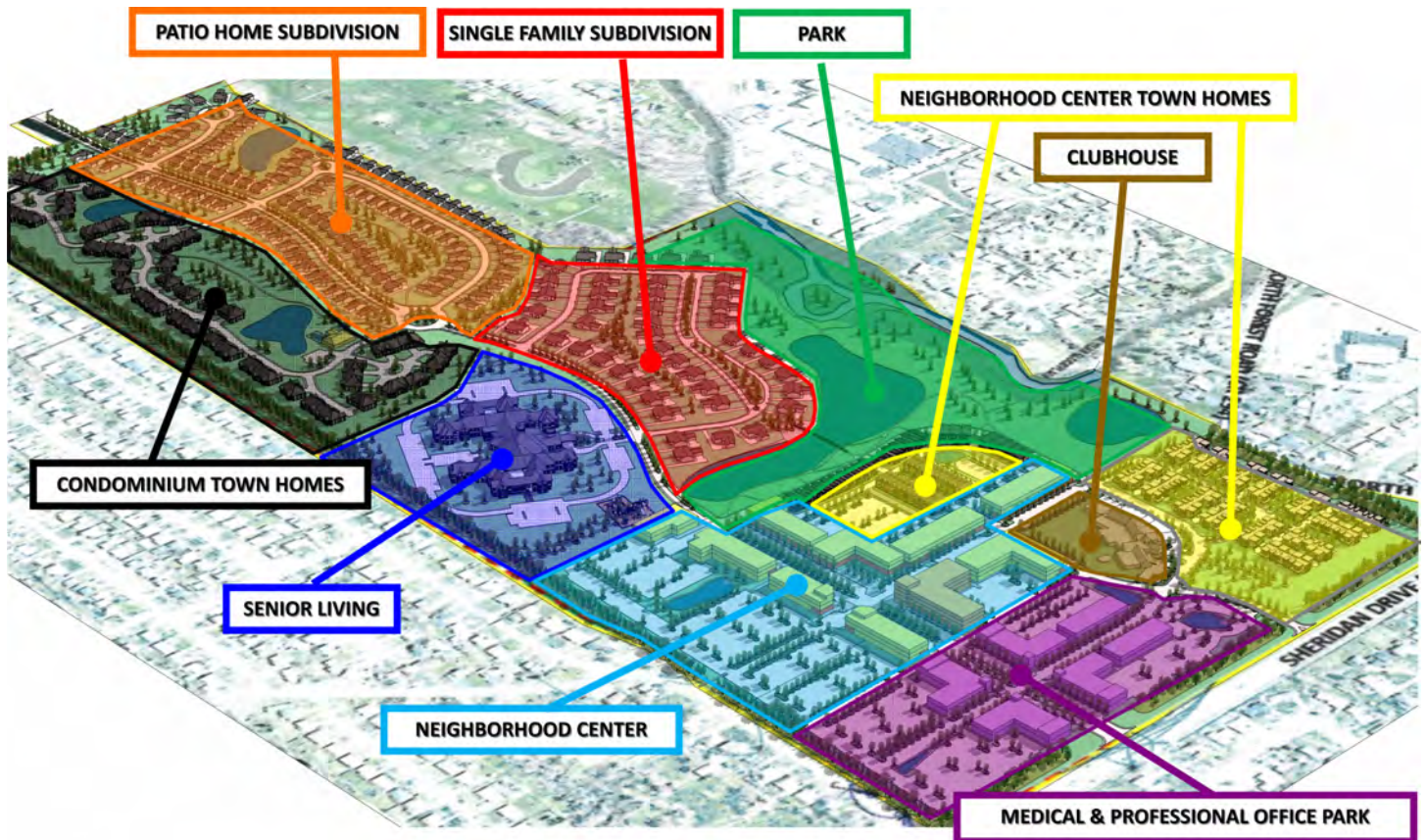


## II. INTRODUCTION

Westwood is a new mixed-use neighborhood that is bounded by Sheridan Drive to the south, Maple Road to the north, Fairways Blvd. and Frankhauser Road to the west, and North Forest Road to the east.

The community will incorporate a variety of residential opportunities including single family, townhouse, apartments, and senior living, as well as office retail, hotel and restaurant occupancies. With a mixed-use development pattern and diversity of amenities the community will offer year-round experiences, and a variety of public spaces connected with pedestrian friendly walks that build on a traditional neighborhood structure. The goal is to create an environment that has visual appeal, a focus on the pedestrian, a lively atmosphere, ever-changing character, yet evokes a reminder of the history of the site.

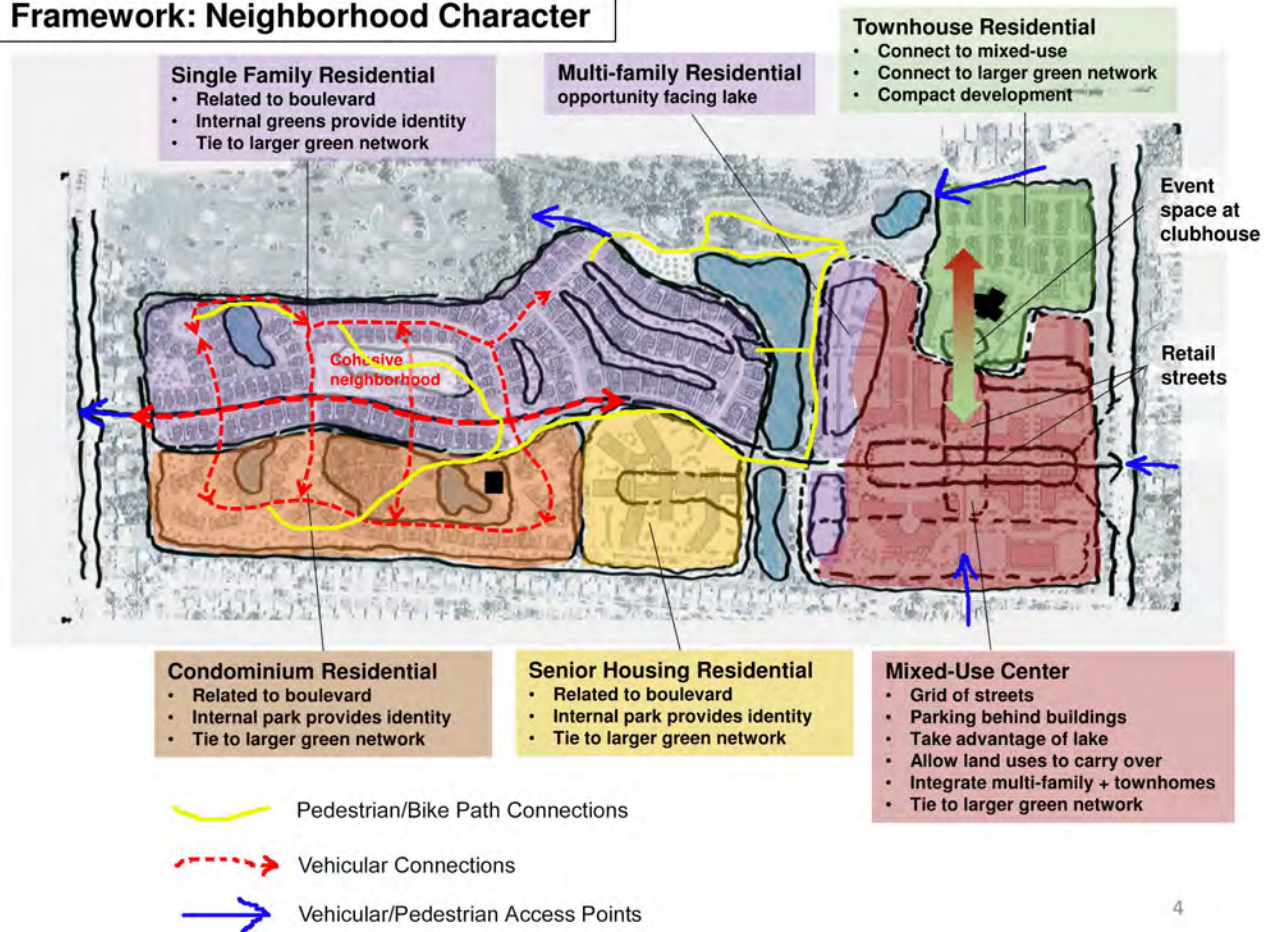
The Guidelines are mostly concerned with the character description of the spaces and the buildings and the landscape that creates them. They are intended to be guidelines that assist in the review of proposed development as opposed to rules that provide definitive direction. The following diagram provides a description of the neighborhood components.



### III. DEVELOPMENT STRATEGY

Bring together the elements of a community that as a whole envisions a mixed-use environment, transition in throughout the neighborhood in a manner that creates a vibrancy and vitality that is pedestrian friendly, encouraging of sustainability and allows a mix of uses. That is the goal of Westwood. Residential Senior Living, Office Commercial, Hospitality and Civic uses are planned throughout the neighborhood. The neighborhood should allow for an inclusive community that provides multi- generational housing options Public space features should include establishing an event space for outdoor activities at the Clubhouse, a tree canopied urban square within the Neighborhood Center, and providing a series of open spaces that are connected via a trail system with Westwood Park as the focal green space. Active uses that engage pedestrians should be located along the street frontages of the Neighborhood Center and Office Gateway. A network of public places are to be connected with the streets, sidewalks, and pathways.

#### Framework: Neighborhood Character



## IV. NEIGHBORHOOD CHARACTER

### Patio Home Subdivision

Situated nearby the Maple Road entry, this moderate scaled district anchors the north area of the single-family residential neighborhood. Like all of the residential areas this is a cohesive neighborhood, which offers internal green space, and connectivity to the path network. This district is bounded by the public golf course to the east and the entry boulevard to the west.

#### a. Architectural Features

The single-family residences should be located on modest sized lots along a tree-lined street. Covered front porches should be encouraged. Sloped roofs should be the norm. Garages could be located in the rear of the lot, or could have overhead doors facing the side lot line. The rear yards should be encouraged to visually share the open green space in common, minimizing fencing and encouraging landscaping to create any needed privacy.

#### b. Materials

Familiar materials, a mix of siding, a blend of colors, a variety of window sizes and placement should characterize this neighborhood. Siding could be a mix of clapboard, shingle or shake, with contrasting areas of brick or stone. Window, roof and door trim should articulate and emphasize the smaller scale of the structures.

#### c. Mass/Scale/Proportion

The residences should be moderate in size and mass. Smaller scaled details should be used to reinforce the human scale of the dwellings. The residences should be a diverse mix of single story, two story and one-and-a-half and smaller scaled two story structures. The street width to the height of the residences should be of a smaller dimension to promote a comfortable closeness, and slow traffic on the street.





### Condominium Town Homes

Abutting the western edge of the Maple Road entry and adjacent to the existing Fairways neighborhood, the district is characterized by more informally arranged townhome residences with generous, naturally landscaped open spaces. Two existing ponds and a cluster of existing trees will be features integrated into the park like neighborhood.

#### a. Architectural features

Generous windows and crisp lines and the use of well-placed dormers and gables could create visually interesting structures and become features that support a variety of appearances. On the foundation of the paired units, extending the floor plate in second and third story overhangs could further give variety to the residences. A variety of forms could give a meandering character to the overall streetscape, permitting a changing character from location to location that reinforces the neighborhood.

#### b. Materials

Stone, brick or other rusticated appearing materials could give visual strength to the first level housing the garage area which could be offset by clapboard or shingle siding where the entry and porch or deck occur. Upper level(s) could be of a blend of siding materials and well proportioned glass areas and windows

#### c. Mass/Scale/Proportion

The connected residences should create a townhouse like arrangement of two or three stories in height. The massing should more resemble that of a single-family residence, while maintaining individually recognizable arrangement of the units. With a more casual arrangement of the residences that extend along a meandering street or are collected into a cluster surrounding a court, the scale of the residences could be two or two and a half stories.



### Single Family Subdivision

Tree lined, boulevarded streets and internal green space give this residential district a pedestrian friendly environment. Located in the center of Westwood, the district borders the open area of Westwood Park and the lake edge to the south.

a. Architectural Features

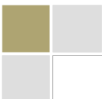
Generous sized lots with garages located in the rear of the house or garage doors opening to the side lot line should give the opportunity to provide generous sized porches facing the street.

b. Materials

A diverse use of cladding of a variety of colors and finishes that have a regional reference should be considered, such as brick and stone. Each residence should have a character of its own.

c. Mass/Scale/Proportion

Generously sized with two floor levels and significant sloped roofs should characterize these individual residences. The scale should be equally generous while still being respectful of the neighboring properties



### Westwood Park

Extending along the Ellico Creek that is the east boundary of the overall site and extending westward to encompass the lake, this district adapts the existing golf course landscape, transforming it into the meandering meadows to be viewed and shared by all. It becomes the open space, and the informal recreation area conveniently accessible by the Westwood residents and neighborhood center visitors.

The edges of Ellico Creek and the edge of the lake should become integrally linked with the path network, with a path for walking, jogging and cycling along the creek. A path along the lake edge could provide a relaxing place to stroll. It should have suitable benches carefully located near intersection with the path network. A pedestrian bridge from the Neighborhood Center to the residential neighborhoods is an important element of the public open space encouraging a pleasurable walk between the neighborhoods. Preserving the existing trees lining the creek edge and the native wetland species around the water bodies is part of the sustainable strategy. This preservation approach will be encouraged in other interior green spaces and transitional areas between neighborhoods.



### Neighborhood Center Town Homes

Located where the residences transition to the neighborhood center, the housing pattern supports a mixed-use environment. Autos are to be housed on the lowest level with entry from the rear of the structure, permitting the street side to offer generous outdoor porches or decks facing the lake. Where garages abut general parking areas, tree lined streets shall be incorporated which offer diagonal parking.

#### a. Architectural Features

Townhouse units that are linked into groupings of 8 to 10, the residences should have generous sized glass and window units with building projection at and above the street level. Projection and facade recesses should be rhythmic creating a unified visual presentation. There should be a defined front facade with significant landscaping and defined rear entry to the units, with auto garages entered from the parking area behind.

#### b. Materials

Each of the connected groupings should have similar materials, which reinforce the rhythm of the overall facade. Siding choices could include brick, stone, clapboard either stained or painted, or a combination of these materials. In small areas, metal accent panels could be considered.

#### c. Mass/Scale/Proportion

The building height should be limited to 3 levels. Roof construction could be sloped or flat or a combination of each, with varying heights and rooflines. The facade articulation can include changes in the building massing, changes in material, porches, decks or balconies. Each of the separate units should be reflected in the facade articulation.



### Neighborhood Center Townhomes

A compact grouping of town homes with a service court for pedestrian and auto access that border the intersection of Sheridan Drive and North Forest Road. The units share a garden area, which adjoins the rear of each unit.

a. Architectural features

The units could be arranged in groupings of 4 townhouses in a linear pattern that become a larger grouping of 8 units when combined with the enclosed garden/rear yard area.

b. Materials

The street level of the units should be articulated with a different color or a different siding material, with the upper two levels sharing a common siding material and color.

c. Mass/Scale/Proportion

The units should be organized to create a volume similar to a single family residence. The unit grouping should be compact. The units should be two levels high with sloped or flat roof or a combination of rooflines. The scale should clearly be compact, promoting a close-knit district.





### Clubhouse

At the heart of Westwood and the reason for an open public event space nearby is the existing clubhouse. It will serve as the symbol of the prior use of the site and can support the outdoor events that take place in the Neighborhood Center. The architectural details, proportion and color palette could serve as the thematic source of elements of the new construction surrounding it.



## Senior Living

At the transition from the residential districts to the north leading to the Neighborhood Center to the south, the senior living development will occupy one of the focal points of the project. With views of several important features, this district should be an outstanding site for the senior residents it supports. Nearby access to the neighborhood center or taking a stroll along the pathways to the lake will be a short walk for the senior residents.

### a. Architectural features

The architectural detailing should be encouraged to break down the visual appearance of the structure. Sloped roofs, a blend of colors, contrasting trim, and facade articulation should enhance the residential feel of this larger structure. Modulating the individual rooms, the building footprint and selectively offsetting the exterior wall plane should create a more residential appearance.

### b. Materials

Distinctly residential materials of a blend of types and colors, including shingles and clapboards should be used to articulate the core, wings and the separate floor levels of the facility.

### c. Mass/Scale/Proportion

Facade articulation should be used to reduce the apparent mass of the facility. While the size of the facility is significant, borrowing from the architectural vernacular of the existing clubhouse or a traditional local single family residence should reduce the building's scale. The proportion should maintain the human size as its standard.



## Neighborhood Center

As the central corridor, this district should be the focal core of the mixed-use character of Westwood. The blend of neighborhood shops, restaurants, businesses and office with residential on upper floors should provide vibrancy to the area. The tree-canopied central square should have outdoor seating framed by nearby food establishments and the hotel. Convenient diagonal street parking, as well as parking lots with tree-covered islands behind the buildings should be provided.

### a. Architectural features

Promoting mixed-use should be the hallmark of this district. Facades will promote the retail and commercial at street level, with generous areas of glass set off by small-scaled landscaping. Canopies above the first level window heads should typically project 6- 7 feet from the façade face providing weather protection and a logical location for building signage. The geometry of the window fenestration should be varied in size and location to further visually animate the facades.

### b. Materials

The front side and the rear side of the buildings in this district will be similar in character and detail. The back of the buildings will have the same finishes and articulation as the street side. Solid, crisp, materials with a blend of the contemporary and the traditional should be utilized.

### c. Mass/Scale/Proportion

The scale of the buildings in this district should tend to be more significant. Buildings in the district should typically be 3 stories tall with sloped or shed roofs. The hotel should be 4 stories tall with a flat roof and an articulated corner element for architectural emphasis. The mixed-used buildings on the west side of the district should be more reflective of a residential form of 2 ½ to 3 stories tall.





### Medical and Professional Office Park

Serving as the gateway, the lower scaled office buildings are visually sheltered from Sheridan Drive by a landscaped, tree lined berm. Convenient street side and adjacent tree bordered parking is available behind. Buildings are oriented to face the interior street.

a. Architectural features

The architectural expression should be contemporary and crisp, avoiding historical references or styles. The buildings should appear as simpler forms.

b. Materials

A blend of brick, stone, metal panels and glass in a contemporary composition should create visually inviting structures and animate the human scale of the street.

c. Mass/Scale/Proportion

The buildings should be two stories with flat or low slope roofs. The building corners should provide emphasis to the street corners. The scale should be transitional from the smaller residential across Sheridan Drive to the larger structures of the Westwood neighborhood core. The proportion should emphasize the horizontal, with generous glass, material changes, and location of doors to create a human-scaled street presence.



## V. STREETScape

The streetscape throughout the Westwood neighborhood will handle both vehicular and pedestrian traffic. The streetscape is intended to be a pedestrian friendly environment, with vehicular traffic calming features. The streetscapes are meant to be tree lined and pedestrian friendly, with a consistent pallet of signage, lighting, paving and occasionally furniture.

The streets should be well lit, active, human scaled and feel safe day and night. Pedestrian connection between streets and linking neighborhoods should be provided. The streetscape will encourage boulevard views of the neighborhoods, including views of the community facilities views to the various sized lakes, and to the Clubhouse. Walking, jogging and cycling will be encouraged along the boulevard and along the connection to the path system linking the neighborhoods.

The streetscape in the mixed use streets of the Neighborhood Center area should be more urban in character, with walkable welcoming streets and squares and should transition to a softer, more open nature as you move to the more residential areas.



## VI. CIRCULATION

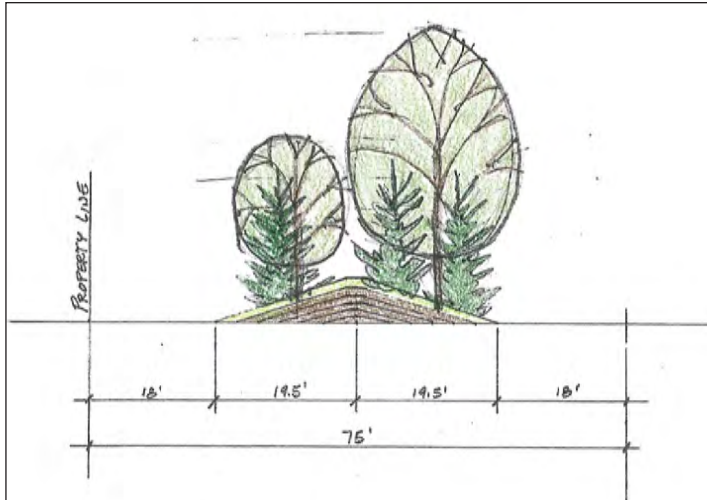
### Vehicular Circulation

The Westwood Neighborhood has been designed to function as a connected community with a comprehensive approach to vehicular and pedestrian management throughout the site. The primary north/south roadway that extends from Sheridan Drive and north through the project site to Maple Road shall be a public right of way with central medians, curvilinear design, and intermittent round-a-bouts to provide a central path that is convenient but also safe and speed controlled by design. Intersections shall be planned within the road network so as to create clear sight lines for safe turning and merging movements. The road networks shall include landscaping elements which provide a scenic landscape for vehicular movement throughout the site. Parking areas shall be screened either through the positioning of buildings within close proximity to the right of way or through the use of landscape buffer areas.

### Pedestrian Circulation

Pedestrian networks and trails are a critical component when developing neighborhoods that are connected and support healthy lifestyles. The Westwood Neighborhood will feature multi-modal options for pedestrian movement that include a bike path and trail network, internal sidewalks, and connections to the existing external pedestrian networks within the community. Pedestrian networks shall be interconnected at the site to link residential areas with the Neighborhood Center and should be coordinated with public transportation options including bus transit services. Pedestrian networks shall be managed in a safe and efficient space that is separate from the road network with clearly identified crosswalks at intersections. Clearly defined pedestrian connections shall be established at public gathering spaces to include the urban square within the Neighborhood Center, Westwood Park, and the event space contiguous to the Clubhouse.





## VII. LANDSCAPE STRATEGY

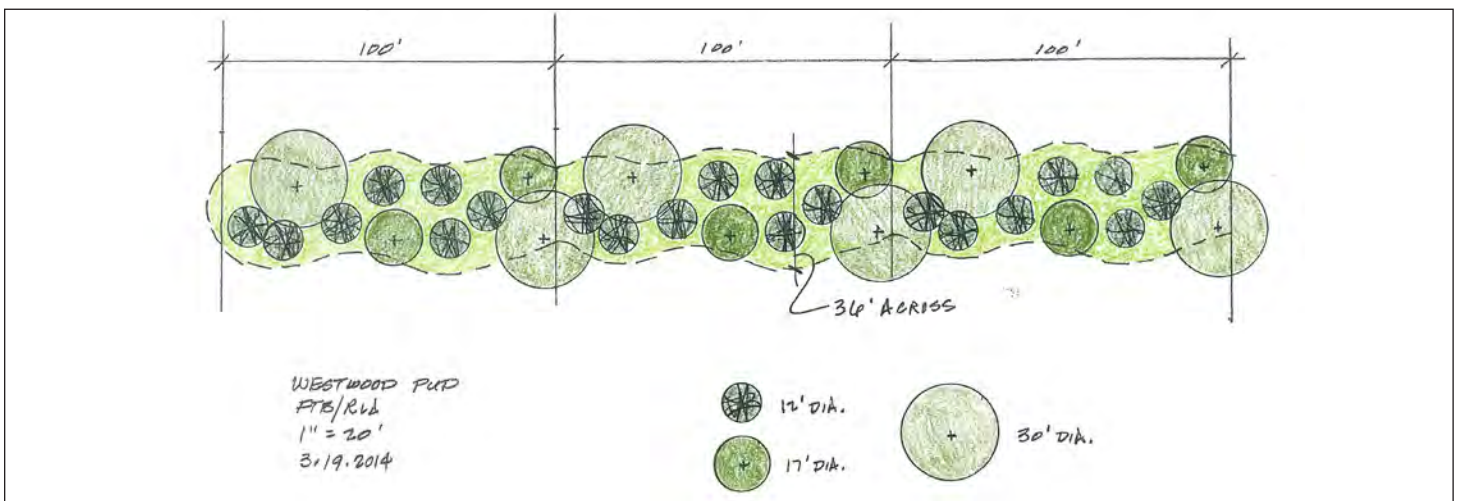
The overall Westwood neighborhood is a mixed-use development on approximately 170 acres which now comprises the existing Westwood Country Club site. The existing golf course site has relatively flat topography and consists of typical golf course fairways, greens, tees, bunkers and tree and shrub vegetative areas. Both the periphery and the internal areas of the site include natural (native) and installed plantings. Ellicott Creek runs along portion of the east property line and has native plants growing along the creek banks.

**Existing native plant species include:** Red Maple, Oak, Elm, Ash, Cottonwood, Willow and Red Stem Dogwood.

**Existing non-native plant cultivars include:** Colorado Spruce, Austrian Pine, Birch, Spirea, Ornamental Grasses, Barberry, Pear, Burningbush, Norway Maple, Arborvitae, Sedum, Lilac, Roses, Chamaecyparis, Hydrangea, Hick's Yew, Weeping Catalpa, Japanese Maple, Scotch Pine, Honeylocust, Privet, Seagreen Juniper, Fir and Larch.

The proposed site landscape development program includes:

- The retention of large and small areas of existing vegetation for screening, buffering, aesthetic landscape treatments, erosion prevention and wildlife attraction and retention
- Foundation planting using shrubs, ornamental grasses and perennials near and around the buildings.
- Tree planting for roadways, medians, parking areas, entrance features, streetscape treatments and in general lawn areas in private and public areas.
- Buffer and screen planting on 4' to 6' high grass-covered earthen berms around the site periphery.
- Buffer and screen planting using aesthetic combination of mixed deciduous and evergreen tree species between different internal land uses.



- Entrance area planting to highlight the Sheridan Drive and Maple Road project entrances.
- Decorative planting near the Sheridan Drive and North Forest Road intersection. Also new berms and buffer plantings

In general, the site landscaping will include extensive planting in a variety of hardy and seasonally interesting plant species. The plant palette will include deer-tolerant species and will be selected to grow in the mostly natural clay soils found on the site.

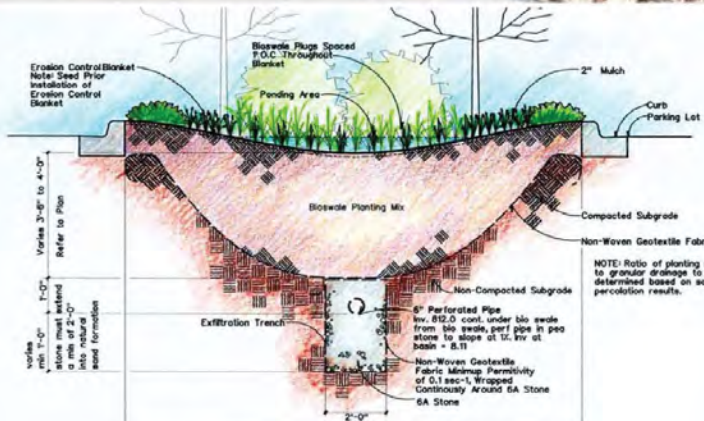
The following are the Planned Unit Development Process (PUD) landscaping standards under the Town of Amherst Zoning Code 6.9 that will serve as a guide to the development of landscape treatments to be utilized in the site landscaping program that address and conform to the standards:

Landscaping Standard (a): Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.

Program conformance with standard (a): Screening between uses shall consist of grass-covered earthen berms planted with a mixture of deciduous shade and ornamental trees and evergreen trees. Screening shall also consist of healthy trees and shrubs existing on the site prior to development. The screening option shall conform to Town of Amherst Zoning Code-Section 7.2

Landscaping Standard (b): Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.

Program Conformance with standard (b): Possible water runoff and erosion problems during construction will



be controlled with temporary silt fences and other measures as part of the Stormwater Pollution Prevention Plan (SWPPP). Silt fences will remain in place until the excavated areas of the site are stabilized.

Landscaping Standard (c): Landscape treatment for public and private plazas, roads, paths, service and parking areas shall be designed as an integral part of the entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other Town requirement for trees in public street rights of way.

Program conformance with standard (c): Overall landscape treatments throughout the site will be installed to enhance the general appearance of the site, streetscape and building development. Many of the new planting will be native species that are compatible with the local site conditions

Landscaping Standard (d): The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must not be less than five percent of the total vehicular area in the parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.

Program conformance with standard (d): Areas adjacent to and surrounding the buildings will be planted with attractive specimens and groupings of deciduous shade and ornamental trees, evergreen trees, deciduous and evergreen shrubs, ornamental grasses, perennials and natural turfgrass lawns. Bio-retention areas will be planted with shrubs, trees, and emergent plant material species compatible with the soil and moisture conditions

Internal green areas within the parking field will be a minimum of five percent of the total vehicular area in the parking areas. They will be planted with trees and include lawn surfacing. Salt tolerant plant material species will be installed in the planting areas.

Landscaping Standard (e): Landscape materials shall be appropriate to the growing conditions on the site and the Town's environment.

Program conformance with standard (e): The site is in USDA plant hardiness Zone 6a (-10 to -5 F). All new plant material species will be hardy to Zone 6a, or colder. Also many native plant material species will be installed along with hardy cultivars. Plant material species will be selected that are tolerant of the site soil conditions. In addition, invasive species such as Ash, Norway Maple, Crimson King Maple, Burningbush and Barberry will not be planted.

Landscaping Standard (f): Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours, and outstanding vegetational, topographical and geological features are encouraged to be preserved and incorporated in the open space areas and in the landscaping of the development.

Program conformance with standard (f): The site development and landscaping have been designed to respect



the area along Ellico Creek and will remain undisturbed. Also a number of new ponds will be constructed throughout the development for stormwater management and aesthetic enhancement.

The existing planting around the periphery of the site will in large measure remain. In addition significant existing plant massings in the interior of the site will also remain. These existing planting will be enhanced with the installation of a significant number of new planting throughout the site.

Landscaping Standard (g): Plastic or other types of artificial planting or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two and one half inch caliper, measured six inches above the ground, per residential unit, including existing trees on the site which are preserved. Trees to be planted throughout the district and along vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year round benefit of such plantings

Program conformance with standard (g): No plastic or other types of artificial plants or vegetation will be installed. All new plants installed on the site will be at least the minimum sizes conforming to Town of Amherst Zoning Code-Section 7.2, Landscape Regulation 7-2-3, A., (1), (g). All planting will be a mixture of deciduous and evergreen species that will provide seasonal interest throughout the year. New planting density and quantity will be provided according to the Town of Amherst Zoning Code-Section 7.2.

Landscaping Standard (h): Trees shall be of numerous species as to minimize the impact and spread of disease.

Program conformance with standard (h): There will be a large number of plant material species installed to add diversity to the new plant palette and minimize the possible impact and spread of disease. Plant material species that are planted locally on other sites in the Town of Amherst, such as Austrian Pine, and known to



have disease problems, will be avoided. Also weak-wooded tree species such as Silver Maple, will not be planted.

### Representative List of New Plants to be Installed:

**Trees:** Red Maple, Japanese Maple, Red Oak, Skyline Honeylocust, Sweetgum, American Hornbeam, Black Gum, Serviceberry, Heritage River Birch, Crabapple, Ivory Silk Tree Lilac, Common Hackberry, Katsura Tree, Redbud, Kousa Dogwood, Ginkgo, Zelkova, Tuliptree, London Planetree, Greenspire Linden, Redmond Linden, Colorado Spruce, Serbian Spruce, White Spruce, Swiss Stone Pine, Concolor Fir

**Shrubs:** Green Mountain Boxwood, Green Velvet Boxwood, Sea Green Juniper, Old Gold Juniper, Hetz Staked, Juniper, Spirea, Weigela, Potentilla Summersweet, Red Osier Dogwood, Ninebark, Rugosa Rose, Miss Kim Lilac, Ornamental Grasses, Forsythia, Fothergilla

**Minimum Sizes of New Plant Material:** Minimum sizes of new plant material installed on the project site will conform to the Town of Amherst Zoning Code-Section 7.2, 7-2-3, A., (1), (g):

Large and small deciduous trees	2 ½" Caliper
Large deciduous trees (multi- stem form)	12' Height
Small deciduous trees (multi- stem form)	10' Height
Coniferous trees	5' Height
Ornamental trees	1 ¾" Caliper
Ornamental trees (multi- stem form)	8' Height
Shrubs	24" Height
Evergreen shrubs used for screening	4' Height







## VIII. LIGHTING

The Westwood Neighborhood Center and all residential areas will be governed by private community associations. Any lighting proposed throughout the neighborhood will be subject to the review and approval of the members that comprise the association management boards. In addition, any lighting proposed at the Westwood site shall be in conformance with the lighting regulation as stated in Section 7-3 of the Town of Amherst Zoning Code.

### Site

The street lighting should be consistent, creating continuity among the neighborhoods. The fixtures should be durable, casting the light downward with “sharp cut off” fixtures throughout the residential neighborhoods. The lighting in the mixed-use core area should be inviting to the public and encourage activity in the retail, restaurant and commercial areas. Lighting fixtures should be scaled to the

pedestrian, lighting the full width of the walks in the mixed use core, and leading the pedestrian along the walkway in the more open and residential areas.

### Building

Street level lighting in the mixed-use area should be a combination of luminaries mounted to walls, posts, brackets, etc. to intentionally offer a variety of evening experiences. Surfaces and textures, and objects such as pilasters, wall features, graphics, and banners should be lit. Entrances should especially be invitingly lit, including property addresses. Storefront lighting should emphasize a warm and welcoming sense to promote activity and watchfulness.

Residential area lighting should be consistently softer. Fixtures should denote entrances and pathways. Light levels should be sufficient and not overwhelming. Luminaries can be wall, post, soffit or gable mounted. Walking paths linking the neighborhoods should be lighted at even increments with post-mounted luminaries.



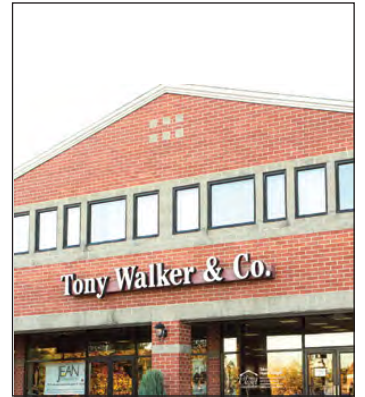
## IX. SIGNAGE

The Westwood Neighborhood Center and all residential areas will be governed by community associations

All signage proposed throughout the neighborhood will be subject to the review and approval of the members that comprise the association management boards. In addition any signage proposed at the Westwood site shall be in conformance with the sign regulations as stated in Section 7-8 of Town of Amherst Zoning Code.

Signage is permitted on building facades. Lettering on awnings or canopies, small lettering on storefront windows and illuminated signage without visible wiring are permitted on the ground floor of buildings. Rooftop signage, moving or over-scaled signs directed to vehicular traffic and non-professional looking signage is prohibited.

Freestanding or monument signs will be permitted at the primary ingress and egress points at Maple Road and Sheridan Drive as well as at the corner of Sheridan and North Forest. The monument signs will be comprised of natural materials. All signage will be in a palette and style complimentary to the architecture.






## MEMORANDUM

January 6, 2017

TO: Mensch Capital Partners, LLC

FROM: Eric W. Gillert, AICP, Planning Director 

SUBJECT: Rezoning Application Review **Z-2014-23B**  
Proposed: "Westwood Neighborhood" Planned  
Unit Development  
Property located at: **772 North Forest Road (portion) and  
375, 385 & 391 Maple Road**  
Application received: December 19, 2016 (revised)  
Representative: Sean Hopkins, Esq.

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. 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.

*"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 continue to be issues with the capacity for sanitary sewer and stormwater management for this project that have not been addressed.

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.

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.
2. 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.
  3. 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.
  4. 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.

**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:

1. *“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.
2. *“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 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.

3. *“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.
4. 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:**

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.

**DGEIS Comments:**

As no modifications to the DGEIS were submitted with this revised rezoning application, the previous comments made regarding the DGEIS remain in effect.

X/Current Planning/Files/Rezoning/Z-2014-23\_B/Planning Review\_010617

CC: Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203

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**TOWN OF AMHERST**  
ENGINEERING DEPARTMENT  
ERIE COUNTY – NEW YORK  
JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

January 19, 2017

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Jeffrey S. Burroughs, PE – Town Engineer *JSB*

SUBJECT: Request to Rezone 146.7+/- Acres – Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

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

- 1 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. 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.
  - b. Acknowledgement from the State University of New York at Buffalo accepting the additional 1 MGD peak flow within its sewer on Augspurgen Drive.
  - c. 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.
- 2 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.
- 3 Please review the attached excerpt from Section 2 of Exhibit T. The Engineering Department recommends making the referenced changes shown in Exhibit T.

- 4 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..."
- 5 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.
- 6 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.
- 7 The Town of Amherst Engineering Department recommends that an independent consultant be engaged to review the final traffic impact study funded. The independent consultant should be hired by the Town, but funded by the petitioner.

cc: Barry A. Weinstein, M.D. – Town Supervisor

**Downstream Sanitary Sewer Capacity Analysis**

A downstream sanitary sewer capacity analysis was performed by comparing the capacity of the downstream sewer with the combination of the proposed new sanitary flows and current flows. These flows were obtained from recent wet weather flow monitoring data as the NYSDEC Sewer Extension Application Guidance and Related I/I Flow Offset Requirements recommends. The guidance documents further require that flow data is collected from a minimum of three key nodes during a significant rainfall event. A significant rainfall event is defined as a daily rainfall amount of 0.5" or greater.

TECSmith, Inc. performed flow monitoring of three downstream locations for this project between the dates of November 16, 2016 and December 6, 2016. Flow monitoring results are:

- Node 1 - Amherst Manor Drive (North of Maple Road):
  - Pipe Size: 15-inch diameter
  - Capacity: 1.70 million gallons per day (MGD)
  - Average daily Flow: 0.3 MGD
  - Daily Peak Flow: 0.48 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 1.61 MGD
- Node 2 - 2031 Sweet Home Road (between Skinnersville Road and Durham Drive):
  - Pipe Size: 36-inch diameter @ 0.05%
  - Capacity: 18.5 million gallons per day (MGD) 9.75
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 3.48 MGD
- Node 3 - University of Buffalo (UB) Outfall (intersection of Sweet Home and Chestnut Ridge):
  - Pipe Size: 36-inch diameter @ 0.20%
  - Capacity: 18.5 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 2.83 MGD

The downstream capacity analysis was performed utilizing the sewer capacity of the three locations monitored and comparing it to a combination of the peak flows monitored and the proposed flows from the development with and without flow equalization. The table below represents the results of the downstream sanitary sewer capacity analysis with and without the use of an onsite equalization basin.

Sanitary Sewer Capacity Analysis								
Sewer Name	Sewer Diameter (inches)	Existing Sewer Capacity (MGD) <sup>(4)</sup>	2016 Peak Hourly Flow Monitoring Results (MGD) <sup>(2)</sup>	Available Sewer Capacity (MGD)	Proposed Flow w/o Eq (MGD)	Proposed Flow with Eq (MGD)	Proposed Available Sewer Capacity w/o Eq (MGD)	Proposed Available Sewer Capacity with Eq (MGD)
Amherst Manor Drive	15	1.7	1.61	0.09	1.00	0.49	-0.91	-0.40
2031 Sweet Home Road	36 @ 0.05%	<del>18.5</del> 9.75	3.48	<del>15.02</del> 6.27	1.00	0.49	<del>14.02</del> 5.21	<del>14.53</del> 5.18
UB Outfall	36 @ 0.20%	18.5	2.83	15.67	1.00	0.49	14.67	15.18



**REPORT - FINAL**  
March 16, 2017

**MENSCH CAPITAL PARTNERS, LLC**

**DOWNSTREAM SANITARY SEWER CAPACITY ANALYSIS**

# **WESTWOOD DEVELOPMENT PROJECT**

Town of Amherst  
New York



# Downstream Sanitary Sewer Capacity Analysis Westwood Development Project

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<b>TITLE</b>	<b>SECTION</b>
Introduction	1
Downstream Sanitary Sewer Capacity Analysis	2
Inflow and Infiltration Analysis	3
Conclusions	4
Figures:	
2-1 Proposed Sanitary Sewer Location Map	
Appendix:	
A. Sanitary Sewer Flow Capacity Study by TECSmith, Inc.	

**Introduction**

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**Introduction**

Mensch Capital Partners, LLC (Mensch) is proposing to redevelop a +/- 171 acre parcel of land located at 772 North Forest Road, Williamsville, New York 14221 (formerly the Westwood Country Club and Golf Course). The proposed development consists of both residential and commercial buildings and will discharge sewage into the Town of Amherst sewer system for treatment at the Town of Amherst Water Pollution Control Facility (WPCF). Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel) has been retained by Mensch to perform an investigation of the downstream capacity of the receiving sewers and the required inflow and infiltration (I&I) flow offset requirements. The results of the Downstream Capacity Sewer Analysis and I&I flow offset requirements are presented herein.

The proposed sanitary sewer system facilities include an onsite pump station and a new 6-inch diameter dedicated forcemain conveying sewage from the pump station along Maple Road. The 6-inch diameter forcemain would tie into the Town of Amherst sewer system in the area of the intersection of Maple Road and Amherst Manor. A figure of the proposed sanitary sewer system facilities is include in Section 2.

The Sanitary Sewer and Water Preliminary Engineer’s Report prepared by Nussbaumer and Clarke, Inc. dated May 2014 provided sanitary sewage flows for the proposed redevelopment. However, the Westwood Neighborhood Summary of Conceptual Master Plan dated March 2017 (prepared: March 14, 2017) revised number of units and the updated sanitary sewage flows for the proposed redevelopment used as the basis of this analysis are:

**Future Residential Development:**

		Apartments	Single Family Homes	Patio Homes	Townhomes	Apartments	Community Buildings	Totals
<b>Equivalent Dwelling Units</b>	Residential	180	41	83	130	212	1	<b>647</b>
	<b>Total:</b>	180	41	83	130	212	1	<b>647</b>
<b>Ultimate Service</b>	Occupancy Rate	2	3.5	3.5	2	2	1.5	
	Flow Production (from 10SS) (gpcd)	100	100	100	100	100	100	
	Peaking Factor	4.00	4.18	4.03	4.11	4.00	4.45	
	Average Daily Sewer Flow (gpd)	36,000	14,350	29,050	26,000	42,400	150	<b>147,950</b>
	Maximum Daily Flow (Assumes a peaking factor of 2.0) (gpd)	72,000	28,700	58,100	52,000	84,800	300	<b>295,900</b>
	Peak Hourly Sewer Flow (gpd)	144,000	59,983	117,072	106,860	169,600	668	<b>598,185</b>

**Future Commercial Development:**

Component	Units	Average Daily Flow (gpd)	Total Flow (gpd)
Hotel (rooms)	130	120	15,600
Retail / Shopping (sq ft)	159,000	0.1	15,900
Office (sq ft)	152,000	0.1	15,200
Potential Fire Sta. (sq ft)	3,600	0.1	360
Senior Living (residents)	304	125	38,000
Subtotal - Average Commercial Flow:			<b>85,060</b>
Maximum Daily Flow (Assumes a peaking factor of 2.0):			<b>170,120</b>
Peak Hourly Flow (assumes peaking factor of 4.1):			<b>348,750</b>

**Total Proposed Sanitary Sewer Flows:**

	Residential Flows (gpd)	Commercial Flows (gpd)	Total Flows (gpd)
Average Daily Flows	147,950	85,060	<b>233,100</b>
Maximum Daily Flows	295,900	170,120	<b>466,100</b>
Peak Hourly Flows	598,185	348,750	<b>947,000</b>

## Downstream Sanitary Sewer Capacity Analysis

### Downstream Sanitary Sewer Capacity Analysis

A downstream sanitary sewer capacity analysis was performed by comparing the capacity of the downstream sewer with the combination of the proposed new sanitary flows and current flows. These flows were obtained from recent wet weather flow monitoring data as the NYSDEC Sewer Extension Application Guidance and Related I/I Flow Offset Requirements recommends. The guidance documents further require that flow data is collected from a minimum of three key nodes during a significant rainfall event. A significant rainfall event is defined as a daily rainfall amount of 0.5” or greater.

TECSmith, Inc. performed flow monitoring of three downstream locations for this project between the dates of November 16, 2016 and December 6, 2016. Flow monitoring results are:

- Node 1 – Amherst Manor Drive (North of Maple Road):
  - Pipe Size: 15-inch diameter
  - Capacity: 1.70 million gallons per day (MGD)
  - Average daily Flow: 0.3 MGD
  - Daily Peak Flow: 0.48 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 1.61 MGD
- Node 2 – 2031 Sweet Home Road (between Skinnersville Road and Durham Drive):
  - Pipe Size: 36-inch diameter at 0.05%
  - Capacity: 9.75 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 3.48 MGD
- Node 3 – University of Buffalo (UB) Outfall (intersection of Sweet Home and Chestnut Ridge):
  - Pipe Size: 36-inch diameter at 0.20%
  - Capacity: 18.5 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 2.83 MGD

The downstream capacity analysis was performed utilizing the sewer capacity of the three locations monitored and comparing it to a combination of the peak flows monitored and the proposed flows from the development. The table below represents the results of the downstream sanitary sewer capacity analysis with and without the use of an onsite equalization basin.

Sanitary Sewer Capacity Analysis						
Sewer Name	Sewer Diameter (inches)	Existing Sewer Capacity (MGD) <sup>(1)</sup>	2016 Peak Hourly Flow Monitoring Results (MGD) <sup>(2)</sup>	Available Sewer Capacity (MGD)	Proposed Flow (MGD)	Proposed Available Sewer Capacity (MGD)
Amherst Manor Drive	15	1.7	1.61	0.09	0.95	-0.86
2031 Sweet Home Road	36 at 0.05%	9.75	3.48	6.27	0.95	5.32
UB Outfall	36 at 0.20%	18.5	2.83	15.67	0.95	14.72

Notes:

1. Existing sewer capacities obtained from Town of Amherst Main Sanitary Sewer Interceptors Map, dated October 2016.
2. Obtained from the Sanitary Sewer Flow Capacity Study by TECSmith, Inc., dated December 7, 2016.

The existing 36-inch diameter gravity sanitary sewer at the UB Outfall and on Sweet Home Road have adequate capacity (with or without the addition of an equalization basin at the project site) to service the proposed project. The proposed project will not require improvements to these existing sanitary sewers.

However, the existing 15-inch diameter gravity sanitary sewer on Amherst Manor Drive does not have adequate capacity to service the proposed project without upgrading the sewer.

It is proposed that the new 6-inch diameter, dedicated forcemain connect to the Town of Amherst Sewer at the existing manhole near the intersection of Amherst Manor Drive and Maple Road. The existing 15-inch diameter gravity sanitary sewer along Amherst Manor Drive (north of Maple Road) to Augspurger Road (at the UB Campus) is proposed to be replaced with a new 18-inch diameter gravity sanitary sewer pipe. An 18-inch diameter pipe with a minimum slope of 0.18% and a Manning's Roughness Coefficient of 0.013 (Ten State Standards requirement) calculates to an available capacity of approximately 2.89 MGD, which provides adequate capacity to service the proposed project and any future growth.

See attached Figure 2-1 for a map of the proposed 6-inch diameter forcemain and 18-inch diameter gravity sewer.





PROPOSED SEWER LAYOUT

FIGURE 2-1

Proj. No.	495001
Date	12/15/16
Ref. Dwg.	N/A
No.	N/A

## Inflow and Infiltration Analysis

### Inflow and Infiltration Analysis

The New York State Department of Environmental Conservation (NYS DEC) requires that new development projects, such as apartments, hospitals, extended care facilities, office parks, malls, hotels, etc. that require sewer extensions and have design flows exceeding 2,500 gpd shall have I&I offsets to achieve a minimum reduction of 4 gallons of I&I for every 1 gallon of new peak wastewater flow.

As presented in Section 1, the proposed peak sanitary sewer flows for this project are 947,000 gpd (658 gpm). Based on the NYSDEC I&I offset requirements of 4 gallons of I&I for every 1 gallon of new peak wastewater flow, the following I&I offsets are required:

$$\text{I\&I Offset} = 658 \text{ gpm} \times 4 = 2,632 \text{ gpm}$$

We proposed that I&I remediation efforts consist of an equal split between the repair of damaged sewer laterals and cured-in-place pipe (CIPP) lining of existing 8-inch diameter piping. The actual split between repair of sewer laterals and cured-in place lining is preliminary and final quantities will be mutually agreed upon with the Town of Amherst and NYSDEC.

Based on the New York State Department of Environmental Conservation, Sewer Extension Application Guidance and Related I & I Flow Offset Requirements, the I&I Contribution Removal Values per the remediation efforts selected are as follows:

- Deficient residential lateral: 30 gpm per lateral
- CIPP lining of 8-inch diameter pipe: 8 gpm per 100 feet

I&I remediation required is (total of 2,632 gpm):

- Lateral Repair / Replacement: 1,316 gpm / 30 gpm per lateral = 44 laterals
- CIPP Lining of 8-Inch Diameter Pipe: 1,316 gpm / 8 gpm per 100 feet = 16,450 feet

**Conclusions**

### Conclusions

The downstream capacity sewer analysis shows that the existing sanitary sewer system has adequate capacity to convey the proposed sewage flows with the exception of the 15-inch diameter gravity sanitary sewer along Amherst Manor Drive (north of Maple Road) to Augspurger Road (at the UB Campus). This sewer is proposed to be upgraded to an 18-inch diameter gravity sanitary sewer. The upgraded 18-inch diameter gravity would then provide adequate capacity to convey the proposed sewage flows.

**Sanitary Sewer Flow Capacity Study by TECSmith, Inc.**

Date: December 7, 2016

## **SANITARY SEWER FLOW CAPACITY STUDY – Summary Review**

**Prepared For:** Westwood- DS Capacity Analysis

Brian M. Sibiga  
Wendel, Centerpointe Corporate Park,  
375 Essjay Road, Suite 200  
Williamsville, NY 14221  
p. 716.688.0766 tf. 877.293.6335

**Project Name:** Westwood - DS Capacity Analysis

**Flow Monitoring Period:** November 16, 2016 to December 6, 2016

**Rain Events (> 0.5-inches) Monitored:** November 19 (0.54"), November (0.83")

**Number of Monitoring Nodes:** Three (3) downstream manholes

### **Node Locations and Descriptions:**

- Node 1 Amherst Manor Dr (15")
- Node 2 2031 Sweet Home Rd (36")
- Node 3 UB Outfall (36")

### **Summary Conclusion:**

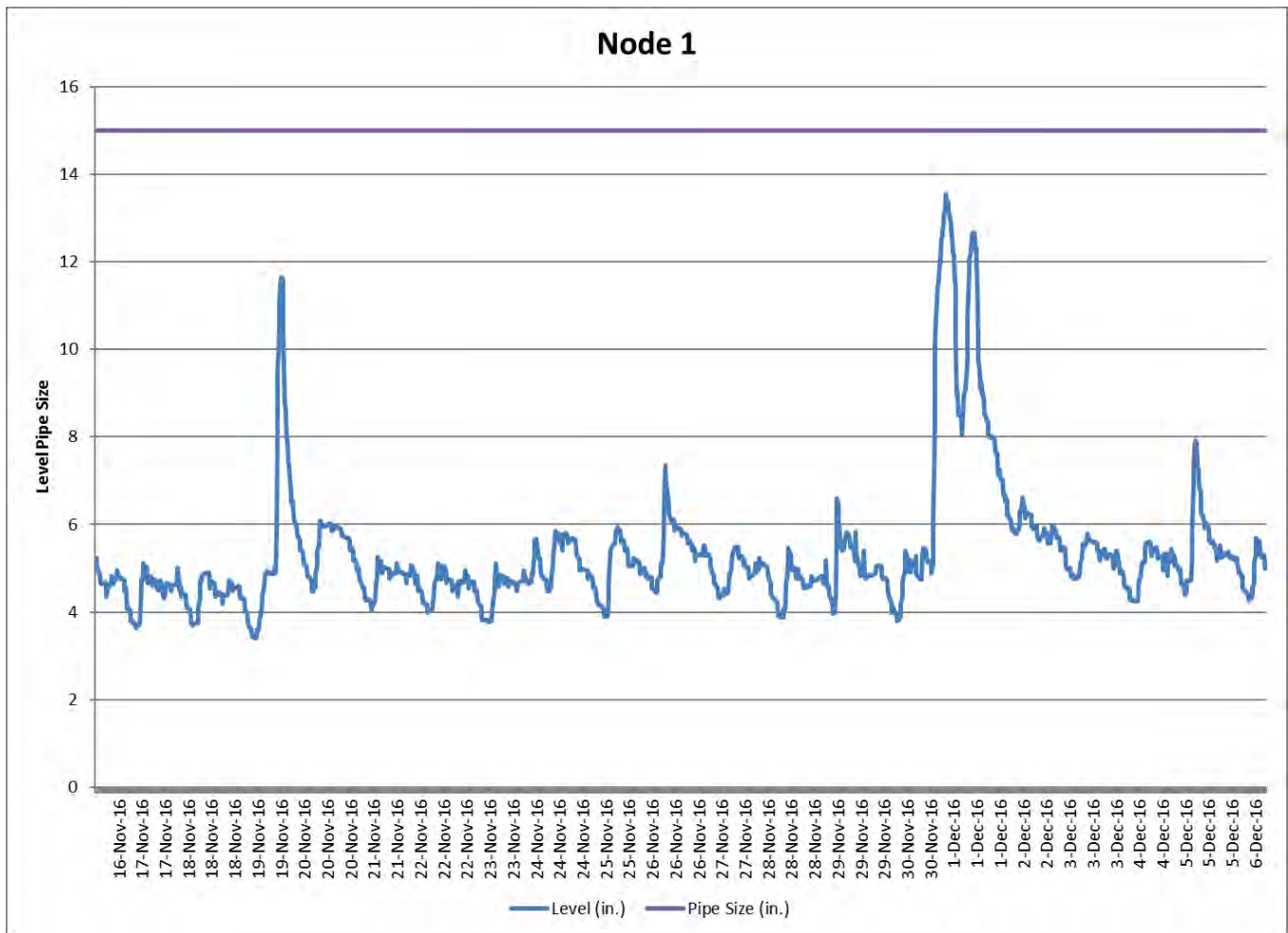
Based on the data presented in this report, specifically the flow depth measurements recorded (see graphs below)

- At no time during the monitoring period did the flow depth exceed pipe diameter at any of the downstream monitoring points during the rain vents monitored.
- At no time during the monitoring period did the flow at any point slow or stall which would have caused a backup or flooding at the manhole.

## Depth of Flow Capacity Summary:

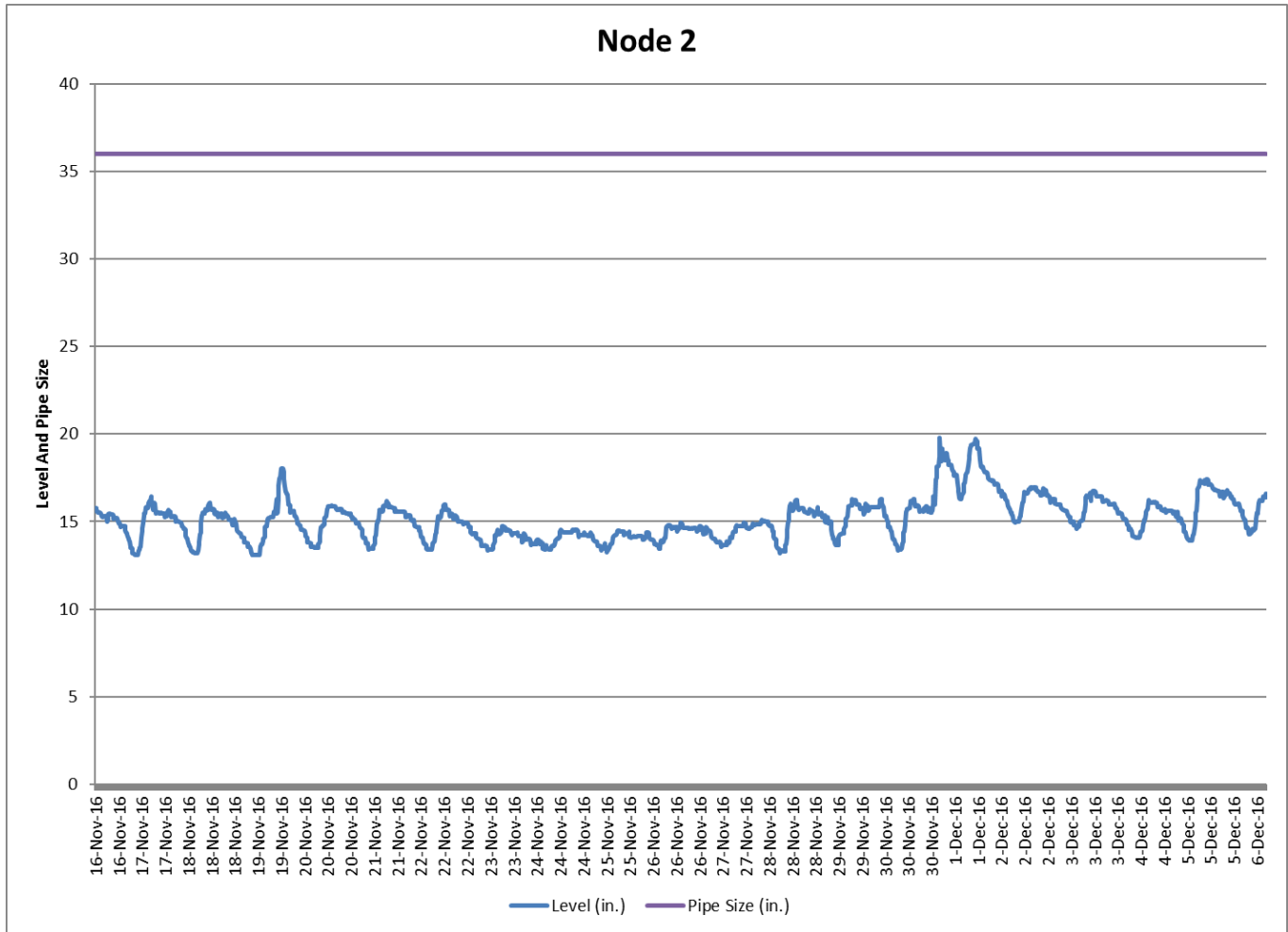
Depth of flow capacity is based on diameter of pipe. See graphs below.

- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 1.

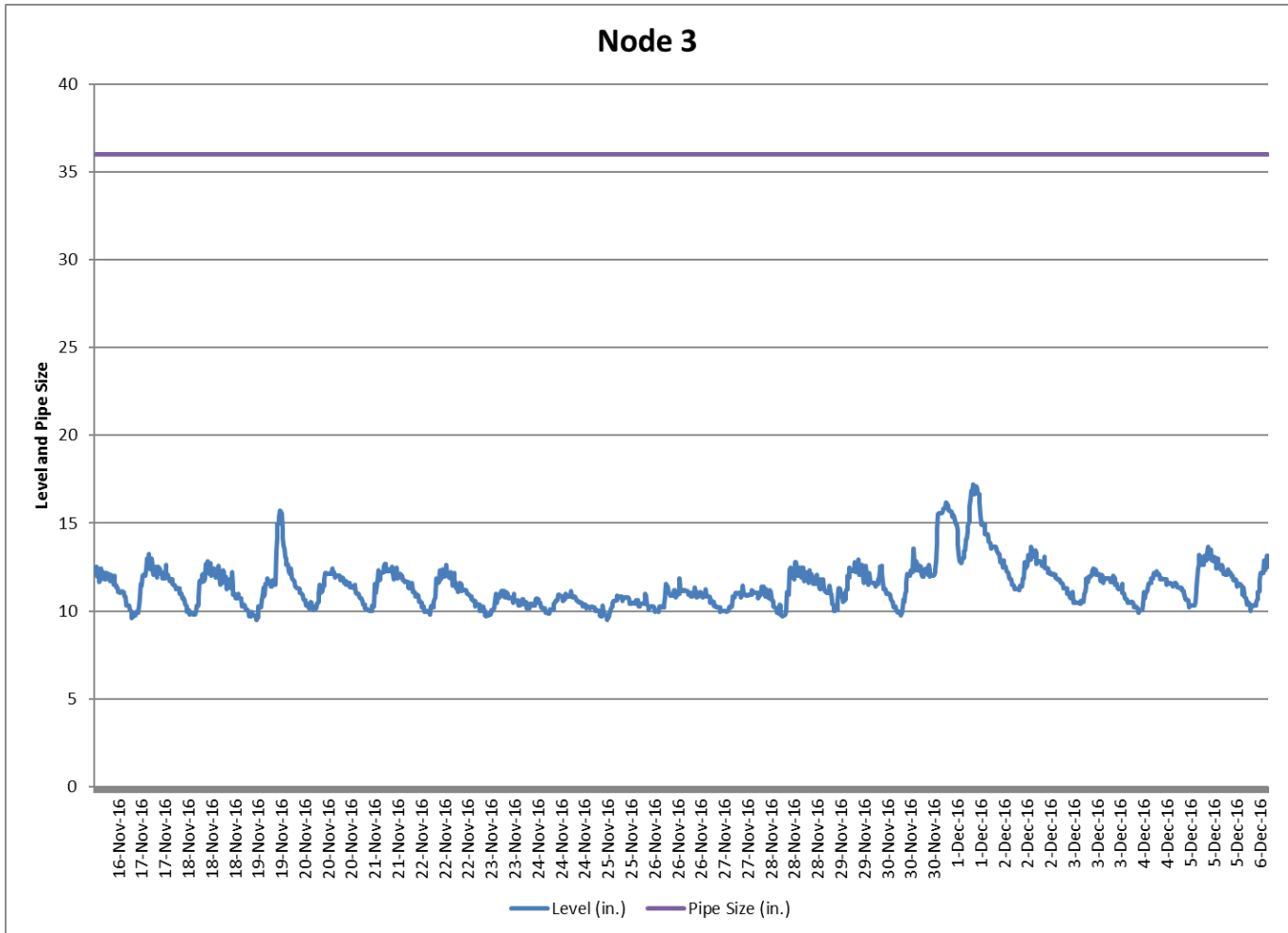




- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 2.



- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 3.







Flow Meter  
Location #1

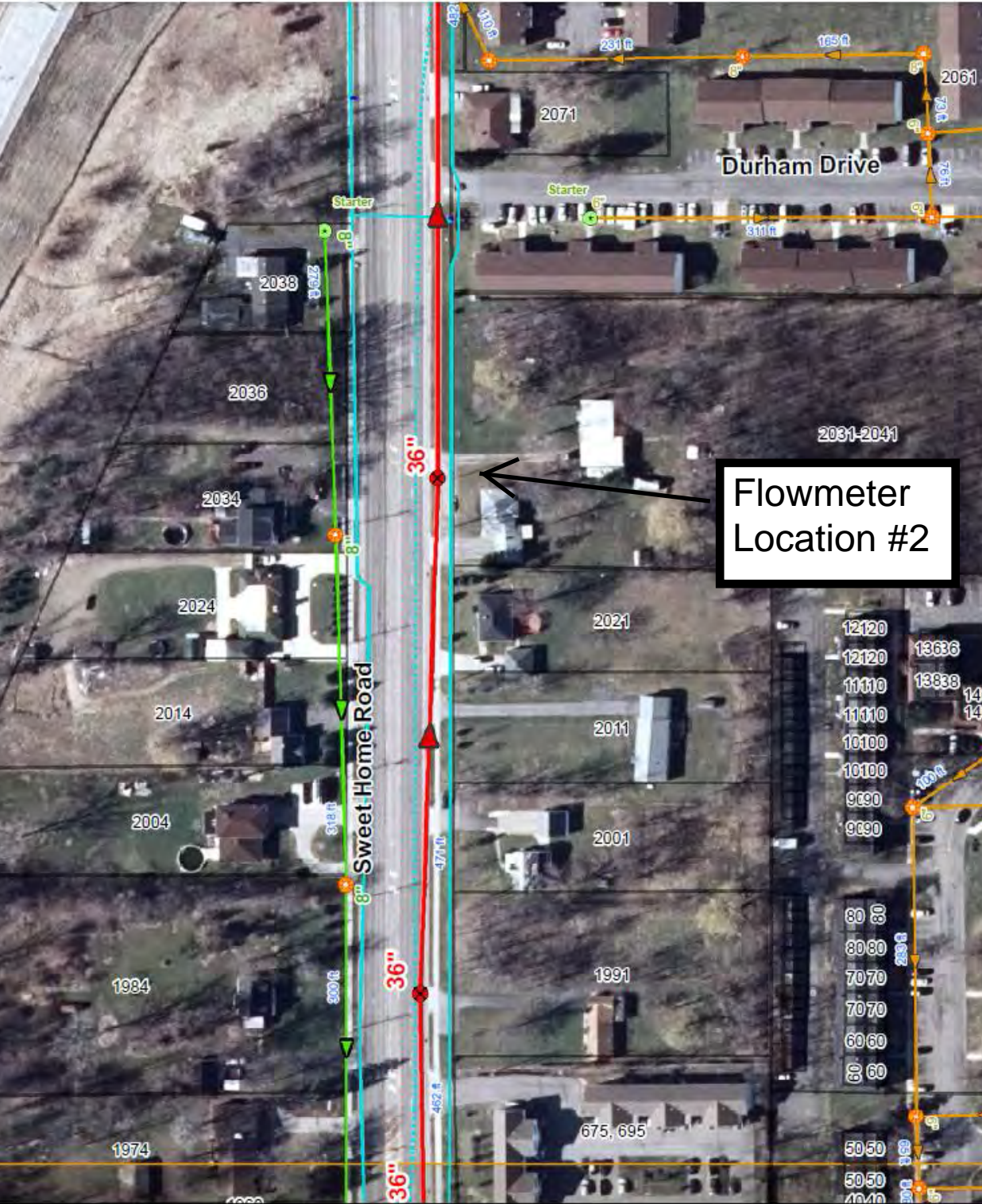
Miller'sport Highway  
Miller'sport Highway

Amherst Manor Drive

Das Court

Maple Road

Das Court





Flowmeter Location #3  
U.B. Outfall Sewer

Flickinger Court

24" Nestnut Ridge Road

White Road

John J...

36"

36"

36"

36"

36"

36"

36"

30"

18"

18"

30"

8"

8"

1576

4950

4980-4990

1608

4925



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="Amherst Manor"/>	ID
	<input type="text" value="1"/>	Job
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="PIE"/>	
DATE	<input type="text" value="11/23/16"/>	Time
	<input type="text" value="9:26 AM"/>	CREW
	<input type="text" value="PG AG"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="4.890"/> INCHES	<input type="text" value="4.88"/> INCHES
	<input type="text" value="4.878"/> INCHES	
FLOW	<input type="text" value="0.21"/> MGD	<input type="text" value="0.2"/> MGD
TOTAL	<input type="text" value="1452"/> X1000	<input type="text" value="1452"/> GAL x 1000
VEL	<input type="text" value="0.96"/> FPS	<input type="text"/> FPS
SIGNAL	<input type="text" value="50"/> %	<input type="text" value="46"/> %
BATTERY	<input type="text" value="6.0"/> VDC	<input type="text" value="6.1"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE
REMOVE	<input type="checkbox"/>	PURGE LINE
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE
		MANHOLE ENTRY
<b>NOTES:</b>		



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="2031 Sweethome RD"/>	I.D.
	<input type="text" value="2"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5J"/>	
DATE	<input type="text" value="11/23/16"/>	TIME
	<input type="text" value="9:53 AM"/>	CREW
	<input type="text" value="PG AG"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="14.553"/> INCHES	<input type="text"/> INCHES
FLOW	<input type="text" value="1.22"/> MGD	<input type="text"/> MGD
TOTAL	<input type="text" value="10487"/> GAL x 1000	<input type="text"/> GAL x 1000
VEL	<input type="text" value="0.70"/> FPS	<input type="text"/> FPS
SIGNAL	<input type="text" value="92"/> %	<input type="text"/> %
BATTERY	<input type="text" value="5.6"/> VDC	<input type="text"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
NOTES:		





# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="UB outfall"/>	I.D.
	<input type="text" value="3"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5B"/>	
DATE	<input type="text" value="11/23/16"/>	TIME
	<input type="text" value="9:46 AM"/>	CREW
	<input type="text" value="PG AG"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="10.475"/> INCHES	<input type="text" value="10.50"/> INCHES
	<input type="text" value="10.487"/> INCHES	
FLOW	<input type="text" value="0.7"/> MGD	<input type="text" value="0.72"/> MGD
TOTAL	<input type="text" value="6374"/> GAL x 1000	<input type="text" value="6374"/> GAL x 1000
VEL	<input type="text" value="0.65"/> FPS	<input type="text"/> FPS
	<input type="text" value="0.66"/> FPS	
SIGNAL	<input type="text" value="77"/> %	<input type="text" value="58"/> %
BATTERY	<input type="text" value="5.3"/> VDC	<input type="text" value="5.6"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
NOTES:		



# DOWNLOAD SHEET

SITE DATA					
SITE	<input type="text" value="Amherst Manor"/>	ID	<input type="text" value="1"/>	Job	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="PIE"/>		
DATE	<input type="text" value="11/28/16"/>	Time	<input type="text" value="11:56 AM"/>	CREW	<input type="text" value="ES LC"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS			
LEVEL	<input type="text" value="4.831"/> INCHES	<input type="text" value="5.00"/> INCHES	<input type="text" value="4.991"/> INCHES		
FLOW	<input type="text" value="0.21"/> MGD		<input type="text" value="0.22"/> MGD		
TOTAL	<input type="text" value="2623"/> X1000		<input type="text" value="2624"/> GAL x 1000		
VEL	<input type="text" value="0.94"/> FPS	<input type="text"/> FPS	<input type="text" value="0.93"/> FPS		
SIGNAL	<input type="text" value="42"/> %		<input type="text" value="53"/> %		
BATTERY	<input type="text" value="6.1"/> VDC		<input type="text" value="5.9"/> VDC		
	<input type="text"/>		<input type="text"/>		
	<input type="text"/>		<input type="text"/>		
	<input type="text"/>		<input type="text"/>		
DATA DOWNLOAD					
<b>WORK COMPLETED:</b>		CHANGE BATTERIES	<input type="checkbox"/>		
INSTALL	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>		
DOWNLOAD	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>		
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	CLEAN PROBE	<input checked="" type="checkbox"/>		
CALIBRATE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>		
REMOVE	<input type="checkbox"/>	TECSMITH BANDING	<input type="checkbox"/>		
REINSTALL	<input type="checkbox"/>	SET TIME AND DATE	<input type="checkbox"/>		
CHANGE DESICCANT	<input type="checkbox"/>	MANHOLE ENTRY	<input type="checkbox"/>		
NOTES:					



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="2031 Sweethome RD"/>	I.D.
	<input type="text" value="2"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5J"/>	
DATE	<input type="text" value="11/28/16"/>	TIME
	<input type="text" value="11:41 AM"/>	CREW
	<input type="text" value="ES LC"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="16.050"/> INCHES	<input type="text" value="16.00"/> INCHES
	<input type="text" value="16.000"/> INCHES	
FLOW	<input type="text" value="2.02"/> MGD	<input type="text" value="2.16"/> MGD
TOTAL	<input type="text" value="16234"/> GAL x 1000	<input type="text" value="16234"/> GAL x 1000
VEL	<input type="text" value="1.04"/> FPS	<input type="text"/> FPS
SIGNAL	<input type="text" value="79"/> %	<input type="text" value="78"/> %
BATTERY	<input type="text" value="5.1"/> VDC	<input type="text" value="5.6"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE
REMOVE	<input type="checkbox"/>	PURGE LINE
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE
		MANHOLE ENTRY
<b>NOTES:</b>		
Download data, check level		



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="UB outfall"/>	I.D.
	<input type="text" value="3"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5B"/>	
DATE	<input type="text" value="11/28/16"/>	TIME
	<input type="text" value="12:19 PM"/>	CREW
	<input type="text" value="ES LC"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="12.180"/> INCHES	<input type="text" value="12.00"/> INCHES
		<input type="text" value="12.016"/> INCHES
FLOW	<input type="text" value="1.14"/> MGD	<input type="text" value="1.23"/> MGD
TOTAL	<input type="text" value="9980"/> GAL x 1000	<input type="text" value="9980"/> GAL x 1000
VEL	<input type="text" value="0.85"/> FPS	<input type="text"/> FPS
		<input type="text" value="0.92"/> FPS
SIGNAL	<input type="text" value="74"/> %	<input type="text" value="70"/> %
BATTERY	<input type="text" value="5.6"/> VDC	<input type="text" value="5.5"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT <input checked="" type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
NOTES:		



# INSTALLATION SHEET

## SITE DATA

SITE	Amherst Manor Dr	I.D.	1	JOB NO.	WEN016
METER MODEL	910	SERIAL NO	PIE	SENSOR SN.	TEC 15
DATE	11/16/16	TIME	12:36 PM	CREW	KK AG
RIM TO INVERT	15 ft	PIPE SIZE	15 in	LOCATION	Downstream

## INITIAL READINGS

LEVEL	5.223	INCHES
FLOW	0.23	MGD
TOTAL	0	GAL x 1000
VEL	0.93	FPS
SIGNAL	70	%
BATTERY	6.0	VDC

## ACTUAL MEASUREMENTS

Level 1		Measured		Velocity	
Level 2		Measured		Measured	

WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>

**NOTES:**



# INSTALLATION SHEET

## SITE DATA

SITE	<input type="text" value="2031 Sweet Home Rd"/>	I.D.	<input type="text" value="2"/>	JOB NO.	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="V5J"/>	SENSOR SN.	<input type="text" value="TEC 14"/>
DATE	<input type="text" value="11/16/16"/>	TIME	<input type="text" value="1:22 PM"/>	CREW	<input type="text" value="KK AG"/>
RIM TO INVERT	<input type="text" value="20 ft"/>	PIPE SIZE	<input type="text" value="36 in"/>	LOCATION	<input type="text" value="Upstream"/>

## INITIAL READINGS

LEVEL	<input type="text" value="15.765"/>	INCHES
FLOW	<input type="text" value="2.14"/>	MGD
TOTAL	<input type="text" value="0"/>	GAL x 1000
VEL	<input type="text" value="1.10"/>	FPS
SIGNAL	<input type="text" value="86"/>	%
BATTERY	<input type="text" value="5.6"/>	VDC
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	

## ADDITIONAL MEASUREMENTS

Level 1	<input type="text"/>	Measured	<input type="text"/>	Velocity	<input type="text"/>
Level 2	<input type="text"/>	Measured	<input type="text"/>	Measured	<input type="text"/>

WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>

NOTES:



# INSTALLATION SHEET

SITE DATA			
SITE	<input type="text" value="UB Outfall"/>	I.D.	<input type="text" value="3"/>
		JOB NO.	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="V5B"/>
		SENSOR SN.	<input type="text" value="TEC 37"/>
DATE	<input type="text" value="11/16/16"/>	TIME	<input type="text" value="2:03 PM"/>
		CREW	<input type="text" value="KK AG"/>
RIM TO INVERT	<input type="text" value="20 ft"/>	PIPE SIZE	<input type="text" value="36in"/>
		LOCATION	<input type="text" value="Upstream"/>
INITIAL READINGS			
LEVEL	<input type="text" value="12.357"/>	INCHES	
FLOW	<input type="text" value="1.31"/>	MGD	
TOTAL	<input type="text" value="4"/>	GAL x 1000	
VEL	<input type="text" value="0.96"/>	FPS	
SIGNAL	<input type="text" value="76"/>	%	
BATTERY	<input type="text" value="5.3"/>	VDC	
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
ACTUAL MEASUREMENTS			
Level 1	<input type="text"/>	Measured	<input type="text"/>
		Velocity	<input type="text"/>
Level 2	<input type="text"/>	Measured	<input type="text"/>
		Measured	<input type="text"/>
WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>
NOTES:			



# DOWNLOAD SHEET

SITE DATA					
SITE	<input type="text" value="Amherst Manor"/>	ID	<input type="text" value="1"/>	Job	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="PIE"/>		
DATE	<input type="text" value="12/06/16"/>	Time	<input type="text" value="12:02 PM"/>	CREW	<input type="text" value="KK AG"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS			
LEVEL	<input type="text" value="5.109"/> INCHES	<input type="text" value="5.00"/> INCHES	<input type="text"/> INCHES		
FLOW	<input type="text" value="0"/> MGD		<input type="text"/> MGD		
TOTAL	<input type="text" value="5297"/> X1000		<input type="text"/> GAL x 1000		
VEL	<input type="text" value="0.17"/> FPS	<input type="text"/> FPS	<input type="text"/> FPS		
SIGNAL	<input type="text" value="23"/> %		<input type="text"/> %		
BATTERY	<input type="text" value="5.9"/> VDC		<input type="text"/> VDC		
	<input type="text"/>		<input type="text"/>		
	<input type="text"/>		<input type="text"/>		
	<input type="text"/>		<input type="text"/>		
DATA DOWNLOAD					
<b>WORK COMPLETED:</b>		CHANGE BATTERIES	<input type="checkbox"/>		
INSTALL	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>		
DOWNLOAD	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>		
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>		
CALIBRATE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>		
REMOVE	<input checked="" type="checkbox"/>	TECSMITH BANDING	<input type="checkbox"/>		
REINSTALL	<input type="checkbox"/>	SET TIME AND DATE	<input type="checkbox"/>		
CHANGE DESICCANT	<input type="checkbox"/>	MANHOLE ENTRY	<input type="checkbox"/>		
NOTES:					
removed meter					





# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="2031 Sweethome RD"/>	I.D.
	<input type="text" value="2"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5J"/>	
DATE	<input type="text" value="11/28/16"/>	TIME
	<input type="text" value="11:41 AM"/>	CREW
	<input type="text" value="ES LC"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="16.613"/> INCHES	<input type="text" value="16.50"/> INCHES
	<input type="text"/>	<input type="text"/> INCHES
FLOW	<input type="text" value="2.26"/> MGD	<input type="text"/> MGD
	<input type="text"/>	<input type="text"/> MGD
TOTAL	<input type="text" value="31066"/> GAL x 1000	<input type="text"/> GAL x 1000
	<input type="text"/>	<input type="text"/> GAL x 1000
VEL	<input type="text" value="1.10"/> FPS	<input type="text"/> FPS
	<input type="text"/>	<input type="text"/> FPS
SIGNAL	<input type="text" value="75"/> %	<input type="text"/> %
	<input type="text"/>	<input type="text"/> %
BATTERY	<input type="text" value="5.3"/> VDC	<input type="text"/> VDC
	<input type="text"/>	<input type="text"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input checked="" type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
NOTES:		
removed meter		



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="UB outfall"/>	I.D.
	<input type="text" value="3"/>	JOB NO.
	<input type="text" value="WEN016"/>	
METER MODEL	<input type="text" value="910"/>	SERIAL NO
	<input type="text" value="V5B"/>	
DATE	<input type="text" value="12/06/16"/>	TIME
	<input type="text" value="12:20 PM"/>	CREW
	<input type="text" value="KK AG"/>	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	<input type="text" value="12.524"/> INCHES	<input type="text" value="12.50"/> INCHES
	<input type="text"/>	<input type="text"/> INCHES
FLOW	<input type="text" value="1.22"/> MGD	<input type="text"/> MGD
	<input type="text"/>	<input type="text"/> MGD
TOTAL	<input type="text" value="19614"/> GAL x 1000	<input type="text"/> GAL x 1000
	<input type="text"/>	<input type="text"/> GAL x 1000
VEL	<input type="text" value="0.87"/> FPS	<input type="text"/> FPS
	<input type="text"/>	<input type="text"/> FPS
SIGNAL	<input type="text" value="68"/> %	<input type="text"/> %
	<input type="text"/>	<input type="text"/> %
BATTERY	<input type="text" value="5.5"/> VDC	<input type="text"/> VDC
	<input type="text"/>	<input type="text"/> VDC
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input checked="" type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
NOTES:		
removed meter		



C&S Companies  
141 Elm Street, Suite 100  
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f: (716) 847-1454  
www.cscos.com

March 17, 2017

Eric W. Gillert, AICP, Planning Director  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, NY 14221

Re: Stormwater Management Design Comment Letter  
Project Name: Westwood Neighborhood  
Project Site: 772 North Forest Road, 375, 385 & 391 Maple Road  
Applicant/Project Sponsor: Mensch Capital Partners, LLC

File: O76.001.002

Dear Mr. Gillert:

In response to the written comments contained in the Memorandum issued by the Engineering Department dated January 19, 2017, we have prepared this letter to respond to Comment No 5. A copy of Comment No. 5 is reproduced below followed by our response. This letter has also been prepared to respond to comments made by a member of the Planning Board during the previous public hearings regarding the proposed filling of a portion of a 100-year floodplain associated with Ellicott Creek on the eastern portion of the Project Site. The comment pertained to ensuring that no filling in the 100-year floodplain would result in downstream flooding impacts.

***Comment:*** *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.*

**Response:** The Project Sponsor and our company acknowledge the fact that the Town of Amherst will not accept the responsibility for the ownership, operation and maintenance of a stormwater pump station and also that stormwater runoff from publicly owned infrastructure cannot be tributary to a privately owned and maintained pump station. Our review of the available topographic information and the updated Conceptual Master Plan indicates that it will be feasible from a technical perspective to drain the three smaller ponds on the northern portion of the Project Site to Ellicott Creek via gravity and separately from the discharge from the proposed large lake. Once detailed topographic survey and design plans with finish elevations are determined in connection with the preparation of fully engineered plans that are required to accompany Site Plan and Subdivision Applications, the exact routing, slope and location of the discharge pipe will be determined.

This letter confirms that our company has determined a privately owned and maintained pump station will not be required to provide drainage for publicly owned infrastructure to be installed in connection with the development of the Project Site.

We also recognize that we will need to prepare a Stormwater Management Plan, Stormwater Pollution Prevention Plan ("SWPPP") and a revised Engineer's Report for the project as part of the Site Plan and Subdivision review processes for the components of the proposed mixed use redevelopment project as depicted on the updated Conceptual Master Plan.

**Required Technical Review and Approvals for Filling in 100 Year Floodplain:**

Finally, as noted in Section 5 of the Draft Generic Environmental Impact Statement that was accepted as adequate for public review by the Town Board in December 2015, the development of the Project Site in manner consistent with the Conceptual Master Plan envisions the placement of fill within a portion of the regulated 100-year floodplain of Ellicott Creek located on the Project Site. The Project has been planned and will be designed to avoid adverse impacts to the Ellicott Creek flood storage capacity. A Floodplain Development Permit, which requires performance of a hydraulic evaluation, will need to be obtained from the Town of Amherst's Floodplain Administrator ("FPA"). The final sizing of open water storage and hydraulic structures will be performed as part of the Floodplain Evaluation Report to be prepared by a licensed engineering firm for review by both FEMA and the FPA.

The stringent technical review process requiring approvals by both FEMA and the FPA ensures that the development of a portion of the Project Site in the 100-year floodplain will not result in adverse flooding impacts. In the unlikely event that FEMA determines that the required detailed technical analysis is insufficient to satisfy its stringent standards, the project layout would need to be adjusted to decrease the scope of the mixed use neighborhood. There is not any circumstance in which FEMA and the FPA will issue the required approvals for filling in the 100-year floodplain if such filling would result in downstream flooding impacts.

Please feel free to call if you have any questions.

Sincerely,

C&S Engineers, Inc.



Victor O'Brien, P.E.  
Department Manager

cc: Jeffrey S. Burroughs, P.E., Town Engineer  
Ellen Kost, AICP, Associate Planner  
Matthew Roland, AICP, Director of Development & Planning, Hamister Group, LLC  
Sean W. Hopkins, Hopkins Sorgi & Romanowski PLLC

**CLIENT:** MENSCH CAPITAL PARTNERS, LLC  
5477 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221

**ATTENTION:** Mr. Matthew Roland  
Director of Development and Planning  
Hamister Group, LLC

**APPRAISER:** REAL PROPERTY SERVICES, LLC  
8665 Sheridan Drive, Suite 4  
Williamsville, New York 14221

Donald A. Griebner  
President, Principal Analyst

**RPS FILE NO.:** 16-224

**PROPERTY TYPE:** RESIDENTIAL DEMAND ANALYSIS  
TOWN OF AMHERST, NEW YORK

**SUMMARY ANALYSIS**  
**Residential Demand Analysis**  
**Town of Amherst, New York**  
**Westwood Neighborhood Development Project**  
**Town of Amherst, New York**

**DATE OF ANALYSIS:** December 1, 2016



December 12, 2016

Mensch Capital Partners  
5477 Main Street  
Williamsville, New York 14221

ATTENTION: Mr. Matthew Roland  
Director of Development and Planning  
Hamister Group, LLC

Re: Summary Analysis  
Residential Demand in Town of Amherst, New York  
Proposed Westwood Development Project  
Town of Amherst, New York

Dear Mr. Roland:

Pursuant to your request, I have prepared the following Summary Analysis of residential demand in the Town of Amherst as it pertains to the various housing types proposed for inclusion in Westwood Neighborhood project..

Objective of Summary Analysis:

The objective of this Summary Analysis is to analyze and assess market demand in the Town of Amherst for the following categories of residential uses to be included in the Westwood Neighborhood project as depicted on the current Conceptual Master Plan:

- Town homes
- Patio Homes
- Single-Family Homes
- Senior Living
  - Assisted Living
  - Independent Living
- Multi-Family Residential

The layout of the proposed Westwood Neighborhood project as depicted on the Conceptual Master Plan includes up to 180 townhomes, 120 patio homes, 50 larger single-family lots, 200 assisted living beds, 104 independent senior living units, and 700 rental apartment units, along with its additional components consisting of office space, retail space, a hotel and a large amount of permanent open space.

The objective of the Westwood Neighborhood is to create a New Traditional Neighborhood in the heart of Amherst that will feature public spaces, a variety of residences, and a neighborhood center that are all complementary to the surrounding community and to the entire Town of Amherst. The stated mission is “for Westwood to be a walkable, sustainable, and comfortable traditional neighborhood rooted in the planning goals and objectives of the Town’s comprehensive Plan, compatible with surrounding neighborhoods and an asset to the entire Town of Amherst.”

As part of my analysis, discussions were conducted with local area officials, developers, real estate brokers, and other persons knowledgeable in the local residential real estate market. The methodology applied is a combination of quantitative analysis and qualitative research, designed to address the specific objectives of this report.

#### **CONCLUSIONS OF SUMMARY ANALYSIS:**

The following is a summary of my professional opinion and conclusions based on the analysis of the housing components of the Westwood Neighborhood project:

- The Town of Amherst is experiencing very strong demand in all segments of the residential market
- There has been a decline in available lots for detached single-family homes, which has limited new construction volume
- Empirical evidence of sustained strong demand is shown by the reduction in “days on the market” for residential properties for sale
- Sales prices for existing as well as newly constructed homes have been steadily increasing
- Occupancy levels for senior assisted as well as senior independent living units are very high
- Occupancy levels for market rate apartments, both stand-alone as well as those constructed over retail, is very high, with rents continuing to increase

- Patio home residential properties have exhibited the strongest overall demand due to the appeal of single-story floor plan layouts to empty nesters and seniors and maintenance being provided by an association.
- Townhouse-style residential units are considered to be a strong option, particularly within the context of a traditional neighborhood layout such as depicted on the Conceptual Master Plan for the Westwood Neighborhood.
- Overall residential demand at the Project Site will be even further strengthened by the unique appeal of the overall traditional neighborhood concept that Westwood would bring to the Town of Amherst.
- The Westwood Neighborhood project is well positioned and well designed to allow for orderly and efficient absorption of its residential properties into the Amherst marketplace.

**OVERALL CONCLUSION:**

**My overall professional opinion and conclusion is that the diverse residential components proposed as part of Westwood Neighborhood project, at the construction volume projected for each residential category, will be well received and adequately absorbed by the Amherst marketplace. The residential components as depicted on the Conceptual Master Plan will effectively cater to the demands of the current and future marketplace, offering a diverse range of residential living options within a unique and attractive traditional neighborhood setting with a large amount of permanent open space and attractive on-site amenities.**

Thank you for the opportunity to complete this Summary Analysis for the proposed Westwood Neighborhood development.

Respectfully Submitted,



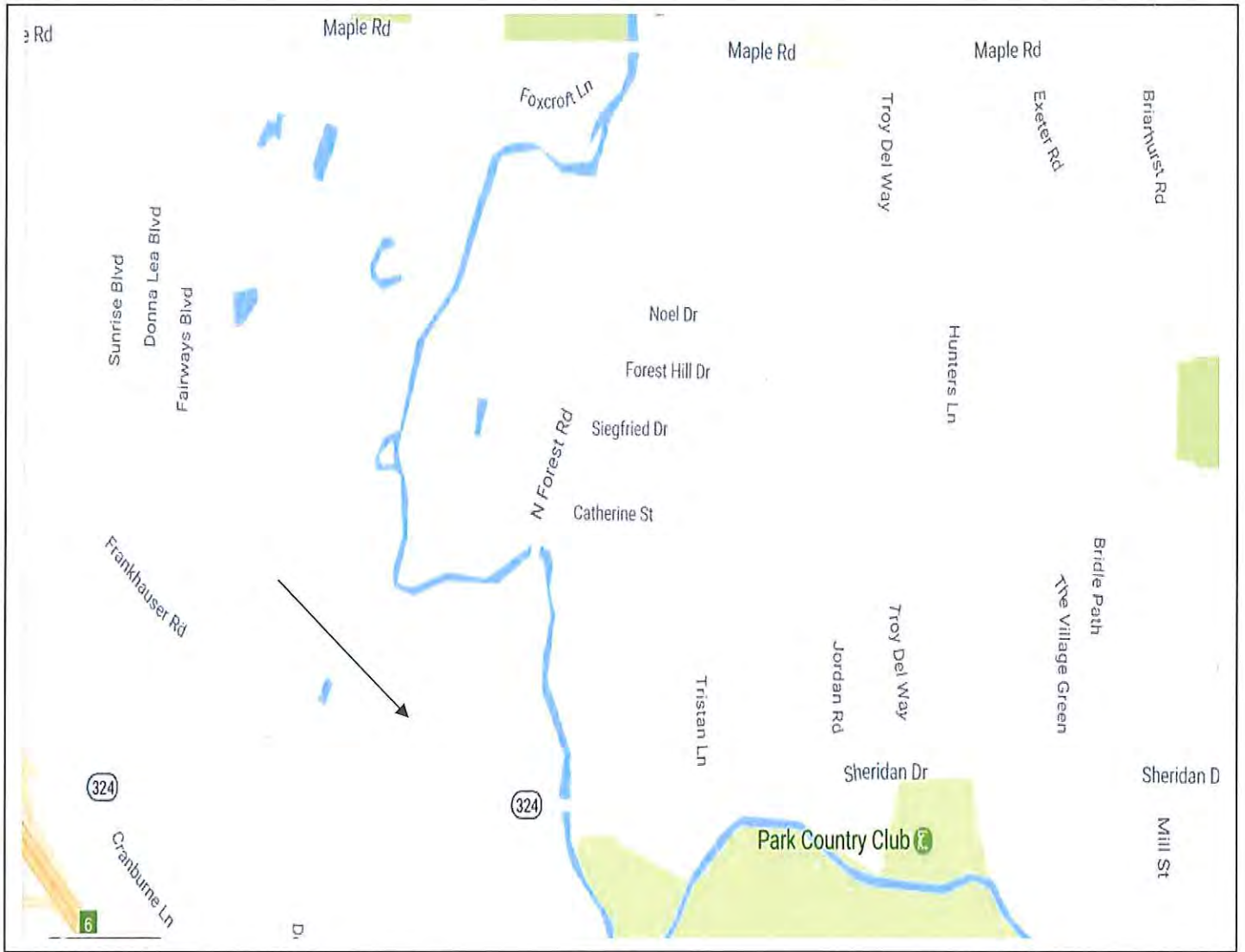
Donald A. Griebner  
President  
New York State Certified  
General Real Estate Appraiser  
ID #: 46-4373



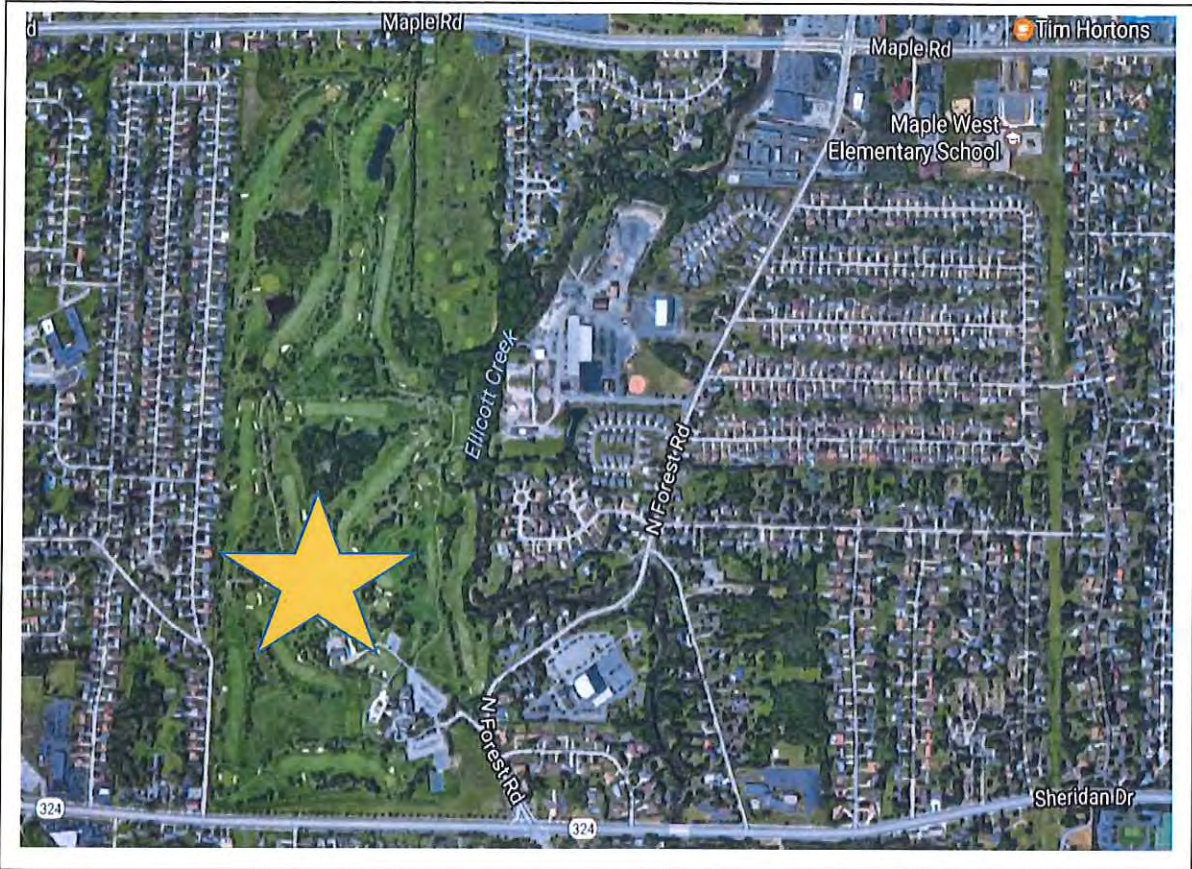
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**PROPOSED WESTWOOD LOCATION MAP  
TOWN OF AMHERST, NEW YORK**



**AERIAL OF PROPOSED WESTWOOD DEVELOPMENT SITE  
AMHERST, NEW YORK**





A Traditional Neighborhood  
in the heart of Amherst.

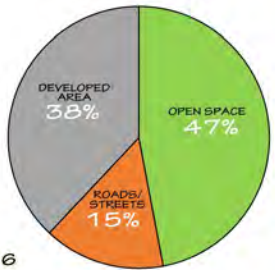
## CONCEPTUAL MASTER PLAN

Prepared by:  
**MENSCH**  
Capital Partners, LLC



December 19, 2016

### OVERALL DEVELOPMENT BREAKDOWN



COLOR KEY	BUILDING TYPES	AREA
[Orange]	<b>Offices</b>	
	a. Potential Offices/ Community Facility	112,800 sf (3 stories)
	b. Office Buildings	152,000 sf (2 stories)
[Yellow]	<b>Residential</b>	
	a. Multi-Family Community – Condo/Apartments	18,000 sf (3 stories) per building
	b. Residential (Multi-Family Structures)	132,600 sf (3 stories)
	c. Townhomes	2,000sf – 3,600 sf (2 stories) per town home
[Purple]	<b>Special Uses</b>	
	a. Inn/ Boutique Hotel	89,600 sf (4 stories)
	b. Fire Substation (Snyder Service Area)	3,600 sf (1 story)
[Pink]	<b>Mixed-Use Development</b>	
	a. Mixed-Use Structures	498,000 sf (3 stories)
	b. Community Clubhouse	17,400 sf (2 stories)
[Light Green]	<b>Patio Home and Single-Family Home Lots</b>	Varies per lot type
[Light Blue]	<b>Senior Living Development with Garages</b>	216,800 sf (2 stories)
[Light Green]	<b>Open/ Green Space</b>	68.5 Acres
[Blue]	<b>Ponds/ Stormwater Features</b>	13.1 Acres
[Grey]	<b>Streets and Parking Lots</b>	

## **1.0 Introduction:**

### **1.1 Background & Summary:**

The Westwood Neighborhood Project consists of the planned redevelopment of the former Westwood Country Club property in the Town of Amherst. The subject's location is bounded by Sheridan Drive, North Forest Road, Maple Road, and Fairways Boulevard, and will transform the former golf course property that currently consists of a contaminated brownfield into a mixture of residential, commercial, retail and community uses. The current plan as depicted on the Conceptual Master Plan envisions 84 acres of public green space and permanent open space as and on-site amenities including pedestrian and bike trails and lake access, representing 47 percent of the site.

Pursuant to the current Conceptual Master Plan, the residential component of the Westwood Neighborhood Project will include up to:

- Patio Homes (120)
- Townhouses (180)
- Single-Family Homes (50)
- Senior Living
  - Assisted Living Beds (200)
  - Independent (104)
- Apartments
  - Multifamily Units (180)
  - Multifamily Units Above Neighborhood Shops and Restaurants (520)

An overview of single-family residential market demand for the Town of Amherst will now be presented. Following that, a brief review and discussion of each of the residential property types will be provided.

# **MARKET DEMAND ANALYSIS**

**SINGLE-FAMILY RESIDENTIAL DEMAND  
TOWN OF AMHERST, NEW YORK**

## RESIDENTIAL ANALYSIS

The strongest component of the Amherst real estate market today, and for the past few years, has been single-family residential home development and sales. This category includes single-family homes, patio homes and attached townhomes. The attributes and convenience of the Town have made Amherst the most sought-after municipality for detached single-family residential units in Erie County. Interviews with multiple realtors, developers, and builders indicate that the most significant detriment to continued new home construction in Amherst has been the limited availability of suitable land for new residential units. The Westwood Neighborhood project, given its centralized location and unique “community-style” attributes, will add much needed residential inventory to the marketplace. Following is a historical review of new single-family home construction in the Town of Amherst over the past 10 years.

### TOWN OF AMHERST SINGLE FAMILY BUILDING PERMITS AND VALUE 2007-2016

2007:	134	Units	Average Cost:	\$244,700
2008:	77	Buildings	Average Cost:	\$279,500
2009:	83	Buildings	Average Cost:	\$223,700
2010:	106	Buildings	Average Cost:	\$250,400
2011:	65	Buildings	Average Cost:	\$315,700
2012:	55	Buildings	Average Cost:	\$282,800
2013:	82	Buildings	Average Cost:	\$304,900
2014:	84	Buildings	Average Cost:	\$343,600
2015:	111	Buildings	Average Cost:	\$296,625
2016:	76	Buildings	Average Cost:	\$313,619

The average cost of a newly constructed home in Amherst increased by 28.2% from 2007 through 2016, or an average of approximately 3% per year. The number of new homes constructed was highest in 2007, however that number has been limited in recent years primarily based on lot availability rather than by market demand.

Overall the residential new construction market in Amherst has been strong and stable and somewhat constrained by available lot inventory for single-family residential units.

**TOWN OF AMHERST SINGLE-FAMILY RESIDENTIAL SALES DATA 2007 - 2016**

Utilizing the Multiple Listing Service (“MLS”) through the Buffalo Niagara Association of Realtors, a year-by-year analysis of single-family residential home sales activity was completed for the years 2007 through 2016. An overview of the results is as follows:

<b>Year</b>	<b>Units Sold</b>	<b>Average Price</b>	<b>Median Price</b>	<b>Average Days on Market</b>
2007	1,192	\$185,665	\$160,000	52
2008	1,129	\$184,984	\$161,500	54
2009	1,127	\$180,921	\$161,000	53
2010	992	\$189,854	\$171,500	54
2011	913	\$189,561	\$168,000	59
2012	1,122	\$196,272	\$175,501	59
2013	1,178	\$210,271	\$185,000	45
2014	1,090	\$209,104	\$185,000	42
2015	1,184	\$214,462	\$186,500	43
2016	1,377	\$217,593	\$186,500	43

The number of units sold per year in Amherst has remained very consistent over the past 10 years. The average sales price has increased by 17.2%, with the most significant growth in the average sales price occurring during the past 4 years. This growth in sales price is commensurate with the significant drop in average days on the market over the same time frame. From 2012 to 2016, the average days on the market dropped by 27%, from 59 days to 43 days.

**INVENTORY SUPPLY:**

A good indicator of market strength is the number of months of inventory of active listings in the market at any point in time. A comparison of the first five months of 2007 with the first five months of 2016 is as follows:

	<b>JAN</b>	<b>FEB</b>	<b>MARCH</b>	<b>APRIL</b>	<b>MAY</b>
2007 # Months Inventory	5.17	5.41	5.46	4.84	4.11
2016 # Months Inventory	3.78	4.06	3.67	3.112	2.63

This data clearly indicates that the 2016 residential marketplace in Amherst is experiencing much stronger demand than supply. The first five months in 2007 produced an average inventory of available homes for sale that would last for 5 months. During the first five months of 2016 that average inventory dropped to 3.45 months, a reduction of 31%. It achieved its lowest level in May with only a 2.63 month inventory.



**CONCLUSIONS FROM TOWN OF AMHERST SINGLE-FAMILY ANALYSIS:**

The data clearly indicates that the single-family residential market in the Town of Amherst is strong and vibrant, showing sustained and improving financial indicators.

- Market sales volume has remained consistently strong
- Average and median prices have risen steadily
- Average cost of new construction has risen steadily
- Average days on the market has dropped significantly
- Inventory of “for sale” homes has dropped significantly
- Builders and developers have indicated there is not an adequate lot inventory to satisfy current demand

**All of these very significant and telling factors lead to the clear conclusion that the additional residential inventory to be provided by the Westwood Neighborhood project will be well received and adequately absorbed into the marketplace. Westwood’s total of up to 350 single-family dwelling units, in a setting such as the Westwood Neighborhood and with a mix of patio homes, townhouse, and single-family homes, are projected to develop and sell off in an efficient and smooth manner, meeting the anticipated needs of the Amherst market.**

# Buffalo housing market termed predictable; October sales slumped, prices up, inventory low

Dec 2, 2016, 12:01pm EST



DIGTIALSTORM

Housing sales slowed in the Buffalo Niagara region in October, but that was countered by a jump in median prices.

Single-family home transactions dropped 4.9 percent in the month compared to a year ago with 1,184 deals wrapped up. In October 2015 there were 1,245 sales.

Sellers were the big winners as median prices increased 4.7 percent to \$133,012 from \$127,000. Average prices rose 5.8 percent to \$160,405 from \$151,558.

**Finding a home continues to be an issue as inventory remains low.** According to the **Buffalo Niagara Association of Realtors** there were 3,894 homes for sale in October down a whopping 31.8 percent from 5,713 last year. New listings declined by 14.4 percent to 1,241 from 1,449 in the year-over-year period.

In its monthly assessment, BNAR said: "Market predictions have been, in a word, predictable. A relatively comfortable pace of activity has been

maintained thanks to continuing low unemployment and mortgage rates. The one basic drag on market acceleration has been inventory decline.”

And, going forward, the trade group added, “There is little to indicate that the low inventory situation will resolve anytime soon.”

# U.S. housing prices exceed '06 boom level

By KATHY ORTON

WASHINGTON POST

Home prices nationally have reached a new high, surpassing the previous best set during the housing boom.

The average home price in September rose 0.1 percent above the July 2006 peak, according to the Standard & Poor's/Case-Shiller index released Tuesday. However, adjusted for inflation, the index remains about 16 percent below peak.

The Case-Shiller index measures repeat sales of single-family homes. The September figures are the latest available.

Home prices climbed by 5.5 percent annually and 5.1 percent from August, the 53rd consecutive month of positive gains. Seattle; Portland, Ore.; and Denver had the biggest year-over-year gains among the 20 cities. Seattle had an 11 percent annual increase, while Portland had a 10.9 percent jump, and Denver an 8.7 percent rise. Washington had one of the smaller increases, rising by 2.7 percent.

"The new peak set by the S&P Case-Shiller CoreLogic National Index will be seen as marking a shift from the housing recovery to the hoped-for start of a new advance," David M. Blitzer, managing director and chairman of the index committee at S&P Dow Jones Indices, said in a statement.

After peaking in July 2006, home prices bottomed out in February 2012. The most harmful result of the housing bust was the steep decline in home values, which left millions of homeowners owing more on their mortgages than their homes were worth. The steady rise in home values, which began in 2013, has been good news for underwater borrowers. But it has made homeownership less affordable for others.

Low mortgage rates have helped fuel the rise in prices as

has a limited supply of homes for sale.

Bill Banfield, a Quicken Loans vice president, dismissed fears that the housing market was experiencing another bubble. "With home prices growing to record highs, it's important to remember this isn't driven by speculation or easy credit like a decade ago," he said. "It is led mostly by constrained home availability as buyers continue to battle over the few homes for sale, especially in the West."

Although prices have bounced back, several economists tempered their enthusiasm.

"Crossing this threshold is largely symbolic," said Ralph McLaughlin, Trulia chief economist. "The housing market recovery has been very uneven across the U.S. When controlling for inflation, markets that have reached their pre-recession peaks are few and almost exclusively in the West and South. And within those markets, it's most high-end homes that have surpassed the peak."

McLaughlin noted that Pittsburgh and Buffalo are the only two markets outside the South and West where home prices have recovered to pre-recession levels and that recovery is limited to trade-up and premium homes.

Zillow chief economist Svenja Gudell echoed McLaughlin's sentiments.

"The U.S. National Case-Shiller home price index has essentially regained all losses sustained during the housing bust and is at, above or very near peak levels in many markets," she said. "But it isn't smart to confuse this full recovery in housing prices with a full recovery in the housing market overall."

"Big imbalances still exist between renters and homeowners, and homebuyers and home sellers, and there's still a long way to go before the market reaches full equilibrium."

## **PATIO HOME DEVELOPMENT:**

The current Conceptual Master Plan depicts up to 120 patio homes. The patio home component of the residential real estate market in the Town of Amherst appears to be the fastest growing segment of the market. Based upon condominium status, this product offers a predominantly one-story floorplan on a smaller lot, within a community that includes an association to take care of all exterior maintenance (snow removal, lawn maintenance, etc.).

Patio homes typically range from 1,400 to 2,000 square feet and sell in the \$300,000 to \$450,000 price range. This product type is particularly attractive to the senior and empty-nester market who include "snow birds" that spend winter months in warmer locations. The single-floor plan suits their physical needs, while the exterior maintenance provided by the condominium association suits their lifestyle needs. The tax benefits of condominium status is also an attractive feature.

Two current developments of this style in the Town of Amherst include the Avalon Meadows development by Natale Builders along Casey Road near Youngs Road, as well as the Patios at Windstone development by Marrano Marc Equity on the north side of Main Street (set back from Main Street) easterly adjacent to Greythorne. The Windstone development has 42 patio home lots, and Marrano indicates that they will continue to add another patio home/townhouse development easterly adjacent. Representatives of Marrano indicate that sales have been strong, and that is why further expansion is planned. Marrano also indicated that available, suitable land is not available, and is therefore at a premium.

The Natale development at Avalon Meadows has approximately 70 lots, with the front section off of Casey Road reflecting more traditional two-story colonial style homes, and the rear section reflecting more patio home style units. This development is less than 2 years old, and is more than 50% sold off, with sales prices primarily \$450,000 to \$550,000. The rear portion of this development is a condominium.

## **CONCLUSIONS:**

The 120+/- lot patio home portion of the Westwood Neighborhood is well positioned on the site, with three ponds and significant nearby permanent open space. This type of housing product has been very well received by the Amherst market, as well as the surrounding Towns of Clarence and Lancaster. The number of units proposed appears reasonable given the size and stature of the project, as well as the overall demand in the marketplace. This product should absorb very well in a reasonable timeframe.

## **TOWNHOUSE DEVELOPMENT:**

Townhouse offerings in Amherst are somewhat limited, however those that have been developed have absorbed well. An excellent comparison for the up to 180 unit Westwood townhomes would be the 32-unit townhouse development called Campbell Meadows on the east side of Campbell Boulevard, a short distance south of North French Road in Amherst. This was developed by Rubino Builders in 2013, and has completely sold out in three years. The price range is primarily \$240,000 to \$260,000 for 1,991 sq. ft. 3-bedroom units with the condominium form of ownership.

Research in the Amherst market shows no other townhouse developments of comparable size have been developed in the past 10 years. The next most recent would be the Park Lane Ct. townhouses off of Park Club Lane that were developed by Natale Builders in 2002. These are 1,890 square feet, 2-bedroom, 2-bath, and sell in the \$200,000 price range. These are not condominium and are serviced by a public roadway and infrastructure.

As previously mentioned, Marrano Marc Equity is planning to construct townhomes along with patio homes in their next phase of the residential project adjacent to Windstone.

## **CONCLUSIONS:**

Based upon the limited supply of this type of product, and the strong successful sell-off of the most recent development, it is projected that the Westwood townhouse product offering of up to 180 units will be very well received by the market, and will absorb well. This is a product that will fit particularly well in the "Traditional Neighborhood" community proposed as depicted on the Conceptual Master Plan.

## **APARTMENT DEVELOPMENT:**

The Conceptual Master Plan for the Westwood Neighborhood project calls for inclusion of up to 700 apartment units with the majority of these being situated in 3-story buildings with retail and neighborhood space on the first floor. There will also be two standalone apartment buildings.

The apartment market in Amherst has grown considerably over the past several years, with three (3) differing categories of product: Senior Apartments, Student Housing, and Market Level Apartments. The subject apartments will be upscale, market level units, which will integrate very nicely into the live, work and walking environment to be provided at the Project Site.

Being situated within the neighborhood center portion of the project, the future occupants of the apartments will enjoy the proximity and close walking distance to the retail and professional office components within the neighborhood. This attribute will help distinguish these units from most other market rate units in the Town.

One of the more recent market level apartment complexes constructed in Amherst is Dockside Village along Transit Road near Millersport Highway. This complex was constructed in 2005 and 2012, and has another phase currently under construction. The existing 264 units (including some townhouses) are 100% leased, with rent ranging from \$1,230/month for a one-bedroom unit to \$1,740/month for a three-bedroom unit. It should be noted that these are luxury units, and the complex provides a clubhouse, workout facilities, and garages. The Westwood Project Site provides superior locational amenities as previously described.

Another example of the strong apartment market in even closer proximity to the Project Site is the current construction of 96 market level apartment units at 2371-2395 N. Forest Road, just west of Millersport Highway. This location is 1.3± miles north of the Project Site. The complex will consist of three 3-story buildings, the first two of which are completed. These are considered to be high-end, market level units.

In conclusion, the apartment component of Westwood is considered to be a very attractive and viable component of the mixed use layout, providing a residential option that is projected to be very well received by the market. This conclusion is particularly supported by the subject's proximity to the University at Buffalo, and the resultant demand for apartment living from the faculty, staff and administration and graduate students. The surrounding market area is showing strong demand through very high occupancy, increasing rent levels, and new construction.

## **APARTMENT ABOVE RETAIL:**

An excellent example of recent development of apartments above retail in the Town of Amherst is the Commons on North French. This mixed use project on the north side of N. French Road, just west of Transit Road, includes three (3) two-story buildings with 15 retail and professional offices on the first floor, and luxury apartments on the second floor. These units have absorbed well and are receiving upscale rent levels. This is a somewhat newer concept to the marketplace but has been very successful in many other locations and one that will fit particularly well within the Westwood Neighborhood.

## **CONCLUSIONS:**

The proposed apartments at Westwood are considered to be an integral and valuable offering within the proposed neighborhood. The location of the Project Site near the U.B. North Campus will serve as a strong draw to administrators, professors, and graduate students. The retail and office components will also be attractive and convenient for apartment dwellers. The overall apartment market in Amherst is strong and growing, and the Westwood Neighborhood apartment offerings will be very well received.

## **SENIOR LIVING:**

Demand for senior living in Amherst, both independent living and assisted living, appears very strong and stable. The Westwood development plans to add 200 assisted living units and 104 independent living units.

### **Independent Living:**

The most recent data provided by The National Investment Center for Seniors Housing and Care ("NIC") shows independent living properties in the metro Buffalo area having an occupancy level of 92.9%. A review of competitors within a 10 mile radius of Westwood indicates occupancy of 96%. In addition, the average rent for independent living units is consistently higher in the competitive market area surrounding Westwood than it is for the greater metro market.

The projected growth rate for those 75 years and older in the areas including Amherst is 1.9% per year. In addition, there has been only a modest increase in inventory for independent living facilities in the area. The most notable recent addition has been the Fox Creek Estates luxury senior apartments on Transit Road. The Fox Creek project has slightly more than 200 senior housing units and has maintained an occupancy level of 95% plus since it was built 3



years ago. This complex also offers retail shops on the same overall site as well as local restaurants and entertainment within walking distance. The Westwood Neighborhood Plan will most closely emulate these features.

**Assisted Living:**

Assisted living facilities in the Buffalo Metro area have maintained a 92% occupancy level, based upon recent data compiled by The National Investment Center for Seniors Housing and Care (“NIC”). Within a 15 mile radius of the Westwood site, assisted living facilities have a 94% occupancy rate. This indicates a very strong and stable market for the proposed assisted living component of the Westwood Neighborhood.

Another very significant statistic which indicates continued strong demand for assisted living units is the very low penetration rate in close proximity to the subject.

<u>Radius</u>	<u>Penetration Rate</u>
5-mile	2.85%
10-mile	1.30%
15-mile	1.02%

This metric reflects the ratio of the number of assisted living beds in the market as a percentage of age 75+ households. The lower the ratio, the more demand outweighs supply. The subject’s ratios are lower than the ratios for the most competitive facilities examined.

**CONCLUSION:**

The Westwood Neighborhood project includes 104 independent living units as well as 200 assisted living units as part of the overall neighborhood. This will offer a very attractive setting in a marketplace that exhibits strong and stable demand for both independent and assisted living facilities. Having the independent living units within the same complex as the assisted living component will allow for built-in demand as seniors transition from independent to assisted living needs. Overall this component of the Westwood Neighborhood project is projected to be well received by the marketplace.

## **OVERALL CONCLUSIONS TO THE AMHERST SINGLE-FAMILY AND MULTI-FAMILY ANALYSIS**

Market data analyzed clearly indicates that both the single-family and multi-family residential markets in Amherst are strong and getting stronger. There has been a steady appreciation in sales prices of single family-homes, coupled with reduced inventory and fewer days on the market. The limited availability of suitable residential land, as stated by multiple developers and realtors, can be identified as a significant factor for these market conditions. The apartment market is considered equally strong in Amherst, with very low vacancy rates and increasing rent levels. The multiple housing options being offered at Westwood (patio homes, townhome and single-family homes), will capture diverse residential demand. The physical amenities of the Westwood Neighborhood, including large ponds, a walkable environment, recreational trails, retail/office space, and excellent accessibility, will further enhance market demand. Additionally, the significant attribute of being located in very close proximity to the UB North Campus is a major positive consideration. The UB 2020 Plan calls for continued growth of both the number of students and faculty, as well as the support staff that goes along with such anticipated growth. The Westwood Neighborhood project is in an excellent, unique position to capture significant residential demand from this source.

In addition, the senior living components consisting of independent and assisted living units will help to meet the continued needs of Amherst's growing senior population who desire to continue to live in Amherst.

The Westwood Neighborhood project as proposed is considered to blend very well into the fabric of the Town of Amherst, meeting the current and projected residential needs of the marketplace. The volume of residential construction proposed is projected to be reasonably and adequately absorbed into the Amherst marketplace.

## QUALIFICATIONS OF ANALYST

## RESUME AND QUALIFICATIONS OF DONALD A. GRIEBNER

Mr. Griebner is President and owner of Real Property Services, LLC, a real estate appraisal and consulting firm located at 8665 Sheridan Drive, Williamsville, New York 14221. Mr. Griebner is a New York State Certified General Real Estate Appraiser, ID #46-4373.

### Education:

High School

B.A. in Economics, State University of New York at Buffalo, 1980

M.B.A. in Finance, State University of New York at Buffalo, 1983

### Work History:

June, 1983 – October, 1984

**Marine Midland Bank, N.A.**

Assistant Product Manager, Electronic Banking

October, 1984 – October, 1996

### *Northeastern Appraisal Associates*

November, 1996 – Present

### *Real Property Services, LLC*

### Teaching Experience:

Principals of Real Estate Appraising, Bryant and Stratton Business Institute, Buffalo, New York.

Strategic Planning and Control of Operations, School of Management, State University of New York at Buffalo.

### Certification:

Mr. Griebner is a New York State Certified General Real Estate Appraiser, #46-4373.

He has been certified since 1991, and his certification is current through 11/25/2015.

### Appraisal Assignments:

#### Residential:

Condominiums  
Single and Two-Family Dwellings  
Subdivision Developments

#### Commercial:

Apartment Complexes  
Certiorari Actions  
Community Shopping Plazas and Malls  
Condemnation (full and partial)  
Feasibility Studies  
High Rise Office Complexes  
Industrial Complexes  
Lease Analysis  
Rehabilitation Projects  
Retail Department Stores  
Temporary and Permanent Easements

#### Special Purpose Properties:

Bowling Alleys  
Dormitories  
Funeral Homes  
Golf Courses  
Hospitals  
Hotels  
Nursing Homes  
Urban Renewal  
Vacant Land and Subdivision Analysis

### Expert Witness:

Mr. Griebner has appeared as an expert witness regarding real estate valuation in New York State Bankruptcy Court, New York State Supreme Court, and before many municipal boards.

### Territories Professionally Covered:

Mr. Griebner has appraised property in the states of California, Connecticut, Florida, Indiana, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee and Virginia.

**Banks/Mortgage Companies Appraised For:**

- Lakeshore Savings Bank
- Alden State Bank
- M & T Bank
- Citibank
- Evans Bank
- Key Bank

**Appraisal Courses Attended and Completed:**

Society of Real Estate Appraisers – Course 102  
"Applied Residential Property Valuation"  
March-April, 1985, Buffalo, New York

Society of Real Estate Appraisers – Course 201  
"Principals of Income Property Appraising"  
October-December, 1985, Buffalo, New York

Society of Real Estate Appraisers – Course 202  
"Applied Income Property Valuation"  
November, 1987, Hershey, Pennsylvania

American Institute of Real Estate Appraisers  
"Capitalization Theory and Techniques – Part A"  
February, 1990, Houston, Texas

American Institute of Real Estate Appraisers  
"Capitalization Theory and Techniques – Part B"  
February, 1990, Houston, Texas

American Institute of Real Estate Appraisers  
"Case Studies in Real Estate Appraisal"  
March, 1990, Athens, Georgia

American Institute of Real Estate Appraisers  
"Report Writing and Valuation Analysis"  
March, 1990, Athens, Georgia

American Institute of Real Estate Appraisers  
"Standards of Professional Practice"  
April 11, 1990, Columbus, Ohio

American Institute of Real Estate Appraisers  
"Standards of Professional Practice, Part A (USPAP)"  
October 27-28, 1995, Rochester, New York

American Institute of Real Estate Appraisers  
"Standards of Professional Practice, Part B (USPAP)"  
November 3-4, 1995, Rochester, New York

**Appraisal Examinations Challenged and Passed:**

Society of Real Estate Appraisers – Course 101  
"Introduction to Appraising Real Property"  
April 29, 1989, Buffalo, New York

American Institute of Real Estate Appraisers  
"Real Estate Appraisal Principals"  
March 19, 1990, Syracuse, New York

American Institute of Real Estate Appraisers  
"Basic Valuation Procedures"  
March 19, 1990, Syracuse, New York

**Seminars and Courses Attended:**

Marshall and Swift Cost Valuation Seminars

- Calculator Cost Method
  - Computerized Cost Method
  - Segregated Cost Method
- November 1986, Cincinnati, Ohio – no exam

Professional Practice Seminar given by the Society of Real Estate Appraisers  
May, 1989, Kingston, New York – no exam

Discounted Cash Flow Analysis  
June, 1993, Amherst, New York

Maximizing the Value of an Appraisal Practice  
June, 1993, Amherst, New York

Easements and Encroachments  
November, 1994, Amherst, New York

American Institute of Real Estate Appraisers  
"Real Estate Evaluations and the Appraisal Industry"  
March 13, 1995, Amherst, New York

Board of Assessment Review Training Session  
County of Erie Division of Budget, Management and Finance  
June 27, 1996, Amherst, New York

Real Estate Fraud and the Appraiser's Role  
November 2002, Buffalo, New York

Residential Construction  
November 2002, Buffalo, New York

Appraising the Oddball: Nonconforming and Difficult Properties  
November 2002, Buffalo, New York

Real Estate Damages: Assessment and Testimony  
November 2002, Buffalo, New York

NOTE: Mr. Griebner has successfully completed at least 27 hours of continuing education every two (2) years since 1991 as required by New York State. Mr. Griebner's current two-year certification expires March 27, 2018.

**Professional Affiliations (Historical):**

American Institute of Banking  
Amherst Chamber of Commerce  
Candidate Member – Appraisal Institute  
Greater Buffalo Board of Realtors  
Greater Buffalo Chamber of Commerce  
Mortgage Bankers Association  
School of Management Alumni Association Board of Directors,  
State University of New York at Buffalo  
Buffalo Niagara Builders Association (Board of Directors – 2003)  
WNY Baseball Hall of Fame: Inducted 2006



3495 Winton Place  
Building E, Suite 110  
Rochester, NY 14623

phone 585.272.4660  
fax 585.272.4662

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February 3, 2017

Hamister Group, LLC  
10 Lafayette Square, Suite 1900  
Buffalo, NY 14203  
Attn: Mr. Matt Roland, AICP

RE: Proposed Westwood Development, Town of Amherst, NY  
Summary of NYSDOT Safety Study and PIL Investigation

---

Dear Mr. Roland,

The purpose of this letter is to provide a summary of the results of two studies recently completed by the New York State Department of Transportation Engineers (NYSDOT). The following studies have been reviewed by our office: 1) 20% PIL Investigation on North Forest Road between Wiltshire Road and Sheridan Drive dated August 18, 2016; and 2) Safety Study on Sheridan Drive between Harlem Road and North Forest Road dated November 4, 2016.

I) 20% PIL Investigation on North Forest Road between Wiltshire Road and Sheridan Drive dated August 18, 2016

- A PIL is a Priority Investigation Location.
- This study investigated crashes that occurred on North Forest Road in the roadway segment between Wiltshire Road and Sheridan Drive.
- It also included review of crash data at the three intersections of North Forest Road with Wiltshire Road, Tee Court and Sheridan Drive.
- The study included all crashes that occurred between November 1, 2012 and October 31, 2015 – a duration of three years total.
- 68 crashes occurred within the study limits over the three-year period.
- 65 of the 68 crashes in the study limits occurred at the intersection of North Forest Road and Sheridan Drive.
- There were no crashes at either Wiltshire Road or Tee Court.
- Crash rates are calculated for segments and intersections. The crash rate for the study segment was 25.27 ACC/MVM (ACC/MVM = accidents per million vehicle miles); while the average rate for this type of facility statewide is 4.23 ACC/MVM. Thus the crash rate for this segment is approximately 5 to 6 times greater than the statewide average.
- The intersection crash rate is 1.29 Acc/MEV (accidents per million entering vehicles, i.e. vehicles entering the intersection). The statewide average rate for similar

intersections is 0.50 Acc/MEV. Thus the actual crash rate is approximately 2.5 times greater than the statewide average rate for similar intersections.

- The investigation evaluated types of crashes and their causes, with rear end accidents being the most common accident type.
- There were no fatal crashes and the number of injury crashes fell within the expected range for these types of intersections.
- No deficiencies were identified at the North Forest Road/Sheridan Drive intersection.
- NYSDOT is formulating a signal coordination plan for all of the signals along Sheridan Drive.
- No other recommendations were made in this study.

2) Safety Study on Sheridan Drive between Harlem Road and North Forest Road dated November 4, 2016

- The study includes the segment of Sheridan Drive between Harlem Road and a point west of North Forest Road.
- Seven intersections along Sheridan Drive were included in the study: Harlem Rd, I-290 ramps, I-290 on-ramp, Sunrise Blvd, Cranburne Lane, Frankhauser Rd, and Fenwick Dr.
- Three years of crash data were reviewed for the time period from November 1, 2012 through October 31, 2015.
- 105 crashes occurred in the study segment during this time period and were evaluated as part of this study.
- 14 crashes occurred in the segment west of Harlem Rd; mostly overtaking crashes.
- 48 crashes occurred between Harlem Rd and the I-290 ramps. Over 50% were left-turn crashes; 16% were rear-end crashes.
- 44 crashes occurred between the I-290 ramps and the end of the study area east of Fenwick Drive. 55% of these crashes were rear-ends and 25% were related to left turns.
- 82 of the 105 crashes occurred at the intersections: 27 at Harlem Road (12 rear-end, 4 left-turn), 35 at the I-290 ramps (23 left-turn, 9 rear-end), 3 at Sunrise Blvd (2 rear-end, 1 left-turn), 1 at Cranburne Lane (left-turn), 9 at Frankhauser Rd (5 rear-end, 2 left-turn), and 3 at Fenwick Drive (2 left-turn, 1 rear-end).
- There were no fatal crashes and the number of injury crashes fell within the expected range for these types of intersections.
- Crash rates were calculated for the three “zones/segments” of Sheridan Drive. The calculated crash rates were then compared to statewide averages for similar facilities. The segment west of Harlem Rd was above the statewide average, Harlem Rd to the I-290 ramps was significantly above the statewide average and between the I-290 ramps and east of Fenwick Drive was below the statewide average.
- Similarly, crash rates were calculated and compared to statewide averages at the intersections. The intersections of Harlem Rd and the I-290 ramps were above the statewide average rates while the intersections of Sunrise Blvd, Frankhauser Rd, and Fenwick Dr were all below the statewide average.

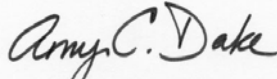


- The study recommends the following:
  - a. The eastbound left turn signal for Sheridan Drive at the I-290 WB on-ramp be converted to protected only phasing (i.e. a green arrow) during non-peak hours only.
  - b. Replace the I-290 bridge over Sheridan Drive with a clear-span bridge to improve sight distance when the bridge needs to be replaced.
  - c. Synchronize the signals along Sheridan Drive, especially during peak hours.
  - d. Enforce proper use of two-way left-turn lanes on Sheridan Drive.
  - e. Install missing signs in various locations as needed.

If you have any questions or are in need of additional information, please do not hesitate to contact our office.

Very truly yours,

*SRF & Associates*



Amy C. Dake, P.E., PTOE

Senior Transportation Engineer

S:\Projects\2016\36069 Westwood Update\Accidents\Exhibit U- NYSDOT Safety Study Summary 02-03-17.docx



MEMORANDUM

TO: T. S. Messana, P.E., Regional Traffic Engineer
FROM: O. A. Wieand, P.E., Transportation Systems Operations Group
SUBJECT: 20% PIL INVESTIGATION
UNION ROAD NORTH & SOUTH, SH 9215
ROUTE NY 277, NORTH FOREST ROAD
WILTSHIRE ROAD to SHERIDAN DRIVE
RM 277-5301-1214 to RM 277-5301-1215
TOWN OF AMHERST, ERIE COUNTY

DATE: August 18, 2016

We have completed our investigation of the subject location and offer the following:

FINDINGS

o General Information:

Within the limits of this study, NY 277 is a four-lane divided urban highway located in the Town of Amherst with no control of access. The speed limit on NY 277 south of Sheridan drive is 40 miles per hour; it is 35 miles per hour north of Sheridan Drive. The speed limit on Sheridan Drive is 45 miles per hour.

There are three intersections within the study limits as described as follows:

Table with 4 columns: Intersection, Type, Control, Left Turn Lane (Y/N). Rows include NY 277/Sheridan Dr., NY 277/Tee Court, and NY 277/Wiltshire Rd.

There are dedicated right turn lanes on both North Forest Road approaches to Sheridan Drive and to the intersection and on the eastbound Sheridan Drive approach. The intersection is skewed. Crosswalks are present on all four sides of the intersection. Pedestrian buttons, WALK/DON'T WALK indicators, and countdown timers are in place at each corner. There are no additional features at the Tee Court and Wiltshire Road intersections.

This portion of NY 277, i.e., reference marker range 277-5301-1214 to 277-5301-1215, has been listed as a Priority Investigation Location (PIL) for the following HAL (High Accident Location) years:

2000, 2005, 2008, 2009, and 2011 through 2014

Sixty-eight accidents were recorded within the study limits over the period of November 1, 2012 through October 31, 2015. This is the most recent three-year period for which accident

data was available through the Department's Safety Information Management System (SIMS) and Accident Location Information System (ALIS) databases at the time this study was begun. Sixty-five accidents were related to the NY 277/Sheridan Drive intersection, accounting for 95.6 percent of the 68-accident total.

o **Accident Rates and Related Information:**

***Linear Rate***

The sixty-eight accidents that occurred within the study limits yield a calculated linear accident rate of 25.27 accidents per million-vehicle-miles, i.e., 25.27 Acc/MVM. The mean linear accident rate for this type of facility (Free Access, Urban, Divided, 4 Lanes) is 4.23 Acc/MVM. The fact that its calculated linear accident rate exceeds the mean rate indicates that this portion of NY 277 has a below-average safety record when compared with similar facilities statewide.

***Intersection Rate***

The sixty-five accidents related to the NY 277/Sheridan Drive intersection yielded a calculated accident rate of 1.29 accidents per million entering vehicles, i.e., 1.29 Acc/MEV. The mean accident rate for this type of intersection, i.e., a 4-leg urban intersection with signalized control of one to four through lanes, is 0.50 Acc/MEV. The fact that the calculated accident rate exceeds the mean rate suggests that the NY 277/Sheridan Drive intersection has a below-average safety record when compared with similar intersections statewide.

There were no crashes identified at either Wiltshire Road or Tee Court intersections.

o **Prevalent Accident Types:**

Rear end accidents (34 events) were the most common accident type, making up 50.00 % of the 68-accident total. All the rear end accidents were related to the NY 277/Sheridan Drive intersection. The most frequently cited apparent contributing factor in the rear end accidents was following too closely. It was cited on 15 occasions. Driver inattention was cited eleven times; unsafe speed was cited seven times.

There were 18 left turn accidents, 17 of which took place at the NY 277/Sheridan Drive intersection. The remaining left turn accident involved a motorist attempting to turn into a private driveway on North Forest Road (NY 277). Thirteen of the seventeen left turn accidents that took place at the NY 277/Sheridan Drive intersection involved motorists traveling on the Sheridan Drive legs. Five of these took place under yellow. Three took place under red as motorists turned left to clear the intersection. The most commonly cited apparent contributing factor was failure to yield. It was cited on fifteen occasions. Disregarding a traffic control device was cited four times.

Seven overtaking accidents took place. All were intersection related. Five took place on the Sheridan Drive approaches to the NY 277/Sheridan Drive intersection. One took place within the intersection and involved a motorist turning right on red onto southbound NY 277 from eastbound Sheridan Drive. The other motorist was westbound on Sheridan drive and was turning left onto NY 277 southbound under a green left turn arrow. Failure to yield on the part of the eastbound motorist was cited as an apparent contributing factor in the accident. The remaining overtaking accident took place on the northbound NY 277 approach to the intersection. A motorist struck another vehicle while attempting to switch from the northbound through lane to the right turn lane. Following too closely and unsafe lane changing were cited as the apparent contributing factors in the accident.

See the attached Accident Summary Sheets for a complete summary of accident types.

o **Severity of Accidents:**

***Intersection and Non-intersection Accidents***

Twenty-one accidents of the 68-accident total resulted in personal injury. The remaining 47 accidents were property damage only events. There were no fatalities. A check of this severity distribution revealed that it falls within the expected range for facilities of this type.

***Intersection Accidents***

Twenty accidents of the sixty-five intersection related accidents resulted in personal injury. The remaining 45 accidents were property damage only events. There were no fatalities. A check of this severity distribution revealed that it falls within the expected range for this type of facility.

o **Specialty High Accident Locations (HALs):**

A query of the Region's specialty HAL list for HAL Year 2014, i.e., August 1, 2012 through July 31, 2014, revealed that there are no specialty HALs within the limits of this study.

***SUMMARY & RECOMMENDATIONS***

Field inspection revealed that there are no sight distance deficiencies throughout the location.

The Region is currently formulating a signal coordination plan for Sheridan Drive that includes the NY 277/Sheridan Drive intersection. As part of the coordination process, signal timing at the intersection will be evaluated and adjusted as necessary.

There were only three accidents recorded on the linear segment of NY 277, North Forest Road between RM 277-5301-1214 and RM 277-5301-1215. All remaining crashes in this study are directly related to the NY 277/Sheridan Drive intersection. In view of these considerations, we have no further recommendations to make at this time.

We have no further comments at this time. Please contact Otto Wieand at extension 3382 or Chris Underwood at extension 3840 if you have any questions.

OAW/CJU/paf  
Attachments

cc: A. Borgese, P.E., Regional Traffic Operations Engineer  
N. Kinderman, P.E., North Erie Resident Program Manager

### ACCIDENT SUMMARY SHEET

**Location:** NY Rte. 277: Wiltshire Rd. to Sheridan Dr. **Town/City/Village:** Town of Amherst  
**Date:** 11/1/2012 - 10/31/2015 **County:** Erie

<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Time of Day</th> </tr> <tr> <th></th> <th style="text-align: center;">#</th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr><td>0600-1000</td><td style="text-align: center;">14</td><td style="text-align: center;">20.59%</td></tr> <tr><td>1000-1600</td><td style="text-align: center;">24</td><td style="text-align: center;">35.29%</td></tr> <tr><td>1600-1900</td><td style="text-align: center;">19</td><td style="text-align: center;">27.94%</td></tr> <tr><td>1900-2400</td><td style="text-align: center;">11</td><td style="text-align: center;">16.18%</td></tr> <tr><td>2400-0600</td><td style="text-align: center;">0</td><td style="text-align: center;">0.00%</td></tr> <tr><td>Unknown</td><td style="text-align: center;">0</td><td style="text-align: center;">0.00%</td></tr> <tr><td><b>Total</b></td><td style="text-align: center;"><b>68</b></td><td style="text-align: center;"><b>100.00%</b></td></tr> </tbody> </table>	Time of Day				#	%	0600-1000	14	20.59%	1000-1600	24	35.29%	1600-1900	19	27.94%	1900-2400	11	16.18%	2400-0600	0	0.00%	Unknown	0	0.00%	<b>Total</b>	<b>68</b>	<b>100.00%</b>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Weather</th> </tr> <tr> <th></th> <th style="text-align: center;">#</th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr><td>Clear</td><td style="text-align: center;">25</td><td style="text-align: center;">36.76%</td></tr> <tr><td>Cloudy</td><td style="text-align: center;">27</td><td style="text-align: center;">39.71%</td></tr> <tr><td>Rain/Snow</td><td style="text-align: center;">10</td><td style="text-align: center;">14.71%</td></tr> <tr><td>Sleet/Hail/</td><td style="text-align: center;">1</td><td style="text-align: center;">1.47%</td></tr> <tr><td>Freezing Rain</td><td></td><td></td></tr> <tr><td>Fog/Smog/Smoke</td><td style="text-align: center;">0</td><td style="text-align: center;">0.00%</td></tr> <tr><td>Other/Unknown</td><td style="text-align: center;">5</td><td style="text-align: center;">7.35%</td></tr> <tr><td><b>Total</b></td><td style="text-align: center;"><b>68</b></td><td style="text-align: center;"><b>100.00%</b></td></tr> </tbody> </table>	Weather				#	%	Clear	25	36.76%	Cloudy	27	39.71%	Rain/Snow	10	14.71%	Sleet/Hail/	1	1.47%	Freezing Rain			Fog/Smog/Smoke	0	0.00%	Other/Unknown	5	7.35%	<b>Total</b>	<b>68</b>	<b>100.00%</b>																					
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**ACCIDENT SUMMARY SHEET**

Location: NY Rte. 277 at NY Rte. 324 Town/City/Village: Town of Amherst  
 Period Covered: 11/1/2012 - 10/31/2015 County: Erie  
 Date: \_\_\_\_\_

Time of Day			Weather		
	#	%		#	%
0600-1000	14	21.54%	Clear	24	36.92%
1000-1600	24	36.92%	Cloudy	27	41.54%
1600-1900	18	27.69%	Rain/Snow	9	13.85%
1900-2400	9	13.85%	Sleet/Hail/	1	1.54%
2400-0600	0	0.00%	Freezing Rain		
Unknown	0	0.00%	Fog/Smog/Smoke	0	0.00%
Total	65	100.00%	Other/Unknown	4	6.15%
			Total	65	100.00%

Light Condition			Time of Year		
	#	%		#	%
Daylight	47	72.31%	Winter (Dec-Feb)	18	27.69%
Dawn	0	0.00%	Spring (Mar-May)	20	30.77%
Dusk	3	4.62%	Summer (Jun-Aug)	16	24.62%
Dark Lighted	12	18.46%	Fall (Sep-Nov)	11	16.92%
Dark Unlighted	3	4.62%	Total	65	100.00%
Unknown	0	0.00%			
Total	65	100.00%			

Accident Type			Roadway Character		
	#	%		#	%
Overtaking	7	10.77%	Straight & Level	61	93.85%
Rear End	34	52.31%	Straight & Grade	0	0.00%
Right Angle	1	1.54%	Straight & Hillcrest	0	0.00%
Left Turn	17	26.15%	Curve & Level	4	6.15%
Head on/SS	1	1.54%	Curve & Grade	0	0.00%
Run Off Rd./	1	1.54%	Curve & Hillcrest	0	0.00%
Fixed Object			Unknown	0	0.00%
Pedestrian	0	0.00%	Total	65	100.00%
Bicycle	0	0.00%			
Animal	0	0.00%			
Backing	0	0.00%			
Right Turn	4	6.15%			
Other/Unknown	0	0.00%			
Total	65	100.00%			

Accident Severity			Roadway Surface Condition		
	#	%		#	%
Fatal	0	0.00%	Dry	36	55.38%
Injury	20	30.77%	Wet	17	26.15%
PDO	45	69.23%	Muddy	0	0.00%
Unknown	0	0.00%	Snow/Ice	8	12.31%
Total	65	100.00%	Slush	1	1.54%
			Other	0	0.00%
			Unknown	3	4.62%
			Total	65	100.00%



MEMORANDUM

14.21-324

TO: T. S. Messana, Regional Traffic Engineer
FROM: O. A. Wieand, Transportation Systems Operations Group
SUBJECT: Safety Study
Sheridan Drive, SH 9216
Route NY 324
Route NY 240, Harlem Road to west of Route NY 277, North Forest Road
Town of Amherst, Erie County
DATE: November 4, 2016

As requested in response to action letter #5160024, the Regional Transportation Systems Operations Group has completed an accident analysis for the subject project from RM 324-5302-1151 to RM 324-5302-1158 and offers the following comments:

FINDINGS:

The study segment, located on Route NY 324 (0.8 miles), is an urban principal arterial running west/east from Route NY 240, Harlem Road to a point west of Route NY 277, North Forest Road in the Town of Amherst. In order to adequately analyze this section of highway, it has been divided into three (3) zones as follows:

- ZONE 1: RM 324-5302-1151 (west of Harlem Road)
ZONE 2: RM 324 5302-1151 to RM 324 5302-1152 (Harlem Rd to I290 Ramps)
ZONE 3: RM 324 5302-1152 to RM 324 5302-1158 (I290 Ramps to east of Fenwick Dr)

Zones 1 and 2 are a 6-7 lane, divided, highway with a current speed limit of 40 MPH. Zone 3 is a 4-5 lane divided highway with a current speed limit of 45 MPH.

Table with 4 columns: Reference Marker (RM), Number of Lanes, Divided Highway (Yes/No), Control Access. Rows include markers 324 53021151, 324 53021151, 324 53021152, 324 53021153, 324 53021158 and road names JCT RT 240 HARLEM RD, ACC RT 290I YOUNGMANN EXPY, RT 277 N FOREST RD.

Per Planning & Program Management Group's 12/31/13 "Pavement Data Report"

There are seven (7) intersections in the "Intersection Master List" (IML) as follows:

*	NY Route 324 SHERIDAN DRIVE Intersection with	Intersection Class	Intersection Type	Type of Control	Left Turn Lane (Yes/No)
1.	Intersection Code: 36 RM 240 53011378 JCT NY 324 END NY 240 RM 324-5302-1151	311	T	Signal #157	Yes
	Intersection Code: 62 RAMPS TO & FROM I290 WB RM 324-5302-1152	211	4 LEG	Signal #463	Yes
2.	Intersection Code: 63 NY 324 WB TO I290 NB RM 324-5302-1153	152	Y	No Control	No
3.	Intersection Code: 91 SUNRISE BLVD RM324-5302-1154	332	T	STOP	Yes
3.	Intersection Code: 92 CRANBURNE LA RM 324-5302-1154	332	T	STOP	Yes
	Intersection Code: 93 FRANKHAUSER RD RM 324-5302-1155	311	T	Signal #447	Yes
3.	Intersection Code: 94 FENWICK DR RM 324-5302-1156	332	T	STOP	Yes

\*NOTE: The IML is not correct based on field review as follows:

1. Feature is not described sufficiently, should be:  
**(JCT NY 324 END NY 240 HARLEM)**
2. Feature is not described correctly; this is a dedicated ramp which should be  
**(OFF RAMP NY RTE 324 WB TO I290 WB)**  
and Intersection Class, Intersection Type, Intersection Traffic Control & Type  
Ramp, should be  
**(554), (RAMP), (NO CONTROL) and (OFF)**
3. Intersection Class, Intersection Type, Type of Control, Turn Lane should be  
**(331), ("T" INTERSECTION), (STOP CONTROL), (YES LEFT TURN LANE)**

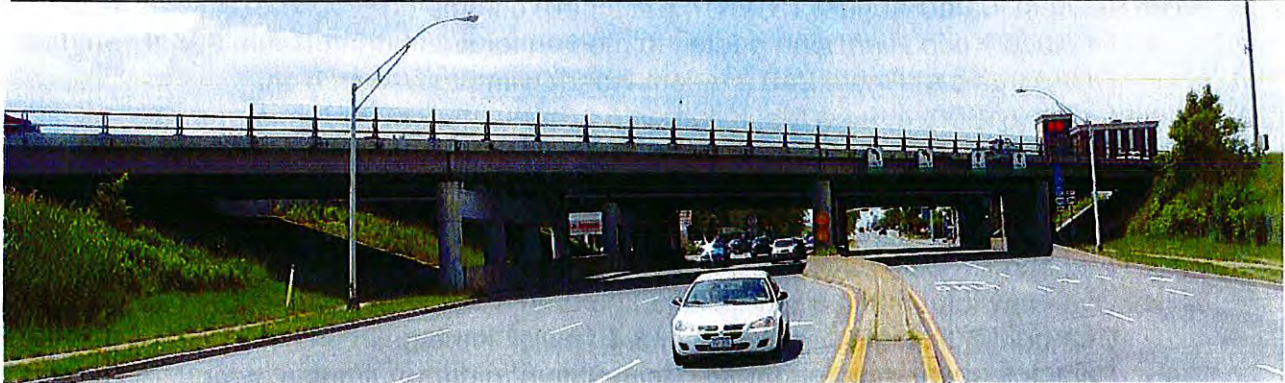
There is/are two (2) bridge(s) just east of Route NY 240, Harlem Road as follows:

**BRIDGE IDENTIFICATION NUMBER: BIN 1045062**

Feature Carried: 290I Youngman EB	Feature crossed: RTE 324
RM 324-5302-1151 (under)	Location: JCT RT 240 + I-290
Type Structure: Steel Girder	Structure Built: 1964



Bridge Inspected: 9/23/14	Type Inspection: General
Condition Rating: 4.531	General Recommendation: 5
Number Spans: 4	AADT 2002: 35,256 (under)
Total Horizontal Clearance: 44.8'	Bridge Length: 317'
Maximum VC UNDER: 15'-3"	Minimum VC UNDER: 13'-11"
BIN Folder Photo Date: Jun 15, 2010	



**BRIDGE IDENTIFICATION NUMBER: BIN 1045061**

Feature Carried: RTE 290I Youngman WB RM 324-5302-1151 (under)	Feature crossed: RTE 324 Location: JCT RT 324 + I-290
Type Structure: Steel Girder	Structure Built: 1964
Bridge Inspected: 11/24/15	Type Inspection: General
Condition Rating: 4.313	General Recommendation: 4
Number Spans: 4	AADT 2002: 35,256 (under)
Total Horizontal Clearance: 45'	Bridge Length: 306'
Maximum VC UNDER: 15'-7"	Minimum VC UNDER: 14'-7"
BIN Folder Photo Date: June 17, 2010	



The last contract work done in the area was a PMI project D262970, PIN 5812.49 let 7/9/15, accepted 3/3/16 (mill & resurface RT 324 & RT 240 & RT 277) ***Sheridan Drive from Harlem Road to Hopkins/Evans.***

A review of records in the Traffic & Safety Operations Unit shows the following:

- SAFETAP Report: **PMI-NY 324: NY 240-Hopkins/Evans; NY 240:Campus-NY324;NY 277: Wiltshire Rd-NY324** completed 5/13/2014 (attached)
  - RM 324-5302-1151 thru -1173
- Work Request, dated August 13, 2014 (attached) completed 5/12/2015.
  - Replace *Keep Right* sign posted in median for westbound Route 324 (Sheridan Drive) traffic at Route 240 (Harlem Road) with *No U-Turn* sign.
- Action Letter (5160024) from Ms. Koerber, 54 Frankhauser Rd, Amherst to D. Kaminski, Regional Director, dated March 8, 2016 (attached): State Highway between Harlem and North Forest , Amherst, NY
  - Report of unacceptable levels of accidents
  - Amherst Police Accident Complaint Lists for: 2011-2013 and partial 2014
  - Overview total number of accidents per year (not including I290 On/Off Ramps, Cranburne, Sunrise, Frankhauser & Fenwick intersections)
  - Photos of early morning traffic congestion at different times of year
- Response to Action Letter (5160024) to Ms. Koerber, from T. Messina dated March 14, 2016 (attached): REQUEST FOR REVIEW OF TRAFFIC CONDITIONS, RTE 324 (SHERIDAN DR), FROM HARLEM RD TO NORTH FOREST RD
  - Traffic engineering study has been initiated
- Memorandum: 20% PIL Investigation, NY ROUTE 277, NORTH FOREST ROAD, SH 9215, WILTSHIRE ROAD TO SHERIDAN DRIVE, date June xx, 2016.
  - 65 of 68 accidents were @ NY 277 & Sheridan Drive intersection.
  - Majority of accidents were: RE (34) & LT (17)
  - NYS DOT is formulating a signal coordination plan for Sheridan Drive that includes this intersection.

➤ **General Information:**

The study period utilized for this analysis was November 1, 2012 to October 31, 2015, the most recent three year time period for which accidents were available through the Safety Information System (SIMS) and the Accident Location Information System (ALIS).

A total of one-hundred-thirty-three (133) accidents were reported over the subject section for the study period. However twenty-seven (27) accidents were excluded due to miscoding in the computer databases (which we have since relocated in ALIS for future reference) as follows:

- 15 occurred on I-290
- 9 were outside the project limits
- 3 occurred in parking lot

Based on the remaining accidents, one-hundred-six (106), one (1) of these could not be plotted due to insufficient information (accident #40). It should also be noted that two (2) of the reported accidents (#75 & #76) resulted in utility pole hits.

➤ **PILs, PIIs, SDLs and Bad Actors:**

A query of SIMS indicated the following for **RM 324-5302-1151 to RM 324-5302-1158** (0.8 mile segment).

**PILs/PIIs/SDLs:**

1. There were no Priority Investigation Locations (PILs) reported on the 2015 HAL list.
2. **2015 Safety Deficient Locations (SDLs):**
  - **PIL 1: RM 324-5302-1149 to RM 324-5302-1151** (0.3 mile segment) – part of **ZONE 1** was based on a **free access, urban, divided, all lanes highway**. This section is Route NY 324 (Sheridan Drive) from Campus Dr/Bank Entrance to *Route NY 240 Harlem Road*.
    - a. Historically, SIMS noted this same section varying portions as a SDL in 2011-2013.
  - **PIL 2: RM 324-5301-1152 to RM 324-5301-1152** (0.1 mile segment) – **ZONE 2** was based on a **full access, urban, divided, all lanes highway**. This section is Route NY 324 (Sheridan Drive) @ *RAMPS TO & FROM I290 WB*.
    - a. Historically, SIMS noted RM 324-5302-1152 to RM 324-5302-1153, a 0.2 mile section varying portions as a SDL in 1992-1996, 2000, 2002, 2005, 2009-2010 & 2012-2014. This section is from *RAMPS TO & FROM I290 WB* to *OFF RAMP NY 324 WB TO I290 WB*.
  - **PIL 3: RM 324-5302-1154 to RM 324-5302-1157** (0.4 mile segment) – **ZONE 3** was based on a **free access, urban, divided, all lanes highway**. This section is Route NY 324 (Sheridan Drive) from *SUNRISE BLVD* to east of *FENWICK DR*.
    - a. Historically, SIMS noted RM 324-5302-1154 to RM 324-5302-1156, a 0.3 mile section as a SDL in 2013. This section is from *SUNRISE BLVD* to *FENWICK DR*.
  - **PIL 4: RM 324-5302-1157 to RM 324-5302-1159** (0.3 mile segment) – **ZONE 3** was based on a **free access, urban, divided, all lanes highway**. This section is Route NY 324 (Sheridan Drive) from east of *FENWICK DR* to North Forest Road.
    - a. Historically, SIMS noted RM 324-5302-1158 to RM 324-5302-1159, a 0.2 mile section as a SDL in 2013. This section is the area surrounding North Forest Road.
3. There were no Priority Investigation Intersections (PIIs) reported on the 2015 HAL list.
4. **2015 Right-Angle SPECIALTY HAL's:**
  - **PIL 1 - RM 324-5302-1145 to RM 324-5302-1151** (0.7 mile segment) – part of **ZONE 1** was based on a **free access, urban, divided, all lanes highway**. This is Route NY 324 from west of Getzville Rd to *Route NY 240 Harlem Road*.
    - a. Historically, SIMS noted RM 324-5302-1148 to RM 324-5302-1151, a 0.4 mile section as a Right-Angle PIL in 2002. This section is from Harold St to *NY Route 240 Harlem Road*.

- **PIL 2 - RM 324-5302-1154 to RM 324-5302-1156** (0.3 mile segment) – **ZONE 3** was based on a **free access, urban, divided, all lanes highway**. This is Route NY 324 from *SUNRISE BLVD* to *FENWICK DR.*
  - a. Historically, SIMS noted RM 324-5302-1152 to RM 324-5302-1156, a 0.5 mile section varying portions as a Right-Angle PIL in 2005, 2008-2009 & 2012-2013. This section is *RAMPS TO & FROM I290 WB* to *FENWICK DR.*

**5. 2015 Aggressive Driving SPECIALTY HAL's:**

- **PIL - RM 324-5302-1149 to RM 324-5302-1151** (0.3 mile segment) – part of **ZONE 1** was based on a **free access, urban, divided, all lanes highway**. This is Route NY 324 from Campus Dr/Bank Entrance to *Route NY 240 Harlem Road*.
  - a. Historically, SIMS noted RM 324-5302-1150 to RM 324-5302-1151, a 0.2 mile section varying portions as an Aggressive Driving PIL in 2012 & 2013. This section is from Campus Dr/Bank Entrance to *Route NY 240 Harlem Road*.

**Bad Actors:**

SIMS did not report any “Bad Actor” utility poles within the subject limits.

➤ **Prevalent Accident Types:**

**LINEAR SECTION:**

- **ZONE 1: RM 324-5302-1151** (west of Harlem Road)  
SIMS and ALIS reported a combined fourteen (14) accidents along Route NY 324 in the Town Amherst for the study period as follows:
  - 11 Overtaking accidents (78.57% of total)
  - 2 Accidents classified as “Other” (14.29% of total)
  - 1 Right-turn accident (7.14% of total)
- **ZONE 2: RM 324-5302-1151 to RM 324 5302-1152** (Harlem Rd to I290 Ramps)  
SIMS and ALIS reported a combined forty-eight (48) accidents along Route NY 324 in the Town Amherst for the study period as follows:
  - 25 Left-turn accidents (52.08% of total)
  - 8 Rear-end accidents (16.67% of total)
  - 4 Overtaking accidents (8.33% of total)
  - 4 Right-turn accidents (8.33% of total)
  - 3 Run-off-road/fixed object accidents (6.25% of total)
  - 2 Accidents classified as “Other” (4.17% of total)
  - 1 Pedestrian accident (2.08% of total)
  - 1 Backing accident (2.08% of total)
- **ZONE 3: RM 324-5302-1152 to RM 324 5302-1158** (I290 Ramps to east of Fenwick Dr)  
SIMS and ALIS reported a combined forty-four (44) accidents along Route NY 324 in the Town Amherst for the study period as follows:

- 24 Rear-end accidents (54.55% of total)
- 11 Left-turn accidents (25.00% of total)
- 3 Overtaking accidents (6.82% of total)
- 2 Bicycle accidents (4.55% of total)
- 1 Right-angle accident (2.27% of total)
- 1 Head-on/SS accident (2.27% of total)
- 1 Run-off-road/fixed object accident (2.27% of total)
- 1 Backing accident (2.27% of total)

**INTERSECTIONS: (ZONE 2)**

A portion of the above accidents occurred at the intersections as follows:

<b>JCT NY 324 END NY 240 HARLEM</b>	27 Accidents	<ul style="list-style-type: none"> <li>➤ 12 Rear-end accidents (44.44% of total)</li> <li>➤ 4 Left-turn accidents (14.81% of total)</li> <li>➤ 4 Right-turn accidents (14.81% of total)</li> <li>➤ 2 Overtaking accidents (7.41% of total)</li> <li>➤ 2 Run-off-road/fixed-object accidents (7.41% of total)</li> <li>➤ 2 Other accidents (7.41% of total)</li> <li>➤ 1 Pedestrian accident (3.70% of total)</li> </ul>
<b>RAMPS TO &amp; FROM I290 WB</b>	35 Accidents	<ul style="list-style-type: none"> <li>➤ 23 Left-turn accidents (65.71% of total)</li> <li>➤ 9 Rear-end accidents (24.71% of total)</li> <li>➤ 1 Right-angle accident (2.86% of total)</li> <li>➤ 1 Bicycle accident (2.86% of total)</li> <li>➤ 1 Backing accident (2.86% of total)</li> </ul>

**INTERSECTIONS: (ZONE 3)**

A portion of the above accidents occurred at the intersections as follows:

<b>SUNRISE BLVD</b>	3 Accidents	<ul style="list-style-type: none"> <li>➤ 2 Rear-end accidents (66.67% of total)</li> <li>➤ 1 Left-turn accident (33.33% of total)</li> </ul>
<b>CRANBURNE LA</b>	1 Accident	<ul style="list-style-type: none"> <li>➤ 1 Left-turn accident (100% of total)</li> </ul>
<b>FRANKHAUSER RD</b>	9 Accidents	<ul style="list-style-type: none"> <li>➤ 5 Rear-end accidents (55.56% of total)</li> <li>➤ 2 Left-turn accidents (22.22% of total)</li> <li>➤ 1 Overtaking accident (11.11% of total)</li> <li>➤ 1 Head-on/SS accident (11.11% of total)</li> </ul>
<b>FENWICK DR</b>	3 Accidents	<ul style="list-style-type: none"> <li>➤ 2 Left-turn accidents (66.67% of total)</li> <li>➤ 1 Rear-end accident (33.33% of total)</li> </ul>

**RAMPS: (ZONE 3)**

A portion of the above accidents occurred at the ramp as follows:

<b>OFF RAMP NY RTE 324 WB TO I290 WB</b>	4 Accidents	<ul style="list-style-type: none"><li>➤ 2 Rear-end accidents (50.00% of total)</li><li>➤ 1 Overtaking accident (25.00% of total)</li><li>➤ 1 Bicycle accident (25.00% of total)</li></ul>
--	-------------	---

➤ **Severity of Accidents:**

**LINEAR SECTION:**

▪ **RM 324-5302-1151 to RM 324-5302-1158**

There were no fatal accidents reported along this section of Route NY 324 during the study period.

▪ **ZONE 1: RM 324-5302-1151 (west of Harlem Road)**

Five (5) of the total accidents resulted in injury. Nine (9) accidents resulted in property damage only. A significance check of this severity distribution revealed that the linear severity distribution falls within for both 'INJURY' and 'FATAL -plus- INJURY' range for this type of highway.

- 5 Injury accidents (35.71% of total)
- 9 Property damage only accidents (64.29% of total)

▪ **ZONE 2: RM 324 5302-1151 to RM 324 5302-1152 (Harlem Rd to I290 Ramps)**

Twenty-three (23) of the total accidents resulted in injury. Twenty-five (25) accidents resulted in property damage only. A significance check of this severity distribution revealed that the linear severity distribution for both 'INJURY' and 'FATAL -plus- INJURY' exceeds the expected range for this type of highway.

- 23 Injury accidents (47.92% of total)
- 25 Property damage only accidents (52.08% of total)

▪ **ZONE 3: RM 324 5302-1152 to RM 324 5302-1158 (I290 Ramps to east of Fenwick Dr)**

Twenty (20) of the total accidents resulted in injury. Twenty-four (24) accidents resulted in property damage only. A significance check of this severity distribution revealed that the linear severity distribution for both 'INJURY' and 'FATAL -plus- INJURY' exceeds the expected range for this type of highway.

- 20 Injury accidents (45.45% of total)
- 24 Property damage only accidents (54.55% of total)

**INTERSECTIONS: (ZONE 2)**

A portion of the above accidents occurred at the intersections as follows:

*	
<b>JCT NY 324 END NY 240 HARLEM</b>	<ul style="list-style-type: none"> <li>➤ 10 Injury accidents (37.04% of total)</li> <li>➤ 17 Property damage only accidents (62.96% of total)</li> </ul>
*	
<b>RAMPS TO &amp; FROM I290 WB</b>	<ul style="list-style-type: none"> <li>➤ 21 Injury accidents (60.00% of total)</li> <li>➤ 14 Property damage only accidents (40.00% of total)</li> </ul>

A significance check of the severity distributions revealed that the intersection severity distribution at the Harlem Road intersection falls within the expected range for this type of intersection. The severity distribution for the Ramps to & from I290 WB exceeds the exceeded range for this type of intersection for both "INJURY" and "FATAL-plus INJURY".

**INTERSECTIONS: (ZONE 3)**

A portion of the above accidents occurred at the intersections as follows:

*	
<b>SUNRISE BLVD</b>	<ul style="list-style-type: none"> <li>➤ 2 Injury accidents (66.67% of total)</li> <li>➤ 1 Property damage only accident (33.33% of total)</li> </ul>
*	
<b>CRANBURNE LA</b>	<ul style="list-style-type: none"> <li>➤ 1 Property damage only accident (100% of total)</li> </ul>
*	
<b>FRANKHAUSER RD</b>	<ul style="list-style-type: none"> <li>➤ 4 Injury accidents (44.44% of total)</li> <li>➤ 5 Property damage only accidents (55.56% of total)</li> </ul>
*	
<b>FENWICK DR</b>	<ul style="list-style-type: none"> <li>➤ 1 Injury accident (33.33% of total)</li> <li>➤ 2 Property damage only accidents (66.67% of total)</li> </ul>

A significance check of the severity distributions for intersections with 3 or more accidents (\*) revealed that the intersection severity distributions all fall within the expected range for these types of intersections.

**RAMPS: (ZONE 3)**

A portion of the above accidents occurred at the ramps as follows:

*	
<b>OFF RAMP RTE NY 324 WB TO I290 WB</b>	<ul style="list-style-type: none"> <li>➤ 2 Injury accidents (50.00% of total)</li> <li>➤ 2 Property damage only accidents (50.00% of total)</li> </ul>

A significance check of the severity distributions for ramps with 3 or more accidents (\*) revealed that the intersection severity distributions all fall within the expected range for these types of ramps.

➤ **Accident Rates:**

**LINEAR SECTION:**

▪ **ZONE 1: RM 324-5302-1151** (west of Harlem Road)

The computed linear accident rate for this section of NY Route 324 is 8.40 Accidents per Million Vehicle Miles of Travel (Acc/MVMT). The overall mean rate for this type of highway (free access, urban, divided, all lanes) is 4.49 Acc/MVMT. This indicates that the accident rate for this section of Route NY 324 is above the comparable statewide average.

▪ **ZONE 2: RM 324-5302-1151 to RM 324 5302-1152** (Harlem Rd to I290 Ramps)

The computed linear accident rate for this section of Route NY 324 is 8.27 Accidents per Million Vehicle Miles of Travel (Acc/MVMT). The overall mean rate for this type of highway (full access, urban, divided, all lanes) is 1.12 Acc/MVMT. This indicates that the accident rate for this section of Route NY 324 is significantly above the comparable statewide average.

▪ **ZONE 3: RM 324-5302-1152 to RM 324 5302-1158** (I290 Ramps to east of Fenwick Dr)

The computed linear accident rate for this section of NY Route 324 is 1.62 Accidents per Million Vehicle Miles of Travel (Acc/MVMT). The overall mean rate for this type of highway (free access, urban, divided, all lanes) is 4.49 Acc/MVMT. This indicates that the accident rate for this section of Route NY 324 is below the comparable statewide average.

**INTERSECTIONS/RAMPS:**

Only those intersections/ramps with 3 or more accidents are considered for accident rate analysis. This policy is used due to the tendency of low AADT's sometimes yielding unnaturally high accident rates at locations with very low numbers of accidents. In addition, "clusters" of accidents are identified. A "cluster" of accidents requires that three or more accidents have occurred at a single location.

Considering only the intersections/ramps with 3 or more accidents, the computed intersection accident rates - Accidents per Million Entering Vehicles (Acc/MEV) are as follows:

INTERSECTION	TYPE OF INTERSECTION	INTERSECTION ACCIDENT RATE (Acc/MEV)	INTERSECTION MEAN RATE (Acc/MEV)
<b>JCT NY 324 END NY 240 HARLEM</b>	3 Legs, Urban, w/Left Turn, Signal, 5>Lanes	<b>0.69</b>	0.14
<b>RAMPS TO &amp; FROM I290 WB</b>	4 > Legs, Urban, Left Turn, Signal, 5>Lanes	<b>0.93</b>	0.24



<b>SUNRISE BLVD</b>	3 Leg, Urban, Sign, 4 Lanes	<b>0.08</b>	<b>0.12</b>
<b>FRANKHAUSER RD</b>	3 Leg, Urban, Signal, 1-4 Lanes	<b>0.23</b>	<b>0.29</b>
<b>FENWICK DR</b>	3 Leg, Urban, Sign, 4 Lanes	<b>0.08</b>	<b>0.12</b>

This indicates that the accident rate for Route NY 324 at **SUNRISE BLVD, FRANKHAUSER RD** and **FENWICK DR** are below the statewide averages for comparable intersections.

The accident rates for **JCT NY 324 END NY 240 HARLEM** and **RAMPS TO & FROM I290 WB** intersections are above the statewide average for comparable intersections.

<b>RAMP</b>	<b>TYPE OF RAMP</b>	<b>RAMP ACCIDENT RATE (Acc/MEV)</b>	<b>RAMP MEAN RATE (Acc/MEV)</b>
<b>OFF RAMP NY RTE 324 WB TO I290 WB</b>	OFF Ramp, Urban, All Controls, Merge w/1 Lane	<b>0.10</b>	<b>0.17</b>

This indicates that the accident rate for this Ramp is below the statewide average for comparable ramps.

➤ **Right-Angle Accidents:**

The criteria for meeting a right-angle PIL & PII analysis are as follows:

- Accident type has to be "Right-Angle" for an accident
- Accidents are based on 2 years of data
- A linear 3/10 mile section of roadway has had a minimum of:
  - 3 right-angle road crashes (rural functional class) or
  - 4 right-angle road crashes (urban functional class) and
- Percentage of right-angle road crashes is **1.5** times the average for similar highways in the region
- 2015 Regional expected accident Percentage State Highways (free access, urban, divided, all lanes) for Region 5 is **(15.3)%**
- 2015 Regional expected accident Percentage State Highways (full access, urban, divided, all lanes) for Region 5 is **(4.6)%**
- Threshold percentage of crashes needed to make the HAL list is **(22.95)% = (15.3) x 1.5 (free)**
- Threshold percentage of crashes needed to make the HAL list is **(6.9)% = (4.6) x 1.5 (full)**

<b>* RIGHT-ANGLE PIL LINEAR</b>	<b>* 2 YEAR TIME FRAME</b>	<b>* NUMBER HAL ACCIDENTS</b>	<b>* HAL ACCIDENT %</b>	<b>Computed Threshold %</b>
<b>PIL 1 – ZONE 1</b>				
<b>RM 324-5302-1145 thru RM 324-5302-1151</b>	<b>11/1/13 thru 10/31/15</b>	<b>19</b>	<b>33</b>	<b>22.95 (free)</b>

***RM 324-5302-1151 thru RM 324-5302-1151	same	0 actual	--**	same
<b>PIL 2 – ZONE 3</b>				
RM 324-5302-1154 thru RM 324-5302-1156	11/1/13 thru 10/31/15	4	25	22.95 (free) 6.9 (full)
same	same	1 actual	--**	same

NOTE: \* represents information reported in SIMS for HAL and "actual" denotes found in study.

\*\* Not computed due to insufficient number of accidents.

\*\*\* Linear segment is not sufficient for an accurate comparison.

According to SIMS\*, the HAL Accident percentage for:

- **PIL 1: NY Route 324 from west of Getzville Rd to NY Route 240 Harlem Road** had fifty-seven (57) accidents during this time frame, of which nineteen (19) involved Right-Angle collisions.
  - However, actual data found fourteen (14) accidents during this time frame, of which zero (0) involved Right-Angle collisions (\*\*HAL ACCIDENT % is not computed due to insufficient: linear section & accidents).
- **PIL 2: NY Route 324 from SUNRISE BLVD to FENWICK DR** had sixteen (16) accidents during this time frame of which 4 involved Right-Angle collisions.
  - However, actual data found twenty-two (22) accidents during this time frame of which only one (1) involved a Right-Angle collision (\*\*HAL ACCIDENT % is not computed due to insufficient accidents),

Therefore this study **does not support** a RIGHT-ANGLE PIL.

SIMS has no further protocol for addressing this type of HAL.

➤ **Aggressive Driving Accidents:**

The criteria for meeting an Aggressive Driving Related PIL analysis are as follows:

- Contributing factor for an accident has to be any of the following:
  - Alcohol Involvement
  - Failure to Yield ROW
  - Following too Closely
  - Passing or Lane Usage Improper
  - Traffic Control Disregarded
  - Unsafe Speed
  - Unsafe Lane Change
  - Aggressive Driving/Road Rage
- Accidents are based on 2 years of data

- A linear 3/10 mile section of roadway has had a minimum of:
  - 12 aggressive driving/road rage related road crashes (rural functional class) for PIL/ 10 for PII or
  - 20 aggressive driving/road rage related road crashes (urban functional class) for PIL/ 15 for PII and
- Percentage of aggressive driving/road rage related road crashes is **1.2** times the average for similar highways in the region
- 2015 Regional expected accident Percentage State Highways (free access, urban, divided, all lanes) for Region 5 is **(57.7)%**
- Threshold percentage of crashes needed to make the HAL list is **(69.24)% = (57.7) x 1.2 (free)**

* AGGRESSIVE DRIVING RELATED PIL LINEAR	* 2 YEAR TIME FRAME	* NUMBER HAL ACCIDENTS	* HAL ACCIDENT %	Computed Threshold %
<b>PIL 1 – ZONE 1 &amp; 2</b>				
RM 324-5302-1149 thru RM 324-5302-1151	11/1/13 thru 10/31/15	29	74	69.24 (free)
***RM 324-5302-1151 thru RM 324-5302-1151	same	14 actual	_**	same

NOTE: \* represents information reported in SIMS for HAL and "actual" denotes found in study.

\*\* Not computed due to insufficient number of accidents.

\*\*\* Linear segment is not sufficient for an accurate comparison.

According to SIMS\*, the HAL Accident percentage for:

- **PIL 1: Route NY 324 from west of Getzville Rd to Route NY 240 Harlem Road** had thirty-nine (39) accidents during this time frame of which twenty-nine (29) involved Aggressive Driving.
  - However actual data found fourteen (14) accidents during this time frame of which zero (0) involved Aggressive Driving (\*\*HAL ACCIDENT % is not computed due to insufficient: linear section & accidents).

Therefore this study **does not support** an AGGRESSIVE DRIVING PIL.

SIMS has no further protocol for addressing this type of HAL.

➤ **Summary, Conclusions, and Recommendations:**

The NYSDOT Regional Operations Unit has updated the "Intersection Master List" for all noted changes (see attached NYSDOT Safety Information Management System, Route 324 Feature Listing dated 6/7/16.)

The segment west of Sheridan Drive and Harlem Road intersection (Zone 1) is a commercial area

- SDL - **RM 324-5302-1149 to RM 324-5302-1151** Route NY 324 (Sheridan Drive) from Campus Dr/Bank Entrance to *Route NY 240 Harlem Road*.
- Linear Severity Distribution is within the expected range for this type of highway.
- The linear accident rate is above the statewide average for comparable highways.

The segment of Sheridan Drive between Harlem Road and the I-290 ramps (Zone 2) is full access control with much of the segment located under the I290 bridges over Sheridan Drive.

- SDL - **RM 324-5301-1152 to RM 324-5301-1152** NY Route 324 (Sheridan Drive) @ *RAMPS TO & FROM I290 WB*.
- Linear Severity Distribution is above expected range for "INJURY" and "FATAL-plus-INJURY".
- The intersection severity distribution at the Harlem Road intersection falls within the expected range for this type of intersection.
- Intersection Severity Distribution for the Ramps to & from I290 WB is above expected range for "INJURY" and "FATAL-plus-INJURY".
- The linear accident rate is significantly above the comparable statewide average.
- The accident rates for NY 240, Harlem Road, and Ramps to & from I290 WB intersections are above the statewide average for comparable intersections.

The segment of Sheridan Drive between I-290 ramps to east of Fenwick Dr. (Zone 3) is a mix of commercial and residential properties.

- SDL - **RM 324-5302-1154 to RM 324-5302-1157** NY Route 324 (Sheridan Drive) from *SUNRISE BLVD* to east of *FENWICK DR*.
- SDL - **RM 324-5302-1157 to RM 324-5302-1159** NY Route 324 (Sheridan Drive) from east of *FENWICK DR* to North Forest Road.
- Linear Severity Distribution is above the expected range for "INJURY" and "FATAL-plus-INJURY".
- Intersection Severity Distribution falls within the expected range for these types of intersections.
- The linear accident rate falls below the statewide average for comparable highways.
- The intersection accident rates for all intersections in this zone fall below the statewide average for comparable highways.

Field inspection for the above project was completed and we recommend the following:

1. The signal for east bound Sheridan Drive, turning left onto I-290 west bound currently operates using a "Protected / Permissive" left turn phase. The left-turn movement requires motorists to cross three lanes of oncoming traffic. The level of service (LOS) at this intersection currently operates at LOS C during the AM peak and LOS E during the PM peak. During the study period, seventeen (17) left-turn crashes occurred at this intersection as a result of vehicles making the turn from eastbound Sheridan Drive to I-290 westbound. Conversion of the signal operation from "Protected/Permissive" to "Protected Only" phasing would significantly reduce the number of left-turn accidents at this location. In an effort to reduce the potential for significant back-ups, a traffic

analysis was completed for such a conversion during non-peak hours only. The analysis indicates that the Sheridan Drive intersections at Harlem Road and I-290 WB would operate at an overall LOS B, with all individual movements at LOS D or better. Therefore, it is recommended that the signal for eastbound Sheridan Drive turning left onto westbound I-290 be converted from "Protected/Permissive" to "Protected Only" during non-peak hours only.

2. The Route I-290 bridge over Sheridan Drive limits sight distance for the Sheridan Dr. / Harlem Rd. intersection and also limits vehicle storage capability for Sheridan Dr. at Harlem Road and at the I-290 on and off ramps. When these bridges need to be replaced, consideration should be given to installing a bridge with a clear span. In doing so, this would eliminate the center bridge piers which would help vehicle storage capabilities along with increased sight distances at these intersections.
3. The signals within the Sheridan Drive corridor should be synchronized so traffic flows more efficiently, especially during peak hours.
4. Two-way left turn lanes are intended to delineate edges of a lane that can be used for traffic in either direction as part of a left turn maneuver. It provides storage area for left-turning vehicles to wait for gaps in opposing traffic. This improves operation of through traffic by removing left turning vehicles from the traffic stream and reduces the potential for rear-end collisions. There have been reports of auto haulers parking in the two-way left turn lane to load and unload vehicles in front of the auto dealerships located within Zone 3. This obstructs sight distance and traffic flow, and prevents left-turning vehicles from utilizing these lanes for their intended purpose. Local authorities should restrict these loading and unloading activities.
5. The speed limit on Sheridan Drive is 40 MPH in Zones 1 & 2, and 45 MPH in Zone 3. The point where the change occurs is 500 +/- feet east of I-290. There is no 40 MPH sign on Sheridan Drive in the WB direction at this location. Speed Limit sign R2-1 should be installed at this location.
6. The OM1-1 Object Markers mounted on the north bridge piers at Harlem Road and Sheridan Drive that carry the I-290 are missing some of there the reflective buttons and should be replaced.
7. Refer to S.H.I. #503334 for the Route 324 - Sheridan Drive and North Forest Road accident study.

We have no further comments at this time. Please contact Otto Wieand at extension 3382 or Marty Takac at extension 3227 if you have any questions.

OAW/MPT/AMC/paf  
Attachments

cc: J. Elmore, Regional Traffic Operations (Recommendations 1 & 3)  
D. Sobol, Regional Traffic Operations (Recommendation 5 & 6)



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## CONCEPTUAL MASTER PLAN (EXISTING TREES)

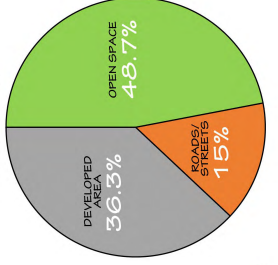
\*Note: Buildings depicted on this Conceptual Master Plan are intended to be illustrative of a specific use. Actual design and precise building footprints will be specified and approved consistent with the site plan and subdivision review processes for each of the components depicted on the plan.

Prepared by:  
**MENSCH**  
Capital Partners, LLC

**wendel**

March 20, 2017

### OVERALL DEVELOPMENT BREAKDOWN



COLOR KEY	BUILDING TYPES	AREA
[Orange]	<b>Offices</b> a. Office Buildings	152,000 sf (2 stories)
[Yellow]	<b>Residential</b> a. Multi-Family Community - Condo/Apartments	18,000 sf (3 stories) per building
[Light Green]	b. Townhomes (130 total)	2,000sf - 3,000 sf (3 stories) per townhome
[Light Blue]	<b>Special Uses</b> a. Inn/ Boutique Hotel	89,600 sf (4 stories)
[Light Purple]	b. Fire Substation (Snyder Service Area)	3,600 sf (1 story)
[Light Pink]	<b>Mixed-Use Development</b> a. Mixed-Use Structures	477,000 sf (3 stories)
[Light Orange]	b. Community Clubhouse	17,400 sf (2 stories)
[Light Green]	<b>Patio Home and Single-Family Home Lots</b>	Varies per lot type
[Light Blue]	<b>Senior Living Development with Garages</b>	243,600 sf (3 stories)
[Light Green]	<b>Open/ Green Space</b>	83.3 Acres
[Light Blue]	<b>Ponds/ Stormwater Features</b>	12.0 Acres
[Light Green]	<b>Streets and Parking Lots</b>	



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**GREENSPACE AND TRAIL PLAN**

Prepared by:  
**MENSCH**  
Capital Partners, LLC

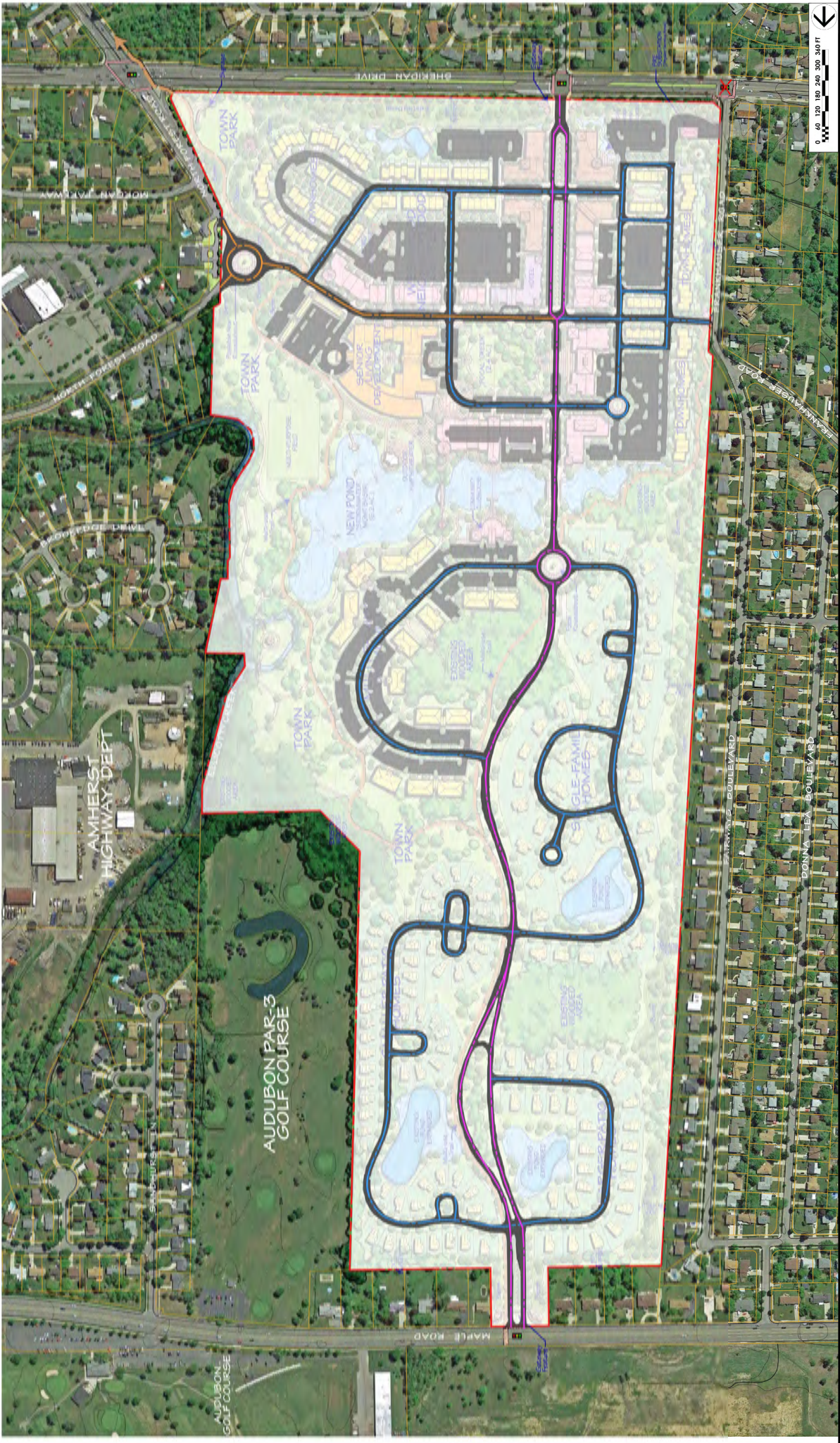


March 20, 2017

**LEGEND**

- Existing Ponds
- New/ Expanded Pond Areas
- Town Park
- Greenspace
- Off-road Multi-use Trails
- Off-road Trails

**Note:** All streets within the Neighborhood Center will have sidewalks and safe pedestrian crossings.



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**ROADS AND PARKING PLAN**

Prepared by:  
**MENSCH** Capital Partners, LLC  
**wendel**  
 March 20, 2017

**LEGEND**

**Roads**

- Spine Road (North-South)
- Spine Road (East-West)
- Local Roads
- Parking Areas





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## CONCEPTUAL MASTER PLAN (EXISTING TREES)

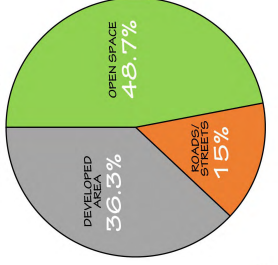
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Prepared by:  
**MENSCH**  
Capital Partners, LLC

**wendel**

March 20, 2017

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[Light Red]	<b>Mixed-Use Development</b> a. Mixed-Use Structures	477,000 sf (3 stories)
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# Westwood

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## GREENSPACE AND TRAIL PLAN

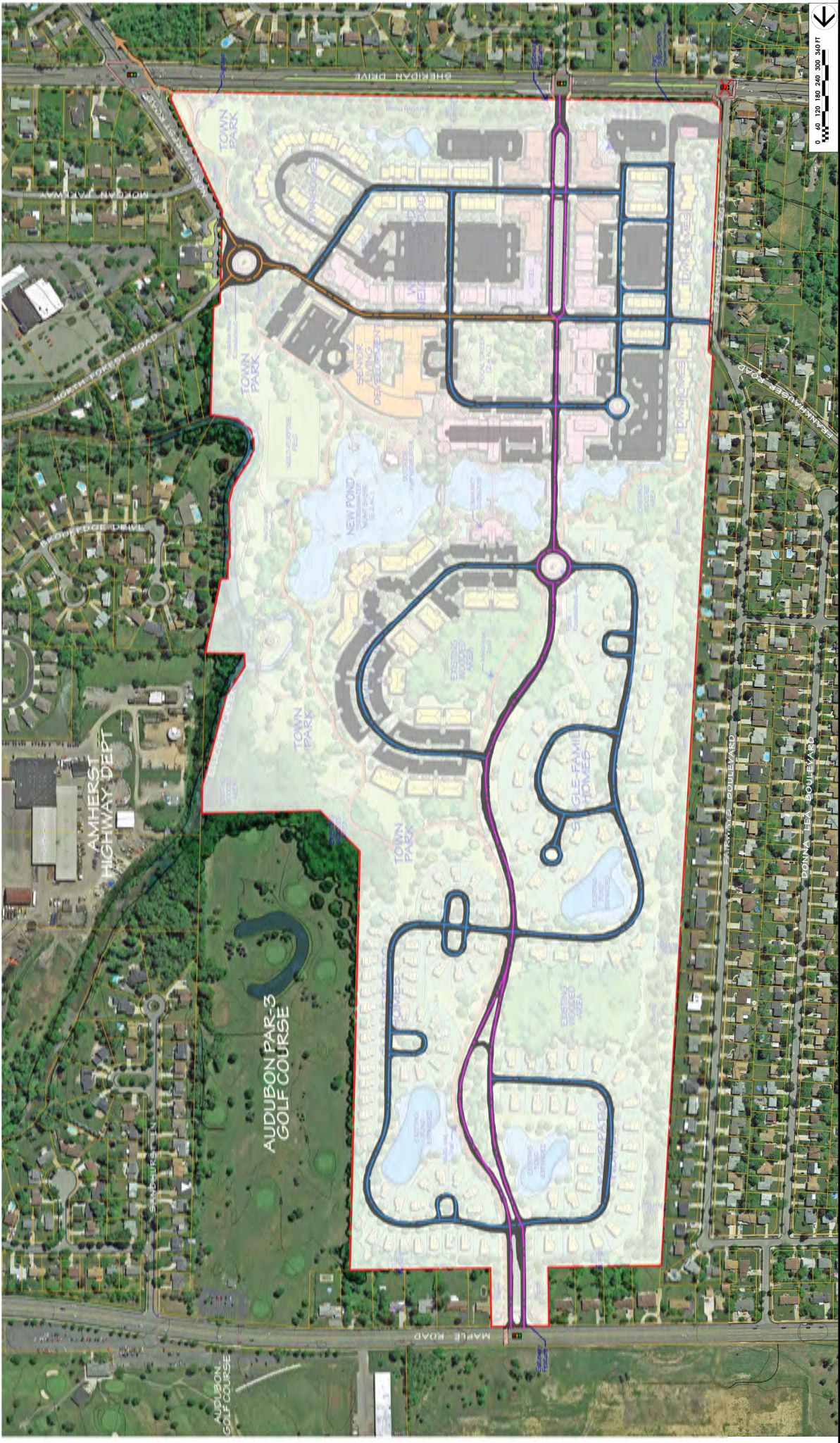
Prepared by:  
**MENSCH**  
 Capital Partners, LLC

wendel  
 March 20, 2017

**LEGEND**

- Existing Ponds
- New/ Expanded Pond Areas
- Town Park
- Greenspace
- Off-road Multi-use Trails
- Off-road Trails

**Note:** All streets within the Neighborhood Center will have sidewalks and safe pedestrian crossings.



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**ROADS AND PARKING PLAN**

Prepared by:  
**MENSCH**  
Capital Partners, LLC



March 20, 2017

**LEGEND**

**Roads**

- Spine Road (North-South)
- Spine Road (East-West)
- Local Roads

**Parking Areas**



University at Buffalo

Office of the Vice President  
for Finance and Administration

March 16, 2017

Andrew J. Shaevel, Managing Partner  
Mensch Capital Partners, LLC  
5477 Main Street  
Williamsville, New York 14221

Dear Mr. Shaevel:

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.

Sincerely,

A handwritten signature in blue ink that reads "Laura E. Hubbard / dh".

Laura E. Hubbard  
Vice President for Finance and Administration

# Appendix B: Comments

November 20, 2017

## B.1 Public Hearing Transcript

AMHERST TOWN BOARD  
5583 Main Street  
Williamsville, New York 14221

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)  
In the Matter of: ) DATE: September 18, 2017  
)  
Westwood Property )  
)  
)  
772 North Forest Rd )  
374, 385, 391 Maple Road )  
)  
)  
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TOWN BOARD MEETING

Held at The Amherst Municipal Building Auditorium on  
September 18, 2017 5583 Main Street Williamsville, New York  
14221, at 7:00 P.M. pursuant to notice.

TOWN BOARD MEMBERS:

BARRY WEINSTEIN, SUPERVISOR  
STEVEN SANDERS, DEPUTY SUPERVISOR  
RAMONA POPOWICH, COUNCIL MEMBER  
DEBORAH BURCH BUCKI, COUNCIL MEMBER  
FRANCIA SPOTH, COUNCIL MEMBER

FOR THE APPLICANT: HOPKINS SORGI & ROMANOWSKI, PLLC  
BY: SEAN W. HOPKINS, ESQ.  
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Buffalo, New York 14203

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P R O C E E D I N G S

SUPERVISOR WEINSTEIN: Okay, I'll make a motion to open up the third public hearing. We have students here that might need a signature. If you need a signature on my left is our controller, she signs the checks so I'm sure she's good to sign your petitions. If you do leave while we're still going, please do it quietly.

DEPUTY SUPERVISOR SANDERS: Remind people of the exits and to keep them clear during a public hearing.

SUPERVISOR WEINSTEIN: I sure will. We've got exits on your right and my left and behind us. Please keep them clear during the public hearing and please don't take the elevator, this is a larger crowd than we're usually used to. The public hearing does not require a sign up. I make a motion to open the public hearing on 717 North Forest.

COUNCIL MEMBER BUCKI: Second.

SUPERVISOR WEINSTEIN: All in favor please say aye.

(All say aye)

SUPERVISOR WEINSTEIN: Opposed?

(No response)

SUPERVISOR WEINSTEIN: Carried unanimously.

1 I'll make a brief statement. We are pleased to have  
2 a public hearing focused on the draft generic --

3 PEOPLE IN THE AUDIENCE: We can't hear.

4 SUPERVISOR WEINSTEIN: We are pleased to have  
5 a public hearing focused on the Draft Generic  
6 Environmental Impact Statement.

7 This would include comments on the rezoning  
8 application and overall project, but it is not  
9 intended as a rezoning public hearing. It is a SEQOR  
10 public hearing, that's the State Environment Quality  
11 Review Act. We have offered the petitioner an hour  
12 for their presentation and we will allow a rebuttal  
13 of equal length from three or four persons in  
14 opposition.

15 Following the rebuttals we expect public  
16 comment of three minutes each. There is no sign up  
17 for this participation and potential speakers can line  
18 up in front of the podium. At the conclusion of the  
19 oral remarks the public hearing will be closed.

20 Written comments will be accepted through  
21 October 2, 2017. At the conclusion of the comment  
22 period the consultants with the assistance of the  
23 Planning Department will prepare a final generic  
24 environmental impact statement for Town Board  
25 consideration in November.

1 If requested by the petitioner the Town Board  
2 will schedule another public hearing for the rezoning  
3 probably at a special meeting in December.

4 With that we have the petitioner attorney.

5 MR. HOPKINS: Yes, good evening Supervisor  
6 Weinstein and members of the Town Board, Sean Hopkins  
7 of the law firm Hopkins, Sorgi, Romanowski. Kathy,  
8 if you'll go to the next slide.

9 Now, also this evening on behalf of Mensch  
10 Capital Partners, LLC are Andy Shaevel, Matt Roland,  
11 Amy Dake (sic), the Traffic Engineer, Brian Savega  
12 (sic) the sanitary sewer engineer from Wendel  
13 Companies, Dick O'Brien who has been handling storm  
14 water from C&S companies and Dan Riker who has been  
15 involved in the brown field aspects of the project  
16 from C&S companies.

17 It's important to note that any of them are  
18 available to answer any technical questions you may  
19 have relative to environmental impacts.

20 As the Supervisor indicated in his  
21 introductory comments the purpose of tonight's hearing  
22 is limited to only the Draft Generic Environmental  
23 Impact statement and specifically consideration of  
24 potential adverse environmental impacts, so we will  
25 focus on that as we proceed. If you'll go to the next

1 slide, Kathy.

2 That was confirmed in a letter that was  
3 provided to me by Wendy Marsh a counsel who has been  
4 retained by the town. Again, just to reiterate the  
5 purpose of tonight's meeting is only the DGEIS. A  
6 hearing will need to be held in the future on the  
7 rezoning, that can only occur after two things have  
8 already transpired.

9 Number 1, the Planning Board would need to  
10 finalize it's review and issue a recommendation and  
11 then 2, we would need to submit a written request for  
12 the scheduling of that hearing, which of course cannot  
13 occur until the Planning Board has finalized it's  
14 recommendation. Next.

15 I also do need to point out two things about  
16 tonight's public hearing for the record. Number 1, I  
17 do need to reference the fact that the public hearing  
18 was published with only 12 days notice whereas the  
19 town code requires 14 days notice.

20 And secondly, I need to also point out that  
21 there is a provision in the code, and it's  
22 specifically here, section 10410A that says a public  
23 hearing on the Draft Environmental Impact statement  
24 shall be held concurrently with any hearing held on  
25 that application. Meaning that you can't separate the

1 hearing on the DGEIS from the rezoning application.

2 You may ask what is the reason for that, the  
3 reason for that is to avoid confusion. For example  
4 this evening we're asking people to only comment on  
5 the environmental impacts, that's difficult to do and  
6 obviously we will have some spill over comments on the  
7 rezoning.

8 But, the whole point of that language is to  
9 insure that people can comment on both simultaneously.  
10 The Planning Board has not yet finalized it's review  
11 in adjourning the public hearing in regards to meeting  
12 on September 14<sup>th</sup>.

13 It's also important to note that we did  
14 attend a meeting with the Engineering Department on  
15 September 6<sup>th</sup>. The purpose of that meeting was to  
16 discuss downstream sanitary sewer capacity issues that  
17 currently exist, we think that requires further  
18 evaluation and we welcome the opportunity to continue  
19 to engage with not only the Engineering Department,  
20 but the Planning Board, this Board and the DEC to see  
21 if we can determine solutions.

22 Next. Just to acclimate everyone, of course  
23 this is Sheridan Drive, 290 which is that yellow line  
24 crossing here. Maple Road and you can see with the  
25 red border the project site which comprises

1 approximately 171 acres in size. A large portion of  
2 the eastern border is of course Ellicott Creek.

3 Next. What we're proposing in connection  
4 with this project is several key components, the first  
5 one that's important to point out is we are proposing  
6 83.3 acres of permanent open space, that would  
7 actually comprise of 48.7 percent of the site.

8 We're showing a public park that would occupy  
9 approximately 45 acres along with 85 dedicated  
10 parking spaces for that park that we're adding based  
11 on input provided by the Planning Board.

12 We also are showing an onsite trail system  
13 that would provide the opportunity for a future link  
14 to the Ellicott Creek trail way as well as an  
15 amphitheater and a possible multi purpose field.

16 In connection with the actual non open space  
17 components it's important to note that 87 percent of  
18 the project would comprise of residential uses  
19 consisting of single family homes, Townhomes, senior  
20 living, multifamily and upper story apartments and  
21 mixed use buildings. And then only 13 percent of the  
22 project site would consist of commercial.

23 It's also important to note that the  
24 conceptual plan that we're going to present this  
25 evening is not in it's final form, we welcome

1 additional input that we may receive as we go forward.

2 Next. Here's a copy of the current  
3 conceptual master plan. Now, as you can see the large  
4 expansions of green space, you can see that  
5 approximately six acre lake we're proposing and you  
6 can also see that there's a couple of areas on the  
7 site that consist of large stands of mature trees,  
8 those treed areas our goal would be to preserve those  
9 permanently. Next.

10 So, when we purchased this site way back in  
11 2011 it was zoned community facilities district and  
12 that's an important point. It was rezoned to  
13 recreation conservation district by this board or a  
14 predecessor board on July 7<sup>th</sup> of 2014 over the  
15 objections of my client.

16 It's also important to note that if you look  
17 at the CF section of the zoning code and specifically  
18 those uses that were allowed at that point in time,  
19 they were fairly broad and included adult care  
20 facilities, senior housing, human healthcare  
21 facilities providing inpatient care, places of  
22 worship, public and private schools and recreational  
23 facilities.

24 By contrast, if you look at those uses that  
25 are expressly permitted by the existing recreation

1 conservation district, they're fairly limited.  
2 They're limited to outdoor recreation facilities,  
3 swimming facilities, park or open space, public or  
4 private golf course and wildlife preserves.

5 So, if you look at the zoning as it exists  
6 today, it's really difficult to envision any feasible  
7 redevelopment of that project site. What we're  
8 asking the Town Board to consider and of course that  
9 will be subject of a future hearing, is a rezoning.

10 That rezoning involves three distinct zoning  
11 classifications, 134.79 acres to traditional  
12 neighborhood development, 5.13 acres to multifamily  
13 residential district 7 and 1.16 acres to general  
14 business district. The remaining 30.01 acres would  
15 remain zoned recreation conservation.

16 Next. The project is also subject to the  
17 planned unit development requirements that are in the  
18 zoning code, those requirements apply to any site that  
19 consists of 30 or more contiguous acres.

20 It requires the Town Board to consider a  
21 broad range of parameters in connection with the  
22 project that you otherwise may not consider including  
23 off street parking, landscaping and buffering, local  
24 circulation, topography, open space and signage and  
25 utilities.



1           We've made an effort to consider all of those  
2 elements. Again, if there's additional input with  
3 respect to any of those components or elements as we  
4 clearly propose them, we would welcome your input.

5           PUD requirements also mandate that we would  
6 enter into a development agreement with the Town  
7 Board, that agreement is very important because that  
8 agreement will contain detailed standards that would  
9 apply in connection with the development of the site.

10           By way of contrast in connection with the  
11 typical rezoning you're looking at a concept plan,  
12 that concept plan is really just a guide and can be  
13 changed substantially in the future after a decision  
14 on the rezoning. That's not the case in connection  
15 with this project, as a result of those requirements.

16           Next. That's just to show you the zonings  
17 that we're seeking, the blue being that traditional  
18 neighborhood development, that yellow area here being  
19 multifamily residential district 7, that small orange  
20 area consisting 1.16 acres would be GB.

21           And then these green areas along Ellicott  
22 Creek and then along the perimeter of the site would  
23 remain zoned recreation conservation and would be  
24 permanent open space, never to be developed.

25           Next. We also think in connection with this

1 project that obviously you need to consider the  
2 recommendations contained in the adopted bicentennial  
3 comprehensive plan.

4 If you look at the actual vision of that  
5 plan, one of the statements that it makes is the  
6 vision for the future of Amherst defines quality of  
7 life through the realization of pedestrian friendly  
8 interconnected mixed use development patterns, that is  
9 the vision that we are trying to accomplish in  
10 connection with this project.

11 The goals of the plan explicitly recognize  
12 that there is a need to consider the redevelopment and  
13 revitalization of under utilized, obsolete and vacant  
14 properties for economically viable uses. And that  
15 language is specifically on page 3-13 of the code.

16 And I'm going to read a quote that's directly  
17 from page 315. Recreation and other large scale  
18 community facilities typically comprised of several  
19 acres, these facilities such as private golf courses  
20 with club houses and public/semi public recreation  
21 fields may provide important open space or recreation  
22 assets to the surrounding neighborhoods.

23 Redevelopment of large tracks of former  
24 recreational land such as golf courses or playing  
25 fields requires careful master planning that maintains

1 the essential character of the site while  
2 accommodating significant changes in density, that's  
3 exactly what we're trying to accomplish.

4 We're trying to say we're setting aside  
5 nearly half of the site as permanent open space that  
6 will include a wide assortment of publicly accessible  
7 amenities while coming up with an economically  
8 feasible redevelopment program for the remainder.

9 Next. This is simply meant to be a concept  
10 for one of those areas within the mixed use area of  
11 the site. We've really spent a lot of time coming up  
12 with potential designs, those plans of course would  
13 have to be formulated in more detail as the project  
14 goes forward. But, I think we can all agree in terms  
15 of architecture, pedestrian friendly, landscaping,  
16 lighting, this would look quite nice.

17 Next. In terms of the environmental review,  
18 pursuant to the State Environmental Quality review Act  
19 which of course is the focus of this evenings hearing,  
20 it is important to note first and foremost that as you  
21 know members of the Town Board SEQR applies to any  
22 request for discretionary approvals or permits whether  
23 it's from this Board, the Planning Board or the Zoning  
24 Board of Appeals.

25 It's also important to note that, if you

1 actually look at the legislative intent of SEQR, it  
2 explicitly states that any decision making should not  
3 be based solely on environmental impacts.

4 What it actually says is that it is the  
5 intention of this part that a suitable balance of  
6 social, economic and environmental factors be  
7 incorporated into planning the decision making  
8 processes of state, regional and local agencies.

9 It is not the intention of SEQR that  
10 environmental factors be the sole consideration in  
11 decision making. This Board is also very familiar  
12 with SEQR's substantive requirements which is three  
13 fold.

14 Number 1, identify the relevant areas of  
15 environmental concern. 2, thoroughly analyze those  
16 areas, the so called hard look requirement. And then  
17 3, issue a determination of significance supported by  
18 a written recent elaboration.

19 Next. In terms of how we got to where we are  
20 today, we did submit a Draft Generic Environmental  
21 Impact statement back in July of 2014. In September  
22 of 2014 predecessor board established itself as lead  
23 agency, classified this project as a type 1 action and  
24 issued a positive declaration, requiring us to prepare  
25 a Draft Generic Environmental Impact statement.

1           That was done, it was revised on a couple of  
2 occasions based on input from this Board, the Planning  
3 Board and the Planning Department, the next step is  
4 public hearings that is why we're here this evening.

5           And then of course once the public hearings  
6 have been closed the public comment period on that  
7 DGEIS must remain open for a minimum of 10 days.

8           The next step, as the Supervisor indicated in  
9 his introductory comments, would be the preparation of  
10 a final Generic Environmental Impact statement and the  
11 issuance of a finding statement.

12           As I indicated earlier, we do think those  
13 final two steps would be premature until all the  
14 relevant information has been provided. In terms of  
15 this slide, I just want to point out one thing, you  
16 did require us to prepare a Generic Environmental  
17 Impact statement as opposed to just a typical Draft  
18 Environmental Impact statement, the importance of that  
19 decision was that that allows this Board acting as a  
20 lead agency to establish thresholds for future review  
21 and very specific findings.

22           And what I mean by that is, in connection  
23 with your ultimate decision pursuant to SEQOR, you can  
24 require studies to be updated, you require impacts to  
25 be evaluated further all as this site is built out

1 over time. We recognize the fact that obviously this  
2 project will take some time to complete.

3 And, again, that the lab is a concept plan  
4 only at this point in time, any aspect of this project  
5 before construction could occur would substantively  
6 require either site plan and or subdivision approval  
7 and would involve additional public hearings.

8 Next. I think we covered that, Kathy, you  
9 can go to the next slide. I think we've covered that,  
10 you can go to the next slide.

11 So, the review criteria and again, it's not  
12 a public hearing on the rezoning; but it is important  
13 to keep in mind, as you continue to review this  
14 project, the criteria that would apply both with  
15 respect to the requested rezoning and with respect to  
16 the pending request for PUD approval.

17 We've made an effort to address each of these  
18 criteria in writing and also in connection with  
19 previous public hearings held by the Planning Board,  
20 we would ask you give strong consideration to these  
21 criteria in connection with your review.

22 I do want to point out that one of criteria  
23 in connection with the review of a requested rezoning  
24 does overlap with respect to the environmental review  
25 pursuant to SEQR and that is that there are adequate

1 services and utilities available or proposed to be  
2 made available. I'll talk about that in a little more  
3 detail when we get into discussion of the existing  
4 downstream sanitary sewer constraints attributable to  
5 wet weather conditions.

6 Next. As I indicated we're primarily seeking  
7 a rezoning to TNB approximately 130 acres of the 171  
8 acre site. That TNB section of the zoning code was  
9 created to encourage pedestrian friendly mixed use  
10 redevelopment projects, with the goals that are  
11 specified in section 561 A through G.

12 We've made an effort to design a project  
13 that's consistent with those criteria including the  
14 fact that we have a mixture of housing types and uses,  
15 the density gradually increases as we get to the  
16 center.

17 We think this will serve as a focal point for  
18 community activity. We've made a very deliberate and  
19 conscious effort to incorporate walking, biking and  
20 other modes of transportation aspects into this  
21 project.

22 I also would note that we have had  
23 discussions with the NFTA and of course would invite  
24 them to include their bus route on this site.

25 We proposed streets that are interconnected

1 and include diversity and green space. And then we've  
2 also provided prominent open space and amenities that  
3 would be available to the public. So, I think we've  
4 met those criteria.

5 If you look at that zoning district while  
6 it's been created, it's largely existed on the shelf,  
7 it's hasn't been utilized very often in the town and  
8 we really do think that this is the perfect  
9 opportunity to showcase those elements.

10 Next. In connection with the actual design  
11 the project sponsor also established it's own  
12 objective, planning objectives. They're somewhat  
13 similar in overlap of those criteria in the code, but  
14 the goals have been as follows, walkability,  
15 connectivity, a mixture of uses, a wide range of  
16 residential choices, implementation of smart growth  
17 principles, encouraging a high quality of life, using  
18 sustainable economic, or sustainable environmental  
19 features and then finally multi mobile transportation  
20 which Amy Dade (sic) from SRR Associates could explain  
21 in more detail.

22 This is the original plan, or this is the  
23 plan going back to October of 2016 and I want to just  
24 highlight a couple of things.

25 At that point in time the senior housing



1 component was located here. Based on discussions with  
2 informational meetings specifically those neighbors  
3 directly to the west on Fairways that was subsequently  
4 moved here and then ultimately moved to an interior  
5 location.

6 We also heard input from those property  
7 owners located along Frankhauser that they would  
8 prefer to actually see residential uses as compared to  
9 a parking area. It is important to note that of  
10 course at this scale it's hard to tell, but that's a  
11 very substantial green space buffer, so we've added  
12 that.

13 We heard input that it really made more sense  
14 to expand the acreage of the permanent open space and  
15 bring it more into one piece rather than segregating  
16 it, we've done that. We heard input again about the  
17 need or the effort to try and preserve those existing  
18 mature areas of trees, we've done that.

19 So, I think you can see that we really have  
20 made an effort to take into consideration input. And  
21 again, we welcome the opportunity to continue to do so  
22 as we move forward.

23 Next. That's the plan as of December of  
24 2016, so this is one plan back. You can see that  
25 senior housing component was located at the

1 intersection of North Forest and Sheridan. You can  
2 see that we've added attached townhomes along a  
3 portion of the Frankhauser frontage. The neighbors  
4 also asked us to include those here as well. And then  
5 we'll also show you the townhomes that we're proposing  
6 at that focal point specifically the intersection of  
7 North Forest and Sheridan.

8 So, Kathy, if you will go to the next slide.

9 Highlighting the changes all of which I think I've  
10 talked about. Over time, what we've done is we've  
11 decreased the amount of commercial space, we've  
12 increased the amount of residential space, consisting  
13 primarily of upscale attached townhomes, and we've  
14 increased the amount of permanent open space, all  
15 changes that we hope are viewed favorably in  
16 connection with your review of the project.

17 Finally, I do want to note that, based on  
18 input that we've received from the Snyder Fire  
19 Department, we have indicated that we would be willing  
20 to donate land to them at the corner of Sheridan and  
21 Frankhauser for a potential future substation. We're  
22 not sure when that would occur, we're at the northern  
23 end of fire district and they have indicated that  
24 would be helpful. So, we have incorporated that and  
25 again that land would be donated to the fire

1 district. Next.

2 This breaks the mixture of components down,  
3 you can see again green, which again, we've really  
4 made an effort to combine and segregate that  
5 permanent green space, that publically accessible  
6 park, you can see the residential uses that are  
7 located on the northern portion, the northeast and the  
8 northwest.

9 You can see those townhomes which are shaded  
10 in yellow, you can see the mixed use which is shaded  
11 in purple again with a deliberate effort to locate  
12 that more towards the center.

13 This is the relocated senior housing  
14 component in orange and then finally that little  
15 acreage at the intersection of Frankhauser and  
16 Sheridan for that future substation.

17 Next, Kathy. And that's the current plan.  
18 I just want to point out one thing, this is the final  
19 location as of today of that senior housing facility,  
20 we're glad that we received input for the Planning  
21 Board and the Planning Department asking for that to  
22 be moved from here to here, which is also a concern  
23 we heard from the Morningside Homeowners Association.  
24 That will allow those future senior residents direct  
25 access to the amphitheater, the park and those mixed

1 use components.

2 So we think that makes a lot of sense and  
3 many of you who have visited senior housing facilities  
4 in the Town Of Amherst have noticed often times they  
5 can be quite isolated, we think this will be entirely  
6 different. We'll encourage those seniors that will  
7 ultimately live there to integrate within their  
8 surroundings. Next.

9 I think I've talked about all this. I do  
10 want to point out again we are showing two miles of  
11 recreational trails on this plan, that's a substantial  
12 distance. We think that particular amenity will be  
13 very well received by the future owners and users of  
14 residential uses.

15 Next. So, we have made an effort to provide  
16 buffers along those portions of the site that are  
17 contiguous with existing single family homes, this is  
18 a concept of what we would propose.

19 So, what we're looking at is an undulating  
20 three to six foot berm with extensive landscaping on  
21 the top, we would welcome the opportunity to work with  
22 those contiguous property owners to determine the  
23 specifics meaning if someone wants more evergreen  
24 trees, the deciduous trees, some would prefer a  
25 little bit smaller berm, some would prefer a little

1 bit taller berm, all of that can be done as we move  
2 forward.

3 The width of that permanent open space varies  
4 from 50 to 100 feet so it really will provide a very  
5 good buffer between our site and those contiguous  
6 residential uses. Next.

7 This is just to highlight those green  
8 elements that I've talked about, you can see the 45  
9 acre park. It is important to note that that does  
10 incorporate the entire frontage of the site on  
11 Ellicott Creek.

12 You can also see that anyone who has been on  
13 the site knows the fact there are some existing ponds  
14 there were formally utilized in connection with the  
15 maintenance of the golf course, what we're doing is  
16 rather than eliminating those, we're increasing their  
17 size and enhancing them.

18 All of those blue areas will also be utilized  
19 in connection with the need to implement a storm water  
20 management system, comply with the very stringent  
21 standards of both the town and the DEC that apply.

22 We are showing a two acre focal green in the  
23 mixed use components that has been modeled after  
24 Bester Park, or Bester Plaza in Chautauqua except for  
25 the fact that it's nearly twice the size to again

1 really focus on making this as pedestrian friendly as  
2 possible.

3 Next. In terms of transportation, we've  
4 done a lot of homework and again, Amy Dade is here,  
5 we've made numerous modifications to the conceptual  
6 master plan based on input received from not only the  
7 Traffic Safety Board, but also the New York State  
8 Department of Transportation as well as the Erie  
9 County Department of Public Works.

10 We are of course purposing a new north/south  
11 roadway that would connect Sheridan to Maple on both  
12 ends that would be signalized, we think that would be  
13 very helpful in terms of managing existing traffic  
14 volumes and also the traffic that is projected to be  
15 generated from this project.

16 We are also showing an east/west connection  
17 from North Forest to Frankhauser that was not  
18 originally part of the design, that was added based on  
19 input received primarily from the Traffic Safety Board  
20 and the Planning Department, anyone who travels on  
21 North Forest is very familiar with the fact that  
22 there's a sharp curve a short distance north of the  
23 intersection of North Forest and Sheridan. We're  
24 proposing to eliminate that sharp curve with a  
25 roundabout.

1           It is also important to note that with  
2           respect to the roadway connection from Frankhauser  
3           that would be in only, we've incorporated that feature  
4           to insure the future years, our site cannot access  
5           Frankhauser directly.    Next.

6           Amy and her firm did originally prepare a  
7           traffic impact study, it's several hundred pages in  
8           length. We did update that traffic impact study in  
9           February of 2017, that was an onerous process and  
10          required Amy and her co-employees to obtain updated  
11          traffic counts at numerous intersections in the  
12          vicinity.

13          We're also aware of the fact that DOT at the  
14          request of Procter (sic), did conduct safety studies  
15          of relevant segments of Sheridan Drive, it is  
16          important to note that those safety studies did not  
17          show that there was a problem causing significant  
18          higher accident rate than the state wide average.

19          Again, we have incorporated that input from  
20          the the Traffic Safety Board, DOT and the Erie County  
21          Department of Public Works as we continue with this  
22          review process we will also consider additional impact  
23          about traffic impacts.

24          Next.        The        Traffic        Impact        Study  
25          recommendations included in the traffic study done by

1 Amy Dade (sic) of SRR Associates include the  
2 following.

3 Number 1, implementation of that new  
4 north/south public roadway which would have to go in  
5 early because of the fact that we need to comply with  
6 appendix D of the fire code which basically says you  
7 can only go a relatively short distance before you  
8 need to provide an emergency access.

9 We're going to work with DOT to optimize the  
10 signal timings along Sheridan Drive, we are  
11 considering improvements that may be necessary for the  
12 off ramp at Millersport Highway and Maple and also at  
13 Harlem and I-290. Those discussions with DOT are  
14 ongoing.

15 It is also important to note the DOT has  
16 indicated that that existing traffic signal at the  
17 intersection of Frankhauser and Sheridan is not  
18 currently warranted and so there is a distinct  
19 possibility that would be eliminated and traffic from  
20 those areas would have to access our site and then  
21 exit using the signal.

22 We've incorporated pedestrian friendly and  
23 bicycle elements to the plan, that's an important  
24 part of this. And of course we're also giving  
25 consideration to reducing the number of parking spaces



1 based on the mixture of uses that we're proposing.

2 Next. As I indicated previously we do fully  
3 envision that, as this site is built out, the traffic  
4 impact study will need to be updated, that makes sense  
5 to insure that it's based on actual conditions rather  
6 than projections. Amy Dade has proposed three updates  
7 to the traffic impact study the first one occurring  
8 four to eight months after that new north/south road  
9 has been installed. The second one in connection with  
10 build out that would result in approximately 1/3rd of  
11 the site and then finally at about 2/3rds of the site.

12 It is also important to note while DOT has  
13 indicated that removal of that traffic signal at  
14 Sheridan and Frankhauser is warranted a traffic study  
15 would need to be done to verify that. Ultimately that  
16 decision will be made entirely by DOT.

17 Next. And next to show the roadway network,  
18 this of course being the north/south roadway. It is  
19 important to note that you can see we've made a  
20 deliberate effort and not just simply make that a  
21 straight line. We've incorporated a roundabout and  
22 tried to make it curvilinear as to traffic.

23 You can see that roadway connection from  
24 Frankhauser which would begin only and then that  
25 connection to the proposed roundabout on North Forest

1 Road. That actual roundabout would be located in the  
2 right of way of Erie County and of course would have  
3 to be built to their specifications.

4 We're envisioning that these roads, the  
5 north/south roadway and that east/west roadway, and  
6 possibly the roadway that would service the  
7 traditional single family homes would be dedicated to  
8 the Town of Amherst, that's important because it means  
9 all those roads will be built to the current stringent  
10 town specifications. Next.

11 This is showing the overall road network, the  
12 parking areas and so what we're envisioning is these  
13 roads that would service the patio homes, the multi  
14 family and some of the interior roadways that would  
15 create that would create that grid network within the  
16 mixed use components would remain private. They still  
17 would be built to town specs, but ultimately the town  
18 would not have long term maintenance responsibilities  
19 with respect to those particular roadways. Next.

20 The big topic that we've discussed over the  
21 course of the last several months and that we think is  
22 important for you to consider in connection with your  
23 environmental review is sanitary sewer.

24 Way back when in May of 2014 Nussbaumer and  
25 Clark did prepare a preliminary engineers report which

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was concluded in appendix L of the DGEIS.

There is currently today sufficient capacity to handle the projected sewer flows from the project during dry weather conditions and that's an important fact. We're serviced by a 36 inch trunk sewer on Sheridan, a 12 inch line on Maple Road and then of course we're slightly upstream from that 54 inch westside interceptor at Sheridan Drive and I-290. It's also important to note that this site is located in a sanitary sewer district.

That's a big contrast to many of those parcels located in the more northern portions of the town that are not in a sewer district.

What is currently occurring is when there's wet weather, rain events of more than half an inch, the town's sanitary sewer system suffers from inflow and infiltration basically because that sanitary sewer infrastructure is old, we have water going into it which creates capacity issues.

That problem is not unique to the Town of Amherst. Many municipalities throughout New York State, as well as Western New York, are dealing with that issue.

Of course you're aware of the fact the Town of Amherst is currently subject to a consent order

1 issued by the New York State Department of  
2 Environmental Conservation to reduce those current  
3 impacts of I&I.

4 And this Board does deserve credit because  
5 in June of this year you updated your sewer law to  
6 require two things. Number 1 to establish a fund  
7 that all future projects will contribute to. And then  
8 number 2 to require inspections of homes at time of  
9 sale to try and cure that problem.

10 That fund that you established again has only  
11 existed since June of this year. Our payment alone  
12 for this project to that fund would be \$600,000 that  
13 will help the town going forward to address those well  
14 documented I&I issues. Next.

15 This is an illustration and I think we  
16 actually received this from the Engineering Department  
17 to try and make it less technical. So, you can see  
18 for example this would be the town's publicly owned  
19 sanitary sewer system. What's happening is several  
20 things.

21 For example tree roots into those laterals  
22 that connect homes and businesses into the system  
23 allowing water to infiltrate. You have cracked pipes  
24 both in the laterals and in the mains that are also  
25 resulted in infiltration, you have roof connections

1 that aren't working properly. All of these things are  
2 making the INI problem exist.

3 I think everyone in the room regardless of  
4 their view on this project or development can agree  
5 this is an issue that needs to be addressed. We've  
6 heard from neighbors on other projects or on other  
7 matters saying that they have surcharging into their  
8 basements, that is obviously a less than ideal  
9 situation we would hope that we can help the town move  
10 forward in connection with this portion of the town  
11 sanitary sewer to help solve that problem.

12 It's important again to note that this is an  
13 existing problem, it's not attributable to Westwood,  
14 we think in the end if we can collaborate and develop  
15 a mutually agreeable solution that this would actually  
16 be an environmental benefit associated with the  
17 project.

18 What I'll talk about in a second is we need  
19 some additional time to continue to collaborate on  
20 that aspect of the project. Next.

21 So, Wendel and Brian Sabiga is here, they  
22 prepared downstream sanitary sewer capacity analysis  
23 in March of this year as well as April of this year.  
24 Mr. Burroughs the town engineer issued a memo based on  
25 his analysis a couple weeks ago on August 24<sup>th</sup>.

1           And basically what we've identified is there  
2           are several system bottle necks attributable to inflow  
3           and infiltration in the western portions of the town,  
4           those notably include Sheridan Drive, that 54 inch  
5           west end intersector, Amherst Manor Drive which leads  
6           back to the North Town Center and segments of  
7           Sweethome Road.

8           One of the solutions that we've advanced that  
9           would require further study is the possibility of an  
10          onsite retention facility with real time controls,  
11          basically that would allow us to hold the sewer from  
12          this project back until those peak flows attributable  
13          to wet weather conditions have gone down. Brian can  
14          answer any additional questions you may have about  
15          that.

16          We also were advised, during our most recent  
17          meeting with the engineering department on September  
18          6<sup>th</sup>, the town is engaged in the process of collecting  
19          additional data. Once we received that data of Brian  
20          and his team at Wendel we'll take into consideration  
21          and further research the feasibility of solutions to  
22          that downstream sanitary sewer capacity issue.

23          It's important to note, and I don't think  
24          this is an issue that anyone wants to be ignored, that  
25          this is obviously going require the expenditure of

1 capital. The town has spent capital in the past  
2 implementing INI measures, Jeff and his team probably  
3 have a better grasp of the town's sanitary sewer  
4 system than any other municipality does of their  
5 sanitary sewer system. So, again, we're hoping for  
6 that opportunity to work with you.

7 It is important to note that under that,  
8 under most recent data, it will cause restraints with  
9 respect to the future development of the North Town  
10 Center and then, perhaps more importantly, future  
11 development of the UB North Campus and furtherance of  
12 UB 2020. Next. This is simply a history of what  
13 we've been doing in terms of evaluating downstream  
14 sanitary sewer capacity.

15 I have heard some people comment well, you're  
16 doing everything possible to delay the review of this  
17 project and this overview really highlights the fact  
18 that that's not the case. Every time we receive  
19 information Brian and his team at Wendel take into  
20 consideration and we respond.

21 It's a complicated problem, it's going to  
22 require a comprehensive solution and again we welcome  
23 the opportunity to continue to work with all involved  
24 stakeholders towards that goal of solving that issue.

25 Next. I've discussed this. Next.

1 I'm now going to -- oh, in terms of storm  
2 water, I mentioned briefly that we do need to comply  
3 with those stringent storm water quantity and quality  
4 requirements of both the Town of Amherst and the DEC.

5 We're cognizant of the fact that Ellicott  
6 Creek is a hundred year flood way and that portions  
7 are located in the hundred year floodplain. We've  
8 made a deliberate effort working with the assist of  
9 CNS Engineers to design a project that will result in  
10 no impact to Ellicott Creek storage capacity.

11 Part of our ability to do that will be that  
12 creation of the 6.2 acre lake. The final sizing of  
13 that storm water management system will be subject to  
14 additional review and we will need approval from the  
15 Town of Amherst floodplain administrator once we've  
16 provided that detailed information.

17 What we want to do here is not only do we not  
18 want to degrade the capacity of Ellicott Creek during  
19 a flooding event, we want to create additional  
20 capacity on our site what will be rather incremental  
21 that would give everyone the assurance that, as this  
22 site is built out it, will not result in any adverse  
23 flood impacts. Next.

24 That dark purple area which of course follows  
25 Ellicott Creek, that's that area that we will not be



1 touching, that is the regulated floodway, you can see  
2 the fringes of the hundred year floodplain encroach  
3 onto the site and that in some areas there will be  
4 limited development in those areas.

5 In order to compensate for those impacts, as  
6 I've indicated, we're going to have to provide  
7 additional storage capacity on our site. We will work  
8 through those technical details as we move forward.

9 And again, as I've indicated not only will it  
10 require the approval of town's court appointed  
11 administrator, it will also require FEMA approval as  
12 well. Next.

13 I think I got everything there. Next. We  
14 also have taken a close look at wetland impacts and  
15 the good news is that there's very little wetlands on  
16 this site.

17 The wetlands are limited to a 3.24 acre  
18 wetland located on the southwestern portion of the  
19 site and a small portion of what is known as channel  
20 1, which is basically a ditch that was previously  
21 utilized in connection with irrigation and maintenance  
22 of the former golf course.

23 Those ponds that are located on the site that  
24 were utilized in connection with the former golf  
25 course while they're not wetlands, they are a resource

1 for preserving to enhance and increase the size of  
2 those. We also think that by doing that we will make  
3 those more suitable for quiet water habitat and so we  
4 look forward to trying to accomplish that goal.

5 But, in terms of wetland impacts it's quite  
6 clear, based on that jurisdictional determination  
7 issued by the Army Corps of Engineers on June 21st of  
8 2016, there will not be any potentially significant  
9 adverse impacts.

10 And now I'm going to turn it over very  
11 briefly to Andy Shaevel who has been involved day to  
12 day on the brown field component of the project and  
13 he will discuss that.

14 MR. SHAEVEL: Thanks, Sean. Andrew Shaevel,  
15 Mensch Capital Partners. So, the subject of the brown  
16 field is really another significant environmental  
17 issue mis-associated with the Westwood site.

18 So, just going back in history we were  
19 holding a Town Hall meeting with a number of our  
20 neighbors that's part of the Fairways and Frankhauser  
21 neighborhood and one of the residents posed the  
22 question when you go and you unearth all the  
23 construction that will take place here, won't there be  
24 stores of pesticides that will then come up and bloom  
25 up in the air and create a negative health situation

1 for people?

2 We said we didn't believe that there was  
3 excess stores of fertilizer that was still onsite,  
4 that fertilizers tend to be more soluble and move  
5 away.

6 One of those residents sent an inquiry to the  
7 Erie County Health Department in August 2014 and we  
8 received a letter from the Health Department that  
9 basically said hey we've received this concern, can  
10 you do a phase 2 environmental impact analysis?

11 We agreed of course to do that, we went and  
12 we hired our environmental consultants and we brought  
13 in the right environmental lawyers and what we heard  
14 back was a good news/ bad news scenario.

15 The good news, there's no fertilizer stores  
16 onsite. The bad news is that historic use of  
17 pesticides fungicides and herbicides use a lot of  
18 heavy metals and with those heavy metals being applied  
19 over and over and over again, what was left was a  
20 residual heavy metal content in the soils.

21 Initially what we found was arsenic and, as  
22 we'll show you in a minute, there's very little  
23 tolerance for arsenic by the DEC in terms of presence  
24 on a site.

25 After that we applied to the brown field

1 cleanup program in November of 2014 and the project  
2 site was accepted by the DEC and designated a brown  
3 field because of the findings on the site in excess of  
4 industrial accepted levels of these various  
5 components.

6 It's important to note that the presence of  
7 these contaminates are in fact consistent by the  
8 definitional standards of a brown field site. But,  
9 then they are not deemed to be a public health hazard  
10 in and of themselves.

11 So, the definition of a public health hazard  
12 is based on the concentration of brown field  
13 contaminates that are on a site and of the migratory  
14 functionality of those contaminations.

15 We've completed what is called a tee clip  
16 analysis as well as ground water analysis and wells  
17 on the site and the good news is that we have non  
18 hydrated play, I think we all know that based on  
19 trying to grow things in our backyards.

20 Nothing is going anywhere, it's really non  
21 migratory in terms of it's nature. So, it is in fact  
22 not a public health hazard.

23 A decision was reached that the golf course  
24 needed to be closed, that decision was reached because  
25 our tenant who is the operator of the golf course had

1 the known existence of these contaminates on site and  
2 it becomes a liability issue once you have that  
3 knowledge to go there.

4 And I think any like golf course that had  
5 expressed knowledge of contamination would be in a  
6 very difficult position to continue the operation of  
7 the course. In fact the operator that terminated the  
8 release which left us in a position where the golf  
9 course couldn't be maintained.

10 Next slide please. The DEC basically grades  
11 different levels of contamination that can be present  
12 on a site or non contamination that be present on the  
13 site. And going across the top you can see those  
14 designations on restricted use, residential use,  
15 restricted residential, commercial and industrial and  
16 they kind of are what they sound, right.

17 Unrestricted is something where you could  
18 grow agricultural, it could be used for any purpose,  
19 residential is something that can be used for single  
20 family homes, restricted residential is not acceptable  
21 for residential home, single family homes, but for  
22 multifamily, commercial for office buildings and  
23 things of that nature and industrial for industrial  
24 purposes. Things that are above industrial  
25 concentrations are by definition a brown field.

1           So, if you just look at arsenic which is the  
2           first one across the top, you'll see that there isn't  
3           much tolerance in the numbers to be deemed acceptable  
4           for unrestricted use you need to have less than 13  
5           parts per million of arsenic on the site.

6           To be deemed a brown field you have to have  
7           more than 16 parts per million on the site, it's a  
8           relatively inflexible tolerance in terms of those  
9           additions, you pretty much jump from acceptable to  
10          brown field.

11          Our -- presence of arsenic on the site is in  
12          some case ten to fifteen times the industrial level of  
13          standards that are on site. While that seemed very  
14          scary to us at first we've been told that it compared  
15          to other industrial brown fields with arsenic where  
16          they have thousands of parts per million that  
17          something that's in the 150 to 200 range is modest  
18          contamination, but nonetheless still a brown field.

19          I've listed down most of the major chemicals  
20          that are in the heavy metal category and the ones that  
21          have a red asterisk next to them are the things that  
22          we have identified onsite in greater concentration  
23          than unrestricted use.

24          In some cases at relative levels,  
25          specifically mercury, lead and arsenic are found in

1 brown field levels. There are a number of others,  
2 chromium and Zink which are in excess of residential  
3 use. So, these are the tolerance levels and this is  
4 all guided by the DEC and this is something we have no  
5 discretion over, they're called soil cleanup  
6 objectives, SCO's.

7 Next slide please. So, the brown field  
8 cleanup process is a heavily supervised and heavily  
9 regulated process managed by the New York State  
10 Department of Environmental Conservation. We have  
11 spent a lot of time with them over the last couple of  
12 years and I am happy that I learned more than I really  
13 want to know about these chemicals and the process by  
14 which they would be cleaned up.

15 The first part of the process is a remedial  
16 investigation work plan, you're basically figuring out  
17 how you need to research what there is. What's  
18 specifically of interest in the site is it's 171 plus  
19 acres, it's very, very large and you can divide the  
20 site into four different primary uses, the tees, the  
21 greens, the fairways and rough.

22 And in fact the levels of pesticides,  
23 fungicides and herbicides that would be used in each  
24 of those different areas are very different, so it was  
25 important to come up with a plan with the DEC on how

1 you would investigate those different elements of the  
2 golf course to figure out what's there.

3 From the investigation work plan you then  
4 move to a remedial action work plan. You basically  
5 develop a methodology on how you would cleanup the  
6 site. You then go to remediation and then whether  
7 remediation is finished it's validated by the DEC and  
8 you get what's called a certificate of completion.  
9 With that a couple of extra parting gifts, you get a  
10 hold harmless from the New York State DEC, as well as  
11 what I nicely refer to as the good housekeeping seal  
12 of approval. Next slide please.

13 So, we've been through substantial amounts of  
14 remedial investigation, in fact we've probably spent  
15 in excess of \$300,000 to date in going through the  
16 remedial investigation. And we've done this through  
17 two different pilot studies as well as another  
18 followup study that looked at a number of other holes  
19 and looked at various rough areas across the site. In  
20 general it's appropriate to summarize what we found.

21 So, the greatest amount of contamination has  
22 been found in the greens, this is not unusual if you  
23 think about what the green is, it's a highly manicured  
24 almost carpet like surface that gets rolled out and  
25 lots of different things are applied to it.



1           What we've identified is that as we're going  
2 through different strata and every time we take a soil  
3 sample it's generally a 3 to 4 foot sample and it's  
4 broken down into various segments, we found that the  
5 contamination can be found at the 12 to 18 inch level,  
6 but not found at the levels below that.

7           So, we know that through literally hundreds  
8 and hundreds of samples that have been taken already,  
9 that the greens uniformly throughout the entire site  
10 have contamination to the 12 and 18 inch strata of the  
11 soil. In terms of a cleanup for that we would have to  
12 remediate all of that soil, take it off site and store  
13 it somewhere else.

14           The tee box is much smaller than the greens,  
15 but still highly manicured, try to get some lift as  
16 you're taking off at the ball; have contamination to  
17 6 to 12 inches. The good news is there's nothing below  
18 12 inches, so that's manageable in terms of what we  
19 can find.

20           The fairways are not consistent in terms of  
21 the levels of contamination. Some fairway segments  
22 have it, some fairway segments don't. Things closest  
23 to the greens and tees tend to have more  
24 contamination.

25           But, what's been identified is that the

1       contamination is generally limited to the zero to six  
2       inch level, nothing below six inches has been  
3       identified at this point.

4               And then the rough areas, the rough areas are  
5       isolated, but they still exist. Of the last round of  
6       rough analysis that we did we found contamination,  
7       you know, in various rough segments around the site  
8       and in those cases the contamination was down from the  
9       2 to 6 inch level.

10              So, we are planning a full remedial,  
11       completed remedial investigation, remediation that  
12       would be conducted upon the final approval of zoning  
13       and PUD applications and that entire process would be  
14       evaluated and supervised by the DEC. Next slide,  
15       please.

16              So, as we talked earlier there are these  
17       various levels of remediation that can take place, you  
18       can bring it from it's current brown field status to  
19       all the way back to unrestricted use or maybe not as  
20       close to whether residential or commercial and each  
21       has it's own approach in terms of remediation.

22              What's interesting to note is that the amount  
23       of rope that it takes to get back to unrestricted use  
24       is not materially more, let me repeat that. Is not  
25       materially more in the amount of work that it takes to

1 get back to restricted residential because we're  
2 talking about surface oils across the entire site.

3 So, from our perspective if we're going to go  
4 to the effort of cleaning up the site, which we think  
5 definitely needs to be done, it makes no sense to  
6 take it all the way back to unrestricted use. That  
7 way everybody can feel comfortable and safe that the  
8 site has been totally remediated.

9 The one aspect that gives us a little bit of  
10 pause is those historic woodland areas that we've  
11 noted. So, Sean pointed out that under the advice of  
12 the conservation committee of the town that we're  
13 trying to hold onto the beautiful mature trees that  
14 exist and we've worked very hard, Dean Gallen (sic)  
15 our landscape architect have worked very hard to plan  
16 around those mature trees.

17 Because those sites are not active heartland,  
18 we're not looking to put plain fields on them, we're  
19 not looking to build houses on them, we're not looking  
20 to put office buildings or anything else there. We  
21 may find that we only bring those back to a commercial  
22 use which is eligible for a passive park sort of  
23 category.

24 And the reason for that is we're very  
25 concerned about losing the trees. If we find that

1 there is some contamination below the levels of  
2 commercial, I think that there's a decision that needs  
3 to be made in terms of balancing the future of saving  
4 those hundred plus year old trees versus having to  
5 clear that entire aspect of losing those trees.

6 So, there will be some decisions that will be  
7 made at that point. That's the only place that where  
8 we would argue that we would not bring the site back  
9 to unrestricted use on the total.

10 So, that is the whole story on brown fields  
11 and I am happy to take more questions. We also have  
12 Dan Riker from C&S is with us and he can answer more  
13 specific questions if you have them. Sean, I hope  
14 you had a chance to catch your breath.

15 MR. HOPKINS: So, as I indicated in one of the  
16 introductory slides, SEQR is more than just a  
17 consideration of environmental impacts, those  
18 environmental impacts need to be balanced, economic  
19 and social impacts.

20 So, as part of that inquiry we did include an  
21 economical and physical impact report with that Draft  
22 Generic Environmental Impact statement, we're  
23 projecting an investment of full build out of 238  
24 million dollars.

25 Obviously that would generate substantial

1 tax revenue that would benefit the Town of Amherst,  
2 the Williamsville school district and Erie County.  
3 What we're projecting is 52 to 63 million dollars in  
4 new property tax revenue, which would more than offset  
5 and of course would dramatically offset the estimated  
6 27 million dollar increase in the cost of government  
7 services.

8 The net benefit is actually 25 to 36 million  
9 dollars. This project will also create numerous  
10 construction jobs as well as the anticipated 300  
11 permanent jobs at full build out.

12 We all are familiar with the fact that we  
13 benefit from living in the town, we have excellent  
14 services, we have an excellent police department, but  
15 of course those services need to be paid for. We  
16 think that this project furthers that goal and as we  
17 move forward by creating additional tax revenues that  
18 far outweigh the cost of services.

19 So, we do ask that you would consider that in  
20 connection with the ultimate review of this project.  
21 Next.

22 The final impact that we want to discuss very  
23 briefly is community character so the baseline that we  
24 start with is the fact that it's unfortunate that  
25 today that site is the contaminated brown field.

1           As Mr. Shaevel indicated we need to implement  
2 cleanup, in order for that to occur there of course  
3 has to be redevelopment. So, we think that if you  
4 compare that baseline to what we're proposing then  
5 it's quite clear that we will have overall positive  
6 impacts and community character.

7           Some of the reasons for that again are  
8 preserving nearly 50 percent of the site as permanent  
9 open space including that 45 acre publically  
10 accessible park. Keep in mind historically Westwood  
11 was not open to the public, now it will be. We're  
12 welcoming the public onto this site.

13           We're also proposing shared parking which  
14 again results in less impervious surface thereby  
15 allowing increased green space. We've really made an  
16 effort to follow the town's stringent landscaping  
17 standards in terms of interior and exterior parking.  
18 We would work with the town's landscape architect as  
19 the process moves forward to insure compliance with  
20 those standards.

21           There obviously will be lighting that does  
22 not exist today, the important fact is all the  
23 lighting on site will comply with the very stringent  
24 lighting standards contained in the current section 7-  
25 3 of the zoning code.

1           When the Town adopted the new zoning code  
2           about a decade, one of the primary shakers that really  
3           resulted in their benefit was implementing lighting  
4           standards.

5           Next. One aspect that I forgot to mention,  
6           we talked about the permanent open space buffers, but  
7           we'll also implement a rear yard drainage system to  
8           insure that water from our site does not cross over  
9           onto the owners of adjacent single family homes.

10          All of those buffer areas will be deed  
11          restricted, meaning we will go to the Erie County  
12          Clerks office and record a declaration of restrictions  
13          to insure that not only now, but in the future those  
14          areas are never developed.

15          We are as I indicated rezoning a small  
16          portion of the site to GB, that is actually 1.16 acres  
17          in size constituting 6/10ths of one percent of the  
18          site. That of course would be to accommodate a  
19          proposed hotel. That hotel which we think would be a  
20          focal point of the mixed use development would be  
21          limited to four stories with a flat roof.

22          And it's important to note in terms of  
23          setbacks, the setback of that hotel would be 660 feet  
24          from the southern boundary of the site, it's 720 feet  
25          from the nearest residence to the south of the project

1 site.

2 The senior housing of course needs to be  
3 rezoned to MFR-7, the height of that aspect of the  
4 project would be limited to three stories. And again  
5 the minium setback from the nearest residential  
6 property on North Forest Road is 480 feet.

7 So, there are large setbacks to those two  
8 more intensive but relatively small components of the  
9 mixed use project.

10 Next. I talked previously about the need for  
11 a PUD agreement going forward, that has not been  
12 finalized to date. That also does have overlap with  
13 respect to the environmental review of SEQOR because it  
14 envisions incorporating and referencing those  
15 mitigation measures. What I would ask you to  
16 consider in conclusion is several things.

17 Number 1, we do appreciate that you've  
18 provided us with an hour to present this presentation,  
19 we appreciate that everyone in the audience has been  
20 gracious enough to allow us that opportunity.

21 We would ask rather than closing the hearing  
22 this evening that you provide us with the opportunity  
23 to conduct further analysis, specifically that  
24 analysis needed of the existing downstream sanitary  
25 sewer constraints.



1           Once we get that updated data from the  
2           engineering department, Brian Savega of Wendel will  
3           work closely with the engineering department to see if  
4           we can come up with a solution. It's going to require  
5           a lot of effort, it's going to require tremendous  
6           expenditure of capital. We really think it's a public  
7           health issue that needs to be addressed.

8           As we go forward, if this Board has  
9           additional comments or input they would like us to  
10          consider, simply reach out to us and we can assure not  
11          only this Board but everyone in this audience that we  
12          will continue to do our best to consider a more  
13          practicable implement input from all the wide range of  
14          stakeholders.

15          With that being said, thank you very much and  
16          we would welcome any questions you may have.

17          SUPERVISOR WEINSTEIN: I have one question,  
18          Sean. What do you propose for the clubhouse?

19          MR. HOPKINS: What did you say?

20          SUPERVISOR WEINSTEIN: What do you propose for  
21          the clubhouse?

22          MR. HOPKINS: So, the clubhouse, Supervisor  
23          Weinstein, is located approximately here. Under the  
24          current proposal it would not be preserved. We have  
25          discussed that with HPC, it is something we would

1 consider preserving.

2 What we would need help with is trying to  
3 come up with suitable reuse of that building. There's  
4 a couple problems with that building and while they  
5 could be addressed they're expensive.

6 Number 1, many aspects of it don't comply  
7 with the current building code. And secondly and  
8 perhaps more importantly many aspects of it,  
9 particularly the kitchen do not comply with the  
10 stringent requirements of the current fire code.

11 With that being said, we would welcome the  
12 possibility of preserving it, but we would have to  
13 work together to try and come up with a viable reuse  
14 for that building.

15 SUPERVISOR WEINSTEIN: Okay, thank you. All  
16 right, I'm going to call on Jen Haus for an opposition  
17 speech.

S-001 18 MS. JENNIFER SNYDER HAUS: Good evening.  
19 Jennifer Snyder Haus, I reside at 185 Fairways. Can  
20 you hear me well?

21 SUPERVISOR WEINSTEIN: I can. But, you need  
22 to reach the back too.

23 MS. JENNIFER SNYDER HAUS: I want to start by  
24 referencing a comment that Mr. Shaevel made during a  
25 television news interview after a Planning Board

1 meeting a few months back, He said that the Westwood  
2 project would be the second largest development in  
3 Amherst since UB.

4 Think about that staggering statement and  
5 then consider that the Westwood parcel is currently  
6 all green never developed land surrounded by  
7 established neighborhoods with numerous existing homes  
8 literally backing up right to it.

9 And then consider that it's only current  
10 access point is onto the two lane North Forest Road  
11 and consider that there is no commercial stakes  
12 currently near it. From this dark comparison versus  
13 what is versus what is proposed, how can the proposed  
14 project possibly be considered to preserve the  
15 character of the land? The details of the latest  
16 concept plan illustrate this point.

17 It contains every sort of development type  
18 imaginable from single family homes to townhomes to  
19 large patio homes to small patio homes to multifamily  
20 housing to senior living to office space to retail to  
21 a hotel. The traditional neighborhood zoning  
22 application is being misused as a means to cover as  
23 many of these development categories as possible.

24 Then the multifamily and general business  
25 applications have been avid to satisfy the profit

1 motives of the business partners. This is not a plan  
2 designed to fit in with the surrounding neighborhoods,  
3 be consistent with the comprehensive plan and benefit  
4 the town, but a megalopolis designed to maximize  
5 profit for the benefit of the owners. I will now  
6 address a few of the areas that demonstrate this.

7 The first is the lack of useable green space.  
8 Don't be fooled by the sponsor's misleading statement  
9 that this project preserves almost half of the parcel  
10 of this green space. Look at whether this green space  
11 will have any value to the residents.

12 The current proposal still calls for the  
13 parcel to be largely surrounded by a berm. The  
14 sponsor counts this berm as a significant part of the  
15 forever green space that the town could gain with this  
16 project. How is a berm around the perimeter of the  
17 property usable green space?

18 And lets not forget the sponsor's generous  
19 offer of land for a part largely on land that is in  
20 the floodplain and not developable, that area in  
21 purple that was shown on one of the slides that Mr.  
22 Hopkins showed.

23 To be consistent with the comprehensive plan,  
24 the maintenance of green space is key. Here we would  
25 have a swampy part, a berm and patches of green became

1 intense development areas.

2 The next point is consistency with the  
3 surrounding neighborhoods. How does this plan  
4 compliment the surrounding neighborhoods? One of the  
5 Planning Board stated concerns there's a lack of  
6 transitional space between existing homes and the  
7 proposed intensely developed areas. The proposed the  
8 berm separates existing homes for the proposed  
9 development and does not represent a cohesive plan  
10 blending in and benefitting the surrounding  
11 neighborhoods.

12 And the proposed part such as it is, is clear  
13 across the parcel from the largest concentration of  
14 surrounding homes on Fairways.

15 Further, the proposed project would introduce  
16 commercial development where it does not exist and  
17 does not belong. The sponsor is quick to argue that  
18 only 13 percent of the proposal is commercial  
19 development.

20 However, on a project that would be second  
21 only to UB that is a lot of commercial development  
22 which has no place in this area.

23 Creating a whole new commercial district in  
24 this area is not consistent with the comprehensive  
25 plan and the town's efforts to redevelop existing

1 commercial areas like Northtown and maintain others  
2 like the village of Williamsville.

3 Then there's the traffic issue. The sponsor  
4 proposes the addition of a north/south roadway and an  
5 east/west roadway through the parcel. In and of  
6 itself, but the sponsor is proposing two whole new  
7 roadways to make this project work begs the question  
8 of whether it is appropriate for the parcel.

9 The North/south roadway would dump an  
10 additional 2,000 plus vehicles onto the already  
11 congested Sheridan Drive corridor that simple cannot  
12 be absorbed, anyone who drives in this area will  
13 realize this. And this does not even take into account  
14 the affects on Maple Road in combination with the  
15 former gun club site that has already been rezoned.

16 The sponsor initially expressed sensitivity  
17 about the traffic onto North Forest Road and actually  
18 represented that the north/south road would ease  
19 traffic at North Forest.

20 Now, however, the sponsor proposes an  
21 east/west road dumping traffic onto North Forest  
22 through a traffic circle located about ten seconds  
23 from the already dangerous North Forest, Sheridan  
24 Drive intersection.

25 And the elimination of the light at

1 Frankhauser an addition of the east/west road within  
2 the parcel would create more potentially dangerous  
3 problems. Residents in the neighborhood to the south  
4 would have to traverse through the parcel to get to  
5 the new light at Sheridan and to re-access their  
6 neighborhood heading north on Sheridan would have to  
7 make a lefthand turn without the benefit of a light as  
8 they could not return via the new light due to the  
9 east/west road being ingress only on Frankhauser.

10 This defeats the purpose of having a light  
11 installed at Frankhauser in the first place and it's  
12 not hard to envision the tragic consequences of people  
13 trying to make a lefthand turn onto frankhauser to get  
14 back to their homes without a light.

15 The next area is sewer and drainage. The  
16 sewer and storm water drainage systems are already  
17 overburdened. And again the gun club is already  
18 rezoned and must be considered as fully functional for  
19 impacts on the sewer and storm water drainage.

20 As the Town Board is well aware the  
21 engineering department has concluded that the current  
22 sewer capacity can accommodate approximately only one  
23 third of this proposed development, when capacity  
24 needed for UB projects and the gun club are  
25 considered. For this reason alone this rezoning

1 cannot be granted.

2 And this is an area prone to flooding with  
3 the applicant's own consultant acknowledging the  
4 drainage issues in developing this site are  
5 challenging and expensive, with significant infill  
6 and large retention ponds required. Does the Town  
7 want to risk the dire consequences if the steps taken  
8 by the sponsor are inadequate.

9 Then there's the ten year build out, the  
10 sponsor projects ten years of construction. To date  
11 I have sat through admittedly not all, but numerous  
12 Planning Board and Town Board meetings regarding this  
13 proposed project and I have not heard a single Board  
14 member directly address the issue of the impact of a  
15 ten year construction period on neighboring  
16 properties.

17 Who could possibly find that a ten year  
18 construction project is acceptable for homeowners of  
19 properties that abut the Westwood parcel. This may be  
20 nothing to investors, but it is a long time in the  
21 ownership of one's home to have a neighboring  
22 construction pit with attended noise and dust and it  
23 is a long time for the town to have a construction pit  
24 in it's center.

25 Then there's the wildlife and cultural



1 significance. The sponsor asserts that no endangered  
2 species would be affected by the project, but there is  
3 no denying that many animals call Westwood home and  
4 would be displaced. What will happen when their  
5 habitat is destroyed? And as noted previously, no  
6 provision has been made for saving the club house.

7 So, what are the benefits to the town of this  
8 proposal, after hearing all of these negative  
9 consequences what are we left with that's positive?  
10 The sponsor has indicated that there would be a twenty  
11 five million net tax revenues, but can you trust this  
12 figure?

13 Who will pay for fixing the traffic, sewer  
14 and drainage issues that this project would cause, how  
15 much of the commercial and residential stakes will be  
16 diverted from other areas of the town and how much  
17 will other properties be devalued? Make no mistake,  
18 the taxpayers will be the losers if this goes through.

19 The sponsor keeps using the cost of brown  
20 filed remediation as a reason to recommend it's  
21 project. But, remember that entering into the brown  
22 field program was the sponsor's choice and that this  
23 program is tax payer funded. Note that the sponsor's  
24 cleanup cost estimates are based on remediating for  
25 unrestricted use which involves going much deeper into

1 the soil than would be necessary for recreational use.

2 Remediating for recreation use would be  
3 significantly less destructive and expensive. Do not  
4 be bullied into recommending a bad project based on  
5 the sponsor's self created issue, over inflated cost  
6 projections and the treat to leave the property  
7 un-remediated if the sponsor does not get it's way.

8 Reasonable alternative surly exists to avert  
9 this damaging proposal. And why wait, the sponsor has  
10 argued that it's plan might change and that it can  
11 partner with the town and UB to build sewer capacity.

12 I trust that when UB is ready for expansion  
13 that exceeds sewer capacity, which may be a long way  
14 into the future, that issue will be addressed.  
15 Currently there is no concrete proposal from the  
16 sponsor to dealing with sewer capacity that does not  
17 involve spending other parties money.

18 Is the Town willing to spend tax payer money  
19 in the present to facilitate this development, doesn't  
20 this defeat the purported tax revenue benefit to the  
21 town?

22 Moreover it has already been several years of  
23 having a fenced in green parcel in the center of the  
24 town. And the sponsor has already presented multiple  
25 concept plans.

1           The sponsor has argued that it has listened  
2           to residents, but today despite deeds having been  
3           provided, has not even met once with the Keep Westwood  
4           Green group. And it's various plans merely shuffle  
5           around the component pieces without addressing the  
6           real issue, the plan is entirely too intense.

7           At the sponsor's presentation on September  
8           11<sup>th</sup>, when asked whether a smaller plan fitting  
9           existing sewer capacity would be considered, the  
10          sponsor indicated flat out that it would not do so.

11          So, what is the point of delaying this any  
12          further? And isn't it odd that the sponsor has  
13          expressed willingness to share in the costly endeavor  
14          of expanding sewer capacity that argues the smaller  
15          project would not be economically viable and that it  
16          would need help with preserving the clubhouse, what is  
17          wrong with this picture?

18          It's not fair to the residents to wait for  
19          future changes to facilitate this development, unlike  
20          the sponsor who bought a golf course zoned community  
21          facilities with plans to rezone it from the very  
22          beginning for profit motive.

23          Homeowners bought their homes in good faith  
24          and have a right to enjoy and maintain the value of  
25          their homes. And the town is not served by years of

1 having a fenced in parcel in it's center followed by  
2 a ten year construction pit.

3 Mr. Shaevel said, in a news article, that  
4 this is a marathon and not a sprint, but that is from  
5 an investor's perspective and it ignores the  
6 continuing detriment suffered by the surrounding  
7 neighborhood and the town as a whole.

8 This is not an outlying field in a remote  
9 part of town, but a parcel surrounded by existing  
10 homes in the heart of our town. And then what, sewer  
11 and drainage problems, a dangerous traffic situation,  
12 devaluation of other properties and the permanent loss  
13 of valuable green space? The sponsor will be long  
14 gone with it's profit and the residents and the tax  
15 payers will be left holding the bag.

16 And hasn't this project collapsed of it's own  
17 weight already? Each time a roadblock emerges there  
18 is another addition, an east/west road, more infill,  
19 bigger retention ponds, more berms, new sewer  
20 connections, now an expanded sewer system. It's like  
21 Dr. Seuss's the Cat in the Hat with the cat balancing  
22 object after object saying I can do that, I can do  
23 that until it all comes crashing down.

24 (Applause)

25 JENNIFER SNYDER-HAUS: Haven't we reached that

1 point? If the project needs two whole new roads,  
2 berms around most of it's perimeter, massive areas of  
3 infill and huge retention ponds, an expanded sewer  
4 system, doesn't that tell you that it's not  
5 appropriate for the area?

6 In short the proposed development is not  
7 consistent with the comprehensive plan or smart  
8 growth principles and it's downright irresponsible.  
9 Please do the right thing and take the steps necessary  
10 to determine that it does not comply with SEQR  
11 requirements. Thank you.

12 (Applause)

S-002 13 MS. MICHELLE MARCONE: Good evening, Michelle  
14 Marcone, 35 Livingston Parkway. Westwood, traffic and  
15 sewer and drainage. It's a green field site, meaning  
16 there's no infrastructure. The only humans to ever  
17 reside on the site did so in a teepee or perhaps a  
18 long house. It's big and green a privately owned golf  
19 course penned in by a fence and a blight and an  
20 eyesore in the center of upstate New York's largest  
21 suburban town.

22 This is a project that is a project that is  
23 out of sync with local and regional plans and is a  
24 fine example of anti smart growth and sprawl.

25 Let's have an open discussion of the project

1 and it's alternative. Westwood should be considered  
2 in the context of whether the build out --

3 AUDIENCE: We can't hear you.

4 MS. MARCONE: Westwood -- is that better?

5 SUPERVISOR WEINSTEIN: One second. Michelle  
6 has gone up to 15 minutes, ladies and gentlemen. And  
7 Judy Ferrao is going third. So, you're a little  
8 early standing up, but if you need to stretch, that's  
9 fine.

10 MS. MARCONE: All right, where was I here?  
11 This is a project that is out of sync with local and  
12 regional plans and is a fine example of anti smart  
13 growth and sprawl. Let's have an open discussion of  
14 the project and it's alternatives, what should be  
15 considered in the context of whether the build out of  
16 this 170 acre parcel is right for the town and correct  
17 for the region.

18 At the core of the discussion about Westwood  
19 is who makes land use decisions? The answer is the  
20 Town Board. If a property owner wishes to build  
21 something that isn't allowed under current zoning, who  
22 can change the zoning? That would be the Town Board.  
23 Does an owner have a right under the law to build  
24 whatever they wish on property they own? No, they do  
25 not. There is no inherent right to a rezone.

1 Does the uniqueness of this parcel given it's  
2 location, size and characteristics call for a careful  
3 review. The size and scope of this problem calls for  
4 a careful review of expenses and burdens and the  
5 alternatives when it begins to vote.

6 The Westwood partners bought the property in  
7 2011, sufficiently long ago. It is reasonable to  
8 conclude that the project under review and on the  
9 table is their very best proposal. It is not the  
10 responsibility of the Town Board staff to work with  
11 the developer to make their project feasible or to  
12 help them iron out the kinks.

13 It is the developer's responsibility to  
14 submit complete and reasonable project application to  
15 the town. The owners have provided reams of paper,  
16 correspondence and reports and tonight is a discussion  
17 of the project's impacts.

18 And because the impacts are determined by a  
19 rezone of the land itself to change it's use, this is  
20 also a hearing about the rezoning, perhaps not  
21 officially, but the rezoning and the SEQOR are  
22 intrinsically intertwined.

23 A review of the record shows that both  
24 planning and engineering have provided multiple  
25 comprehensive technical reviews setting forth the

1 project's inconsistency with land use policy and laws,  
2 infrastructure capacity and impacts together with an  
3 overall critique of the proposal in consistent and  
4 professional manner.

5 I concur with the substance of the memos from  
6 the Planning Department to the Mensch Group dated  
7 November 10<sup>th</sup> and January 5<sup>th</sup> and by referencing  
8 incorporate those comments for the record.

9 Certainly the discussions go well beyond  
10 those positions memorialized in written review by  
11 these departments, but the fact remains in simple  
12 English that the Engineering Department has concluded  
13 that the sewer capacity is insufficient for the  
14 project build out.

15 And the Planning Department has said that the  
16 project is not consistent, not adequate, not  
17 compatible with current zoning uses and is out of  
18 scale and character with it's surroundings.

19 The Planning Board considered a resolution  
20 last week which concludes that in accordance with  
21 section 835 of the Zoning Board ordinance, that this  
22 project the proposed zoning and development plan is  
23 not consistent with the policies of the comprehensive  
24 plan and the zoning ordinance.

25 The proposal is not consistent with the



1 conceptual land use plan which shows recreation, open  
2 space and green-ways in this area. There are not  
3 adequate services and utilities available or propose  
4 to be made available in the construction of this  
5 project.

6 But, the proposal is not compatible with the  
7 present zoning and conforming of uses of nearby  
8 property and with the character of the neighborhood.  
9 The proposed zoning change does not improve with the  
10 balance of uses and does not meet a specific demand  
11 on the town.

12 And the Engineering Department has concluded  
13 that only one third of the required sewer capacity  
14 exists.

15 The Planning Board, at it's meeting last  
16 Thursday, did not act on that draft resolution to deny  
17 Westwood's rezoning because the Town Board exercised  
18 it's right as lead agency under SEQR and removed the  
19 Planning Board from this process, the Planning Board  
20 cannot act to approve or deny until SEQR is included.

21 The Town Board's unusual move seemingly is  
22 meant to stop the project from spinning in the review  
23 process exhausting Town staff and residents alike with  
24 multiple profit iterations that are incomplete and  
25 infeasible, kudos to the Town Board, good move.

1           But, SEQR is not the only factor to be  
2           considered in the decision making. Westwood and the  
3           future use of this land needs to be evaluated in the  
4           context of the town wide redevelopment efforts,  
5           including many existing large parcels with obsolete  
6           uses.

7           Amherst is built out, the 50 year building  
8           heyday is over, what remains are ever growing  
9           wetlands, a few oddly shaped parcels and others that  
10          are not zoned properly. The town's public buildings  
11          are old and crowded, Amherst lacks a central park or  
12          community gathering space.

13          The only locations for cultural and community  
14          gathering exist at UB or the schools. The suburban  
15          office park and retail malls and many shopping centers  
16          have outlived their attractiveness and competitive  
17          edge in the market place.

18          Reinvestment in already developed areas is  
19          preferred over development of green field sites such  
20          as Westwood. This, at its core, is the definition of  
21          phrase of smart growth and anti sprawl and is the  
22          single basic tenant of one reaching forward, a plan  
23          for regional growth and is to discourage investment  
24          infrastructure extensions or to build in such areas as  
25          wild things and wetlands.

1           The build out of Westwood is contrary to the  
2 plain language of the town's land use policy and  
3 inconsistent with the regional plan one reaching  
4 forward.

5           There are other speakers who will discuss  
6 traffic and wetlands, but on the issue of  
7 contamination, chemicals and pesticides are used for  
8 lawn maintenance on both lawns and golf courses.  
9 Concentration of chemicals on golf courses are  
10 typically most prevalent in the tee boxes and greens.

11           Tees and greens are perhaps more than one  
12 percent of any golf course. One percent of 170 acres  
13 is 1.7 acres. Contaminated surface oils 6 to 18 at  
14 these locations are typically scrapped off and removed  
15 from the site, fairways -- (unintelligible) --  
16 typically as far as incidence of chemicals and  
17 represents a substantial majority of uses at any golf  
18 course.

19           I believe the entire contamination issue is  
20 a red herring and vastly overblown based typical  
21 incident and public hazzard and cost. The owner has  
22 potential remediation costs now pegged at six to nine  
23 million dollars, I believe he is off by five to eight  
24 million.

25           Alternatives. Part of the EIS review is a

1 discussion on alternatives. The applicant puts forth  
2 a few tangible options but for the preferred mega  
3 project. 2000 units of housing of all types and  
4 hotels, stores and restaurant, office buildings.

5 But, what are the reasonable options  
6 financially feasible, site still -- (unintelligible)  
7 -- and legal uses of Westwood as an alternative to  
8 the applicants best offer.

9 What options exist other than the build out  
10 of this 170 acre parcel or leaving the entire site  
11 green as a public park. What is the mix of uses that  
12 is reasonable and sensible given the position of the  
13 opposing sides?

14 The combination of current zoning and  
15 eligible uses under the CF zoning that was in  
16 existence at the time of the purchase by the partners  
17 and also senior housing, public uses like the fire  
18 hall and Town Hall, town offices and outdoor  
19 recreational facilities?

20 I'm not sure moving Town Hall to Westwood is  
21 a reasonable alternative, but it is a legal use of the  
22 site under CF. It's an option, at best an  
23 alternative.

24 Senior housing or other low impact  
25 development like for example a 20 acre parcel of one

1 acre lots for upscale single family might be a  
2 reasonable option compatible with the surrounding area  
3 and feasible from an infrastructure perspective.

4 Engineering has concluded that there is  
5 insufficient sewer capacity for the build out of the  
6 entire site, but something can clearly be built of the  
7 proper scale. Small scale impact development or  
8 impact 20 acres for single family housing in  
9 combination with senior rentals would leave 150 acres  
10 for public use, reasonable and perhaps an alternative.

11 To my liking, the preferred alternative and  
12 highest and best use is that it passes both the park  
13 and community gathering space for the town citizens.

14 Consider this, the Westwood assessment was  
15 just reduced to one million dollars based on a  
16 petition from the owners. The Town can acquire the  
17 parcel through eminent domain and after cleanup, rehab  
18 the clubhouse which hopefully would still be standing  
19 back online as a restaurant and a banquet venue.

20 Add new public bathrooms in key locations on  
21 the site, paths and trails for walking and biking,  
22 adopting the concept of cheaper and faster like was  
23 used jump start the outer harbor using boulders,  
24 benches and backgrounds.

25 Westwood could be online as a community

1 jewel in a short time using the eight million dollars  
2 in bonding authority earmarked for the 5<sup>th</sup> sheet of  
3 ice at Northtown in 2018.

4 There is the financial mechanism to  
5 accomplish this purchase, finance cleanup rehab the  
6 clubhouse and open Westwood as a partner and you can  
7 still build the 5<sup>th</sup> sheet in 2019, a reasonable option  
8 and perhaps an alternative.

9 But, there are other options as well, so  
10 where are we? For three solid years in fits and  
11 starts this project has been in the open, it has not  
12 substantially changed in that time except the former  
13 golf course now has the very questionable use as a  
14 parking lot for new car interests.

15 (Applause)

16 MS. MARCONE: But the rubber meets the road on  
17 Westwood tonight, you have successfully called the  
18 owners bluff after several years of foot dragging and  
19 obfuscation. But the DIS is meant to identify the  
20 project's impacts whether they can be mitigated until  
21 you evaluate reasonable alternatives.

22 (Applause)

S-003 23 MS. JUDY FERRARO: Judy Ferraro, 213 Donna  
24 Lea. Westwood currently owned by the Mensch Partners  
25 has undergone several development plans each one more

1 environmentally unsatisfactory than the one before.

2 It is not compliant with the comprehensive  
3 plan no matter how it is being spun. It is not  
4 sensitive to the myriad of attending problems of  
5 sewage flow, traffic, storm water runoff, flooding and  
6 the general protection of the health and welfare of  
7 all citizens.

8 And lets not forget or dismiss God's  
9 wildlife creatures that are trying live in harmony  
10 with us, who are incrementally losing their habitats  
11 and lives. The mayor of Williamsville in 2016 made  
12 it known that he too would like Westwood to be  
13 preserved as open space.

14 The concern is the downstream runoff of  
15 traffic that would adversely impact even the village  
16 of Livingston. Westwood is located in the center of  
17 Amherst, it is surrounded by thousands of residential  
18 properties. Most bought their homes with the  
19 expectation they would be enjoying the many benefits  
20 of green fields and a pastoral environment rather than  
21 an urban one. Some paid a premium for their homes to  
22 live close to them.

23 Westwood was a viable functioning golf course  
24 and clubhouse until the Mensch Partners decided to  
25 shut it down, it is now termed abandoned, it is they

1 who abandoned it.

2 Westwood's location and it's clubhouse has a  
3 rich history of great significance to our community  
4 that dates back to the early 1920's, it should be  
5 recognized and preserved. It should never be buried  
6 under asphalt and concrete for no good reason other  
7 than making rich men richer.

8 Our green fields and wetlands are an  
9 important part of the ecosystem, they prevent existing  
10 problems from becoming worse, together they are a  
11 sponge for central Amherst.

12 It is mother natures way of dealing with  
13 flood control during storm events, snow melt and  
14 rainfall. How much time, effort and money are being  
15 devoted to attempt to mitigate what is already  
16 provided by mother nature?

17 No matter how many so called experts are  
18 employed to divert water in all directions and devise  
19 other plans to trick mother nature, the fact remains  
20 no one tricks mother nature, sooner or later she  
21 returns to remind us who is in charge. Unfortunately  
22 the home owners are stuck with the consequences after  
23 the perpetrators are long gone.

24 This scenario has been played out too many  
25 times in Amherst, when will it stop, when will the



1 unbridled inappropriate sprawl cramming every bit of  
2 green or open acreage to build more of what we don't  
3 need, end?

4 There is much acceptance of what so called  
5 experts have to say about development and fixing  
6 related problems and yet a hired expert has told this  
7 town that Amherst is built out. We do not need  
8 anymore hotels, apartments, etcetera, etcetera, we  
9 need to preserve what is left of green space, we need  
10 to protect established neighborhoods, we need to  
11 redevelop. Why is that expert advice ignored?

12 Many people are well aware of the scatter  
13 shop sprawl being inflicted on them and their  
14 neighborhoods with predictable profits. They are  
15 telling you they live there, they know, they are not  
16 stupid.

17 Many have gone to the comprehensive plan and  
18 SEQR who have found information that should support  
19 their arguments, but unfortunately are confounded by  
20 the attention and blind credence that is given to the  
21 rich men who can pontificate ad nauseam with garbage.

22 (Applause)

23 MS. FERRARO: But taken as gospel by some  
24 making decisions for us. Hydraulic assessments  
25 performed during the summer performed during the

1 summer of 2016 during a record drought in Amherst is  
2 disingenuous and reprehensible, it makes no difference  
3 who is conducting them. It should be noted also that  
4 winter wetland delineations are victoriously  
5 inaccurate.

6 Any such testing should be done during the  
7 growing season, anything less is misleading and  
8 betrays a dishonest agenda being used against the  
9 public. The contaminated land found on the other  
10 side of this flight fence along with the car  
11 dealership's excess cars has not been fully  
12 investigated, so no one knows the extent of the  
13 contamination nor the cost to remediate it. It is  
14 all conjecture as it would be on any other golf course  
15 built before 1980.

16 Any person who claims that they want to  
17 protect Amherst and keep it great for their children  
18 and grandchildren is missing the broader picture if  
19 they do not understand that a critical component in  
20 achieving sustainability of a great Amherst is our  
21 green fields, parks, waterways, open space history and  
22 all the benefits that they provide. Much of the  
23 development that was allowed because the developers  
24 could has not even lasted a generation.

25 There are now huge areas of land ready for

1 redevelopment with the infrastructure in place.

2 SEQR stated basic concept is that of  
3 reasonableness, there is absolutely no justification  
4 or reasonableness in tearing up 170 acres of green  
5 land and turning Amherst upside down for at least ten  
6 years solely to appease those with naked greed and  
7 without conscience.

8 Anyone arguing to the contrary, one can be  
9 sure has a self serving motive. Anyone pulling out  
10 the tax benefit pitch to sell a development and using  
11 the same old ruse used for many years that it has  
12 become laughable, meaningless and demonstrably false.

13 Look around at the explosion of development  
14 they all carry the same promise. Has it made a  
15 difference in your taxes?

16 Well, I think we are all impressed by the  
17 generosity of the petitioner to offer to contribute to  
18 the town's and UB's infrastructure rebuild, the truth  
19 is UB can take care of themselves and so can our town.

20 We would not be in this difficulty if it were not for  
21 the overblown boondoggle that has been proposed for  
22 Westwood. By the way, the same would apply for the  
23 autobahn along Maple Road.

24 No one is entitled to a rezone or is above  
25 the law. No amount of money should be allowed to buy

1 the exception. Perhaps our town and Dr. Berry could  
2 be magnanimous and off to take this albatross off the  
3 backs of the petitioners, it is simply the wrong  
4 development in the wrong location, it does not comport  
5 with the comprehensive plan nor the constraints of  
6 SEQR no matter how it is being spun. Thank you.

7 (Applause)

S-004

MR. MARK RIVARD: Hi, Mark Rivard, 132 Lakewood  
Terrace. And I've been to a number of meetings and  
10 I've learned a lot about the Town Planning Committee  
11 and the town rules and I've listened projects as  
12 little as 2, 3, 4, 5 acres and all this back and forth  
13 questioning on where they're going to sequester the  
14 water until the storm is over.

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

21 And they keep talking about we can change, we  
22 can change. Here's four years of plans and you can  
23 see a common thing. This is the hundred year  
24 floodplain and yet you see they're building in the  
25 hundred year floodplain like it was nothing, I guess

1 they don't watch the news.

2 Here's Ellicott Creek, Ellicott Creek, this  
3 little -- Ellicott Creek goes from way down here  
4 through the park, country club golf course where it  
5 floods every spring and it runs through the Westwood  
6 Country Club where it also floods every spring, and  
7 it runs through par 3 and on over here to the town  
8 golf course where it wouldn't flood every spring, but  
9 the town spent a lot of town money and federal money  
10 to build that nice floodway to make sure that doesn't  
11 happen and build a berm to protect the owners.

12 This is the floodplain they want to build  
13 up, here's Ellicott Creek, here's their pond, this is  
14 their retention pond.

15 I'm going to show a sketch next, not yet, but  
16 it shows how a retention pond cannot possibly retain  
17 water if it's in the floodplain. It has to be above  
18 the flood, right, or it's just going to overflow.

19 Go back to the other one, I wasn't quite  
20 ready there, I want to make a point here. Here's the  
21 2015, this is in different color here, here's the  
22 floodplain, here's the floodplain, still building in  
23 it, still building in it. People came and complained  
24 about it, oh, we can make it better.

25 Well, here's 2016, here they're still

1 building in the floodplain. As many people said,  
2 they're rearranging what's in here, but they're still  
3 ignoring the 100 year floodplain when we just had a  
4 thousand year hurricane, I can't imagine why you'd do  
5 that.

6 And here's another one. Mysteriously these  
7 are from the Army Corps of Engineers, I don't know how  
8 this magically shrunk. Now, you can show the next one  
9 because I've got a little sketch there that explains  
10 what I'm talking about.

11 Here's the normal Ellicott Creek, it's got a  
12 pretty steep bank on the one side opposite the gold  
13 coursed. Here's the floodway, this normally floods and  
14 they may not be building at that. But, here's the  
15 100 year floodplain, here's their building.

16 So, they're proposing, obviously if they're  
17 going to build out to here way into the hundred year  
18 flood plain then they're figuring on filling all this  
19 in. I don't see how that works. Thank you, I guess  
20 my time is up.

21 (Applause)

22 SUPERVISOR WEINSTEIN: I'd be glad to take  
23 everyone's comments and make it part of the public  
24 record. I do need to remind people we're up to three  
25 minutes apiece now. We ask you to give us your name

1 and address and not disparage anybody.

2 And I would also ask the audience now that  
3 we're on three minute time lines, let's skip the  
4 clapping after each one and we could get more people  
5 in.

6 (Audience murmuring in disapproval)

7 SUPERVISOR WEINSTEIN: I guess I am overruled.

8 UNIDENTIFIED PERSON: They got an hour.

9 SUPERVISOR WEINSTEIN: They got an hour and  
10 the opposition had three speakers for 45 minutes.  
11 Okay, please start. Your name and address.

S-005 12 MR. DAVID NUWER: David Nuwer, 108 Brookedge.  
13 Interestingly enough I'm speaking on the same subject  
14 that Mr. Rivard just spoke about and that is the  
15 hundred year floodplain. I do -- my property does  
16 bank up to the creek and I've got some pictures I'm  
17 going to show you of the flooding in a moment.

18 But, could you pick up the flap? And it  
19 shows you where the community, the multi family  
20 community is. And then put the flap back and that is  
21 the flood zone.

22 Now, I can't be perfectly accurate, but that  
23 is very close to where it is. That's from the Town of  
24 Amherst, that flood insurance rate map. I come from  
25 a community -- I've lived in Williamsville on and off

1 since 1963, I've seen the flooding.

2 I come from a community where thousands of  
3 homes were flooded, people didn't have flood insurance  
4 and those homes were not on the flood plan, the  
5 hundred year flood plan. Things are happening with  
6 our weather now, things will happen here too in the  
7 future.

8 Would you please flip to the next slide,  
9 that's a view of the south and the park. The next  
10 slide. This is a view from the west of the west side  
11 of the park. The next slide. This is a view of my  
12 back yard after the snow has melted.

13 Next slide. Another view of the water coming  
14 up even higher. Next slide. This shows the water  
15 coming halfway to my house. Next slide. You see the  
16 road over there, do you see how high the water is?

17 Give it a couple more feet and you're on  
18 North Forest. Next slide. This is a view from the  
19 upper story of my house showing you the lake that's  
20 formed. I agree with Mr. Rivard that the lake that  
21 they're going to build will just hold a little bit of  
22 the flood water that comes down Ellicott Creek.

23 If you're going to make a park out of this  
24 area, are you going to close it for the winter,  
25 because this is what happens when it rains and when



1 the snow melts.

2 Are you going to have electrical components,  
3 lighting in the park with this degree of flooding?  
4 And wait until you see the refuse, the trash and the  
5 organic material that's going to be brought into the  
6 park, who is going to clean that up?

7 Lastly, who is going to take responsibility  
8 when that -- that flood water comes in pretty darn  
9 fast during the floods. When a 7 year old falls into  
10 that water there's little or no hope that you can  
11 reverse that type of damage. That's all.

12 (Applause)

13 SUPERVISOR WEINSTEIN: Can we keep your  
14 pictures?

15 MR. NUWER: Yes, please do.

16 SUPERVISOR WEINSTEIN: Thank you.

S-006 17 MS. JUDY HYATT: Judy Hyatt, 375 Maple Road.  
18 We've heard a lot tonight in terms of alternative  
19 plans and I can understand as a Westwood neighbor why  
20 alternative plans would be attractive. But, while  
21 I've hear opinions, I haven't really heard any facts.

22 I think that if Westwood neighbors, if we  
23 understood that actually there could be advantage to  
24 cleanup of a brown field, perhaps that would be  
25 somewhat beneficial because everybody is looking at

1 this as there's a brown field site in my backyard but  
2 somehow if you change that, that's going lower my  
3 property values, so.

4 There was a study published this month and  
5 the Journal of Environmental Assessment Policy and  
6 Management reported that remediation of 48 brown field  
7 sites netted additional tax revenues of twenty nine to  
8 ninety seven million dollars per year from properties  
9 surrounding the brown field sites.

10 So, that states an advantage for the town,  
11 but it also states an advantage to the houses and the  
12 property around the brown field site because what  
13 that's saying is that property values go up when you  
14 cleanup the brown field site.

15 Now, I've been watching this process since it  
16 was first announced. I felt that the project as it  
17 was originally presented was too ambitious and having  
18 gone to the golf club rezoning process, I didn't  
19 really expect that Mensch would be inclined to listen  
20 to the neighbors.

21 As each iteration of the plan was presented  
22 they actually did respond and I honestly can't  
23 translate all of these things. But, I watched them  
24 come back with, okay, we'll move this here, we'll  
25 take that there, we'll break this down, we'll make

1 this smaller. They modified the plan in the attempt to  
2 satisfy the neighbors.

3 But, from everything I'm hearing it seems  
4 apparent that nothing short of pushing the town into  
5 purchasing the property, remediating the brown field,  
6 creating or maintaining a park to make them happy.  
7 And we can see that this is an economically feasible  
8 expectation -- not a economically feasible  
9 expectation.

10 I'd like to see the contaminated site in my  
11 yard cleaned up so that property values and tax  
12 revenues for the town can increase. I'd like to be  
13 able to drive through the neighborhood after a rain  
14 without encountering flooding, something that will  
15 have to happen for this project to move forward. I'd  
16 like to be able to ride my bike down a bike path  
17 without having to cross Maple Road. Westwood was  
18 pretty, but it was private property that, you know,  
19 honestly we did not have access to.

20 This is our best opportunity to enjoy the  
21 green space without asking the rest of Amherst to fund  
22 it, because I'm pretty sure that if you asked outside  
23 of a handful of people here what the Town of Amherst  
24 taxpayers felt about purchasing that property,  
25 remediating the brown field, creating and maintaining

1 a park if it was worth coming out of their tax  
2 dollars, I don't think they would be in favor.

S-007 3 MS. TRACY HAWK: My name is Tracy Hawk, I live  
4 at 62 Blossom Heath Road. I am a member of the  
5 Morningside Homeowners Association, I've been  
6 following this process since the beginning.

7 And I want to talk about -- I'm not an  
8 expert, I'm a citizen, I'm an average person who lives  
9 in this community and I live in the neighborhood  
10 that's affected by this. I don't live in East  
11 Amherst, I work there, but I don't live there.

12 I feel like sometimes we've had people  
13 address this Board who don't really live in this area,  
14 who don't really understand. I've lived in my  
15 neighborhood for about 20 years and in those 20 years  
16 I've seen issues with water main breaks constantly.

17 If you look on my -- just around Morningside  
18 and Blossom Heath you can see like almost every place  
19 that a sanitary sewer exists there's been a water main  
20 break, and you can tell that because you can see the  
21 little patches of concrete where they have come and  
22 fixed the -- they keep putting band aids on the pipes.

23 So, I can tell you that this is an  
24 environmental issue and it is going to impact this  
25 neighborhood.

1 I also can tell you because I walk my dog  
2 back there everyday that the traffic is going impact  
3 us negatively. Already, if there's an accident on  
4 the highway, on the thruway, people get off and they  
5 zoom, or they attempt to zoom through Park Club Lane  
6 because they think it's going to be a quick way to  
7 bypass all the traffic on North Forest.

8 What they don't understand is that Blossom  
9 Heath doesn't go anywhere, it goes between two side  
10 streets, it really doesn't lead anywhere.

11 But, what's going to happen is we're going to  
12 see significant traffic increase in my neighborhood  
13 where I walk my dog, where my children play and I have  
14 concerns about that.

15 You cited the state statistics when you  
16 talked about traffic patterns, I'm not interested in  
17 state statistics.

18 I'm interested in Williamsville statistics,  
19 I'm interested in our community not what happens  
20 across the state because I don't think that's a fair  
21 representation of our neighborhood.

22 I also wanted to talk about the brown field  
23 cleanup, it feels like the sponsors of this group are  
24 sort of holding this over the heads of the Town Board  
25 saying that we only will remediate this if you give

1 us what we want.

2 And I think that absolutely there is money to  
3 be made here and I understand that they have invested  
4 some money, but I also understand that they took a  
5 gamble when they bought this property, they perhaps  
6 didn't research it well enough, I don't know.

7 But, my concern is once this is rezoned  
8 they'll do whatever they want, they're giving us a  
9 proposed plan. We kept hearing the words a concept  
10 plan, but their concept plan does not address the  
11 environmental issues which is what I thought this  
12 particular meeting was supposed to be about tonight,  
13 it doesn't address the environmental issues and agree  
14 to pay \$600,000 to help with sanitary sewers is a  
15 proverbial drop in the bucket of what it would cost to  
16 fix this issue. Thank you.

17 (Applause)

18 MS. HYATT: I don't know if you want this, but  
19 I did reference the study I was talking about. If you  
20 have any interest in that study.

21 SUPERVISOR WEINSTEIN: Yes, please. We'll  
22 make it part of the public record. Thank you.

S-008 23 MS. AMY KLOSE: Hello, Amy Klose, 39 Delamere  
24 Road. And I am here to vehemently opposed changes to  
25 the Westwood Country Club site, here are my reasons.

1           The developer purchased this property knowing  
2           that it's in an already pesky neighborhood. If I came  
3           to you and said I will knock down my house and build  
4           an apartment building, it would not fit in with the  
5           plan of my neighborhood, you wouldn't consider  
6           changing it, why are we considering this change?

7           And hotel, two went up on Main Street  
8           recently, another three are being developed on Niagara  
9           Falls Boulevard, next month you are considering  
10          another hotel in the Northtown Center, we do not need  
11          a hotel in this residential neighborhood.

12          Mixed use businesses. Consider the Sheridan/  
13          Harlem plaza where a different developer has built a  
14          property at least five years ago that has stood vacant  
15          since it was built.

16          Consider the former Vix property at Maple  
17          and North Forest which sat vacant for at least 15  
18          years before it was just redeveloped to a medical  
19          campus. The neighborhood that surrounds Westwood does  
20          not need anymore retail space.

21          Sewage, further evaluation to be determined,  
22          we have been waiting for six years for evaluation on  
23          this.

24          And wet weather stressing our capacity, what  
25          happens when we add all of these new residents to this

1 already stressed system, they seem to be ignoring that  
2 fact.

3 Finally traffic, because I too live right  
4 across from the Westwood Center. (unintelligible) --  
5 The report submitted about their traffic study  
6 concerns me as there is nothing statistically reliable  
7 or valid about putting a monitor up for 24 hours on  
8 what they deem to be a typical day.

9 Yesterday was a typical Sunday afternoon at  
10 1:00 p.m. You might even think Bills traffic, or the  
11 Bills game that made it a little bit lighter traffic  
12 on Sheridan. Yet at 1:00 p.m. when I went to do my  
13 errands there was yet another three car accident at  
14 the 290 entrance at Sheridan.

15 I have over the years watched at Sheridan  
16 and North Forest an accident where two cars collided  
17 and one went upside down.

18 If this property is developed to it's  
19 proposed capacity and the traffic is impacted in this  
20 way, there is nowhere to add lanes to Sheridan Drive.  
21 If you have driven this road at all this summer with  
22 the 290 bridge work you will know how stressed this  
23 area has been.

24 The fact of the matter is that Amherst does  
25 not need this neighborhood, this project has been



1 stalled for years. The developer cannot submit plans  
2 that won't ruin the environment between sewage and  
3 traffic. I'm sick of waiting for them to give us  
4 something acceptable, it won't happen. I don't want  
5 it, my fellow residents don't want it and as the Town  
6 Board you need to stop listening to their feeble  
7 attempts to make this work.

8 We the residents who elected you says enough  
9 is enough, the zoning should not change, keep it  
10 recreational and make it a park.

S-009

11 (Applause)

12 MS. JACKIE SANTA MARIA: Hi, Jackie Santa  
13 Maria, 26 Delamere Road. I would love to stand up  
14 here and tell you how many times I've been in my  
15 basement and inches of water at 10:30 and 11:00  
16 o'clock at night in ten inches of water cleaning out  
17 our grates. Every time it rains I open my front door  
18 because I know if the corner floods we're going to  
19 have water in our basement.

20 But, that's not what I'm going to talk to you  
21 about, I'm going to talk to you about something I know  
22 more about.

23 I'm a retired police officer. These lovely  
24 pictures that the developers have put up here to show  
25 you, don't show you one thing. First of all when you

1 have such a large diversity of different people you  
2 always will have problems. What the pictures don't  
3 show you, the burglaries that are going to happen, the  
4 car break in's that are going to happen, the loitering  
5 that's going to happen, the trespassing that's going  
6 to happen, the assaults, God forbid, on the bike path,  
7 by the water, by the pond that's going to happen.

8 A couple years ago I pulled the accident  
9 reports for three years out here in Amherst just for  
10 like Sheridan and Harlem area, the North Forest and  
11 Sheridan area, the North Forest Maple area, it's  
12 unbelievable. I'm sure all of you know what it's like  
13 Monday through Friday 4:00 to 6:00 p.m. on Sheridan  
14 Drive. As an officer for over 24 years I've probably  
15 taken over thousands of accident reports.

16 You can put in all the traffic lights you  
17 want, you can add all the streets you want. But, when  
18 it comes down to it, people are creatures of habit,  
19 they do what they're used to doing, meaning if there  
20 was a light here, they're used to doing what they did  
21 regardless if there's new streets, new lights, they're  
22 just creatures of habit.

23 I would ask that all the Board members and  
24 Supervisor, put yourselves in our shoes if these were  
25 your backyards and your properties. I think the out

1 come of people and support tonight show you how  
2 concerned we are at the drainage issue and the traffic  
3 and the crime.

4 This is a diamond in the rough, the criminal  
5 element will be drawn to this like a magnet. They  
6 tried to do this in Celebration, Florida years ago.  
7 Half of Celebration is now crime ridden. If couldn't  
8 do it there, they're not going to be able to do it  
9 here. Thank you.

10 (Applause)

S-010 11 Ms. ELLEN C. BANKS: My name is Ellen C.  
12 Banks, my address is 144 Cottonwood Drive,  
13 Williamsville. I've been a member of the Amherst  
14 Conservation Advisory Committee Council, the ACAC for  
15 about four years. We advise the Town Board on land  
16 use issues especially those involving waterways, green  
17 space, parks and wetlands. We've been discussing the  
18 various Westwood proposals for several years.

19 As a group we are opposed to rezoning this  
20 site for residential and business uses. We are guided  
21 by both the Amherst Bicentennial Comprehensive Plan  
22 and the One Region Forward plan, which the town has  
23 indorsed and which calls for an end to sprawl and  
24 preservation of recreational green space.

25 Both of these plans call for preserving as

1 much as possible the green corridor through the town  
2 along Ellicott Creek. This is a once only time to  
3 convert one of the last open spaces in the town for  
4 public use, a site with many mature trees and other  
5 varied landscape features.

6 Furthermore we are concerned about the damage  
7 to our creek by construction, chemical draw out from  
8 the pesticides and herbicides by future home and  
9 business owners and the impact on water, sewers and  
10 traffic. We are not inclined to be comforted by the  
11 developer's invitation to trust us.

12 Speaking for myself, I think it is long past  
13 time that developers can buy a piece of land in our  
14 town and so we assume it'll be rezoned for whatever  
15 they want to build.

16 I'm the ACAC's delegate to the Amherst  
17 Rezoning Committee. That committee's charge does not  
18 include Westwood ironically because it is zoned  
19 recreational and we are only concerned with zoning in  
20 existing commercial districts. Many town residents  
21 are very skeptical about zoning or rezoning because it  
22 is their experience that zoning rules exist to be  
23 broken.

24 Our neighbors in the City of Buffalo have a  
25 similar problem, having passed the green code they are

1 already under pressure to violate it within a month  
2 or something by permitting a big development in the  
3 Elmwood Village.

4 If we are to have any confidence in our  
5 elected leadership and our unelected Zoning and  
6 Planning Boards, they need to show us that zoning  
7 means zoning and that sections should only be made for  
8 compelling the public not for the financial interests  
9 of the few. Thank you.

10 (Applause)

S-011 11 MR. MICHAEL KANKIWICZ: Michael Kankiwicz,  
12 115 Sedgemoor Court. With respect to the Board, I  
13 really believe anyone considering this proposal is not  
14 at all familiar with environmental issues already  
15 facing our neighborhood. It is, the traffic is  
16 already maxed out to capacity, it is literally  
17 impossible to enter traffic from the driveway or side  
18 street because there is no traffic flow, it is  
19 complete gridlock.

20 Since People have talked about traffic, I'll  
21 mention a few specifics. The North Forest corridor  
22 is already backed up from the Union/Royce (sic) corner  
23 all the way back across Sheridan nearly to Maple.

24 The proposal of a East/West Road, a  
25 North/South Road and a traffic circle in the

1 development is pure folly and -- (inaudible) --  
2 because any additional roads will not alleviate the  
3 problem which are the arterials.

4 The traffic circle proposed at the east  
5 entrance is just folly and useless because it is  
6 several yards right from the traffic light at Sheridan  
7 and North Forest, it would back in moments, blocking  
8 the entire circle.

9 The Sheridan Corridor is even worse, it is  
10 bumper to bumper gridlock all the way from Harlem to  
11 North Forest and often even to Mill, Evans and Youngs.

12 Even the traffic lights do no good for  
13 entering traffic because the gridlock blocks the  
14 intersections.

15 When someone wants to enter traffic getting  
16 a green, it is impossible to enter because the cars  
17 on Sheridan are jammed up right into the  
18 intersections. I've seen several accidents just this  
19 past summer from the stream of drivers desperate to  
20 enter the traffic and taking chances. Imagine  
21 thousands more cars on a daily basis entering these  
22 arterials, it just will not work.

23 On the flooding issue, the watershed is  
24 already at capacity. During hard rain there is  
25 horrible flooding, we've already had several this

1 year. On two rain events this year I witnessed water  
2 gushing up and out from the grates, like a geyser  
3 almost two feet in the air on Fenwick, directly across  
4 from the Westwood Development, the south end. You can  
5 see the flooding here on Fenwick, this is directly  
6 across Sheridan from the proposed south entrance to  
7 the development.

8 This spot on Fenwick as I said was directly  
9 across. We already need help with the existing  
10 capacity, it's already insufficient and there is no  
11 way that this area can absorb the amount of runoff and  
12 sewer volume this proposal would create. The  
13 residents strongly urge this Board to reject the  
14 proposal. Thank you.

15 (Applause)

S-012 16 MR. ROBERT YANKES: Robert Yankes, 100  
17 Frankhauser Road. Bricks, blacktop, concrete versus  
18 green space, that's what we're talking about here.  
19 I urge you to vote no for this monstrous project.

20 Be heros for our children and grandchildren  
21 so they can enjoy this precious green space like we  
22 have all these many years.

23 I urge you to vote no for three big reasons,  
24 because of the monstrous scope of it, it fails to  
25 comply with the comprehensive plan and there's much

1 better alternatives. Because once that green space is  
2 gone, it's gone forever as we know.

3 The scope, this project has actually grown in  
4 scope because the buildings now are pushed further out  
5 closer to the neighborhood roadways, more congestion,  
6 more angst, more disgust.

7 In the meeting in 2014, I was told there was  
8 going to be residents number would be for 985 people,  
9 now it's 1,700. You add two thousand to three  
10 thousand more cars, more fumes, congestion and so on  
11 and so forth. All the retail stores, commercial  
12 offices, hotels, amphitheater and clearly a undersized  
13 sewage system, if you add all this together you've got  
14 a recipe for disaster.

15 It would reduce our home and property values  
16 and reduce our quality of life. Also back in 2014 I  
17 was told these roadways were being restudied, north,  
18 south, east, west.

19 Well, now the east/west roadway starts right  
20 in front of my house. Frankhauser is a very dangerous  
21 road in the wintertime and it does not need anymore  
22 intersecting roads, it causes for more accidents.

23 Housing in Amherst, there's plenty of housing  
24 in Amherst, there's no shortage. I've checked just a  
25 few websites, a few small websites and found over two



1 thousand houses and I'm sure I could find over five  
2 thousand checking a few more.

3 Retail stores, commercial businesses, we all  
4 know that brick and mortar are a thing of the past and  
5 are closing rapidly. This project would only increase  
6 closures at Boulevard Mall, Eastern Hills Mall and  
7 also the arts and craft shops in Williamsville.

8 You can be sure of one thing, if this goes  
9 through it's only the beginning, it will grow and grow  
10 and grow, more buildings, wider roads, more cars, more  
11 problems, more intrusion.

12 There's already plans for a fire station on  
13 the grounds and probably next would be the Town of  
14 Westwood new Town Hall. I said Town of Westwood new  
15 Town Hall, yes, that's what I said.

16 So, thank you very much for your attention  
17 and once again I urge you to vote no for this  
18 rezoning. Thank you.

19 (Applause)

S-013 20 MS. DIANE WEINERT: Good evening, Diane  
21 Weinert, 135 Fairways Boulevard. I'm going to read  
22 a letter that was written to the editor on the news  
23 on Thursday September 14<sup>th</sup>, last week. It was titled  
24 Westwood will simply add to the town's drainage  
25 issues.

1           It reads, our atmosphere is warming, warm air  
2 carries more moisture that's why our rainstorms are  
3 on the average delivering more rain, that plus the  
4 weakening of the jet stream will also allow more Gulf  
5 moisture to make it north.

6           The initial blast of runoff from these  
7 intense rain storms is stressing the drainage of  
8 Amherst streams. The stream that crosses Frankhauser  
9 Road at Millbrook now almost fills it's road culvert  
10 from a three inch rain storm.

11           This stream and others in the area have not  
12 and can not be properly dredged, slashed maintained  
13 because due to the development there is no longer any  
14 access to these streams. Many are still full of limbs  
15 that fell in the October surprise snowstorm.

16           As you can imagine covering grass land with  
17 blacktop and concrete exacerbates the initial runoff,  
18 there simply isn't enough local capacity to handle the  
19 development of the former Westwood Country Club.

20           Acres of grass land have recently been  
21 covered in this area specifically around the Marriott  
22 Courtyard Hotel and auto sales lots on Sheridan Drive,  
23 the Comfort Inn on Millersport Highway, the  
24 Frankhauser substation, Dent Tower, Sheridan/Harlem  
25 Plaza, several new housing complexes surrounding the

1 University at Buffalo and many more.

2 Where does it stop? Do you really think the  
3 developers of Westwood will return to fix their  
4 mistakes let alone take responsibility for anything  
5 once they are gone?

6 The hidden truth from their design is that  
7 all the basements of surrounding neighborhoods will  
probably become temporary holding ponds. Is there  
anyone in Amherst government willing to stand up for  
10 these neighborhoods. Thank you.

11 (Applause)

S-014 12 MR. MICHAEL WATSON: Michael Watson, 90 Indian  
13 Trail Road. I haven't seen Indian Trail Road  
14 mentioned in the traffic studies, but it is becoming  
15 a key part of traffic flow. It's about a third of a  
16 mile long and it looks like a 30 mile an hour rural  
17 road, but all it does is connect Sheridan Drive with  
18 North Forest Road.

19 So as traffic increases, if you're driving on  
20 Indian Trail Road and you don't live there, you're  
21 traveling at high speed because you're trying to avoid  
22 and cut through to get around the congested, dangerous  
23 intersection at Sheridan and North Forest.

24 So as traffic goes up, traffic on our street  
25 goes up and it's basically a quiet walk your dog

1 street except for the cut through traffic. Getting  
2 off of our street has always got some difficulty  
3 getting onto Sheridan or getting into North Forest.

4 But at peak traffic getting onto Sheridan is  
5 very difficult, dangerous and it's practically  
6 impossible to get onto to North Forest Road from  
7 Indian Trail Road because traffic as mentioned before  
8 backs up from Sheridan all the way to Maple.

9 And as a point traffic on the proposed  
10 roundabout at the S curve would also be full and  
11 stopped on the roundabout.

12 I am worried about a great increase in high  
13 speed traffic on a slow, short rural-ish road, I'm  
14 concerned about my property values, I'm concerned  
15 about the safety of all of us there. That's it. I  
16 appreciate the opportunity.

17 (Applause)

S-015 18 MICHAEL BELOR: Good evening, Michael Belor  
19 (sic), 30 Forest Stream Court. This is my first  
20 appearance before this Board and I'm doing so tonight  
21 because I felt this was a significant issue to  
22 address.

23 I believe that the future of the Town of  
24 Amherst hinges on this Board's decision on whether or  
25 not to ultimately allow the development of the

1 Westwood parcel. This may seem like hyperbole to  
2 some, but I truly believe that this decision is at the  
3 core of what Amherst is to become.

4 After several decades of rampant development  
5 the green of bucolic Amherst that most of us knew has  
6 slowly given way to strip malls and apartment  
7 complexes. We now see the last parcels of green space  
8 going up for sale at feverous pitch all hoping to cash  
9 in on the last of this development. This is not what  
10 most of us envisioned when we made Amherst our home.

11 The concerns over this project are many and  
12 varied whether it be the exponential increase in  
13 traffic, sewage and waste water discharge that the  
14 project will inevitably bring to an already over taxed  
15 infrastructure, or the negative impacts on the  
16 environment and wildlife due to the removal of habitat  
17 increasing runoff into our creeks and streams or the  
18 noise, dust and pollution associated with ten years  
19 of heavy equipment and construction.

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

1 all the while gambling on the hope that this Board  
2 would ultimately acquiesce to yet another commercial  
3 developer seeking to corrupt our green space and our  
4 neighborhoods.

5 A project like this may pad the town's  
6 coffers somewhat, with the minor increase in tax  
7 revenue that it will bring. But, it will do far more  
8 harm than good through the extirpation of our  
9 wildlife, value of green space, depreciation of our  
10 home values and loss of our quality of life.

11 So, I'm here to night to ask or rather to  
12 implore you the members of this Board to reject this  
13 assault on our town's heritage and our residents  
14 lifestyles. Reject this environmental assessment and  
15 ultimately deny this rezoning request.

16 Please keep Westwood green and ultimately  
17 Amherst green. Thank you.

18 (Applause)

S-016 19 MR. RANDY ATLAS: Hi, my name is Randy Atlas,  
20 I live at 132 Curtis Parkway. I'm like right on the  
21 border of Town of Tonawanda and Amherst. Although I  
22 am a Town of Tonawanda resident I spend a lot of time  
23 in Amherst as well as in Williamsville and so does my  
24 wife and child. And I mostly shop and go to medical  
25 appointments in Amherst.

1           But, the reason I'm here tonight is because  
2 I work, I don't work, I volunteer for an all volunteer  
3 organization called Animal Advocates of Western New  
4 York.

5           And we received a phone call from one of the  
6 residents of the area, the Westwood area and she may  
7 be here in the audience tonight, I'm not sure. So,  
8 she had concerns about wildlife and the environment  
9 and she explained how the residents really value where  
10 they live, the wetlands behind them and the wildlife.

11           So, I decided I would come out and see for  
12 myself what was going on. I had seen the yellow signs  
13 out in front of peoples properties, but I had no idea  
14 what the issue was all about.

15           So, I came out, I spoke with residents from  
16 the eastside, and the south side and the westside and  
17 each person I spoke with said basically the same thing  
18 about the wildlife, they enjoy seeing it in their  
19 backyards, what's going to happen if a developer comes  
20 in?

21           I was prepared to speak in relation to  
22 articles and chapters here, but I'm just kind of  
23 winging it.

24           You know, I take a look at these plans and  
25 they look surrealistic to me, it looks like a town

1 within a town, that sends up red flags in my mind that  
2 it's not right.

3 Developers, as far as I know, aren't really  
4 that concerned about the land and the wildlife, they  
5 have dollar signs in their minds and their eyes when  
6 they look at the opportunity to place such projects in  
7 parcels liked this.

8 It's my opinion that, if the Mensch Group is  
9 valuing the rent money that they'll get from the  
10 housing more than anything else. I'm all for senior  
11 housing, I just don't think it belongs in this large  
12 town within a town.

13 Someone spoke earlier about alternative plans  
14 and I was just thinking basing on just modeling it in  
15 my mind the Burchfield Nature Center in West Seneca,  
16 I was thinking why not put in a visitors center, you  
17 could have an art gallery in there and have the rest  
18 of it just be a major park, a mega park, a family  
19 friendly environment. What I see here is not very  
20 family friendly. Thank you for this opportunity to  
21 speak.

22 (Applause)

S-017 23 MR. NATHAN HARTRICH: Nathan Hartrich, 47  
24 Meadowbrook Road. I'd like to introduce myself  
25 again, my name is Nathan Hartrich, I'm the Vice



1 President of Morningside Homeowners Association. Our  
2 organization has been an active family first  
3 homeowners association, this year we celebrate our  
4 75<sup>th</sup> year as the oldest continually active homeowner  
5 association on the east coast.

6 We have worked closely with the Town of  
7 Amherst over these 75 years, we number just under  
8 1,000 residents in direct proximity to the Westwood  
9 Golf Course. Our organization has been neighbors to  
10 the Westwood Golf Course for 72 of our 75 years in  
11 existence. We have formed a partnership with Keep  
12 Westwood Green as well.

13 We wish that you as the Town Board uphold the  
14 current zoning recreation conservation in it's name  
15 alone, one of the key words is conservation. It's  
16 very important that we conserve this space for future  
17 generations. We have seen the master plan from the  
18 developers change through the past several years.

19 All these plans don't take into account the  
20 surrounding neighborhoods. As I had said before it  
21 looks like the developers are trying to put a square  
22 peg in a round hole. They wish to use every available  
23 space to destroy this property and pollute the center  
24 of Amherst with more strip malls, future empty office  
25 holdings and a hotel. I am reminded of the empty

1 vacant buildings daily when I pass the Chuck-E-Cheese  
2 plaza on Harlem Road at Sheridan Drive.

3 This is where empty retail space sits vacant  
4 since it was built many years ago between Rite Aid and  
5 7-Eleven. Seriously don't we have enough empty  
6 office and medical buildings in our town? The  
7 developers wish to flip this property for the highest  
8 dollar amount possible and have no vested interest in  
9 the community surrounding it.

10 There have been many issues that have not  
11 been discussed of this property and none of them have  
12 been addressed adequately.

13 So, here is one of the many. So, this past  
14 Friday at 5:30 we went out to Easter and Pearl (sic)  
15 on Main Street, the traffic was backed up all the way  
16 to Indian Trail, which the gentleman was talking  
17 about. Indian Trail, which is a half mile from the  
18 Sheridan Drive and North Forest intersection. When  
19 I passed this I thought how would it bed with another  
20 2000 cars in the mix, how this would this make these  
21 intersections even more unsafe than they already are.

22 We already have severe issues with traffic  
23 and locations on Sheridan, North Forest and Maple.  
24 I've read the traffic studies that the developer has  
25 put up on their website, that this is done by a third

1 party vender it only proves our point for us. These  
2 intersections can't support anymore traffic without  
3 causing major gridlock.

4 The study which as you know grades from A to  
5 F, A being the best and F being the worst reveal that  
6 several locations receive failing marks, others were  
7 D's and E's. How could this ever be acceptable?

8 This area cannot support the traffic that  
9 this proposed development would have. Any person I've  
10 shown this possible site to just shakes their head in  
11 disbelief. The developer finally met at a recent  
12 meeting that the purchase of this property was never  
13 to run a golf course, but to develop and flip one of  
14 the last remaining large parcels of green space in the  
15 center of our town.

16 We have to remember this is green space with  
17 trees, wildlife that reside upon it's grounds, once  
18 this green space is gone it cannot be replaced.  
19 Please understand this is a terrible plan and please  
20 uphold the current recreation conservation zoning, it  
21 was changed to this specific zoning for a reason to  
22 protect this land. Thank you.

23 (Applause)

S-018 24 MR. MICHAEL WHALEN: Hi, my name is Michael  
25 Whalen, I live at 72 Frankhauser. I'd like to hand

1 this up. I just moved into the area about two years  
2 ago. Fortunately for me I was able to look out my  
3 front door and see a bright shiny new fence put up all  
4 around the park.

5 This is -- what I'm showing here is  
6 different foundation problems that they've had since  
7 the '80's to 2004. These are all, all the little dots  
8 are places where people had to have it repaired or if  
9 they were interested in finding out what they could do  
10 to repair them.

11 That little orange or pink or whatever it is  
12 spot that I filled in there is the course, the golf  
13 course. And could you put the second one up.

14 This is a closer look. And these are all the  
15 people that had to have work done on their houses  
16 because of shifting soils and shifting basements,  
17 cracked basements, piping, your sewer lines would be  
18 , you know, discombobulated.

19 And what gets me is knowledge that they're  
20 going to put all of this, you know, apartment  
21 buildings and everything else on this property, it's  
22 going to add to the weight which is going to compact  
23 the soil, which also gives you more runoff.

24 Another thing that, you know, I was looking  
25 at today when I found this was that they're talking

1 about they want to take away trees, they're trying to  
2 say well, we'll be conservative about it. But,  
3 each one of those full grown trees sucks up 100  
4 gallons of water a day and lets it out into the air.  
5 And over a forty year period one tree will take out a  
6 ton of carbon dioxide out of the air.

7 So, I don't know whether they've taken  
8 samples, air samples or what's going to happen, but I  
9 just find this a situation where I want to know  
10 whether my foundation is going to be shifting again  
11 because of the water drainage. And I would assume  
12 everybody else in this area that has had damage is  
13 wondering also is it going to shift? Thank you.

14 (Applause)

S-019 15 MR. LARRY HAWK: Hi, I'm Larry Hawk, I live at  
16 62 Blossom Heath Road. And, it's hard to know exactly  
17 what to talk about, there's so many details about the  
18 environment and many other things that we've heard  
19 about tonight.

20 But, I'm going to just talk to you about  
21 trust. The core of any community, you know, you have  
22 trust that your neighbors will have an eye out for  
23 you and your families that your community will work  
24 together towards common goals.

25 I feel that about Amherst, I've lived in my

1 home with my wife who spoke earlier and our three  
2 children for 19 years and I'd like to live there a  
3 long time more.

4 The reason I mention trust is because I have  
5 a hard time trusting many of the things that were  
6 presented in the first hour under the guise of  
7 responding to the environmental impact of the proposed  
8 development. Many of them seem to take us in other  
9 directions and I do understand that we all need to  
10 have the broader context in mind and to collaborate.

11 But, when the presentation of collaboration  
12 appears to be over the years just wear them down, it's  
13 hard to trust. When every effort will be made to  
14 mitigate, but it's not clear how that's going to  
15 happen after all these years, it's hard to trust.

16 When there's the mention of, quote, the  
17 benefit to the community in the forms of tens of  
18 millions of dollars in tax revenue, and if the earlier  
19 person who suggested what the assessed value of that  
20 property is right now, it would suggest that me and  
21 four of my neighbors pay the same thing in property  
22 taxes as they do for a hundred and seventy one million  
23 dollars, I think that we can have a very hard time  
24 trusting that we will recoup tens of millions of  
25 dollars in tax revenue from the proposed development.

1 So, I will just end by saying that I trust that you do  
2 have our town, our citizens, our communities best  
3 future in mind. Please don't betray it.

4 (Applause)

S-020 5 MS. ALANNA POHL HUGHES: Good evening, I'm  
6 Alanna Pohl Hughes and I live at 42,000 Sheridan  
7 Drive. I've been in and around Amherst my whole life.

8 I have not always been an actual resident,  
9 but I've had family here, grandparents and I've been  
10 in the Westwood neighborhood my entire life on and  
11 off, currently residing there.

12 I want to address two things that actually  
13 are environmental and that actually came up at the  
14 very end of Mr. Hopkins presentation. One of them he  
15 glossed over and one he said was non existent.

16 He glossed over the federal jurisdictional  
17 waterway that is on the Westwood property and it goes  
18 between 54 and 60 Frankhauser and comes across and  
19 runs across the back of my property.

20 They have -- their plans show that they're  
21 building over this. I would assume they need a permit  
22 from the Army Corps of Engineers to do so. So, it's  
23 just a couple 100, 200 feet off of Sheridan on  
24 Frankhauser.

25 So, that's one point, that's an environmental

1 impact, government jurisdictional waterway on no  
2 property, it may be small, but it's there.

3 And the other thing that he said was non  
4 existent was endangered wildlife. Mr. Hopkins is the  
5 attorney for another development the neighborhood just  
6 a few hundred feet west of the Westwood property line  
7 and there are endangered bats on that property.

8 So, the developer for that property was told  
9 how and when they could cut the trees on that  
10 property. They did cut the trees this spring in  
11 compliance with what they were told to avoid the  
12 mating season of an endangered bat.

13 Okay, the trees are gone, where do the bats  
14 go this summer, spring and summer during mating  
15 season? I assume they've moved over to Westwood trees  
16 or other trees near, but they're there. Thank you  
17 very much.

18 (Applause)

S-021 19 MS. MERI LEE DUBANY: Meri Lee Dubany, 4243  
20 Sheridan Drive, nice to see you all again. I am one  
21 of the few residents on Sheridan Drive and as often as  
22 I stand before you as a very concerned and worried  
23 mother for my children and the busses on Sheridan  
24 Drive.

25 I'm here to witness tonight because there are



1 very few people that can say they live on Sheridan  
2 Drive and get to witness the summer traffic we had  
3 this summer. And I know everybody in this room has  
4 had a chance to experience traffic on that section of  
5 Sheridan Drive.

6 So, the sights and sounds have been  
7 incredible, the sounds usually exist of horns and not  
8 just a horn, it's a 10 second horn, it's the horn that  
9 you can sit in the back of our property and just hear  
10 somebody very upset and angry about sitting, very  
11 upset and angry about sitting in that traffic, for a  
12 good 10 seconds and I know there is expletives going  
13 on along with them, I know that because I sit in front  
14 of the property when I'm waiting for my daughter's  
15 school bus.

16 And I watch that line of traffic build up  
17 with all that construction in summer and I see angry  
18 people, really angry. And I have to say I thank those  
19 nice people that allow me to get in and out of my  
20 property, I truly thank them from the bottom of my  
21 heart. There are so many people that are so fed up  
22 with just this summer of the traffic.

23 And what I'm looking at is ten years of build  
24 out on this with 2,200 temporary employees helping to  
25 build, and remember during that ten years Sheridan

1 Drive of course will need regular maintenance as it  
2 does this summer.

3 And then after the build out, we have one or  
4 two thousand residents and then you have mass transit  
5 that they're planning on being able to come in. And  
6 remember the 300 employees that are going to be there  
7 as well all on Westwood after the build out.

8 And again, don't forget with all that  
9 additional traffic there will be maintenance on  
10 Sheridan Drive as promised.

11 So, that's what I get to see all summer long  
12 angry people, really, really angry people. And when  
13 I stand out there and I see them getting red in the  
14 face and I want to say please, please, please, this is  
15 a neighborhood.

16 My children hear you scream these things out  
17 your window at the car next to you, I see you get red  
18 in the face, I see you looking like you're going to  
19 have a heart attack, take a deep breath.

20 But, I can't -- you can't really go in  
21 standing still traffic and look at somebody who is  
22 that upset and go relax, it's just traffic, it'll  
23 moved along in a few minutes, relax.

24 So, for all those who are still left in the  
25 audience that are traveling Sheridan Drive and you

1 folks, when you're traveling Sheridan Drive and you're  
2 backed up and you're getting very angry and frustrated  
3 take a deep breath, know that if this gets built  
4 you'll have to get used to it because that's what is  
5 going to be coming down the road and take that deep  
6 breath, because I know you're going to have a heart  
7 attack and if you have a heart attack in your car it's  
8 only going to make things worse. Take a chill pill.

9 (Applause)

S-022 10 MR. THOMAS FOEGEN: Tom Foegen, 79 Fairways.  
11 I would like to talk a little bit about the sewer  
12 issues. There were rain volume issues long before  
13 Westwood Mensch entered the picture, all fixable.  
14 But, the town turned a blind eye instead of being  
15 proactive. The problems are mostly cross connections  
16 between the sanitary sewer and the storm in older  
17 neighborhoods.

18 Many houses have no sump pumps, which the  
19 town finally took action on starting in October. But,  
20 what needs to happen is a town survey to see how  
21 many rain down spouts, area drain tile, basement floor  
22 drains and sump pumps that are going into the  
23 sanitary, only then can we develop a plan of  
24 correction.

25 This problem, if fixed, would open up

1 sanitary capacity to dry weather conditions, quite a  
2 flow difference. This correction takes many years,  
3 but must be implemented as soon as possible.

4 We must consider fixing the influx of storm  
5 water into the sanitary before making a capital  
6 investment on larger sewers to support more  
7 development that no one wants.

8 Mensch is now going to save Amherst by  
9 helping us enlarge our sewers, in return they're going  
10 to fill them back up to capacity.

11 (Laughter and applause)

12 MR. FOEGEN: We are right back where we  
13 started. Let's fix what we have and only then  
14 consider a large development. Don't create more  
15 problems until we repair our existing ones, even these  
16 INI repairs will take years.

17 But, first we must identify what needs to be  
18 corrected, so taking Mensch's money \$600,000 is not an  
19 immediate solution, leaving the residents vulnerable  
20 to flooding until we get this issue cornered. Those  
21 monies will probably get lost in the general fund  
22 unless we have a plan in place. Kenmore and Tonawanda  
23 received federal grants for this very issue.

24 One other note, testing to half inch minimum  
25 rainfall is asking for more problems. How about

1 basing the data on something more realistic like three  
2 inches of rain. One other thing, hats off to Mary  
3 Shapiro for being the only Planning Board member to  
4 have stones enough to vote against adjournment. Thank  
5 you very much.

6 (Applause)

S-023 7 MS. MARY ANN HOCHBERG: Mary Ann Hochberg,  
8 1075 North Forest Road. Per the department  
9 memorandum, August 24, 2017, there is not adequate  
10 sewer capacity, this cannot reasonably be overcome.  
11 Any decision other than to deny this rezoning request  
12 would be irresponsible.

13 Storing raw sewage on site is not a viable  
14 option. The reality of inadequate sewer capacity is  
15 raw sewage in homes in this area and all the health  
16 hazards that come festering fecal material.

17 Inadequate storm water and drainage capacity  
18 yields flooded yards and basements resulting in damage  
19 and health hazards that occur when water enters homes.

20 Additionally untreated standing water in  
21 private yards is a breeding ground for mosquitoes and  
22 mosquito born diseases. Will these problems impact  
23 existing dwellings as well as new structures or just  
24 existing homes?

25 The proposal would allow changes too intense

1 for this entire area. Traffic problems generated are  
2 inappropriate and the solutions offered exist only to  
3 serve the development.

4 Multiply the number of cars parked on the  
5 Westwood property times 10 to 20 gold or more and  
6 visualize all of them on the surrounding roadways.  
7 Now imagine the daily impact of that and how traffic  
8 would function here.

9 The proposed zoning and plan are not  
10 consistent with the comprehensive plan, zoning  
11 ordinance or with the conceptual land use plan which  
12 shows recreation green space and green ways, open  
13 space and green ways use in this area. You cannot  
14 define land as obsolete when you are the one that  
15 vacated it, that is self serving.

16 In fact this abandoned parcel is actively  
17 being used for new car storage which is also  
18 inappropriate and apparently a liability issue as we  
19 heard tonight.

20 Beyond the vast residential nature,  
21 historically this general area is the recreation  
22 center of Amherst. This is not compatible with the  
23 present zoning and conform the uses of nearby property  
24 with the character of neighborhood. This area should  
25 not have to drastically changed just to accommodate a

1 new development, this project if developed will  
2 forever alter central Amherst as we know it.

3 The subject property is suitable for uses  
4 permitted by the current versus the proposed district.  
5 This parcel could be repurchased for reasonable  
6 recreation for the benefit and enjoyment of all  
7 Amherst residents. The proposed change does not  
8 improve balance of uses and does not meet a specific  
9 demand.

10 Hired consultants who stated that Amherst is  
11 essentially built out and focus should be on  
12 preservation of remaining green space and true  
13 redevelopment.

14 The list goes on and on, we reserve our right  
15 to comment in writing, please deny this rezoning. As  
16 goes New York State DOT determination for Sheridan  
17 Drive, when accident start increasing they raise the  
18 acceptable number of deaths, that's how it works, then  
19 the road is safe on paper.

20 So, that's it, it's highly speculative. If  
21 it passes anything that meets the criteria of the code  
22 can be built and that is the market that will  
23 eventually decide the reality. Thank you.

24 (Applause)

S-024 25 MR. PHILLIP PARSHALL: Phil Parshall, 236

1 Park Forest Drive. According to this plan we're going  
2 to have about 90 acres under development paved in  
3 concrete. One acre of ground during a three inch  
4 runoff will produce about 11,000 cubic feet of water.

5 90 acres is going to produce about a million  
6 cubic feet of water. This property borders Ellicott  
7 Creek, that water is going to hit Ellicott Creek  
8 before all of our basements, we're going to have to  
9 wait in line for this development to empty. I don't  
10 want my basement to become a retention pond and I  
11 don't think these people do. Thank you.

12 (Applause)

S-025 13 MS. MAUREEN SCHMIDT: Hello, my name is  
14 Maureen Schmidt, I reside at 866 North Forest, but I  
15 also own 860 and 850 North Forest. The latter is  
16 directly adjacent to the Westwood property.

17 I oppose the proposed rezoning to protect the  
18 stability of the surrounding central Amherst  
19 neighborhoods for the good of the town as a whole.  
20 Though presented as a tax windfall for the Town of  
21 Amherst this intrusive development does not come  
22 without cost.

23 Will there be tax abatements, payment in leu  
24 of taxes or similar developer perks at taxpayer  
25 expense? The burden of cost for new demands such as



1 infrastructure, schools, fire and police will all fall  
2 on residents, old and new. Taxpayers will foot the  
3 bill for the New York State brown field ones.

4 If rezoned, there would be a downstream  
5 effect to the adjacent neighborhood that I have  
6 personally lived in for the past 30 years. The  
7 addition of a traffic circle is inappropriate  
8 especially given the presence of private homes on it.

9 Immense increase in number of vehicles  
10 entering and exiting Sheridan Drive, Maple and North  
11 Forest Road. The traffic burden on Sheridan and North  
12 Forest would be immediate.

13 Maple Road has to be considered not as it  
14 appears now, but with the knowledge that the former  
15 gun club site is rezoned but yet to be build out. The  
16 loss of natural water absorption, concrete being  
17 impervious, the impacts to Ellicott Creek including  
18 flooding and pollution.

19 Commercialization that is inappropriate at  
20 this site as noted by the comprehensive plan. It is  
21 in reality one large parcel, situated within existing  
22 surrounding residential neighborhoods and it is spot  
23 rezoning.

24 The Town comprehensive plan was designed with  
25 input from developers, residents and town officials

1 with residential, commercial and recreational  
2 development all in mind, Taxpayers paid for the plan.  
3 Mensch Capital Partners bought the Westwood property  
4 as green space, knowing the type of neighborhood that  
5 surrounded it, knowing in order to develop it, it  
6 would need to be rezoned.

7 As a business person I do understand the  
8 frustration you must be experiencing on this. But,  
9 it's not up to the Town of Amherst and residents to  
10 give them their right for speculative decision to  
11 purchase the property on the presumption this extreme  
12 change in rezoning would be granted forever changing  
13 the character of an established neighborhood that has  
14 been present and active for many decades. Please deny  
15 the rezoning request. Thank you.

16 (Applause)

S-026 17 MR. CHRISTOPHER DERENKOSKI: Good evening.  
18 Chris Derenkoski (sic) Amherst Dell Road. I waited  
19 to speak last because I wanted to hear all the  
20 residents. When I created the concept of swapping  
21 these properties Westwood Country Club for the Audubon  
22 golf course, I thought today I'd be playing one of the  
23 finest golf courses in the country.

24 And I will reiterate as I have said many  
25 times before, they did not buy this property to

1 develop it, they bought the property to swap, a swap  
2 that has 72 percent of the residents in favor of it.

3 What I'd like to know tonight, Mr. Supervisor  
4 is why you turned down their offer of Westwood Country  
5 Club two and half million dollars and a new roof on  
6 that clubhouse, why that was turned down, I'd like you  
7 to answer that to the community tonight.

8 I only see three options out of this. One,  
9 and I think it's the most morally high road to go  
10 because they did go into this with good intentions and  
11 they're actually trapped because they acquired the  
12 property, they spent a great deal of money and when  
13 they found out that the swap wasn't going to happen,  
14 what are you supposed to do now, what were they  
15 supposed to do, they had to come with an idea.

16 And I totally disagree with this concept,  
17 it's completely wrong, it's the wrong size, scope,  
18 whatever you want to call it. But two wrongs don't  
19 make a right.

20 The town failed on the swap for whatever  
21 reason, I'd like to hear the Supervisor explain that  
22 tonight. And to come out with a plan like this is  
23 completely wrong.

24 So, where do we go, how do we resolve this,  
25 I've been working on this, it's one of the reasons I

1 ran.  
2 I had approached the republican committee  
3 earlier in the year back in January about running for  
4 the Amherst Town Board, I wanted to resolve this, that  
5 was my goal, my plan. I created this mess, I'm  
6 disgusted driving by everyday and instead of seeing  
7 one of the nicest golf courses in upstate New York I  
8 now drive by a contaminated brown field fenced in in  
9 a new car staging lot on 171 acres in the center of  
10 our town.

11 I asked the vice chairman, Mr. Joe Hines, not  
12 one of my biggest fans obviously, about running and he  
13 made it very clear to me that he wanted candidates  
14 that would support the multi use development of this  
15 property and I was totally in disagreement, we argued  
16 for about ten minutes why it's totally wrong to  
17 develop this property in multi use fashion.

18 And as it turns out, Mr. Hines, who has plans  
19 of being the next Town Attorney, if the town and  
20 republicans gain the majority who happens to work for  
21 the firm that represents the Mensch Group, what a  
22 coincidence. He's also the chairman of the committee  
23 to get these people elected.

24 So, hopefully, I'd like to see a task force  
25 structured in the next couple weeks to negotiate with

1 the Mensch Group the acquisition of this property by  
2 the town.

3 It's not going to be cheap, but as you've  
4 heard earlier I think we can hold back a year or two  
5 on the 5<sup>th</sup> ice rink and utilize that funding, acquire  
6 this property to heal this community and end this  
7 nonsense, because all they're -- you know, Andy and I  
8 talked the other night and we've talked over the  
9 years, many ways to resolve this.

10 And he asked me and I agree with him, what  
11 would you do if you were in my position? I do the  
12 exact same thing, not quite, I go with a smaller  
13 development, but I'd have to get -- I have a  
14 responsibility to get that money back to my investors.

15 So, I think the only moral thing to do is to  
16 create a task force and lets work on -- and I'm  
17 willing to be on that committee and lets resolve this,  
18 lets, you know, work together, settle this thing, buy  
19 this property and I think 20 or 30 years down the road  
20 it will look like a bargain the acquisition of this  
21 property by the town. Thank you.

22 (Applause)

23 SUPERVISOR WEINSTEIN: After this speaker I'm  
24 going to cal for a five minute recess.

S-027 25 MS. KIM UTECH: My name is Kim Utech, I live

1 at 74 Brookedge Drive. And I don't think we need a  
2 swap, I'm not for a swap, I don't know where we came  
3 at -- I don't think we need to put the supervisor on  
4 notice that he has to answer about a swap, I don't  
5 think the residents want that. I wasn't going to  
6 speak tonight, but I can't support a swap.

7 But, one thing that I did want to say about  
8 the developer and, you know, I keep hearing them say,  
9 you know, we add green space, green space.

10 And when I think of green space for the  
11 developer, I just think dollar signs and money. When  
12 he talks about green he thinks of green hotel, green  
13 commercial development, green this.

14 He's not talking about, you know, anything  
15 for the residents, he's talking about his own back  
16 pocket.

17 And I can't support a traffic circle, I can't  
18 support another hotel, I don't think it's safe to have  
19 all the traffic dumping on North Forest.

20 I've lived there a long time, I live on  
21 Brookedge, I see the water problems. The man, Dr.  
22 Nuwer spoke and he talked about a 70 year old lady  
23 going into the water and that was actually his mother  
24 when the water got high, she has Alzheimer's and she  
25 went into the water. So, he wasn't like saying that

1 off the cuff.

2 I mean, we get water in our backyard and  
3 it's because of the rain and it's because of the  
4 sewer problem. And the sewer doesn't fit, it just  
5 doesn't fit and you can't have this project. So, I  
6 hope you do the right thing, I hope you vote on it  
7 tonight and get this over with because this is a bad  
8 deal for Amherst. Thank you.

9 (Applause)

10 SUPERVISOR WEINSTEIN: Okay, I make a motion  
11 for a five minute recess.

12 DEPUTY SUPERVISOR SANDERS: Second.

13 SUPERVISOR WEINSTEIN: All in favor of a five  
14 minute recess please say aye.

15 (All say aye)

16 SUPERVISOR WEINSTEIN: Opposed?

17 (No response)

18 SUPERVISOR WEINSTEIN: Carried unanimously.  
19 The public hearing will continue after the recess.

20 UNIDENTIFIED MALE SPEAKER: I looked in the  
21 particular zoic (sic) drawings up there, are we in  
22 China or somewhere? Then I started thinking, one  
23 thing Sean said was the different -- (unintelligible)  
24 -- that are in the ground, today I spent some time  
25 with Mr. Hitton (sic), who is the head of the DEC for

1 District 9 which we're in. He said that the Westwood  
2 Group did absolutely nothing to test the ground, that  
3 the majority he said at 90 percent of the ground has  
4 not been tested by the DEC either and that will take  
5 about two years.

6 Okay, so when you have to present it like  
7 it's already been done, they haven't done anything.  
8 And another thing the price of cleaning up that area,  
9 no one knows because they haven't tested the entire  
10 area, so how can you say it's going to cost six  
11 million, two million, you don't know and so you can't  
12 say it. And you have to clean it before you can build  
13 on it, we all know that.

14 And those cars that are parked on Westwood  
15 property, I took some nice pictures of them and some  
16 are on grass, some are peoples cars who leak onto the  
17 property.

18 Okay, so, I don't know, it was freebie I  
19 heard was Mensch said a car company, you can park, no  
20 charge.

21 So, I think we should really start at the  
22 beginning and force them to clean the entire area  
23 after it's tested by the DEC and that will take, the  
24 DEC said, Mr. Hitton said that it would take two years  
25 at least to test all the areas.



1           So, I think tonight you had good reasons from  
2 people who live there and now another reason is let's  
3 get the Mensch Group to get up off their good  
4 intentions and their great wisdom to start cleaning  
5 the joint. Or maybe they want to seel it to another  
6 developer, who knows. Some people do. Thank you very  
7 much.

8                               (Applause)

S-028 9           MR. TERRY TOLSMA: Hi, my name is Terry  
10 Tolsma, I reside at 4196 Sheridan Drive. I just want  
11 to let everyone know, I made this sign at the  
12 beginning of this whole process because I kind of  
13 understood the frustration of everybody with this  
14 property.

15           I just wanted to help open up a dialog and  
16 just show that the people that showed up here are  
17 seeing what's been going on in this town with the  
18 development, there's been so much development going  
19 on, people are just so frustrated and I was frustrated  
20 myself.

21           So, I made this sign and hope that people  
22 would understand what's been going on and so we can  
23 come to this process and help figure out what to do  
24 with this property. So, that's all I have to say.  
25 Thank you.

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(Applause)

S-029

MR. THOMAS FRANK: Good evening Board members, my name is Thomas Frank. Would you put it down a little please. 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.

And, so they got like two million dollars for the Scajaquada as far as the shit in Delaware Park and so this is an opportunity. Would you go to the next one.

As far as the regional sustainability, this came up at the meeting as far as the sinking houses, as far as when they did the re-licensing at the Niagara Power project.

As far as Brad Gay, it was interesting that he had the model, that he wanted more money to

1 complete the study for the sinking houses in the Town  
2 of Amherst and they said no, it's buyer beware.

3 Okay, so, and as far as the watershed  
4 boundary, the data set that there's an opportunity  
5 here as far as IJC and the Niagara watershed, the  
6 Ellicott Creek is a part of the Erie Canal National  
7 Heritage area.

8 So, as far as the bike path, would you go to  
9 the next one please. That this is an opportunity as  
10 far as interconnecting, as far as the Ellicott Creek  
11 Park that's at the University at Buffalo, the reason  
12 for these projects is to mitigate as far as the flood  
13 control. So, this is an opportunity. Would you go to  
14 the next one please, down a little.

15 As far as what's happening, if we fail to  
16 address the climate crisis, the effects of climate  
17 change are already upon us. And so we're looking at  
18 2000 -- the 20's and the 30's that there's an issue of  
19 having to do with the infrastructure, the maintenance  
20 of the infrastructure that supports built environment  
21 and it's basically hydrological. Thank you.

22 (Applause)

S-030 23 MR. DONALD SMITH: My name is Don Smith. This  
24 evening you heard from the petitioner, sponsor,  
25 developer or whatever you want to call him about what

1 project they want to put here is huge.

2 My purpose here is only to say from the point  
3 of view of the residents, we the residents would like  
4 to thank the Town Board for considering this issue.  
5 And we'd like to thank the people here when they're  
6 going to make their decision to consider what we the  
7 residents said here today especially because it's  
8 important.

9 We are the bulk of the people that live here,  
10 what the people said here was important, what you  
11 heard here was extremely important.

12 You should listen to what they said, you  
13 shouldn't dismiss it. The People would like to thank  
14 the Town Board for the time they spent in considering  
15 our discussions. Thank you very much.

16 (Applause)

17 SUPERVISOR WEINSTEIN: Okay, there's no one  
18 standing. Is there anyone else that wants to address  
19 the Board with this public hearing, anyone else?  
20 Last chance. Okay, I make a motion to close the  
21 public hearing.

22 BOARD MEMBER SPOTH: Second.

23 SUPERVISOR WEINSTEIN: We've got a second.  
24 All in favor of closing the public hearing please say  
25 aye.

1 (All say aye)

2 SUPERVISOR WEINSTEIN: Opposed?

3 (No response)

4 SUPERVISOR WEINSTEIN: Carried unanimously.

5 This is the time when the Town Board members can ask  
6 questions of the petitioner on the opposition if you  
7 want. Everything has been covered. Town Board.

8 While people are thinking, I just want to  
9 remind everyone that there is a ten day public comment  
10 period which ends, I think, at 4:00 o'clock on October  
11 the 2<sup>nd</sup>.

12 So, if there's something that somebody forgot  
13 you can put it in writing and you can send it to the  
14 Planning Department, the Attorney's office, the  
15 Supervisor's office, the Council member's office and  
16 it will be incorporated into the public record.

17 There's no vote on this, the public record  
18 to be created will be used to create a final generic  
19 environmental impact statement for the Town Board to  
20 consider probably on November the 20<sup>th</sup>.

21 It will be ready before that, but the vote on  
22 the final Generic Environmental Impact statement will  
23 probably be November 20<sup>th</sup>. Questions, go ahead.

24 BOARD MEMBER POPOWICH: I guess the only  
25 question I have would be similar to the one I asked

1 you during the work session. If you recall, I went to  
2 the history of Westwood since I've been on the Town  
3 Board. (unintelligible) -- Eminent domain and land  
4 swap and said I wasn't in favor of that because of  
5 sewer problem, it would just be the same thing just  
6 looking across on the other side of Maple Road.

7 But, I brought up the point of the compromise  
8 as an alternative as far the sewer capacity that our  
9 town engineer had spoken to him about, .34 million  
10 gallons per day and this project needs .9.

11 What our Town Engineer had supplied to us.  
12 That, if you were willing to develop a project using  
13 all the sewer capacity, that our town engineers have,  
14 leave the other two thirds green, would you be willing  
15 to do something like that?

16 MR. HOPKINS: Well, first of all, and I  
17 appreciate the question. First of all 50 percent of  
18 the site, nearly 50 percent of the site as shown on  
19 the plan tonight is green space.

20 And I would note it's not as some have  
21 claimed unusable green space, it does include property  
22 bordering on the fairways, we have included an  
23 east/west connection, a connection all the way to the  
24 focal point, we have included recreational.

25 In terms of the available capacity today

1 under current conditions based on wet weather, the wet  
2 weather inflow infiltration, we understand there's a  
3 limited capacity.

4 We think the better approach rather than just  
5 saying wholesale, you have to scale this back which is  
6 going to restrict future development, I think the  
7 better approach is to continue to work with all the  
8 stakeholders, including the Engineering Department, to  
9 see if we can help determine if there's a feasible  
10 solution for those existing problems.

11 We heard a couple speakers tonight say  
12 there's problems, we've been aware of it, it needs to  
13 be addressed. I think the best way of addressing it  
14 is by having the owners of privately owned properties  
15 help, ultimately that's a decision that will need to  
16 be made by the Town Board.

17 So, while ultimately we have to have sanitary  
18 sewer capacity, there's no denying that fact, meaning  
19 regardless of what occurs, when all the approvals are  
20 in place we cannot build more than the capacity  
21 exists. What we would prefer is to spend further  
22 time, study and money to see if that additional  
23 capacity can be created.

24 And when I say create capacity, I need to  
25 make sure I explain what that means. That doesn't

1 mean build new 40 inch sewer lines, 60 inch sewer  
2 lines. What that means is address the inflow and  
3 infiltration so those pipes can function as they were  
4 designed.

5 And it's also important to keep in mind that  
6 we heard some comments this evening about problems  
7 associated with older projects.

8 I do want to note, and this is important, to  
9 take a look at the standards that exist in 2017 and  
10 compare them to the standards that existed in 1967 or  
11 1977 or 1987, there can be no denying the fact that we  
12 are subject to much, much more stringent standards.

13 If we look back 40 years ago SEQR didn't  
14 apply, drainage standards didn't apply, geotechnical  
15 standards didn't apply, the building code was much  
16 less stringent, the fire code was much less stringent.

17 We will have to build this project to today's  
18 standards.

19 COUNCIL MEMBER POPOWICH: Sounds like a no to  
20 me.

21 MR. HOPKINS: No, I think I answered the  
22 question. I'm not -- I certainly would not be in a  
23 position this evening to say well, we're aware of the  
24 capacity during wet weather conditions therefore, you  
25 know, two thirds of this project is eliminated this



1 evening. No, we're not in a position that we can do  
2 that. But, we acknowledge the fact that sanitary  
3 sewer capacity does not exist, absolutely.

4 AUDIENCE MEMBER: Why can't you cut it back?

5 SUPERVISOR WEINSTEIN: Anymore questions?

6 AUDIENCE MEMBER: We have a serious problem  
7 and it's being ignored.

8 SUPERVISOR WEINSTEIN: It's council member  
9 Bucki's opportunity to speak.

10 BOARD MEMBER BUCKI: Okay, thank you,  
11 Supervisor. My question revolves around the brown  
12 fields. And a couple of the speakers referenced it,  
13 I think you did also Mr. Hopkins.

14 I guess I'm trying to determine, which maybe  
15 we can't determine it at this time, but cost, people  
16 seem to be concerned about cost, I'm assuming that the  
17 cost will depend upon the level to which the land is  
18 remediated, so that is a concern.

19 And then one thing that you said a couple of  
20 times that really concerned me was that you will not  
21 do any cleanup until the approval of the rezoning  
22 application.

23 And I thought that you were in the process of  
24 testing and that with the ultimate goal that you would  
25 be on the process of trying to remediate it. And so

1 with all that being said, do you have a time limit to  
2 do this cleanup with being a participant in this brown  
3 field remediation project?

4 So, I guess I'd like some clarity and I'm  
5 sure other people would too.

6 MR. HOPKINS: Yes, so council member Bucki,  
7 Dan Riker C&S who is actually the engineer handling  
8 the day to day aspects of the brown fields. Dan, can  
9 you answer that question?

S-031 10 MR. DANIEL RIKER: My name is Dan Riker, I'm  
11 a C&S engineer, department manager of Environmental  
12 Services.

13 And with regard to the first part of that  
14 question, we certainly have started the investigation  
15 of the site. There's a gentleman earlier that said  
16 that we haven't collected any samples, we actually  
17 have. It has been conveyed to Mike Hinneman, PC (sic)  
18 regarding the cost. We have a very limited data set  
19 right now, it's very small, hopefully not a small  
20 portion of the investigation.

21 Based on that, we've estimated what the cost  
22 might be, and those could be in the range of \$6,900  
23 depending on the level of cleanup we're shooting for.  
24 But, it appears as though contamination across the  
25 site is widespread. We do have contamination issues

1 in both the tees and greens as well as the fairways  
2 and some of the rough.

3 So, the level of impact, what we've been  
4 finding has -- there were some ranges given and in  
5 most cases we have found that industrial standards  
6 have been exceeded in all four types of areas that  
7 we've looked at. Certainly to a lesser extent in the  
8 brown areas.

9 So, the cleanup may be, if we shoot for  
10 commercial cleanup, which would offer constant  
11 recreation in certain areas that may be a smaller  
12 amount of soil that has to be removed, but some soil  
13 will need to be removed across a good portion of the  
14 site.

15 BOARD MEMBER BUCKI: And your time table?

16 MR. DANIEL RIKER: The time table --

17 BOARD MEMBER BUCKI: Are you really going to  
18 wait for approval of the rezoning before you do any of  
19 the remediation?

20 MR. HOPKINS: Well, the remediation of course  
21 would be done in connection with the redevelopment of  
22 the site. It would be done simultaneously meaning you  
23 you'd be taking, cleaning up the contamination and  
24 then proceeding with the infrastructure.

25 BOARD MEMBER BUCKI: So, you're not going to

1 do anything before the rezoning is approved as you  
2 said.

3 MR. HOPKINS: No.

4 MR. DANIEL RIKER: And to add to that for most  
5 of our projects we integrate the redevelopment project  
6 whatever that might be with a remediation. Rather  
7 than disturbing the soil for the site twice, we do it  
8 just at one point to minimize the mess.

9 BOARD MEMBER BUCKI: Okay, thank you.

10 SUPERVISOR WEINSTEIN: If your remediation and  
11 the construction are simultaneously, how can you price  
12 it out?

13 BOARD MEMBER BUCKI: Good question.

14 MR. DANIEL RIKER: How can I price it out,  
15 sir?

16 SUPERVISOR WEINSTEIN: Yes, how do you price  
17 out the remediation component from the construction  
18 component?

19 MR. DANIEL RIKER: The first thing that I  
20 look at for remediation is the excavation of soil and  
21 the cost for trucking that to a landfill. And then --  
22 I'm sorry.

23 DEPUTY SUPERVISOR SANDERS: Do you mind if I  
24 ask a question based on the volume of soil --

25 BOARD MEMBER BUCKI: Oh, go ahead, because

1 this is a really important point.

2 DEPUTY SUPERVISOR SANDERS: Sorry, Dan, if  
3 I could just as a quick followup on that. So, one of  
4 the residents and you'll forgive me for not  
5 remembering exactly who it was at this point, had a  
6 contention that because of the level of remediation  
7 that would be done that that grossly increased the  
8 cost.

9 I think Mr. Shaevel, during his presentation,  
10 had contended that the marginal cost of going from the  
11 highest level to what might be acceptable for certain  
12 parts but was relatively minimal. So, could you give  
13 us an idea, I mean what is the difference between  
14 taking this to whatever the unrestricted level versus  
15 one of the other intermediate levels might be?

16 MR. DANIEL RIKER: That's where that range  
17 would come into play. The less stringent level might  
18 be around the six million dollar mark where bringing  
19 it up to unrestricted use might be closer to the nine  
20 million dollar --

21 DEPUTY SUPERVISOR SANDERS: So, it could be  
22 a 50 percent increase in the cost.

23 MR. DANIEL RIKER: Yes, although that's based  
24 on very limited data at this point.

25 DEPUTY SUPERVISOR SANDERS: Okay, thank you.

1 SUPERVISOR WEINSTEIN: Anymore Town Board  
2 questions?

3 (No response)

4 SUPERVISOR WEINSTEIN: Okay, I want to thank  
5 everyone for their participation, I think it was very  
6 worthwhile. I just want to remind everyone we have  
7 got a ten day comment period, you can put anything in  
8 writing, you can submit it, it will become part of the  
9 public record and it will be considered as part of the  
10 final environmental impact statement which is what our  
11 goal is to produce. Okay, this was not a rezoning  
12 public hearing.

13 (Hearing concluded)

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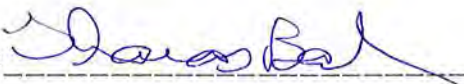
24

25

CERTIFICATE

I, Thomas Baker, certify that the  
foregoing transcript of proceedings of Town of  
Amherst Town Board Meeting in the matter of:  
Request to Rezone Land for Planned Unit  
Development, Westwood Neighborhood

was transcribed using the required  
transcription equipment and is a true and accurate  
record of the proceedings herein.

Signature 

Associated Reporting Service

Post Office Box 674

229 West Genesee Street

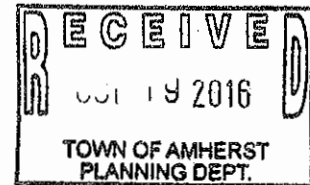
Buffalo, New York 14201-0674

Date: 10/27/17

November 20, 2017

## B.2 Written Comments





October 14, 2014

Ms. Ellen Kost  
Associate Planner  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, NY 14221

RE: Request to Rezone 146.7 Acres of Property Located 772 North Forest Road and 385 & 391 Maple Road

Dear Ms. Kost:

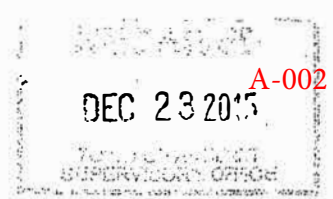
The Williamsville Central School District has reviewed file number Z-2014-23A for rezoning acreage of property located at 772 North Forest Road and 385 & 391 Maple Road, Amended Rezoning Application for a Planned Unit Development "Westwood Neighborhood".

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.

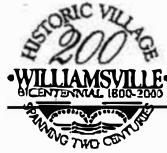
Sincerely,

Thomas Matuski  
Assistant Superintendent for Finance & Management Services

# Village of Williamsville



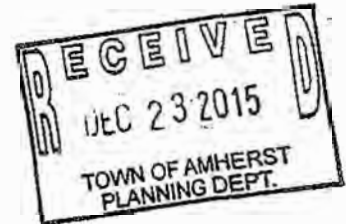
716-632-4120  
FAX: 716-632-6009  
www.village.williamsville.ny.us



5565 Main Street  
Williamsville, New York 14221

December 22, 2015

Dr. Barry A. Weinstein  
Supervisor  
Town of Amherst  
5583 Main St.  
Williamsville, NY 14221



Dear Dr. Weinstein:

As an Interested Agency, the Village of Williamsville has monitored the Mensch Capital Partners plan to develop the former Westwood County Club site. We have had representatives at most of the town meetings where the plan was discussed. It is clear that the proposed development would impact the Village of Williamsville. Please be advised that we are claiming our official role in the SEQRA process.

We understand that the Amherst Town Board is holding a Special Meeting on December 28, 2015, to decide if the DGEIS is finally complete and ready to be accepted and released for public comment. We know that if the DGEIS is accepted it is the beginning of the process of public review.

We hope the Amherst Town Board will accept the DGEIS, so the public comment period can begin.

As an Interested Agency, please accept our initial concerns after reviewing the current development plan.

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. 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.

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 down stream from the proposed

# Village of Williamsville

716-632-4120  
FAX: 716-632-6009  
www.village.williamsville.ny.us



5565 Main Street  
Williamsville, New York 14221

development could be severe enough if not properly mitigated to constitute a serious negative environmental impact.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Kulpa".

Brian J. Kulpa  
Mayor  
Village of Williamsville

A handwritten signature in black ink, appearing to read "C. Duquin".

Christopher J. Duquin  
Deputy Mayor  
Village of Williamsville

Cc: Amherst Town Council Members; Council Members-Elect D. Bucki, F. Spoth.

**Voigt, Shirley**

---

**From:** Armstrong, Brian  
**Sent:** Thursday, January 14, 2016 12:03 PM  
**To:** Weinstein, Barry  
**Cc:** Andrzejewski, Brian P.; Voigt, Shirley  
**Subject:** RE: Westwood Neighborhood Project (Attachment 1)  
**Importance:** High  
**Attachments:** Hopkins - Jan 13, 2016.pdf

Dr. Barry,

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.

Please let me know if you have any questions regarding the above.

**Brian J. Armstrong, EIT**  
Assistant Municipal Engineer  
Town of Amherst  
Engineering Department  
1100 North Forest Road  
Williamsville, NY 14221  
716.631.7154 ext. 7412 office  
716.631.7222 fax  
[barmstrong@amherst.ny.us](mailto:barmstrong@amherst.ny.us)

---

**From:** Voigt, Shirley

**Sent:** Thursday, January 14, 2016 9:44 AM  
**To:** Armstrong, Brian  
**Subject:** Westwood Neighborhood Project (Attachment 1)  
**Importance:** High

Please see attached document that was received from Sean Hopkins yesterday. Supervisor Weinstein would appreciate receiving your comments on it. I am sending the attachments in three e-mails as the file is too large. This e-mail includes the first attachment.

Thank you.

Shirley Voigt  
Assistant to the Supervisor

**Erie County Department of Public Works  
Division of Highways**



**MEMORANDUM**

**To:** Elias Reden, ECDEP - Planning

**From:** Garrett M. Hacker, P.E.

**Date:** February 1, 2016

**Subject:** Draft Generic Environmental Impact Statement, Rev. 2  
Proposed Westwood Multi-Use Development  
772 North Forest Road and 385 and 391 Maple Road  
(T) of Amherst, County of Erie

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

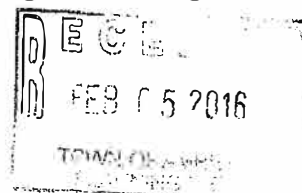
This project is on two County highways North Forest Road (CR-294) and Maple Road (CR-192), however no access to North Forest Road is proposed. The project sponsor will be required to apply for and obtain the following Erie County Highway Work Permits prior to construction within the Maple Road right-of-way:

- 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.

Preliminary Drainage Analysis Report

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.

### 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 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.

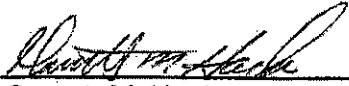
The traffic signal installation proposed on Maple Road must be furnished by the project sponsor and a permit to operate and maintain such a device will be issued through this office prior to signal activation.

Please feel free to contact me at (716) 858-8371, should you have any questions.

Sincerely,

John C. Loffredo, PE  
COMMISSIONER OF PUBLIC WORKS

Issued By:



---

Garrett M. Hacker, P.E.  
Senior Civil Engineer

cc: William Geary, Deputy Commissioner of Public Works  
Charles A. Sickler, P.E., Director of Engineering  
Wayne Scibor, P.E., Supervisor of Engineering  
Daniel Blamowski, P.E., Traffic and Safety Engineer  
Richard Denning, Senior Highway Maintenance Engineer  
File: Maple Road CR192





# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

February 1, 2016

Ellen Kost  
Town of Amherst Planning Department  
5583 Main St.  
Williamsville, New York 14221

**Re: Westwood Neighborhood 2<sup>nd</sup> Draft Generic Environmental Impact Statement**

**Location: 772 North Forest Road and 385 & 391 Maple Road**  
**Review No.: ZR-15-560**

Dear Ms. Kost:

Pursuant to New York General Municipal Law Section 239-m and Article 8 of the New York Conservation Law the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Amherst (the "Town") on October 27, 2015 and subsequent documents that were received on January 14, 2016. The County offers the following comments based upon its review of the Project:

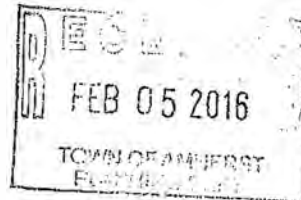
- The Town of Amherst Bicentennial Comprehensive Plan – Amended February 28, 2011, Section 8.2 states that a "priority of the Consolidated Plan is to provide and promote homeownership assistance for low-income families and first time homebuyers." Many of the policies outlined in this plan are aimed towards 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.
- 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.

This review pertains to the above-referenced site plan submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town and/or developer must still obtain any other permits and regulatory approvals applicable to this Project.

Please feel free to contact me at 716-858-1911 if you have any questions.

Sincerely,

Elias Reden  
Planner



Cc:

Tom Dearing

Mike LoCurto

John Loffredo

Garrett Hacker

Mark Rountree

**Brzezinski, Jean**

---

**From:** Kost, Ellen  
**Sent:** Monday, March 07, 2016 9:47 AM  
**To:** Brzezinski, Jean  
**Subject:** FW: Draft Generic Environmental Impact Statement for Westwood Development packet

Jean – Please print for scanning and filing.

---

**From:** Andrews, Rick  
**Sent:** Monday, March 07, 2016 8:21 AM  
**To:** Kost, Ellen  
**Cc:** Parnell, Bryan; Halt, Krista B; Pidgeon, John  
**Subject:** FW: Draft Generic Environmental Impact Statement for Westwood Development packet

Ellen, this is the response from the Snyder Fire Department Chief, Paul Griebner, for your information, thanks.

*Richard J. Andrews*

Senior Fire Inspector  
Town of Amherst  
Fire Safety Division  
(716) 631-7142  
(716) 631-7192 fax  
[randrews@amherst.ny.us](mailto:randrews@amherst.ny.us)

---

**From:** paul.griebner@us.mahle.com [mailto:paul.griebner@us.mahle.com]  
**Sent:** Friday, March 04, 2016 1:13 PM  
**To:** Andrews, Rick  
**Subject:** Draft Generic Environmental Impact Statement for Westwood Development packet

Rick,

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 / 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.

I noticed that our request for a possible sub-station at the northeast corner of Sheridan and Frankhauser was referenced in one of the revised reports. I was concerned that had been forgotten.

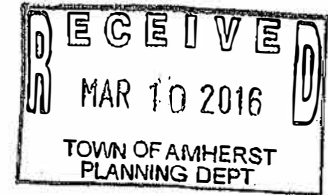
Thank you for the opportunity to review and comment on this large project.

Paul Griebner  
Chief - Snyder FD

[paul.griebner@us.mahle.com](mailto:paul.griebner@us.mahle.com)

3/7/2016

# TOWN OF AMHERST



ENGINEERING DEPARTMENT – 1100 NORTH FOREST ROAD, WILLIAMSVILLE, NEW YORK 14221  
 TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

RAMONA D. POPOWICH  
*Councilmember &  
 Liaison Officer*

March 8, 2016

LAWRENCE J. HUNTER  
*Chairman*

TO: Ellen M. Kost, AICP - Associate Planner  
 Brian Andrzejewski – Commissioner of Buildings

JEFFREY S. BURROUGHS, P.E.  
*Vice Chairman*

FROM: Christopher P. Schregel – Traffic Safety Coordinator 

CHRISTOPHER P. SCHREGEL  
*Traffic Safety Coordinator*

SUBJECT: Draft Generic Environmental Impact Statement (DGEIS)  
 Proposed – Westwood Multi-Use Development

## MEMBERS

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road

SYLVIA J. JONES  
 MICHELLE NAGEL  
 ERIC FRAAS  
 DANIEL J. RIDER, P.E.  
 HERSHEL GELBER  
 JOHN RADENS  
 KENNETH A. SMITH

PETITIONER: Mensch Capital Partners, LLC

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:

## DEPT. LIAISONS

SCOTT MARSHALL  
*Planning*

CAPT. PATRICK McKENNA  
*Police*

JOE FRESE  
*Building*

AL SPOTH  
*Highway*

- 1.) 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 / Fairway Blvd, especially in the commercial end of the proposed development.
- 2.) 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.
- 3.) Proposed signals should be installed with the first phases of the main north/south roadway development.
- 4.) 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.

- 5.) 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.
- 6.) 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.
- 7.) 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.
- 8.) 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.
- 9.) 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 designated bike lanes on the new proposed roadway from Sheridan Drive to Maple Road.
- 10.) ATSB supports the use of Transportation Demand Management (TDM) throughout the development.
- 11.) ATSB does not agree that parking spaces should be reduced based on the multi-use nature of the development.
- 12.) Page 16, Sheridan Drive at Frankhauser Road – Report indicates an overall LOS of “E” when it is actually LOS “A”.
- 13.) Page 2, fourth paragraph, N. Forest Road is posted 35 mph, not 30 mph as the study indicates.
- 14.) 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.

- 15.) Confusion on the data presented for the Maple Road / N. Forest Road intersection. Are the reported Delay and Accidents before, during, after the County's reconstruction project?
- 16.) On Figures 7C and 7D, explain how several of the entering trips indicate a negative value at several intersections.
- 17.) The TIS is missing a figure showing the Trip Distribution by percentage for all combined site generated traffic.
- 18.) 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 / Maple?
- 19.) 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.
- 20.) Does the petitioner have a desired speed limit of the proposed north/south roadway?
- 21.) TIS indicates synchronization of Sheridan Signals. Is there a possibility and benefit to synchronizing Maple Signals as well?
- 22.) 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.
- 23.) 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.
- 24.) 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.

- 25.) A Traffic Safety Board member is skeptical on the overall Level of Service at the Sheridan Drive / Harlem Road during the peak proposed hour with mitigation.
- 26.) Provide additional information on how public transportation will be scheduled at this location.
- 27.) Provide further information and projections on how many vehicles are expected to cut-through the development and removed from N. Forest Road.
- 28.) Is there a plan in place for public school transportation?
- 29.) Table IV in the TIS indicates a 'Northbound Left/Thru/Right' movement at the Sheridan Drive / 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.
- 30.) 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.

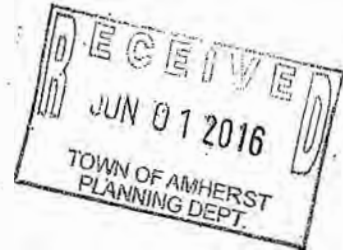
Please call me at my office should you have any questions on the above questions and comments generated by the Traffic Safety Board.

CPS/ch

cc: Ramona D. Popowich, Councilmember  
Sean Hopkins, Esq., 5500 Main Street, Suite 343, Williamsville, NY 14221  
Brad Packard, Ciminelli Development Co., 350 Essjay Rd., Williamsville, NY 14221  
Mensch Capital Partners, LLC, 5477 Main Street, Williamsville, NY 14221  
Kim Utech, 74 Brookedge, Williamsville, NY 14221  
Kathy Aquilina, 215 Maple Road, Williamsville, NY 14221  
SRF Associates, 3495 Winton Place, Building E, Suite 110, Rochester, NY 14623, Attn: Amy Dake., P.T.O.E, Senior Traffic Engineer

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Remediation, Remedial Bureau E  
 625 Broadway, 12th Floor, Albany, NY 12233-7017  
 P: (518) 402-9813 | F: (518) 402-9819  
 www.dec.ny.gov



May 18, 2016

Mr. Brian J. Armstrong  
 Town of Amherst  
 1100 North Forest Road  
 Williamsville, New York 14221

RE: Site No.: C915291  
 Site Name: Westwood Country Club  
 Town of Amherst, Erie County

Dear Mr. Armstrong:

Acting Commissioner Seggos asked me to respond to your email regarding your concerns with the arsenic levels at the Westwood Country Club. 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 BCP 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.



Department of  
 Environmental  
 Conservation

2016 JUN 01 10:09 AM  
 TOWN OF AMHERST  
 ENGINEERING  
 DEPARTMENT



Thank you for your interest in the Westwood Country Club project. Please note that all project related documents are available for public viewing at the Buffalo and Erie County Public Library. Also, if you have any other questions or concerns, please feel free to contact the DEC Project Manager for this site, Mr. Michael Hinton, P.E., at 716-851-7220, or by email at [michael.hinton@dec.ny.gov](mailto:michael.hinton@dec.ny.gov).

Sincerely,



Michael J. Cruden, P.E.  
Director  
Remedial Bureau E  
Division of Environmental Remediation

cc: Matthew Forcucci, NYSDOH, Buffalo  
Michael Hinton, Project Manager, Region 9, Buffalo



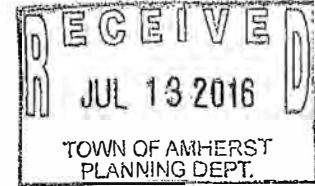
# TOWN OF AMHERST

ENGINEERING DEPARTMENT


ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

July 13, 2016



TO: Ellen M. Kost, AICP – Associate Planner

FROM: Brian J. Armstrong, EIT – Assistant Municipal Engineer 

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

We have reviewed the above referenced Revised Draft Generic Environmental Impact Statement and offer the following comments:

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.

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.

Page 2

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 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor

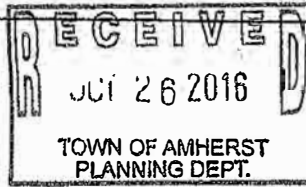
# Amherst

Town of Amherst Planning Department

Erie County, New York



Barry A. Weinstein, M  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Direc



**MEMORANDUM**

October 13, 2016

**TO:** Distribution  
**FROM:** Planning Department, Ellen M. Kost, AICP, Associate Planner  
**SUBJECT:** AMENDED REZONING APPLICATION FOR A PLANNED UNIT DEVELOPMENT "WESTWOOD NEIGHBORHOOD" - REQUEST TO REZONE 146.7± ACRES OF LAND FROM RC (RECREATION/ CONSERVATION) AS FOLLOWS: 131.71+/- ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT); 13.59+/- ACRES TO MFR-7 (MULTI-FAMILY RESIDENTIAL) AND 1.40+/- ACRES TO GB (GENERAL BUSINESS); PROPERTY LOCATED AT 772 NORTH FOREST ROAD AND 385 & 391 MAPLE ROAD .MENSCH CAPITAL PARTNERS, LLC, PETITIONER. Z-2014-23A

Received  
October 7, 2016

The attached amended application includes revisions as explained in the attached letter. Please provide comments no later than November 17, 2016.

**REVIEW:**

Do you agree with all statements made? Yes

If you do not, briefly state why: \_\_\_\_\_

General comments relative to your agency interests: \_\_\_\_\_

none at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

\_\_\_\_\_

Please call the Planning Department if additional information is required (631-7051).

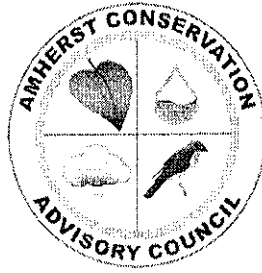
Signature: Douglas Geese Date: 11-24-16

EK/jb  
X:\Current\_Planning\Files\Rezoning\2014Z-2014-23\_A\_(772\_North\_Forest\_Rd)\Transmittal\_101316\_EK.doc  
cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC  
Brad Packard, AICP, Ciminelli Real Estate Corporation

RECEIVED

OCT 13 2016

TOWN OF AMHERST  
BUILDING DEPT



## **Amherst Conservation Advisory Council – July 18, 2016**

### **Questions regarding the Westwood project:**

1. Can this project be down sized? The project is way too large and creates an enormous footprint.
2. 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)
3. 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)
4. What will be the capacity of the ponds in case of a heavy rain or snowmelt event?
5. Are the medians, private green space, and buffers included in the 64 acres as of green space described in the Executive Summary?
6. How accurate is the drainage analysis and how were the results achieved?
7. 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?
8. 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?

9. 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?
10. At full development, how will the ponds be filled and how will they be drained for periodic maintenance?
11. What is the level of the water table?
12. Are the ponds perched?
13. 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?
14. What are the potential adverse effects of the altered flood-plain elevation and redirected surface water have on the surrounding residential areas?
15. 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?
16. Will the area be sprayed for mosquitos?
17. 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?
18. Could the sidewalks and other pathways be constructed using pervious materials so the project can be more environmentally friendly?
19. 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.
20. Could part of the property become a public area for more open space and passive uses?

21. Could "garden roofs" be used for some structures as part of energy conservation? (Garden roofs have been shown to aid in cooling a structure.)

22. 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.

23. What is the updated plan for brownfield cleanup and how will future drainage of chemicals into Ellicott Creek be addressed?

Respectfully submitted,  
Lois Jeanne Shriver, Chairman  
Amherst Conservation Advisory Council

**Kost, Ellen**

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**From:** Bob Collins <bobandjune92@gmail.com>  
**Sent:** Monday, July 18, 2016 3:49 PM  
**To:** Lois Shriver  
**Cc:** Gillert, Rick; Kost, Ellen  
**Subject:** Re: ACAC Westwood Comments

Comments by Dave and Lois are very enlightening, and possibly may influence the developer. My only thought would be to keep the project 25 feet from Ellicott creek, and use this space for a hiking path or trail, and possibly a canoe landing or fishing spot where the little island putting green is now located.

Bob Collina

On Mon, Jul 18, 2016 at 1:14 PM, Lois Shriver <l.shriver@roadrunner.com> wrote:

Good morning Rick and Ellen,

Attached are the ACC questions/comments pertaining to the Westwood project. Dave Copeland, ACAC member, also submitted questions and they should be considered part of the ACAC document.

Thank you.

Lois



ACAC Westwood comments Ellen C. Banks, ACAC

1. 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?

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?

3. 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?

4. Does the plan include landscaping with predominantly native species?

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

a. "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*)

b. "We protect and preserve valued open spaces and natural and scenic resources throughout the community" (Community Character section, section 2-4.)

c. "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)

d. "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)

e. 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 more than the "conservation development" pattern identified on the same page as the desirable model?

f. "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?

5. 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.)




Barry A. Weinstein, MI  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

**MEMORANDUM**

August 25, 2016

TO: Barry Weinstein, MD, Supervisor

FROM: Planning Department, Eric W. Gillert, AICP, Planning Director 

SUBJECT: **REQUEST TO REZONE 145.08± ACRES OF LAND FROM RC TO TND, MFR-7 & GB & PLANNED UNIT DEVELOPMENT; PROPERTY LOCATED AT 772 NORTH FOREST ROAD AND 385 & 391 MAPLE ROAD (WESTWOOD COUNTRY CLUB). MENSCH CAPITAL PARTNERS, LLC, PETITIONER. Z-2014-23**

Attached is a copy of the Department of Army 1990-97632, Request for a Reconsideration of the March, 2013 Jurisdictional Determination that you requested.

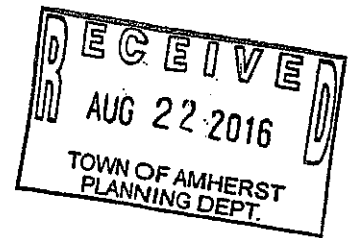
EWG/ac

X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23 (772 North Forest Rd.)\Transmittal\_Supervisor\_EWG\_082516.doc

*Z-2014-23*



**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199



REPLY TO  
ATTENTION OF:

August 19, 2016

Regulatory Branch

**SUBJECT: Department of Army 1990-97632, Request for a Reconsideration of the March, 2013 Jurisdictional Determination**

Eric W. Gillert, AICP  
Planning Director  
Town of Amherst  
5583 Main Street  
Williamsville, New York 14221

Dear Mr. Gillert:

This pertains to your July 14, 2016 and Supervisor Weinstein's February 10, 2016 and October 10, 2014 letters regarding the 170 +/- acre Westwood Country Club site located at 772 North Forest Road in the Town of Amherst, Erie County, New York. In these letters you requested that the Corps of Engineers revisit our April 22, 2013 jurisdictional determination for the subject parcel.

As a result of information you presented, as well as other information received by this office, we performed an additional site visit and re-evaluated available resources regarding the Westwood property. These resources include but are not limited to, aerial photographs (both current and historical), National Wetland Inventory maps, the soil survey for Erie County, historical USGS topographic maps, and a history of the Westwood Country Club.

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 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

Regulatory Branch

SUBJECT: Department of Army 1990-97632, Request for a Reconsideration of the march, 2013  
Jurisdictional Determination

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.

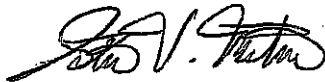
Based on the Corps review and site re-evaluation of the Westwood site, the Corps issued a new jurisdictional determination to Mensch Capital Partners on July 21, 2016. This determination was coordinated with both USEPA and Corps of Engineers Headquarters in accordance with current requirements. The new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

Regulatory Branch

SUBJECT: Department of Army 1990-97632, Request for a Reconsideration of the march, 2013  
Jurisdictional Determination

Questions pertaining to this matter should be directed to me at 716-879-4314, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

Sincerely,



Steven V. Metivier  
Chief, New York Application Evaluation Section

Enclosure

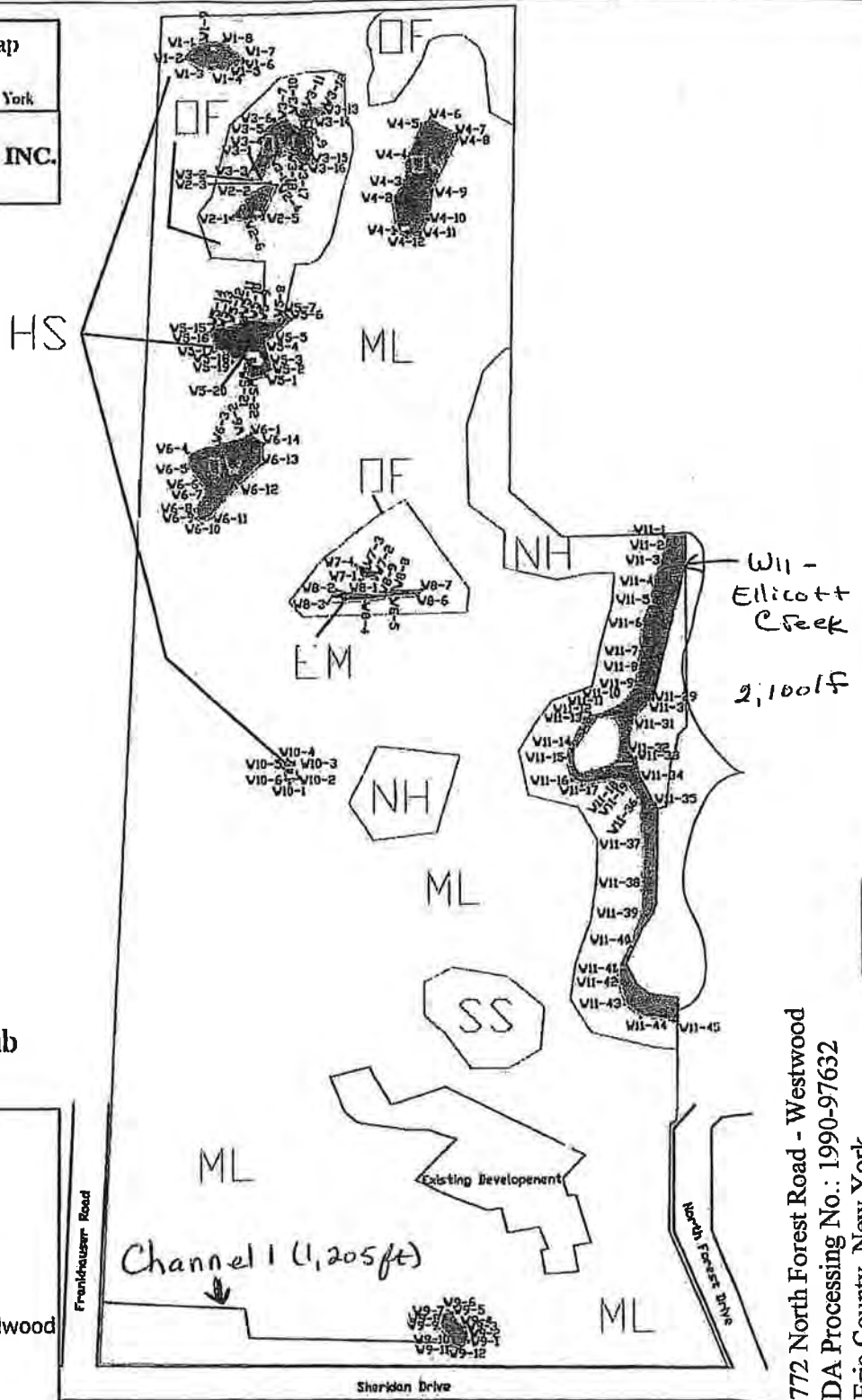
Figure 5: General Vegetation Map

Town of Amherst

Eric County, New York



EARTH DIMENSIONS, INC.



Westwood Country Club  
LEGEND

	Limits of Investigation
	Community Boundary
	Wetland Boundary Flag
	Wetland Area
	Successional Northern Hardwood
	Hardwood Swamp
	Old Field
	Scrub-shrub Swamp
	Successional Shrubland
	Emergent Marsh
	Mown Lawn
	Open Water

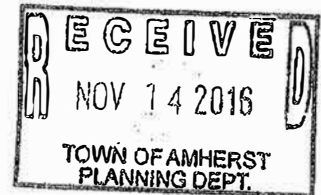
772 North Forest Road - Westwood  
DA Processing No.: 1990-97632  
Eric County, New York  
Quad: NY Buffalo NE  
Sheet 3 of 3

Scale:
Map Date: September 25, 2012/ ARS for EDI Revised:
Base Map Provided By: Garmin GPSmap 625x 4-9 foot accuracy
File Name: Wetland Delineation Map.dwg
EDI Project Code: W1109b



**TOWN OF AMHERST**  
**ENGINEERING DEPARTMENT**  
**ERIE COUNTY – NEW YORK**  
**JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER**

November 11, 2016



**TO:** Ellen M. Kost, AICP – Associate Planner

**FROM:** Jeffrey S. Burroughs, PE – Town Engineer *JSB*

**SUBJECT:** Request to Rezone 146.7+/- Acres – Amendment I  
 RC to TND, MFR-7 & GB & Planned Unit Development  
 Z-2014-23

**ADDRESS:** 772 North Forest Road and 385 & 391 Maple Road  
 (Westwood Country Club)

**PETITIONER:** Mensch Capital Partners, LLC

This office has reviewed the Rezoning Application for a Planned Unit Development – Amendment I and offers the following comments:

- 1 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, the Town of Amherst Engineering Department will not grant downstream capacity approval for this development's tie in to the Sheridan Drive trunk sewer.
- 2 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).
- 3 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.
- 4 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.

- 5 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 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.
- 6 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.
- 7 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.
- 8 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/I290. It is this department's opinion that other site configurations must be considered to minimize the traffic impact on the aforementioned corridor.

cc: Barry A. Weinstein, M.D. – Town Supervisor



November 17, 2016

Good evening Chairman Gilmour and Planning Board members.

First, I would like to thank the petitioners for answering many of the questions regarding conservation and environmental issues that had been posed by the Amherst Conservation Advisory Council (ACAC) regarding the earlier rezone draft. We appreciated your attention to those issues.

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 north west 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 contains some very special trees, specifically an American Elm.

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 wetlands. A few trees and some native plants does not make a wetland.

The 64 acres or 38% of the development is regarded as open space. This hardwood area will provide an aesthetic natural habitat for a variety of animals, birds and aquatic creatures. We want to encourage that.

Since time is limited, I won't quote more statements found throughout the project zoning application that reference maintaining existing forests and trees, but I did want to bring to your attention the importance of preserving this special old growth forested area.

I thank you for your time and attention.

Lois Jeanne Shriver, Chairman  
Amherst Conservation Advisory Council



26

1927 COUNTY ENGINEER

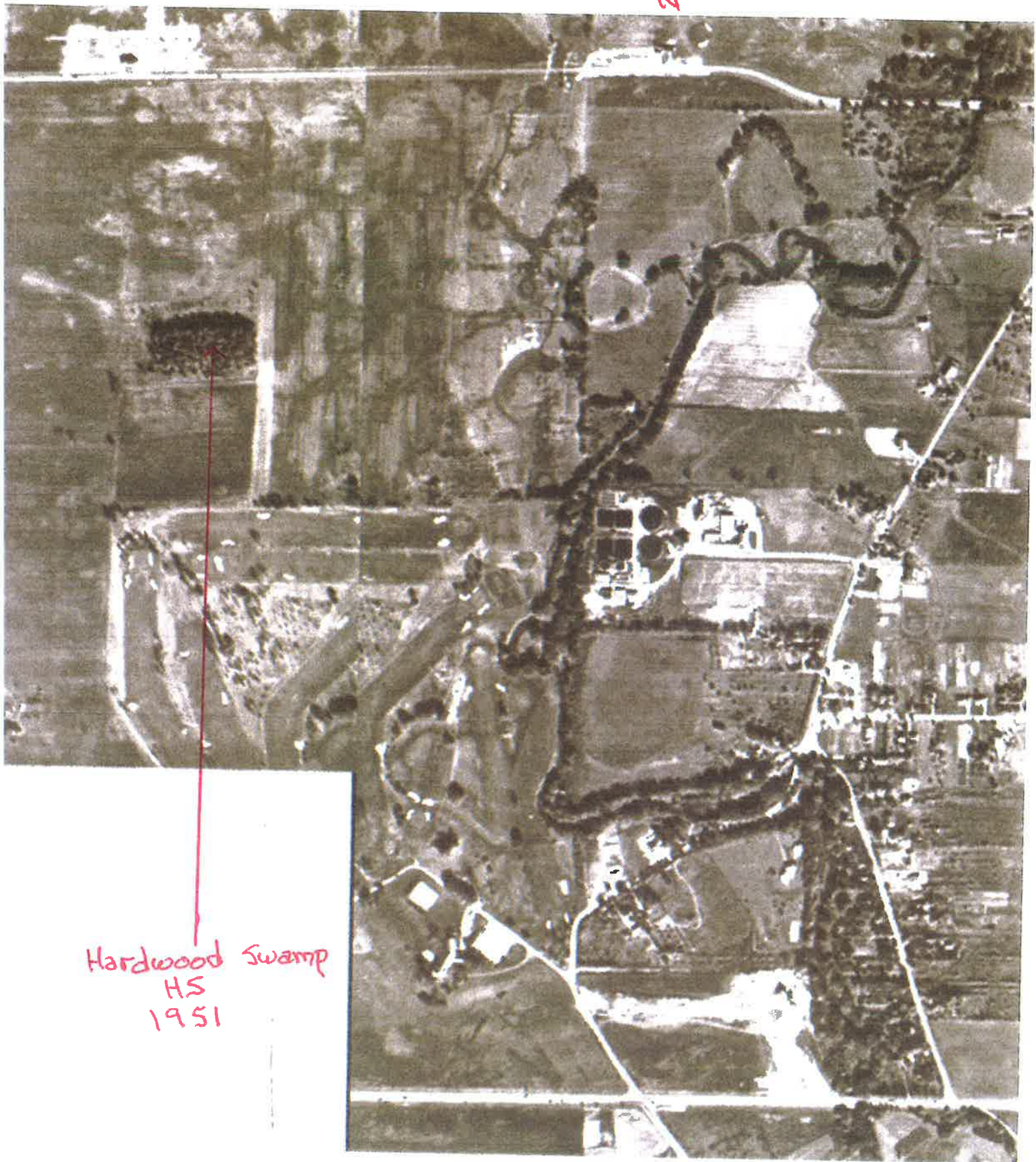
June 1, 1927  
 Hardwood Swamp  
 HS

ERIE COUNTY NEW YORK  
 OFFICE OF THE COUNTY ENGINEER  
 GREATER MOTORWAY SYSTEM  
 JUNE 1<sup>ST</sup> 1927

SCALE



1951

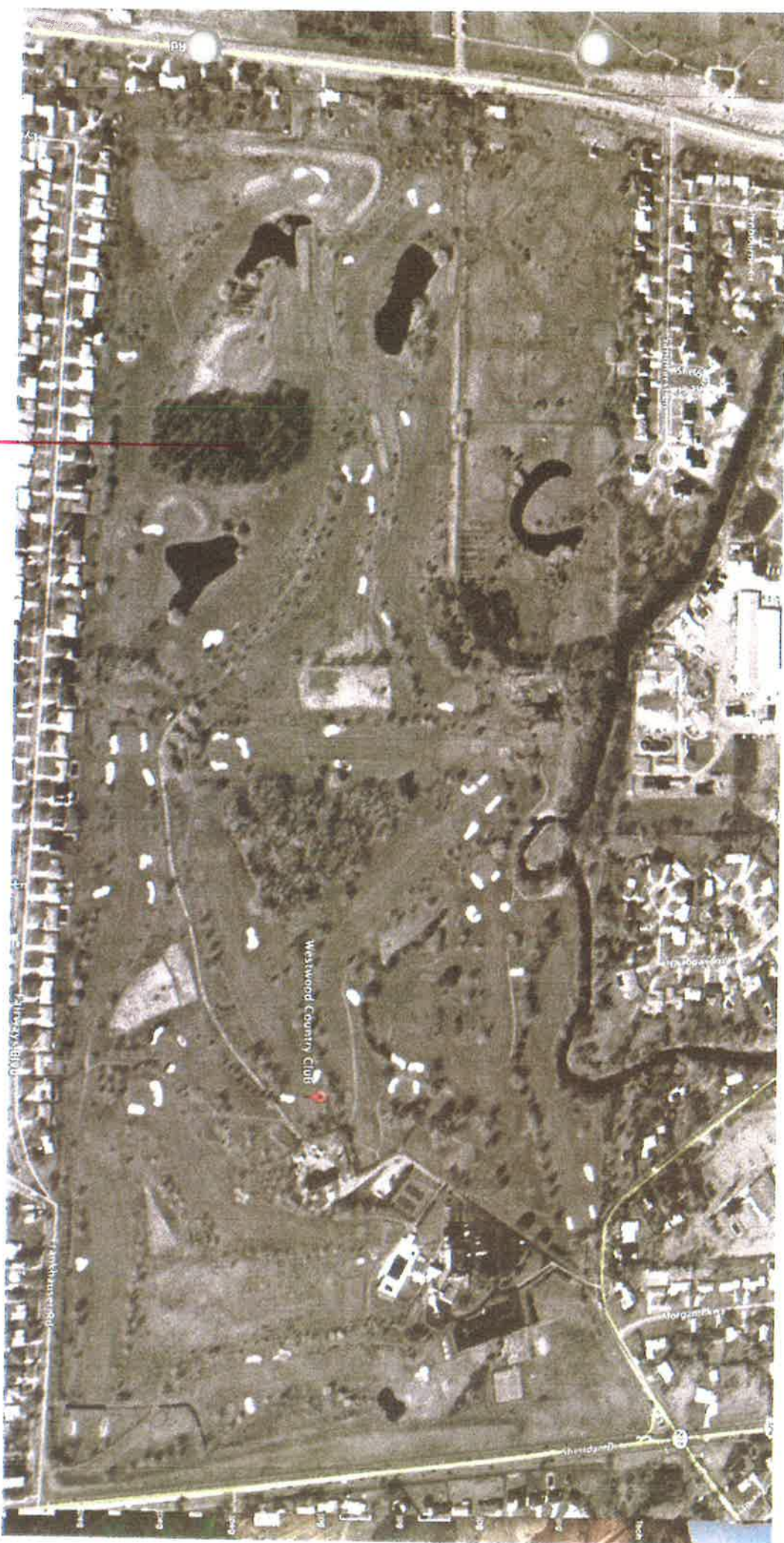


Hardwood Swamp  
HS  
1951

1995



Hardwood  
Swamp  
HS  
1995



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Hardwood  
Swamp  
HS  
2002

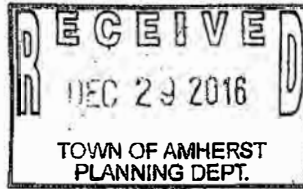


2002





Barry A. Weinstein, MI  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Direc



December 20, 2016

**MEMORANDUM**

TO: Distribution  
FROM: Planning Department, Ellen M. Kost, AICP, Associate Planner **KS**

SUBJECT: REQUEST TO REZONE LAND FOR A PLANNED UNIT DEVELOPMENT ENTITLED "WESTWOOD NEIGHBORHOOD"; HEARING WILL BE HELD ON THE FOLLOWING:

- (1) REZONE 146.7± ACRES OF LAND FROM RC (RECREATION CONSERVATION) AND R-3 (RESIDENTIAL) AS FOLLOWS:
  - 136.89± ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT);
  - 6.39± ACRES TO MRF-7 (MULTI-FAMILY RESIDENTIAL) AND
  - 1.16± ACRES TO GB (GENERAL BUSINESS); AND
- (2) DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS).

Property located at 772 North Forest Road (Portion) and 375, 385 & 391 Maple Road

Mensch Capital Partners, LLC, Petitioner

Z-2014-23B

Received  
December 19, 2016

The attached amended application includes revisions as explained in the attached letter. Please provide comments no later than January 19, 2017.

**REVIEW:**

Do you agree with all statements made? Yes

If you do not, briefly state why: \_\_\_\_\_

General comments relative to your agency interests: \_\_\_\_\_

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) \_\_\_\_\_

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gae Date: 12-27-16

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DEC 20 2016

EK/KS/ac  
X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23\_B\_(772\_North\_Forest\_Rd)\_2016\Transmittal\_122016.doc

cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC  
Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203

TOWN OF AMHERST



## Kost, Ellen

---

**From:** Rutkowski, Edward (DOT) <Edward.Rutkowski@dot.ny.gov>  
**Sent:** Friday, December 23, 2016 2:41 PM  
**To:** Kost, Ellen  
**Cc:** Black, Gary; Amy Dake  
**Subject:** FW: Westwood Mixed-Use Neighborhood

Dear Ellen,

New York State Department of Transportation (NYSDOT) reviewed the Amended Rezoning and Planned Unit Development Application dated December 19, 2016. Page 6 of the Cover Letter to Eric W. Gillert states that an updated Traffic Impact Study (TIS) will be prepared. The following should be considered when preparing the revised TIS:

- 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.
- 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 scenerios 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.

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

Sincerely,  
Ed Rutkowski

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





# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

January 5, 2017

Ellen Kost  
Town of Amherst Planning Department  
5583 Main St.  
Williamsville, New York 14221

**Re: Amended Rezoning & Planned Unit Development Application: Westwood Neighborhood**

Location: **772 North Forest Road, 375, 385 & 391 Maple Road**  
Review No.: **m617-16-685**

Dear Ms. Kost:

Pursuant to New York General Municipal Law Section 239-m and Article 8 of the New York Conservation Law the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Amherst (the "Town") on December 20, 2016. The County offers the following comments based upon its review of the Project:

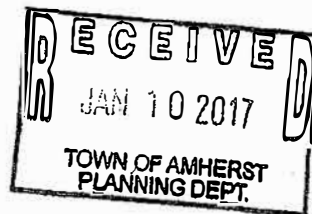
- The Town should consider making all ingress and egress points along the Westwood Neighborhood open to two-way traffic.
- The Town should consider utilizing stacked parking structures with first-floor commercial in the Westwood Neighborhood Center. This method could eliminate some of the impervious materials proposed and allow for better storm water drainage within the Project area.

This review pertains to the above-referenced site plan submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town and/or developer must still obtain any other permits and regulatory approvals applicable to this Project.

Please feel free to contact me at 716-858-1911 if you have any questions.

Sincerely,

Elias Reden  
Planner





**TOWN OF AMHERST**  
**ENGINEERING DEPARTMENT**  
ERIE COUNTY – NEW YORK  
**JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER**

January 19, 2017  
Rev. January 27, 2017

**TO:** Ellen M. Kost, AICP – Associate Planner  
**FROM:** Jeffrey S. Burroughs, PE – Town Engineer *JCB*  
**SUBJECT:** Request to Rezone 146.7+/- Acres – Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23  
**ADDRESS:** 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

**PETITIONER:** Mensch Capital Partners, LLC

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

- 1 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. 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.
  - b. Acknowledgement from the State University of New York at Buffalo accepting the additional 1 MGD peak flow within its sewer on Augspurgen Drive.
  - c. 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.
- 2 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.
- 3 Please review the attached excerpt from Section 2 of Exhibit T. The Engineering Department recommends making the referenced changes shown in Exhibit T.

**RECEIVED**  
JAN 30 2017  
TOWN OF AMHERST  
PLANNING DEPT.

**REVISED**

- 4 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..."
- 5 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.
- 6 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.
- 7 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.

cc: Barry A. Weinstein, M.D. -- Town Supervisor

**Downstream Sanitary Sewer Capacity Analysis**

A downstream sanitary sewer capacity analysis was performed by comparing the capacity of the downstream sewer with the combination of the proposed new sanitary flows and current flows. These flows were obtained from recent wet weather flow monitoring data as the NYSDEC Sewer Extension Application Guidance and Related I/I Flow Offset Requirements recommends. The guidance documents further require that flow data is collected from a minimum of three key nodes during a significant rainfall event. A significant rainfall event is defined as a daily rainfall amount of 0.5" or greater.

TECSmith, Inc. performed flow monitoring of three downstream locations for this project between the dates of November 16, 2016 and December 6, 2016. Flow monitoring results are:

- Node 1 – Amherst Manor Drive (North of Maple Road):
  - Pipe Size: 15-inch diameter
  - Capacity: 1.70 million gallons per day (MGD)
  - Average daily Flow: 0.3 MGD
  - Daily Peak Flow: 0.48 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 1.61 MGD
- Node 2 – 2031 Sweet Home Road (between Skinnersville Road and Durham Drive):
  - Pipe Size: 36-inch diameter @ 0.05%
  - Capacity: 18.5 million gallons per day (MGD) 9.75
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 3.48 MGD
- Node 3 – University of Buffalo (UB) Outfall (Intersection of Sweet Home and Chestnut Ridge):
  - Pipe Size: 36-inch diameter @ 0.20%
  - Capacity: 18.5 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 2.83 MGD

The downstream capacity analysis was performed utilizing the sewer capacity of the three locations monitored and comparing it to a combination of the peak flows monitored and the proposed flows from the development with and without flow equalization. The table below represents the results of the downstream sanitary sewer capacity analysis with and without the use of an onsite equalization basin.

Sanitary Sewer Capacity Analysis								
Sewer Name	Sewer Diameter (Inches)	Existing Sewer Capacity (MGD) <sup>(1)</sup>	2016 Peak Hourly Flow Monitoring Results (MGD) <sup>(2)</sup>	Available Sewer Capacity (MGD)	Proposed Flow w/o Eq (MGD)	Proposed Flow with Eq (MGD)	Proposed Available Sewer Capacity w/o Eq (MGD)	Proposed Available Sewer Capacity with Eq (MGD)
Amherst Manor Drive	15	1.7	1.61	0.09	1.00	0.49	-0.91	-0.40
2031 Sweet Home Road	36	<del>18.5</del>	3.48	<del>15.02</del>	1.00	0.49	<del>14.02</del>	<del>14.53</del>
UB Outfall	36	18.5	2.83	15.67	1.00	0.49	14.67	15.18



University at Buffalo

Office of the Vice President  
for Finance and Administration

March 16, 2017

Andrew J. Shaevel, Managing Partner  
Mensch Capital Partners, LLC  
5477 Main Street  
Williamsville, New York 14221

Dear Mr. Shaevel:

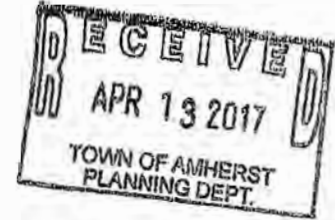
This letter is to follow-up on our recent meetings regarding your plans to redevelop the former Westwood Country Club site. As we discussed, an upgrade in the Town of Amherst's sanitary sewer infrastructure along Amherst Manor Drive is necessary to accommodate the projected sanitary flows from the proposed 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 Augspurgen 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.

Sincerely,

A handwritten signature in cursive script that reads "Laura E. Hubbard".

Laura E. Hubbard  
Vice President for Finance and Administration



# TOWN OF AMHERST

## TRAFFIC SAFETY BOARD

ENGINEERING DEPARTMENT - 1100 NORTH FOREST ROAD, WILLIAMSVILLE, NEW YORK 14221  
TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

RAMONA D. POPOWICH  
*Councilmember & Liaison Officer*

April 13, 2017

ERIC FRAAS  
*Chairman*

TO: Ellen M. Kost, AICP - Associate Planner  
Brian Andrzejewski - Commissioner of Buildings

DANIEL J. RIDER, P.E.  
*Vice Chairman*

FROM: Christopher P. Schregel - Traffic Safety Coordinator 

CHRISTOPHER P. SCHREGEL  
*Traffic Safety Coordinator*

SUBJECT: Amended Rezoning & Planned Unit Development Application - Westwood Multi-Use Development

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road

### MEMBERS

PETITIONER: Mensch Capital Partners, LLC

LAWRENCE HUNTER  
SYLVIA J. JONES  
JEFFREY BURROUGHS, P.E.  
MICHELLE NAGEL  
HERSCHEL GELBER  
KENNETH A. SMITH  
J. MICHNIEWICZ, P.E., P.T.O.E

The Amherst Traffic Safety Board (ATSB) reviewed the Traffic Impact Study (TIS) for the proposed Westwood Mixed-Use Neighborhood, which occupies approximately 170 acres of the former Westwood Country Club. The Traffic Impact Study identifies and evaluates the potential traffic impacts resulting from full build-out. Based upon the February 2017 updated TIS and the subsequent letter from SRF Assoc. dated March 16, 2017 with updated Trip Generations, the ATSB has the following recommendations and comments:

### DEPT. LIAISONS

SCOTT MARSHALL  
*Planning*

1. 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.
2. 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.
3. 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.

CAPT. KEVIN BROWN  
*Police*

JOE FRESE  
*Building*

AL SPOTH  
*Highway*



(Continued on page 2)



4. 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.
5. The Multi-use trip reduction seems high at 23% (PM peak), but will defer to NYSDOT's guidance on this matter.
6. 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.
7. 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.
8. 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.
9. 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.

CPS/ch

cc: Ramona D. Popowich, Councilmember  
Sean Hopkins, Esq., 5500 Main Street, Suite 343, Williamsville, NY 14221  
Mensch Capital Partners, LLC, 5477 Main Street, Williamsville, NY 14221  
SRF Associates, 3495 Winton Place, Building E, Suite 110, Rochester,  
NY 14623, Attn: Amy Dake, P.T.O.E, Senior Traffic Engineer



# TOWN OF AMHERST

ENGINEERING DEPARTMENT  
ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

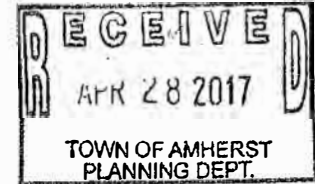
April 28, 2017

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Jeffrey S. Burroughs, PE – Town Engineer *JSB*

SUBJECT: Request to Rezone 141+/- Acres -- Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development; Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)



PETITIONER: Mensch Capital Partners, LLC

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:

- 1 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. Given the analysis provided in the DGEIS and the April 11, 2017 report, the Engineering Department finds that:
  - a. 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.
  - b. 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.
- 2 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 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.
- 3 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

May 02, 2017

Mr. Matthew Roland  
Hamisster Group, LLC  
10 Lafayette Square, Suite 1900  
Buffalo, NY 14203

Re: DEC  
Westwood County Club  
Town of Amherst, Erie County, NY  
12PR04942

Dear Mr. Roland:

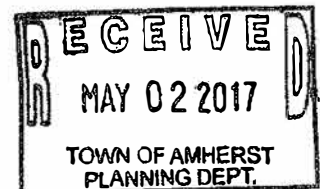
Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, 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 reassessment 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.

If I can be of further assistance, please contact me at 518-268-2158.

Sincerely,

Sloane Bullough  
Historic Sites Restoration Coordinator      via e-mail only



Division for Historic Preservation



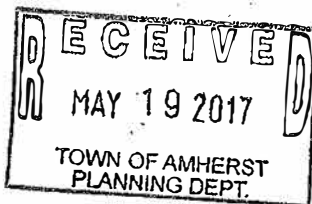
Town of Amherst Planning Department

Erie County, New York

Barry A. Weinstein, MD  
Supervisor

Eric W. Gillert, AICP  
Planning Director

Daniel C. Howard, AICP  
Acting Assistant Planning Director



March 22, 2017

**MEMORANDUM**

TO: Distribution

FROM: Planning Department, Ellen M. Kost, AICP, Associate Planner *EMK*

SUBJECT: REQUEST TO REZONE LAND FOR A PLANNED UNIT DEVELOPMENT ENTITLED "WESTWOOD NEIGHBORHOOD"; THAT INCLUDES THE FOLLOWING:

- (1) REZONE 141.08± ACRES OF LAND FROM RC (RECREATION CONSERVATION) AND R-3 (RESIDENTIAL) AS FOLLOWS:
  - 134.79± ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT);
  - 5.13± ACRES TO MRF-7 (MULTI-FAMILY RESIDENTIAL) AND
  - 1.16± ACRES TO GB (GENERAL BUSINESS); AND
- (2) DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS).

Property located at 772 North Forest Road (Portion) and 375, 385 & 391 Maple Road

Mensch Capital Partners, LLC, Petitioner

Z-2014-23C

Received  
March 20, 2017

The attached amended application is forwarded for your review. Please provide comments at your earliest convenience.

**REVIEW:**

Do you agree with all statements made? yes

If you do not, briefly state why: \_\_\_\_\_

General comments relative to your agency interests: none at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) \_\_\_\_\_

Please call the Planning Department if additional information is required (631-7051).

RECEIVED

Signature: Douglas Gonia Date: 5-18-17

MAR 23 2017

EK/ac  
X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23\_C\_(772 North Forest Rd)\_2017\Transmittal\_032217.docm  
cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC  
Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203

TOWN OF AMHERST  
BUILDING DEPT



# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

May 10, 2017

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Jeffrey S. Burroughs, PE – Town Engineer *JSB*

SUBJECT: Request to Rezone 141+/- Acres – Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development; Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

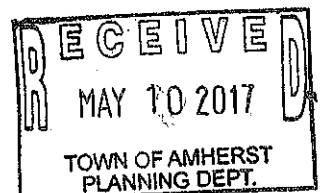
Please accept this memo as a supplement to the prior memo written relative to the above reference subject matter by the Engineering Department (Department) on April 28, 2017.

In light of the most recent wet weather events that have occurred over the past month and after additional material facts were presented during a meeting with officials from SUNYAB, this department finds that:

- 1 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 SUNYAB outfall sewer and the Sweet Home Road sanitary sewer interceptor from its intersection with the Chestnut Ridge Road 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.

- 2 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 SUNYAB officials during the week of 5/1/17. It is the opinion of the SUNYAB 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 SUNYAB 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 Augspurgen Drive sewer.

In addition, the SUNYAB officials stated that any remedial sanitary sewer work to increase capacity (such as a parallel sewer) that occurs on SUNYAB property must be owned by the Town and an agreement must be authored and executed for said improvements.

- 3 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor

**Kost, Ellen**

---

**From:** Burroughs, Jeffrey  
**Sent:** Wednesday, May 10, 2017 3:03 PM  
**To:** Kost, Ellen  
**Cc:** Weinstein, Barry; Gillert, Rick  
**Subject:** Revised Westwood memo  
**Attachments:** DOC051017.pdf

Ellen,

After internal discussions of our recent findings relative to the Sweet Home Road interceptor sewer system, we are requiring that the petitioner and its consultants need to re-evaluate the sanitary sewer capacity of said system. This issue is presented in item 1 of the attached memorandum.

In addition, item 2 was added to the memo so as to inform the petitioner of our meeting with UB. Item 3 was added to clarify the routing and permitting required for the new alternative sanitary sewer alignment.

If you have any questions, please let me know.

Jeff Burroughs, PE  
Town Engineer  
Town of Amherst Engineering Department  
1100 North Forest Road  
Williamsville, NY 14221

(p) (716) 631-7154 x 7418  
(f) (716) 631-7222



# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

August 24, 2017

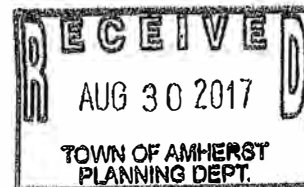
## MEMORANDUM

To: Ellen Kost, AICP, Associate Planner

From: Jeffrey S. Burroughs, PE, Town Engineer

JSB

Re: Proposed Westwood Development Sanitary Sewer Downstream Capacity Analysis



The Engineering Department has prepared this report relative to the above referenced subject. This report will serve to document the Engineering Department's determination of available downstream sanitary sewer capacity for the proposed Westwood development and other future projects proposed for the Maple Road/Millersport Highway corridor.

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 Westwood project of no more than 0.34 MGD (million gallons per day) peak flow.

### Background

There are significant sewer capacity constraints in the above referenced system corridor as depicted in the attached downstream sewer map (Exhibit A) and described in the following:

- The 54 inch West Side Interceptor at Sheridan Drive and the I290 has a capacity of 36.5 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 I290 until the I990 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 NFB corridor and Willowridge area.

Given the above flows (and system Sanitary Sewer Overflows (SSOs)), the Engineering Department has concentrated its historical replacement and rehab program on the collector sewers in Eggertsville and Snyder. Also, in an effort to relieve surcharge conditions in the West Side Interceptor, a project was constructed in 2016 to divert wet weather flow 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. The project consists of 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 full open. The design flow of the diversion was calculated to be approximately 5.0 MGD; however the flow allowed through the diversion is variable based on the surcharge level in the 60 inch interceptor and the position of the gate valve. The diverted sewage flows to the Sweet Home Road Interceptor.

### **History**

Relative to the Westwood Development, the Engineering Department has reviewed and commented on sewer capacity issues multiple times. Following multiple conversations with the Petitioner and their consultants regarding a lack of sewer capacity in the West Side Interceptor, the Petitioner, in their November 2016 submittal, still proposed sewage routing to the Sheridan Drive collector sewer and the West Side Interceptor.

After reaching an impasse with the above referenced routing, the petitioner proposed two alternative sewer routings to service the development. One of the proposals routes 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 Sweet Home Road. The other proposed route bypasses SUNYAB entirely and pumps the sewage to Sweet Home Road. Both alternatives end up at the same point in the sanitary sewer system – the 36 inch Sweet Home Road Interceptor.

Given the above, the Engineering Department has spent significant time and effort evaluating the sewer corridor between the proposed development referenced above and the Sweet Home Road Interceptor (the Maple Road-Amherst Manor Drive-Augsperger Drive-Sweet Home Road sanitary sewers). To aid in the review of the Engineering Department's findings, the department has attached an exhibit (Exhibit B) showing the location of the monitoring nodes with respect to the town's sanitary sewer interceptors.

## **Findings**

Flow meters were deployed in the above referenced corridor during the periods of November-December 2016, February-March 2017 and May-July 2017. The primary reason for the extensive flow metering was to ensure that the Town understood the effects of the proposed development on the system and also the effects of the new diversion structure on the Sweet Home Road Interceptor.

It is important to note that the Town has also recently deployed flow meters in the Augsperger Drive sewer on the SUNYAB campus to determine if there are flow limiting conditions in that sewer. Those flow meters will remain until mid-October 2017.

The flow monitoring has determined the following peak wastewater flows in the existing system:

Node (Exhibit A)	Sewer Size and Material of Construction	Peak Wet Weather Flow (MGD)	Pipe Capacity (MGD)	Notes
1 (Amherst Manor sewer)	15 inch VTP	1.64	1.70	December 1, 2016 flow monitoring
2 (SUNYAB outfall)	30 inch RCP	3.41 (May 25, 2017 peak flow 3.21)	Varies	December 1, 2016 flow monitoring
3 (Chestnut Ridge diversion sewer)	24 inch VTP	5.6	5.0 (design capacity)	May 25, 2017 flow monitoring
4 (Sweet Home Road Interceptor)	36 inch RCP	9.0	9.64	May 25, 2017 flow monitoring.

In reviewing the above referenced table and information, it is important to note the following:

- The peak flows that were captured on December 1, 2016 correspond to a 0.34 inch rain event, which followed after a 0.83 inch rain event on November 30, 2016. However, during this event, there was no data captured for Node 3.
- The peak flows that were captured on May 25, 2017 correspond to a 1.68 inch rain event (a 2 year 6 hour event).
- SUNYAB was not in session on May 25, 2017. (For purposes of this analysis, the Department estimates that in-session flows from SUNYAB are an incremental 0.20 MGD)

The Engineering Department chose two different dates to illustrate the flow variations in the sewer corridor because the May 25, 2017 date does not capture SUNYAB in session; however the May 25, 2017 date was the only date where the Chestnut Ridge Diversion Sewer (Node 3) and the Sweet Home Road Interceptor (Node 4) flows were captured simultaneously.

Given that the above monitoring in Node 4 did not include 0.20 MGD of sewage flow from SUNYAB, it can be conservatively assumed that if SUNYAB had been in session, the flow in Node 4 may have been approximately 9.20 MGD, leaving 0.44 MGD capacity.

### **Future Demand**

Future proposed peak flows (incremental) for the corridor are as follows

+0.95 MGD	Proposed Westwood development
+0.10 MGD	Proposed town projects (hotel and ice arena expansion)
+0.365 MGD	Prior proposed gun club development
<u>+???</u>	<u>Future SUNYAB projects</u>
>>1.415 MGD	Future proposed incremental peak flows

### **Available Capacity**

In light of the above, it is clear that there is not adequate capacity in the Amherst Manor sewer and Sweet Home Road Interceptor to serve the Westwood project as currently proposed.

Given the above, the Engineering Department recommends that the Chestnut Ridge Diversion structure discharge be reduced by 0.6 MGD to match the design discharge goals to the Sweet Home Road Interceptor. This modification will increase the sewer capacity as follows:

+0.44 MGD	Remaining Sweet Home Road Interceptor Capacity (including 0.20 MGD flow contribution from SUNYAB)
<u>+0.60 MGD</u>	<u>Reduction in Chestnut Ridge Diversion flow (from Chestnut Ridge Diversion adjustment)</u>
1.04 MGD	Total Available Capacity

### **Allocation**

The Engineering Department is recommending the following flow allocation:

+0.34 MGD	TOA Reserved Flow
+0.34 MGD	SUNYAB Reserved Flow
<u>+0.34 MGD</u>	<u>Westwood Flow Allocation</u>
1.02 MGD	Total Reserved Flow

The above recommendation includes equal allocation to future town projects (including future development in the corridor), to Westwood and to SUNYAB.

**Future Downstream Sewer Capacity Analysis**

Node (Exhibit A)	Existing Peak Flow (MGD)	Total Allocation (MGD)	Proposed Peak Flow (MGD)	Future Capacity (MGD)	Notes
1 (Amherst Manor sewer)	1.64	0.68	2.32	2.55	Increase to 18 inch
2 (SUNYAB outfall)	3.41	1.02	4.43	Varies	
3 (Chestnut Ridge diversion sewer)	5.60		5.0		Decrease diversion flow to 5.0 MGD
4 (Sweet Home Road Interceptor)	9.20	1.02	9.62	9.64	Existing peak flow would be 8.60 MGD with decrease in diversion flow

As part of our analysis the department rejects the petitioner's proposal to pump sewage around SUNYAB; therefore the department is recommending that the petitioner increase the size of the Amherst Manor sewer.

**Conclusion**

The department finds an equal allocation of the available capacity an appropriate approach to managing proposed and future sewer flows. This limits the available capacity for the Westwood project to 0.34 MGD.

**Attachments**

C: Barry Weinstein, M.D., Town Supervisor  
Stanley Sliwa, Town Attorney



**Town of Amherst Engineering Department  
Sewer Maintenance Division**

**Main Sanitary Sewer Interceptors**

**DOWNSTREAM SEWER**

**AMHERST PEANUT LINE & WEST SIDE INTERCEPTOR**

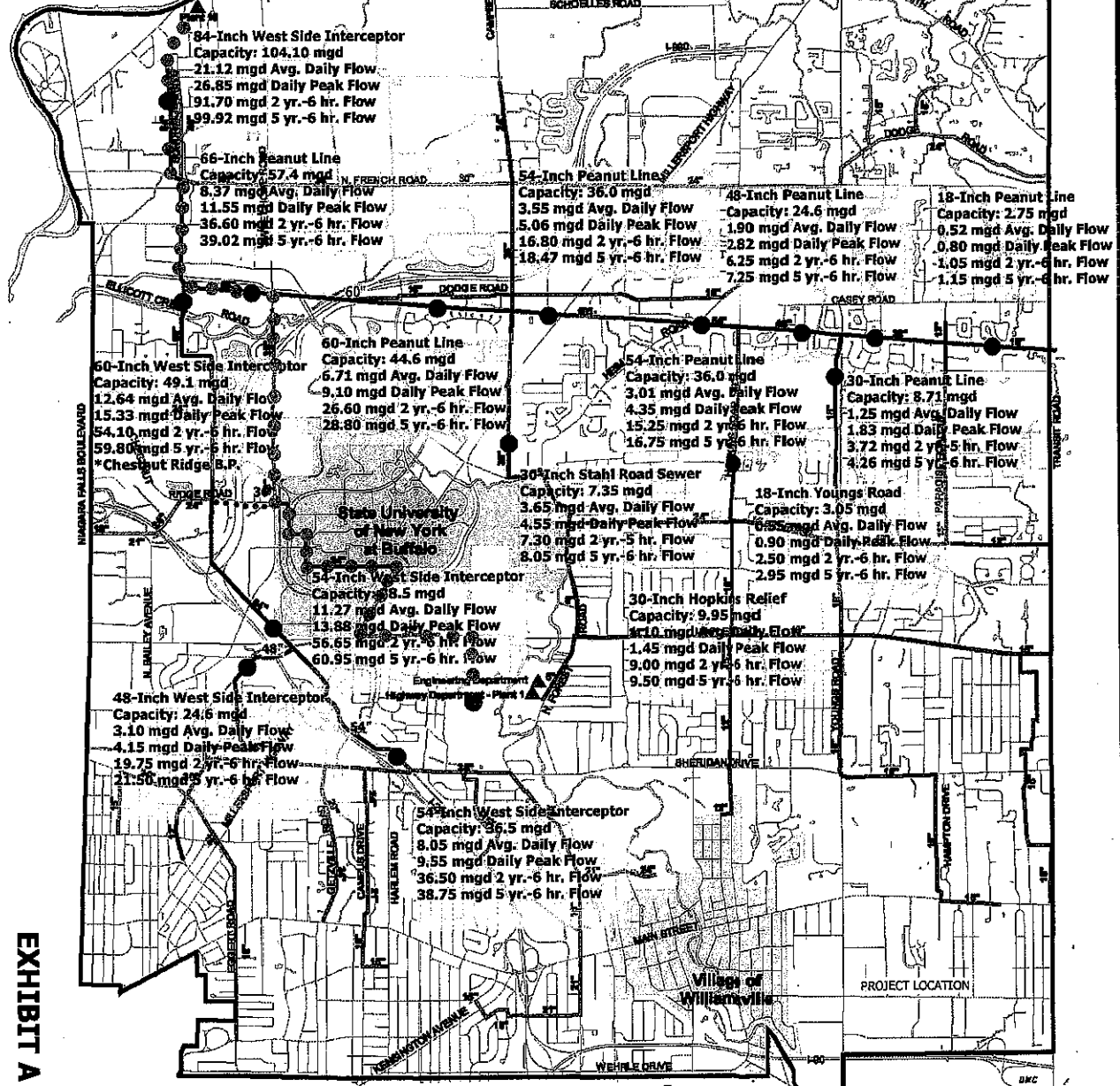
**PROPOSED WESTWOOD DEVELOPMENT**

AMHERST CONSOLIDATED SANITARY SEWER DISTRICT

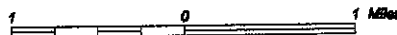
- Project Location
- ⊙ Sanitary Routing

**August 2017**

- FLOW LOCATION POINT
- Flows Updated: 8/15/17



**EXHIBIT A**





Town of Amherst Engineering Department  
Sewer Maintenance Division

Main Sanitary Sewer Interceptors  
DOWNSTREAM SEWER MONITORING LOCATIONS  
PROPOSED WESTWOOD DEVELOPMENT

AMHERST CONSOLIDATED SANITARY SEWER DISTRICT

- Project Location
  - ● ● Sanitary Routing
  - August 2017
  - FLOW LOCATION POINT
- Flows Updated: 8/15/17

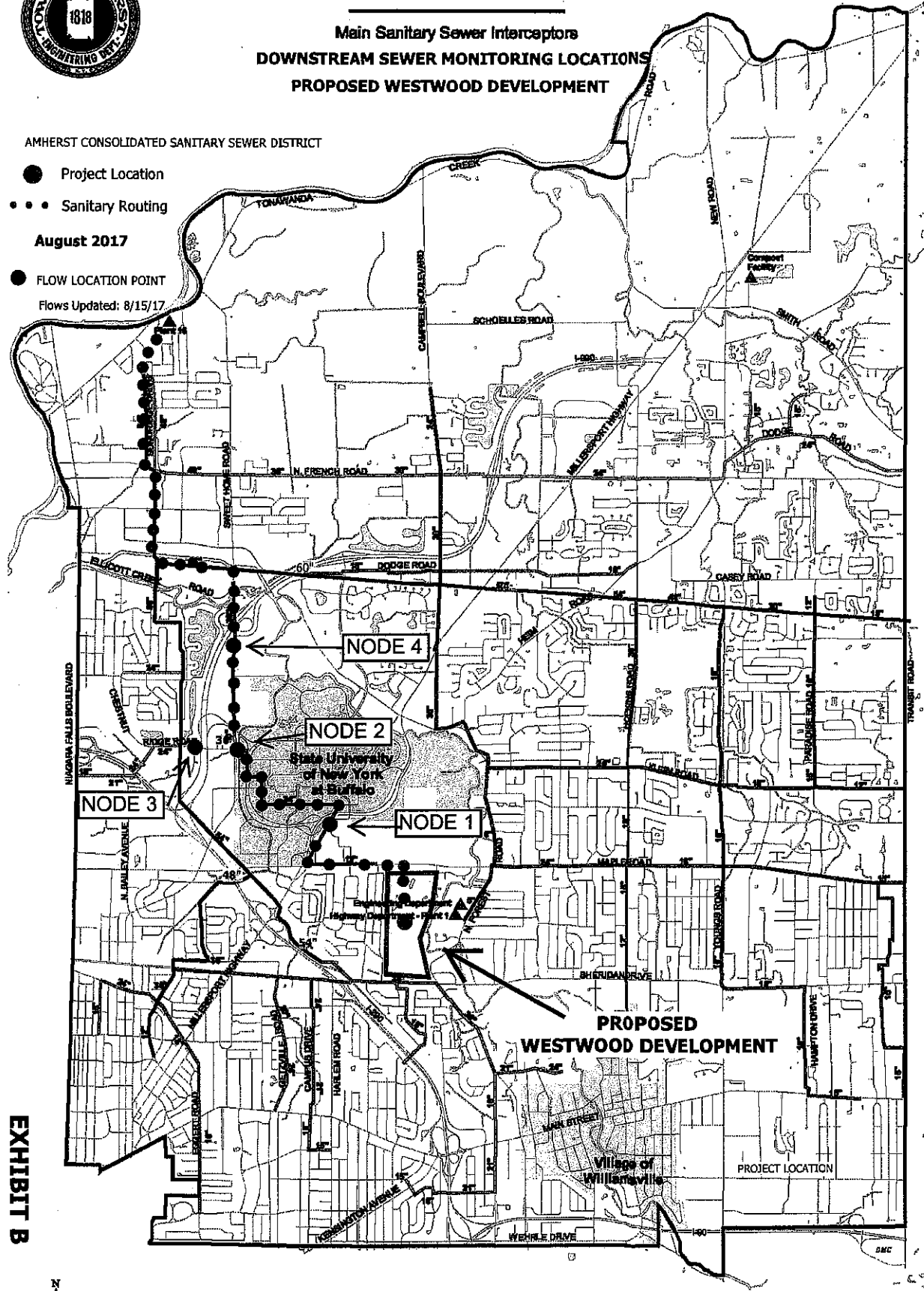
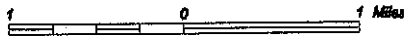


EXHIBIT B



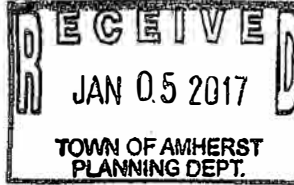
TOWN OF AMHERST  
ENGINEERING  
DEPARTMENT

Erie County, New York



Barry A. Weinstein, MI  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Direc

2016 DEC 21 A 11:49



December 20, 2016

**MEMORANDUM**

**TO:** Distribution  
**FROM:** Planning Department, Ellen M. Kost, AICP, Associate Planner **KS**  
**SUBJECT:**

REQUEST TO REZONE LAND FOR A PLANNED UNIT DEVELOPMENT ENTITLED "WESTWOOD NEIGHBORHOOD"; HEARING WILL BE HELD ON THE FOLLOWING:

- (1) REZONE 146.7± ACRES OF LAND FROM RC (RECREATION CONSERVATION) AND R-3 (RESIDENTIAL) AS FOLLOWS:
  - 136.89± ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT);
  - 6.39± ACRES TO MRF-7 (MULTI-FAMILY RESIDENTIAL) AND
  - 1.16± ACRES TO GB (GENERAL BUSINESS); AND
- (2) DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS).

Property located at 772 North Forest Road (Portion) and 375, 385 & 391 Maple Road  
Mensch Capital Partners, LLC, Petitioner **Z-2014-23B**

Received  
December 19, 2016

The attached amended application includes revisions as explained in the attached letter. Please provide comments no later than January 19, 2017.

**REVIEW:**

Do you agree with all statements made? Postponing Comments until a Revised T.I.S. is Received.  
If you do not, briefly state why: \_\_\_\_\_

General comments relative to your agency interests: \_\_\_\_\_

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) \_\_\_\_\_

Please call the Planning Department if additional information is required (631-7051).

Signature: [Signature] Date: 1/5/17

EK/KS/ac  
X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23\_B\_(772\_North\_Forest\_Rd)\_2016\Transmittal\_122016.doc  
cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC  
Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203




Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

## MEMORANDUM

January 6, 2017

TO: Mensch Capital Partners, LLC

FROM: Eric W. Gillert, AICP, Planning Director 

SUBJECT: Rezoning Application Review **Z-2014-23B**  
Proposed: "Westwood Neighborhood" Planned  
Unit Development  
Property located at: **772 North Forest Road (portion) and  
375, 385 & 391 Maple Road**  
Application received: December 19, 2016 (revised)  
Representative: Sean Hopkins, Esq.

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. 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.

*"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 continue to be issues with the capacity for sanitary sewer and stormwater management for this project that have not been addressed.

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.

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.
2. 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.
  3. 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.
  4. 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.

**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:

1. *"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.
2. *"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 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.
3. *“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.
  4. 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:**

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.

**DGEIS Comments:**

As no modifications to the DGEIS were submitted with this revised rezoning application, the previous comments made regarding the DGEIS remain in effect.

X/Current Planning/Files/Rezoning/Z-2014-23\_B/Planning Review\_010617

CC: Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203




Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

## MEMORANDUM

November 10, 2016

TO: Mensch Capital Partners, LLC

FROM: Eric W. Gillert, AICP, Planning Director 

SUBJECT: Rezoning Application Review **Z-2014-23A**  
Proposed: "Westwood Neighborhood" Planned Unit Development  
Property located at: **772 North Forest Road (portion) and 375, 385 & 391 Maple Road**  
Application received: October 7, 2016 (revised)  
Representative: Sean Hopkins, Esq.

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

### Consistency with Comprehensive Plan:

1. 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.

*"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.

2. 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.
3. 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.
4. 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
5. 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.

**Consistency with Zoning Ordinance:**

1. 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.
2. 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.”* The scale of the proposed ‘neighborhood center’ is not consistent with the character of the surrounding residential neighborhood.
  - *“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.

- “*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.
- The proposed hotel and related GB zone are not consistent with the concept of the TND.

**Consistency/compatibility with surrounding development zoning:** 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.

**DGEIS Comments:**

1. **Alternatives**

- 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.

- 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.
  - 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 in this area.
  - *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.
  - *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.
  - *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.
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.
  - *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.
3. Evaluation of Potential Adverse Environmental Impacts

- This section makes no mention of the proposed Westwood project creating an undesirable precedent for mid-block development elsewhere in the Town.
- *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 insure 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.
- *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.

#### 4. Appendix W – 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.
- 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.
- 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.



Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

**MEMORANDUM**

January 27, 2016

TO: Barry A. Weinstein, MD  
Supervisor

FROM: Eric W. Gillert, AICP  
Planning Director  
&  
Brian P. Andrzejewski, PE  
Commission of Building

SUBJECT: **Former Westwood Country Club Wetlands**

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:

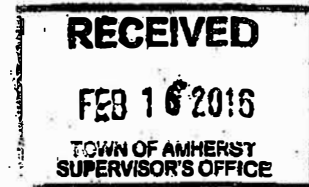
1. wetland 9 at the southern end of the site adjacent to Sheridan Drive is not connected to the wetlands at issue;
2. as previously asserted in a memorandum from then Commissioner of Building, Thomas Ketchum, PE dated October 19, 2015, that the northern chain of wetlands (2/3, 4, 5, 6 and 7/8,) are connected to each other and to Ellicott Creek (wetland 11);
3. 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;
4. 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.
5. 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.
6. 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.

X | Current Planning Files | Reopened | 2-2014-33 (772 No. Forest)

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of Environmental Quality, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7130 | F: (716) 851-7009  
www.dec.ny.gov



February 10, 2016

Dr. Barry A. Weinstein, Supervisor  
Amherst Municipal Building  
5583 Main Street  
Williamsville, New York 14221

Dear Dr. Weinstein:

Remedial Investigation and  
Future Remedial Efforts at  
Site No.: C915291 Westwood Country Club

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 owners have entered the Brownfield Cleanup Program (BCP) due to the presence of hazardous substances in the soil on the Site. A determination about future uses and whether remediation will be required depends upon the findings and information collected during the Remedial Investigation. NYSDEC approved a Remedial Investigation work plan that was prepared by the Site owner's consultant in compliance with the BCP. 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.



Department of  
Environmental  
Conservation

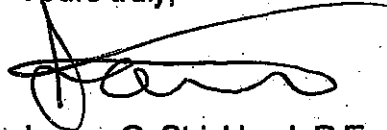
Dr. Barry A. Weinstein, Supervisor

February 10, 2016

Page 2

RECEIVED  
FEB 11 2016  
If you have any questions or concerns, please feel free to contact me at  
(716) 851-7190 or the Project Attorney, Jennifer Dougherty (716) 851-7190.

Yours truly,



James G. Strickland, P.E.  
Regional Engineer

ec: Ms. Abby Snyder, Regional Director  
Ms. Maureen Brady, Regional Attorney  
Ms. Jennifer Dougherty, Project Attorney  
Mr. Michael Hinton, Project Manager  
Mr. Michael Cruden, DER, Bureau E Chief

**Comments submitted by Dave Copeland (AcAc)**

**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
- 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- Townhomes – 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

- 
- 1) Roughly doubles the amount of Open Space preserved
  - 2) Preserves Wetlands 1-8 and 11 much better and provides better buffer areas for these wetlands
  - 3) Reduces , if not eliminates the need for wetland mitigation that would be required for the project.
  - 4) Increases the amount of living units by 52 units
  - 5) Minimizes the road and utility infrastructure that needs to be developed
  - 6) 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.




Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

MEMORANDUM

November 23, 2015

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director 

SUBJECT: DGEIS Completeness Review – **4th Review**  
Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road (“Westwood Neighborhood”) (Z-2014-23)

Previous comments from the Planning Department on the proposed “Westwood Neighborhood” DGEIS completeness review were submitted to the Town Board on September 3, 2014, April 15, 2015 and June 30, 2015.

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 in Section 4.12 to refer the reader to information contained in Appendices.

A Draft resolution accepting the DGEIS for public review is attached for your consideration.

X:\Current Planning\Files\Rezoning\Z-2014-23\DGEIS Completeness Memo & Resol\_112315

cc: Town Attorney  
Sean Hopkins, Esq.  
Brad Packard, Ciminelli Development Company  
Gary Black, Assistant Planning Director



# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

BRIAN J. ARMSTRONG, EIT – ACTING DEPARTMENT HEAD

November 25, 2015

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Brian J. Armstrong, EIT – Assistant Municipal Engineer / Acting Department Head

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

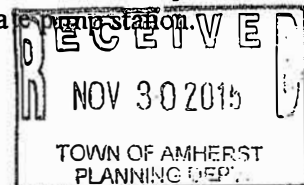
PETITIONER: Mensch Capital Partners, LLC

While this office finds the submitted 2<sup>nd</sup> Revised Draft Generic Environmental Impact Statement (2<sup>nd</sup> Revised DGEIS) adequate for public review, we do however offer the following comments:

As noted within Section 6.12.1 of the 2<sup>nd</sup> 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 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.

Stormwater sections of the 2<sup>nd</sup> 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor





**Kost, Ellen**

---

**From:** Burroughs, Nicole on behalf of Abramowitz, Philip  
**Sent:** Monday, August 18, 2014 10:39 AM  
**To:** Kost, Ellen  
**Cc:** Abramowitz, Philip; Jones, E. Thomas; Lynch, Melissa  
**Subject:** REQUEST TO REZONE 145.08 ACRES OF LAND ... MENSCH CAPITAL PARTNERS ... WESTWOOD  
**Importance:** High

Ellen:

In response to your memorandum of August 7, 2014 concerning the above matter, we have no concerns at this time.

Nicole M. Burroughs, Paralegal  
(For Philip Abramowitz, Esq., Deputy Town Attorney)

Nicole M. Burroughs, Paralegal  
Town of Amherst Town Attorney's Office  
5583 Main Street  
Williamsville, New York 14221  
(716) 631-7030 (p)  
(716) 631-7101 (f)  
E-Mail : [nburroughs@amherst.ny.us](mailto:nburroughs@amherst.ny.us)

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8/18/2014



# Town of Amherst

ASSESSOR'S OFFICE  
5583 Main Street  
Williamsville, NY 14221

Ann M. Terranova, Assessor

Phone: (716) 631-7038 Fax: (716) 631-7144

## MEMORANDUM

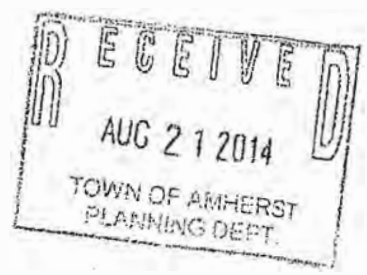
TO: ✓Ellen M. Kost, AICP, Associate Planner

FROM: Peg Pidgeon, Senior Real Property Appraiser *PP*

DATE: August 20, 2014

SUBJECT: Request to Rezone 145.08 +/- acres of land From **RC to TND, MFR-7 & GB & Planned Unit Development**  
 Property Located at: **772 North Forest and 385 & 391 Maple Road**  
**(Westwood Country Club)**  
**Mensch Capital Partners, LLC, Petitioner**  
**Z-2014-23**

The Assessor's Office has no objection





# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

August 26, 2014

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

As per your request for comments based on scope and content completeness of the submitted Draft Generic Environmental Impact Statement (DGEIS), I offer the following:

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.

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.

TCK/BJA/sld  
cc: Barry A. Weinstein, M.D. – Town Supervisor





**COUNTY OF ERIE**  
**MARK C. POLONGARZ**  
 COUNTY EXECUTIVE

Gale Burstein, M.D., M.P.H.  
 Commissioner of Health

August 22, 2014

Ellen M. Kost, Associate Planner  
 Town of Amherst  
 5583 Main Street  
 Williamsville, NY 14221

RE: Request for rezoning  
 772 North Forest Road and 385 & 392 Maple Road (Westwood Country Club)  
 (T) Amherst

Dear Ms. Kost:

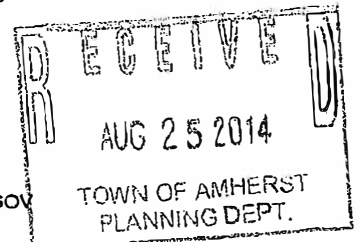
Regarding your letter of July 14, 2014, ECDOH has no objections to the Town of Amherst being Lead Agency in regard to the above referenced project.

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)

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:

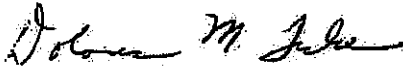
- A study of the chemicals applied, including what type of chemicals; and when, why, and where applied (fairways, greens, etc.). Include information on where chemicals were offloaded, stored, spilled, or where any runoff would drain to.
- A soil sampling plan including depths of soil, chemicals, and areas for testing, concentrating on potential human contact areas.



Z-2014-23

If there are any questions, please contact me at 716-961-6832.

Sincerely,



Dolores M. Funke, PE  
Director of Environmental Health  
Erie County Department of Health

Cc: Sean Hopkins, Esq.  
Mensch Capital Partners, LLC  
Ciminelli Development Company



# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

### MEMORANDUM

**DATE:** October 9, 2014

**TO:** Dr. Barry Weinstein – Supervisor

**FROM:** Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

**RE:** Proposed Westwood Neighborhood  
Wetlands Jurisdictional Determination  
DOA Application No. 1990-97632  
772 North Forest Rd.

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 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, W4, W5, W6, W7/8 and W11 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 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.

att.





**TOWN OF AMHERST**  
ERIE COUNTY, NEW YORK

*Handwritten signature: Gary [unclear] / Project File*

A-038A

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
PHONE: 716-631-7013  
FAX 716-631-7038  
www.amherst.ny.us

**BARRY A. WEINSTEIN, MD**  
Supervisor  
716-631-7032

**GUY R. MARLETTE**  
Deputy Supervisor/ Councilmember

Councilmembers:  
**MARK A MANNA**  
**RAMONA D. POPOWICH**  
**STEVEN D. SANDERS**

October 10, 2014

Ms. Lesta Ammons  
U.S. Army Corps of Engineers  
Buffalo District – NY Section Evaluation  
1776 Niagara Street  
Buffalo, NY 14207

Dear Ms. Ammons:

Re: Proposed Westwood Neighborhood (DOA File No. 1990-97632)  
Wetlands Jurisdiction Determination  
772 North Forest Rd.  
Town of Amherst, Erie County, NY

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 is warranted.

Should you have any technical concerns or questions relative to the above request, please contact Thomas C. Ketchum, Interim Town Engineer at (716) 631-7154.

Very truly yours,

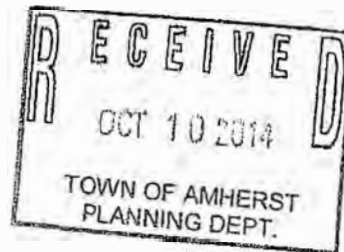
*Handwritten signature: Barry Weinstein*

Barry Weinstein, M.D.  
Town Supervisor

BAW/sv  
Enc.

*Handwritten note: 2-2014-23*

cc: Councilmembers  
Thomas C. Ketchum, PE – Interim Town Engineer  
Eric W. Gillert, AICP – Planning Director  
Sean Hopkins, Esq. - Hopkins & Sorgi, PLLC  
Brad A. Packard, AICP – Ciminelli Dev., Co.  
Robert Pidanick – Nussbaumer & Clarke, Inc.  
Andrew J. Shaevel – Mensch Partners





# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

April 13, 2015

Mr. Eric W. Gillert  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, NY 14221

Re: SEQRA  
Westwood County Club  
Maple Rd  
12PR04942

Dear Mr. Dean:

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.

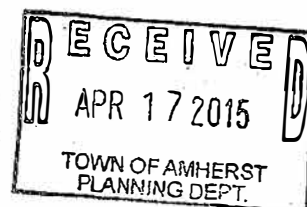
The Westwood Country Club has been determined to be eligible for listing on the State and National Register of Historic Places. We understand that the proposed project includes the development of a Traditional Neighborhood including single family homes, condominium townhomes, senior living, mixed-use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

If further correspondence is required regarding this project, I can be reached at (518) 268-2164 or at [eric.kuchar@parks.ny.gov](mailto:eric.kuchar@parks.ny.gov). Please be sure to refer to the Project Review (PR) number noted above.

Sincerely,

Eric N. Kuchar  
Historic Preservation Technical Specialist



Division for Historic Preservation



**Kost, Ellen**

---

**From:** Lois Shriver [l.shriver@roadrunner.com]  
**Sent:** Sunday, April 19, 2015 11:40 PM  
**To:** Kost, Ellen  
**Subject:** ACAC Comments - Westwood Neighborhood Project

Ellen,

I received the following comments from Conn Keogh after his review of the Westwood DGIS.

Lois Shriver, Chairman  
Amherst Conservation Advisory Council

**Westwood Neighborhood Project**

772 North Forest Road  
Town of Amherst

Conn Keogh, LEED AP  
ACAC Member

**Preliminary Drainage Report Review**

**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.
- Use SWPP's as engineered and detailed in plans, absolutely no use of surface booms.
- 1, 5, 10, 25 and 100 year floods can occur in 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.
- Support Ellicott Creek habitat by aligning site initiatives with the NYS REBC Cleaner Greener Communities Sustainability Report.



# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

April 16, 2015

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

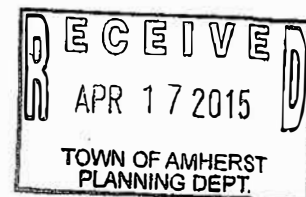
While this office finds the submitted Revised Draft Generic Environmental Impact Statement (Revised DGEIS) adequate for public review, we do however offer the following comments:

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.

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.

TCK/BJA

cc: Barry A. Weinstein, M.D. – Town Supervisor



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7165 | F: (716) 851-7168  
www.dec.ny.gov

April 16, 2015

Ms. Ellen Kost  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, New York 14221

Dear Ms. Kost:

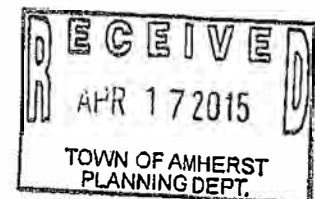
Revised Draft Generic Environmental Impact  
Statement (DGEIS) Westwood Neighborhood  
Rezone former Westwood Country Club  
Town of Amherst, Erie County

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:

1. 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.
2. 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.
3. The proposed project site is located partially within the 100-year floodplain / 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.
4. 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.



Department of  
Environmental  
Conservation



Recent wet weather system flow data can consist of:

- Information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
  - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
  - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of  $\frac{1}{2}$ " or greater.

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.

5. 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 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](http://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](http://www.dec.ny.gov/chemical/8468.html).

Ms. Ellen Kost  
April 16, 2015  
Page 3

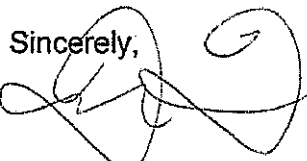
The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle 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, 4<sup>th</sup> Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

6. 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.

This Department does not have any specific jurisdiction or authorization regarding the rezoning of this property. However, the Department is an "involved" under the State Environmental Quality Review Act for the project due to future permitting within the proposed zoning change area.

If you have any questions regarding this letter, please don't hesitate to contact Ms. Lynne Judd of my staff at 716/851-7165.

Sincerely,



David S. Denk  
Regional Permit Administrator

cc: Mr. Andrew Shaevel, Mesch Capital Partners  
Sean Hopkins, Esq., Hopkins & Sorgi, PLLC



# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH  
COMMISSIONER OF HEALTH

April 16, 2015

Ellen M. Kost, Associate Planner  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

RE: Revised DEIS  
772 North Forest Road and 385 & 392 Maple Road (Westwood Country Club)  
(T) Amherst

Dear Ms. Kost:

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.

For the future, to streamline processing of information under the Town's SEQR coordinated review, please send correspondence directly to:

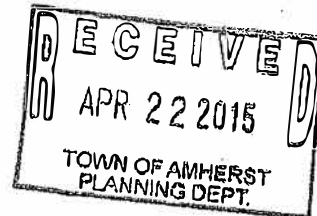
Dolores M. Funke, PE  
Director of Environmental Health  
Erie County Department of Health  
503 Kensington Avenue  
Buffalo, NY 14214

If there are any questions, please contact me at 716-961-6832.

Sincerely,

*Dolores M. Funke* 2-2014-23

Dolores M. Funke, PE  
Director of Environmental Health  
Erie County Department of Health



**Kost, Ellen**

---

**From:** Reberholt, Vaishali  
**Sent:** Wednesday, April 15, 2015 3:25 PM  
**To:** Kost, Ellen  
**Subject:** Westwood Park

Ellen,

Below are my 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.
- 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.

Also, please note that the Town already faces siltation issues in Ellicott Creek and request the Licensed Engineer responsible for preparing the SWPPP to provide additional sediment control measures to prevent any untreated run-off from the construction area into Ellicott Creek.

Thank you  
Vaishali

4/15/2015



Town of Amherst Planning Department

Erie County, New York




Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

MEMORANDUM

September 3, 2014

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director 

SUBJECT: Planning Staff Comments -  
Rezoning & Planned Unit Development of 772 North Forest Road and 385 &  
391 Maple Road ("Westwood Neighborhood")

Following is a preliminary listing of comments assembled from Planning Staff regarding the completeness of the Draft Generic Environmental Impact Statement (DGEIS) submitted for the proposed "Westwood Neighborhood" mixed-use project.

**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 every alternative and should be augmented with estimates of municipal costs;
- 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.
- 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 Access**

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

### **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.

### **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.

## **Section 4. EXISTING ENVIRONMENTAL SETTING**

### **Transportation**

- 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

### **Biological Resources**

- 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

### **Socioeconomics**

- This is the correct section to reference the CGR Report (Appendix O) and its conclusions summarized, yet there is no reference to the report or its conclusions.

### **Cultural & Historical Resources**

- Cultural and Historic Resources section should include reference to the Town's *Reconnaissance Level Survey of Historic Resources* and rating assigned to Westwood clubhouse

### **Community Facilities & Services**

- Include libraries, senior services and youth services

### **Utilities and Non-Transportation Infrastructure**

- The narrative does not indicate that sewer districts have been consolidated.

## **Section 5. EVALUATION OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS**

### **Water Resources**

- 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 stormwater management system will require a subsurface stormwater pumping station to convey stormwater flows to the proposed lake." (Section 5, pg. 16).

### **Biological Resources**

- 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)

### **Land Use**

- 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
- 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.
- Figure 5-2 shows a "Proposed Westwood Activity Center" (yet no mention of Comp Plan amendment)
- No mention of loss of existing golf course as recreational space and visual amenity.

### **Socioeconomics**

- 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 into the revenue projections. More detail is needed.

### **Section 6. DESCRIPTION OF PROPOSED MITIGATION MEASURES**

#### **Socioeconomics**

- There is no discussion of proposed mitigation of adverse impacts, as none were identified in Sec. 5.6.

Attached are comments on the completeness of the DGEIS received from the following:

1. Amherst Conservation Advisory Council
2. Erie County Department of Health
3. Interim Town Engineer

#### **Attachments**

X/Current Planning/Files/Rezoning/Z-2014-23/DGEIS Staff Comments

# Amherst

Town of Amherst Planning Department

Erie County, New York



Barry A. Weinstein, MD  
Supervisor

Eric W. Gillert, AICP  
Planning Director

Gary Black, AICP  
Assistant Planning Director

MEMORANDUM

April 15, 2015

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director *EWG*

SUBJECT: Comments - Revised DGEIS  
Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road ("Westwood Neighborhood")

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" mixed-use project.

General Comments:

1. 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.
2. The formatting of DGEIS sections should be consistent among chapters.
3. An electronic copy of the revised DGEIS should be submitted along with the paper copy.

Section 3. Alternatives

1. Include a less-intensive TND alternative.
2. Include an alternative with smaller golf course surrounded by single-family residential uses.
3. Include an alternative to north-south roadway.
4. Include economics of the alternatives.
5. Include sanitary sewer and drainage adverse effects of the alternatives presented.
6. Include an alternative of cleaning up the site prior to rezoning, trading, selling or donating the property.
7. Include an alternative for 320 - 350 single-family homes.
8. No discussion of alternatives to a Sheridan Drive traffic signal.
9. Include an alternative of donating the site to a municipality in lieu of cleaning it up.
10. Include an alternative of cleaning and trading the site.

Comments – Revised DGEIS

Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road (“Westwood Neighborhood”)

Page 2

11. 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.

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).

4.12 Utilities & Infrastructure

- a. Sanitary Sewers: The section lacks objective (statistical) data on the capacities, current utilization and surplus capacities of each segment of the sanitary sewer system that serve the project site.
- b. Stormwater: This section also lacks objective (statistical) information on the runoff characteristics of the site including any public infrastructure currently accepting and transporting those flows.
- c. Private Utilities: No objective information and/or data on the capacity, current utilization, and surplus capacity is provided for natural gas, electricity or “communications”, nor is there any characterization of the location of these utilities.

Section 5. Adverse Environmental Impacts

Adverse effects on traffic, sanitary sewer and drainage are not included for the alternatives presented, including a less dense mixed-use alternative.

5.2 Water Resources - Include a threshold for flooding of Ellicott Creek.

5.4 Land Use & Zoning - This section is essentially unchanged from the previous draft. Chapter is devoted to evaluating the proposed project for consistency with applicable sections of the Comprehensive Plan. Rather than discussing adverse impacts of the project, it stresses positive impacts.

- a. Discuss suitability of mixed-use neighborhood in the midst of an existing residential neighborhood.
- b. Pg. 5-61 (Sect. 3.3): The Westwood project as proposed does not meet criteria for a “Neighborhood Center”. Also, no mention of Figure 6 (Conceptual Land Use Plan) or discussion of how proposal can be accommodated on a “recreation & open space” parcel.

**Comments – Revised DGEIS**

**Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road (“Westwood Neighborhood”)**

**Page 3**

**5.6 Socioeconomics –**

- a. Discuss impact of new development on existing home prices (temporary impact during construction, creating a glut of new housing; effect that speculative housing would have on existing neighborhoods which have been appreciating).
- b. Include economics of cleaning up the contaminated site (effect of fenced, contaminated site during rezoning, litigation and site plan process).
- c. Discuss the legal responsibility of a purchaser of a contaminated site.
- d. Economic projections do not have basis and are not realistic (i.e. An \$8.5 million sales tax provides \$90,000 to Amherst without sales tax incentives. All tax incentives start with sales tax waived. The projected \$490,000 for Amherst does not account for waived sales tax.)
- e. The DGEIS compares regional benefits with Amherst’s costs.
- f. Include financial analysis for the alternatives presented, including a less dense mixed-use alternative.
- g. Condos and patio homes are not assessed at full market value but on the basis of income. This is not acknowledged in the assumptions.

**5.8 Transportation (pg. 5-72):** No mention of adverse traffic impacts on existing neighborhoods (N. Forest, Frankhauser).

**5.11 Lighting:** Section lacks objective information or data.

**5.12 Utilities & Infrastructure:** More data needed on impact of additional flows and impacts to existing system (i.e. 36” collector on Sheridan, 54” West Side Interceptor, 8” water line on Maple, 16” water line on Sheridan).

**Section 6. Mitigation Measures -**

- a. Discuss sanitary sewer mitigation.
- b. Discuss mitigation of effect of a contaminated site on neighborhood.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
**DEPARTMENT OF PUBLIC WORKS**  
**RATH BUILDING - 14<sup>TH</sup> FLOOR**

**John C. Loffredo P.E.**  
**COMMISSIONER**

TELEPHONE: (716) 858-8300  
 FAX: (716) 858-8303

July 10, 2015

Gary Black, Assistant Planning Director  
 Town of Amherst Planning Department  
 5583 Main Street  
 Williamsville, New York 14221

RE: Proposed Westwood Mixed-Use Neighborhood  
 Maple Road (CR 192)  
 Town of Amherst

Dear Mr. Black:

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 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.

Should you have any questions, please contact me at 858-8067.

Sincerely,

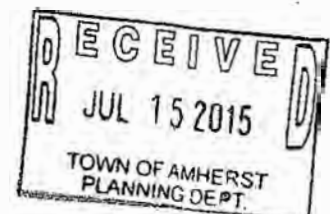
John C. Loffredo, P.E.  
 COMMISSIONER OF PUBLIC WORKS

By: 

Michael J. Asklar, P.E.  
 Traffic Safety Engineer

cc: Mr. Brad Packard, Ciminelli Real Estate Corporation  
 Sean Hopkins, Esq.  
 Garrett Hacker, P.E.

FILE: Maple Rd CR192 - Westwood Neighborhood - 7-9-15







Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

MEMORANDUM

June 30, 2015

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director *EWG/AB*

SUBJECT: DGEIS Completeness Review - **3<sup>rd</sup> Review**  
Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road ("Westwood Neighborhood") (Z-2014-23)

Previous comments from the Planning Department on the proposed "Westwood Neighborhood" DGEIS completeness review were submitted to you on September 3, 2014 and April 15, 2015.

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:

1. Section 5.2 - Water Resources: Include information on how the base flood elevation of Ellicott Creek is calculated.
2. Section 5.4.2 - Consistency with Land Use Plans and Objectives: Move this section from the main body of the DGEIS to an appendix. Add a reference in Section 1 that this discussion is the petitioner's analysis of how the proposed plan is consistent with the Bicentennial Comprehensive Plan. Additionally, the project as proposed does not meet criteria for a "Neighborhood Center" (pg. 5-61). No mention of Figure 6 (Conceptual Land Use Plan) or discussion of how the proposal can be accommodated on a "recreation & open space" parcel.
3. General: 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.

4. Section 4.12 - Sanitary Sewers: The section lacks objective (statistical) data on the capacities, current utilization and surplus capacities of each segment of the sanitary sewer system that serve the project site.
5. Section 4.12 - Stormwater: This section lacks objective (statistical) information on the runoff characteristics of the site including any public infrastructure currently accepting and transporting those flows.
6. Section 4.12 - Private Utilities: No objective information and/or data on the capacity, current utilization, and surplus capacity is provided for natural gas, electricity or "communications", nor is there any characterization of the location of these utilities.
7. Section 5.6 – Socioeconomics: Economic projections do not have basis and are not realistic (i.e. an \$8.5 million sales tax provides \$90,000 to Amherst without sales tax incentives. All tax incentives start with sales tax waived. The projected \$490,000 for Amherst does not account for waived sales tax.)
8. Section 5.6 – Socioeconomics: Condos and patio homes are not assessed at full market value, but on the basis of income. This is not acknowledged in the assumptions.

Cc: Town Attorney  
Sean Hopkins, Esq.  
Brad Packard, Mensch Capital Partners, LLC  
Gary Black, Assistant Planning Director



**DEPARTMENT OF THE ARMY**  
**BUFFALO DISTRICT, CORPS OF ENGINEERS**  
 1776 NIAGARA STREET  
 BUFFALO, NEW YORK 14207-3199

**COPY**

July 21, 2016

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. 1990-97632

Andrew J. Shaevel  
 Mensch Capital Partners, LLC  
 350 Essjay Road  
 Williamsville, NY 14221

**RECEIVED**

**JUL 25 2016**

**EARTH DIMENSIONS, INC.**

Dear Mr. Shaevel:

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 1, 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 1 (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. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA

Regulatory Branch

SUBJECT: Department of the Army Application No. 1990-97632

Questions pertaining to this matter should be directed to me by calling 716-879-4247, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [Lesta.m.ammons@usace.army.mil](mailto:Lesta.m.ammons@usace.army.mil)

Y9103

Sincerely,

**SIGNED**

Lesta Ammons  
Biologist

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

**Applicant:** Mensch Capital Management, LLC

**File Number:** 1990-97632

**Date:** 7/21/2016

**Attached is:**

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Lesta M. Ammons  
United States Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207  
716-879-4342  
Lesta.m.ammons@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

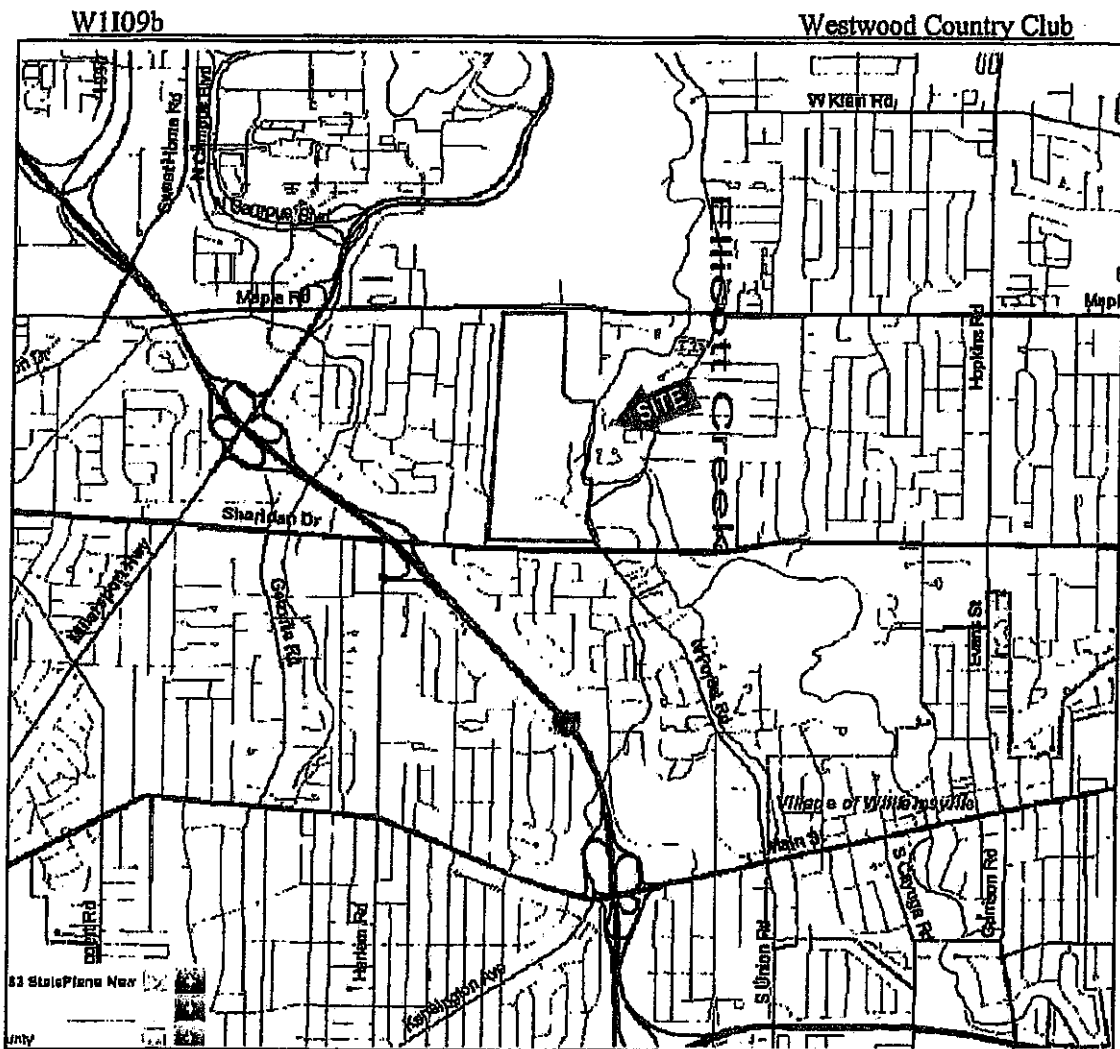
Attn: Jacob Siegrist  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
513-684-2699; FAX 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



**EARTH DIMENSIONS, INC.**

Soil & Hydrogeologic Investigations • Wetland Delineations  
 1091 Janison Road, Elma NY 14059  
 (716) 655-1717 • Fax (716) 655-2915 www.earthdimensions.com



Figure 7:

Drainage Map

<http://gis1.erie.gov/GC/ErieCountyNY/default.htm>  
 Site visited 9/11/2012

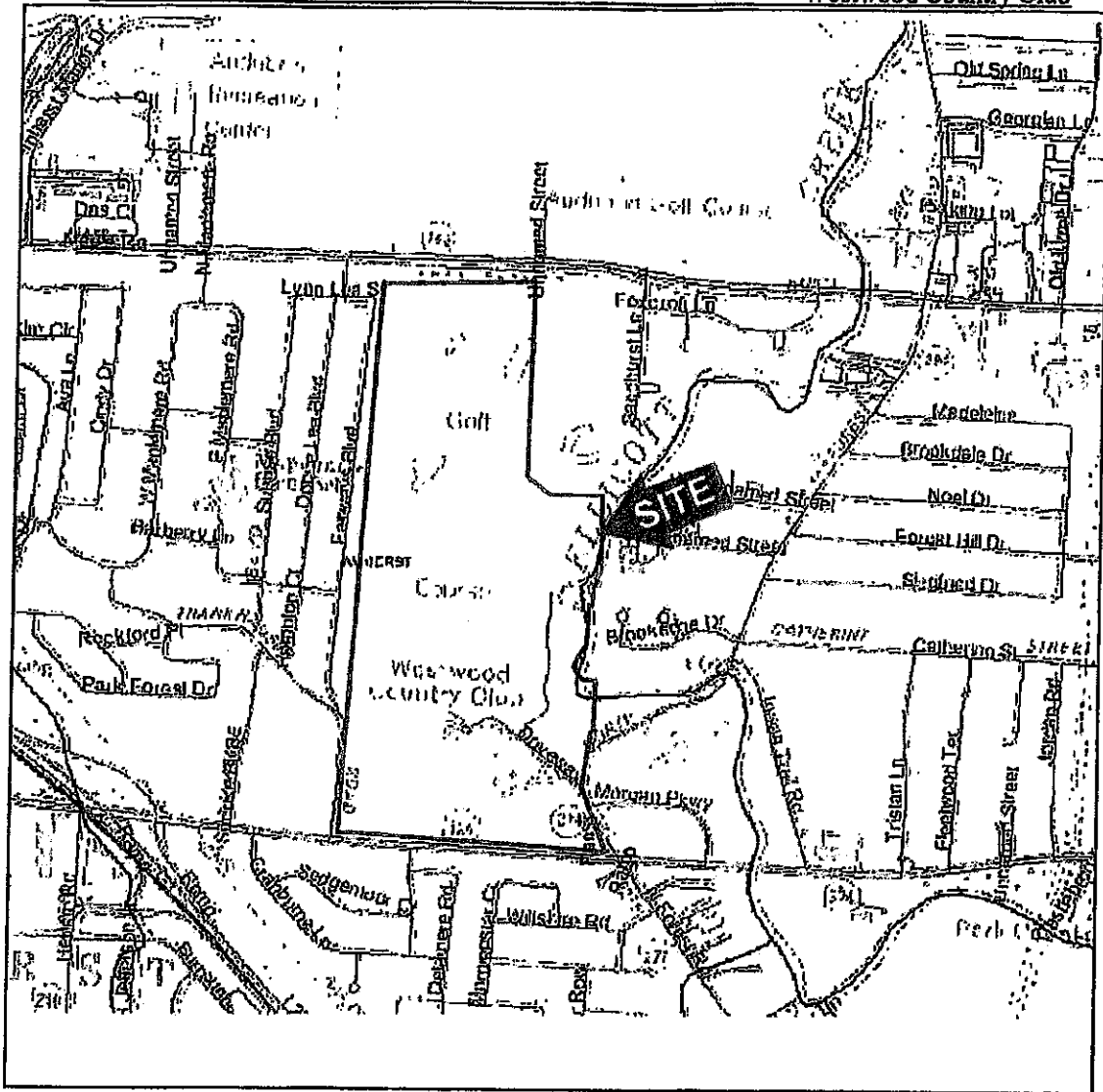
Westwood Country Club  
 Town of Amherst, Erie County, New York



772 North Forest Road - Westwood  
 DA Processing No.: 1990-97632  
 Erie County, New York  
 Quad: NY Buffalo NE  
 Sheet 1 of 3

W1109b

Westwood Country Club



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Figure 4: NYSDEC Environmental Resource Mapper  
<http://www.dec.ny.gov/lmsmaps/ERM/Viewer.htm>  
 Site visited 9/11/2012

Westwood Country Club  
 Town of Amherst, Erie County, New York



772 North Forest Road - Westwood  
 DA Processing No.: 1990-97632  
 Erie County, New York  
 Quad: NY Buffalo NE  
 Sheet 2 of 3

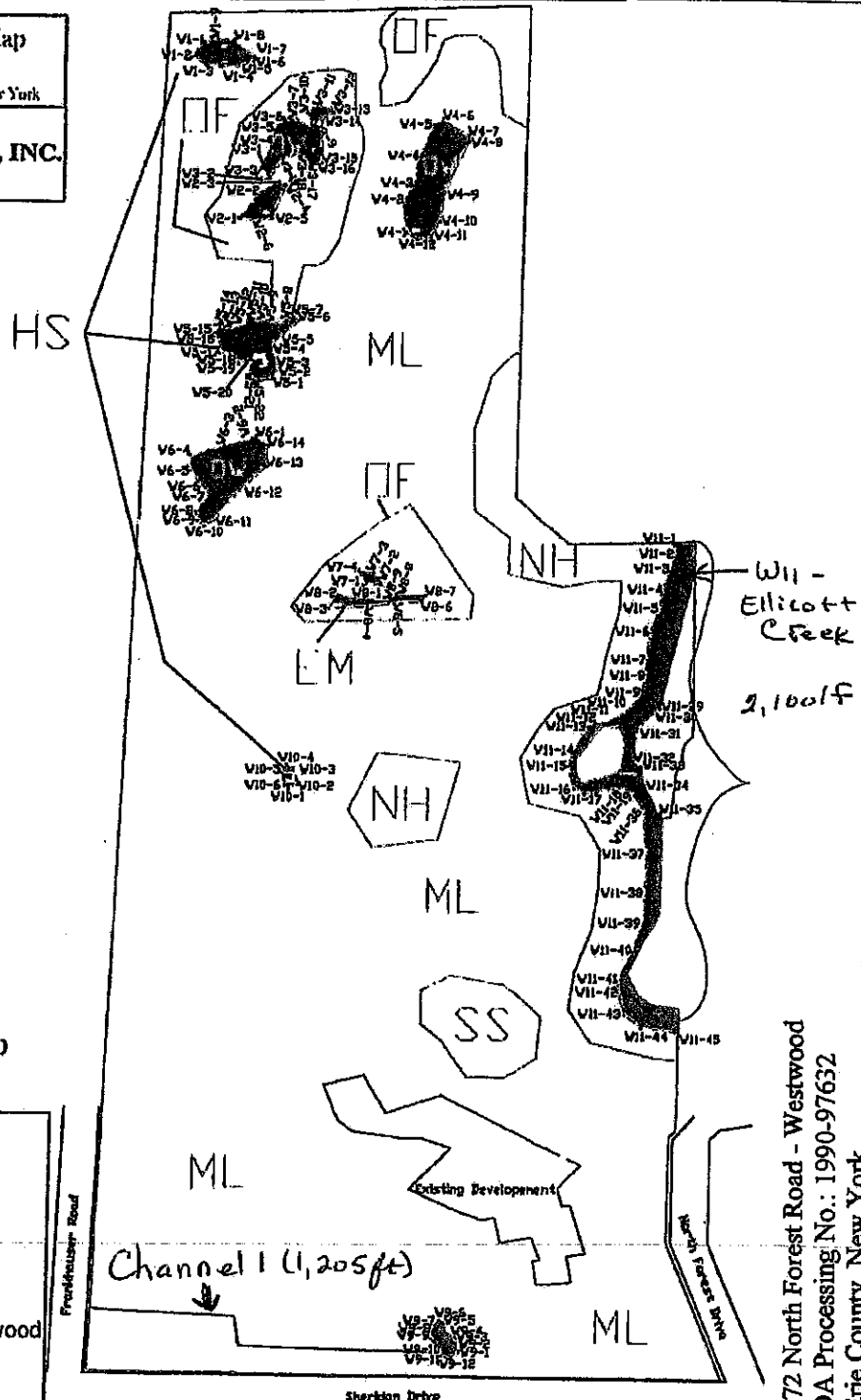


Figure 5: General Vegetation Map

Town of Amherst

Erie County, New York

EARTH DIMENSIONS, INC.



Westwood Country Club  
LEGEND

	Limits of Investigation
	Community Boundary
	Wetland Boundary Flag
	Wetland Area
	Successional Northern Hardwood
	Hardwood Swamp
	Old Field
	Scrub-shrub Swamp
	Successional Shrubland
	Emergent Marsh
	Mown Lawn
	Open Water

772 North Forest Road - Westwood  
 DA Processing No.: 1990-97632  
 Erie County, New York  
 Quad: NY Buffalo NE  
 Sheet 3 of 3

Scale:
Map Date: September 25, 2012/ ARS for EDI
Revised:
Base Map Provided By: Garmin GPSmap 62Sx 4-9 foot accuracy
File Name: Wetland Delineation Map.dwg
EDI Project Code: W1109b

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** June 28, 2016

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Buffalo District, 772 North Forest Road (Westwood Country Club), LRB-1990-97632, Form 1 of 1 (Wetland 1 through Wetland 11 and Channel 1)

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: New York County/parish/borough: Erie County City: Town of Amherst  
Center coordinates of site (lat/long in degree decimal format): Lat. 42.99055° N. Long. -78.77460° W.  
Universal Transverse Mercator:

Name of nearest waterbody: Ellicott Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Ellicott Creek

Name of watershed or Hydrologic Unit Code (HUC): 04120104

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: March 29, 2016

Field Determination. Date(s): November 10, 2014

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There ~~are~~ no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There ~~are~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: Ellicott Creek - 2,292 linear feet (or 3.24 acres); Channel 1 - 1,205 linear feet: width (ft)  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetlands 1 through 10:

1. Wetlands 1, 2, 3, 4, 5, 6, and 9 are isolated wetlands that appear to be artificial ponds that were excavated in upland soils for aesthetic reasons for the golf course and/or to be used to irrigate the greens and fairways of the golf course and are therefore generally not considered to be Waters of the United States as per the preamble to the 1986 Regulations CFR 33 Section 328.3 (found in Federal Register Vol. 51, No. 219, Page 41217). Wetlands 1, 2, 3, 4, 5, 6, and 9 range in distance

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

Identify flow route to TNW<sup>5</sup>: Channel 1 flows northwesterly across the southern half of the Westwood Site parcel to Frankhauser Road where it enters the stormwater collection system for the Town of Amherst.  
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural

Artificial (man-made). Explain:

Manipulated (man-altered). Explain: The stream (Channel 1) has been highly manipulated. It follows some portion of the natural flow pattern as seen on topographic maps (flowing from easterly to westerly) but it has been artificially widened, deepened, and forced into unnatural 90 degree bends. The natural flow path leading under Frankhauser Road to the west has been blocked and the stream now flows into the stormwater/sanitary sewer system of the Town of Amherst.

Tributary properties with respect to top of bank (estimate):

Average width: 8 feet

Average depth: 3 feet

Average side slopes: Vertical (1:1 or less)

Primary tributary substrate composition (check all that apply):

Silts

Sands

Concrete

Cobbles

Gravel

Muck

Bedrock

Vegetation. Type/% cover: Cattails, emergent vegetation 35% cover total but is found

only in the most eastern portions of the channel.

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable.

Presence of run/riffle/pool complexes. Explain: None. The channel has been artificially manipulated such that if there were any.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **6-10**

Describe flow regime: The stream collects runoff from the adjacent parcel which is currently a former golf course.

Other information on duration and volume:

Surface flow is: **Discrete and confined** Characteristics:

Subsurface flow: **Pick List** Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM<sup>6</sup> (check all indicators that apply):

clear, natural line impressed on the bank

the presence of litter and debris

changes in the character of soil

destruction of terrestrial vegetation

shelving

the presence of wrack line

vegetation matted down, bent, or absent

sediment sorting

leaf litter disturbed or washed away

scour

sediment deposition

multiple observed or predicted flow events

water staining

abrupt change in plant community

other (list):

Discontinuous OHWM.<sup>7</sup> Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:

Mean High Water Mark indicated by:

oil or scum line along shore objects

survey to available datum;

fine shell or debris deposits (foreshore)

physical markings;

physical markings/characteristics

vegetation lines/changes in vegetation types.

tidal gauges

other (list):

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup> Ibid.

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: The water quality as determined from photographs and from the site visit is generally fairly murky.

Identify specific pollutants, if known:

- (iv) **Biological Characteristics. Channel supports** (check all that apply):
- Riparian corridor. Characteristics (type, average width):
  - Wetland fringe. Characteristics: along the eastern portion of the Channel wetland vegetation exists.
  - Habitat for:
    - Federally Listed species. Explain findings:
    - Fish/spawn areas. Explain findings:
    - Other environmentally-sensitive species. Explain findings:
    - Aquatic/wildlife diversity. Explain findings: Ducks and geese use Channel 1 as evidenced by photographs.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:     acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports** (check all that apply):

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: 2,292 linear feet width (ft), Or, 3.24 acres.  
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Photographs submitted by agent and by adjacent property owner as well as letters submitted from adjacent property owners show the Channel 1 as having flow seasonally.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 1,205 linear feet width (ft).  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.  
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.<sup>9</sup>

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain:  
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters:

Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

Lakes/ponds: 2.696 acres.

Other non-wetland waters: acres. List type of aquatic resource:

Wetlands: 1.48 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

Lakes/ponds: acres.

Other non-wetland waters: acres. List type of aquatic resource:

Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: project location map, vegetation map, wetland delineation map, and drainage map.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report. We concur with the delineation report on Wetlands 1 through 11 but we disagree on the Channel on the southern boundary of the site. We are asserting jurisdiction over this channel.

Data sheets prepared by the Corps:

Corps navigable waters' study: Ellicott Creek TNW Jurisdictional Determination dated 6/12/08.

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Buffalo NE NY.

USDA Natural Resources Conservation Service Soil Survey. Citation: Erie County.

National wetlands inventory map(s). Cite name: Town of Amherst, Erie County, NY.

State/Local wetland inventory map(s): State Freshwater Wetland Map.

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): Aerial photographs available online on Bing and Google Earth-Pro.  
or  Other (Name & Date): Photographs submitted by applicant.

Previous determination(s). File no. and date of response letter: LRB: 1990-97632 April 22, 2013..

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 1 through 10 are outside Department of the Army jurisdiction because they do not meet the criteria for a jurisdictional water of the United States according to 33 CFR Part 328.3(a)(1-7) as follows:**

1. do not/has not supported interstate or foreign commerce;



2. are not an interstate water/wetland;
3. the degradation or destruction of which would not affect interstate or foreign commerce and does not include such waters:
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) which are used or could be used for industrial purpose by industries in interstate commerce
4. are not an impoundment of water otherwise defined as WOUS under the definition;
5. are not a tributary of waters identified in paragraphs (a)(1)-(4) of this section;
6. are not a territorial sea;
7. are not wetland adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section.

**Significant Nexus information regarding Channel 1:**

The onsite stream (Channel 1) was found to perform functions including flood attenuation /runoff storage, pollutant trapping, water quality improvement, and wildlife habitat. The conclusion that the stream performs flood attenuation/runoff storage functions was based on direct observations of standing water and saturated soils occupying large portions of the stream in at least three seasons of the year, the wetland's position in a suburban landscape, the size and depth of the stream, the fact that runoff from surrounding properties flowed directly into the stream, and the relatively level topography of the stream which holds the water and allows time to either process chemicals and/or hold the contaminants until the initial storm water has been flushed from the system and then the overflow from the stream can be slowly released into the system.

Pollutant trapping aspects of waters such as the subject stream are well documented and include removal and treatment of nitrogen, phosphorus, and trace metals used in the application of lawn fertilizer, herbicides, and other lawn chemicals. Wildlife habitat functions were also documented and were based on direct observations as well as photographs submitted by local residents. The water quality of the unnamed tributary is improved with the presence of the on-site stream. Golf courses tend to have a negative effect on nearby waters from the use of fertilizers and lawn chemicals. This stream plays an important role in attenuating adverse effects on downstream water quality.

Based on the hydrological connection and the functions being performed, the District concludes that the approximately 1,205 linear feet of the unnamed tributary annotated as Channel 1 on the delineation map has a significant effect on the chemical, physical, and biological integrity of the downstream waters, including Ellicott Creek (a TNW) and is a part of a tributary system that flows into a TNW (Ellicott Creek) and therefore is a jurisdictional water of the U.S. subject to Section 404 of the CWA regulation.

February 5, 2016

Re: Traffic problem & request for a traffic study

On Monday, Feb 1<sup>st</sup> at about 2:30 p.m., a severe traffic accident occurred on Sheridan Dr. at the 290 entrance, a very short distance from the proposed subdivision at 4176-4188 Sheridan Dr. A car was hit and actually flipped over onto the roof. This was during a time of day when traffic is not heavy. Twin City ambulance and the Amherst Police were at the scene. I know this because I work at the corner of Sheridan & Sunrise and could see the backup of cars.

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!

Respectfully,

Laura Tirone

160 Frankhauser Rd.

Attachment: October 27 2106 traffic concerns (COM-2016-318 : Traffic Concerns)

October 27, 2016

To: Town Board, Planning Board, Zoning Board, NY State DOT – Thomas Messana, Gerry Stuitje – Sweet Home Schools, Marjory Jaeger & Ellen Kost

Hello everyone,

I am a resident at 160 Frankhauser Rd. and have written to and/or spoken to you all before regarding the traffic problem on Sheridan Dr. Below is a copy of a letter that I sent on Feb 5, 2016 regarding a request for a traffic study. Thankfully Mr. Messana, from the DOT, is in the process of conducting that study. I have been keeping a loose record of accidents that I have witnessed on Sheridan Dr. between North Forest & Harlem Roads.

Well, yesterday I was a victim of an accident at the corner of North Forest & Sheridan! A young man ran a red light at Sheridan and hit both me and another driver. Both of us drivers who were hit were taken to the hospital. Fortunately, my injuries are not severe, but I cannot say the same for the other driver who was hit. This accident was at aprox 1:15 in the afternoon. No one even got out of their car to see if I was OK, because it was unsafe to do so. There is no where to pull over when a problem occurs.

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.

Respectfully – but VERY seriously,

Laura Tirone

160 Frankhauser Rd.

To: Town Board – Barry Weinstein, Ramona Popovich, Deborah Bucki, Steven Sanders, Francina Spoth

Planning Board

Zoning Board

Town Attorney – Stanley J Sliwa

NY State DOT – Edward Rutkowski@dot.ny.gov

Marjory Jaeger – [mjaeger@amherst.ny.us](mailto:mjaeger@amherst.ny.us)

Attachment: October 27 2106 traffic concerns (COM-2016-318 : Traffic Concerns)



COMMUNICATION 2016-299  
COMPLETED DOC ID: 15950

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## Westwood Task Force

----- Original message -----

From: Jennifer Haas

Date: 10/13/2016 10:22 AM (GMT-05:00)

To: "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us) <<mailto:dbucki@amherst.ny.us>>>

Subject: Westwood

Councilmember Bucki:

I just wanted to thank you for your advocacy regarding the Westwood property. Although the resolution for the task force was tabled, I am encouraged that some other Councilmembers expressed interest in it. 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. 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. Again, thank you.

**11/01/2016**

Referred to Planning.

<b>RESULT:</b>	<b>REFERRED [UNANIMOUS]</b>
<b>MOVER:</b>	Barry A. Weinstein, Supervisor
<b>SECONDER:</b>	Steven D. Sanders, Deputy Supervisor
<b>AYES:</b>	Weinstein, Sanders, Popowich, Bucki, Spoth

**Carrato, Amy**

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**From:** Judith Ferraro <jferraro@roadrunner.com>  
**Sent:** Tuesday, November 01, 2016 5:55 PM  
**To:** Black, Gary  
**Cc:** Gillert, Rick; Weinstein, Barry; Sanders, Steven; Ramona D Popowich; debbucki Bucki; Fran Spoth; Kost, Ellen; Carrato, Amy  
**Subject:** Re: Westwood

Gary,  
Thank you for taking the time to impart all this information. It is a lot..and is appreciated.  
Judy

On Nov 1, 2016, at 12:43 PM, Black, Gary wrote:

Judy,

The only certainty at the moment regarding the review schedule is that the Planning Board will open their hearing on November 17. I understand that it appears to be happening quickly, but there are statutory reasons that the hearing has to be opened in a timely manner. SEQR specifies that a public hearing on an EIS must be scheduled within 60 days of notice of completion. This has been prolonged waiting for the petitioner to revise the zoning application. Now that we have their revised application and based on the Planning Board schedule, the hearing will be opened in November to avoid any procedural issues.

The Planning Board may keep the hearing open for a period of time to adequately take comment on all of the information proposed by the petitioner in the application. As you alluded, this includes the statements and conclusions made in the Draft Generic Environmental Impact Statement (DGEIS) and the substance of the proposed rezoning and development plan. The development plan is, in the terminology of the Town's Zoning Code, the proposed conditions of rezoning that are required for the Planned Unit Development (PUD) review. The PUD process basically writes a unique zoning code for the property, defining the location of permitted uses, design guidelines, and yard, bulk, and area requirements, if the rezoning is approved.

For a rezoning, the **Town Board** is the Lead Agency and has jurisdiction over the DGEIS and the rezoning application, which includes the PUD requirement. The Planning Board is advisory to the Town Board. The Zoning Code requires that the Planning Board hold a public hearing and make recommendations to the Town Board before the Town Board can schedule its mandatory hearing. Without knowing when the Planning Board will close their hearing and make its recommendations, we do not know when the Town Board may be in a position to schedule their public hearing.

The next step is the Town Board public hearing. As with the Planning Board, the Town Board may keep its hearing open for an unspecified period of time. SEQR requires that the public comment period on the DGEIS be kept open for a minimum of 10 days after the close of the public hearing. The Town in the past had kept it open for up to 30 days. Also keep in mind that if there are any proposed changes to the

project that result from public comment, the comment period is usually extended to give residents and agencies time to review revised plans.

After the public hearing is closed, the Town Board has 45 days to prepare and issue the Final Generic Environmental Impact Statement. Unlike the Draft GEIS which was prepared by the applicant, the FGEIS is the Town's document. The FGEIS must include the DGEIS by reference, responses to all substantive comments received from the public and review agencies, and all changes/modifications to the project resulting from the SEQR review. The FGEIS typically takes much longer to prepare than 45 days, as additional technical information typically has to be gathered to verify the Town's conclusions. This time period can be extended by mutual consent.

After a 10 day consideration period, the Town Board may issue its Statement of Findings to either approve, approve with modifications, or deny the rezoning application. The Findings summarize the conclusions of the environmental review consistent with the FGEIS. The Town Board can act on the rezoning request at the same meeting.

The process is driven by specific procedural requirements combined with keeping the public comment period open based on the circumstances of the review. I fully realize it is frustrating not to be able to lay out a definitive schedule, but that is the nature of EIS reviews. Since I have been with the Town, EIS reviews have taken as little as 10 -12 months or up to 5-6 years for complex projects.

I hope this addresses your questions. Please contact us if you have any further questions.

Gary

**From:** Judith Ferraro [mailto:jferraro@roadrunner.com]  
**Sent:** Tuesday, November 01, 2016 10:45 AM  
**To:** Black, Gary  
**Cc:** Gillert, Rick; Weinstein, Barry; Sanders, Steven; Ramona D Popowich; debbucki Bucki; Fran Spoth  
**Subject:** RE: Westwood

Gary,

I understand SEQR and the rezoning review are happening at the same time. Please let me know what is the anticipated timeframe for the required hearings and what is your schedule to accomplish this?

The Planning Board presides over SEQR and rezoning. Is that correct? And, the rezoning application is to be considered in the context of the PUD with the Planning Board presiding. Is that correct?

And, the Town Board is the approving authority for the EIS, the rezone and the PUD. Is that correct?

Sent the message below to members of the Town Board, Friday, October 28. It certainly applies to your department, as well. I'm disappointed about the November 17th public hearing. After all the months of waiting.. it suddenly appears? Hmmmm.

Enjoy your day.

Judy

"Westwood has reared up again..just in time for the holidays. Amazing that even before the chemical testing is complete, a "new" plan just as dense as the "old" plan is put forth. No viable mitigations are offered. Why? Holiday busy work? I hope and pray that NO public hearings are permitted during the holiday season. That is and always has been a disgrace for any public official to permit such a thing.

Westwood is another case of NO REZONE. The "new" plan is a show of an arrogant, entitlement mentality."

From: Rochelle Lawless [REDACTED]  
Sent: Wednesday, November 2, 2016 10:35 AM  
To: Bucki, Debbie; Popowich, Ramona D.; [spoth@amherst.ny.us](mailto:spoth@amherst.ny.us); Sanders, Steven  
Subject: Westwood Concerns

Dear Town Board:

I am a resident of the Town of Amherst and have been following the Keep Westwood Green agenda very closely. I currently reside in East Amherst off of Casey Road. I voted for Ms. Bucki and Ms. Spoth to join the Board last year with the hope that the initiative to Keep Westwood Green would be supported. I have lived in Amherst since I was 3 years old and have seen the area change drastically over the past 30 years. 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 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.

I think Amherst desperately needs a large park similar to Chestnut Ridge in Orchard Park, Ellicott Park in Tonawanda, Stiglmeier in Cheektowaga, etc. with trails, shelters, playgrounds, sports fields, all in one space. There are almost no shelters available to rent for an outdoor birthday party or family reunion in Amherst - I believe there are only two shelters in Island Park and maybe a small shelter scattered here or there in various other parks. Westwood presents an ideal opportunity to create a large park for the community and it is a real shame if this opportunity is missed by giving into corporate interests.

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.

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?

Thank you,  
Rochelle Lawless

Attachment: COMMUNICATIONS Westwood Lawless 12052016 (COM-2016-338 : Citizens' Westwood Concerns)



TOWN OF AMHERST PLANNING DEPARTMENT.

CONVERSATION RECORD

TIME

DATE

11/3/16

TYPE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

TELEPHONE NO.

ROUTING

NAME/SYMBOL

INT

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION

Margaret Markarian  
162 Morningstar Ct, Wmsvl

-

SUBJECT

Z-2014-23A Proposed Westwood Neighborhood

SUMMARY

Opposes the project for the following reasons:

- 1) Traffic at Sheridan - N. Forest intersection already heavy and accidents happening - project will make traffic worse.
- 2) We have enough plazas and shopping areas already.
- 3) Project would generate too much noise.

ACTION REQUIRED

file

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Ellen M. Kost, Assoc. Planner

Ellen Kost

11/3/16

ACTION TAKEN

**Carrato, Amy**

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**From:** FREDRIK MILLER <eustis1407@yahoo.com>  
**Sent:** Saturday, November 05, 2016 12:06 PM  
**To:** Carrato, Amy  
**Subject:** Proposed Westwood Development

Dear Sir/Madam:

I am a homeowner in the adjacent neighborhood at 97 Sunrise Blvd. I would much prefer to see the entire parcel of land be used as a community park. The town could really use a swimming pool complex and more recreational opportunities such as bike paths, picnic areas and walking/running paths. This site would be ideal for those purposes.

However, if it must be developed, I have no opposition to the proposed development by Mensch Partners. I would like to see it move forward since the current state of the property is very undesirable.

Thank you for your consideration.

Kind Regards,

Fredrik Miller  
PH. 352-408-0990

Fred

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Wednesday, November 09, 2016 9:50 AM  
**To:** 'LINDA PERKINS'  
**Cc:** Kost, Ellen; Carrato, Amy  
**Subject:** RE: Mensch plans for Westwood

Linda.

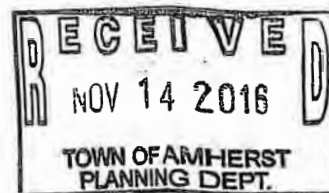
Thank you for your comments. We will pass them along to the Planning and Town Board and include them in the official record.

Gary

**From:** LINDA PERKINS [mailto:kodacat.45@gmail.com]  
**Sent:** Wednesday, November 09, 2016 8:10 AM  
**To:** Black, Gary  
**Subject:** Mensch plans for Westwood

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. Linda Perkins 147 Canterbury Mnr. 626-4497

Stuart H. Angert  
94 Harbridge Manor  
Amherst, NY 14221



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

2-2014-23A

November 12, 2016

Dear Board Members.

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

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

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart H. Angert". The signature is written in a cursive style with some loops and flourishes.

From: Matthew Astridge [REDACTED]  
Sent: Sunday, November 13, 2016 11:02 PM  
To: Matthew Astridge  
Subject: Keep Westwood Green

Hello,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

Matt Astridge

Attachment: COMMUNICATIONS Westwood MAstridge 12052016 (COM-2016-338 : Citizens' Westwood Concerns)

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Monday, November 14, 2016 9:20 AM  
**To:** Carrato, Amy; Kost, Ellen  
**Subject:** FW: Keep Westwood Green

Copy to file and to the Planning Board

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**From:** Margaret [mailto:maastridg@hotmail.com]  
**Sent:** Monday, November 14, 2016 6:32 AM  
**To:** Weinstein, Barry  
**Subject:** Keep Westwood Green

Hello,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

Margaret Astridge

From: Ronald Astridge [REDACTED]  
Sent: Monday, November 14, 2016 9:05 AM  
To: Gillert, Rick; Black, Gary; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
Subject: Keep Westwood Green

Hello,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

Ron Astridge

Attachment: COMMUNICATIONS Westwood RAstridge 12052016 (COM-2016-338 : Citizens' Westwood Concerns)

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Monday, November 14, 2016 10:54 AM  
**To:** 'Curtis Robbins'  
**Cc:** Kost, Ellen; Carrato, Amy  
**Subject:** RE: Assistant Planning Director: Westwood Country Club - Oppose the Rezoning

Mr. Robbins,

Thank you for your comments. We will pass your email along to the Planning Board and make sure it becomes part of the official record.

Gary

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**From:** Curtis Robbins [mailto:CurtisRobbins@msn.com]  
**Sent:** Monday, November 14, 2016 10:09 AM  
**To:** Black, Gary  
**Subject:** Assistant Planning Director: Westwood Country Club - Oppose the Rezoning

Dear Mr. Black,

I am writing you to oppose the most recent development plan put forth by Mensch Capital Partners on the former Westwood Country Club property. This includes the recent request to rezone the property in preparation for this plan.

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.

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**

Thank you for taking my comments into consideration and I look forward to attending the meeting on November 17<sup>th</sup> where **I hope to hear a planning board ask the right questions about how this potential rezoning will improve the lives of all residents...**



Kind Regards,

Curtis Robbins

76 Wiltshire Road

Williamsville, NY 14221

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Tuesday, November 15, 2016 10:10 AM  
**To:** 'Alanya Zuniga'; Gillert, Rick; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
**Cc:** Kost, Ellen; Carrato, Amy  
**Subject:** RE: Vote no on rezoning of Westwood Country Club

Dear Ms. Zuniga,

Thank you for your comments on the Westwood project. They will be passed along to the Planning Board and made part of the official record.

Gary Black  
Assistant Planning Director

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**From:** Alanya Zuniga [mailto:alanyaz@gmail.com]  
**Sent:** Monday, November 14, 2016 4:29 PM  
**To:** Gillert, Rick; Black, Gary; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
**Subject:** Vote no on rezoning of Westwood Country Club

Hello,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

Thank you again,  
Alanya Zuniga

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Tuesday, November 15, 2016 9:54 AM  
**To:** 'Grol-Prokopczyk, Hanna'  
**Cc:** Gillert, Rick; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina; Kost, Ellen; Carrato, Amy  
**Subject:** RE: Let's think long-term about our neighborhood

Dear Ms. Grol-Prokopczyk,

Thank you for your comments on the Westwood project. They will be passed along to the Planning Board and made part of the official record.

Gary Black  
 Assistant Planning Director

**From:** Grol-Prokopczyk, Hanna [mailto:hrol@buffalo.edu]  
**Sent:** Monday, November 14, 2016 9:36 PM  
**To:** Grol-Prokopczyk, Hanna  
**Cc:** Gillert, Rick; Black, Gary; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
**Subject:** Let's think long-term about our neighborhood

Dear Amherst officials,

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.

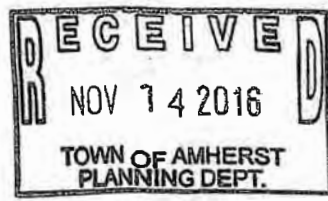
Studies indicate that greener neighborhoods help people live longer, by reducing deaths from respiratory illness and cancer (<http://well.blogs.nytimes.com/2016/04/14/living-near-greenery-may-help-you-live-longer/>). Once large green spaces are gone, they are nearly impossible to get back. We especially 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.)

Wishing you wisdom as you consider how to handle the Westwood site,

Hanna Grol-Prokopczyk  
 Tomcyn Dr 14221

Westwood File: P-016



To: Mr. Eric W. Gilbert AICP, Director  
Planning Department  
5583 Main Street  
Williamsville, NY, 14221

Date: November 14, 2016

RE: Request to rezone 146.7 ± acres of land for a planned unit development entitled "Westwood Neighborhood"

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 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.

Sincerely,

*Mary Boehm*  
 (Mrs.) Mary Boehm  
 biology teacher (retired)  
 Town of Amherst resident

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Tuesday, November 15, 2016 10:10 AM  
**To:** 'Alison Lagowski'; Gillert, Rick; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
**Cc:** Kost, Ellen; Carrato, Amy  
**Subject:** RE: Keep Westwood green!

Dear Ms. Lagowski,

Thank you for your comments on the Westwood project. They will be passed along to the Planning Board and made part of the official record.

Gary Black  
Assistant Planning Director

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**From:** Alison Lagowski [mailto:[alisonlagowski@gmail.com](mailto:alisonlagowski@gmail.com)]  
**Sent:** Monday, November 14, 2016 9:52 PM  
**To:** Gillert, Rick; Black, Gary; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
**Subject:** Keep Westwood green!

Dear Amherst Town Board and Planning Board,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

Best Regards,  
Alison Lagowski  
60 Muegel Road

Sent from my iPhone

**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Thursday, November 17, 2016 10:17 AM  
**To:** Carrato, Amy; Black, Gary; Kost, Ellen  
**Cc:** Popowich, Ramona D.  
**Subject:** FW: Westwood Coments

Amy...Please ensure that these comments are included in the Planning Board Packet for the Public Hearing this evening and are included in the official record. Thanks, Rick

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

From: Popowich, Ramona D.  
Sent: Wednesday, November 16, 2016 8:34 PM  
To: Lee Dryden; Gillert, Rick; Black, Gary  
Subject: RE: Westwood

Rick,

Please submit Mr. Dryden's comments to the Planning Board and make them part of the official record.

Thank you,  
Ramona

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From: Lee Dryden [dryden@buffalo.edu]  
Sent: Tuesday, November 15, 2016 7:06 PM  
To: fspoth@amherst.ny.usWestwoodWestwood; Bücki, Debbie; Popowich, Ramona D.; Sanders, Steven; Weinstein, Barry  
Subject: Westwood

Dear Council Member,

I will not be able to attend the Planning Board meeting when comments will be accepted on the Westwood project. I wanted to make my concerns known to you.

My wife and I have lived at 572 North Forest Rd. for more than 30 years. 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.

Parks and golf courses preserve green spaces and habitat for animals. Once they are developed, all the benefits of open space for passive recreation, ground water replenishment, natural beauty, and a physical sense of openness are lost forever. All of these things initially attracted us and our neighbors to Amherst. As developments like this are approved, the desirability of locating here diminishes.

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.

Respectfully,

Lee Dryden

Peggy Dryden

572 North Forest Road, Williamsville, NY 14221

**Carrato, Amy**

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**From:** Black, Gary  
**Sent:** Thursday, November 17, 2016 2:52 PM  
**To:** 'Carlos Zuniga'; zunigajr@gmail.com  
**Cc:** Kost, Ellen; Carrato, Amy  
**Subject:** RE: Keep Westwood Green

Mr. Zuniga,

Thank you for your comments on the Westwood project. A copy will be provided to the planning Board and made part of the official record.

Gary Black  
Assistant Planning Director

**From:** Carlos Zuniga [mailto:CZuniga@evansbank.com]  
**Sent:** Wednesday, November 16, 2016 10:48 AM  
**To:** zunigajr@gmail.com  
**Subject:** Keep Westwood Green

Hello,

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. 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.

Please vote NO to the proposed development plans and YES to keeping Westwood green. Thank you for your time.

**Carlos Zuniga, Jr.**

Bank Officer | Senior Internal Auditor  
Evans Bank

[czuniga@evansbank.com](mailto:czuniga@evansbank.com)

One Grimsby Drive  
Hamburg, NY 14075  
716.926.8744 | 716.926.2005 fax

[www.evansbank.com](http://www.evansbank.com)



**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Thursday, November 17, 2016 3:18 PM  
**To:** 'Janet Bounds'  
**Cc:** Black, Gary; Kost, Ellen; Carrato, Amy  
**Subject:** RE: westwood county club-proposed redevelopment

Ms. Bounds....Thank you for taking the time to express your position to the proposed rezoning of the former Westwood Country Club property. Please be assured that your comment will be sent to the Planning Board and become part of the permanent record for this project and I encourage you to continue to be involved in this important issue. That said, I anticipate that no action on the current proposal will be taken by this Planning Board this evening. Please be aware that the action before the Planning Board is its recommendation to the Town Board on a proposed rezoning. The Town Board has the final authority for all rezoning actions. Should you have any questions in this regard, please to not hesitate to contact this department...with Regards, Eric Gillert, Planning Director

**From:** Janet Bounds [mailto:jjbounds55@gmail.com]  
**Sent:** Thursday, November 17, 2016 11:59 AM  
**To:** Gillert, Rick  
**Subject:** westwood county club-proposed redevelopment

I AM TOTALLY AGAINST THIS PROPOSAL

I WANT TO PRESERVE THE WETLANDS AND THE GREEN SPACE

THANK-YOU- Janet Bounds

**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Friday, November 18, 2016 10:43 AM  
**To:** Popowich, Ramona D.; Carrato, Amy  
**Subject:** RE: Z-2014-23A Rezoning Westwood Opposition

Amy...Please ensure that Mr. Bosch's comments are entered into the project record and included in the Planning Board folder for the January meeting....Thanks, Rick

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**From:** Popowich, Ramona D.  
**Sent:** Friday, November 18, 2016 9:02 AM  
**To:** Richard Bosch; Gillert, Rick; Carrato, Amy  
**Cc:** Weinstein, Barry; Sanders, Steven; Bucki, Debbie; Spoth, Francina  
**Subject:** RE: Z-2014-23A Rezoning Westwood Opposition

Rick,

Please add Mr. Richard C. Bosch's comments to the Planning Board's packet of information regarding their adjourned Westwood Public Hearing.

Thank you,  
 Ramona

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**From:** Richard Bosch [rickseab@gmail.com]  
**Sent:** Thursday, November 17, 2016 5:53 PM  
**To:** Popowich, Ramona D.  
**Cc:** Weinstein, Barry; Sanders, Steven; Bucki, Debbie; Spoth, Francina  
**Subject:** Z-2014-23A Rezoning Westwood Opposition

Councilmember Ramona D. Popowich (Liaison to Planning Board),

Please forward to Planning Board Members.

Reference Z-2014-23A, Rezoning Westwood

Dear Planning Board Members,

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 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.

I have more input, but think this is enough to start with.

Sincerely,

Richard C. Bosch  
60 East Maplemere Rd.  
Williamsville, NY 14221  
[rickseab@gmail.com](mailto:rickseab@gmail.com)

Hello, my name is Maureen Schmitt. I own residences at 866, 860 and 850 North Forest. The latter is directly adjacent to the Westwood property. I oppose the proposed rezoning of the Westwood Country Club parcel from RC (Recreation/Conservation) to the combined TND (Traditional Neighborhood Development), MFR-7 (Multi-Family Residential), GB (General Business) in order to protect the stability of the surrounding Central Amherst neighborhoods for the good of the town as a whole.

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.

If rezoned, there will be downstream effects for the adjacent neighborhood that I have personally lived in for the past 30 years.

- 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.
- Loss of natural water absorption. Concrete is impervious.
- Impacts to Ellicott Creek including flooding and pollution.
- 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!

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, 00.00. 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.

I urge this Planning Board to deny the application to rezone and save an area of Amherst that cannot function effectively with the impact of such vast changes.

Thank you for the opportunity to speak tonight.

Town of Amherst Planning Board Meeting

11/17/16

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.

At this stage in the process the Planning Board is charged with considering land use, whether or not the combined TND/ MFR-7/ 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.

Additionally, 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.

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.

Thank you

Maryann Hochberg  
1075 North Forest Road  
Williamsville, NY 14221

**I would like to introduce myself my name in Nathan Hartrich. I am the President of the Morningside Home Owners' Association. We have been an active family first home owners association for the past 75 years, the oldest on the east coast and possibly the United States. We have been working directly with the Town of Amherst over these seventy five years. We number just under 1000 residents in direct proximity to the Westwood Golf Course. As members of Keep Westwood Green as well, we wish that you advise the town board to uphold the current zoning Recreation Conservation. In its name alone one of the key words is conservation; we need to conserve this space for future generations.**

**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?**

**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 17<sup>th</sup>,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**

Attachment: Hartrich-Westwood (COM-2017-8 : Morningside Home Owner's Assn.)

Friday October 21<sup>st</sup>, 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.

Now on to the largest problem with this proposed development-  
---- TRAFFIC

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.

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

Attachment: Hartrich-Westwood (COM-2017-8 : Morningside Home Owner's Assn.)

**We have to remember this is green space, with trees and wildlife that reside upon its grounds. Once this green space is gone it cannot be replaced. Please advise the town board member's that this is a terrible plan, and to uphold the current recreation conservation zoning. It was changed to this specific zoning for a reason to protect this land.**

**Thank you for your time.**

**Nathan Hartrich  
President  
Morningside Home Owners Association  
Since 1942  
"Family First"**

**Attachment: Hartrich-Westwood (COM-2017-8 : Morningside Home Owner's Assn.)**



From: Judith Ferraro  
 Sent: Saturday, November 19, 2016 1:45 PM  
 To: Jaeger, Marjory; Cooper, Kathy  
 Subject: RE: Westwood Meeting/Rezone, DEIS

Please give a copy of my message below to each member of the Town Board and Planning Board and put it on the Agenda under "Communications."  
 Thank you.

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.. 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.

Additionally, 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.

Many of these homeowners have had to pay thousands, tens of thousand to mitigate problems, typically caused from development that never should have been allowed, in the first place. Nonetheless, they never expected nor expect that their neighbors pay for such remediations. And, sadly they come to the realization that any dream of a reasonable return on their investment.. is gone. These developers bought the property. It's theirs, arsenic and all. Seems like due diligence was not done before purchase.  
 IT IS NOW THEIR PROBLEM.

Also, most homeowners, have taken pains to purchase homes in locations where they were assured, by the town, that they were protected from abusive development encroaching into their neighborhoods because of zoning laws. So, why are we even entertaining such an abusive, destructive plan that violates zoning laws, nature's laws and common sense?  
 NO DEVELOPER IS ENTITLED TO REZONES! PERIOD!... And, they should not expect any town employee to aid and abet them in their quest to transform areas of Amherst for their gratification, while homeowners suffer the consequences.

Our Town Engineer put forth a communication regarding the rezoning and Westwood's DEIS, dated November 11, 2016. It can be viewed on the Town web site in its entirety.

There are 8 points that detail the serious flaws in design and inadequate mitigations with sewage, traffic, drainage and stormwater runoff submitted by this petitioner...  
 (Quote parts of 8 points)...

These are significant problems that have not been addressed.  
 SO, WHY ARE WE EVEN HERE?

Judy Ferraro  
 Donna Lea Blvd.

Attachment: Ferraro \_ Westwood (COM-2016-337 : Ferraro Regarding Westwood)

**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Monday, November 21, 2016 9:12 AM  
**To:** 'Judith Ferraro'  
**Cc:** Black, Gary; Kost, Ellen; Carrato, Amy  
**Subject:** RE: Westwood Meeting/Rezone, DEIS

Judy....Thank you for your continued involvement in this process. As yet we have not received the revised plan alluded to at the hearing on Thursday. I look forward to your comments thereon when it is received....Have a great Holiday...Rick

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

**From:** Jaeger, Marjory  
**Sent:** Monday, November 21, 2016 8:40 AM  
**To:** CouncilMemberDL; Weinstein, Barry  
**Cc:** Gillert, Rick; Black, Gary; Brzezinski, Jean; Carrato, Amy  
**Subject:** FW: Westwood Meeting/Rezone, DEIS

Good morning,

Please see email from Judy Ferraro, below.

Planning, please forward to Planning Board.

Thank you,

Marjory Jaeger  
Amherst Town Clerk

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

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

**From:** Judith Ferraro [mailto:jferraro@roadrunner.com]  
**Sent:** Saturday, November 19, 2016 13:45 PM  
**To:** Jaeger, Marjory; Cooper, Kathy  
**Subject:** RE: Westwood Meeting/Rezone, DEIS

Please give a copy of my message below to each member of the Town Board and Planning Board and put it on the Agenda under "Communications."

Thank you.

Judy Ferraro  
213 Donna Lea Blvd.  
626-4154

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.. 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.

Additionally, 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.

Many of these homeowners have had to pay thousands, tens of thousand to mitigate problems, typically caused from development that never should have been allowed, in the first place. Nonetheless, they never expected nor expect that their neighbors pay for such remediations. And, sadly they come to the realization that any dream of a reasonable return on their investment.. is gone. These developers bought the property. It's theirs, arsenic and all. Seems like due diligence was not done before purchase. IT IS NOW THEIR PROBLEM.

Also, most homeowners, have taken pains to purchase homes in locations where they were assured, by the town, that they were protected from abusive development encroaching into their neighborhoods because of zoning laws. So, why are we even entertaining such an abusive, destructive plan that violates zoning laws, nature's laws and common sense? NO DEVELOPER IS ENTITLED TO REZONES! PERIOD!... And, they should not expect any town employee to aid and abet them in their quest to transform areas of Amherst for their gratification, while homeowners suffer the consequences.

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There are 8 points that detail the serious flaws in design and inadequate mitigations with sewage, traffic, drainage and stormwater runoff submitted by this petitioner... (Quote parts of 8 points)...

These are significant problems that have not been addressed.  
SO, WHY ARE WE EVEN HERE?

Judy Ferraro  
213 Donna Lea Blvd.  
626-4154

November 30, 2016

Mr. Thomas S. Messana, P.E.  
Regional Traffic Engineer  
New York State Department of Transportation

RE: Request for review of traffic conditions  
Rte 324 (Sheridan Dr) from Harlem Road to North Forest Road  
Town of Amherst

Enclosed please find a copy of the letter I sent to the Town of Amherst Supervisor and Councilmembers with a copy of your letter.

I appreciate the study you conducted and the remedial efforts your are putting into place. As with any plan of action, time will tell as to how effective this strategy is in so far as restoring safety to this segment of roadway. Therefore, I am requesting that a second three year study from the date of implementation of your plan be done to insure area residents that once again our roadway is safe.

Also, since I do not have Major Steven A. Nigrelli's address, would appreciate your forwarding this letter and the letter to the Town of Amherst to him.

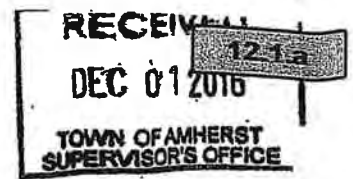
Thank you.

Sandra M. Koerber  
[REDACTED]  
[REDACTED]

Attachment: Sandra Koerber - Traffic Study-12012016131141 (COM-2016-349 : Sandra Koerber Regarding Sheridan Drive Traffic)

November 30, 2016

Supervisor Barry Weinstein and Councilmembers  
Town of Amherst, New York



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.

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 restore.


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.

Thank you.

Sincerely,

Sandra Koerber  


c.c.: Town of Amherst Planning Department  
New York State Department of Transportation  
New York State Police

Attachment: Sandra Koerber - Traffic Study-12012016131141 (COM-2016-349 : Sandra Koerber Regarding Sheridan Drive Traffic)

Any ... Please ensure a copy of this communication is in the file ...

Dear Ms. Beechi,

communication 2017-7  
Town Board meeting of 1/3/17

After attending the Westwood meeting November 17, I came away with the awful feeling that rezoning for this project was a fait de complete even though the majority of residents does not want more commercial creep into its neighborhoods.

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.

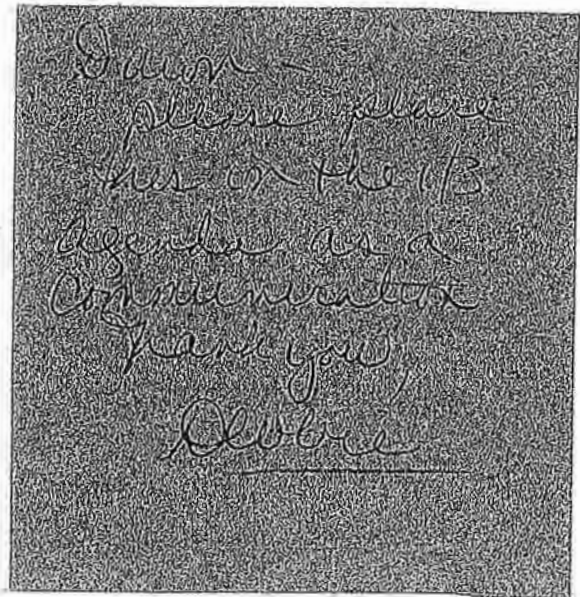
It seems that any form of proposed development with the promise of tax dollars and jobs, that's presented in a manner filled with half truths, is all that is needed for elected officials to sign on. And anyone who raises valid concerns such as traffic, noise, water runoff, sewer capacity and property 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.

Sincerely,

*Louise Ganley*  
Louise Ganley



Alissa Shields  
17 Roman Lane  
Amherst, NY 14226

January 19, 2017  
Robert J. Gilmour, Chairman  
Planning Board  
Town of Amherst  
5583 Main Street  
Williamsville, New York 14221

Re: Amended Rezoning Application for a planned unit development "Westwood Neighborhood"  
Request to Rezone

Dear Mr. Gilmour and Members of the Planning Board:

Below please find a copy of the public remarks that I made at the meeting of the Planning Board on January 19, 2017.

Some of you may know me from the grass roots community movement to halt the construction of a (90) ninety-foot Verizon cell tower at the top of Dellwood Road.

I am here tonight in solidarity to the Keep Westood Green movement and to add my family's voice in strong opposition to the rezoning of Westwood.

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

Both attempts to strip our parkland of it's 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 theses 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.

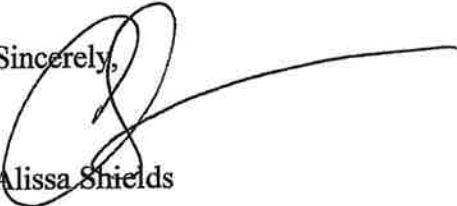
Furthermore, the town itself admits that it does not have the infrastructure to support their grand-scale development plans.

Members of the planning board, it is your professional responsibility to the residents who pay your salaries to actively protect and preserve our community's recreation/conservation-zoned lands. I urge you to recognize the collective social worth of conserving green spaces. For the good of the people and the town.

I would like to thank Keep Westwood Green for making all of Amherst aware of this issue. My husband and I stand with you in opposition.

Thank you for your attention.

Sincerely,



Alissa Shields



**PLANNING BOARD MEETING JANUARY 19, 2017 – COMMENTS BY RESIDENTS' SPOKESPERSON**

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TOWN OF AMHERST PLANNING BOARD HEARING

1/19/17

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.
- 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.

MARYANN HOCHBERG  
1075 NORTH FOREST RD  
WILLIAMSVILLE, NY 14221

**Carrato, Amy**

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**From:** Linda Perkins <kodacat.45@gmail.com>  
**Sent:** Sunday, January 22, 2017 6:47 AM  
**To:** Carrato, Amy  
**Subject:** Westwood Development

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. Thank you.

Amherst Traffic Safety Meeting

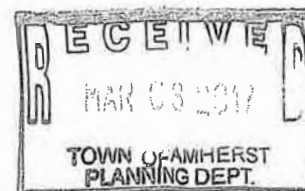
3/1/17

Excerpts from comments by Jennifer Snyder-Haas at the January 19, 2017 Planning Board Meeting, speaking as representative on behalf of residents, offered for your attention with the permission of Jennifer Haas:

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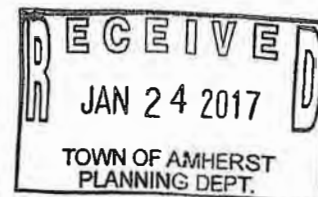
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January 23, 2017

To: Town of Amherst Planning Board Members

Re: Westwood Project



I have been a Town resident for the last 36 years since my return to the Buffalo area. I currently live in a large home in a great neighborhood. Since I am nearing retirement age, my wife and I are contemplating downsizing to a patio home.

Since my children and grand-children live in the Southtowns, I have great interest in finding a development in Amherst, where we are accustomed to living our lives, and in a development that would also reduce the drive time.

I am impressed with the Westwood plan and its latest revision. I attended the January 19 meeting and was not impressed by the voiced partisan opposition to the plan. I see the development as having significant open green space as well as amenities to service a wide range of residents. I do not agree with most of the arguments presented by the few neighborhood speakers.

I believe the Town Planning Board has a responsibility to all citizens of Amherst. I believe you should be acting for the greater good. This property would generate revenues and on a whole find it to be aesthetically pleasing, although I would like to see the actual architectural renderings. The thought of another barren little used park in Amherst in a prime location makes absolutely no sense at all and would increase maintenance expenditures. That would be a poor decision.

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.

I ask that you approve this development as it appears to be a good common sense plan with a variety of components, which by the way is very similar to the make-up of the Town as we know it.

If you do approve, I would be pleased to make it our home, not Clarence, for the next 36 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Kotowski". The signature is fluid and cursive, with a large loop at the end.

Jerry Kotowski

119 Pino Verde Lane

Williamsville, NY 14221

716-688-0854

January 24, 2017

To the Amherst town and planning boards,

Hello. My name is Kim Rosteing and I reside at 817 North Forest Road in Williamsville. I am writing about the proposed Westwood redevelopment. I am, unfortunately, one of the homes directly adjacent to the proposed development; in fact my property is one of the few properties leading almost directly into the proposed traffic circle.

I am opposed to the redevelopment on many fronts, some personal and some logical. Personally, I am opposed for the obvious disruption to the neighborhood during 10 years of construction; for the decline in mine and other property owners' property values; for the 50 years I've spent living across from a beautiful piece of property that offered a nice buffer of natural beauty for myself, other property owners, and commuters. Logically, for me installing such a huge development with all the ramifications involved in the middle of Amherst doesn't make sense. The surrounding infrastructure, whether it's sewage, storm water, and especially traffic, will be overtaxed. We don't even know the condition of the soil onto which they want to build since Mensch seems unwilling to properly test the soil.

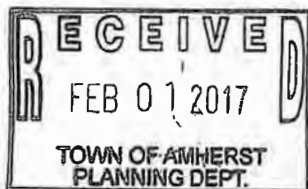
I will make this letter short since your time is valuable. But so is this issue to the future of Amherst. I recognize the property is private and will most likely be developed no matter how much the residents oppose. I've talked to some that have not been able to attend the meetings but are opposed. Many I believe are not even aware what's happening, I've talked to a few. My hope is that more become aware and voice their opinion. I have been to communities all over the country and Canada. I've been to 40 states and 3 provinces. My brother lives in Green Bay, Wisconsin. He bought his property 25 years ago when there was a nice mix of residential and rural. It reminded me of Amherst back in the day. His area now is all development with housing, plazas, and mixed use. They have developed everything nearby. It has made the community seem uniform and depressing. I've been to other communities that have utilized smart development with areas set aside for groomed parks or natural areas. I would hope that Amherst follows suit and develop intelligently leaving more green space. It will make this a nice place to live and raise families. Once developed it's gone forever. I've talked to at least one resident that may move because of this disruption to the area.

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. 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 sell 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. Get rid of the traffic circle which would cause commuter confusion and not lessen traffic leading to Sheridan as they claim.

In conclusion, my ultimate fears are the loss of natural beauty in favor of never ending development. The added traffic, pollution, and possibly crime. The fact that development has taken away the flavor of community in Amherst already. The loss of property value. The conversion of major roadways into polluted parking lots caused by gridlock of traffic. The arrogance of developers.

It plays to a larger context. It's just a sad and frustrating situation. I would hope that you do something that benefits the community and not developers.

Thank you  
Sincerely Kim Rosteing



**From:** Hyatt, Judith [REDACTED]  
**Sent:** Monday, January 30, 2017 11:30 AM  
**To:** Popowich, Ramona D.  
**Subject:** WESTWOOD BROWNFIELD

Westwood Brownfield Site is in my backyard. For myself, and the others whose properties back up to the contamination site, our properties are unsellable. So it's nice that there are neighbors who are not financially impacted that would prefer it remain a contamination site, but for the rest of us who have paid or are paying mortgages and taxes on adjacent properties, failure to clean up the site and develop it into a neighborhood would be a disaster. I'm hoping the Planning Board will give consideration to those of us who will lose what we have worked for our entire adult lives over the whims of those that prefer to see a fenced wasteland over new development that would be an upgrade to the old surrounding neighborhood, likely increasing the value of homes that are blocks away as well.

I understand that people like greenspace. One of the reasons I purchased my home 31 years ago was because of the greenspace. But I was never a Westwood member, and the greenspace was always restricted space anyway. I raised 3 children there and 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?

I saw the revised plan, and since it addressed the concerns that have been stated over the last several years, I seriously anticipated that there would be positive movement towards permitting development that will result in (what else can you call it?), improvement to the neighborhood. Other than the usual griping, I am truly at a loss to understand this.

Attachment: Hyatt (COM-2017-36 : Westwood Project Concerns)

Town of Amherst – Town Board/Planning Board c/o Margery Jaeger  
Ken Polk  
34 Rana Court, Williamsville, NY 14221

After a brutal election season, it has never been more evident how divided our country is and how downright rude some people can be when others don't agree with their viewpoint. Unfortunately, I had to experience this first-hand at a recent town planning board meeting at the Town of Amherst.

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.

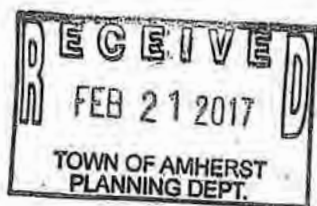
One by one, community members complained – from traffic to sewage to a general "not in my neighborhood" – and the Westwood Project team was soon becoming members of The Evil Empire. One brave soul, who simply stated that as he approaches retirement age would be for the project and interested in moving to a community such as this was almost booed off the podium. One "gentlemen" yelled, "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 rezoning 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.



Timothy & Patricia Fillipponi  
805 N. Forest Road  
Williamsville, N.Y. 14221  
February 17, 2017

Town of Amherst  
Traffic Safety Board  
5583 Main Street  
Williamsville, N.Y. 14221

Dear Traffic Safety Board:

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.

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.

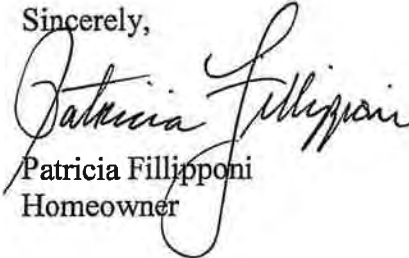


I would say that not many people know the traffic situation at this point of North Forest Road better than we do. Traffic is consistently backed up in the South bound direction between 7:00am and 6:00pm and vehicles are constantly using our driveway and the mouth of Westwood's driveway as a turnaround. 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.

Sincerely,



Patricia Fillipponi  
Homeowner

Cc: - Ramona Popowich; Council Member  
- Amherst Planning Board ✓  
-Amherst Town Board

RECEIVED  
FEB 23 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

To: Dr. Barry A. Weinstein, Supervisor  
Town of Amherst, NY

Date: February 22, 2017

RE: Request to rezone 146.7 ± acres of land for a planned unit development entitled  
"Westwood Neighborhood"

Enclosed is a copy of the letter we sent to each member of the Planning Board, Town of Amherst, NY.

*Mary Boehm*

Mary Boehm

*Raymond Boehm*

Raymond Boehm

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

From -  
Town Board  
March 6, 2017  
Z-2014-23B

Z-2014-23B

Attachment: Westwood Project Issues-02232017152718 (COM-2017-56 : Mary & Raymond Boehm - Westwood Neighborhood Plans)

To:

Date: February 22, 2017

RE: Request to rezone 146.7 ± acres of land for a planned unit development entitled "Westwood Neighborhood"

When the Mensch Capital Partners purchased the Westwood Country Club, it was a functioning golf course on land zoned RC (recreation/conservation). Initially Mensch planned to swap their newly acquired Westwood property, acre for acre, with the Audubon Golf Course. When this failed, Mensch began a campaign to have the land rezoned for a mixed use neighborhood. The project calls for the building of a variety of housing for 1700 people and commercial space for retail shops, restaurants, a hotel and a senior living center.

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:

1. 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. (Please see attached photos.)
2. 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 ±1700 cars and school busses, the Town of Amherst will have to deal with more traffic congestion and accidents.
3. 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.
4. Loss of recreation and conservation land. If the Westwood property is rezoned and development occurs, trees will be uprooted and the habitat for deer, foxes, owls, assorted water fowl and other birds will be destroyed. Once this happens, there is no turning back—this green space will be lost forever.

Therefore, we are asking you to NOT RECOMMEND the rezoning of the Westwood parcel.

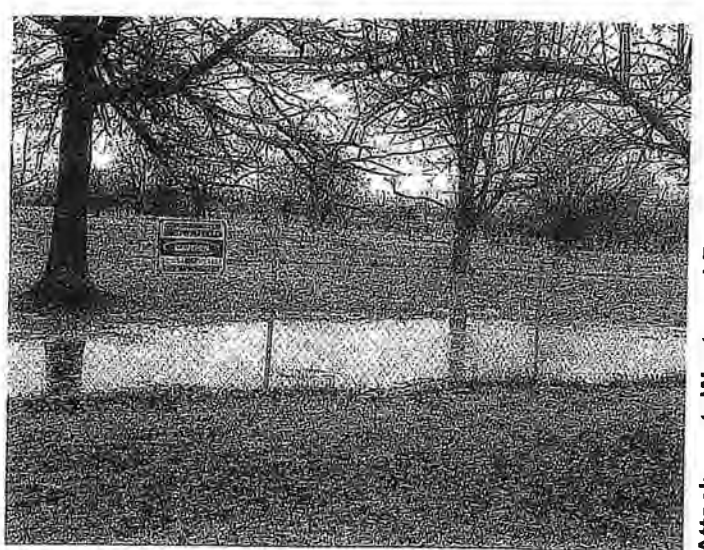
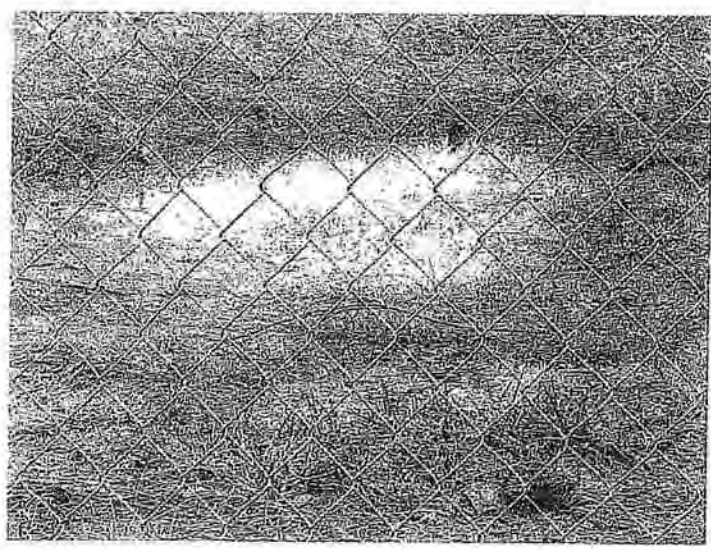
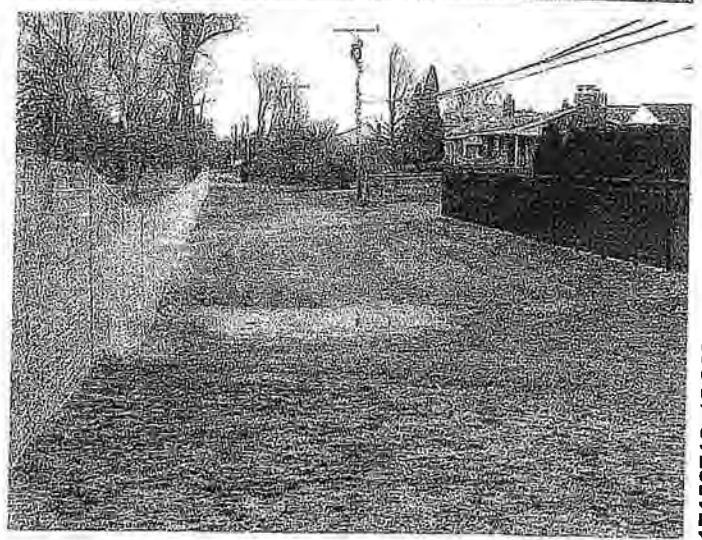
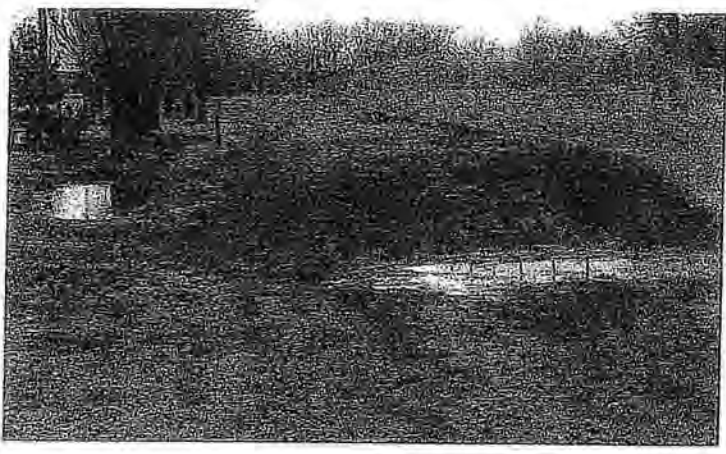
Thank you.

Mary K. Boehm

Raymond F. Boehm

Photos (taken on 2/8/17) showing accumulation of water on the Westwood property following snow melt and rain.

Please note, the Westwood fence is 20 feet ft. inside their property and all photos show water on Westwood land.



Attachment: Westwood Project Issues-02232017152718 (COM-2017-56 : Mary & Raymond Boehm - Westwood Neighborhood Plans)

## Traffic Safety Board Meeting

3/1/17

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 sign 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. 4<sup>th</sup>, 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.
- 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.

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.

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.

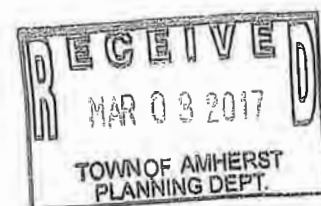
The existing surrounding neighborhoods should not have to change to accommodate a new development.

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.

Please do not recommend this traffic plan.

Thank you

Maryann Hochberg  
1075 North Forest Rd  
Williamsville, NY 14221



Dear members of the Town of Amherst Safety Committee,

March 1, 2017

I reside at 160 Frankhauser Road and am writing concerning a very important traffic safety concern for the section of Sheridan Drive between North Forest and Harlem Roads.

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.

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 fire truck on site

10/26/16 – N Forest & Sheridan 1:30 **my** accident (3 vehicles) 1<sup>st</sup> driver ran red light, hit 2<sup>nd</sup> 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

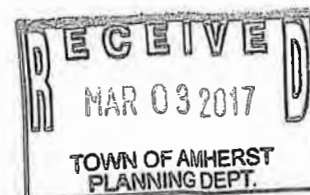
1/12/17 morning at Sunrise & Sheridan with injury – man taken in ambulance, fire truck & police were there. (Called Mr. Messana at DOT to report)

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.

Respectfully submitted,

Laura Tirone 160 Frankhauser Rd., Williamsville, NY 14221



To: The Town Of Amherst Traffic Safety Board

For: March 1, 2017 Meeting

I own residences at 866, 860 and 850 North Forest. The latter is directly adjacent to the Westwood property.

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

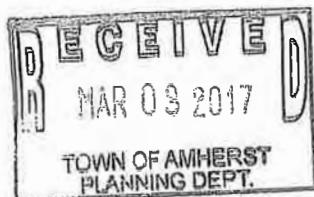
North Forest is a collector road, intended to pass traffic through the area. These changes will negatively impact the way the roadway functions for the sole purpose of serving the development. For the 30 years I have lived on North Forest many changes have been proposed to change the nature of the road. 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.

I urge you to deny the developer's request for recommendation of this traffic plan. Thank you.

Sincerely,

Maureen T. Schmitt



To: The Town Of Amherst Traffic Safety Board

For: March 1, 2017 Meeting

I own residences at 866, 860 and 850 North Forest. The latter is directly adjacent to the Westwood property.

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

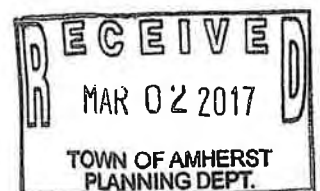
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I urge you to deny the developer's request for recommendation of this traffic plan.  
Thank you.

Sincerely,

Maureen T. Schmitt





**Carrato, Amy**

---

**From:** JoAnne Kotlik <jokotlik@gmail.com>  
**Sent:** Friday, March 03, 2017 11:22 AM  
**To:** Carrato, Amy  
**Cc:** keepwestwoodgreen@gmail.com  
**Subject:** Opposed to this traffic nightmare and sewage overload and concrete park

Please please please do not okay this MASSIVE Project! No hotels or Apartment Complexes are needed. We have empty ones all over the place in Amherst!!! No more empty office spaces. Retail is shutting down everywhere - no need for that.

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.

LEAVE MOST OF THIS AS GREEN SPACE. Build a very limited subdivison around it with family homes IF YOU MUST but PLEASE do not agree to this terrible plan! Please work to make Amherst a safe community and a happy place to live. This is not a happy place plan.

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?

Sincerely, Ron and JoAnne Kotlik  
110 W Maplemere Rd  
Williamsville , NY 14221

**Carrato, Amy**

---

**From:** Linda Perkins <kodacat.45@gmail.com>  
**Sent:** Saturday, March 04, 2017 12:20 PM  
**To:** Carrato, Amy  
**Subject:** Westwood

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! Linda Perkins

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 !

Respectfully,  
Sandra B. Rifkin  
142 Summerhill Lane  
Williamsville, NY 14221  
[NAME]  
[ADDRESS]

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. 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 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.

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.

Respectfully,

Rick Searns  
86 Brocton Ridge and 6028 Sheridan Drive

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Respectfully,

[NAME]Adam Field

[ADDRESS]89 Chasewood Lane. East Amherst

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Thanks for listening.

Respectfully,

Ron Papa  
9 Lanoche Ct  
Williamsville, NY 14221

Ronald J. Papa, SPPA  
President  
NFA - National Fire Adjustment Co., Inc.  
One NFA Park  
Amherst, NY 14228-1187  
Office: (716) 632-7272  
Toll Free: 1-800-632-7272  
Cell: (716) 583-7272  
Fax: (716) 689-7768  
email: rpapa@nfa.com  
web: www.nfa.com

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 would clean up the old Westwood area, provide a great new place for residents to live and create an additional source of tax revenue.

Respectfully,

Mark Wolfson  
156 Charlesgate Circle  
E. Amherst, NY 14051

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 and explain why:

1. This development was very well thought out, providing almost 50% of the area as greenspace
2. A beautiful development that will increase our net tax income by \$25mil each year, while providing a substantial increase in permanent employment (400 jobs) within our town

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, lets give them the support they deserve.

Respectfully,

Martin Sadkin  
20 Bel Air Ct, Getzville, NY 14068



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

Respectfully,

Gretchen Gross  
585 LeBrun Road  
Amherst, New York. 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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's a well designed multi use plan that meets the needs of all residents.

The plan takes a prime parcel that's currently a vacant contaminated area and smartly develops it many uses from residential and offices to retail and parklands. It will also help the tax base generating millions of dollars of tax revenue while creating part and full-time jobs.

I fully support this project and hope the Town Board will too.

Respectfully,

Mitchell Reoon  
10 Yolanda Court  
Getzville, NY  
40+ year Amherst resident

Sent from my iPad

Dear Town of Amherst Officials:

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 benefit our community

Respectfully,

Bruce Weiss

88Gaslight Trail

Wlmsvl NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am writing to voice my support of the rezoning proposal and Master Plan for the Westwood. I am so excited that we could have a mixed-use redevelopment project here in Amherst! I have traveled to many areas of the country with my family for soccer tournaments including Cleveland, Columbus, Cincinnati, Pittsburgh, Ann Arbor, and even Long Island. All of these places have great "town centers" with restaurants, shops, apartments, parks, and amazing outdoor space for live music and community events. To think that this could be in my backyard is exciting! It seems to me that with all the growth Buffalo has made in the last 5 years, having a center like this in the suburbs is one of the next natural steps. Why shouldn't the town of Amherst jump on board first and benefit from the revenue generated by this project? At a time when school districts are struggling to fund programming, I am also happy to know that Williamsville Schools will be a beneficiary of this project.

Don't delay this any longer. Please hear that there are many people in Amherst, like me, who support the Westwood project!

Sincerely,

Melissa Cook  
94 Exeter Road  
Williamsville NY 14221

**Subject:** My support for Westwood Neighborhood

Good Morning,

I am sending this email to demonstrate my support for the Westwood Neighborhood project currently in development. I feel this project represents the type of "smart development" our community needs and should be approved.

There are a number of others reasons I support this project.

- **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.
- **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.
- **Let's cleanup the brownfields.** With approval of our project, we will clean up the contaminants that are left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's cleanup program will only reimburse Mensch if we make investments 10 times the cost of remediation. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and the state.
- **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 publically accessible park.
- **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.

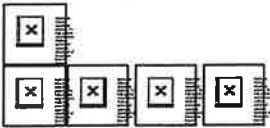
- **Creating jobs builds a strong community.** Upon full development of Westwood, we estimate that 400 new permanent jobs will be created along with 2,300 temporary construction jobs throughout the process.

Best regards,

Dan

---  
**DANIEL P. MECCA**  
PRESIDENT

716.633.1218 x200  
95 PERRY STREET STE. 101  
BUFFALO, NY 14203



[abbeymecca.com](http://abbeymecca.com)

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Mr. Jaeger,

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.

Sincerely,

Ilene Fleischmann

**Ilene R. Fleischmann**

University at Buffalo School of Law, *The State University of New York*  
*Vice Dean*

*Alumni, PR and Communications*  
*& Executive Director, Law Alumni Association*

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311 John Lord O'Brian Hall  
Buffalo, NY 14260-1100  
Telephone (716) 645-7347  
Cell (716) 445-3276  
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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 be a great development for future growth in the town of Amherst. It is a favorite property of mine having been a long time member of the Westwood and it will become a real eyesore for the neighborhood if you do not act quickly. The group is willing to spend a lot of money to build what sounds like a fantastic place to live and play. It will be a great revenue source for the town as well as being a first class community. Furthermore, the land would be remediated from an environmental point of view which will be great for all of us. I don't think it makes any sense to keep delaying the project and I am sure that this new community will be a great addition to our future. I urge you to approve the project.

Sincerely,

David Desmon  
245 Via Foresta Lane  
Williamsville NY 14221

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 as I travel around the country I enjoy visiting and staying in lifestyle communities. 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. The Westwood project will also add substantially to the tax base of the town which will permit you as our elected leaders to continue providing and enhancing services that make Amherst one of the most livable towns in America.

Blaine Schwartz

7 Kingsbridge Court

Getzville, New York

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

- **Cleanup the brownfields.** With approval of our project, the contaminants that are left over from years of golf course maintenance will be cleaned up. New York State will provide funding for the cleanup program when an investments 10 times the cost of remediation which is the case here. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie county and the State.
- **Creating jobs builds a strong community.** Upon full development of Westwood, it is estimated that 400 new permanent jobs will be created along with 2,300 temporary construction jobs throughout the process.
- **Happy trails, parks, and ponds. 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.
- **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.
- **Increase Tax revenue.** It is estimate that the property tax revenue for the Town of Amherst; Williamsville Schools and Erie County will increase by \$50 million; 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

Respectfully,

**Walid S Daham**

**97 Viscount Dr**

**Williamsville NY 14221**

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 be a wonderful addition to our community. It will be a significant improvement to the quality of life in Amherst!

Respectfully,

Julie Dressler Weinberg  
22 Rana Court  
Williamsville NY 14221  
[ADDRESS]

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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:

\* 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.

\* 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.

\* Let's cleanup the brownfields. With approval of our project, we will clean up the contaminants that are left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's cleanup program will only reimburse Mensch if we make investments 10 times the cost of remediation. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and the state.

\* 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 publically accessible park.

\* 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.

· 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.

Respectfully,

Dan Shuman  
247 Surrey Run

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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. The Mensch proposal offers opportunities for everyone: preserving green space, smart growth, new jobs, additional tax revenues for our town, cleaning up our environment , etc.

I hope this moves forward as proposed! Thank you for your consideration!

Respectfully,

Scott Friedman  
725 LeBrun  
Amherst

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 seems to me that an area that adds taxable area to the town budget and adds to the beauty of the rested space is good for all.

Joseph Sterman  
31 curtis parkway  
Buffalo NY 14223  
Respectfully,

[NAME]  
[ADDRESS]

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

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.

Thank you for your consideration and continued work on behalf of the residents of our great town.

Respectfully,

Jennifer Greco

105 Audubon Drive

Amherst, NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

As a long time resident of Williamsville, I sense the need to keep our suburb strong. We are the first ring and need to innovate to remain a strong suburb. The multi-use project on the site of the former Westwood would help us stay strong and avoid urban creep.

We want and need a strong city and strong suburbs. Revitalizing the Westwood site would go far in helping to achieve that goal for Williamsville.

Thank you, Leonard Katz, MD  
186 Forestview Drive.

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

Respectfully,

[NAME]  
[ADDRESS]

Sent from my iPhone  
Len Katz



**Subject:** Francina  
Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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. I hope to see project approval and commencement soon.

Sincerely,

Brian K. Shine

167 Arcadian Dr

Amherst, NY 14228

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 of the many positive impacts this will deliver for our broader community.

Namely, an attractive and unique lifestyle - destination village unlike any other existing options in Amherst, enormous green-scape enhancements, infrastructure improvement for run-off, flood control, traffic flow solutions which are sorely needed and positive contribution to expand the Amherst tax base.

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.

I'd hope and expect that our elected public officials would embrace the value of this thoughtful proposal to enhance our community and work collaboratively with the Mensch team to bring this vision to fruition.

Respectfully,

Ken Shuman

255 Ruskin Rd.

Amherst NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 benefit our entire community by creating jobs, adding tax dollars and improving our environment.

Respectfully,

Susan and Gerald Bergman  
36 Rolling Meadow  
E. Amherst, NY 14051  
[ADDRESS]

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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. The project will significantly expand our tax base in Amherst, and perhaps most importantly, from an environmental perspective, the brownfield will be remediated

Respectfully,

Stuart Angert  
94 Harbridge Manor  
Amherst, NY 14221

Sent from my iPhone

**Subject:** Westwood project

Dear Town of Amherst Officials:

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 for a few reasons. After reviewing the conceptual master plan it appears that the developers have done a nice job of conserving green space. This development offers a variety of housing styles and a community space unlike any other that I am aware of in the Town of Amherst. The Town and the School District will benefit from the increased tax revenue.

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!

Respectfully,

Andrew L. MacDonald  
8355 Black Walnut Drive  
East Amherst, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 this represents a unique opportunity for a multi-generational residential development, which allows families to establish themselves, grow, and mature within the same development. In an era where there are great generational divides, this project promises the opportunity for a lifestyle that includes many generations. In the best sense of these terms it is both very traditional and avant-garde.

Respectfully,

Sandra Felger  
12 Kingsview Court  
Williamsville NY 14221

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials: 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 makes sense to increase our tax base and create new homes in our town. No one likes changes and is willing to pay to keep things the way they are. If we stand still we will wind up going backwards. Respectfully, [NAME] [ADDRESS]

Barry Weinstein  
108 Foxhunt Lane  
East Amherst

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Erie County, I would like to voice my support for this project because I have reviewed the plans and see it as a terrific opportunity to create lovely living experience and job opportunities that would be appreciated and available to a wide population of voters within Western New York.

Respectfully,

BRENDA WHITE  
8690 REBECCA DRIVE  
WILLIAMSVILLE, NY 14221

Sent from Yahoo Mail on Android



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Please support the Westwood Master Plan. This plan represents smart development for the Town. It has a good mix of uses and preserves alot of green space. It adds a North-South street between Maple and Sheridan that would actually ease traffic on the surrounding streets. It makes sense.

Harvey Sanders  
171 Autumn Creek Court  
Amherst, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 the park-like setting and residential homes would keep a large population of seniors living here in Amherst. We have enough large commercial type buildings on the main roads in Amherst.

Respectfully,

Lynne Battaglia  
82 Forestglen Circle  
Williamsville, NY. 14221

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

Respectfully,

[NAME]Sheila Weisman  
[ADDRESS] 174 Shadow Wood Drive  
East Amherst, NY 14051

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. 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.

Respectfully,

Linda Gale Gellman  
CLICK  
Artistic Visual Creations  
122 Ashland Avenue  
Buffalo, NY 14222  
716-830-8800  
www.clickephoto.com  
lge628@aol.com  
Enjoy Life Always

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 want our community to continue to grow and prosper. This project will provide more opportunities for jobs and resources for residents.

Respectfully,

Benjamin D. Oppenheimer, DDS  
33 Melrose Road  
Williamsville, NY 14221  
716-418-7272 office/fax  
716-435-9225 cell/emergency

**Subject:** Public Comment regarding the proposed Westwood Master Plan

I am in support of the mentch plan to develop the Westwood. The plan looks great and it would be great to see that prim piece of land in Amherst developed according to their plan. It would add a new level of class to our town.

Thank you

Chaya Shuman

247 surrey run

Williamsville ny 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 unless the town purchases it for a public park, I see no better use and the benefits outweigh any detriment.

Respectfully,

James Scime  
119 Brantwood Rd

Sent from my iPhone



**James T. Scime**  
Attorney at Law

42 Delaware Ave | Suite 120 | Buffalo, NY 14202  
TEL 716 849 1333 x339 | FAX 716 855 1580  
[email](#) | [profile](#) | [website](#) | [map](#) | [vCard](#)

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 the benefits the town and the residents will enjoy.

several benefits to name a few are:

- tax revenue from an increase tax base.
- return to a functional use of valuable land.
- a terrific development for the towns residents to enjoy.
- jobs for the various trades needed to develop the property.

the developer has gone to great lengths to satisfy all concerns. it is now time to act.

thank you for your consideration.

Respectfully,

neil frank  
12 turnberry ct



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of a 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 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.

Respectfully,

Stuart Scheff  
11 Pine Court  
Williamsville N Y 14221

Stuart Scheff

Sent from my iPhone

Recognized as one of the Top 100 Brokers in the U.S. Please visit our website at [www.lawleyinsurance.com](http://www.lawleyinsurance.com). The information in this e-mail and in any attachment is confidential. If you are not the named addressee or if you receive this e-mail in error, any distribution/copying/use of this communication or the information it contains is prohibited. Please notify me immediately by e-mail and delete the message from your computer. While attachments are virus-checked, Lawley does not accept any liability with respect to any virus which is not detected. Please note: Lawley cannot honor any request to bind or affect coverage, alter or amend coverage or terms of any policy, or accept notice of loss via e-mail or voice-mail request.

**Subject:** Public Comment regarding the proposed Westwood Master Plan

**Dear Town of Amherst Officials:**

**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.**

**Respectfully,**

**Ethel R. Melzer  
27 Georgian Lane  
Williamsville, NY 14221**

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Officials of the Town of Amherst, NY:

We are in favor of Mensch Capital Partners, LLP's ("MCP") re-zoning proposal and Master Plan for the Westwood.

As residents of the Town of Amherst, we're voicing our support for this project because it will lead to substantial investments in the immediate area - along with the Town of Amherst - that will pay dividends for many years/generations to our Town/community, the Williamsville Central School District, Erie County and New York State.

There are numerous reasons we support MCP's redevelopment/conversion of the former Westwood Country Club site into the new Westwood neighborhood:

- 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.
- With this development, the Town of Amherst will be better able to address existing challenges which the Town currently lacks the financial resources to address. Presently, the Town has growing challenges re: its sanitary sewer system, flooding in specific neighborhoods, and safety and congestion challenges along specific roads. By approving the Westwood redevelopment plan, MCP will invest in solutions that the town cannot afford to independently implement.
- With approval of 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.
- With 47% of the Westwood neighborhood designed as permanent open space and a trail network, residents will be surrounded by nature 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.
- As we understand, some worthwhile financial projections by redeveloping the area: New property tax revenue for the Town of Amherst; Williamsville Schools and Erie County are estimated at more than \$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.
- Balancing the school budget has become increasingly more difficult with the recent 2% 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.
- Finally, with respect to long-term job growth, upon full development of Westwood, MCP estimates that 400 new permanent jobs will be created along with 2,300 temporary construction jobs throughout the process.

Respectfully,

Lorne & Lisa Steinhart

25 Oakgrove Drive

Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Rick Steinberg, PhD  
58 Autumnview Rd.  
Williamsville, NY 14221

Sent from my iPhone

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.

I've been following the updates that Mensche has made to the plans and feel that these changes are a realistic compromise to the concerns presented by the neighbors and other town members.

I drive by both sides of the property everyday on my way to and from work and would like to see it cleaned up.

Thank you for taking the time to listen to my opinion.

Mary P. D'Arrigo  
8208 Fernleaf Court  
Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 provide park space with 39 acres accessible to the public. This project will create WNY jobs and ultimately increase the tax base for the town and our schools. It will allow for the cleanup of the brown fields and contaminated soil and therefore opportunity for building houses , apartments for our varied community members. What a wonderful place for families , seniors , singles to live together! Please support this project.

Respectfully,

Rise Kulick  
67 Four Seasons East  
14226

Sent from my iPhone

**Subject:** Francina  
Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 clean up the Brown fields and provide additional tax revenue to our schools to keep them second to none.

Respectfully,

Daniel J. Scully

325 Essjay Road

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Respectfully,  
Robert B Sommerstein  
122 N. Cayuga Road, Williamsville, NY 14221

Robert B. Sommerstein  
Attorney at Law  
69 Delaware Ave., Suite 1010  
Buffalo, New York 14202  
Tel.# 716-725-0185  
Fax# 716-725-0190

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

Respectfully,

Val & Larisa Pollak  
5065 Kraus Rd  
Clarence NY 14031

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 this is intrinsic to the economic growth of the town. We must resist stagnation and embrace development that adds value (social and economic) to the town.

Respectfully,

Elad I Levy, MD MBA FACS FAHA  
L. Nelson Hopkins III MD Professor of Neurosurgery  
Chairman, Department of Neurosurgery  
Professor of Radiology  
Jacobs School of Medicine and Biomedical Sciences  
University at Buffalo  
3980A Sheridan Drive  
Suite 200  
Amherst, NY 14226  
716-218-1000 x5138 (Office)  
716-218-1010 (Fax)  
eladlevy@buffalo.edu

Medical Director, Neuroendovascular Services, Gates Vascular Institute  
Co-Director, Gates Stroke Center at Kaleida Health

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Respectfully,  
David Norman  
228 Culpepper Rd  
Williamsville

Sent from Yahoo Mail on Android

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 know what this development can mean for a healthier tax base. I work in Amherst but live in Tonawanda. We are thrilled to get ONE new small scale residential development in just 30 years to help with our tax base! You should welcome this project with open arms, and I hope you do.

Respectfully,

Anne Duggan  
8 Niagara Shore Drive  
Tonawanda, NY. 14150

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood Country Club site. As a lifelong resident of the Town of Amherst, 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 developer has been very focused on listening to the concerns of residents and proposes a plan to clean up and redevelop this parcel in a responsible manner. 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.

Respectfully,

David Fiegel

147 Ranch Trail West

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Respectfully,

Darren J. Ascone  
CEO  
Hover Networks, Inc.  
(716) 650-5652 – Direct  
(716) 481-0565 – Mobile  
[dascone@hovernetworks.com](mailto:dascone@hovernetworks.com)

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 do not choose the Westwood to be a park. I am happy when this project goes forward, the millions of tax dollars it will bring to our tax base. This will greatly help the williamsille school system. The thousands of construction jobs generated alone is huge, and after that, the hundreds of permanent jobs created is excellent. I never knew what a Brownfield was, but now that I'm aware of it, cleaning up a massive parcel of land, in the middle of Amherst, is necessary to Amherst's clean and healthy future. I applaud Mensch to go forward with this project.

Respectfully,

Donald S Hecht  
233 Red Oak Drive  
Williamsville, NY

Sent from my iPhone  
Donny Hecht



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Peter Fleischmann  
90 Chasewood Lane  
East Amherst, New York 14051

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 be good for the community in bringing jobs a, greater tax base and improvement in the overall current appearance of what is there. As this community and area continue to grow we will need what this master plan provides. I would strongly support this groups efforts to make what should be a great improvement to our community.

Respectfully,

Scott Cassety  
56 Fairlawn Dr  
Amherst NY 14226

Sent from my iPhone

**Subject:** RE: Public Comment regarding the proposed Westwood Master Plan

Thanks!

**From:** Jeff Voelkl [mailto:jvoelkl@robshawlaw.com]

**Sent:** Monday, February 13, 2017 9:44 AM

**To:** mjaeger@amherst.ny.us

**Cc:** bweinstein@amherst.ny.us. <bweinstein@amherst.ny.us>; ssanders@amherst.ny.us; rpopowich@amherst.ny.us; dbucki@amherst.ny.us; fspoth@amherst.ny.us

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 this property has sat idle for far too long. This property could be a wonderful new neighborhood and increase tax revenue. Yes, with the good come tradeoffs like additional traffic issues, burden on services etc . . . But if the property is thoughtfully developed with the developer bearing those costs then I see no reason why this project should not move forward.

Respectfully,

Margrit Mary DiCamillo

118 N. Long Street, Williamsville, NY

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the former Westwood site.

This is the type of project that western New York needs to attract and retain people and is an important step in remediating the site.

Respectfully,

James R. Maloney  
Pres., Buffalo Hardwood Floor Center

Pres., Buffalo Niagara Builders Association (2017)

Celebrating over 30 years as W.N.Y.'s premier hardwood flooring company.

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 be a great addition to our wonderful community. There will be an aesthetically pleasing community to enjoy. Increased tax base to help our schools. Bring jobs to the area.

Respectfully,

Paul Young  
316 Forestview Drive.

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. As an employee of a business in the Town of Amherst, I would like to voice my support for this project because of its unique design. The opportunity to more green space for public use is of special interest to me. Today the area is not being used for anything and this opportunity allows for use by all

Respectfully,

Craig Carrow  
224 Nathans Trail  
Lancaster, NY 14086

**Subject:** RE: Public Comment regarding the proposed Westwood Master Plan

Kathleen -

Please consider resubmitting with a reason why (because...). See below.

Andy

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

From: Kathleen Benson [mailto:kathleenbenson@verizon.net]

Sent: Monday, February 13, 2017 11:14 AM

To: mjaeger@amherst.ny.us

Cc: bweinstein@amherst.ny.us; ssanders@amherst.ny.us; rpopowich@amherst.ny.us; dbucki@amherst.ny.us; fspoth@amherst.ny.us

Subject: Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

Respectfully

Kathleen Benson  
192 Monroe Dr  
Williamsville NY

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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. It will also help to keep property taxes more affordable. I think that the positives outweigh any negatives.

Respectfully,

Levi Greenberg  
34 Cottonwood dr.  
Williamsville, NY 14221

Sent from my iPhone



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 increased revenue for the town, and beautify the area.

Respectfully,

[Maxine Awner  
193 viscount drive  
Williamsville, ny 14221

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 as the rabbi of a neighboring synagogue I believe it will enhance the area and benefit our community.

Respectfully,

Rabbi Alex Lazarus-Klein  
71 Roman Lane

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 the whole plan put forward is excellent. First of all this project will create a huge amount of income for the Town through new taxes. I also feel it's important to create new jobs and clean up the pollution left from the golf course.

Lastly, it's important for the Town, since this is a big parcel of land and on a very prominent corner, for this to be attractive and well maintained. It really is a win-win for everyone.

Respectfully,

Nancy Greenberg  
80 Kristen Meadows  
E. Amherst, 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 think it's a win-win for all.

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".

This project will also boost the economy with so many additional jobs for many. I see only benefits in this project, as do so many others I know- and truly hope it becomes a reality.

Respectfully,

Rivka Greenberg  
34 Cottonwood Drive  
Williamsville, NY 14221

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

-Many current town problems will be improved and or corrected by this development.

-All the contaminants created by the golf course will be cleaned up through the New York States cleanup program which will only occur if the developer make a much larger investment toward this cleanup.

-47% of the project will be permanent open space and parks.

-Once completed it is projected that the project will contribute over \$50 million in tax revenue to the town, schools, and county, \$17 million in additional sale tax revenue for New York State, and an additional \$10 million in income tax revenue for the state.

-Over 2300 temporary construction jobs and 400 new permanent jobs will be created due to this project.

-The largest economic beneficiary will be the Williamsville schools through new school tax revenue without causing a great impact on the facilities.

Respectfully,  
Philip J. Nanula  
President Essex Homes  
8940 Main Street  
Clarence, NY 14031

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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. The project will enhance our community as well as provide the necessary clean up. In addition the number of jobs it will create along with the increased tax base, will both benefit Amherst.

I hope that Amherst will make sure that this project is approved so that we can be proud of such a wonderful development planned for our town.

Respectfully,

Randi L. Morkisz

182 Breezewood Common

East Amherst, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 believe it will improve the quality of life and real estate property values in our town.

Respectfully,

David Oestreicher  
10 Timberlane Drive; Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood neighborhood. As a nearly 40 year resident of the Town of Amherst, I would like to voice my support for this project because in 2017, our town is like the "Tin-Man" of Western New York. It's pretty big and mostly shiny but rather disjointed and spotted with rust. It moves awkwardly with time. It lacks a heart.

Please allow me to explain.

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.

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.

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.

How wonderful for our home-grown Mensch Capital group to ensure the Amherst living we've come to love will entice expatriates to return and generations to thrive well beyond our lifetimes.

Respectfully,

Liza Kane

1151 Flanders Court, E Amherst, NY 14051



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

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.

Respectfully,  
Arthur Gellman  
127 West Maplemere  
14221

[NAME]  
[ADDRESS]

Sent from my iPad  
Arthur Gellman

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Respectfully,

Ryan Gellman  
14 Via Foresta Lane, Williamsville

**Ryan L. Gellman**  
rgellman@colucci-gallaher.com

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

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. The township would be well served to have the environmental contaminants removed and the property developed. 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.

Respectfully,  
Raymond L. Fink, Esq.  
146 Fairlawn Drive  
Amherst, NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

mjaeger@amherst.ny.us  
bweinstein@amherst.ny.us,  
ssanders@amherst.ny.us,  
rpopowich@amherst.ny.us,

Dear Town of Amherst Officials:

I am NOT in favor of the rezoning proposal and Master Plan for the Westwood property. As a resident of the Town of Amherst, I would like to voice my OBJECTION for this project.

I am a resident of North Forest Road just south of Sheridan. This location will be greatly effected by this proposed development. My objections are as follows:

1. **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 our homes.
2. **Property Values:** Property values are at risk as the lifestyle currently enjoyed would adversely be effected.
3. **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 in population density.
4. **Lifestyle and Safety.** Our pleasant, small town feel will be replaced by congestion, loss of green space and jeopardize the safety we enjoy in our Town.
5. **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.

6. **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.

Let us not destroy what is irreplaceable. This opportunity will not come again.

Mary Ellen Hager  
575 N.Forest Road  
716-810-9826

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

This project can bring new property tax revenue, additional Sales tax and NY State income tax revenue. The town can also use more green space and this will create quite a few temporary jobs during construction and permanent jobs once completed.

Please consider this proposal and all the possible benefits associated with it.

Respectfully,

Neil Block  
503 Fruitwood Ter, Williamsville NY 14221.

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 Have lived at 274 Fairways for 7 years. I have seen the golf course close and get surrounded by a fence and now have a brownfield across the street. I believe private development will get the clean up the fastest way. The park will open years sooner, taxes will stay in line as the tax base is expanded. Jobs will be created. The town and residents won't take a double hit, a self funded park and higher taxes. I don't believe the Town has the resources readily available to do the cleanup and develop a park in a timely manner.

Respectfully,  
Fred and Donna Saia  
274 Fairways Blvd  
Amherst, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 have to travel often for my work and, although it is nice to see green shoots of development in the Buffalo metro area, we are still many years behind other cities.

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.

In addition to the temporary and permanent jobs this project will create it will turn a current empty space into something that is a benefit to the community and increase the tax base.

Respectfully,

Steven Gattuso  
9706 Garden Walk



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Respectfully,

Gerald T. Carlo, D.D.S.

16 Pinelake Ct.

Williamsville, NY 14221



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[www.avast.com](http://www.avast.com)

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 think that the new development will be good for the Town as it will clean up the contaminated area, and will provide new housing for people of all ages. I am also in agreement that it will help to support the Williamsville school district by raising additional tax revenue.

Respectfully,

Leah Blum  
84 Summershade Court  
East Amherst, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

I believe it will be in the best interest of the community, to have this development approved.

The public did not have any access or benefit to this land before, and it does no good having it fenced off.

Approving the plan, will give green space for the community to enjoy, and will benefit all.

Laizer Labkovski

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Amherst Town Board,

As a resident of the Town of Amherst and a Board member of the Arts & Culture Board of Amherst, I support the Westwood Project's master plan and rezoning proposal.

It's critical to resolve the flooding situation currently plaguing area residents, and I'm thrilled to see a path to remediating the brownfield contaminants. 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.

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.

Thank you for your consideration. Again, I am in full support of the Westwood Project and hope to hear that it will be moving forward soon.

Regards, Nina Lukin

48 Park Circle  
Amherst, NY 14226

--

Nina Lukin  
[ninalukin@gmail.com](mailto:ninalukin@gmail.com)  
(716)345-0095 cell

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Since my wife and I moved to Amherst over ten years ago we have witnessed a nearly perpetual growth in commercial properties whether they are large retailers, restaurants, or hotels. 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.

Respectfully,

Marc D Lamoreaux  
251 Denrose Drive  
Amherst, NY 14228

Sent from my iPhone

**Subject:** Re: Public Comment regarding the proposed Westwood Master Plan

I apologize,  
I hit 'send' before completing my thoughts.

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.

Eili Kaganoff  
47 Bassett RD.

> On Feb 9, 2017, at 8:59 PM, ekaganoff82@gmail.com wrote:  
>  
> Dear Town of Amherst Officials:  
>  
> 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  
>  
>  
> Respectfully,  
>  
> Eili Kaganoff, Ph.D  
> 47 Bassett RD.  
> Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

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. Great community concept!

Respectfully,  
Kathleen Benson  
192 Monroe Dr, Williamsville

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 love the idea of having a wonderful new neighborhood for people of all ages! It will be great with retail shops and parks! I may even move there myself!

Respectfully,

Sonia Young

Sent from my iPhone



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**From:** Finn, Jeremy  
**Sent:** Monday, February 13, 2017 10:44 AM  
**To:** [fspoth@amherst.ny.us](mailto:fspoth@amherst.ny.us); [rpopowich@amherst.ny.us](mailto:rpopowich@amherst.ny.us); [bweinstein@amherst.ny.us](mailto:bweinstein@amherst.ny.us)  
**Subject:** FW: Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I support this project because Amherst is continually building and must take advantage of this opportunity to remain the primary upscale community in Western New York. Beginning this magnificent project now will give us a strong basis for continued development, and increased revenues, not just now but in years to come. Moving forward with a project of this magnitude is forward-looking. It will help us avoid stagnation in later years.

Yours truly,  
Jeremy D. Finn, Ph.D.  
SUNY Distinguished Professor  
Chair, the Department of Counseling, School and Educational Psychology  
The University at Buffalo -- SUNY

**Subject:** Mark Hamister  
Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. I would like to voice my support for this project. While I'm now a Clarence resident, I was born in Snyder and previously lived in Wellington Woods for 15 years. Our family has been closely associated with the town including my Uncle Cas (Culligan Motors) brother Jim Culligan and my father, Ed Culligan, a former Town Attorney. Needless to say Amherst is dear to my heart. 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.

Sincerely,  
Tom Culligan, President  
Culligan Auto Placee  
The first is that Mark

[PLEASE ADD WHY YOU SUPPORT THE PROJECT]

Respectfully,

[NAME]  
[ADDRESS]

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

With the entire WNY community going through growth and with more people moving back to or into WNY, this project would provide beautiful homes, public spaces, and job opportunities, on land that would first be cleaned up of all contaminants and environmental threats and then turned into a beautiful multi-function residential and recreational area. 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.

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.

Respectfully,

Jonathan & Wendy Sadkin  
35 Olde Ivy Drive  
Williamsville, NY 14221

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 support this project because it would be a great addition to the town and would bring in needed tax revenue. It is also a positive improvement from what would likely be an abandon property.

The town cannot afford to manage it and should allow the responsible development plan on the table to go forward.

Respectfully,

Michael Newman  
790 LeBrun Rd.  
Snyder, NY

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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!

Respectfully,

Ed & Carin Case  
98 Forestlake, Getzville

Sent from my iPad

**Subject: Public Comment regarding the proposed Westwood Master Plan**

February 13, 2017

Barbara Schuller  
70 Hidden Ridge Common  
Wm NY 14221

Dear Town of Amherst Officials:

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.

**1. It is time for a reality check:**

The Westwood Property is very valuable.

The Town cannot afford to purchase the land. Or remediate the land and retain all the green space.

Will the Town be able to bear the cost of sewer or traffic improvements without raising taxes? Not!

**2. The adjacent neighbors continue to object to development of the land, except as a green space.**

The Town is sensitive to their concerns and the Mensch Group has modified the plans to accommodate these issues.

**3. 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.

**4. There are amazing advantages for the Town to go forward with the most recent Conceptual Plan being proposed by the Mensch Capital Partners Group.**

1. Improved traffic patterns

2. Remediation of the brown field

3. Sewer improvements

4. Mixed Use Development

5. Green Space

4. Benefits for the Town tax base

Our family has lived in the Town for over 50 years.

The kids attended public schools in the Williamsville and Amherst School Districts.

I am currently teaching for the Williamsville School District as a substitute.

We have owned residential property in Amherst, Williamsville, and the Village. We also established a professional practice in our office building located in the Village.

We have invested funds, time, energy and taxes in our community. And we have been proud to live here.

That is why I am taking the time to write this letter.

It is important that the Town take action and approve the recent Mensch Conceptual Plan.

It is the responsibility of our Town elected officials, to step up to the plate and pull together. Explain the advantages in lay terms.

It is essential that Town leadership support the merit of this most recent Plan and move forward.

I thank you for this opportunity to express my concerns for the future of our community. This letter is my way of saying, that I have faith in our elected officials.

I urge you to secure the future of our Town by supporting this exciting project outlined in the Mensch Capital Partners most recent proposal.

Respectfully submitted.

Barbara Schuller

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 on behalf of my family.

I am a former member of WCC. I enjoyed the club when it was a vibrant private club but we simply did not have the numbers to sustain it despite a significant effort to attract new members. I do not believe the same business run under essentially the same model in the same location has much chance of success. I also believe that any plan to develop the land should provide a significant amount of green space for outdoor activities.

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 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.

It is also beneficial for these types of outdoor activities to be located close to new residential that meets the needs of single households and young families, retail & medical services. There is a working model for this in Reston Virginia in the Lake Ann development. A map of that section of Reston is below. I would be happy to provide more details as a reference. Most residents in that development can step out of their back door and be on a trail in under 30 seconds. The wooded trails in one direction take them to a community center with retail, café's & restaurants where they can often listen to live music or participate in some other small community event run or assisted by the residents association. The other direction takes them to a challenging but fun series of trails that is maintained by local bikers & hikers and open to anyone.

Respectfully,

Steve Witt on behalf of the Witt Family  
50 Deville Circle  
Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

My biggest concern is what will be done with the contaminated land. The fact that this project will address that issue, while PRESERVING MUCH OPEN SPACE AND TRAILS, seems a once-in-a-lifetime opportunity. I think it will be a HUGE miss for Amherst NOT to allow this plan to proceed.

Here are more reasons to approve it:

- **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.
- **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.
- **Let's cleanup the brownfields.** With approval of our project, we will clean up the contaminants that are left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's cleanup program will only reimburse Mensch if we make investments 10 times the cost of remediation. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and the state.
- **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 publically accessible park.
- **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.

- **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.

I hope you allow this project to proceed. Please feel free to contact me for any further discussion on the matter.

Thank you,  
Leslie Kramer  
150 Brantwood Road  
Snyder, NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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 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 a enjoyment as a golf course, sad to see it end like it did. The new life proposed sounds very encouraging.

Respectfully,  
James W Manguso

94 Woodshire South

Getzville N..Y. 14068

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

They have put together a wonderful planned which I reviewed on their website. I think it's a WIN-WIN situation for the town and its residents.

Respectfully,

Julie Kianof Fink  
146 Fairlawn Drive, Amherst, NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

This project is a wonderful opportunity for the town to increase its tax base, provide new housing and commercial development in an unused location. It doesn't make any sense to me for the Town to oppose this project and allow an opportunity to be missed.

Respectfully,

Jeffrey H. Katz, Esq.

27 Timberlane Drive, Williamsville, New York 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 have resided of Amherst for 46 years and am strongly in favor of the proposed redevelopment of the former Westwood Country Club. This project accomplishes several important objectives for our community - increasing property values, expanding our tax base, enhancing the quality of live in Amherst, creating permanent jobs and cleaning up an existing brownfield.

Thank you for your consideration and I look forward to seeing these plans implemented.

Susan Freed-Oestreicher

10 Timberlane Drive, Williamsville, NY

\*\*\*\*\*

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

A project like this will serve to make Amherst a more attractive community, improving our quality of life, and increasing the value of homes.

Respectfully,

James S. Kramer

150 Brantwood Rd

Amherst, NY 14226

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

[PLEASE ADD WHY YOU SUPPORT THE PROJECT]

I feel it would be a lovely addition to the Amherst area. Growth should be embraced, not discouraged.

Respectfully,  
Kaaren Norman  
228 Culpepper  
Wms, NY  
[NAME]  
[ADDRESS]

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. As a former resident and a commercial property owner of the Town of Amherst, I would like to voice my strong support for this project.

Change can be scary and I fully understand the concerns of the small group of people who live near the project. Some of them are my personal friends and we have shared our personal and sometimes differing views.

Since I know you have heard the negative views on this project at nauseam I would like to focus my thoughts on the positive.

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.

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.

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

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.

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.

This is the type of project that could bring me back to my hometown of 30 years.

Respectfully,

Irv Levy



8830 Cambridge Ct.  
Clarence, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

This project is fiscally, environmentally, artistically, and socially responsible and beneficial to our community! I urge you to support this development for the future of Amherst, NY.

Respectfully,

Beth Steinberg  
58 Autumnview Road  
Williamsville, NY 14221

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am generally in favor of the rezoning proposal and Master Plan for the Westwood. 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 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. 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.

**Barbara S. Nuchereno**

Of Counsel



1600 Liberty Building | Buffalo, New York | 14202 | O: 716.854.3400 ext. 226 | [email](#) | [website](#) | [bio](#) | [vcard](#)



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**Subject:** Public Comment regarding the proposed Westwood Master Plan  
**Importance:** High

Dear Town of Amherst Officials:

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.

There are so many reasons that as a Williamsville Taxpayer and School Employee, that I support this project: below are a few major points.

- **Let's cleanup the brownfields.** With approval of our project, we will clean up the contaminants that are left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's cleanup program will only reimburse Mensch if we make investments 10 times the cost of remediation. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and the state.
- **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 publically accessible park.
- **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.

Respectfully,

Ronald M. Perry  
189 Cadman Drive  
Williamsville, NY 14221

Dear City of Amherst Planning Department,

In regards to the proposed "Westwood Neighborhood" project 772 North Forest Road and 375, 385, and 391 Maple Road Mensch Capital Partners, LLC property, I have several comments I would like to offer during this public comment period.

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 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 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!

As a new resident of Amherst (two years now) 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 (a fire station even!) and do it in a way that improves our community.

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 park offerings are now very generous and useful with dedicated park area. The parking space has been improved.

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.

Sincerely,

Kaarsten Wisnock

Resident: 113 Carriage Circle

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

- **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.
- **Let's cleanup the brownfields.** With approval of our project, we will clean up the contaminants that are left over from years of golf course maintenance. The current estimates for remediation are between \$6 to \$10 million. New York State's cleanup program will only reimburse Mensch if we make investments 10 times the cost of remediation. The state's program is focused on economic development and creating a larger tax base for the town, Williamsville Schools, Erie County and the state.

Respectfully,

Michael Mastrandrea

137 Sausalito Dr.

East Amherst, NY 14051

**Subject:** Public Comment regarding the proposed Westwood Master Plan

**Dear Town of Amherst Officials:**

**I am NOT 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 AGAINST this project.**

**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.**

**Respectfully,**

**Robert Russo**

**59 Morgan Pkwy**

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

It would be nice to have the earth that is contaminated cleaned for the public currently living in the vicinity. We would like to have many options as residents and the public in the surrounding areas. Williamsville schools student are dropping and this would help balance the declining student counts. Jobs will be created which we are in desperate need of ore employment. Please consider passing this project so it can move forward with clean up.

We support the Mensch group in this venture...

Respectfully,

Aimee Hecht  
233 Red Oak Dr.  
Williamsville, NY 14211

Sent from my iPad Aimee Klein-Hecht

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and would like to voice my support for the vast majority of the project shown in the Westwood Master Plan.

As a resident of the Town of Amherst for over 22 years, I live just off North Forest on Brookdale Drive, which is less than 1 mile from the proposed project.

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.

Respectfully,

James Boje  
42 Brookdale Drive  
Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 for several related reasons.

First, I think it serves as a wonderful model for the sort of public/private partnership that will beautify and enrich our community through the creation of quality commercial, residential and green space.

Second, I truly believe that other like-minded entrepreneurs will see what can happen when governments, developers and residents join forces to make their communities better places to work, play and live.

Third, this development promises to expand our tax base - with all the benefits associated therewith - while simultaneously transforming what has become an embarrassingly blighted parcel.

Finally, who doesn't want jobs and improved infrastructure? This project represents a terrific opportunity for the Town's leaders to show they have their priorities straight.

Thank you for your careful consideration and leadership.

Respectfully,

John Horn

Home address: 167 Covent Garden Lane, Williamsville



**John G. Horn, Partner**

**Harter Secrest & Emery LLP, Attorneys and Counselors**

50 Fountain Plaza, Suite 1000, Buffalo, NY 14202-2293

Firm 716.853.1616 Direct 716.844.3728 Fax 716.853.1617

[jhorn@hselaw.com](mailto:jhorn@hselaw.com) [vCard](#) [Bio](#)

[www.hselaw.com](http://www.hselaw.com)

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

My name is Jamie Johnson. I am a resident of the Town of Amherst; currently residing in the Eggertsville area with my place of employment in Centerpointe Corporate Park in Williamsville. My daily commute is centered around Sheridan Drive, so the Westwood Master Plan is a project that I have a particular interest in.

I live on Crosby Blvd between Eggert and Maynard Drive. When my husband and I purchased our house, an area of concern was the then vacant and for sale Eggert Road Elementary School (1350 Eggert Road). When we learned that the building had been purchased by Ellicott Development, to say we were nervous and fearful is an understatement. The school is the first thing you see before you turn on to our street and really could make or break the neighborhood. As more information on the planned redevelopment became available, our fears were alleviated. It quickly became evident that Ellicott Development was doing their due-diligence to immerse themselves in the surrounding area to really provide a product appropriate for the neighborhood. The school has since been refurbished into unique, high end apartments attracting the type of residents any community would be proud to have. They improved the parking area adding trees and green space to make it aesthetically pleasing. The apartments are slowly being leased out and I am happy to say that the school is a beautiful landmark for the entire Crosby Blvd neighborhood.

Taking what we learned having been part of the 1350 Eggert Road redevelopment, 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.

Thank you for the opportunity to provide comment. As a proud Town of Amherst resident and tax payer, i sincerely look forward to being part of this pivotal project!

Sincerely,  
Jamie L. Johnson,

257 Crosby Blvd

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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. As an outdoor enthusiast and proud supporter of health and wellness; I have many reasons why this would be a great project to move forward with. Biggest and most appreciated reason is below:

**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 publically accessible park.

Happy to answer any questions and provide support as needed.

Respectfully,

Robyn Neale  
485 Frankhauser Road  
Williamsville, NY 14221

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

This is a great project!! My wife and I think this will be a great place for us to bring our family and maybe even for us to move to someday!

In the meantime, I think the developers have been very attentive and have tried to be accommodating of the neighbors views. This site if not remediated will be an embarrassing for the Town and dilutive to neighbors property values. The Town needs to add accretive development to allow the tax base to grow.

Please listen to all the residents in the Town and balance the interests of all the parties!!

Respectfully,

Armen Saakyan  
318 Robin Rd.

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 believe that this type of development is both sustainable and good for the community. As an Amherst resident, I am excited to see this type of responsible development being proposed in our town. I feel strongly that the redevelopment of this area will clean up and mitigate the contaminants on the site while providing a planned development that includes both green spaces as well as residential and retail developments in an orderly fashion. This project will also provide some much needed economic benefits including increased tax revenues, school tax revenues and needed jobs.

I feel that turning this property into a town owned park will only increase burdens on the town and the tax payers while providing only limited benefit for the community.

Respectfully,

John P. Havrilla  
18 Redspire Way  
East Amherst, NY 14051



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

The project appears to be well thought-out, and will provide a balanced mix of additional housing, and green space to our town.

The plan creates neighborhoods which may increase a sense of civic engagement that is often lacking in many of the newer neighborhoods in Amherst.

Respectfully,  
Kevin B. Kulick  
67 Four Seasons East  
Amherst, Ny 14226

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan (think big)

Dear Town of Amherst Officials:

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.

Respectfully,

Jibreel K. Riley  
Egbertsville

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

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 cafés. 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.

Respectfully,

Todd Sugarman  
436 Ayer Rd.

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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. This project will bring much needed tax revenue to the Town as well as move forward with making our community stronger in many respects.

Just look at what has transpired with the progressive approach the City of Buffalo has taken toward progress in the past several years.

It's time this move forward before interest is lost. This development will add to the many properties that make Amherst competitive with other communities.

Thanks for your forward thinking response.

[PLEASE ADD WHY YOU SUPPORT THE PROJECT]

Respectfully,

Charles E. Lannon

6467 Main Street

Williamsville, NY 14221

[NAME]

[ADDRESS]

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**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 Lets get this well planned community get moving. We already have a vacant wasted property on Maple Rd just sitting there because of opposition.

Respectfully,

Thomas L Lucia  
1402 Charlesgate Circle  
East Amherst, 14051

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan

**Dear Town of Amherst Officials:**

**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 reside in Hampton Hills off Main Street in Williamsville. I appreciate and understand real estate as I've been in the industry as a commercial broker for 38 years. The development of residential communities is imperative to our growth for younger families and many baby boomers. There doesn't appear to be a lot of land left in Amherst, which in my opinion has everything all ages can enjoy. To try to stop development in our town is counterproductive to how we became this wonderful community. Tax revenue, creation of more housing for our growing families, is who we are. The plans appear creative and well defined for a mixed-use community; all towns should consider when possible. Growth is our future, if you need to discuss more of my thoughts, feel free to contact me.**

**Respectfully,**

**Dorothy Stahlnecker Smith**

**28 Hampton Hill Drive**

**Williamsville, NY 14221**

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 think the project is a good use of the land and it needs to be developed and not sit vacant . It will increase the tax revenue and I think people will enjoy living there. I think it should be approved It is better than turning it into a commercial area or more stores.

Respectfully,

Eve Feigelis

155 Briarhill Road

Williamsville NY 14221

[ADDRESS]

Eve Feigelis  
[evefeigelis@gmail.com](mailto:evefeigelis@gmail.com)  
716 984-8501

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

[PLEASE ADD WHY YOU SUPPORT THE PROJECT]

I feel the project would be good for the town Respectfully,

[NAME]. Susan Carrel

[ADDRESS] 227 Red Oak Drive

Williamsville, New York 14221

Sent from my iPhone



**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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

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.

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.

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.

Respectfully,  
Jean Willis  
108 Valleybrook Lane  
East Amherst 14051

Sent from my iPad

Sent from my iPad

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

We are strongly hoping to downsize our empty nest there!!!

Respectfully,

Paul and Katherine Schweitzer  
64 Smallwood  
Amherst

Sent from my iPhone

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

Putting all the benefits like jobs and tax revenue aside, I personally have been waiting for a development like this and would love to see this happen in my lifetime. I am 30 years old, and live in Snyder currently. What I love is the ability to walk to shops, restaurants and local bars. Walkable communities should be the future, and it's time to cater to the new generations and not be stuck in the past. Only thing I would change about this project would be the timeline for completion, 10 years is way too long. More support should be put into this so it completed within 6-7 years. There are so many areas in Amherst that need more investment to enhance all of the walkable communities. The revenue from this project can assist in these enhancements throughout the years to come!

I appreciate you taking the time to read my email,

Respectfully,

Kevin D Krumm Jr.  
279 Bernhardt Dr  
Snyder NY 14226

**Carrato, Amy**

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**From:** Jaeger, Marjory  
**Sent:** Monday, March 13, 2017 9:06 AM  
**To:** Gillert, Rick; Howard, Dan; Carrato, Amy; Brzezinski, Jean  
**Subject:** FW: WESTWOOD NOT ELIGIBLE FOR PUBLIC HEARING

I don't see your names in the original message - so I am forwarding it to you.

Marjory Jaeger  
Amherst Town Clerk

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

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

From: Judith Ferraro [mailto:jferraro@roadrunner.com]  
Sent: Sunday, March 12, 2017 11:05 AM  
To: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina; Sliwa, Stanley J.; Schultz, Joanne A.; Jaeger, Marjory; jpopolkowski@buffnews.com  
Subject: WESTWOOD NOT ELIGIBLE FOR PUBLIC HEARING

FYI.

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.

Judy Ferraro  
213 Donna Lea Blvd.  
626-4154

EOU! Please file Westwood.

McClary, Susan

---

**From:** Jeannette Delmont [REDACTED]  
**Sent:** Monday, April 3, 2017 11:42 AM  
**To:** Weinstein, Barry  
**Subject:** WestWood

Dr. Weinstein , I am writing to let you know how much I oppose any housing or mixed housing/commercial building at Sheridan and North Forest.

Our homeowners association, Morningstar Home Owners has been very active in fighting for the land to stay a green space.(Nate Hartich) 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 the other members of the council.

Jeannette Delmont  
[REDACTED]  
[REDACTED]

**Carrato, Amy**

---

**From:** Norm Wahl <normwahl@gmail.com>  
**Sent:** Monday, May 01, 2017 6:35 PM  
**To:** Carrato, Amy  
**Subject:** The Westwood protesters don't speak for me

Hello –

I strongly hope you will decide to use the Westwood property for new development. I oppose the neighborhood protesters who first stopped development of the former shooting club on Maple, and now are focused on Westwood.

When the protesters prevented development of the former shooting club on Maple, they simply left a very ugly abandoned field. Every time I see a nice development like the one on Sweet Home with the Staybridge Suites, restaurants, etc., I think how nice it would be to have something like that instead of our abandoned shooting club. In addition, I think it would increase our property values, not decrease them.

I'm sure that if God presents a proposal to put a part of heaven in our neighborhood, the same people will mount an outraged opposition to it.

Thank you.

Norman Wahl  
235 Donna Lea Blvd.  
Williamsville, NY 14221  
Cell 716-440-5176

**Kost, Ellen**

**From:** Gillert, Rick  
**Sent:** Wednesday, May 03, 2017 9:55 AM  
**To:** Kost, Ellen  
**Subject:** FW: Westwood Public Hearing?

Z-2014-23 C

FYI/File

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

From: Judith Ferraro [mailto:jferraro@roadrunner.com]  
 Sent: Tuesday, May 02, 2017 5:43 PM  
 To: Gillert, Rick; Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Spoth, Francina; Bucki, Debbie  
 Cc: Schregel, Chris; Burroughs, Jeffrey; Andrzejewski, Brian P.  
 Subject: Westwood Public Hearing?

Please consider..

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 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.

&gt;&gt;

>> [http://www.westwoodamherst.com/files/8714/9018/8037/Exhibit\\_P\\_-\\_Memorandum-Planning\\_Department-1-6-17.pdf](http://www.westwoodamherst.com/files/8714/9018/8037/Exhibit_P_-_Memorandum-Planning_Department-1-6-17.pdf)

&gt;&gt;

>> [http://www.westwoodamherst.com/files/8314/9018/8045/Exhibit\\_Q\\_-\\_Engineering\\_Department\\_Comments\\_1.19.2017.pdf](http://www.westwoodamherst.com/files/8314/9018/8045/Exhibit_Q_-_Engineering_Department_Comments_1.19.2017.pdf)

[http://www.westwoodamherst.com/files/7414/9018/6352/Cover\\_Letter\\_with\\_Amended\\_Rezoning\\_Application\\_03-20-17](http://www.westwoodamherst.com/files/7414/9018/6352/Cover_Letter_with_Amended_Rezoning_Application_03-20-17)

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.

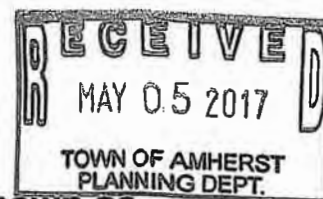
There should not be another public hearing on Westwood, at this time..Period. It is just another message sent to the public that something is seriously amiss in Amherst.  
 Thank you for your consideration.





I am unable to attend the meeting of the Planning Board scheduled on Thursday, May 18, 2017 and wish to submit my comments regarding the Westwood Neighborhood Rezoning Proposal.

Harvey Brody   
Owner of 135 Frankhauser Rd



**Comments Regarding the Rezoning of the site known as  
Westwood Neighborhood.**

I am the actual owner of 135 Frankhauser Rd less than 100 feet from the proposed rezoning of 141.08 acres of land known as Westwood. I am also live in the home that I own. I stand in favor of the conversion of the land into residential and commercial taxpayers. The Town of Amherst is in major transition. The developer of Westwood attempted to operate the site upon purchase for its current zoned purpose and met with financial failure. When an entity offers to develop a site that has failed as recreational area into a significant residential, commercial, and even offer a protected environmental site without the use of Town of Amherst tax dollars, provide new sources of residential and commercial tax dollars they should be applauded as innovators.

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 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 then 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.

**Cooper, Kathy**

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**Subject:** FW: Public Comment regarding the proposed Westwood Master Plan

From: Penny Shuman [mailto: ]  
Sent: Tuesday, May 23, 2017 9:46 AM  
To: Jaeger, Marjory  
Cc: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina  
Subject: Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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.

[PLEASE ADD WHY YOU SUPPORT THE PROJECT]

Respectfully, Penelope and Charles Shuman, , 14221

[NAME]  
[DDRESS]

**Kost, Ellen**

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**From:** Gillert, Rick  
**Sent:** Friday, June 30, 2017 9:31 AM  
**To:** Kost, Ellen; Howard, Dan  
**Subject:** FW: Westwood

Ellen...Westwood Comments

**From:** Popowich, Ramona D.  
**Sent:** Thursday, June 29, 2017 6:12 PM  
**To:** Kaarsten Wisnock  
**Cc:** Sliwa, Stanley J.; Gillert, Rick  
**Subject:** RE: Westwood

Dear Kaarsten Wisnock,

Thank you for sharing your concerns and your comments will be part of our official record.

Sincerely,  
 Ramona Popowich, Councilmember  
 Town of Amherst

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**From:** Kaarsten Wisnock [kaarstenw@gmail.com]  
**Sent:** Wednesday, June 28, 2017 3:30 PM  
**To:** Popowich, Ramona D.  
**Subject:** Westwood

Hello,

I have been watching the issue of the Westwood development with great interest for a couple of years now. I have attended a zoning meeting and have been dismayed by the process thus far. I have not reached out until now, with the news that we may be pursuing an eminent domain forfeiture. It is rather shocking to me that a developer is not able to move forward with a development when it is so clearly in the public good.

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.

Growing up on a golf course I am also well aware of just how real the issue of pollution on old courses is. Unlike many constituents who seem to think this brownfield designation is not real, I understand that it 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's not ok for a baby to crawl on it or families to picnic there.

I am absolutely flabbergast that Amherst would be even considering taking this property by eminent domain. If Amherst cannot afford remediation it would be a travesty of government malfeasance to take a property that we then cannot use, cannot repair, and certainly cannot sell.

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. We need new housing- new construction- in Amherst.

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 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.

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 this plan had retaining ponds to create beauty and also deal with excessive rain. Similarly we need more cross town roads between Sheridan and Maple so I can stop cutting through on neighborhood streets (who drives all the way to Hopkins or Sweet Home Road to cut across?) I hear your constituents not seeing the big picture. I know they are fearing that because it flooded now, development will make more flooding rather than understand that infrastructure improvements can help. I see them complain about traffic and fear a new road would bring more rather than consider the potential for a new road to redirect the increase in traffic that is already here. I get that they fantasize they could have a massive park and that some how this pollution thing isn't real or will just go away.

It must be hard to have all this pushback. But we do elect you to be the the ones who can see past the fear and act in our favor. It isn't in our favor to allow things to stay with a brownfield. It isn't in our favor to take on the cost to the city to litigate and then be forced to fund remediation. It isn't in our favor to send a message to developers that Amherst is an unfriendly and unpredictable jurisdiction to do business in. You and I both know it isn't reasonable to expect a developer who has invested as much as this one has, to simply walk away with nothing.

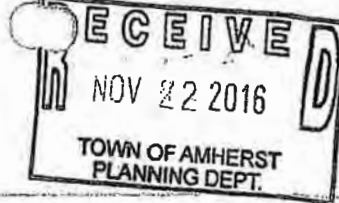
I hope you will consider well what message would be sent to the entire development community if you pursue eminent domain action. I hope you will consider the issue of government malfeasance if you pursue a course that sticks us with 1) the loss of existing tax revenue and 2) the cost of remediation as an alternative to a pro growth plan that would increase our tax base. I hope you will consider that there is a need for infrastructure improvements, this developer wants to build their project. I am certain they will work with you to meet the community needs.

Before writing you I have reached out to some of the angry people I know in my neighborhood to try to get them to consider what their real objection was and to submit ideas for improvement to the plan. Unfortunately they were too bent on the idea that things could remain the same too even contemplate how to design their future. You can help create a plan that benefits us in Amherst and addresses our need for growth.

Thank you for reading this long letter. I look forward to your reply with your thoughts on these issues.

Warm Regards,

Kaarsten Wisnock  
113 Carriage Circle  
716-688-4745



DEAR MR: BLACK:

This is in Response To the Westwood Proposal

I have spoken with many of my neighbors on Delamere Rd. We all have concerns, issues that have not been addressed.

1) SANITARY AND STORM SEWERS. LINES ARE OLD AND POOR AT BEST. OUR YARDS - BACK UP TO MORNING STAR - ALL THAT WATER FLOWS INTO OUR YARDS - MAKING OUR YARDS UNUSABLE - THIS 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.

2) TRAFFIC - ITS VERY HARD TO GET ON TO NORTH FOREST - OR SHERIDAN DR. NOW AND YOU WANT TO ADD ANOTHER - 2 TO 4 THOUSAND CARS. - IT WON'T WORK.

3) WHY DO WE NEED A 4 STORY HOTEL? THIS DOES NOT FIT IN.

WE FEEL THIS SHOULD BE KEPT AS GREEN - SPACE.

Sincerely

JAMES EWITT

65. Delamere Rd

Phone

(714) 810-9075

Hello, my name is Maureen Schmitt. I own residences at 866, 860 and 850 North Forest. The latter is directly adjacent to the Westwood property. I oppose the rezoning of the Westwood Country Club parcel from RC to the combined TND/MFR-7/GB (Recreation/Conservation to Traditional Neighborhood Development, Multi-Family Residential, General Business) in order to protect the stability of the surrounding neighborhoods and the safety of all that pass through. The proposed development remains too intensive for the existing surrounding neighborhoods. The new plan still has many of the same problems, with some serious additional new ones.

The proposed changes to the transportation infrastructure 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 intersection, to move traffic for the public. North Forest is a county road and 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 NYS 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. 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, existing onto County owned North Forest, seems 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 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 North Forest circle 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.

This zoning category is not right for this parcel, and I urge you to deny this request.

Thank you.



*date?*

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am a lifelong Amherst resident. I enjoy the quality of life here and the services provided by the Town that benefit my family. However, I don't like the fact that I have to climb into my car to do anything other than walk the dog! So many communities around the country have taken steps to change that. Why can't we? The Master Plan for the Westwood is an opportunity for a transformative approach that will bring real value to our community.

I am in favor of the rezoning proposal and Master Plan for the Westwood, and support the project.

Respectfully,

Bruce Kohn  
86 Waxwing Court

*date?*

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 the plan seems good and the property would be more valuable and there would be an increase in town revenue.

Respectfully,  
David Norman  
228 Culpepper  
Williamsville, NY 14221  
[NAME]  
[ADDRESS]

Sent from Yahoo Mail on Android

**Carrato, Amy**

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**From:** Kaarsten Wisnock <kaarstenw@gmail.com>  
**Sent:** Monday, November 28, 2016 2:40 PM  
**To:** Carrato, Amy  
**Subject:** Westwood Development Feedback  
**Attachments:** Dear City of Amherst Planning Department.docx

Attached are my comments regarding the Nov 17 meeting and specifically the Westwood Development project. I understand I was offered the chance, as a resident, to give my opinion on the project. Please forward this to whomever it should be directed.

Dear City of Amherst Planning Department,

In regards to the proposed "Westwood Neighborhood" project 772 North Forest Road and 375, 385, and 391 Maple Road Mensch Capital Partners, LLC property, I have several comments I would like to offer during this public comment period.

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.

There is no question that the developer must address environmental issues associated with this project and all matters in regards to utilities and storm water management. All of these problems are possible to overcome and the board should work closely with Mensch Capital Partners to come up with solutions.

Assuming all of that can be resolved I have the following comments regarding the current plan:

- 1) 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. 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.
- 2) I would like to see ample parking for retail, including parking for restaurants at night. Parking areas should be well lite 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.
- 3) 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 a 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 café 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.

4) This region could use more single family home plots as well as patio homes and apartment homes. When we talk about a regions rebirth and growth we are always talking about more people-people who need houses. My husband's employer in Amherst has many young employees who are commuting from West Seneca and North Tonawanda because there is not enough affordable apartments housing here. 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.

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.

Sincerely,

Kaarsten Wisnock

Resident: 113 Carriage Circle

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 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.

Respectfully,

Warren Klein  
33 Vassar Drive  
Getzville NY 14068

Sent from my iPhone

**AECOM**

257 West Genesee Street, Suite 400  
 Buffalo, New York 14202  
 T 1-716-856-5636 F 1-716-856-2545  
[www.aecom.com](http://www.aecom.com)

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**From:** Bucki, Debbie [mailto:[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)]  
**Sent:** Friday, September 22, 2017 10:18 AM  
**To:** Lecksell, Rick  
**Subject:** Re: Westwood project concerns

Good morning!

Thank you for your message. I have requested that it be placed as a Communication on the Town Board Meeting Agenda for October 9th.

In addition, I will take your comments under advisement when considering matters regarding Westwood. Please contact me if you have any other questions or need assistance.

Sincerely,

Deborah Bruch Bucki  
 Amherst Councilmember

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

From: "Lecksell, Rick" <[rick.lecksell@aecom.com](mailto:rick.lecksell@aecom.com)>

Date: 9/22/17 8:03 AM (GMT-05:00)

To: "Weinstein, Barry" <[BWeinstein@amherst.ny.us](mailto:BWeinstein@amherst.ny.us)>, "Sanders, Steven" <[ssanders@amherst.ny.us](mailto:ssanders@amherst.ny.us)>, "Popowich, Ramona D." <[rpopowich@amherst.ny.us](mailto:rpopowich@amherst.ny.us)>, "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>, "Spath, Francina" <[fspath@amherst.ny.us](mailto:fspath@amherst.ny.us)>

Subject: Westwood project concerns

To the Amherst Town Board members:

I attended the Amherst Town Board meeting Monday, Sept. 18. I would like to add some comments about Westwood project that was under discussion in that meeting.

My address is 16 Delamere Road, and to get onto Sheridan Drive, I use Fenwick Road. 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.

Another point that was made during the meeting on Monday was the fact that 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 spent 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 sores and need to be occupied before building more commercial buildings on the Westwood property.

Thank you for reading my concerns and hopefully you will see that the Westwood Project will be bad for the residents of Amherst and for the Town of Amherst in general.

**Rick Lecksell**  
Senior Cadd Designer  
D 1-716-923-1313  
[rick.lecksell@aecom.com](mailto:rick.lecksell@aecom.com)

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257 West Genesee Street, Suite 400  
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[www.aecom.com](http://www.aecom.com)

**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Tuesday, September 26, 2017 12:03 PM  
**To:** Bucki, Debbie  
**Cc:** Kost, Ellen; Howard, Dan; Carrato, Amy  
**Subject:** RE: Westwood project concerns

Debbie...Mr. Lecksell's letter will be entered into the record and sent to the Planning Board for their considerations....Rick

**From:** Bucki, Debbie  
**Sent:** Friday, September 22, 2017 10:34 AM  
**To:** Gillert, Rick; Sliwa, Stanley J.  
**Subject:** Fwd: Westwood project concerns

Hi...  
 Here is an additional message from Mr. Lecksell regarding Westwood.  
 Sincerely,  
 Debbie Bucki

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** "Lecksell, Rick" <[rick.lecksell@aecom.com](mailto:rick.lecksell@aecom.com)>  
**Date:** 9/22/17 10:28 AM (GMT-05:00)  
**To:** "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>  
**Subject:** RE: Westwood project concerns

Thank you very much for reading my message and putting it up for a communication in the October 9<sup>th</sup> meeting.

Monday was the second Town Board Meeting that I have attended. I know that the majority of the neighbors on my street (Delamere and Fenwick) and in the areas that will be affected by the Westwood project are against it.

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.

I work for an engineering company, AECOM, and know Jeff Burroughs, the Town of Amherst engineer, who used to work with AECOM. As a Civil designer, I am very much acquainted with the problems that the Westwood project will present.

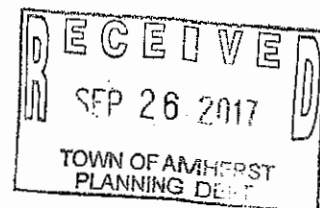
Thank you again for your time and taking my suggestions under consideration.

**Rick Lecksell**  
 Senior Cadd Designer  
 D 1-716-923-1313  
[rick.lecksell@aecom.com](mailto:rick.lecksell@aecom.com)



September 25, 2017

Re: To: Town of Amherst Town and Planning Board Members



Westwood Project

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.

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.

Buffalo has a reputation for first saying no to development as if it were evil. The Westwood project is no more than a smaller scale representation of housing, structures and entities that already exist in Amherst. It is not some massive speculative project of questionable character or value.

I hope you see the value that this development would bring to Amherst. Also think of the jobs it would create. Amherst needs development and should cooperate to make it the best it can be and not turn its back on progress.

Sincerely,

Jerry Kotowski

119 Pino Verde Lane

Williamsville, NY 14221

716-688-0854

To: Amherst Town Board, Amherst Town Clerk, Amherst Planning Department

From: Kim Utech, 74 Brookedge Drive, Amherst, NY 14221

Date: Sept. 24, 2017

RE: Public Hearing/Written Public Comment Period for Westwood SEQR

I spoke at the Westwood SEQR public hearing (Mon. 9/18/17). These written comments are for the Westwood SEQR public hearing written record.

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.

Developer and Green

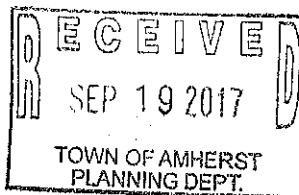
We keep hearing the developer say how they have added greenspace. When I think of the developers and green, that translates to dollar signs and money. They are just concerned about their own pockets, and their idea of green for this proposed project has nothing to do with the residents.

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 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.

Hope this Town Board will do the right thing. Vote down this project; get this over with in a lasting way.

**It's a bad deal for Amherst!**



September 18, 2017

**Dr. Barry Weinstein:**  
**Amherst Town Supervisor**

**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.**

**Thank you for your time.**  
**Tom Quagliana**  
**179 Harding Rd.**  
**Williamsville, NY 14221**

**Petition cc: Francina Spoth, Steven Sanders, Ramons Popowich, Deborah Bucki, Lisa, Patrick Lucy, Amherst Town Planning Board**

September 2017

**Due to the dead-ending of Harding Road, we the undersigned, are in favor of extending Garfield Street from Harding Road to Ferndale Road to eliminate the necessity of reaching Wehrle Drive via Transit Road.**

**Print Name                      Address                      Phone                      Sign Name**

1.	TOM QUAGLIANA	179 HARDING RD	626-0548	TOM Quagliana
2.	MARILYN QUAGLIANA	179 Harding Rd	626-0548	Marilyn Quagliana
3.	JANE ROYNS	156 Harding Rd	633-6385	Jane Royns
4.	DAVID ROYNS	156 Harding Rd	633-6385	David Royns
5.	John Godesiabois	67 Harding Rd	716-603-6607	John Godesiabois
6.	Angel Cruz	53 HARDING RD	916-948-6566	Angel Cruz
7.	Christy Halden	53 Harding	716 948-5419	Christy Halden
8.	Krystal Flass	43 Harding Rd	714 844-9249	Krystal Flass
9.	Lesell McPherson	939 Harding Rd	633-1197	Lesell McPherson
10.	Judith Schmall	141 HARDING RD	633-6414	Judith Schmall
11.	Russ Rohloff	131 Harding Rd	512 5641	Russ Rohloff
12.	Bev Rohloff	131 Harding rd	512-5638	Bev Rohloff
13.	Gary Waraich	121 Harding rd	716 631-8986	Gary Waraich
14.	Renu Waraich	121 Harding rd	631-8986	Renu Waraich
15.	Monica Waraich	121 Harding rd	716 631-8986	Monica Waraich
16.	Nina Waraich	121 Harding Rd	716-631-8986	Nina Waraich
17.	Sharon Alfaro	93 Harding Rd	716-633-1197	Sharon Alfaro
18.	CHRIS WOLFF	77 HARDING RD	716-580-5880	Chris Wolff
19.	DOUG CARLETTAN	49 HARDING RD	716-256-0520	Doug Carlettan
20.	DIXIE GOLDSHAWK	45 HARDING RD	716-634-8993	Dixie Goldshawk
21.	SHARON MACPEEK	76 HARDING	716-634-9443	Sharon MacPeek
22.	BILL MACPEEK	76 HARDING	716-634-9443	Bill MacPeek
23.	Habye	18 <sup>A</sup> Harding Rd	315 395 7151	Habye
24.	Ashley Birel	140 Harding Rd	607-857-4529	Ashley Birel

**Due to the dead-ending of Harding Road, we the undersigned, are in favor of extending Garfield Street from Harding Road to Ferndale Road to eliminate the necessity of reaching Wehrle Drive via Transit Road.**

**Print Name                      Address                      Phone                      Sign Name**

1.	Richard Binge III	140 Harding Rd	716-435-8278	Richard Binge III
2.	Gus Erick	174 Harding Rd	716-866-6660	Gus Erick
3.	ROBERT LERCH	168 HARDING	716-632-7420	Robert Lerch
4.	Timothy Lopez	159 Harding	716-565-1562	Timothy Lopez
5.	PATRICIA LORCA	168 HARDING	716-632-7420	Patricia Lorca
6.	LINDA DEVINE	180 HARDING Rd	716-913-4485	Linda Devine
7.	Timothy Grafton	187 Harding Rd.	716-440-1880	Timothy Grafton
8.	BEVERLY Lynch	255 Harding Rd	714- <del>242</del> <sup>424</sup> -7892	Beverly Lynch
9.	Marnie Dow	263 Harding Rd	716-697-2109	Marnie Dow
10.	Michael Dow	263 Harding Rd	313-670-0078	Michael Dow
11.	Dannello King	283 Harding Rd	716-866-8455	Dannello King
12.	michael westfall	299 Harding Rd	716-634-8688	Michael Westfall
13.	Paula Westfall	"	"	Paula Westfall
14.	Dawn Berchan	269 McKinley	716-633-2011	Dawn Berchan
15.	Shel Sweeney	280 Harding Road	716-634-1540	Shel Sweeney
16.	Ben Sweeney	280 Harding Rd	716-634-1540	B. Sweeney
17.	Amanda Berchan	210 McKinley	716-807-5680	Amanda Berchan
18.	James Sweeney	280 Harding Rd	716-540-4344	James Sweeney
19.	Lara Eyrick	174 Harding Rd	716-348-5257	Lara Eyrick
20.	DEBBIE MURRAY	159 HARDING Rd	716 565 1562	Debbie Murray
21.	Francine Cecala	47 Harding Rd	716 225-4340	Francine Cecala
22.	Toni	40 Harding Rd	716-880-0354	Toni Maggio
23.	Srawani	118B Harding Rd	201-823-7528	Srawani
24.	NIZAY	"	201-268-9111	Nizay

Due to the dead-ending of Harding Road, we the undersigned, are in favor of extending Garfield Street from Harding Road to Ferndale Road to eliminate the necessity of reaching Wehrle Drive via Transit Road.

Print Name                      Address                      Phone                      Sign Name

NW

1.	Anna Sciofino	128A <sup>Harding</sup> Rd	(716) 331-8756	Anna Sciofino
2.	Lei Juiwang	128 B Harding Rd	(716) 908-7878	Lei Juiwang
3.	Marcia Fiore	134 Harding Rd	(716) 632-4831	Marcia Fiore
4.	Sara McKernan	135 Harding Rd	(716) 331-7809	Sara McKernan
5.	Shannon Lopez	159 Harding Rd	716-848-9372	Shannon Lopez
6.	Kim Matha	298 Harding Rd	716-715-6760	Kim Matha
7.	Kathy Barow	295 Harding Rd	633-8637	Kathy Barow
8.	Rita Barow	295 Harding	Same	Rita Barow
9.	David Hassel	245 Harding	633-8657	David Hassel
10.	CARL MONTONE	180 Harding	553-8277	Carl Montone
11.	Andrew M. Mazurek	276 Harding Road	716-906-9207	Andrew M. Mazurek
12.	E. Borromeo <sup>Anthony</sup>	279 McKinley	716 632-6824	E. Borromeo
13.	A. Dominick	257 McKinley	716 833-3099	A. Dominick
14.	A. Dinki	251 McKinley	716-881-5631	A. Dinki
15.	Heather Leggett	245 McKinley Ave	(716) 908-7466	Heather Leggett
16.	Patti Brucato	48 Harding	716-207-5759	Patti Brucato
17.	Christy Pflum	70 Harding Rd	716-908-3436	Christy Pflum
18.	William J. Fecher	148 Harding	716-803-4130	William J. Fecher
19.	DANIEL FECHER	118 Harding Rd	716-472-2386	Daniel Fecher
20.	Robin Hammer	56 Harding Rd	716 632-8565	Robin Hammer
21.	Sharon Hammer	56 Harding Rd	716-632-8565	Sharon Hammer
22.	Arnd Julicher	75 McKinley Ave	716 698-4406	Arnd Julicher
23.	William Julicher	75 McKinley Ave	716 834-5094	William Julicher
24.	Jay Karcher	97 MCKINLEY AVE	716 207 5576	Jay Karcher

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**Print Name                      Address                      Phone                      Sign Name**

1.	Jackie Hitchcock	181 Harding	716 812 5716	Jackie L
2.	Rick Hitchcock	" "	716-830-6677	Rick Hitchcock
3.	Robert Walbraker	84 Harding Rd.	716-276-8537	Rob Walbraker
4.	Molly Brzezicka	37 McKinley Ave	513-543-0700	Molly Brzezicka
5.	Margaret Jambor	47 McKinley Ave	634-1191	Margaret Jambor
6.	Stan Kean	47 McKinley Ave	716-445-1934	Stan K
7.	Ruth A Nye	299 McKinley <sup>Road</sup>	716-632-1838	Ruth A Nye
8.	Julius Nizer	299 McKinley Ave	—	Julius Nizer
9.	Eric Marshall	61 McKinley Ave	716	Eric M
10.	LURETTA SMITH	61 McKinley Ave	716 308 9437	Lurette Smith
11.	Renée Cimarelli	281 McKinley Ave	716 432-9151	Renée Cimarelli
12.	Aubrey Pitz	34 Harding Lwr	518-779-7758	Aubrey Pitz
13.	Vishal Kothari	34 Harding Road	—	Vishal K
14.				
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## TOWN OF AMHERST - PLANNING BOARD PUBLIC HEARING

9/14/17

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.

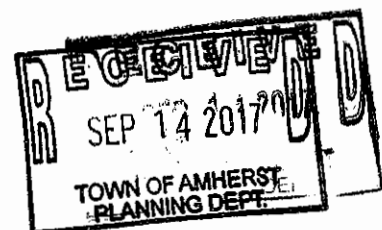
Your draft resolution eloquently states some of the problems that the residents have been saying from the start:

- 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.
- 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.
- 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 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.
- 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?
- 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.

This was speculative. Once rezoned, anything that meets the criteria of the code can be built. Concepts aside, it is the market that would drive the eventual reality. It is highly unlikely the final result would match this proposal given a 10 year dusty, noisy, disruptive buildout.

Please **DENY** this rezoning request for the former Westwood County Club parcel.  
Thank you.

MARYANN HOCHBERG  
1075 NORTH FOREST RD  
WILLIAMSVILLE, NY 14221





**Carrato, Amy**

---

**From:** Gillert, Rick  
**Sent:** Monday, September 18, 2017 9:46 AM  
**To:** Bucki, Debbie  
**Cc:** Carrato, Amy; Howard, Dan; Kost, Ellen  
**Subject:** RE: Public Comment regarding the proposed Westwood Master Plan

Debbie....the attached comments will be forwarded to the Planning Board and added to the permanent project file. Thank you for keeping us up to date on correspondence....Rick

**From:** Bucki, Debbie  
**Sent:** Monday, September 18, 2017 12:23 AM  
**To:** Gillert, Rick; Sliwa, Stanley J.  
**Subject:** Fwd: Public Comment regarding the proposed Westwood Master Plan

I am forwarding on to you a message regarding the Westwood project.  
 Sincerely,  
 Debbie Bucki

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** Steve Albertson <[salbertson@protonmail.com](mailto:salbertson@protonmail.com)>  
**Date:** 9/17/17 10:18 PM (GMT-05:00)  
**To:** "Jaeger, Marjory" <[mjaeger@amherst.ny.us](mailto:mjaeger@amherst.ny.us)>, "Sanders, Steven" <[ssanders@amherst.ny.us](mailto:ssanders@amherst.ny.us)>, "Weinstein, Barry" <[BWeinstein@amherst.ny.us](mailto:BWeinstein@amherst.ny.us)>, "Popowich, Ramona D." <[rpopowich@amherst.ny.us](mailto:rpopowich@amherst.ny.us)>, "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>, "Spoth, Francina" <[fspoth@amherst.ny.us](mailto:fspoth@amherst.ny.us)>  
**Cc:** [andrew.schaevel@bobalew.com](mailto:andrew.schaevel@bobalew.com)  
**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am **NOT** 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 **EXTREME DISAPPROVAL** of this project.

Why?

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.

It would give the developers/owners some really, really bad publicity. As if they don't have enough already.

Pollution, clouds of dirt, etc. will have an adverse effect on the neighboring residents.

Traffic would be more than a nightmare than it already is.

It would be detrimental to the wildlife and the environment.

Something much nicer and less destructive could go into that space - something green, very low profile, simpler. Not office buildings and things like that.

Please add me to the list of public commenters who are against the rezoning proposal and Master Plan for the Westwood.

Thank you for listening.

Respectfully,

Steve Albertson

4453 Chestnut Ridge

email addresses obtained from the "Click now to email!" button on the westwoodamherst.com website

**Carrato, Amy**

---

**From:** FREDRIK MILLER <eustis1407@yahoo.com>  
**Sent:** Sunday, September 10, 2017 12:13 PM  
**To:** Carrato, Amy  
**Subject:** Westwood Neighborhood

I own a residence on Sunrise Boulevard in "Maplemere" subdivision near the proposed Westwood project. I live out-of-state and will be unable to attend the public hearing.

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.

As a future residents of Amherst, my wife and I would be delighted to be able to walk to a beautiful park in the Westwood neighborhood. A park would be an amenity that all area residents could enjoy.

Thank you for your time and consideration.

Fredrik Miller

Ph. 352-408-0990

Fred

RECEIVED  
SEP 11 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Date: September 11, 2017

RE: Request to rezone 141.08 ± acres for a planned unit development entitled "Westwood Neighborhood"

The proposed "Westwood Neighborhood" is a huge development plan. If this request to rezone is granted, and this development occurs, the Town of Amherst will be forced to deal with several serious and expensive issues.

1. 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 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.

2. 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 the ±1700 residents, numerous school busses 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.

3. 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.

4. Loss of green space.

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 loose a large portion of its valuable green space forever.

When the time comes, we are asking you carefully consider the above and VOTE AGAINST this request, and all future requests, to rezone the Westwood parcel for the "Westwood Neighborhood".

Thank you.

*Mary K. Boehm*  
Mary K. Boehm

*Raymond F. Boehm*  
Raymond F. Boehm

[Redacted signature]

Another thought:

Perhaps the Town of Amherst or the State of New York should acquire this property and make it into a park where people can enjoy nature.

Attachment: Mary and Raymond Boehm - Westwood-09122017114406 (COM-2017-236 : Mary & Raymond Boehm - Westwood)

September 18, 2011

P-187

TO the Amherst Town Board:

I object strongly to the over development of the former Westwood Country Club property. I object to any development that the present owners have proposed to date.

"Let's make it a Park!" Not economically good for the present owners! But a big win for the residents of the town of Amherst!!!

Let's not make Amherst the "Ghetto of Tomorrow" by continuing to over develop.

The majority of the residents of the town of Amherst want and will enjoy green space.

Your kind consideration to this matter is greatly appreciated.

Very truly yours,

Christine P. Pitt

Phone # ~~XXXXXXXXXX~~

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

RECEIVED

SEP 22 2017

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

September 20, 2017

Dear Supervisor Weinstein:

My wife and I moved to this beautiful suburban property in 1986. We raised our family here. The combination of large, green lots and a tree lined street was exceptionally inviting. The one flaw that became increasingly apparent as the years went by is that commuters from the northeast portion of the town used North Forest Rd as a way to access the Main Street/90/290 intersection. Traffic in the morning and afternoon drive time is horrible. The Town and NYS exacerbated this problem by enlarging the Sheridan Drive/North Forest intersection to accommodate more traffic, treating our beautiful, residential section of North Forest as a major artery.

I object to the massive development of Westwood on several grounds, but traffic associated with residential and commercial development on that property is foremost.

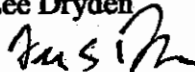
Additionally:

- Sewer capacity will require an upgrade to handle so many more housing units
- The land currently absorbs rain water and provides a habitat for wildlife
- Green space is what attracts people to the Town and is rapidly being diminished
- The designation of a hazard associated with soil contamination is a non-issue if the park is preserved for passive recreational use by all Amherst residents.

Please find a way to preserve this wonderful asset.

Yours truly,

Lee Dryden



Peggy Dryden



Mrs. Kenneth St. Gerette

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Sept 21, 2017

Amherst Town Board  
Att: Barbara Weinstein  
5583 Main Street  
Wallkillville Ny 14221

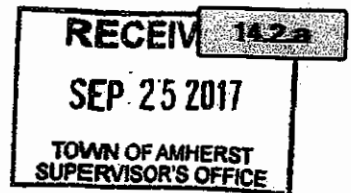
RECEIVED  
SEP 25 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Dear Board Members

I would like to advise you  
of my opinion re the Westwood  
Country Club Property. Once  
you take away the green  
space & develop it, you can  
never go back! That area is  
already too traffic dense. Please  
keep it as green space for future  
generations.

Sincerely,  
Marg Ann Gerette  
age 82 yrs.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



Theresa Avery-Scigaj  
[Redacted]  
[Redacted]

P-190

September 20, 2017

Mr. Barry Weinstein  
Amherst Supervisor  
Amherst Town Board  
5583 Main St  
Williamsville, NY 14221

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 along with their cars, right in the midst of this congested stretch of road.

I have driven to work within Amherst and to Downtown Buffalo and over the last 30 years endured longer and longer wait times for traffic lights and seen rear-end accidents. Of note is the example of what happened on Wehrle and Youngs roads. When Ingram and other companies built these large office buildings, traffic along these roads became very congested and the roads were not widened for a long time and even now they are still congested. Union Rd, Cayuga, and Main St are also more congested as people drive from all over to get to these buildings.

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.

My point is, the traffic congestion doesn't confine its self to the roads right next to the property. Main Street will be another east/west choice again.

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.

Time and time again I have seen the town board cave in to developers. Please stand your ground and prevent this travesty against the citizens of Amherst.

Sincerely

*Theresa Avery-Scigaj*

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



**Weinstein, Barry**

P-191

**From:** [REDACTED]  
**Sent:** Monday, September 25, 2017 10:33 AM  
**To:** Weinstein, Barry  
**Subject:** Westwood Property

Supervisor Weinstein:

I have been a resident of the Town for 55 years, 43 years at my current address, [REDACTED].

I have traversed the roads abounding Westwood, especially North Forest and Sheridan man times each week.

Rezoning as proposed is "not" acceptable for the following reasons:

Mensch proposed additional roadways will only feed into the existing high traffic volumes. North Forest, is already a slow traffic flow due to hits winding path.

Our sewer system capabilities will be in question as University of Buffalo continues to expand. I question that our systems can tolerate a development that is proposed.

Sincerely,

Charles D. Molnar  
[REDACTED]  
[REDACTED]

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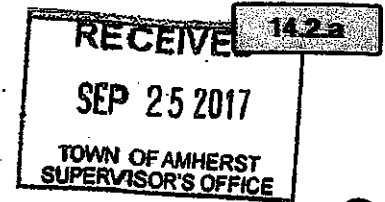
**We Say GoodBye To Sally Fields**

ifperfecttouch.com

<http://thirdpartyoffers.netzero.net/TGL3232/59c914151970414153672st04vuc>



Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



P-192

September 21, 2017

Barry Weinstein  
Superintendent, Town of Amherst  
Amherst Municipal Building  
5583 Main Street  
Williamsville, NY 14221

Superintendent Weinstein and the Town Board,

As someone who lives a short walk from the former Westwood Country Club, I have been attending planning board meetings for over five years. I have also attended town board meetings if Westwood is being discussed. In addition, I have spent hours sifting through public records on the project kept in large binders well organized by a very helpful staff of the Amherst Planning Board. Having worked in Engineering departments as a designer and drafter I know what I am looking at. I went in open minded, just wanting to see what the developers had in mind. I also went in giving both boards the benefit of the doubt, that their hearts were in the right place and that they would do what was best for the town. I would like to think they are but it looks like either they are being taken advantage of by shrewd contractors and lawyers, or most of them are in the pocket of the developers. Sometimes they should just say no to them. No, you don't get to rezone that. No, you don't get to make millions to the detriment of our wonderful neighborhood.

I have spoken at public meetings to express my concern about: traffic, sewage, storm water, flooding, etc. I have used maps, drawings, text and a laser pointer to make the most of my allotted three minutes. Boy that goes fast. On 9-18-17 I had 15 minutes and I stuck to one topic, flooding, and I just made my point as the egg timer rang. 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 gulf 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.

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.

What they call 40 acres of green space is either in the heart of the flood plain or in narrow strips along roadways. No place you would build a soccer field, tennis court or baseball diamond. Would you want the 10 or 20 feet of lawn along your street declared a park? Should we put picnic tables along your street? How about bocce ball or a pavilion so I can have a picnic on your front lawn?

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

It is ridiculous that they want to sound generous for leaving this green and calling it a park. The only green-space of substance is in heavily flooded area that would be much more flooded after they build up half of the flood plain to build more units. Furthermore, when they fill in much of the flood plain the water will overflow into neighborhoods who thought they were high and dry, like mine, thank you.

In over five years of plans Mensch is firm in disregarding flooding. How can both of these town boards do anything other than a flat out no! No rezoning at all!

If this wasn't enough, there is the traffic. They want to remove the signal light at Sheridan and Frankhauser. 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. Is it asking too much for these boards to say, NO, you cannot do that.

I do not want this postponed, adjourned, put on hold, or delayed. I have other things to do with my evenings.

Sincerely

*Mark W. Rivard*

Mark W. Rivard

~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

RECEIVED 142a  
SEP 23 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

P-193

September 21, 2017

Barry Weinstein  
Town of Amherst Supervisor  
5583 Main Street  
Williamsville, NY 14221

Supervisor Weinstein:

I have not attended the majority of public meetings regarding Westwood redevelopment as I am not a public speaker. I am, however, strongly opposed to any rezoning of this property. Reasons for my opposition include increased traffic along Sheridan Drive and North Forest, the proposed round-about on North Forest, the potential for flooding, the lack of any real recreational space, unless swimming in the flood plain is considered recreation, and in general, just the overwhelming size of the project. When we moved to this neighborhood approximately eight years ago its biggest draw, for me, was that it was established and there were not going to be any new developments, as in East Amherst.

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. You, and the current board, should be making this decision. We voted for the current board and you need to bring this to a vote, and to an end.

5<sup>th</sup> and 6<sup>th</sup> graders all over Erie County participate in the DARE program and are encouraged to say NO to drugs. I dare you, Supervisor Weinstein, and the Town Board, as well as the Planning Board to say NO to the developers. If kids can do it, so can you!!

Sincerely,



Mary E Rivard

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



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SEP 25 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

505  
Franklin Street  
Buffalo NY  
14202.1109

716.881.3884  
www.arigdesigngroup.com

20 September 2017

Amherst Town Board  
Barry A Weinstein, Supervisor  
5538 Main Street  
Williamsville NY 14221

Dear Mr. Weinstein,

I am a design professional, I grew up in Williamsville, live in Snyder and I have witnessed the residential and commercial development that has occurred in Amherst over the years.

I routinely drive through the Sheridan/N. Forest intersection where traffic is backed up in all directions providing solid evidence of an existing traffic congestion issue. The North Forest traffic circle shown on the Westwood masterplan drawing will be a gridlock at peak travel times. It is frustrating to watch people maneuver their way through the traffic circles on Harlem Road in Snyder. Too hesitant when there is no traffic, too fast and fail to yield to traffic in the circle and remarkably sometimes drive into the circle.

Andrew Shaevel mentions his wish that more of the silent majority would speak up. How does one determine a majority position? I have been silent until today and I am not among the imagined majority.

Please take the time to thoughtfully consider the impact of 538 living units- homes, patio homes, apartments, townhouses....in addition to 200 assisted living units, mixed use/retail, special use/hotel/fire station etc. It is not difficult to visualize the negative environmental impact that will be created by this unnecessary, massive development.

Sincerely,

Michele L. Moses CID

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



② ... CAUSING problems IN  
our near-by neighborhood!

For the record : We are  
AGAINST ANY rezoning  
for COMMERCIAL AND  
RESIDENTIAL development.

Thank-You.

Maria Martin Schwarz  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

RECEIVED

SEP 25 2017

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Amherst Town Board, Amherst Municipal Building,  
5583 Main Street, Williamsville, NY 14221

RE: Keep Westwood Green

Please do not make a city out of the beautiful green space that was Westwood Country Club.

My family has lived off North Forest since the mid-eighties and has already seen too much development in this area.

The traffic on North Forest is already too congested and a city on Sheridan and North Forest would be the push that would cause to move.

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.

If the green space is gone, then so are we and about 1/2 our neighborhood.

I will also be sending this letter to WIVB about the green space and its lack of protection.

WE moved from the Delaware park area to this area and you are making the traffic in this area even worse than the City.

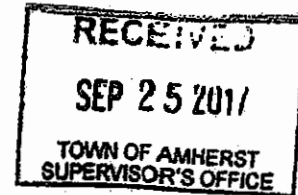
**DO NOT BUILD ON OUR GREEN SPACE!!!!**

Concerned,

The Eckerts

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)





September 23, 2017

Dr. Barry Weinstein, Supervisor  
 Town Of Amherst  
 5583 Main Street  
 Williamsville, NY 14221

Dear Dr. Weinstein,

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 living; assisted living (200) and independent (104), multi-family; (180) apartments with clubhouse & pool, (212) , Apartments (upper story).

Many people, myself included, do not want this property to be rezoned for commercial development. The sewer and storm drains will not handle this massive infrastructure on this property. At public expression, many residents expressed their concerns about this and flooding of Ellicott Creek. We need to find another solution for this property.

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?

Thank you.

Sincerely yours,

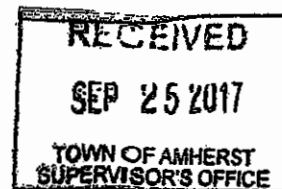
*John A Radzikowski*

John A. Radzikowski  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

*Please record this letter for  
 Public record - Amherst records*

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Lawrence F. Schiro  
~~400 Westwood Road~~  
~~Westwood, NY 14221~~



September 21, 2017

Dr. Barry Weinstein, Supervisor  
 Amherst Town Board  
 5583 main St.  
 Williamsville NY 14221

Dear Dr. Weinstein:

I have been sitting on the sidelines watching the developments of the proposed redevelopment of the former Westwood Country Club site by Mensch Capital Partners. I must send you my most strenuous opposition.

The 171 acre site started out as a golf course many years ago. It's impact on the surrounding area was negligible as a golf course. 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.

So the questions to be asked are why do we as residents need this project and who will benefit from this project? I do not recall any clamoring by Amherst residents to develop this site. Only the Mensch group are advocating for its development.

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 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.

If Mensch Capital will build it they will walk away counting their millions in profits and leave the long time local residents with a "white" elephant and distracting neighbor.

We in the town of Amherst will have to deal with the increased traffic congestion, extra taxation on the sewer and water systems and the need for more police protection. The ultimate end comes when the project fails and we are left with a deteriorating underused location.

Mensch doesn't care about us the residents. They are trying to unload a property they thought was going to be an easy dump off on the town residents. It failed and they are now trying to do something with this site they are stuck with.

I ask you and the board to reject this project and let Mensch go somewhere else and develop something else. Try the Eastern Hills Mall. The (Eastern Hills Mall) is trying to redevelop that site.

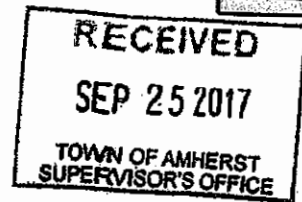
In the end Mensch Capital Partners made a bad investment and they are trying to get the Amherst residents to bail them out.

Sorry No Sale.

Sincerely,



Lawrence F. Schiro



To: Amherst Town Board, Barry A. Weinstein Supervisor

From: Phil Parshall, [REDACTED] PJP

Date: September 26, 2017

Re: Westwood Storm Runoff

I spoke last Monday (9/18/17) about the runoff problem created by covering Westwood and I gave a rough estimate of just under 1 million cubic feet of runoff created by an isolated 3 inch rain event. Certainly common these days.

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 2090 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 keep dumping more runoff into the Creek without creating problems for the surrounding neighborhoods.

We need to stop covering up greenspace in Amherst. Amherst needs this greenspace more than it does another useless hotel, community center, fire station, or whatever building these Developers tell us we can't live without. Will we be fighting again when these Developers tell us we need to pave the 34 acres of the Buffalo Gun Club? We need a moratorium on paving until Amherst sewage/drainage can be properly reassessed with plans taking into account the coming Climate Changes.

Dogs drool when they see meat, Developers drool when they see vacant land. Please call off the dogs and rein in these Developers.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

## Method 1 Using Weighted Average Curve Number Technique

Rainfall = P = 3.00 inches  
 Total acreage = 171  
 Pervious acreage = 80 (.47 greenspace x 171 acres)  
 Impervious acreage = 90 (.53 covered x 171 acres)  
 Pervious CN = 65  
 Impervious CN = 98

$$\text{Weighted CN} = (65)(.47) + (98)(.53) = 82.5$$

$$\begin{aligned} \text{Average } S &= 1000/\text{CN} - 10 = 1000/82.5 - 10 = 12.12 - 10 = 2.12 \\ \text{Average initial abstraction} &= I_a = 0.2S = (0.2)(2.12) = .424 \text{ inches} \\ &0.8S = (0.8)(2.12) = 1.69 \text{ inches} \end{aligned}$$

$$\text{Runoff volume} = Q = (P - 0.2S)^2 / (P + 0.8S) = (3 - .424)^2 / (3 + 1.69) = 1.42$$

$$\text{Total Runoff Volume} = (.118 \text{ feet})(171 \text{ acres})(43,560 \text{ sf per acre}) = 881188 \text{ cubic feet}$$

## Method 2 Using Weighted Average Volume Technique

Rainfall = P = 3.00 inches  
 Total acreage = 171  
 Pervious acreage = 80 (.47 greenspace x 171 acres)  
 Impervious acreage = 90 (.53 covered x 171 acres)  
 Pervious CN = 65  
 Impervious CN = 98

## Impervious Area

$$\begin{aligned} \text{Impervious area } S &= (1000/\text{CN}) - 10 = (1000/98) - 10 = 0.20 \text{ inches} \\ \text{Impervious area initial abstraction} &= 0.2S = (0.2)(0.2) = 0.04 \text{ inches} \\ &0.8S = (0.8)(0.2) = 0.16 \text{ inches} \\ \text{Impervious runoff volume (Q)} &= (P - 0.2S)^2 / (P + 0.8S) = (3.00 - .04)^2 / (3.00 + 0.16) = 2.77'' \\ \text{Runoff volume} &= (.23 \text{ feet})(90 \text{ acres})(43,560 \text{ sq ft per acre}) = 905612 \text{ cubic feet} \end{aligned}$$

## Pervious Area

$$\begin{aligned} \text{Pervious area } S &= (1000/\text{CN}) - 10 = (1000/65) - 10 = 5.38 \text{ inches} \\ \text{Pervious area initial abstraction} &= 0.2S = (0.2)(5.38) = 1.08 \text{ inches} \\ &0.8S = (0.8)(5.38) = 4.30 \text{ inches} \\ \text{Pervious runoff volume} &= Q = (P - 0.2S)^2 / (P + 0.8S) = (3.00 - 1.08)^2 / (3.00 + 4.30) = 0.50'' \\ \text{Runoff volume} &= (.042 \text{ feet})(80 \text{ acres})(43,560 \text{ sq ft per acre}) = 145200 \text{ cubic feet} \end{aligned}$$

$$\text{Total Impervious and Pervious runoff volume} = 881188 \text{ cubic ft} + 145200 \text{ cubic ft} = 1026388 \text{ cubic feet}$$

RECEIVED

142a

SEP 25 2017

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

September 21, 2017

Dear Supervisor Weinstein,

This letter is in reference to the proposed development of the former Westwood Country Club.

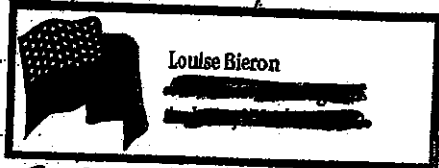
I am in favor of the Menach (sp?) Project. The (Amherst) used in the proposal for the property formerly known as the Sun Club property. A mixed-use project, in retrospect, was a good idea. We now have another opportunity for a mixed-use project and my hope is that this will be allowed for the following reasons:

- 1.) It will add many \$ to our tax base
- 2.) A community within the larger Amherst community is enticing
- 3.) The Town of Amherst has a plethora of parks and other play/entertainment & sports areas.
- 4.) The Menach plan allows for considerable 'open' space
- 5.) The "environmental issues" can/will be addressed as they become, if they become issues

Thank you for the opportunity to comment on this issue

Sincerely,

Louise T. Bieron





# TOWN OF AMHERST

P-201

14.2.a

ERIE COUNTY, NEW YORK

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
PHONE: 716-631-7013  
FAX 716-631-7036  
www.amherst.ny.us

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SEP 26 2017

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

BARRY A. WEINSTEIN, MD  
Supervisor  
716-631-7032

STEVEN D. SANDERS  
Deputy Supervisor/ Councilmember

Councilmembers:  
RAMONA D. POPOWICH  
DEBORAH BRUCH BUCKI RN, PH  
FRANCINA J. SPOTH

September 8, 2017

To Whom It May Concern:

*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.

After the stock market crash in 1929, Willowdale merged with another Jewish men's club to create the Willmont 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.

Regards,

Barry A. Weinstein, MD  
Supervisor, Town of Amherst  
Former Member, Westwood Country Club

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

September 25, 2018

The Honorable Dr. Barry A. Weinstein

Supervisor, Town of Amherst  
 Chairperson, Amherst Town Board and  
 Councilmember Steven D. Sanders, Councilmember Ramona D. Popowich, Councilmember Deborah Bruch Buckl and  
 Councilmember Francina J. Spoth  
 5583 Main Street  
 Williamsville, NY 14221

Dear Supervisor Weinstein, Councilmember Sanders, Councilmember Popowich, Councilmember Buckl and  
 Councilmember Spoth,

I spoke on September 18, 2017 at the Town Board Meeting with regard to SEQR, the DGEIS and environmental concerns at Westwood. I listened to Sean Hopkins make his presentation for nearly an hour as representative for the developer, Mensch Capital Partners. Only toward the very end of his presentation did Mr Hopkins mention the federal jurisdictional waterway, as determined by the Army Corps of Engineers, that is on the Westwood property. He glossed over that in only mentioning it.

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 the 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.)

The other environmental concern Mr Hopkins brought up at the end of his presentation he said "did not exist." He stated there were NO endangered species at Westwood. Mr Hopkins is also the attorney of record for the Elite Construction Development Project known as Sheridan Woods (4176-4188 Sheridan Drive). This project which was not given a re-zone is only several hundred feet off the western perimeter of the Westwood property. An endangered species of bat is on that property. The developer was given specific information on when trees could be cut on that property because of the bats and their mating season. No cutting between April and October. So, the developer had the trees cleared from the property in March 2017 to be in compliance. So where did the bats go when they returned April and May to mate and roost?? Westwood, again, is only several hundred feet away. The Sheridan Woods parcel is only 3 acres in size. Of course, there have to be bats there at Westwood. If they were not there before the trees were cut at Sheridan Woods, they have to be there now so any information not updated in the last year is obsolete regarding endangered species. (By the way, the developer at Sheridan Woods has not done a thing since cutting the trees. The

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



property in the side and rear yards have not been maintained all season. The grass/weeds have grown to be se tall.)

And in the past few weeks, Mensch Capital Partners have been trimming trees and cutting the lawn. They began the week of Mr Chris Drongosky's rally held at 11 Fairways Boulevard just prior to Primary Day. Obviously they wanted the area behind 11 Fairways to be presentable to media and photographers at the rally. Since then they have cut the lawn on the majority of the parcel...perhaps all of it? This is interesting as for the past 3 years, Mensch has only cut the grass in the bordering areas adjacent to neighboring properties and on the north/south borders of Maple and Sheridan to give the appearance of maintaining the property. All interior areas have been left to grow wild. Guess they have heard from the public that it looks like a nice nature preserve with the wild grasses which should remain that way and now they are seeking to destroy that image THEY CREATED of the "abandoned" golf course??!! (Mr Hopkins and Mr Shavel's words.) One can only imagine why after several years they are now investing in trimming and cutting????

Thank you for the opportunity to speak and comment publicly on the Westwood issue.

Sincerely,

Alanna Pohl Hughes

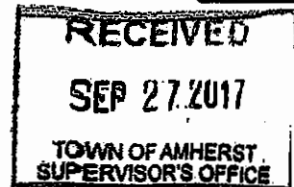
[Redacted]

[Redacted]

[Redacted]

CC: Marjory Jaeger, Town Clerk and Eric Gillert, Director of Planning Department

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



September 25, 2017

Dr. Barry Weinstein,  
Amherst Town Supervisor  
5583 Main Street  
Williamsville, New York 14221

Dear Dr. Weinstein,

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.

It would be hard to defend the right of a private concern to request rezoning so different input purpose under any circumstances but these are not just any circumstance. Through no fault of Mesches, driving in Amherst can be very challenging. Main Street is stop and go as are the parallel roads of Sheridan and Maple. Additionally, the perpendicular streets of Harlem Road, North Forest, Hopkins, and even as far away as Youngs Road can be crazy to drive on during many times of the day.

In addition to being quality of life issues, there are always safety issues. As the traffic increases, people's frustration level increases and they do unsafe things like use the center lane as a third lane (which happens frequently near the entrance to my street Foxcroft Lane). There have been too many times that I have merged into the center lane in order to turn left into Foxcroft Lane and have been confronted with a car barreling toward me in the center lane in an attempt to avoid the traffic that is stopped at the traffic light on North Forest and Maple.

Another major issue is the problem with the sewer system that will impact the Westwood and surrounding areas. That should be enough in and of itself to kill the project as their suggestions to remediate the issue were not deemed acceptable in other towns with similar needs.

It is also my opinion that development on Maple Road should be carefully considered for the same reasons. Making a medical park out of the previous Gun club property may also clog up the traffic and necessitate additional traffic signals on Maple Road.

The Golf Park switch that Mesches wants is unacceptable for the same reasons as stated above. Additionally, the Golf Course is well utilized and so it seems people are content with it.

Sincerely,  
Robin Raphael

*Robin Raphael*

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Dear Conference Town Board,  
 We live at [redacted] and are witnesses  
 to long traffic jams during  
 the morning and afternoon  
 commute times. Adding a  
 development at [redacted]  
 would only compound the  
 problem. We are opposed  
 to developing the property  
 and feel it would be better  
 as a recreational/park space.  
 Respectfully, David B. Green  
 The Green Family  
 [redacted]  
 [redacted]

September 24, 2017

RECEIVED  
 SEP 27 2017  
 TOWN ENGINEERING  
 SUPERVISOR'S OFFICE

summary 1/7

to: Amherst Town Board  
Barry A. Weinstein, Supervisor  
5583 Main Street  
Williamsville Ny 14221

RECEIVED  
SEP 27 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

from: Mary Jo Healy  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

re: proposed development of former Westwood  
Country Club

The approval of this project would be a serious  
mistake - it will destroy the surrounding areas  
which are lovely neighborhoods as crawling and  
filling in of space will result. I moved to the  
Presbyterian Village on North Forest Road be-  
cause of its "open air" location in a neighborly  
setting. As the years have passed, North Fore-  
st has become excessively filled with heavy traffic.  
It was not designed for major car movement -  
as Main and Sheridan. But at 5:00, West  
St. is backed up almost to Main as cars try  
to enter North Forest - the idea of additional  
traffic from Sheridan and Westwood is  
frightening and totally shocking! Turning  
out of the Church driveway is very difficult, for  
as one tries to enter North Forest, the line of

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Cars at the traffic light is long - can school traffic and buses add to the problem. Please realize more traffic would be dangerous and emergency vehicles are facing a two lane road - a great problem!

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 retain a sense of nature in our surroundings.

Amherst has become too lenient in building making Williamsville in danger of losing its quaint sense of "village". Please stop this trend - keep our precious "village" - vote no on developers who only are making proposals which benefit them. We citizens however, have to live with the results for the rest of our days here on earth.

Thank you for your attention to  
this matter -  
Jeff Coley

Sent: Wednesday, September 27, 2017 12:44 PM

To: Jaeger, Marjory

Subject: Westwood SEQR Public Comments

142a

P-206

Dear Town Board,

I was not able to attend the public forum meeting but would like my thoughts to be known. My husband and I are very much against any additional development in the Westwood area of Amherst. The traffic is out of control.

1. 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 Frankhauser subdivision there. I am sure this will only become worse if an access road from that Westwood nightmare leads to Frankhauser in any manner.
2. 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 for a ticket but I lost out because I had no car for some time.
3. Sheridan- Have you driven down that portion of Sheridan lately? AARRRRGH!!! No further explanation needed.
4. North Forest- the once quiet country road is now wall to wall traffic at peak drive times.

Secondly, I can send pictures of my backyard on [REDACTED] during heavy rains. I have a drainage system installed but the Storm Sewers cannot keep up with the drainage and it takes a day or so for it to catch up.

Thirdly, Really? You do not need more office space or hotels in Amherst. And why kill this beautiful greenspace with cement and tar? Why? Leave some green space so we can have fresh air and places for wild life and a natural wetland to catch all that extra water we have. Do not mess with the eco system anymore than you already have. We are currently looking for a new home out further. Away from this mess. We would like to stay but who wants to live in a traffic congested, air polluted and healthy ecosystem absent town? We might as well move to Cheektowaga or the City of Buffalo- oh wait Buffalo left a gem of green space around Delaware park! Please follow their lead and preserve the little bit of green space left in this area of what use to be a great town to live in. We are definitely against Westwood development and would like to be on the record for that. We will vote accordingly in the local elections for people who see the value in NOT catering to any additional development at Westwood. Keep it green. Thank you,

Ron and JoAnne Kotlik  
[REDACTED]  
[REDACTED]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

McClary, Susan

P-207

From: Ellen Doyno [REDACTED]  
 Sent: Thursday, September 28, 2017 2:03 PM  
 To: Weinstein, Barry  
 Subject: Westwood development

I have lived on Meadowbrook Road for 51 years. Over the last few years my yard looks like this in the spring. (I finally resorted to put in drainage this summer)

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.

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.

Ellen Doyno  
 [REDACTED]  
 [REDACTED]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
 September 26, 2017

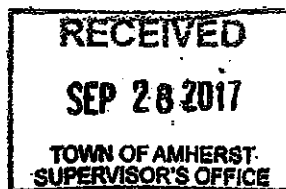
Amherst Town Board  
 Attn: Barry A. Weinstein, Supervisor  
 5583 Main St.  
 Williamsville, N.Y. 14221

Dear Sir,

I'm writing in regard to the Westwood Country Club. I would really like it to remain a park. My son, Harold, and family live at ~~\_\_\_\_\_~~ and almost every time I go to visit him, the traffic is backed up from N. Forest all the way down Sheridan to his street. I can't even imagine what it would be like if that corporation did all the building (including hotel and business places) they claim they said they are going to do.

Please do not let this go through.

Sincerely,  
 Wlodek Orzek





RECEIVED  
SEP 28 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Richard and Suzanne Stilson

~~99 [redacted]~~  
~~[redacted]~~

September 25, 2017

Mr. Barry Weinstein  
Supervisor  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

Dear Mr. Barry Weinstein:

We are writing this letter to support the town representatives ensuring that all important issues and considerations are examined and addressed related to the Westwood project. We are not generally opposed to development and progress for our town. We are however, concerned about the project as currently planned, proposed, and scaled.

We have lived on ~~Maple Street~~ for 34 years next month and have seen many changes and much growth. The particular issues we have with the current project are two-fold: 1) we currently have storm sewer issues in our neighborhood. When we get a heavy rain, the street floods and we have to put plugs and weights in our stationary tubs to prevent backups. We are higher than our neighbors. They fare far worse than we do; 2) the traffic on both Maple and Sheridan in the area of North Forrest become very heavily congested during peak hours. In addition, many drivers cut through our neighborhood to avoid the congestion. It includes a school zone, which speed-wise, is frequently ignored.

In following the communications related to this project, we believe that both of these issues will be exasperated by the project as planned. We will continue to monitor the situation to ensure that the projects shortcomings are addressed. Thank you for your continued vigilance and leadership.

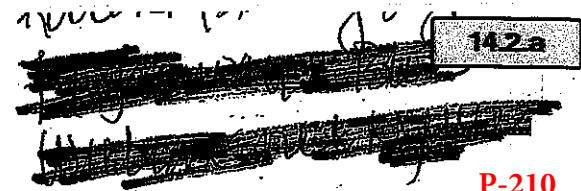
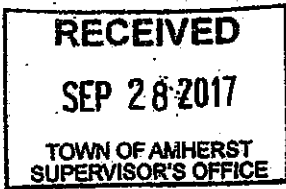
Sincerely,

*Rich Stilson*      *Sue Stilson*

Richard and Suzanne Stilson

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

9.25.17



P-210

To The Amherst Town Board,

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 process goes on. How can we live like

Growing up in Eggertsville, having resided in Hamburg, Buffalo, Kenmare, I returned to Amherst

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

to live out my retirement with years of peace  
in my yard which is W.W.CC

Please think of our future generations  
to come to enjoy Amhurst as it used to be,  
stop this construction before our town looks  
like a NYC, and nothing beautiful to be left.

My motto: If it aint broke, dont fix it.

I save will enough alone -

Please: NO REZONING !!!

You officials were elected to keep Amhurst  
Beautiful?

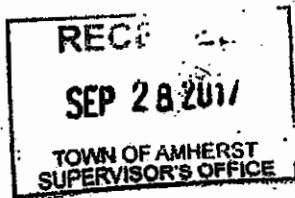
Thank you for your services and  
for those that are retiring - Best of luck -

Please keep us retirees on Westwood CC boards  
in mind -

Thanking you - I am -

Wishes to Pm and

Karen M Stanley (Fogren)



TOM FOLEYEN

142a

[REDACTED]  
[REDACTED]  
[REDACTED]

P-211A

SEPT 24, 2017

DEAR AMHERST T.B.,

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

ALSO FOR MEMBERS LEAVING AT YEARS END THANK YOU FOR YOUR SERVICE.

PLEASE DON'T MAKE WESTWOOD YOUR LEGACY FOR THE WRONG REASON.

BEST OF LUCK IN LIFE AND ENJOY RETIREMENT

Thomas J. Foleyn

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

I WOULD LIKE TO TALK A LITTLE BIT ABOUT THE SEWER ISSUES. THERE WERE RAIN VOLUME ISSUES LONG BEFORE WESTWOOD/MENSCH ENTERED THE PICTURE! ALL FIXABLE, BUT THE TOWN TURNED A BLIND EYE INSTEAD OF BEING PRO-ACTIVE

THE PROBLEMS MOSTLY ARE CROSS-CONNECTION BETWEEN THE SANITARY SEWER & THE STORM IN THE OLDER NEIGHBORHOODS. MANY HOUSES HAVE NO SUMP-PUMPS WHICH THE TOWN FINALLY TOOK ACTION ON. — STARTING IN OCT. 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 INFUX OF STORM WATER INTO THE SANITARY BEFORE MAKING A CAPITAL INVESTMENT ON LARGER SEWERS

TO SUPPORT MORE DEVELOPMENT THAT NO ONE WANTS

MENSCH IS NOW GOING TO SAVE AMHERST BY HELPING US ENLARGE OUR SEWERS - IN RETURN FILL THEM BACK TO CAPACITY - WE ARE RIGHT BACK WHERE WE STARTED.

LETS FIX WHAT WE HAVE & ONLY THEN CONSIDER ANY LARGE DEVELOPMENTS DON'T CREATE MORE PROBLEMS UNTIL WE REPAIR OUR EXISTING ONES

EVEN THESE I & I'S REPAIRS WILL TAKE YEARS - BUT FIRST WE MUST IDENTIFY WHAT NEEDS TO BE CORRECTED. SO TAKING MENSCH MONEY (\$600,000) IS NOT AN IMMEDIATE SOLUTI. LEAVING YOUR RESIDENTS VULNERABLE TO FLOODING UNTIL WE GET THIS ISSUE CORNE. THOSE MONIES WILL PROBABLY GET LOST IN THE GENERAL FUND UNLESS WE HAVE A PLAN IN PLACE

KENMORE / TON RECIEVED FEDERAL GRANTS FOR THIS VERY ISSUE

ONE OTHER NOTE - THIS TESTING WITH  $\frac{1}{2}$ " MINIMUM RAINFALL IS ASKING FOR MORE PROBLEMS - HOW ABOUT BASING DATA ON SOMETHING MORE REALISTIC LIKE 3"



McClary, Susan

From: kimmers2000  
Sent: Sunday, October 1, 2017 10:06 PM  
To: Weinstein, Barry  
Subject: Westwood

To Amherst Town Board member Barry Weinstein,  
Hello. I'm a resident of the town of Amherst/Williamsville and wanted to voice my concern over the proposed Westwood development. My residence happens to be situated on North Forest Rd. directly across from the proposed traffic circle to the project. I want to voice my strong opposition to the rezoning of the development from RC recreational to multi use rezoning.

I'm not going to rehash everything my neighbors have voiced with statistical measures and detail, which I'm thankful the took the time to do. I just want to say it would be a huge mistake, in my opinion, to jeopardize a chance at smart development in Amherst for the sake of a money grab from a developer. Why can't we make it into a recreational destination like Stiglmeier Park in Cheektowaga? Make it into something the town can enjoy. Open spaces are quickly vanishing.

I also agree with all the arguments regarding traffic, pollution, displacement of wildlife, drainage concerns, noise, congestion, and sprawl. I'm frankly getting tired of the increase in traffic over the last decade, and now a developer want to make things ten time worse. True we can't stop development. Eventually this planet can't sustain it. But leaving some space for the future is smart development. I've been all over the country and Canada and the best places I've been to h: park systems and open space in individual communities. In our own back yard look at Toronto, Oakville, Hamilton. Dens populations with parks and trails intermixed. Please consider the community as a whole.

Thank you.

Marjorie H Rosteing  
Kim M Rosteing  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~



Virus-free. [www.avast.com](http://www.avast.com)

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



**McClary, Susan**

**From:** Maureen Schiener [REDACTED]  
**Sent:** Sunday, October 1, 2017 12:09 PM  
**To:** Weinstein, Barry  
**Cc:** Jaeger, Marjory  
**Subject:** Westwood

Dear Supervisor Weinstein:

I have been an Amherst resident for over 30 years. I've witnessed open spaces bulldozed for new developments, buildings built that are now vacant, roads extended where land once was.

Isn't it time to preserve what open spaces are left? Years ago I enthusiastically attended town board meetings but eventually stopped going when I heard lawyers for the developers addressing board members by their first names. Guess who won those fights?

Please listen to the people this time. Amherst is saturated with stores, hotels, and housing. Its' charming character has been homogenized by needless, uncontrolled development. I didn't move here to live in a city and neither did most people. We need green space for peace & quiet but also to preserve habitat for animals that is diminishing each and every day.

There was a suggestion by one resident to have a Visitor Center & Art Gallery in Westwood. This is a fine idea since some sort of infrastructure is already in place. No more hotels, stores, or housing please. We have plenty along with all the additional traffic, pollution, & waste created. Listen to the people. We need that green space.

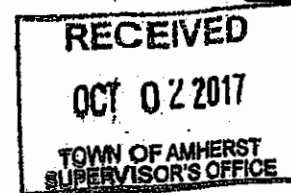
Respectfully,

Maureen Schiener  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from Outlook

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

October 2, 2017



Dear Amherst Town Board:

P-214

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 evidence that the Westwood Country Club couldn't be reused as a golf course or a public park without remediation.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

I strenuously oppose allowing the Mensch Corporation's plans to convert our beautiful parkland and former golf course into yet another concrete, brick, and macadam "development." What is the long-term goal for our community: to establish a well-researched and vetted development plan that is then implemented, or to grant building code variances whenever some developer desires to convert our land into their own corporate vision rather than the community's? Particularly hurtful has been Mensch representative's suggestions at meetings and in the press that they will not clean up the contaminated areas of Westwood unless their project is approved. This does not speak well for their community spirit and ignores their legal responsibility to control and treat toxic leakage from their property.

We have a golden opportunity to convert this former golf course it into a beautiful park full of birds, groundhog, rabbits, and foxes, rather than yet another macadam nature desert. Doesn't Amherst have enough abandon or underutilized strip malls that could entice forward-looking developers for decades to come? Put another way, if developers cannot maintain and beautify their current slice of the community's land, why let them bulldoze beautiful parklands; let's just encourage them to fix what they and others have neglected for so long. To approve this project guarantees a continuance of our march to "suburban blight" rather than to maintain our precarious balance between ugly strips malls, yet more housing and commercial developments, and our dwindling green space.

So we must decide, do we desire yet more residential and commercial development in Amherst, or do we want our officials to stop the bulldozing of our remaining precious greenlands. I urge disapproval of this problematic variance to our Amherst building plan.

Alphonse Kolodziejczak, Ph.D.

[Redacted signature block]

RECEIVED  
OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

P-216

October 2, 2017

**VIA FACSIMILE (716-631-7146)**

Amherst Town Board  
Attn: Barry Weinstein, Supervisor  
5583 Main Street  
Williamsville, NY 14221

**Re: Westwood Development**

Dear Mr. Weinstein:

My family moved to the Town of Amherst when I was 3 years old and I graduated from Williamsville East High School in 2001. In 2015, I purchased a home in East Amherst which is where I currently live with my husband and our three young children (all under 4). Over the years I have reached out to you and others on the Board voicing my concern about the overdevelopment of Amherst, and in particular, my strong objection to the development of the Westwood property.

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 in the Amherst community could centrally convene? Everything in Amherst feels scattered and 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.

I would like to remain in the area to raise my three young children, but 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. Most days it takes me upwards of 45 minutes to get to and home from work each way. Indeed, many of my coworkers refuse to move to Amherst because it is too crowded for a suburb, and my husband (who is from Long Island) frequently remarks that one of the main reasons he left his hometown was because of traffic and he hates to see the traffic patterns worsening here.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Moreover, as you know, the Engineering Department has determined that the sewer only has the capacity to handle one-third of the proposed project at Westwood. Amherst has a history of developing first and addressing environmental issues later; often to the detriment of the homeowners. This past year we encountered this issue firsthand when our basement started to flood and we had to make expensive foundational repairs and place drain tiles throughout the backyard to mitigate as best as we could against nature. One recent Buffalo News commentator, Judy Ferraro, said it best:

Greenspace and wetlands are Mother Nature's sponge. They are a way of handling flood control during storm events, snowmelt and rainfall. Efforts are always made to trick Mother Nature to allow development where it should not be. No one tricks Mother Nature. She always returns to remind people who really is in charge. Unfortunately, homeowners suffer the consequences, after the perpetrators are gone. This scenario has been played out too many times in Amherst. It needs to stop!

Mensch purchased the Westwood property knowing that it was zoned for recreational use. The Town should not cave to the whims of developers who do not live in our community who seek to destroy it for their own profits. It would be crazy for a homeowner to assume that they could build a Burger King in the middle of a residential neighborhood, so why is it okay for a developer to purchase land zoned for one purpose to just assume it can be changed and used for another? Just because you own a piece of property does not mean you can do anything you want with it.

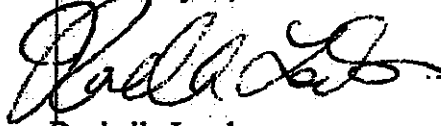
Mensch's plan to rezone and create a "mixed use community" does not meet the bicentennial vision for the Town. It creates an extremely high windfall profit for the developers at the expense of the community as a whole. Amherst does not need more commercial real estate, hotels, patio homes or apartments. Indeed, there are already many large properties vacant or up for sale that could be redeveloped for commercial purposes (i.e. both the Boulevard and Eastern Hills malls). Moreover, although Mensch claims that the proposed project has "green space" it is certainly not usable green space. It is mostly strips of land between buildings and homes.

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 "ran out of funds" for the necessary safety surface.

Overall, I consider Amherst to be my home. I grew up here and I want to raise my three young children in a community that I love, but the overdevelopment needs to stop. There is too much traffic, not enough green space, and poor infrastructure to manage rain and snowfall. Due to the size and location of Westwood, it is a unique opportunity to create a park in the center of Town that likely will never exist again.

Please make Westwood a park and fight for the people of your community over the pressure of the developers. Make residents and families want to stay in Amherst.

Thank you,



Rochelle Lawless

[Redacted contact information]

P-217

Kara M. Eyre

[Redacted Address]

October 2, 2017

**Via Regular Mail & Fax (716) 631-7146**

Amherst Town Board  
Attn: Barry Weinstein, Supervisor  
5583 Main Street  
Williamsville, NY 14221

**Re: Westwood Development**

Dear Mr. Weinstein:

I am a graduate of Williamsville South High School in 2001, and I am a current Amherst resident. In 2014, I purchased a home in Snyder which is where I currently live with my husband and our two young children, ages 9 months and 3 years. Over the years I have reached out to you and others on the Board voicing my concern about the overdevelopment of Amherst, and in particular, my strong objection to the development of the Westwood property.

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 in the Amherst community could centrally convene? Everything in Amherst feels scattered and 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.

I would like to remain in the area to raise my two young children, but 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. The increasing commute times, coupled with the decreasing quality of life in Amherst due to overdevelopment, decreases Amherst's appeal as a homeowner.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Moreover, as you know, the Engineering Department has determined that the sewer only has the capacity to handle one-third of the proposed project at Westwood. Amherst has a history of developing first and addressing environmental issues later, often to the detriment of the homeowners. One recent Buffalo News commentator said it best:

Greenspace and wetlands are Mother Nature's sponge. They are a way of handling flood control during storm events, snowmelt and rainfall. Efforts are always made to trick Mother Nature to allow development where it should not be. No one tricks Mother Nature. She always returns to remind people who really is in charge. Unfortunately, homeowners suffer the consequences, after the perpetrators are gone. This scenario has been played out too many times in Amherst. It needs to stop!

**Mensch purchased the Westwood property knowing that it was zoned for recreational use. The Town should not need to cave to the whims of developers who do not live in our community who seek to destroy it for their own profits. It would be crazy for a homeowner to assume that they could build a Burger King in the middle of a residential neighborhood, so why is it okay for a developer to purchase land zoned for one purpose to just assume it can be changed and used for another? Just because you own a piece of property does not mean you can do anything you want with it.**

Mensch's 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. Indeed, there are already many large properties vacant or up for sale that could be redeveloped for commercial purposes (i.e. both the Boulevard and Eastern Hills malls). Moreover, although Mensch claims that the land has "green space" it is certainly not usable green space. It is mostly strips of land between buildings and homes.

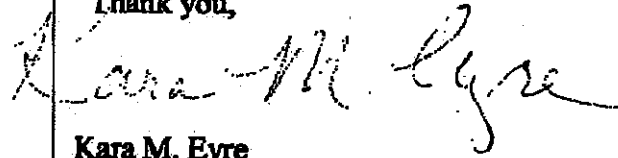
I also do not find any argument about increasing the tax base to be persuasive whatsoever. Despite ongoing development and building throughout Amherst, and thus "an increased tax base", my taxes have not gone down nor have the services provided by the Town improved. For instance, our neighborhood playground, 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 "ran out of funds" for the necessary safety surface.

I would love to stay in Amherst and continue to be a part of this community. I have roots here and my children are happy here. However, the cost of congested traffic, lack of public spaces, poor infrastructure, and overdevelopment make this community less and less appealing. Soon, a tipping point will be reached where the taxes I pay and my commute are no longer an acceptable cost of living in Amherst, and I will feel the need to relocate to another community in Western New York. Allowing this rezone is truly a slap in the face to residents and will really show where Amherst's priorities lie. It will be crystal clear that the Town of Amherst would prefer to court corporations like Mensch and increase the tax base at all costs, including losing residents like me.



Please make Westwood a park and fight for the people of your community over the pressure of the developers. Make the residents and families want to stay in Amherst.

Thank you,



Kara M. Eyre



October 2, 2017

**VIA FACSIMILE (716-631-7146)**

Amherst Town Board  
Attn: Barry Weinstein, Supervisor  
5583 Main Street  
Williamsville, NY 14221

**Re: Westwood Development**

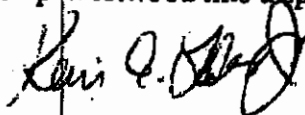
Dear Mr. Weinstein:

This is the first time that I have reached out to a government official on any matter. For some background, I am originally from Long Island, New York. I come from an extremely large family, my father is one of ten children and my mother is one of nine. All of my aunts and uncles and first cousins, 54 total, still live on Long Island. I share this with you to understand what I have left behind since moving to the greater Buffalo area. I graduated from St. Bonaventure University in 2007 and moved to East Amherst. My wife and I moved into the City of Buffalo for a few years but, I knew that when it came time to settle and raise a family East Amherst would be best suited for us.

I now have 3 children, all less than 4 years old. As you can imagine, my wife and I continue to strive to find outdoor activities to occupy our free time. One of the biggest frustrations I have is that the Town of Amherst does not have a singular large town park for various types of activities. I think of Delaware Park, Chestnut Ridge, or Ellicott Park as examples here. In today's world it is extremely rare for a community to have an opportunity like the Westwood property. I am sure you can agree that the potential this space provides for our community is extremely unique. Conversely, I am concerned that our community would be permanently and detrimentally impacted if a decision is made to develop this space into housing or commercial space.

One of the reasons my wife and I decided to live in this area was the convenient commute. However, over time I have seen my wife suffer from the effects of ever-increasing traffic as she works in downtown Buffalo and her commute has grown to 45-60 minutes on average. My concern is obviously that housing and or commercial space would exacerbate this issue. I often tell family back home that "in Buffalo it only takes about 20 minutes to get everywhere", citing this as one of the more compelling reasons for me to stay up here. However, given the development in Amherst, I'm not sure I will be able to say that for much longer.

I can certainly empathize that there are arguments for housing or commercial development like increasing the taxable base, etc. None of those arguments come close to outweighing the opportunity to put a brand new, multi-purpose park in the center of our town! Please advocate on our behalf to develop Westwood into a space that we as a community can use as a park!



Kevin C. Lawless Jr.

[Redacted address information]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

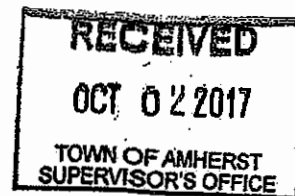
October 1, 2017

Pg. 142a

P-219

To: Town of Amherst Board Members:

Barry A. Weinstein, Supervisor, Steven D. Sanders, Deputy Supervisor,  
Romona D. Popowich, Deborah Bruch Bucki, Francina Spoth



To: Town of Amherst Planning Board Members:

Robert J. Gilmour, Chairperson, Duncan M. Black, Stephanie S. Gelber,  
Dal Giuliani, Steven L. Herberger, Mary Pfeifer-Shapiro, Daniel J. Ulatowski

From: Robert J. Yunkes

[Redacted]

[Redacted]

( 23 year resident )

**KEEP WESTWOOD GREEN !!!  
BRICKS, BLACKTOP & CONCRETE  
VS.  
GREENSPACE**

I have spoken before both the Town Board and the Planning Board and these are my same reasons for highly urging you to vote NO to re-zoning our Precious Westwood Greenspace and keep Recreation Conservation designation and NO to this Monsterous Development Plan and be heroes for our children and grandchildren and preserve our Precious Greenspace for them to enjoy our Precious Greenspace for many years to come just as we have enjoyed it for all these many years !

- Reasons:
- I. Monsterous Scope of Proposed Monster Plan !
  - II. Monster Plan Fails to Comply with the Town of Amherst Comprehensive Plan !
  - III. Much better Keep Precious Westwood Greenspace Alternative Plans !

I. 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 envolved and was told 985 residences and said this shocked me ! Now this Monsterous Project calls for 1700 residences!

>Clearly the very much Undersized Sewer System already on a huge flood plane cannot handle this Monster Project and would result in more dangerous flooding !

>Add in 2000 - 3000 more cars and you have that much more traffic congestion & fumes & potential accidents added to an already very traffic congested area !

>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 !

>Add in all the retail stores & shops, commercial office buildings, strip plaza shops, hotel, amphitheatre !

>Add in the potential high crime factor which was pointed out by an ex-police officer at the Meeting !

Add all of this together and you have a Recipe for Disaster !

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

All of this would result in reducing our home & property values and of course reducing our Precious Greenspace as well as reducing our Quality of Life !

>Again at the meeting of 2014 when I said that I was also shocked to see both East / West and North / South Roads proposed I was told that this was being re-studied - both are still sketched in and the East / West Road would start right in front of my home on Frankhauser Road - adding that much more intrusion and disgust !

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 !

>Housing availability in Amherst > 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 am sure with additional checking that I would find many more !

>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 Monstrous Project would result in even more stores & shops closing in the Boulevard Mall & Eastern Hills Mall & in the Village of Williamsville !

>Expansion > be sure of this if this Monster Plan goes thru - this would only be the beginning - it would Grow & Grow & Grow as it already has ! - into more buildings & more housing & more traffic & wider roads & more problems !

There is already a proposed fire station in the Monster Plan and this prompts the question of what possibly could be on the next sketch ?...the new Town of Westwood Town Hall ? -

This is for sure Not a Neighborhood Project !!! > This is a Start-Up New Town Monstrous Project !!!

II. 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" :

- 1. Maintain Livability, 2. Maintain Community Character, 3. Maintain Shared Direction -

>This goal also includes the directive to:

"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 !

III. Much better Keep Precious Westwood Greenspace Alternative Plans !

>Town should obtain the land thru Emminent Domain !

>Make a Large Park for Picnics & Small General Recreation Area & Small Bicycle Path ! ( No New Roads ! )

>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 !

Thank you very much for your attention !

Very Sincerely,



Robert J. Yunkes

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

DATE

RECEIVED  
OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Hello,

As a resident of Amherst who lives close to Westwood, I often use Sheridan Drive and am concerned about the traffic jam that would make that corner even worse, should Westwood be developed to a multi-purpose site.

Even if the intersection were enlarged (that would be good now - sometimes you have to wait 2 lights to get through already) - it seems like the traffic would be much worse than it is now.

Yours

Debra Mitchell / 969 Maple

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

To Amherst Town Board

As a resident of Amherst, I'm opposed to your building plans for the Westwood Golf Club. Please find a better way to utilize this area.

Olga Lockwood  
206 Village Park Dr.  
Wilkesville, OH 45221

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OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

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OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE



1423

P-222

Sept 28, 17

Amherst Town Board:  
To Whom it may concern;

I've been a resident of Amherst  
for 24 years - I love living here.

It seems to be changing in so  
many ways, some good and some  
not so good.

We need green space - our  
children need green space.

This is not a city, it's supposed  
to be a suburb.

We live here for a reason;  
now it seems to be becoming  
more & more congested.

Please say "NO" to the Rezoning  
of Westwood.

Thank you  
Janice Coe

~~888-295-6838~~ carsprotectionplus.com (over)

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

RECEIVED

142a

OCT 02 2017

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

9/28/2017

**Dr. Barry Weinstein and Members of the Amherst Town Board:**

**As an elected member of the Amherst Town Board, you have been given a mandate to protect the interests of the citizens of Amherst.**

**Therefore, you must not allow the Mensch development plan to proceed. You must not allow the Westwood property to be rezoned!**

**The Mensch plan would add to the already congested area of Sheridan Dr. at Harlem and North Forest. As stated in a recent Amherst Bee article, there has not been a town wide traffic study since 1997. The Mensch plan would add at least 2000 new cars to this high traffic area.**

**The Mensch plan would take away the natural water run off effect of the Westwood property, and add to already over taxed storm sewers in the area.**

**The Mensch plan does not belong in the well established neighborhoods that surround the former golf course. It makes no sense, and would instead harm Amherst.**

**Your mandate as elected officials requires you to consider the welfare of all of Amherst, not the wealthy developers who are seeking only to make more money with no regard for the lasting effects of their development on the Town.**

**Teresa and Dennis Johnson**

**215 Fairways Blvd.**



Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



RECEIVED  
OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

September 30, 2017

Dennis and Karla Harlow  
[Redacted]  
[Redacted]

Amherst Town Board  
Attn: Barry A. Weinstein, Supervisor  
5583 Main St.  
Williamsville, NY 14221

RE: Westwood Neighborhood Project

Dear Dr. Weinstein:


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.

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.

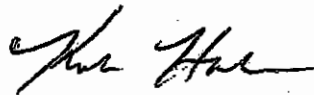
From a personal standpoint, we already have difficulty driving to work and our children to school and childcare under present traffic conditions. We understand that our neighbors encounter the same or similar difficulties. Permitting the Westwood Neighborhood project to proceed would significantly decrease quality of life for us personally and for many others in the community.

Thank you very much for your consideration.

Sincerely,



Dennis Harlow



Karla Harlow

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

**From:** Jaeger, Marjory  
**Sent:** Monday, October 02, 2017 5:44 PM  
**To:** Cooper, Kathy  
**Subject:** FW: Westwood Project

P-225

**Marjory Jaeger**  
Amherst Town Clerk

5583 Main Street  
Williamsville, New York 14221  
phone: 716.631.7021  
fax: 716.631.7152  
[www.amherst.ny.us](http://www.amherst.ny.us)

**From:** Randy Atlas  
**Sent:** Monday, October 02, 2017 15:06 PM  
**To:** Jaeger, Marjory  
**Subject:** Re: Westwood Project

Dear Ms. Jaeger,

I have been meaning to write you a note of thanks for replying to my last email but things have been getting in the way. Sorry about that!

I especially appreciate your answer to my question about the communications received by your office. Thank you for letting me know.

I do realize that the Westwood project's website is private and endorsed by the Town of Amherst. I just feel that its buttons and links are a tad sneaky but I guess that's neither here nor there.

If time permits, and if this is allowed, I wanted to make a few additions to my original communication:

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 as I know) is the two-dimensional plan.

Thank you again, and I thank you and the Board for taking this communication into consideration.

Sincerely,

Randy Atlas

RECEIVED  
OCT 02 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Barry A. Weinstein, Supervisor  
Town of Amherst  
5583 Main Street  
Williamsville, N.Y. 14221

Mr. Weinstein,

My husband and I are quite concerned about the development of the property on Sherican Drive and North Forest Road. This property used to be the Westwood Country Club.

We live on Village Park Dr. off North Forest Rd. at North Presbyterian Church. The traffic going by our driveway has been unbelievable. We can never get out of the driveway unless some nice driver stops and lets us out. We have signs at each driveway, PLEASE KEEP DRIVEWAY CLEAR, but cars just don't want to see it! I am also concerned about the sewers in this area getting plugged up from overuse. PLEASE, PLEASE VOTE AGAINST THIS PROJECT, DO NOT LET ZONING BOARD PASS THIS PROJECT!!

THANK YOU FOR ALL YOU HAVE DONE FOR OUR TOWN OF AMHERST.

Sincerely,  
*Janice R. Fretz*  
Janice R. Fretz  
[Redacted]  
[Redacted]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

**Cooper, Kathy**

---

**Subject:** FW: Westwood Project

**From:** Barbara Burgett [mailto: ]

**Sent:** Tuesday, October 03, 2017 8:05 AM

**To:** Jaeger, Marjory

**Subject:** Westwood Project

Dear Ms. Jaeger, I am writing to you about the Westwood Project. I live at 21 Old Spring Lane. If this project is to proceed, it will greatly affect my neighborhood. I have lived at my house for 17 years. In the last 17 years, the traffic has increased threefold. It is hard for me to get out of my street during peak hours. I hear traffic all the time from my house when my windows are open. I love Amherst but I am finding every day I am waiting for the lights several times before I can finally get a green light to continue on my commute.

If Westwood is built, the traffic will get worse. If I just calculate the houses and assume each house will have two cars, that is 2,400 cars more and that is not including the businesses and the customers. My quality of life in my neighborhood will be dramatically affected.

Developers state that they bring in more revenue and our taxes will be lowered. This has proven false. The town has to maintain the streets, garbage, water lines, up-keep and schools for all the new developments. Sheridan Drive, Maple Road and North Forest cannot handle any more cars. The streets are backed up every day with traffic. It is so frustrating to wait in a line of cars. It is also dangerous for pedestrians. The cars are so angry at waiting, they run the red light because they don't want to wait for another light change.

The Westwood proposal says that there will be green space. They are counting the parking lot and retention ponds in the "green space." We need to keep Westwood green. A park is the best solution. Our town has to be stopped being bullied by these developers that have gotten their way for too long.

Barbara Burgett

Attachment: Burgett (COM-2017-245 : Barbara Burgett - Westwood Project)

**Resolution from the Buffalo Niagara Builders Association (BNBA)  
in support of Mensch Capital Partners, LLC's (Mensch) plan  
to redevelop the Westwood Country Club (WCC) site**

- WHEREAS:** Mensch acquired the former WCC site in 2012, and
- WHEREAS:** Arsenic was recently discovered on the WCC site in levels that exceed acceptable standards as published by the New York State Department of Environmental Conservation (DEC), and
- WHEREAS:** Mensch has since closed the golf course in the interests of public health, and
- WHEREAS:** The DEC has accepted the site into its Brownfield Cleanup Program (BCP), and
- WHEREAS:** Mensch is prepared to clean and remediate the site resulting in the site being certified for redevelopment by the DEC, and
- WHEREAS:** In order to justify the costs of this clean up, 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, professional office, restaurant, hospitality and recreation uses, and
- WHEREAS:** The development plan submitted by Mensch is in concert with the Amherst Comprehensive Plan for the redevelopment of an abandoned golf course, and
- WHEREAS:** Mensch and its development partners seek to invest over \$230 million in this site, create over \$220 million in new assessed valuation, create 1500 construction jobs, 400 permanent jobs and generate, over a 10 year period, \$10.6 million in new tax revenue for the Town of Amherst, \$37 million for the Williamsville School District and \$10 million for Erie County, and
- WHEREAS:** The development plan submitted by Mensch maintains 38% of the site as open green space and includes walking and biking trails and recreational ponds for use by the general public, and
- WHEREAS:** The alternative to this development is a permanent fenced hazardous brownfield site located in the geographic center of the Town of Amherst.

CHUCK

R.220

**NOW THEREFORE BE IT RESOLVED:** That the BNBA strongly supports Mensch's plan for the redevelopment of the WCC and calls upon the Amherst Town Board to rezone the site to allow for this project and all of the social, environmental and economic benefits that will result from the proposed redevelopment of this obsolete golf course and brownfield, and

**BE IT FURTHER RESOLVED:** that a copy of this resolution be transmitted to each member of the Amherst Planning Board and Amherst Town Board.

RECEIVED  
OCT 16 2017  
TOWN OF AMHERST  
SUPERVISOR'S OFFICE

Amherst Town Board

My family & I are totally against Mench Capital destroying one of the most beautiful sections in Amherst. They don't care about the homeowners around the Westwood Country Club.

We don't need an Amphitheater. That would only be used for Rock Bands & loud music. Mench is only trying to attract U.B. Students & make lots of money. We don't want this area to turn into another Main & Wimpers Ave. U.B. South Campus area.

As far as Hotels go a hotel is going to be built at the Ice rink. Who wants another hotel in a Residential Neighborhood. We have more hotels than we need & they are never filled.

Keep this area as beautiful as it is. No more commercial businesses in the middle of all these "Beautiful Well Kept Homes."

My yard floods when we have a lot of rain. Where is all that water going to go when they build all the commercial buildings? The water is going to flood a lot of basements & cause a lot of problems for everyone.

Please Say No to Mench  
Paul A. Dukarm

Attachment: Paul Dukarm - Westwood-10172017125831 (COM-2017-282 : Paul Dukarm - Westwood)



McClary, Susan

**From:** Marilyn Cappellino ~~mcappell@psd.net~~  
**Sent:** Tuesday, October 24, 2017 4:12 AM  
**To:** Jaeger, Marjory  
**Cc:** Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francin  
**Subject:** Public Comment regarding the proposed Westwood Master Plan

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.

Dear Town of Amherst Officials: Amherst is desperate for more walkable communities, and for areas that function like true neighborhoods. If Westwood Master Plan develops into such a neighborhood, without sacrificing the elevated stature the town of Amherst has enjoyed among Buffalo suburbs, residents will greatly benefit from it. An aging population particularly wins within a multi-generational, easy to navigate community. I'm for it provided it is rich in green space, and offers safe, well planned bike and walking trails, and useful, accessible housing as well as business/shopping districts. It could well keep more empty nesters here rather than migrating to city areas that have been cultivating the features mentioned.

Respectfully,

Marilyn Cappellino  
~~mcappell@psd.net~~  
~~919.485.1111~~

Sent from my iPhone

Attachment: Marilyn Cappellino - Westwood Project-10242017123143 (COM-2017-283 : Marilyn Cappellino - Westwood Project)



**Subject:** Public Comment regarding the proposed Westwood Master Plan

This smart development, with significant green space and recreational areas, will improve tax base, create jobs and provide badly needed affordable housing in the area. The proposed use beats alternative uses by a mile.

**Subject:** Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

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 for several reasons.

First, it will put the burden of cleaning up the contaminants that are on the site from years of having a golf course maintained. I understand that the current estimates for clean up around 10 million. If we can help the environment and not have tax payers pay for it, I believe that is a win-win situation.

Second, I am sure that there are existing issues within the town (i.e. old sewer infrastructure, etc.) that must be corrected sooner than later. By involving a developer to structure their development and help pay for solutions that will not only improve the Town of Amherst but also improve their development is again a win-win situation. I do not believe the town can / will do this on their own.

Lastly, I believe in

and if we have a developer like Mensch Capital Partners that is willing to invest not only for their own financial gain but for the betterment of our Town, then

- **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.

Respectfully,

*misc.*

[REDACTED]  
Williamsville, NY 14221  
September 22, 2017

Dear Council Member Bucki,  
I am writing to send a NO to the  
proposed Westwood Development.

- No - because of the environmental impact.
- No - because of the traffic issues.
- No - because of the damaging impact  
on neighbors.
- No - make it a park.

Mary Therese Kruder  
[REDACTED]

**Carrato, Amy**

---

**From:** Gillert, Rick  
**Sent:** Monday, October 02, 2017 11:44 AM  
**To:** Carrato, Amy  
**Subject:** FW: Public Comment regarding the proposed Westwood Master Plan

Amy....For the sake of continuity, please post...Rick

---

**From:** Bucki, Debbie  
**Sent:** Friday, September 29, 2017 4:09 PM  
**To:** Gillert, Rick; Sliwa, Stanley J.  
**Subject:** Fwd: Public Comment regarding the proposed Westwood Master Plan

For the Westwood public record..

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>  
**Date:** 9/29/17 4:07 PM (GMT-05:00)  
**To:** "Willer, David" <[dwiller@amherst.ny.us](mailto:dwiller@amherst.ny.us)>  
**Subject:** Fwd: Public Comment regarding the proposed Westwood Master Plan

FYI

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** "Andrew J. Shaevel" <[andrew.shaevel@bobalew.com](mailto:andrew.shaevel@bobalew.com)>  
**Date:** 9/29/17 3:36 PM (GMT-05:00)  
**To:** Maria C Yee <[MCYee@five-starbank.com](mailto:MCYee@five-starbank.com)>  
**Cc:** "Jaeger, Marjory" <[mjaeger@amherst.ny.us](mailto:mjaeger@amherst.ny.us)>, "Weinstein, Barry" <[BWeinstein@amherst.ny.us](mailto:BWeinstein@amherst.ny.us)>, "Sanders, Steven" <[ssanders@amherst.ny.us](mailto:ssanders@amherst.ny.us)>, "Popowich, Ramona D." <[rpopowich@amherst.ny.us](mailto:rpopowich@amherst.ny.us)>, "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>, "Spoth, Francina" <[fspoth@amherst.ny.us](mailto:fspoth@amherst.ny.us)>  
**Subject:** Re: Public Comment regarding the proposed Westwood Master Plan

Maria -

Thank you for speaking the thoughts of the silent majority.

Andy

Andrew J. Shaevel, CEO  
Bobalew Ventures  
5477 Main Street  
Amherst, NY 14221  
(716) 580-3133 - Office  
(716) 860-1125 - Mobile  
[www.bobalew.com](http://www.bobalew.com)

Sent from my iPhone.

On Sep 29, 2017, at 11:04 AM, Maria C Yee <[MCYee@five-starbank.com](mailto:MCYee@five-starbank.com)> wrote:

Dear Town of Amherst Officials:

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 have been a resident of the town of Amherst for the past 28 years and very simply would like to remain a resident as I retire in the next 5-7 years. The Westwood Project would offer maintenance free property options all in the setting of a very vibrant community. This is very attractive to me, since it not only would have green space; biking and walking paths, as well as retail space, making it a self contained neighborhood. I enjoy the close proximity I have to the shops, restaurants, and churches of Snyder and Williamsville now, and this move would allow me to continue this same quality of life.

**I think more would be gained if we all worked together to make this happen**, rather than hide under the pretense of traffic and more greenspace. If this was such a concern, more would be done to correct the traffic problems we already experience. I would be very disappointed if I had to consider another community to retire to. I have been a dedicated taxpaying resident, supportive of the various increases in both property and school taxes. I have never fought these increases even though my children attended private schools. So, let's look ahead to our **whole community**, and offer something that no one else has.

I remain hopeful that this project will move forward.

Respectfully,

Maria Yee  
197 Lamarck Drive, Snyder, NY 14226

**CONFIDENTIALITY NOTICE:**

This email message, including any attachments, is for the designated recipients(s) only and may contain confidential and privileged information. Any unauthorized review, use, disclosure, copying, distribution or the taking of any action because of this information is prohibited. If you have received it in error, please notify the sender immediately and delete the original.

**Carrato, Amy**

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**From:** Gillert, Rick  
**Sent:** Monday, October 02, 2017 11:10 AM  
**To:** 'nforest'  
**Cc:** Howard, Dan; Kost, Ellen; Carrato, Amy  
**Subject:** RE: Westwood SEQR Written Public Comment

Maryann....Your comments will be posted to the project file and addressed in the Final Generic Environmental Impact Statement. They will also be forwarded to the Planning Board for their consideration.....Rick Gillert

---

**From:** nforest [mailto:nforestresidents@msn.com]  
**Sent:** Sunday, October 01, 2017 11:21 PM  
**To:** Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina; Jaeger, Marjory; Gillert, Rick  
**Subject:** Westwood SEQR Written Public Comment

Town Board Members, Town Clerk, Planning Department, Historic Preservation Commission:

Attached please find written comments for inclusion in the file for Westwood SEQR review - Public Comment Period. This document in full is 6 pages of written text plus 2 maps from the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 (Area 4 & Area 9).

Please share this with the Historic Preservation Commission as well, as I could find no email address available.

Respectfully yours,  
Maryann L. Hochberg



To: Amherst Town Board, Amherst Town Clerk, Amherst Planning Department, HPC  
 From: Maryann Hochberg, 1075 North Forest Road, Amherst, NY 14221  
 Date: Oct. 1, 2017  
 RE: Public Hearing/Written Public Comment Period for Westwood SEQR

I spoke at the Westwood SEQR public hearing (Mon. 9/18/17), and entered those comments into the record at that time. These additional written comments are for the Westwood SEQR public hearing record – 10 day written public comment period.

I oppose the proposed rezoning and development of the Westwood Country Club parcel located at 772 North Forest Road. It threatens our valuable historic cultural and archeological resources and our quality of life. I urge you to deny the rezoning.

- Westwood Country Club site is listed in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 - Area 4:
  - The Westwood site is historically significant in association with the social and recreational history of the town.
  - The Westwood site is historically significant in association with Jewish history in the Buffalo area.
  - The Westwood Country Club clubhouse is significant for its Tudor Revival style architecture.
- Risk to Historic Cultural & Archeological Resources:
  - The Westwood Country Club clubhouse would be demolished with the development as proposed.
  - The corresponding setting, which is the former golf course, would be replaced with high-density, multi-use development.
  - There are several other important identified historic resources in close vicinity to the Westwood parcel, which may be threatened by long-term construction activity and drastic changes to the area. These are located at:
    - 829 North Forest Road (J. Getz House) – Area 4
    - 895 North Forest Road (Stimm House) – Area 4
    - 954 North Forest Road – Area 9
    - 1000 North Forest Road (Haussauer House) – Area 9
    - 1109 North Forest Road – Area 9
    - 1134 North Forest Road – Area 9
    - 1323 North Forest Road (District No. 17 School - one room schoolhouse at Maple Road) – Area 9
    - 251 Frankhauser Road – Area 4
    - Siegfried Drive Historic District – Area 9
  - Indian artifacts have been found on the Westwood site, and the land should not be disturbed.
  - The millrace on North Forest Road, which has already been identified as archaeologically significant, is located within 0.5 miles from the Westwood parcel, and may also be potentially threatened by long-term construction activity and drastic changes to the area.

The Westwood Country Club and its beautiful clubhouse have been a familiar long-time anchor of stability standing like a gateway to the surrounding neighborhoods in this area for many decades. The current proposed plan results in the destruction of the current Westwood clubhouse. Even if the clubhouse would ultimately be spared, it would stand as a symbol of great loss due to the drastic changes that would come to this area of central Amherst with the loss of the vast greenspace that currently is the former golf course.

Development of the Westwood Country Club site would be one of the largest losses of a significant historic cultural resource in the entire Town of Amherst. A look at the Area 4 map in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 reveals the immensity of the loss given the size of the property as shown shaded in blue. No potential threats are listed in the town's historic resource document for the Westwood site; obviously this is no longer the case.

The proposed development of this parcel would not be done in a vacuum. This area of town is rich in identified historic cultural resources. Though the Westwood Country Club site is a stand-alone site of historic cultural importance for both architectural and social significance, in a town that is essentially built out, you must additionally look at the big picture.

Structures of high value like the Getz House at 829 North Forest Road, a pre-Civil War structure, and the Haussauer House at 1000 North Forest will need added protections if any development at Westwood should occur, especially given the long-term build-out period that would result.

Of note, a public hearing to consider local landmark designation for the Stimm House at 895 North Forest Road is scheduled for Dec. 2017 for that structure.

There is a genuine concern for the fate of our older housing stock and devaluation in the surrounding neighborhoods. These identified properties are particularly vulnerable.

Additionally, there are areas of archeological significance located here. As noted in the historic resource document on page 1, the survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.

I offer the following abstracted information from the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011, provided as documentation of the importance the Westwood parcel in its entirety, and of this central area of town for its important historic resources. The intent is not to plagiarize, but to utilize the town's own information to validate concerns for impacts on resources and to educate the public to these matters.

### ***Westwood Country Club - Area 4***

#### **Non-Residential Properties: Recreational**

- **Westwood Country Club 772 North Forest Road** (Corner of Sheridan Drive)  
Area 4 (4BG2)  
ca. 1920s – \*Color Code GREEN  
Tudor Revival style clubhouse  
Reason for Inclusion: Early 20th century social/recreational architecture in Tudor Revival style.  
Social history.

## *The Big Picture - Area 4/Area 9*

### Other North Forest Road Resources:

#### Residential Properties and Suburban Development:

- **The J. Getz House. 829 North Forest Road**

Area 4 (4BB3- NRE) - SHPO NR Listing Number 02902.000257/I  
ca. 1840s – \*Color Code **BLUE**  
Greek Revival

Reason for Inclusion: Early to mid-19th century brick vernacular residential architecture. Greek Revival inspired massing and form. **National Register Eligible.**

Rarity of Resource: 19th century brick residential construction is relatively rare in Amherst.

**The building is one of the oldest in town.** An inventory form is on file at the NYS - OPRHP (USN 02902.000257). The property has been determined to be **National Register Eligible.**

- **The Stimm House. 895 North Forest Road (Part of the Zion Dominion property)**

Area 4 (4BB4- NRE) - SHPO NR Listing Number 02902.000485/I  
1942 – \*Color Code **BLUE+**  
International Style

Reason for Inclusion: Outstanding example of WWII-era international style residential architecture. Possible significance for technology; early use of radiant heat.

Rarity of Resource: International style is relatively rare

An inventory form is on file at the NYS - OPRHP (USN 02902.000485/I). The property is **National Register Eligible.**

- **954 North Forest Road**

Area 9 (9BY2) - SHPO NR Listing Number 02902.000486  
ca. 1890– \*Color Code **YELLOW**  
Queen Anne

Reason for Inclusion: Late 19th century Queen Anne residential architecture.

Rarity of Resource: Queen Anne's are rare in Amherst.

An inventory form is on file at the NYS - OPRHP (USN 02902.000486). There has been no determination of National Register eligibility.

- **Haussauer House 1000 North Forest Road**

Area 9 (L-9BB3- NRE) - SHPO NR Listing Number 02902.000487/I  
ca. 1920 – \*Color Code **BLUE-**  
Craftsman Bungalow style

Reason for Inclusion: Early 20th century Craftsman/Bungalow residential architecture. **National Register Eligible. The building is a Designated Local Landmark.**

Rarity of Resource: Hip roof Craftsman/ Bungalow form is relatively rare.

An inventory form is on file at the NYS - OPRHP (USN 02902.000487). The building is **National Register Eligible and is a designated Local Historic Property.**

- **1109 North Forest Road (Southeast corner of Noel Drive)**

Area 9 (9BY4)

ca. 1885 -- \*Color Code **YELLOW**

late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century residential architecture (Farmhouse).

- **1134 North Forest Road**

Area 9 (9BBF5)

ca. 1870 (?) -- \*Color Code **BLUE (F)**

late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century vernacular residential architecture (Farmhouse). Farm complex. Agricultural history.

Potential threats - Moderate threat: Adjacent residential development

#### **Frankhauser Road Resource – Area 4:**

- **251 Frankhauser Road**

Area 4 (4BG1)

ca. 1870s -- \*Color Code **GREEN**

Italianate residence

Reason for Inclusion: Late 19th century Italianate residential architecture of brick construction.

Rarity of Resource: 19th century brick buildings are relatively rare in Amherst

#### **Siegfried Drive Historic District – Area 9:**

- **Siegfried Drive Historic District. Includes: 22 to 256 Siegfried Drive and 11 to 275 Siegfried Drive. 76 properties, all contributing.**

Area 9 (9DB8)

ca. 1950s -- \*Color Code **BLUE**

post - World War II collection of houses

Reason for Inclusion: Post World War II suburban residential development significant for their association with suburban residential development and standardized design in the town of Amherst in the mid-twentieth century.

Rarity of Resource: Cohesive standardized residential suburban neighborhood is rare.

### The Non - Residential Buildings -- Education:

- **Schoolhouse in District No. 17 School, 1323 North Forest Road**

Area 9 (L-9BB6) - SHPO NR Listing Number 02902.000054/N

ca. 1860 – \*Color Code **BLUE+**

A one - room, front - gable brick building, schoolhouse

Reason for Inclusion: The schoolhouse has been designated a local landmark by the Amherst HPC. Meets criteria I, II, and V. Significant as last remaining brick one room schoolhouse in town; embodies distinctive architectural characteristics of rural schoolhouse; highly visible landmark. Not National Register eligible, but **locally significant**.

Potential Threats: Moderate threat: Busy corner; commercial development area.

Rarity of Resource: 19th century brick buildings are relatively rare in the town. Only remaining brick one room schoolhouse in town.

An inventory form is on file at the NYS - OPRHP (USN 02902.00047). The building has been determined to not be eligible for listing on the National Register, however it is locally significant and has been designated as a **Local Historic Landmark**

### Extended North Forest Resources:

- 1500 North Forest Road, Area 9 (9BB7), ca. 1913 – \*Color Code **BLUE-** , Former estate
- The George Kibler House 1841 North Forest Road (corner of Swanson), Area 1 (1BB12), ca. 1840 - \*Color Code **BLUE-** , Appears to be the only surviving historic resource associated with Amherst Center. (The tavern at this crossroads is gone.)
- Brunner Farmhouse 2751 North Forest Road, Area 3 (3BB12- NRE), ca. 1870 - \*Color Code **BLUE** , **National Register Eligible**

### Archeological Significance

#### Methodology Section- Page 1

The survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.<sup>4</sup>

<sup>4</sup> Appendix 5 provides a list of Reports of the Archaeological Survey conducted in the Town of Amherst as a general reference archaeological resources within the town.

#### Summary and Recommendations Section – Page 46

### **6. Investigate Archaeological Resources**

Extensive archaeological investigations have been completed in the town. The rivers and streams, and settlement patterns in the town suggest a high sensitivity for Archaeological resources (historic and prehistoric). Appendix 5, Reports of the Archaeological Survey, Town of Amherst, NY provides a useful tool in understanding the historic and prehistoric resources in the town. This information is vital in preservation planning, land-use planning and development.

**NOTE** - Appendix 5 online is appears as a repeat of the Methodology section, and was not available for viewing.

**5. Develop programs for public education and to promote awareness of the value and treatment of historic resources.**

The attitude the public has concerning the town's cultural resources, including their own property, is vital if the integrity of those resources is to be maintained. An informed public makes better decisions.

**\*Color Codes - UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011**

A rating system was established to provide a basis of comparison for the relative merit of properties on a town-wide and regional context. The architectural significance – locally, regionally and nationally; the architectural integrity; the integrity of the setting or context, and the historic significance – locally, regionally and nationally were all considered when evaluating a property. It should be noted that a local resource might be given a higher rating despite a loss of integrity if the resource is rare and not well represented in the town. Each of the properties on the Annotated Lists (Appendix 1 and 2) has been assigned one of the following color codes:

**BLUE** Extremely high architectural and/or historic significance. These properties would likely also meet the criteria for to be considered National Register eligible. A locally significant district. A resource that is rare and lacks individual distinction. All districts are considered Blue as are most farmsteads. Updated Reconnaissance Level Survey of Historic Resources Town of Amherst 4

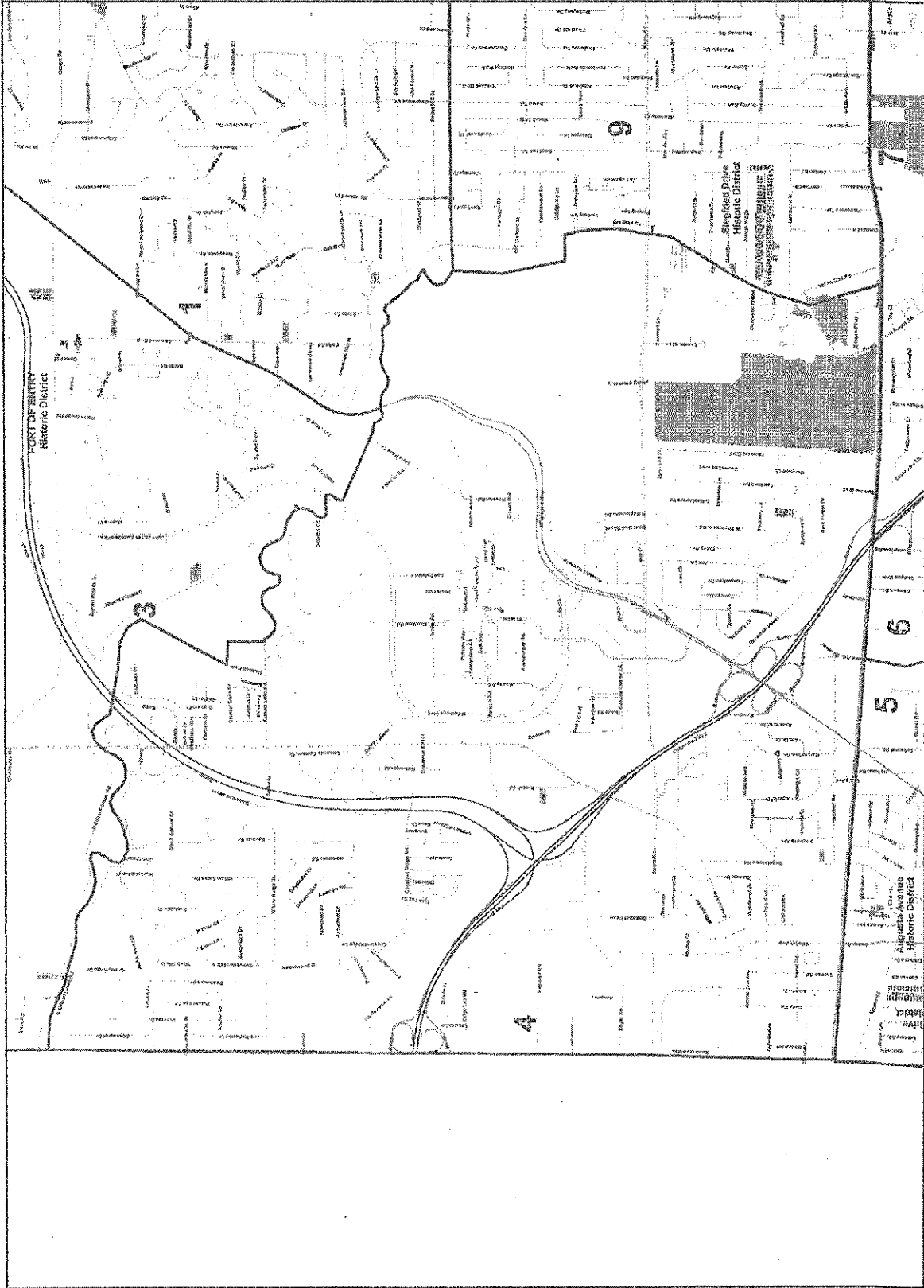
**GREEN** Above average architectural and/or historical significance. May have some alterations that compromise the integrity such as replacement windows. Would possibly meet the criteria for to be considered National Register eligible.

**YELLOW** Moderate architectural and/or historical significance. Has been altered, but still retains sufficient historic fabric to convey historic meaning. Important local resources. Would likely not meet the criteria for to be considered National Register eligible.

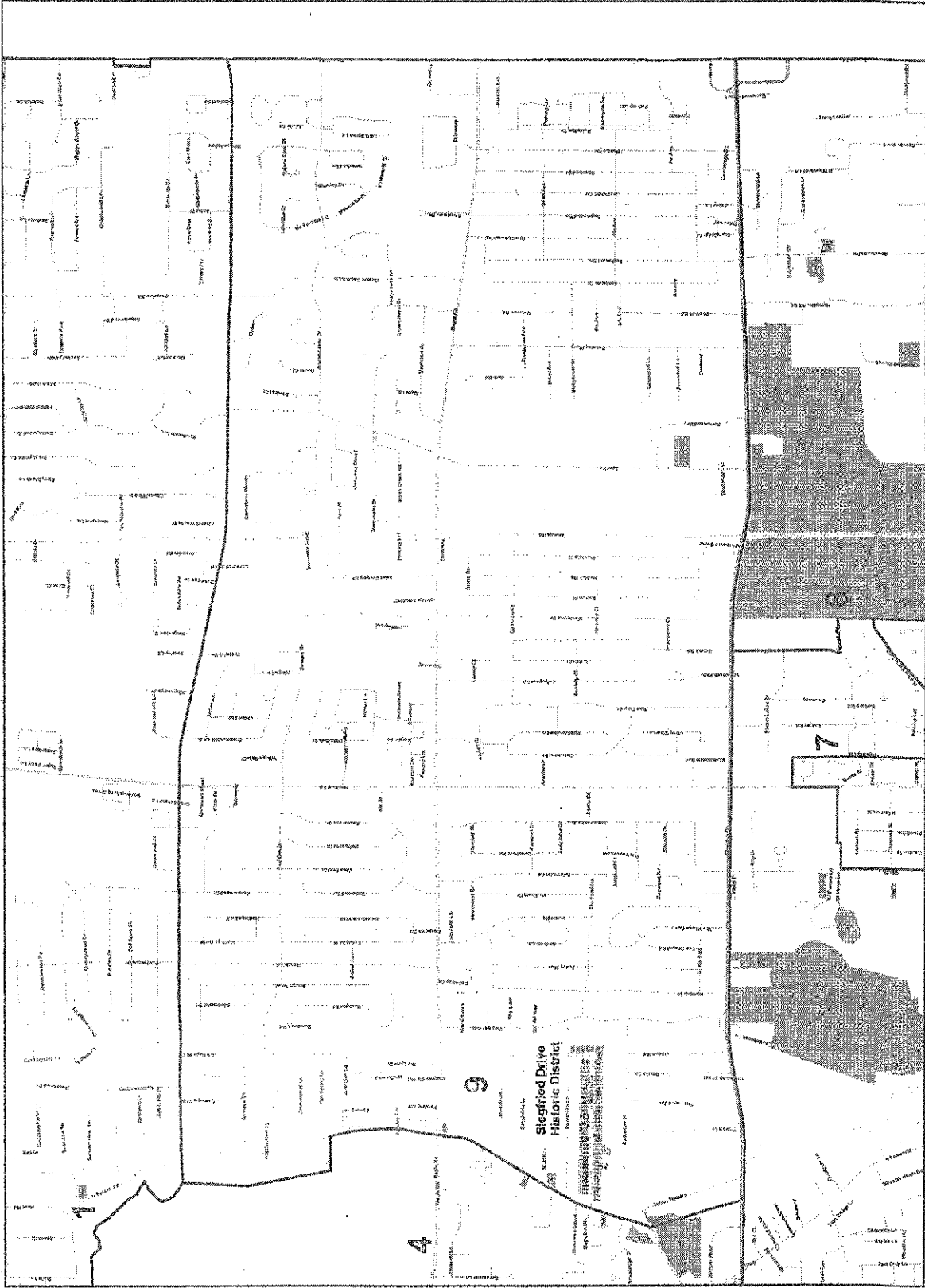
The color ratings are further qualified by the following designations:

- + More significant than the average property within its color category.
- Less significant than the average property within its color category.

# Area 4 Historic Districts and Properties



# Area 9 Historic Districts and Properties





September 30, 2017

135 Fairways Blvd.  
Williamsville, NY 14221

Amherst Town Board  
5583 Main Street  
Williamsville, NY 14221

Dear Ms Bucki,

When at the recent meeting when residents had the opportunity to speak about the Westwood property I read the following written by Phil Parshall published in the Buffalo News:  
Our atmosphere is warming, warm air carries more moisture. That's why our rainstorms are, on the average, delivering more rain. that, plus the weakening of the jet stream, will allow more Gulf moisture to make it north.

The initial blast of runoff from these intense rainstorms is stressing the drainage of Amherst streams. The stream that crosses Frankhauser Road at Millbrook now almost fills its road culvert from a 3" rainstorm. This stream and others in the area have not and cannot be properly dredged/maintained because, due to development, there is not longer any access to these streams. Many are full of the limbs that fell in the October Surprise snowstorm.

As you imagine, covering grassland with blacktop and concrete exacerbated the initial runoff; there simply isn't enough local capacity to handle the development of the former Westwood Country Club. Acres of grassland have recently been covered in this area, specifically around the Marriott Courtyard Hotel and auto sales lots on Sheridan Drive, the Comfort Inn on Millersport Highway, the Frankhauser substation, Dent Tower, Sheridan-Harlem Plaza, several new housing complexes surrounding the University at Buffalo, and many more.

Where does it stop? Do you really think the developers of Westwood will return to fix their mistakes, let alone take responsibility for anything once they are gone? The hidden truth in their design is that all basements of the surrounding neighborhoods will probably become temporary holding ponds.

Is there anyone in Amherst government willing to stand up for these neighborhoods?

Phil Parshall  
Amherst

To: Amherst Town Board, Amherst Town Clerk, and Amherst Planning Department  
 From: Maureen Schmitt, 866 North Forest Road, Amherst, NY 14221  
 Date: Sept. 29, 2017  
 RE: Public Hearing/Written Public Comment Period for Westwood SEQR

I spoke at the Westwood SEQR public hearing (Mon. 9/18/17). These written comments are for the Westwood SEQR public hearing written record.

I own residences at 866, 860 and 850 North Forest Road. The latter is directly adjacent to the Westwood property. I oppose the proposed rezoning of the Westwood Country Club parcel from RC (Recreation/Conservation) to the combined TND (Traditional Neighborhood Development), MFR-7 (Multi-Family Residential), and GB (General Business) in order to protect the stability of the surrounding Central Amherst neighborhoods for the good of the town as a whole.

I have personally lived here for the past 30 years.

If rezoned, there will be multiple downstream effects for the adjacent neighborhood including but not limited to:

- negative impacts on Sanitary and Storm Water Sewers that cannot realistically be resolved,
- loss of natural water absorption, concrete is impervious,
- impacts to Ellicott Creek including flooding and pollution.

Proposed changes to the transportation infrastructure are unrealistic and likely not feasible.

- Proposed changes will negatively impact the way this roadway would function for the sole purpose of serving the development, to the detriment of the residents of the neighborhood and Amherst.
- It is presumptuous for the developer to propose building a roundabout situated in close proximity to the large Sheridan Drive intersection, again for the purpose of serving the development. All residences near the vicinity of the North Forest circle would be adversely affected for ingress, egress and for future value on their return of investment for these many homes. Particularly offensive is what would unfold for 3 residences situated directly on the roundabout, 1 of them being a group home. Where is this ever done? Unheard of and unacceptable! The plan even over-steps going as far as reconfiguring private residential driveways in a self-serving manner. This entire traffic feature needs the hard look.
- The more continuous flow of traffic would make it very difficult for ingress and egress out of side streets and driveways along North Forest for all motorists, but especially for those that reside here, and likely would result in an increase in the number of accidents. Town of Amherst Highway and Engineering employees would also be impacted. Additionally, many large town vehicles would also have to navigate through the traffic circle.
- North Forest is a county road and 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. I oppose these changes to North Forest Road. Sheridan is a state road and falls under NYS DOT jurisdiction. It is not within the power of the developer to construct these changes, and to state otherwise is a falsehood. Or are these proposed changes going to fall on the county and state at taxpayer expense, beyond the already turning of the internal development roads over to the town? Turning the roundabout located within the Westwood parcel boundary over to the town seems not possible, being part of the county road.

- Travel on Sheridan Drive and Maple Road, critical east-west routes, would inevitably be snarled from the immense increase in the number of vehicles entering and exiting these two major traffic corridors. 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. The traffic burden on Sheridan would be immediate.
- Besides increased vehicular volume, safety is a factor. On 9/18/17, the developers' representative remarked that NYS DOT conducted traffic safety studies of the relevant segments of Sheridan Drive, and noted that those safety studies did not show a problem causing significant higher accident rate than the statewide average. That statement was made regarding current conditions, and it only referred to roadway segments. As traffic increases, so would accidents. When that happens it is the statistical raising of the acceptable number of deaths that will be used to make the roadway safe - on paper. Reality is that accidents happen most often at intersections. Developers' statements were relevant only to Sheridan Drive roadway segments, and not to safety at the North Forest/Sheridan Drive intersection, which many residents spoke to at the Westwood SEQR hearing.
- The Sheridan Drive and Harlem Road intersection is already a traffic bottleneck. Hampered by the abutments for the overpass, little could be done there to resolve any further exasperated traffic situation. Any attempt for a later fix would come at a heavy cost to taxpayers.
- Those living on Frankhauser Road will face new adverse transportation obstacles and safety impacts. Residents on many surrounding town roads will also feel the daily brunt of changed traffic patterns and increased traffic volume.

#### Cost to Taxpayers

- 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.

#### Contrary to the Comprehensive Master Plan

- Commercialization 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 is spot rezoning!
- The Town Comprehensive Plan was designed with input from developers, residents and Town officials with residential, commercial and recreational development all in mind. Mensch Capital Partners bought the Westwood property as green space **knowing** the type of neighborhood that surrounded it, **knowing** in order to develop it, the parcel would need to be rezoned. This proposed zoning category is not right for this parcel.
- 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.

I urge this Town Board to deny the application to rezone and save an area of Amherst that cannot function effectively with the impact of such vast changes.

Thank you for the opportunity to comment on this major issue of critical importance.

**Carrato, Amy**

---

**From:** Gillert, Rick  
**Sent:** Monday, October 02, 2017 10:45 AM  
**To:** Bucki, Debbie  
**Cc:** Howard, Dan; Kost, Ellen; Carrato, Amy  
**Subject:** RE: Westwood SEQR 10 Day Public Comment

Debbie...This comment will be posted to the project record.....Rick

**From:** Bucki, Debbie  
**Sent:** Monday, October 02, 2017 9:48 AM  
**To:** Sliwa, Stanley J.; Gillert, Rick  
**Subject:** Fwd: Westwood SEQR 10 Day Public Comment

Another comment for the Westwood public record.  
Debbie Bucki

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** Frank Wopperer <[fwopperer@gmail.com](mailto:fwopperer@gmail.com)>  
**Date:** 10/2/17 9:26 AM (GMT-05:00)  
**To:** "Weinstein, Barry" <[BWeinstein@amherst.ny.us](mailto:BWeinstein@amherst.ny.us)>, "Sanders, Steven" <[ssanders@amherst.ny.us](mailto:ssanders@amherst.ny.us)>, "Popowich, Ramona D." <[rpopowich@amherst.ny.us](mailto:rpopowich@amherst.ny.us)>, "Bucki, Debbie" <[dbucki@amherst.ny.us](mailto:dbucki@amherst.ny.us)>, "Spoth, Francina" <[fspoth@amherst.ny.us](mailto:fspoth@amherst.ny.us)>, "Jaeger, Marjory" <[mjaeger@amherst.ny.us](mailto:mjaeger@amherst.ny.us)>  
**Subject:** Westwood SEQR 10 Day Public Comment

Proposed Westwood development will be a **10 year build out in the center of town**. See related Buffalo News article link below and attached to understand some of our concerns regarding the proposed Westwood development regarding construction:

## **Williamsville East sportsplex neighbors irked by summer of construction**

By [Joseph Popiolkowski](#) | Published September 27, 2017 | Updated September 27, 2017

<http://buffalonews.com/2017/09/27/williamsville-east-neighbors-irked-summer-construction/>

This reflects a tip of the iceberg example for what it would be like for our surrounding neighborhoods here, further complicated by contaminated materials clean-up.

Respectfully yours,

William F Wopperer

143 Fairways Blvd

Williamsville, NY 14221

TOWN OF AMHERST PLANNING BOARD  
5583 Main Street  
Williamsville, New York 14221

-----)  
In the Matter of: ) DATE: November 17, 2016  
)  
AMENDED REZONING APPLICATION FOR )  
A PLANNED UNIT DEVELOPMENT )  
WESTWOOD, REQUEST TO REZONE 146.7 )  
PLUS ACRES TO TND )  
)  
)  
)  
+-----)

PLANNING BOARD MEETING  
BEFORE CHAIRMAN  
ROBERT GILMOUR

Held at The Amherst Municipal Building  
Auditorium on November 17, 2016 5583 Main Street  
Williamsville, New York 14221, at 6:30 P.M.  
pursuant to notice.

PLANNING BOARD MEMBERS: STEVEN HERBERGER  
DAL GUILIANI  
DANIEL ULTOWSKI  
STEPHANIE GELBER  
MICHELE JOHNSON  
MARY SHAPIRO

FOR THE PETITIONER: HOPKINS SORGI & ROMANOWSKI, PLLC  
(Mensch Capital Partners) BY: SEAN W. HOPKINS, ESQ.  
26 Mississippi Street  
Buffalo, New York 14203

TRANSCRIPTION SERVICE: Associated Reporting Service  
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P R O C E E D I N G S

MR. GARY BLACK: Okay, second on the agenda under rezoning is a resident rezoning application for a trans unit development called Westwood Neighborhood. Request to rezone 146.7 acres of land from recreation conservation district as follows, 131 acres to a traditional neighborhood development district to TND. 13.59 acres to multi family residential 7. And 1.4 acres to general business.

Because this is a larger project and significantly different from the typical projects we see, this is following a bit of a different process. I just want to briefly go through the process and give you an overview of where we stand at the moment.

As with all zoning requests the Planning Board must first hold a public hearing on rezoning based on recommendations to the Town Board.

The Town Board then holds it's public hearing and it makes the final decision. What the project is, is a type 1 action under SEQR as you can see it's a larger scale project and the Town Board is the lead agency under same part of the quality review act as required in preparation of the draft environmental impact statement.

The Westwood applicant or petitioner submitted this document along with the rezoning application. Both documents, both the application for rezoning and the impact



1 statement are available on town website for public review,  
2 it's also available in the Town Hall, the Planning  
3 Department, the Town Clerk's office.

4 The hearing this evening and all subsequent  
5 hearings will be on both the impact statement and the  
6 zoning application, so it's got a two parallel processes  
7 of running simultaneously.

8 Now per the town code requirements, this rezoning  
9 is also being reviewed as the Planned Unit Development or  
10 PUD. PUD means that the location and permitted uses of the  
11 zoning district and design permits such as things like  
12 setback, the height of the buildings and design guidelines  
13 are set ultimately by the Town Board for this project.  
14 Basically they're creating a zoning ordinance just for this  
15 project.

16 According to SEQR regulations type 1 actions must  
17 undergo several additional steps once we get through the  
18 public hearings. The first is to prepare final Engineering  
19 Environmental Impact Statement which is the Town's position  
20 on the Environmental Review. The draft that's now on the  
21 website was submitted by the applicant and it represents  
22 their point of view.

23 Ultimately at the end of this the Town Board  
24 issues a finding statement that memorializes what they found  
25 during the environmental review.

1           Each step involves the usual town departments and  
2           outside agencies and Lakelands review process is, at times,  
3           considerable. In addition each step requires public notice  
4           to publication in keeping with state and town requirements.

5           So, where are we now? We're within the required  
6           public comment period as indicated in the two public  
7           hearings, the Planning Board hearing this evening is the  
8           first of those hearings. The Town Board cannot open their  
9           hearing or even set the hearing date until the Planning  
10          Board makes their recommendations.

11          Now, just because the petitioner or applicant has  
12          indicated to the town staff that they're going to be  
13          preparing a revised concept plan, revised plan for the  
14          projects and has asked for an adjournment this evening, if  
15          the Board adjourns this it will be adjourned to the January  
16          meeting.

17                               (Audience making noise)

18               CHAIRMAN GILMOUR: Folks, folks, they're within  
19               their right to do that.

20               MR. BLACK: The public comment period on this will  
21               continue to at least ten days past the close of the Town  
22               Board hearing, so it extends for a period of time beyond  
23               that. So, basically this is a relatively lengthy process,  
24               there is ample opportunity to comment.

25               And SEQR guidelines recommends that if you can

1 comment, they basically prefer that you submit it in writing  
2 to make sure that everyone understands what you're  
3 commenting on and those comments can be accurately addressed  
4 in the final Environmental Impact Statement.

5 CHAIRMAN GILMOUR: About the fact tonight that  
6 we're not taking action. All right, we understand that all  
7 we're doing tonight is sharing with you that this Board will  
8 not be taking any action on this item. So, we're open to  
9 listening to your comments, but we will not be taking action  
10 on this and you will have ample opportunity when this is  
11 advertised again, which we believe will be January to come  
12 in front of us again.

13 Why is that? Because they are making changes to  
14 the proposal. So, you might want to speak about tonight  
15 what your concerns might be, might something entirely  
16 different once the proposal is revised.

17 MR. HOPKINS: Yes, good evening, Sean Hopkins on  
18 behalf of the law firm -- or from the law firm of Hopkins,  
19 Sorgi & Romanowski on behalf of the applicant. I just want  
20 to make sure everyone understands what's going on here.

21 So, the reason we're not asking for a  
22 recommendation from this Board this evening is in  
23 recognition of the fact there's a lot of people here, we can  
24 see that we're going to receive input this evening, we want  
25 to take into consideration that input, and then recognize

1 the fact that we're going to make some revisions of the plan  
2 we're presenting this evening, that's exactly how SEQR is  
3 supposed to work.

4 So, I want to make that clear this is not a rush  
5 to a recommendation from this Board, we want to make sure  
6 before we're in a position that you can make a  
7 recommendation that we put the best project forward.

8 So, with that being said I'll let you go to the  
9 next slide. Do you have the slide? There is no next slide  
10 yet.

11 As Gary indicated in his introductory comments  
12 we're here for three different purposes this evening, this  
13 is a public hearing on the Environmental review pursuant to  
14 SEQR, it's a public hearing on a requested rezoning and then  
15 finally it's a public hearing on a request for a PUD  
16 approval. The history of this site obviously goes way back,  
17 it was first a golf course in 1921. In 1945 Westwood opened,  
18 my client purchased the site in 2011 and at that time  
19 Westwood was facing bankruptcy in the immediate future.

20 The country club did close in December of 2014 and  
21 then in March of 2015 we discovered the fact that the site  
22 is contaminated and doesn't qualify as a brownfield.

23 Just to acclimate everyone, this of course being  
24 Sheridan Drive, Maple Road, the UB North campus, the 18  
25 hole town course, the 290 that bisects over here and then of

1 course North Forest Road which is a county highway.

2 Next. So, what is the project itself? The site  
3 itself is 170 acres in size, there are three primary  
4 components, the first one being the residential component  
5 which is largely the northern portion of the site and that  
6 consists of single family homes, (unintelligible) -- and  
7 traditional single family homes, attached town homes and  
8 then we also have a senior housing component that consists  
9 of 200 assisted living units and 96 independent SEQR housing  
10 units, that would be a two story building.

11 We then have on more what I call the southern  
12 portion of the site the neighborhood center. If you break  
13 that down by square footage while we're calling it  
14 neighborhood center 58 percent of it is residential, 42  
15 percent of it is non residential.

16 That does include 200,000 square feet of office  
17 space, apartments and town homes, a four story 130 room  
18 hotel and then mixed use buildings consisting of first floor  
19 commercial space and upper story residential units.

20 And then we also have a large portion of this site  
21 being preserved as permanent open space, 64 acres which is  
22 basically almost 40 percent, or almost 38 percent of the  
23 project site.

24 It's important to know the history of this site,  
25 while it has been green space, it's never been accessible to

1 the public. So, we want to make that accessible to the  
2 public and one of our proposals is a 23 acre publically  
3 accessible park there, which we think really will be nice.  
4 We're also proposing more than two miles of onsite  
5 recreational paths including trails as it would be  
6 accessible to the public.

7 This is a conceptual master plan that's in the  
8 DGIS as again we've indicated because we know we'll be  
9 making some varied versions as we go forward.

10 Most importantly is to recognize we are proposing  
11 a new north to south roadway bisecting the project site,  
12 there will be signalized intersections both at Sheridan  
13 Drive and Maple Road. This is a new lake that will be  
14 provided, this is that area that's proximate to Ellicott  
15 Creek that bisects the western edge of the site that would  
16 be converted to a publicly accessible park. The plans for  
17 that area are not precise at this point and we do welcome  
18 the public's input on that onsite amenity.

19 Next. The site is currently zoned recreation  
20 conservation district pursuant to a decision in July of  
21 2014. It is important to note that when the site was  
22 acquired in March of 2011 it was zoned community facilities  
23 district.

24 If you look at the RC section of the zoning code  
25 the uses of property zoned RC are very, very restrictive,

1 they include indoor and outdoor recreational facilities,  
2 daycare centers, places of worship, parks or open space,  
3 golf courses and wildlife reserves. We're quite confident  
4 none of those of uses would result in an economically viable  
5 redevelopment project for this site.

6 The proposed zoning is broken into three  
7 components, 131 acres of the site would be rezoned at TND,  
8 13.59 acres would be rezoned to MFR 7 to accommodate the  
9 senior housing component. 1.4 acres would be rezoned at GB  
10 for the four story hotel and then 23.84 acres would remained  
11 zoned recreation conservation district and would consist of  
12 open space.

13 As Gary indicated in introductory comments we are  
14 subject to the PUD requirements, it's a new requirement in  
15 the zoning code plus any project involving a site more than  
16 30 acres in size.

17 But the PUD requirements are very intensive and  
18 very specific and specify precise standards for parking,  
19 landscaping, interior access, topography, open space,  
20 utilities and signage.

21 As the process moves forward ultimately what would  
22 occur is there would be basically what you call a  
23 development agreement, and that agreement would specify in  
24 great detail the parameters and criteria that would apply in  
25 connection with the redevelopment of the project site.

1           Next. That's the rezoning exhibit, again, this  
2           being Sheridan Drive on the right, Maple Road on the left.  
3           That sea of blue is meant to be noted TND this is at MFR-7  
4           zoning the 1.4 acres to be rezoned GB.

5           And then you can see along the perimeter the west,  
6           the south and the east we're proposing permanent open space  
7           that would remained zoned recreation conservation district.

8           We do think the redevelopment project that we're proposing  
9           is consistent with the recommendations of the bicentennial  
10          comprehensive plan.

11          Specifically if you look at the vision for the  
12          overall plan it states the realization of pedestrian  
13          friendly interconnected mixed use development patterns,  
14          precisely what we're proposing. The comprehensive plan also  
15          deals with this type of situation a golf course for an  
16          obsolescent community facility use is no longer viable.

17          And what it says, and I quote; typically comprised  
18          of several acres these facilities such as private golf  
19          courses and clubhouses and public semi recreational fields  
20          they provide important open space or recreation assets to  
21          surrounding neighborhoods.

22          Redevelopment of large tracks of former  
23          recreation land such as golf courses or playing fields  
24          requires careful master planning that maintains the  
25          essential character of the site while accommodating



1 significant changes in use and density.

2 We're trying to balance that, we're proposing a  
3 redevelopment project that's viable, we're also making sure  
4 we're preserving that open space character of the site.

5 That's an illustration of the Westwood park, just  
6 to note that we'll provide a wide assortment of amenities  
7 and again will be accessible to the public.

8 That's just a vision of the neighborhood center,  
9 those mixed use buildings, pedestrian friendly elements,  
10 street trees, etcetera, etcetera, we really want to make  
11 this as walkable as possible.

12 In terms of the project history, we did submit a  
13 DGIS in July of 2014, that was subsequently revised twice  
14 and the Town Board accepted the DGIS as complete and  
15 adequate for public review in December of 2015 and this is  
16 the next step, public hearings held before this Board and  
17 then subsequently the Town Board.

18 Next. There are many steps in the environmental  
19 review project involving environmental impact statement, Mr.  
20 Black indicated some of them in introductory comments, we're  
21 now at step 5.

22 And as Mr. Black indicated once those public  
23 hearings are closed there will be a ten day public comment  
24 period, the public comment period will expire ten days  
25 later. SEQOR encourages anyone who is interested to submit

1 written comments, the next step is the preparation of a  
2 final generic environmental impact statement.

3 All of those comments that have been received by  
4 this Board, the Planning Department and the Town Board have  
5 to be addressed, summarized and then placed into one  
6 document.

7 And then finally the final step in connection with  
8 SEQOR is the issuance of a finding statement that is perhaps  
9 the most important document, it sets forth the rationale for  
10 the Town Board's decision and those conditions or mitigation  
11 measures to minimize the impact of potentially significant  
12 adverse environmental impacts.

13 There are criteria in the zoning code that specify  
14 how a request for a rezoning and a request for a PUD should  
15 be addressed, I'm not going to go through them one by one.

16 But, they do include consistency with the  
17 comprehensive plan insuring adequate utilities are  
18 available, compatibility with surrounding neighborhoods,  
19 etcetera, etcetera. We're aware of those criteria and we're  
20 going to do our best to continue to address them as we move  
21 forward.

22 TND has not been used very often in the Town of  
23 Amherst, this is probably the first true water free  
24 development mixed use project relied on the TND zoning.

25 And if you look at the TND zoning specifically

1 section 561 it encourages a mixture uses, pedestrian  
2 oriented elements discourages sprawl, attempts to use  
3 infrastructure in a way that's smart, we think we're doing  
4 all that.

5 And these are the design elements that we've tried  
6 to incorporate, walkability, connectivity, a mixture of  
7 uses, a wide assortment of residential choices, smart  
8 growth, maintaining and helping enhancing quality of life,  
9 sustainability and then again multimodal versions of  
10 transportation. We don't want everyone to have to use their  
11 cars, we want people to travel onsite, walk on the site,  
12 etcetera, etcetera.

13 We do think it's quite clear that the  
14 redevelopment project would have significant positive fiscal  
15 impacts and those have been addressed in the study included  
16 in appendix 10 of DGIS. The total invested would be two  
17 hundred thirty eight million dollars, that's a private  
18 capital. The estimated property tax revenues over a ten  
19 year period would be the range of fifty two to sixty three  
20 million dollars.

21 In terms of the cost, the town's cost to service  
22 this project, it's anticipated or projected it would be  
23 twenty seven million and so you can see there's a big  
24 deviation between these two numbers.

25 It will also result in the creation of new jobs,

1 up to 2,200 temporary construction jobs and 300 new  
2 permanent jobs.

3 Next. One of the issues obviously we have to  
4 address is traffic, SRF Associates has prepared a traffic  
5 impact study, we recognize it when we get to the FGIS step  
6 in the process, that will have to be updated. It does have  
7 a wide scope, SRF looked at a wide assortment of  
8 intersections in the immediate vicinity, they conducted an  
9 accident analyses, they've looked at each of the  
10 intersections to see if installation of traffic signals was  
11 warranted, they've looked at the installation of turn lanes.

12 And, as I've indicated, we are proposing traffic  
13 signals both with a connection on Maple Road and a  
14 connection at DOT. Both of those would require of course  
15 the approval in connection with Sheridan Drive, DOT and on  
16 Maple Drive Erie County Department of Public Works being  
17 that that's a county road.

18 There's a wide assortment of recommendations in  
19 the Traffic Impact Study and some of those include number 1,  
20 making sure that north/south roadway is proposed.

21 And if you look at the comprehensive plan in terms  
22 of transportation management the comprehensive plan readily  
23 acknowledges the town lacks publicly accessible north to  
24 south roadways and that's part of the reason that you do see  
25 a lot of traffic on North Forest Road.

1           SRF also recommended that particular road be two  
2 entrance lanes and two exit lanes. They recommended that we  
3 provide as many sidewalks as possible on the site to  
4 encourage pedestrian access, incorporate bicycle parking and  
5 recreational trails, etcetera, etcetera.

6           And then finally, in connection with the mixed use  
7 project, one of the benefits is you can share parking  
8 beneath someone who is living in one of the town homes at  
9 night or during the evening is going away for work and then  
10 that could be used by an office user.

11           So, we're hoping we can reduce the number parking  
12 spaces --

13                           (Audience disruption)

14           CHAIRMAN GILMOUR: Folks, folks, please.

15           MR. HOPKINS: -- as the result of the mixture of  
16 uses and that's in -- I just want to make sure it's clear,  
17 we need parking, we're not saying we don't. But, by  
18 providing a mixed use project you can truly can reduce the  
19 need for parking.

20           Next. This is just a highlight, again that  
21 north/south roadway that would connect from Sheridan Drive  
22 to Maple Road, that would be a road that would dedicated  
23 with the Town of Amherst to insure it would be permanently  
24 publically accessible.

25           And this exhibit fits to illustrate the

1 recreational trails, again, over two miles we would  
2 incorporate a trail here, here, here. Various trail fences  
3 would be provided and basically those would be accessible to  
4 the public.

5 Meaning, if you don't live on the site, you can  
6 come to the site, park your car, use your bike, walk,  
7 etcetera, etcetera. We hope that eventually this would then  
8 connect to the trailhead on North Forest which extends all  
9 the way through to the reflected edge of the Town of  
10 Amherst.

11 Next. We've also looked at floodplain impacts and  
12 floodplain mitigation, we do have a drainage report that was  
13 included in the DGIS. I would note that we are not  
14 proposing any impacts to the regulated hundred year  
15 floodway, that area inclose proximity to Ellicott Creek.

16 We are proposing some impacts to the floodplain  
17 and we are proposing to compensate for those impacts by  
18 increasing floodplain storage onsite, that's a very  
19 technical analysis, we have a preliminary report in the DGIS  
20 that will have to be refined going forward.

21 And then ultimately any impact in the hundred year  
22 floodplain would have to be reviewed and approved by both  
23 the Engineering Department and secondly and just as  
24 importantly FEMA, so in terms of the drainage standards  
25 that's what was looked at, those are in the DGIS.

1 Next. Sanitary sewer, this is the one other topic  
2 I want to address, we recognize that we have to provide  
3 sanitary sewer mitigation, we've been looking at that in  
4 great detail, but that discussion will continue. Ultimately  
5 we need to provide some additional sanitary sewer capacity  
6 and that will be needed to be reviewed and approved by the  
7 DEC. You can skip that slide, Ellen.

8 And I also want to point one other thing before I  
9 wrap up, we know that the site has contamination, we know  
10 that it can't be used for anything, whether a park,  
11 residential, office, mixed use without the cleanup.

12 And I just want to note in order for the cleanup  
13 to occur we have to have a project, it's a very extensive  
14 process, ultimately it would require review and approval of  
15 the DEC. Once everybody has had the opportunity to speak if  
16 you have any questions about the information we've  
17 presented, please let us know.

18 I also want note for the public the presentation  
19 that we give tonight will be posted online and accessible to  
20 anyone who is interested. Thank you.

21 CHAIRMAN GILMOUR: Thank you, Mr. Hopkins. All  
22 right, we have a lot of people here, we have a lot of them  
23 up there. We are going to ask members of this board first  
24 if they have questions and then we're going to ask that you  
25 try to line up, and I understand that it might be a little

1 tough. So, if you could try to position yourself there, I  
2 don't want to miss anyone.

3 BOARD MEMBER ULTOWSKI: Mr. Hopkins, I'll make my  
4 questions very brief. You indicated that your clients  
5 purchased the property in 2011. Can you tell us why they  
6 purchased the property?

7 MR. HOPKINS: Because of the location of the site.  
8 If you look at that site, it's in the middle of Amherst, it  
9 was available for sale, the former Westwood Country Club was  
10 facing bankruptcy.

11 And again, if you look at the comprehensive plan,  
12 it really does encourage mixed use redevelopment,  
13 obsolescent community facility uses. That language in the  
14 comprehensive plan predates acquisition of the site.

15 BOARD MEMBER ULTOWSKI: To clarify, you're saying  
16 they purchased this property with the intent for this  
17 vision?

18 MR. HOPKINS: They purchased the site with the  
19 intent of redevelopment, absolutely.

20 BOARD MEMBER ULTOWSKI: At that time were they  
21 aware that the town's sanitary sewer infrastructure capacity  
22 could not support the vision

23 MR. HOPKINS: No, unfortunately they were not.

24 BOARD MEMBER ULTOWSKI: Thank you very much.

25 MR. HOPKINS: But, I do want to note, I don't agree



1 with that statement saying that the sanitary sewer can't  
2 support the project. At this occasion any project that  
3 generates more than 2,500 gallons of sewer per day, we have  
4 to go through those I & I requirements, we have to  
5 demonstrate capacity, that's part of this process.

6 BOARD MEMBER ULTOWSKI: Okay, I won't debate that  
7 matter, but if you read the DGIS, it appears to differ from  
8 that. Every project in this community that produces 2,500  
9 gallons or more discharge per day still has to provide for  
10 I & I offsets of four times --

11 MR. HOPKINS: Right.

12 BOARD MEMBER ULTOWSKI: From my understanding, it  
13 looks like the Town Engineer is indicating that the existing  
14 capacity of our sanitary infrastructure can't support this  
15 vision.

16 MR. HOPKINS: During wet weather conditions,  
17 absolutely. And what that means is we have to create  
18 capacity and we acknowledge that.

19 BOARD MEMBER ULTOWSKI: Thank you.

20 MR. HOPKINS: You're welcome.

21 BOARD MEMBER GELBER: Sean, just real quick just  
22 for educational purposes?

23 MR. HOPKINS: Sure, absolutely.

24 BOARD MEMBER GELBER: I know you mentioned several  
25 times that it would be accessible for the public. You know,

1 you talked about you could drive your cars -- I'll start  
2 over again, you mentioned it'll be accessible to the public  
3 and is intended to be a public park area and that they could  
4 drive there and park and hike or whatever. Can you just go  
5 back to the, you know, the color slide?

6 MR. HOPKINS: Yeah, can you go back to the slides  
7 that shows the recreational trail network, just back a  
8 couple of slides, it's in color. It says on the bottom over  
9 two miles of recreational trails.

10 BOARD MEMBER GELBER: It's actually just a couple  
11 that show.

12 MR. HOPKINS: Do you know what slide number that  
13 is? Slide number 19 Ellen.

14 BOARD MEMBER GELBER: I just wanted to get a  
15 better idea as to how there would be access, where parking  
16 would be, how the public could use this, I can't tell from  
17 what you've presented.

18 MR. HOPKINS: Right.

19 BOARD MEMBER GELBER: And I think that would be  
20 helpful for me to understand.

21 MR. HOPKINS: Yes, what we're proposing, you can  
22 see these red areas, those are to denote the onsite  
23 recreational trail, and again, if you add all that area up,  
24 two acre, it's more than two miles at length.

25 And then what we're recognizing is the fact that

1 people are going to want to come here and use that amenity,  
2 so if you see these little triangles located here, here,  
3 here, those are meant to note that there would be areas  
4 where there could be public access. And specifically we  
5 want to make sure there's parking area.

6 BOARD MEMBER GELBER: Right.

7 MR. HOPKINS: So, it's one thing to come to the  
8 site, we want to make sure there's parking available so that  
9 would be provided in connection with those trailhead  
10 passages.

11 BOARD MEMBER GELBER: But it's not currently on  
12 this map here, where the designated parking would be for  
13 visitors that they're not taking spots of people that live  
14 there or the businesses.

15 MR. HOPKINS: Not precisely. But, it will be  
16 provided, it's acknowledged in the DGIS. And again, in  
17 terms of publically accessible amenities, that's one of the  
18 aspects of this project that we really wanted to encourage  
19 public input, let us know where you'd like to see those  
20 elements, see those amenities and we'll do our best to  
21 accommodate them in those locations.

22 BOARD MEMBER GELBER: Thank you.

23 CHAIRMAN GILMOUR: Mary?

24 BOARD MEMBER SHAPIRO: Again, brief comments.  
25 You're looking at the phasing a ten year period. When you

1 mentioned it's not going to be an organization that builds  
2 out the site.

3 MR. HOPKINS: Portions of, but not the entire site,  
4 that's correct.

5 BOARD MEMBER SHAPIRO: Okay, how do you envision  
6 that happening and kind of discuss that in terms of the  
7 integrated site, because to me this is not an integrated  
8 mixed use site.

9 MR. HOPKINS: Let me do my best to try to address  
10 it. So, number one as many of you on the Board are aware,  
11 anytime you have a roadway that goes more than 800 feet you  
12 have to provide secondary emergency access. So, the reality  
13 is early on that north/south roadway will have to be  
14 installed, that's going to be at great expense.

15 Once that north/south roadway has been installed,  
16 then each of the different components would be available for  
17 development, we know quite clearly just based on what we've  
18 heard there's a high demand for those residential lots, so,  
19 we envision that that would begin right away. And then we  
20 would hope to begin those mixed use components on site as  
21 quickly as possible.

22 So, what I mean by that is there could be  
23 different components going on simultaneously in connection  
24 with the site.

25 BOARD MEMBER SHAPIRO: But, over a ten year

1 period.

2 MR. HOPKINS: Right.

3 BOARD MEMBER SHAPIRO: So, in a ten year period our  
4 entire comprehensive plan could change.

5 MR. HOPKINS: Well, I can't predict the future in  
6 terms of the comprehensive plan. We're attempting to design  
7 a site that meets the rules of the comprehensive plan as it  
8 exists today.

9 BOARD MEMBER SHAPIRO: Okay. Nowhere in the  
10 literature that I've been able to read through do you show  
11 any market study for the need in Amherst for another hotel  
12 or --

13 (Applause from the audience)

14 CHAIRMAN GILMOUR: Folks, folks.

15 BOARD MEMBER SHAPIRO: So, those up and coming, I'd  
16 like to see some kind of need justified.

17 MR. HOPKINS: Yeah, it's certainly something we can  
18 look at going forward. We do have a very detailed economic  
19 report in the DGIS and I encourage anyone to read it.

20 And I would note and I have said this before,  
21 you've got to keep in mind zoning does not provide a  
22 municipality with the ability to regulate competition,  
23 meaning it really falls outside the purview of a town to  
24 determine whether there's a demand for a use.

25 But it is important to note if there's not demand

1 they wouldn't spend that -- make that expenditure of private  
2 capital. But, it's certainly something we can look at going  
3 forward.

4 We think, because of the nature of the mixture of  
5 uses, that it really would be a nice onsite amenity, we  
6 recognize that there could be objections to both the four  
7 story hotel and the GB zoning and because of that that's  
8 why we proposed that location where it's in all instances  
9 more than 500 feet away from any single family home.

10 But again, that's the purpose of this hearing,  
11 we'll hear the input, we'll take that impact back and then  
12 we'll find a plan accordingly.

13 BOARD MEMBER SHAPIRO: I'd also like to see a  
14 market study in terms of the types of housing that you're  
15 showing in again what's necessary, what's marketable in  
16 Amherst.

17 MR. HOPKINS: Yeah, in terms of a market study for  
18 single family homes, I can note that we're getting calls  
19 from every single home owner, we know there's a demand for  
20 single family homes on individual lots. There's not a lot  
21 of lots left in Amherst, that's just the way it is.

22 So, we know there's clearly demand again because  
23 unsolicited, remember we're not ready to start this project,  
24 we're getting call after call from home numbers.

25 BOARD MEMBER SHAPIRO: The other question I have is

1 regarding the senior housing component, we have had studies  
2 done that show that the Town of Amherst does not need market  
3 rate senior housing, they need subsidized senior housing.  
4 So, would any component be subsidized senior housing?

5 MR. HOPKINS: I don't believe that is currently  
6 proposed, but it's certainly something that could be  
7 considered moving forward. We're proposing market rate  
8 senior housing and assisted living.

9 BOARD MEMBER SHAPIRO: Okay. And also the  
10 synagogue area, if you aren't successful in getting a  
11 synagogue to come in, what would replace it?

12 MR. HOPKINS: That's a very good question, thank  
13 you. So, the synagogue area was shown here on the preferred  
14 master plan included in the DGIS. As a result of recent  
15 information we've been advised that's not going to happen,  
16 I mean the synagogue has made other locations unfortunately  
17 because we just took too long, so that will be replaced as  
18 you can see here with single family homes on individual  
19 lots, a less intensive use.

20 And as part of -- that's one of the things we're  
21 going to be changing. As we indicated in introductory  
22 comments this plan will be refined, the next version of  
23 this plan will be removing that synagogue.

24 BOARD MEMBER SHAPIRO: I guess my last question is  
25 in terms of sustainability you indicated that you would be

1 using ground water recharge, where and how would you be  
2 doing that?

3 MR. HOPKINS: Brad, do we have any specifics on  
4 that yet? If you're going to speak, come on up so we can  
5 get that on the record.

6 MR. BRAD PACKER: Brad Packer with Ciminelli Real  
7 Estate. We have certainly looked at --

8 AUDIENCE: We can't hear.

9 MR. BRAD PACKER: Brad Packer with Ciminelli Real  
10 Estate. We certainly considered the -- design standards and  
11 the initial floor -- planning for the site will have to meet  
12 the standards --

13 AUDIENCE: We can't hear you.

14 MR. BRAD PACKER: -- will have to meet the  
15 standards of the DEC as it relates to detention storage and  
16 quality -- and so our original survey includes some of those  
17 principles in terms of final retention.

18 BOARD MEMBER SHAPIRO: I was asking about ground  
19 water recharge.

20 MR. BRAD PACKER: So, specifically what was the  
21 exact question?

22 BOARD MEMBER SHAPIRO: It was written that that  
23 would be one of the same methods you'd be using. So, I'm  
24 just wondering where you had thought about using that and  
25 what methodology?



1 MR. BRAD PACKER: In terms of collecting storm  
2 water and utilizing it throughout the sub --

3 BOARD MEMBER SHAPIRO: It's from your document, not  
4 mine.

5 MR. BRAD PACKER: Right. Again, we have looked at  
6 certain lead design standards. We will be required to meet  
7 the standards of the DEC in terms of storm water retention

8 --  
9 MR. HOPKINS: And quality.

10 MR. BRAD PACKER: -- and quality standards, that's  
11 really what we were speaking to in terms of managing ground  
12 water material.

13 MR. HOPKINS: And if you look at the current  
14 version of the storm water manual published by the DEC, I  
15 believe it's the 2015 version. You now are required to  
16 incorporate what they call green infrastructure, so it's not  
17 enough just to put what you would call a man made system,  
18 you have to incorporate that green infrastructure as part of  
19 your overall storm water management plan, it's required.

20 BOARD MEMBER SHAPIRO: So, you wouldn't be  
21 proposing injection wells?

22 MR. HOPKINS: No, no, there would be no injection  
23 wells. And it's important to note the bedrock is not that  
24 shallow on this particular site.

25 BOARD MEMBER SHAPIRO: Thank you.

1 MR. HOPKINS: You're welcome.

2 CHAIRMAN GILMOUR: All right, for those who wish  
3 to speak, if there is a representative, someone representing  
4 the group, we'd like to have them come up first. Anyone  
5 thereafter will have three minutes.

6 So, please sign in and state your name and  
7 address for the record also. Okay, you have to pull that  
8 down too, because they can't hear you.

S-032

9 JUDY FERRARO: Okay, Judy Ferraro, 213 Donna Lea  
10 Boulevard. Okay, this is like groundhog day, the latest  
11 iteration of the Westwood plan is not much better or  
12 different than the first. It is basically the same one the  
13 Planning Department and residents agree that mitigation of  
14 traffic, sewage, drainage, storm water runoff, etcetera was  
15 not, is not acceptable, the serious issues have still not  
16 been addressed seriously.

17 It appears that the Planning Department and the  
18 developers have more work ahead of them to bring this  
19 massive plan into even remote compliance with not only the  
20 comprehensive plan, but reality.

21 Additionally with the requirement of the  
22 contamination cleanup this whole process at this juncture is  
23 grossly premature. The cleanup is a long way from  
24 completion, no one knows the extent or the cost of it, to  
25 say it any differently is pure conjecture.



1 areas of Amherst for their gratification while homeowners  
2 suffer the consequences.

3 Our town engineer put forth a communication  
4 regarding the rezoning and Westwood's DGIS dated November  
5 11, 2016; they can be viewed on the town website in it's  
6 entirety.

7 There are 8 points that detail the serious flaws  
8 in design and in adequate litigations with traffic, sewage,  
9 drainage and storm water runoff put forth by this petitioner  
10 honing on a few of the 8 points from our town engineer.

11 It is important to note that there is no available  
12 capacity in the Sheridan Drive trunk sewer which is the  
13 planned location when the sanitary sewage flows produced by  
14 the proposed development. During wet weather events waste  
15 water surcharges to an elevation of 586 feet within the  
16 Sheridan Drive trunk sewer.

17 Noting that these surcharge conditions exist, and  
18 upon review of the preliminary elevations of the sanitary  
19 system as proposed in the DGIS, the proposed onsite sewer  
20 would also surcharge to similar elevations leading to poor  
21 hydraulic conditions within the proposed development, given  
22 these conditions the Town of Amherst Engineering Department  
23 will not grant downstream capacity approval for this  
24 developer's timing to the Sheridan Drive trunk sewer.

25 It is important to note that substantial on and

1 off site capital improvements will be required to address  
2 the existing lack downstream sanitary sewer capacity to  
3 accommodate this developer and to address the mandatory  
4 requirements for flow offsets.

5 Exhibit F of the amended rezoning application is  
6 devoid of any information relative to the required detailed  
7 hydraulic analyses that must be provided to the town  
8 floodplain administrator and also submitted to the Federal  
9 Emergency Management Agency FEMA for review and approval.

10 The Town of Amherst Engineering Department  
11 strongly objects to the addition of another traffic signal  
12 within the heavily traveled corridor of Sheridan Drive North  
13 Forest, I-290. It is this department's opinion that slight  
14 configurations must be considered to minimize the traffic  
15 input on the afore mentioned corridor.

16 These are significant problems that have not been  
17 addressed, so why are we even here? Thank you.

18 (Applause)

S-033 19 NATHAN HARTRICH: Good evening. I would like to  
20 introduce myself, my name is Nathan Hartrich I am the  
21 president of the Morningside Homeowners Association. We  
22 have been an active family first Homeowners Association for  
23 the past 75 years, the oldest on the east coast and possibly  
24 the United States. We have been working directly with the  
25 Town of Amherst over these 75 years. We number just under

1 a thousand residents in direct proximity to the Westwood  
2 Golf Course.

3 As members of Keep Westwood, we originally  
4 advised the Town Board to uphold the current zoning  
5 recreation conservation. In it's name alone one of the key  
6 words is conservation, we need to conserve this space for  
7 future generations.

8 The current plans don't seem to be any different  
9 from the plans submitted to the public several years ago  
10 except for the addition of the synagogue which obviously  
11 changed that. And removal of an IBM Distributing, this plan  
12 doesn't take into account the surrounding neighborhoods, it  
13 looks like the developers are trying to put a square peg in  
14 a round hole.

15 They wish to use every available space to destroy  
16 this property and pollute the center of Amherst with more  
17 office buildings, shops and a hotel. Don't we have enough  
18 empty office space and medical office buildings in our town?  
19 It wasn't until --

20 (Applause)

21 MR. HARTRICH: It wasn't until in the past several  
22 weeks that the developer wished to set up a meeting to  
23 discuss the property with our group. If you could put up  
24 email 1?

25 You can see the date on that, Monday, October 17,

1 2016 at 3:14. We've been here the whole time waiting to  
2 hear from the developer to listen to our concerns. Now, the  
3 timing of this email seems very suspicious and seems to show  
4 that there's an attempt, though feeble, to meet with our  
5 resident group. I still haven't heard back from the  
6 developer after this email was sent. If you could put up  
7 email 2?

8 This one dated Friday, October 21, 2016 at 5:01  
9 p.m. The developers wish to flip this property for the  
10 highest dollar amount possible and it has no interest in  
11 this community and the community surrounding it.

12 Now, onto the largest problem with the proposed  
13 development, traffic. As I sat in traffic on North Forest  
14 and Sheridan for twenty minutes, I thought about how it  
15 would be to add another 2,000 cars into the mix, how it  
16 would make these intersections even more unsafe than they  
17 already are, we already have severe issues with traffic at  
18 locations on Sheridan, North Forest and Maple Road. I read  
19 the most --

20 CHAIRMAN GILMOUR: No, you're not.

21 MR. HARTRICH: I speak for a thousand homeowners.

22 CHAIRMAN GILMOUR: It doesn't matter who you speak  
23 for, you have 30 seconds.

24 MR. HARTRICH: This is done by a third party vender  
25 and only proves our point for us, these intersections cannot

1 support anymore traffic without causing major gridlock.  
2 This is a study which as you know grades from A to F, being  
3 the best A and not the worst revealed at several locations  
4 Family Marts and other D's and E's. How could this ever be  
5 acceptable?

6 Any person I have shown this site plan to shakes  
7 their head in disbelief. We can all clearly see the  
8 purchase of this property was never about a golf course, but  
9 to develop and flip one of the last remaining large parcels  
10 of greenspace in the center of town. We have to remember  
11 --

12 AUDIENCE: Let him finish.

13 CHAIRMAN GILMOUR: We have rules here. We have  
14 rules and we will abide by them.

15 AUDIENCE: Let him finish.

16 MR NATHAN HARTRICH: I represent -- I checked my  
17 watch, he was well past the 15 minutes.

18 JUDY FERRARO: Mr. Chairman, he does speak for an  
19 entire --

20 CHAIRMAN GILMOUR: It doesn't matter, the way the  
21 rules in this are clear.

22 MR. NATHAN HARTRICH: 1,000 residents, 1,000. We  
23 have to remember this is a greenspace with trees, wildlife  
24 that reside upon it's grounds. Once this greenspace is gone  
25 it cannot be replaced.



1                   Please advise the Town Board members this is a  
2                   terrible plan and to uphold the current recreation  
3                   conservation zoning. It was changed to this specific zoning  
4                   for a reason, to protect this land. Thank you.

5                   CHAIRMAN GILMOUR: Thank you.

6   (Applause)

S-034 7                   JUDY HYATT: Good evening, my name is Judy Hyatt,  
8                   I own the property at 375 Maple Road. So, I mean, we're  
9                   hearing from everybody in the community that lives blocks  
10                  away from this --

11                  AUDIENCE: We can't hear you.

12                  JUDY HYATT: We've been hearing form everybody in  
13                  the community who lives a distance from the site, I assume  
14                  that there aren't a 1,000 homes that surround Westwood.

15                  But, for those of us who that have a home that  
16                  bumps up against the brownfield site. At this point in time  
17                  our houses are worthless, are you going to come buy my house  
18                  that's at a brownfield site? I don't think so.

19                  So, where I appreciate everybody doesn't want to  
20                  see change, it's a great slogan keep Westwood green which  
21                  happens to be brown if you live there. I mean, if you live  
22                  there and your property is now worth zero which I will  
23                  continue to look at when we reaccess in February. The only  
24                  way you're going to get the property value back is if the  
25                  site is cleaned up.

1                   So, you have a site across the street that was the  
2                   last disaster I had live through. So, that is still sitting  
3                   there and finally it was contaminated and all of a sudden --  
4                   (unintelligible) -- same way behind me, unless somebody is  
5                   able to clean it up. So many houses back there, there will  
6                   be some business just like every place on Sheridan Drive.  
7                   I'm not minimizing the need for the plumbing, and the  
8                   drainage and all this other things. A plan needs to be put  
9                   in to place to cover those things.

10                   But at the same time I would really like to live  
11                   long enough to be able to sell my house, and head south when  
12                   I retire and I don't know if that's going to happen from  
13                   everything I hear. I think really someone should be  
14                   speaking for the people who are most affected and those are  
15                   the ones who have houses right against that site.

16                   (Audience making noise)

17                   CHAIRMAN GILMOUR:    Folks, folks. Thank you.

S-035 18                   THOMAS FOEGEN: Good evening. Tom Foegen, 79  
19                   Fairways Boulevard. I would like to thank the Amherst  
20                   Engineering Department for their knowledgeable work  
21                   involving the request to rezone Westwood.

22                   They also see the problems which need to be  
23                   addressed before even thinking about to rezone it. The  
24                   questions concerning sewer capacity, detailed hydraulic  
25                   analyses and traffic are still not answered completely.

1 All issues that this development brings should be taken care  
2 of first, please. Zoning laws are in place to protect the  
3 resident/taxpayer. Let's be very careful with rezoning.  
4 Thank you.

5 (Applause)

S-036

6 COLLEEN DiPIRRO: Good evening, my name is Colleen  
7 DiPirro and I'm the president of the Amherst Chamber of  
8 Commerce which represents over 3,000 members and over a  
9 100,000 employees in the community. And we support movement  
10 on the Westwood property. We're not saying that we support  
11 everything we saw there, we support movement.

12 As a gateway to our beautiful town it is a  
13 travesty if this beautiful parcel of property is an  
14 overgrown vacant eyesore. I've been with the Chamber for 35  
15 years and attended countless meetings such as this where  
16 projects were being reviewed. I've seen people scream that  
17 a project was going to ruin their quality of life and be the  
18 downfall of our town only to have the project complete,  
19 I've seen projects halted because of that fear to the  
20 detriment of the residents and the taxpayers.

21 I hope that as it relates to the Westwood project  
22 that level has prevailed. The idea of turning the parcel  
23 into a park is a nice one, but not a realistic one.

24 I'm extremely empathetic to the homeowners that  
25 are going to be impacted by the change of use in this

1 parcel. However, the town cannot afford the purchase price  
2 and certainly can't afford the remediation cost. And  
3 taxpayers cannot bear the cost of building and maintaining  
4 a park.

5 Approval by the Planning Board allows the  
6 developer to move forward with the necessary remediation and  
7 begin the process of securing input and ratification of the  
8 site plan that amenable to the majority of the town's  
9 115,000 residents. And all decisions by the town should be  
10 made with the desires of the entire town and not just the  
11 percentage of homeowners adjacent to the property.

12 Again, I know that's an unpopular position for the  
13 residents here tonight, but it's the obligation of the  
14 leadership of the Town Board and the Planning Board to  
15 consider the ramifications and implications to the entire  
16 space.

17 The Amherst Chamber of Commerce will continue to  
18 work for the developers and the tax payers and residents to  
19 insure that full development of the Westwood property is in  
20 the best interests of all. Thank you.

21 CHAIRMAN GILMOUR: Thank you.

22 (Applause an)

S-037 23 JOE HEINS: My name is Joe Heins, I live at 372  
24 Sprucewood.

25 (Audience noise)

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CHAIRMAN GILMOUR: Folks, folks.

JOE HEINS: I am also a member of the Amherst Chamber of Commerce, I am a member of Young Professional Emerging Business Leaders Group and head of the public policy committee.

Finally and more importantly for this meeting I grew up on Sunrise Boulevard just blocks away from the Westwood site, my parents still live in the house that I grew up in and I send my two daughters there a couple days a week for grandma care.

So, what that really is, is a roundabout way of saying this neighborhood is something that I'm invested in, it's something that means a lot to me and for that reason I'm here to support moving this project forward. It has potential to make what is an already a great neighborhood even better.

I was glad to hear that there was going to be no action requested tonight, it gives an opportunity for everyone to have input into the process, there's opportunity to begin a constructive dialogue to the extent it hasn't already occurred. It obviously is not going to be easy, but we have to have the conversation.

The status quo was not acceptable, like Colleen said the idea of turning it into a park is just not feasible. So, let's sit down and let's create a project

1 that can work and benefit the entire community as a whole.

2 The idea that the site plan is not open to  
3 financial changes is an excellent start where people can  
4 address the criticisms that are being brought up tonight.

5 As it stands the site will allow for a new park, more public  
6 access than ever before and the makings of a new and vibrant  
7 neighborhood.

8 I urge the owners, the Board and the members of  
9 the community to use this as an opportunity to springboard  
10 and find common ground to get the project done. Thank you.

11 (Applause)

S-038

12 LOIS SHRIVER: Good evening. Lois Shriver, I just  
13 want to say something as a resident of 48 Lincoln Road,  
14 Snyder. I would like to say that I agree with everything  
15 that Judy Ferraro said and the gentleman who spoke after  
16 her, that's as a resident.

17 Now, I would like to address you as chairman of  
18 Amherst Conservation Advisory Council. I'm going to be  
19 talking about the conservation situation and the  
20 environmental issue, it may seem very small on the scale of  
21 everything that's being discussed tonight, but at the same  
22 time in a sense a small part of a larger issue.

23 Good evening, Chairman Gilmour and Planning Board  
24 members, first I would like to thank the petitioners for  
25 answering many of the questions regarding conservation and

1 environmental issues that have been posed by the Amherst  
2 Conservation Advisory Council otherwise known as the ACAC  
3 regarding the earlier rezone draft, we appreciated your  
4 attention to those issues.

5 I would like to comment on one issue of great  
6 concern of the ACAC, that being preservation of the old  
7 growth hardwood swamp area in the northwest corner of the  
8 proposed development. This span of trees is visible, as you  
9 will see on the photographs that I have, is visible as a  
10 mature forested area going as far back as 1927.

11 Ellen. No, we're not showing up too good here.  
12 But, the area -- okay, there we go, thanks, Ellen. It's  
13 right there and you can see that dark place. This  
14 particular photo was taken in 1927 and at that point this  
15 was already a mature forest, these trees were already  
16 mature.

17 Let's get the next one, Ellen, please. And this  
18 is another area of the Westwood property and you can see  
19 again of all the different areas around here, that is very  
20 predominant, that's the hard proofed area.

21 Next, Ellen. Again, I can't see it. There it is  
22 right there. Again, it's an outstanding feature no matter  
23 where you look for the rest of it, that is outstanding.

24 And the next one. This is current, this is 2002.  
25 I forgot to mention the dates, the first one was 1927 and

1 the second one was 1951, the third one was 1995, I believe.

2 Okay, just to finish, it reads on page 4 of  
3 exhibit F that the project sponsor carefully considered  
4 redevelopment options that would take advantage of the  
5 physical characteristics of the site while respecting  
6 existing environmental features.

7 Regarding community character the document refers  
8 to the protection of woodlands. Yes, this is classified as  
9 non jurisdictional wetland, part swamp, but it contains some  
10 very special trees. And I would just ask that in the  
11 planning that this be considered as something that should be  
12 saved.

13 CHAIRMAN GILMOUR: Thank you.

14 (Applause)

S-039 15 CHRIS DRONGOSKY: Good evening. Chris Drongosky,  
16 105 Amherstdale Road. I just want to correct Sean Hopkins  
17 in his statement earlier that the group bought this property  
18 to develop, that's not true. They bought the property to  
19 swap with the town the Audubon golf course.

20 And why do I know that, because I used to sit on  
21 this Planning Board, Mr. Gilmour, I left to go to the  
22 Recreation Commission, was asked by the Board to try to  
23 resolve the financial problems that we had with our present  
24 golf program. And I knew that Westwood was in financial  
25 difficulty and I made a recommendation that proves far less



1 expensive to acquire the Westwood golf course versus trying  
2 to modernize and upgrade our present golf course, what is  
3 now the Audubon Golf Course.

4 A couple different people tried to do this and  
5 finally the Mensch Group was able to do it, the reason, and  
6 I want everyone to understand this, the reason that this  
7 swap did not happen was pure greed, and I what I believe  
8 was the supervisor's desire to have his legacy of never  
9 raising taxes during his term.

10 If you recall he wanted ten million dollars from  
11 the Mensch Group, and he had a ten million dollar hole in  
12 his budget that year because the state wasn't reimbursing  
13 the town for the contractor who created the loss.

14 That's how the numbers all add up and that's a  
15 tragedy that his only legacy, and that's why we're here  
16 tonight, and this has created such a tragedy for the town.  
17 And I really sympathize with the woman who spoke earlier,  
18 those people cannot sell their homes over there, they can't  
19 and something needs to be done.

20 Now, this in my opinion is not the right answer,  
21 I mean two wrongs do not make a right. I live right off the  
22 Main and Harlem. You cannot get up Harlem Road from 4:00  
23 o'clock to 6:00 o'clock from Sheridan to Main, it is backed  
24 up all the way down. I mean, the people that know, they all  
25 cut through Campus Drive and that's even becoming backed up.



1 project. And whereas the Mensch Group is prepared to clean  
2 or remediate the site resulting in the site being certified  
3 for redevelopment by the DEC.

4 Whereas in order to justify the cost of this  
5 cleanup, Mensch has requested the Town of Amherst to rezone  
6 the site consistent with a preliminary concept master plan  
7 and a draft generic Environmental Impact statement to  
8 develop a new traditional neighborhood in the heart of  
9 Amherst including residential and professional offices,  
10 restaurants, hospitality and recreational uses.

11 The development plan submitted by Mensch is in  
12 concert with the Amherst Comprehensive plan for  
13 redevelopment of an abandoned golf course. And whereas  
14 Mensch and it's development partners seek to invest over two  
15 hundred and thirty million dollars in this site, create over  
16 two hundred and twenty million dollars of new assessed  
17 valuation, create 1,500 construction jobs, 400 permanent  
18 jobs approximately and generate over a ten year period \$10.6  
19 million in new tax revenue for the Town of Amherst. \$37  
20 Million for Williamsville school district and \$10 million  
21 for Erie County.

22 And whereas the development plan submitted by  
23 Mensch Group maintains 38 percent of the site that's open  
24 greenspace and includes walking and biking trails and  
25 recreational palm trees for the general public.

1           The alternative to this development is a permanent  
2 fence hazardous brownfield site located in the geographic  
3 center of the Town of Amherst.

4           Now therefore be it resolved the BNV strongly  
5 supports Mensch's plan for redevelopment of the Westwood  
6 Country Club site and calls upon the Town of Amherst Board  
7 to rezone the site and allow this project and all of the  
8 social and environmental economic benefits that will result  
9 from the proposed redevelopment of this obsolete golf course  
10 and brownfield.

11           And be it further resolved that a copy of this  
12 resolution be transmitted to each member of the Amherst  
13 Planning Board and the Town Board. Thank you very much for  
14 your time.

15                           (Applause and boos from audience)

S-041

16           DAVID NUWER: Dave Nuwer, I live on Brookedge  
17 Drive, and that's right across the creek from the proposed  
18 site, I've got three concerns.

19           The first concern has already been mentioned, but  
20 I don't think it's been addressed properly and that is the  
21 traffic, the traffic is so bad on North Forest and Sheridan,  
22 I don't think it's that bad on Maple. But, you guys got to  
23 look at this close.

24           And 2,000 cars, oh my gosh, what are you going to  
25 do widen Sheridan into six lanes? And who is going to pay

1 for that north/south road I wonder, is somebody going to ask  
2 the taxpayers to help with that?

3 My next concern is the subject of drainage and  
4 storm runoff. I've been on Brookedge on and off since 1963  
5 and I've seen what happens in that creek. I've got  
6 pictures, they're pretty small and they probably wouldn't  
7 show up very well. But, that whole area that they want to  
8 make into a park floods, they can't use it.

9 So, part of the year, much of the year it's going  
10 to be covered with snow and it's going to be covered with  
11 water. If the new development is going to cause more water  
12 to runoff into the creek and into the area, the creek  
13 already comes up halfway to my house, how much farther is it  
14 going to come up?

15 My third issue is there's a small piece of the  
16 property maybe somebody from Mensch can address this, that  
17 abuts to the proposed park, it's across the creek and  
18 there's a bridge, it used to be the 18th tee.

19 That is right in our backyards, we don't want  
20 people crossing over and what are you going to do with a  
21 half acre or an acre of land across the creek in our  
22 backyards within 100 feet of my house? And I don't want  
23 that developed.

24 So, we've traffic, we've got drainage, we've got  
25 people in our backyard. That's it.

1 CHAIRMAN GILMOUR: Thank you.

2 (Applause)

S-042

3 DEBRA NORTON: Good evening. My name is Debra  
4 Norton, for 14 years I sat on the Planning Board, two of you  
5 overlapped with me and will remember me and the rest of you  
6 are new since my term ended.

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

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

20 You know, if you just step back from all the noise  
21 for a second and just think if you were to just sit down as  
22 a designer and design what would be appropriate for this  
23 area, you would not be thinking about all those things. All  
24 those things are on the table because of the desire for  
25 profit.

1 But as was stated earlier no one is entitled to a  
2 rezoning. Zoning is the lot, when you buy a parcel you buy  
3 it with a zoning, that is the lot. A rezoning application

4 --

5 (Applause)

6 DEBRA NORTON: In a rezoning application, it's  
7 different from other things that come before you. A  
8 rezoning application, somebody is coming in and saying  
9 change the law for me, change the law for me, I want to be  
10 special, I want you to pass a law that is different for me.

11 And, I just want to leave you with a couple of  
12 thoughts, I brought with me the Environmental Conservation  
13 law 80103. When you're thinking about what you need to do,  
14 there have been a lot of problems addressed and brought up  
15 to you, the stores being a major one.

16 When the state adopted the Environmental Quality  
17 Review Act they made legislative findings and one of them  
18 was that the capacity of the environment is limited, it is  
19 the intent of the legislature that the government of the  
20 state take steps to identify critical thresholds for the  
21 health and safety of the people and to the fullest extent  
22 possible the policies, statutes, regulations and ordinance  
23 of the state and it's political subdivisions should be  
24 interpreted in accordance with the policies set forth in  
25 this article.





1 traffic increase enormously just on North Forest south of  
2 Sheridan sometimes going all the way back to the traffic  
3 light where Union and North Forest meet.

4 We are senior citizens and if we feel like we are  
5 forced out of our home because we cannot get in and out of  
6 our own driveway then our property will, just like they're  
7 talking about, will not be sellable.

8 So, I think that it is incumbent on the citizens  
9 and on you as a Board to think about the fact that it's  
10 because you have citizens living in an unsettled  
11 neighborhood that makes this whole neighborhood attractive.  
12 That's why people would want to build there or want to live  
13 in apartments close to where they are.

14 So, I hope and trust that you will take into  
15 consideration that it's not just a matter of money, it's a  
16 matter of wanted to over, simply having a comfortable place  
17 for citizens of Amherst to live and if it will happen here  
18 of course it's going to keep happening all through the rest  
19 of the community.

20 CHAIRMAN GILMOUR: Thank you.

S-044

21 MARYANN HOCHBERG: Maryann Hochberg, 1075 North  
22 Forest Road. It is important to preserve the integrity of  
23 the surrounding center and this neighborhood for the good of  
24 the entire town by denying this intensive proposed  
25 development. At this stage in the process the plan is

1 charged with considering land use.

2 Whether or not the combined TND, MFR-7 GB zoning  
3 is appropriate for this particular parcel. Make no mistake  
4 if rezoned the Westwood parcel can be built extent and meets  
5 the criteria of the code. Grass drawn on any map in the  
6 guise of greenspace conservation and promises made can  
7 quickly evaporate.

8 Case in point Maple Road Gun Club study, plans and  
9 promises were made, the rezoning occurred, the economy  
10 tanked and the developer sold his own property to another  
11 owner who can now come in and build out the property to the  
12 full extent allowable.

13 All previous plans and promises no longer exist.  
14 Given the push for the Imagine Amherst streamline process  
15 for rezoning, the Westwood parcel could possibly be built  
16 out beyond our imagination. Given a ten year build out  
17 period it is highly unlikely that any approved plan will  
18 match the actual end physical result.

19 Surly there are -- (unintelligible) -- within the  
20 R-2 zoning that will compliment the character and integrity  
21 of this central area. Additionally, has all the soil  
22 testing been completed, analyzed and properly disseminated?

23 If this hearing is being held now to meet a  
24 required town deadline on the calendar, opening this hearing  
25 presumably satisfies that need. No further mediation should

1 be done until all information is received and made public.  
2 We're at a hearing planned near the holidays, why are we  
3 here?

4 As a resident of a unique and valued established  
5 neighborhood in central Amherst I request, on a short term,  
6 that this hearing remains open. And, on a long term, that  
7 this zoning request be denied.

8 The gun club site is remediated and this site will  
9 be remediated, but you don't need to wreck central Amherst  
10 to do this. And another point I want to make is the  
11 brownfield program has been reformed for golf courses no  
12 longer being included to stop developer use of brownfield  
13 money for a shovel ready golf courses, but they are  
14 grandfathered in because they rushed and closed the golf  
15 course a year early so they could get their application in  
16 so they can get the money.

17 Be careful what you wish for. They need to clean  
18 it up now, but we do not want this. Thank you.

19 (Applause)

S-056

20 MAUREEN SCHMITT: Hello, my name is Maureen  
21 Schmitt, I own residences at 860, 850 and 866 North Forest.  
22 850 is directly adjacent to the Westwood property.

23 I oppose the proposed rezoning of Westwood  
24 Country Club parcel from RC, from RC TND in order to  
25 protect the stability of the surrounding central Amherst

1 neighborhood for the good of the town as a whole.

2 Though presented as a tax windfall for the Town of  
3 Amherst this intrusive development does not come without a  
4 cost. Will there be tax abatements paid in lieu of taxes or  
5 other similar developer perks at taxpayer expenses? The  
6 burden of cost premium demands such as for infrastructure,  
7 school, fire and police will fall on the residents old and  
8 new. Taxpayers will also foot the bill for the New York  
9 State brownfield cleanup.

10 If rezoned there will be downstream affects for  
11 the adjacent neighborhood that I have personally lived in  
12 for the past 30 years. An immense increase in number of  
13 vehicles entering and exiting Sheridan Drive and Maple Road,  
14 the traffic burden on Sheridan will be immediate. Maple  
15 Road has to be considered not as it appears now, but with  
16 the knowledge that the former gun club site is rezoned but  
17 yet goes out.

18 The laws of natural water absorption, concrete is  
19 not impervious. The impact of sanitary sewer system, the  
20 impact to Ellicott Creek including flooding and pollution,  
21 the commercialization that is inappropriate at this site as  
22 noted in the comprehensive plan. It is in reality one large  
23 parcel situated within existing surrounding residential  
24 neighborhoods and that would be spot rezoning.

25 The town comprehensive plan was denied with input

1 from developers, residents, town officials with residential,  
2 commercial and recreational development all in mind.  
3 Taxpayers pay for the plan at the tune of \$700,000. Mensch  
4 Capital Partners bought the Westwood property, it's  
5 greenspace knowing the type of neighborhood it's surrounded  
6 in, knowing in order to development it, it would need to be  
7 rezoned.

8 As a business person I understand the frustration  
9 they must be experiencing on this project, but it is not up  
10 to the Town of Amherst to right their speculative decision  
11 to purchase the property on the presumption that this  
12 extreme change in rezoning would be granted forever changing  
13 the character of an established neighborhood that has been  
14 present and active for may decades. I urge the Planning  
15 Board to deny the application to rezone.

16 (Applause)

S-046

17 KIM UTECH: Hi, my name is Kim Utech, I live at 74  
18 Brookedge Drive, right behind Westwood, been there over  
19 twenty years, raised my family there. Been involved in a  
20 lot of elections, tried to get board members elected, will  
21 continue to do so.

22 And we hope that the Board will get in to this  
23 Westwood property, and we hope and pray that our Town Board  
24 will validify what we elected them to do just a year ago.  
25 But, I'm here tonight to talk about a couple of things.

1                   One thing, is it legal to have a billboard outside  
2                   parked illegally in your parking lot? Ciminelli Mench has  
3                   a billboard out there with a neon sign, lights are open,  
4                   free advertisement, I mean, do they have a permit for that?  
5                   I've never seen anything like that.

6                   I've never seen Colleen DiPirro show up at these  
7                   meetings with people that she works with and stand here and  
8                   present. I've seen many people here from Ciminelli, I work  
9                   in the building that Ciminelli owns, I recognize many  
10                  people.

11                  When Ellicott Creek is stressed it floods into  
12                  Brookedge. Many of my neighbors are here tonight, they can  
13                  tell you that the water moves up. If you build up on that  
14                  golf course, where is that water -- when it's stressed and  
15                  have a lot of rain, we already had the rain. What happens  
16                  -- if you take an aerial view over Westwood and you look  
17                  down when it's already stressed. Look at the water that's  
18                  there now on that golf course, when they build up where is  
19                  it going, it's going in my backyard, it's going in a lot of  
20                  peoples backyard.

21                  And if the sewer doesn't fit, this project should  
22                  be killed. It's just like the O.J. trial, if the glove  
23                  doesn't fit, you must acquit. The problem with that sewer  
24                  is it doesn't fit.

25                  And I don't think there's a person in here that

1 believes that traffic is going to be improved by this  
2 project. I get off everyday at work at 4:30, I drive home  
3 and I get up at the 290, there's a light there, there's  
4 going to be a new light at Westwood and a new light at  
5 Sheridan. It's so hard to get through there now, they don't  
6 think it's going to help.

7 More south traffic, east/west traffic, I don't  
8 think anybody in here can honestly come up here unless they  
9 agree and they work for the people that want this project  
10 and they'll come up here and tell you differently. But we  
11 live there.

12 I know many people that live across all of Amherst  
13 that have been involved in a lot of these elections, anybody  
14 knowing me, I've been door to door crisscrossing this,  
15 talking about greenspace and different developments and this  
16 project isn't good for this area and I hope that you deny  
17 the rezoning. Thank you.

18 (Applause)

S-047 19 MARYLEE DEBANY: Hi. My name is MaryLee Debany,  
20 I'm the whiner that lives at 4243 Sheridan Drive, I am right  
21 across the street from the last lady.

22 There's a few things and I know a lot of people  
23 have talked about traffic and -- But, really what I want to  
24 say is safety, safety, safety.

25 I watched last week three accidents between the

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

9 It's crazy to think that this kind of development,  
10 any kind of development going into that property is going to  
11 make anything safer for people who are going down Sheridan  
12 Drive and it's not just the people who live there. I'm not  
13 thinking micro here, I'm thinking macro.

14 A lot of traffic goes down that area. Anybody  
15 who drives on it, they put themselves in jeopardy every time  
16 they cross the intersection of North Forest and Sheridan  
17 Drive, it's dangerous. This is only going to make it more  
18 dangerous and I cannot perceive anything that can be done to  
19 alleviate, if the DOT comes up with something, love to see  
20 it. But, I can't imagine what's going to make it  
21 significantly safer that Mensch should be able to put in a  
22 project remotely, not even, nothing. I can't imagine  
23 anything that could go in there.

24 So, also thinking macro-ly, yes, it would be nice  
25 for all the people in that neighborhood whose properties



1 abut to it, to keep that property nice and green. It would  
2 be nice for all of Amherst because New York City would be  
3 nice, but it's a heck of a lot nicer than Central Park.  
4 Buffalo would be nice, but it's a heck of a lot nicer when  
5 you've got an intricate pattern that Olmsted parks could  
6 connect.

7 And the comprehensive plan is one of the maps we  
8 look at as how we have contiguous real estates and this area  
9 is lacking of real estates, that's in the comprehension  
10 plan. So, you can say that this fits the comprehension  
11 plan, but you can say a lot of things. It's changed.  
12 Thank you.

13 (Applause)

14 CHAIRMAN GILMOUR: Does anybody else wish to get  
15 up and speak? Hurry up, please, we've got a lot of people  
16 here in this room tonight. If there's anybody else, please  
17 stand up against that wall.

S-048 18 KAARSTEN WISNOCK: My name is Kearsten Wisnock and  
19 I live at 113 Carriage Circle. I just recently moved to  
20 this area and I've been watching this whole process and I  
21 keep hearing people say, I do kind of talk, but I keep  
22 hearing people say that this is ridiculous. Noone would  
23 ever want on of these. Many of these developments have been  
24 built near my house and some of the places I have lived.  
25 They're awesome.

1 I know that there's not many people who are saying  
2 that, but these mixed use developments end up being places  
3 people go for the whole community, you end up with little  
4 restaurants, senior housing and residential housing. And  
5 honestly, I think we need better road because we're not  
6 keeping North Forest, or not North Forest, they're driving  
7 on North Forest and Tridel Way (sic) and all these  
8 neighborhoods that should be 30 miles an hour, it's just  
9 like thoroughfares because we don't have a big road between  
10 the two.

11 (Unintelligible) Here's our chance to come and  
12 say we would like, so something has to be done, you can't  
13 honestly think that -- (unintelligible) -- brownfield. So  
14 I was thinking I would come here, and I would say hey, let's  
15 have a nice wide road so we can move back and forth, let's  
16 make sure that the environmental things are taken of, I  
17 don't think you guys, you know, that's a whole other  
18 environmental process.

19 CHAIRMAN GILMOUR: We do, we do.

20 KEARSTEN WISNOCK: You know, and I agree there's  
21 probably some room traffic improvement very necessary on  
22 those two roads. But, that's also not the Planning, right,  
23 that's the Traffic Commission.

24 But, what Planning needs to do is just make it  
25 possible that they can move forward and do something so it's

1 not a brown zone. And obviously it's gonna make money. If  
2 it doesn't make money he would never put it up.

3 I think that this process as you said you're not  
4 making a decision today, we get to submit things, which is  
5 really good, I'm glad because I'm going to be writing like  
6 a more thoughtful letter what I would like to see. I would  
7 personally like to have an actual park area with like play  
8 structures like that.

9 But, I think that we need to change from the idea  
10 that we're good with doing nothing, and we're thinking of  
11 what we going to do that would be good for us, because  
12 there's a lot of room to make something great for our whole  
13 community and having a big nasty brownfield doesn't seem  
14 like, right.

15 (Applause)

16 CHAIRMAN GILMOUR: Thank you. Next, please.

S-049

17 TOBY KLYN: My name is Toby Klyn, I live on  
18 Gatewood. And I want to address a couple of things that I  
19 think may not have been discussed.

20 First of all I can't believe the impact that the  
21 Gun Club development, which will be spurred by the  
22 development at Westwood, will initiate on the through  
23 street, Westwood will become a shortcut to 290, and the  
24 thruway and everybody on Maple will come as far east as  
25 probably Transit, certainly Evans.

1           So, you're going to increase dramatically not just  
2           the residents in this new development, not the residents in  
3           gun club thru area, but you're going to increase all the  
4           traffic from Maple who will want to get on the 290 rather  
5           than go to Millersport.

6           I don't think any consideration that I've heard  
7           has addressed that. I don't see how the Planning Board can  
8           give the okay for a zoning opportunity without someone  
9           addressing that kind of serious dislocation.

10           As everybody has said, there's an incredible  
11           dislocation due to all the office parks east of where we're  
12           at coming through and getting out of the 290.

13           This just will increase dramatically the risks,  
14           the safety plus noise, pollution as well as inconvenience.  
15           We're being asked to pay an inconvenience tax, a hassle tax,  
16           we're a group of 2 or 3 thousand homeowners. These people  
17           are asking for a rezoning right that we, if you took a  
18           referendum in our community we would never grant, I think  
19           they would be beaten by 3 to 1.

20           I don't think the overall town should not give us  
21           the right to make that decision. This community has had a  
22           history of single residential dwellings surrounded by golf  
23           courses, it's a part of the master plan that when someone  
24           buys a property in this area that this is what they are  
25           going to get.

1 All of a sudden a commercial zoning program as  
2 being said, well, let's give them a rezoning, you would not  
3 get that support for the residents in this area.

4 And I think you have to consider that, I think  
5 it's negligent if you do not. Thank you.

6 (Applause)

S-050

7 MARK RIVARD: Hi, I'm Mark Rivard and I moved into  
8 Amherst about 6 or 7 years ago. And the reason I chose this  
9 neighborhood a few blocks from Westwood was because  
10 basically I felt like the neighborhood was done being  
11 developed. We considered going a little further out into  
12 newer development, but we'd like something that's done where  
13 we know what's around it.

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

25 We talk to people in our neighborhood, they said

1 oh, yeah, I remember when there was an apple orchard here.

2 So, you're going to take some 50 year old apple orchards  
3 and use that as a basis to declare this unbuildable?

4 And I agree with people that said it's not fair  
5 for somebody to buy a piece of property and just expect that  
6 it's going to be rezoned to what they want, that's not what  
7 zoning is for. This isn't a little ask, this is a huge ask.

8 I would much rather see the property sit fallow,  
9 take the stupid fence down because it's really not a  
10 brownfield. I don't think we have to spend a ton of money,  
11 I would be quite happy to see mother nature take it's course  
12 and just grow up around it, the town doesn't have to invest  
13 a lot of money in it.

14 And I think that people are right about all the  
15 benefits, they're always looking and they weren't building  
16 it with their own money, they're building with other  
17 people's money. But, I don't think it should be called a  
18 brownfield because of one fertilizer that we're all putting  
19 on our -- half the town was putting -- you would see the  
20 trucks going up and down. So, if that's a brownfield, the  
21 whole town must be a brownfield. Thank you.

22 (Applause)

S-051

23 IRV LEVY: Hello, there. I'm Irv Levy, I can  
24 appreciate all concerns all the people have expressed.

25 BOARD MEMBER SHAPIRO: Your address, please?

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IRV LEVY: Pardon?

BOARD MEMBER SHAPIRO: Address?

IRV LEVY: I am a property in Amherst, I'm not a resident. Am I allowed to speak?

CHAIRMAN GILMOUR: Sure. What is your address, we still need your address.

IRV LEVY: The address is 8830 Cambridge Court, East Amherst. I have been done development in Amherst before. I address the concerns for the neighbors in the areas of intelligent developments, I am in favor of smart development. Okay, I can understand the need to address concerns, concerns absolutely have to be addressed.

But, here's a unique opportunity to create something within the town that I think is state of art. It's something that's being reproduced throughout the country and other communities.

And think it would be short sighted not to take the opportunity to have smart development. To say that something should just be a greenfield forever, I understand if it happens to be in your backyard and it's a beautiful thing, but the owner of the property does have a right to do with the property what can be best done with it. It does have --

(Audience making noise)

CHAIRMAN GILMOUR: Folks, folks, folks, please.

1 PERSON IN THE AUDIENCE: It's not rezoned yet.

2 IRV LEVY: Understood, let me rephrase. Has a  
3 right to ask.

4 And the zoning variance, there's been plenty of  
5 zoning variance been asked for and granted in the past. I  
6 again urge you to consider smart development and the  
7 opportunity to create a truly world class community, and a  
8 national class, something that will shine well for the Town  
9 of Amherst.

10 I understand my opinions do not agree with many of  
11 the people who live and this backs up to their backyard.  
12 But, I do believe that a very nice project that addresses  
13 the community's concerns can be developed.

14 CHAIRMAN GILMOUR: Thank you.

15 (Applause and boos from the audience)

S-052 16 MICHAEL KAPLAN: My name is Michael Kaplan, I live  
17 at 565 Fruitwood Terrace. As a young person I've lived in  
18 this town my entire life and I continue to live here.

19 And I don't want to see a place where my kids wait  
20 half an hour on their way to school because of traffic. I  
21 want them to live in a place where -- (unintelligible) --  
22 partly because the sewer system cannot handle this  
23 development.

24 I think the people here are people here are the  
25 people who are people who voted you in. They're the people



1 who's rights you're supposed to protect and values you're  
2 supposed to uphold. They are the people who's taxes pay  
3 your salary. And I think if you allow this development to  
4 be built, it will be a total disgrace to them and disrespect  
5 to them. Thank you very much.

6 (Applause)

S-053

7 HELAINE SANDERS: Helaine Sanders, 171 Autumn Creek  
8 Court. I'm not taking up a lot of time here, I've read the  
9 Amherst Bee, I've examined the plans and videos. I am a  
10 member of the synagogue that -- (Unintelligible).

11 This property was mostly a golf course, it's hills  
12 go up and down, not two ways. To the extent that you need  
13 to get the water up the stream and whatever else you need to  
14 do in terms of infrastructure, I'm fine with the  
15 development, I always was. As a Town of Amherst Democratic  
16 Committee member I'm the last person to say drain the swamp,  
17 but that's -- Thanks.

18 (Applause)

S-054

19 WILLIAM TUYN: Good evening, my name is William  
20 Tuyn, I'm here in my capacity as President of the New York  
21 State Builders Association, One Commerce Plaza, Albany, New  
22 York. I wanted to say a few things.

23 Number 1, I appreciate the comments made by the  
24 project sponsor's attorney Mr. Hopkins, saying that the  
25 project is still going to evolve and they are really here

1        tonight to listen to the comments of the residents and of  
2        the stakeholders in the area, people from the community to  
3        hear their concerns and hopefully address those and take  
4        them into account in the design of the project as it  
5        continues to evolve.

6                    You also have as someone stated a little earlier  
7        about the legislative intent of SEQOR and they read you a  
8        portion of that, but I think you should know that it goes on  
9        to say that it was the intention of the legislature the  
10       protection and enhancement of environment and human and  
11       community resources should be given appropriate weight in  
12       social and economic considerations in determining public  
13       policy and that those factors are to be considered together  
14       reaching decisions on proposed activities.

15                   There's more to SEQOR than just simply being  
16       stewards of the land, it's all about the community and  
17       that's really one of the things that I want you to think  
18       about when you're considering this project and all of the  
19       projects that you do quite frankly.

20                   I was also the co-chair of CNU 22 and we brought  
21       that event to Buffalo specifically to educate people as to  
22       what the design criteria were in communities considering  
23       smart growth projects and the idea that historic settlement  
24       patterns are very different than spur patterns.

25                   And that there's a great benefit that can improve

1 the communities by building not for exclusivity but  
2 building instead for community.

3 And that when you build for exclusivity you have  
4 the kind of comments that you hear tonight that you can add  
5 to something exclusive without diminishing what you just  
6 built and sold. But, if you build the community you haven't  
7 fulfilled the promise of it until you build more of it.

8 And to that end I think you should really remind  
9 yourselves that Western New York, all of Western New York  
10 was at one time a real estate development. All of our needs  
11 are traced back to the Holland Land Company, which was a  
12 development company. The places we take, there's historic  
13 names here, Ellicott, Ellicott Square, Ellicottville are all  
14 named after the land agent for the Holland Land Company who  
15 was the surveyor who mapped and platted this land and  
16 developed it.

17 And so when we built these places we had someone  
18 who was appointed in places like Williamsville as the  
19 superintendent of schools and they built school houses.  
20 Someone else was made the superintendent of roads and they  
21 cut down trees and lined the logs up and built corduroy  
22 road, they built infrastructure and said to the rest of the  
23 community come join us, we have built the community.

24 Tonight we hear about punishing people before they  
25 can come here, and making them pay a toll and when you do

1 that you are putting less into the things we build, we build  
2 less buildings, we build less assessed valuation.

3 We have the ongoing obligation to operate and  
4 maintain these facilities with no tax revenue to pay for  
5 that maintenance and obligations that we incur. So, we're  
6 better in my view building the buildings the only element of  
7 these projects that does get assessed and taxed building  
8 better buildings and recognizing that that's really what  
9 we're here for is to do that type of work.

10 CHAIRMAN GILMOUR: Thank you.

11 WILLIAM TUYN: Thank you.

12 (Applause)

S-055

13 THOMAS FRANK: Thomas Frank, 5403 Main Street.

14 These were great presentations. I'd to comment on  
15 representing the Buffalo, Niagara River Keepers.

16 What I'd like to bring to your attention as the  
17 NYSERDA, as far as the Comprehensive Plan, this could be a  
18 demonstration project as far as one region forward, that  
19 Ellicott Creek is a part of the Erie Canal National Heritage  
20 area.

21 And as far as the drainage that there's a, you  
22 know, as far as the sinking houses in the Town of Amherst,  
23 the reason why they did the relicensing of the Niagara Power  
24 project through 2056 was to mitigate a cumulative negative  
25 impact of the power project on the watershed --

1 BOARD MEMBER HERBERGER: You got to stay to topic  
2 though.

3 THOMAS FRANK: Well, some of that -- it was brought  
4 up earlier as far as Ellicott Creek and the Westwood Country  
5 Club, this is the central park of the Town of Amherst.

6 And as far as the Comprehensive Plan, as far as  
7 the opportunity here, the reason why the county put the park  
8 down there in Tonawanda was for flood control, same thing  
9 with the University of Buffalo.

10 CHAIRMAN GILMOUR: Let's try to bring back the --

11 THOMAS FRANK: As far as the Amherst State that  
12 this could be a part of a central park as far as adding  
13 value, having to do with park system, --

14 CHAIRMAN GILMOUR: Okay, thank you.

15 THOMAS FRANK: You're welcome. I'm sorry, it has  
16 to do with the infrastructure, the water lines, the sewer  
17 lines, the highway storage sewers and the flood control,  
18 that this could be a demonstration project, that it's not  
19 either/or, that it's both and as far as the public  
20 participation in a design process as far as the town's  
21 landscape architect.

22 CHAIRMAN GILMOUR: Thank you.

23 THOMAS FRANK: You know, as the Niagara -- the  
24 Ellicott Creek watershed, Greenway, parks and trails that  
25 these are all integrated and they are a part of the

1 transportation system to mitigate and that's the purpose for  
2 the NYSEDA, --

3 CHAIRMAN GILMOUR: Thank you.

4 THOMAS FRANK: -- the \$161,000 for that plan, that  
5 this should be a part of this and I'm sure it will.

6 CHAIRMAN GILMOUR: Thank you, thank you.

7 THOMAS FRANK: You're welcome.

8 (Applause)

9 CHAIRMAN GILMOUR: Is there anybody else? Seeing  
10 none, you're not going to speak anymore. The hearing is  
11 closed.

12 BOARD MEMBER HERBERGER: Move to adjourn the  
13 hearing.

14 CHAIRMAN GILMOUR: We move to adjourn the hearing.

15 BOARD MEMBER ULTOWSKI: I'll second.

16 BOARD MEMBER HERBERGER: Well, we got to open it  
17 back up, don't we?

18 BOARD MEMBER GILMOUR: Second Daniel Ultowski.

19 (Hearing adjourned)

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CERTIFICATE

I, RHETT L. Baker, certify that the  
foregoing transcript of proceedings in Town of  
Amherst, Planning Board meeting in the matter of:

Amended Rezoning Application for a Planned Unit  
Development "Westwood Neighborhood" - Request to Rezone  
146.7 + Acres of Land from RC (Recreation/ Conservation  
as follows: 131.71+/-Acres to TND, 13.59+/-Acres to MFR-  
7+/- Acres to Multi Family Residential and 1.40+/-acres to  
GB. Z-2014-23A. Property Located at 772 North Forest Road  
and 375, 385 & 391 Maple Road. Mensch Capital Partners,  
LLC, Petitioner.

Was prepared from DVD and transcribed from a  
Liberty transcription machine and is a true and  
accurate record of the proceeding.

Signature Rhett L. Baker

Associated Reporting Service

Post Office Box 674

229 West Genesee Street

Buffalo, New York 14201-0674

Date: 12/12/16

TOWN OF AMHERST PLANNING BOARD  
5583 Main Street  
Williamsville, New York 14221

-----)  
)  
In the Matter of: ) DATE: January 19, 2017  
)  
AMENDED REZONING APPLICATION FOR )  
A PLANNED UNIT DEVELOPMENT )  
WESTWOOD, REQUEST TO REZONE 146.7 )  
PLUS ACRES TO TND )  
)  
)  
)  
+-----)

PLANNING BOARD MEETING  
BEFORE CHAIRMAN  
ROBERT GILMOUR

Held at The Amherst Municipal Building  
Auditorium on January 19, 2017 5583 Main Street  
Williamsville, New York 14221, at 6:30 P.M.  
pursuant to notice.

PLANNING BOARD MEMBERS: STEVEN HERBERGER  
DAL GUILIANI  
DANIEL ULTOWSKI  
STEPHANIE GELBER  
MICHELE JOHNSON  
MARY SHAPIRO  
GARY BLACK, APD

FOR THE PETITIONER: HOPKINS, SORGI & ROMANOWSKI, PLLC  
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P R O C E E D I N G S

CHAIRMAN GILMOUR: Item number 4.

MR. GILLARD: Item number 4 is the amended zoning, an amended zoning application for a planned unit development Westwood Neighborhood. The request is to rezone 146.7 acres of land from RC, Recreation Conservation to TND, MFR-7 and GB.

Property located at 772 North Forest Road a portion of that property and 375, 385, 391 Maple Road Mensch Capital Partners Petitioner.

MR. HOPKINS: Yes, good evening, Chairman Gilmour and members of the Planning Board, Sean Hopkins of the law firm of Hopkins, Sorgi, Romanowski on behalf of the project sponsor Mensch Capital Partners.

The project is shown on the overhead, of course this being Sheridan Drive, Maple Road, Frankhauser leading to Fairways and then North Forest as it takes circular path.

Go to the next slide, Ellen. As everyone is aware we were here on November 17<sup>th</sup> and at that time we asked you to adjourn the public hearing with it being understood that we wanted to listen to the input we received during that public hearing. We have done that and we're going to focus the presentation tonight on two things, the updated conceptual master plan and a very brief update of the status of the brownfield program. Next.

So, as you recall we were accepted into the

1 brownfield program on March 10<sup>th</sup> of 2015. The testing  
2 continues, we have completed pilot study on hole 6 and we  
3 plan on proceeding with additional testing in the near  
4 future. It's important to keep in mind two things.

5 Number 1, that property cannot be realized for  
6 anything, anything whatsoever without first being cleaned up  
7 to the DEC's requirements and as such any redevelopment  
8 going to require that cleanup to occur.

9 Can we go to the next slide, Ellen? And this  
10 shows the summary of the results of the pilot study for hole  
11 6 as you can see, unfortunately for us the contamination is  
12 actually worse than we thought it was going to be, instead  
13 of simply having one or two metals, we now have six heavy  
14 metals we have to deal with, Arsenic, Cadmium, Chromium,  
15 Mercury, Manganese and Zinc.

16 The levels that are green are levels that are  
17 acceptable. The levels that are red indicated that we're  
18 above the DEC thresholds and, as such, qualify as a  
19 brownfield. And you can see there's a lot of cleanup that  
20 needs to be done. This is just for one particular hole.

21 The other important part of this slide is  
22 unfortunately what has happened is as we've done additional  
23 testing we were hoping that the contamination was limited to  
24 the tees and the greens and the fairways, it's not.

25 It's also in the roughs and that's shown here.  
26 So, the cleanup, the degree of the cleanup has expanded, we

1 acknowledge that, we're going to have to continue with the  
2 testing, but I think it is important for everyone to realize  
3 that site does need to be cleaned and hopefully this will be  
4 the project that allows this to occur.

5 This is the conceptual plan that we presented  
6 during that previous public hearing, since that time we  
7 engaged the services of Dean Gowan Of Wendel who is here.  
8 And we think we've really made a lot of improvements based  
9 on the input we've received including the input received  
10 from this Board as well as the neighbors who spoke during  
11 that public hearing two months ago.

12 So, what were our design objectives? Going back  
13 to the table to reformulate the conceptual master plan, we  
14 had several things in mind.

15 Number 1, increase the amount of permanent open  
16 space, we heard that again and again. As you recall Lois  
17 Schriver spoke that night from the Conservation Advisory  
18 Council, suggested there were some mature trees that we  
19 should consider keeping, which we've done.

20 Relocation of the senior living component which  
21 was previously next to Fairways, removal of the synagogue  
22 which we indicated was already occurring, adding some town  
23 homes along the Frankhauser Road frontage, provide a buffer  
24 for the single family homes on the opposite side. We've  
25 made modifications to the roadway network and we've made  
26 additional studies and additional analysis in terms of

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sanitary sewer improvements.

So, this shows a historic photograph from 1927 and the effects of the photograph as you can see while previously that site would have been utilized for agricultural purposes, there are some trees that existed way back then nearly a hundred years ago. This is that area that Lois Schriver identified as really having trees that are of value preserving indeed get some credit, so we went back to the drawing board and redesigned the project so those trees will be preserved and we'll show you that in a second.

This is an historic photo of 2016, you can see those trees remain today, you can also see there's some additional trees here that have grown during the last 90 plus years and trees scattered throughout the site. Dear really took a close look at the existing vegetation both historically and today in connection with the redesign.

So, this shows the trees that we will preserve and as you can see we've really made an effort and we'll put this in context in a second, that area identified by the Conservation Board, this large band of trees, a lot of trees located here, trees located along the Ellicott Creek corridor and then trees along the buffer. We've really made a concerted effort to preserve that vegetation as much as possible.

We've also, of course, provided landscape buffers

1 around the perimeter in recognition of the fact that it's  
2 appropriate to provide screening for the adjoining property  
3 owners.

4 Another issue that has come up is about the  
5 existing ponds, what we going to do with them? While  
6 they're not wetlands, they are clearly a resource, they look  
7 nice, they were obviously integral to golf course. What  
8 we've decided upon further analysis is not only are we going  
9 to keep them, we're going to expand them, we're going to  
10 use them, we think they'll be an esthetic resource, we think  
11 they'll be an amenity for the future users of the site.  
12 So, you can see the original footprint of the ponds in dark  
13 blue and then you can see where we've expanded those areas  
14 and then of course we have that new approximately 6.5 acre  
15 lake at the center of the site.

16 We've also made some modifications to roadway that  
17 work including number 1 adding a roundabout along North  
18 Forest Road and we think that will eliminate the sharp curve  
19 that's there and be a tremendous improvement.

20 And then additionally what we've done is shown a  
21 one way connection in from Frankhauser, that's been done in  
22 recognition of the fact that it would make sense to have a  
23 connection with neighbors to the west of the site, in all  
24 likelihood would not like to see vehicles exiting the site  
25 there.

26 So, we had to make some improvements to the

1 roadway, we think this is very big in terms of providing  
2 that roundabout on North Forest Road to eliminate that sharp  
3 curve. That roundabout would be entirely in the right of  
4 way, it would be built to Erie County standards. Next.

5 In connection with redesign this just shows the  
6 different project components, smaller patio homes, larger  
7 patio homes, single family homes, multi family, the TND  
8 mixed use project and then the relocation of the senior  
9 housing which was previously approximately here.

10 This is the updated conceptual master plan, it is  
11 important that we have copies of this and we've left one on  
12 each of your tables, we've also handed those out to the  
13 neighbors.

14 But, as you can see what we did is we designed  
15 around the resources, we took those trees and we took the  
16 vegetation, we took the existing ponds or the lake that's to  
17 be proposed and we've designed around that rather than  
18 designing in reverse in which you say well this is really  
19 what we want to do, let's figure out a way of doing it. We  
20 took the natural resources and then designed around the  
21 natural resources which we will be preserving.

22 So, in terms of what we've done, number 1, we have  
23 dramatically increased the amount of permanent open space,  
24 we are now at 47 percent of the project site, actually  
25 nearly 200 percent of the PUD requirement. We're showing  
26 a 39.4 acre publically accessible park area, that would be

1 available for dedication with the Town if it's interested.

2 We're still showing approximately two miles of  
3 trail networks. And based on one of the comments made by,  
4 I believe it was Ms. Gelber, we have added 45 dedicated  
5 parking spaces for trail network.

6 In terms of the neighborhood center amenities,  
7 we've added a two acre focal green, anyone whose ever been  
8 to Chautauqua knows Bester Plaza, it's approximately twice  
9 the size of that. The lake size has increased, we've also  
10 added an outdoor amphitheater that utilizes the existing  
11 topography. We think we've made a lot of improvements based  
12 on the input that we've received. Next Ellen?

13 And this is just meant to denote the buffers that  
14 will be around the edge of the site. It would consist of a  
15 combination of berms and landscaping. We would work closely  
16 with the town's landscape architect who has tremendous  
17 experience to determine what will be the appropriate buffer  
18 and of course we would welcome the input of those  
19 contiguous property owners.

20 So, I just want to make one point clear, you can  
21 see there's a lot more greenspace than we've previously had,  
22 but it's hard to envision how much greenspace is that  
23 really. So, in terms of that publically accessible park  
24 area 39.4 acres, probably most people I'm sure have watched  
25 a football game at some point, that is the equivalent 36 NFL  
26 football fields, so you can picture that's a large area.



1           In terms of the permanent open space which is now  
2 believe it or not 87 acres, that is the equivalent of 79  
3 football fields, we have a lot of greenspace we've now  
4 incorporated onto this site.   Next.

5           In terms of the modifications we made, not only  
6 have we considered the input from the residents, we've also  
7 considered the input from the Traffic Safety Board, the  
8 Planning Department, the Engineering Department and of  
9 course this Board.

10           I've talked about the improvements including the  
11 roundabout on North Forest Road. We've also redesigned the  
12 stacking lane, anyone who has been traveling south on North  
13 Forest Road trying to take a right, there's only about four  
14 of five stacking spaces, we've increased that stacking which  
15 we think will improve the efficiency of that intersection.

16           We also have eliminated or proposing elimination  
17 of the traffic signal at the intersection of Sheridan Drive  
18 and Frankhauser, DOT has indicated that warrants are not  
19 there today for that and, as a result, we will have our  
20 signal on our site allowing those vehicles from Frankhauser  
21 to access a signalized intersection.   Next.

22           One of the big issues that's been raised in  
23 connection with the environmental review of the project,  
24 pursuant to the State Environmental Quality Review Act, is  
25 downstream sanitary sewer capacity. As you'll recall  
26 unfortunately for us both Maple Drive and Sheridan Drive do

1 not have capacity, that's despite the fact that those are  
2 oversized lines.

3 That's attributable INI problems that exist not  
4 only throughout the Town of Amherst, but all suburbs in  
5 Western New York. Wendel has taken a very close look at  
6 this and we've come up with what we believe is a technical  
7 solution, an expensive technical solution, but's a technical  
8 solution none the less.

9 We would run a new force main along the Maple  
10 Road right away and then that would tie into the town system  
11 in the area of Amherst Manor and then proceed to the north.  
12 I'll show it to you in a second, it will require review and  
13 approval by the Engineering Department, it's conceptual,  
14 we'll have to have some further design, it will also have  
15 to be reviewed by the DEC.

16 But, from our perspective this is a real game  
17 changer, for two years we've been diligently exploring all  
18 options for sanitary sewer and we think we finally have a  
19 technical solution again at great cost, but still  
20 worthwhile.

21 Next. So, that shows the project site located  
22 here just so everyone can acclimate themselves, this is a  
23 gun site, that force may run along the Maple Road right of  
24 way and then proceed to the north and then connect in on the  
25 opposite side of Millersport Highway. All subject to  
26 technical review, but it does appear that that would work in

1 terms of making sure there's adequate capacity in the  
2 system.

3 It is important to note, just because we're  
4 willing to do that does not allow us to avoid having to  
5 implement INI requirements, we're still subject to that  
6 policy, we talked about that 4 to 1, meaning for every four  
7 gallons of peak flow that we generate, we have to remove  
8 those from the system as well.

9 So, it's twofold, number 1, provide capacity for  
10 our project and number 2, implement INI which will  
11 hopefully improve existing conditions in the surrounding  
12 vicinity. Next.

13 Additional modifications we made to the conceptual  
14 master plan, as I indicated, include relocation of the two  
15 story senior living facility, that was done primarily based  
16 on concerns raised by those residents on Fairways,  
17 indicating that while it is two stories it's a larger  
18 building and they prefer it be elsewhere, so we've done  
19 that. We've replaced that senior living facility along  
20 Fairways with additional single family homes.

21 We've added townhomes along Frankhauser Road, it  
22 is important to note that those townhomes the driveways will  
23 be in the back so there will be no additional driveways  
24 along that stretch of Frankhauser. We've relocated the  
25 multifamily housing to the center of the site, that was  
26 previously shown at the intersection of North Forest and

1 Sheridan.

2 And then finally we've allocated a very small area  
3 at the intersection of Frankhauser and Sheridan Drive for  
4 potential future substation from the Snyder Fire Department.  
5 As you know the fire station is currently located on Main  
6 Street, they don't have a substation, we're on the northern  
7 edge of their service area and they do have concerns about  
8 response time. So we donate that land to the fire district  
9 if and when they believe they're interested in pursuing  
10 construction of a substation, it would be available. All  
11 indications are it would be a small substation typical of  
12 the ones that we've seen in other fire districts, typical  
13 I believe they house two vehicles. Next.

14 So, where are we at now in the review process.  
15 This started way back in July of 2014, believe it or not  
16 we're more than 24 months into the process. You held the  
17 first public hearing on November 17<sup>th</sup> subsequently based on  
18 the input we received we filed an amended rezoning  
19 application on December 19<sup>th</sup>.

20 We also held an additional informational meeting  
21 as we indicated we would on January 11<sup>th</sup>, all property owners  
22 within 600 feet were invited, we received some additional  
23 good input and again, we appreciate the fact the neighbors  
24 have been willing to engage in dialog about this project.

25 We're holding a continuation of the public hearing  
26 this evening, after you close the public hearing and then

1 finalize your recommendation this will then proceed to one  
2 or more public hearings to be held by the Town Board.

3 In addition the public comment period on the DGEIS  
4 will have to remain open for at least ten days after the  
5 hearings have been closed.

6 Once all that has occurred, transcripts have been  
7 prepared, all those written comments have been gathered,  
8 then a final generic environmental impact statement will  
9 need to be prepared, that's a very important document.

10 Basically that summarizes all the input that's  
11 been received over nearly a three year plus process at that  
12 point in time.

13 And then finally once that's been done and issued  
14 by the Town Board, the Town Board will have to make the  
15 decision of issuing a finding statement and issuing a  
16 decision on the rezoning application and PUD. And then  
17 after that occurs we come back for site plan and subdivision  
18 approval for individual components.

19 One important point I want to make before closing  
20 is we've heard in the past about the fact that someone could  
21 come in for a rezoning and then switch the project, I want  
22 to address that very quickly.

23 We are asking for TND zoning, the Town Board  
24 created PUD review process, it's important to note that we  
25 have to comply with those PUD requirements. Thank you.

26 CHAIRMAN GILMOUR: Thank you. Start again. Dan?

1 BOARD MEMBER ULTOWSKI: Mr. Hopkins, the proposed  
2 Forest main route, would that require the acquisition of any  
3 private lands.

4 MR. HOPKINS: No, it would not, it would be  
5 entirely be within the right of way of the current design.

6 MR. HERBERGER: Mr. Hopkins, is there a proposed  
7 timing line for this process of reviewing and clarifying  
8 what we're going to do with the sewer and the INI  
9 requirements?

10 Our concern is we're bringing all neighborhood  
11 residents back here month by month to listen to hearings,  
12 listen to information that may not be thorough, may not be  
13 complete. What we'd like to do is try to address this by  
14 getting a time frame, a realistic date back on the agenda so  
15 we can get the public --

16 MR. HOPKINS: Yeah. So, we did provide that  
17 downstream sanitary sewer capacity report with our amended  
18 rezoning application on December 19<sup>th</sup>.

19 Ellen, you can correct me if I'm wrong, but it's  
20 my understanding the Engineering Department either has  
21 completed or has nearly completed it's initial review and  
22 we're awaiting their comments. I don't know if they  
23 provided that memo today?

24 ELLEN: I didn't get one today.

25 MR. HOPKINS: Okay, so we expect that is going to  
26 be available in the next couple days.

1 CHAIRMAN GILMOUR: That's not answering the  
2 question though.

3 BOARD MEMBER HERBERGER: What do we think, what do  
4 we guesstimate the time line is going to be before the  
5 Engineering Department says this is acceptable?

6 MR. HOPKINS: Well, I don't want to speak for the  
7 Engineering Department. Of course as you know, Mr.  
8 Herberger, then we'd have to do the fully engineered plans  
9 before we can get a final approval for any project. But,  
10 we're hopeful that they will in that position that they can  
11 say technically they're comfortable enough for this to go  
12 forward.

13 And, again, I spoke to the Engineering Department  
14 today and they indicated they expected to have a memo to the  
15 Planning Department by the end of today. So, they must be  
16 close.

17 BOARD MEMBER ULTOWSKI: Mr. Hopkins, in the  
18 comments I read previously the Town Engineer indicated that  
19 because you were going to filling the hundred year  
20 floodplain there had to be a letter of math amendment to  
21 fill which requires a hydraulic analysis of Ellicott Creek,  
22 has that been started yet?

23 MR. HOPKINS: No, no. And remember how this is  
24 typically done. So, at this point while your concerned the  
25 environmental impact is based on a conceptual master plan,  
26 if and when we get to a favorable finding statement then we

1 have to go back and do all that engineering, absolutely, Mr.  
2 Ultowski, that would have to be part of that process.

3 BOARD MEMBER ULTOWSKI: So, apparently an  
4 alternative could be to avoid filing the wetland?

5 MR. HOPKINS: Well, it's not the wetland, it's the  
6 floodplain.

7 BOARD MEMBER ULTOWSKI: I'm sorry, the hundred  
8 year floodplain?

9 MR. HOPKINS: If ultimately FEMA deemed it from a  
10 technical perspective not feasible then obviously we would  
11 have to consider options. It's important to note what would  
12 occur in any of those instances if, for example, we couldn't  
13 fill in the floodplain as proposed, we would have to scale  
14 back the project. We're showing you the maximum development  
15 that could occur, anything in addition would be scaled back,  
16 meaning if there's a technical comment that comes up and  
17 requires us to change it at some point in the future we're  
18 not going to come back and say oh, by the way we've done  
19 that, but we've increased the density, we're looking to  
20 establish maximum thresholds in terms of impacts and  
21 density.

22 BOARD MEMBER ULTOWSKI: Thank you.

23 MR. HOPKINS: You're welcome.

24 BOARD MEMBER GUILIANI: Mr. Hopkins, would you care  
25 to guess on the traffic study, request for an impact study  
26 and review by New York State Department of Transportation?



1 MR. HOPKINS: Yes, based on the updates we've made  
2 since the meeting you held in November we've met with DOT,  
3 we've met with Erie County Department of Public Works and we  
4 also attended additional meetings with the Traffic Safety  
5 Board. SRF Associates as we speak is working on an updated  
6 traffic study, they had to wait until UB returned to session  
7 to begin those counts and we're hoping that will be  
8 available within approximately the next several weeks.

9 And I would note most of those changes we've made  
10 in terms of eliminating the signal at Frankhauser and  
11 Sheridan installing the roundabout, providing the additional  
12 connections, making sure that north/south roadway is a  
13 public roadway, eliminating parking spaces that backed into  
14 that roadway. Those changes were all made at the request of  
15 the Traffic Safety Board, it has reviewed this project very  
16 diligently and provided us with 30 plus written comments and  
17 we've addressed each and every one.

18 BOARD MEMBER SHAPIRO: Mr. Hopkins, I want to start  
19 with the remedial investigation, do you have -- can you give  
20 us an idea of where in that process you are and when you  
21 might finish that?

22 We don't even know the extent of contamination, we  
23 don't know the extent of cleanup, we don't know the expense  
24 of cleanup, we don't know what level they'll be cleaning up  
25 to.

26 So, until that remedial investigation is done we

1 have no idea really what's there.

2 MR. HOPKINS: Yeah, we do. Well, first of all we  
3 do know, we're looking to clean it to the unrestricted  
4 standard, I mean that's what we've said all along.

5 Andy, I don't know if you're here, do you want to  
6 give a more a detailed update on what the status is. This  
7 is Andy Shaevel from Mensch Capital Partners who has been  
8 involved day to day on the grounds. So, why don't you come  
9 on up, Andy.

10 MR. ANDREW SHAEVEL: Good evening everybody. We  
11 completed the pilot study to develop a methodology --

12 CHAIRMAN GILMOUR: Your Name for the record?

13 MR. ANDREW SHAEVEL: I'm sorry, Andrew Shaevel,  
14 Mensch Capital Partners, 19 Prince of Wales Court.

15 CHAIRMAN GILMOUR: Thank you.

16 MR. ANDREW SHAEVEL: So, we completed the first  
17 pilot study as an attempt to get an idea of the extent of  
18 the contamination on the site based on the initial findings  
19 of arsenic that were on the site.

20 We went and took 58 different samples, the DEC  
21 asked us to do a more thorough analysis on four of those  
22 samples and to their and our surprise those four samples  
23 came back with substantially greater contamination than just  
24 the arsenic.

25 We felt that at that point we didn't have a  
26 methodology to move forward, we need to go back and do hole

1 number 6 again to establish new methodologies, we took  
2 another 58 samples at that site and ran the metal analysis  
3 at that time and the results that came back were the results  
4 from that supplemental site.

5 We found that, in this case, we believe that the  
6 greens, the tees and the fairways are all contaminated and  
7 will be remediated completely.

8 So, in the case of the tees, I believe it's 15 to  
9 18 inches, in terms of the greens it's about -- I'm sorry,  
10 the greens is 15 to 18 inches, the tees are about 12 inches  
11 and the fairways have 6 inches.

12 There's some initial indication that there is  
13 contamination in some of the rough, but there isn't a  
14 conclusion that can be reached that it's all of the rough,  
15 more than half of the site is rough, a lot of those trees  
16 that we want to save are in the rough.

17 So, we've gone back and we're about to propose to  
18 the DEC another supplemental study that really looks at the  
19 rough across the site as a means at which you get to a  
20 better methodology, you can appreciate that each of those  
21 supplemental studies that we've done so far are costing us  
22 between \$50,000 and \$60,000 each.

23 Doing a full site investigation is likely to be a  
24 three to \$500,000 dollar investigation, so it's only prudent  
25 that you develop a methodology first and then deploy it  
26 across the entire site. Now, in addition in the second

1 supplemental study we also did a tee clip study and the tee  
2 clip study is designed to understand whether there's  
3 leaching of these materials on the site, that came back as  
4 negative, there is no leaching of the materials on the site.  
5 It's non hydrating soil, clay, I think we all understand the  
6 type of soils that we have here, things aren't moving.

7 We also did groundwater analysis, there's nothing  
8 in the groundwater. We previously tested the creek, there's  
9 nothing in the creek, so it's limited to the soil.

10 On the site our big question is, is it tees,  
11 greens and fairways or does it include the rough. Early  
12 indications were that it would be three to six million  
13 dollars of remediation, we think now that number is more  
14 likely six to eight. And if the rough is totally  
15 contaminated we're probably talking something more than  
16 eight.

17 This is a really big number, so we're taking it  
18 prudently, we're working hand in hand with the DEC, our  
19 consultants are really doing a great job I think of moving  
20 this prudently along. Are there other questions about the  
21 brownfield?

22 BOARD MEMBER SHAPIRO: Let me ask this, when will  
23 you have a cleanup work plan that's been approved by the DEC  
24 approximately, what kind of estimate and time frame do you  
25 have for that since you have to complete these  
26 investigations before you can even start the work plan or

1 the remediation, do you have a time line when those  
2 investigations stop?

3 MR. ANDREW SHAEVEL: Yes, there is a draft work  
4 plan that's already been in progress for many months. I  
5 would expect that by this spring as soon as things thaw out  
6 we will have our hands around all of this and that the work  
7 plan will exist.

8 And the current thought process is that we want  
9 to do the balance of the real investigation hand in hand  
10 with a good portion of the remediation.

11 So, we're working with the DEC to have that happen  
12 on an expedited basis, but, you know, honestly we're not  
13 interested in spending, you know, a million plus dollars to  
14 start the remediation process until we have a good feeling  
15 that we're on a path to a solution to develop the site. If  
16 we're not going to ever develop the site, we're not going  
17 to spend another million dollars towards remedial  
18 investigation to bring it forward.

19 So, we're moving this along in a prudent way, but  
20 if we don't get a good comfort level that there's a success  
21 at the end of the rainbow here, nobody is going to spend  
22 that kind of money, this thing will stay just the way it is.  
23 I think it's prudent position by the way, I'm not -- I don't  
24 mean that to come off as a threat in any way.

25 (Laughter from the audience)

26 MR. HOPKINS: And I think --

1 BOARD MEMBER SHAPIRO: When do you think that it  
2 will be at that point in regard to your investigation?

3 MR. ANDREW SHAEVEL: I think we'd be ready to  
4 begin an investigation in the spring.

5 BOARD MEMBER SHAPIRO: I do have a couple other  
6 questions. In terms of the sewer capacity I just wanted to  
7 confirm that you are committed to replace the sewer line,  
8 the 21 inch sewer line, you're not expecting some other  
9 level of government to replace that, that would be part of  
10 your expense.

11 MR. HOPKINS: We are expecting, yeah, that that  
12 would mostly likely be at our expense. I mean, I don't see  
13 any reason how it couldn't be.

14 BOARD MEMBER SHAPIRO: And --

15 MR. HOPKINS: And again, keep in mind it's -- I  
16 don't want to get too far into the weeds on that, we've  
17 given a report to the Engineering Department, I don't want  
18 to speak for the Engineering Department, I know as of today  
19 they nearly completed their review. We're going to have  
20 additional discussions before your meeting next month.

21 BOARD MEMBER SHAPIRO: And in terms of time frame  
22 in terms of phasing this development, would those sewer  
23 lines be put in prior to beginning of development at the  
24 site, or would it be done on a we'll see approach?

25 MR. HOPKINS: I would imagine that both the  
26 position of the Engineering Department and the DEC is

1 obviously we have no sanitary sewer capacity today, it's  
2 unfortunate. We would have to create that capacity before  
3 we could proceed with development.

4 BOARD MEMBER SHAPIRO: Okay.

5 MR. HOPKINS: I mean, you might be able to start  
6 the buildings at the same time you're putting in the sewer,  
7 but by the time you need to get a certificate of occupancy,  
8 guess what you're going to need to connect into that  
9 sanitary sewer system, absolutely.

10 BOARD MEMBER SHAPIRO: I'm going to switch to storm  
11 water drainage.

12 MR. HOPKINS: Okay.

13 BOARD MEMBER SHAPIRO: So, we also have the issue  
14 of the storm water pump because it would need to be pumped  
15 towards the creek.

16 MR. HOPKINS: Yea, Ellen, can you go back to the  
17 conceptual master plan, just put the last slide up. So, the  
18 issue about the use of a storm water pump, it's a technical  
19 issue, but it's a legitimate issue. What the Engineering  
20 Department has advised us is of course this will be a public  
21 road, needs to be a public road, the town needs north to  
22 south roadway connections.

23 What they don't want to have occur is that the  
24 drainage from that right away and roadway, they don't want  
25 that to go into a private pump, back from a private pump  
26 into a public system.

1           So, C&S Engineers is evaluating whether just for  
2           the public infrastructure we can get that into the public  
3           system without going through pump.

4           And I understand the reason being if the pump for  
5           some unforeseen reason goes down the town has an issue from  
6           a technical perspective because they don't own it, so we  
7           are looking at that very closely.

8           BOARD MEMBER SHAPIRO: Okay, but, so all of these  
9           ponds here are all going to be traveling into the larger  
10          pond up here, correct?

11          MR. HOPKINS: That's one of the things we're  
12          looking at and would most likely be that, but depending on  
13          the topography and depending on whether or not we can  
14          eliminate that pump -- or, eliminate the flow from the  
15          public system into the private pump system there could be  
16          more than one connection to Ellicott Creek.

17          BOARD MEMBER SHAPIRO: Okay, but eventually  
18          everything returning into one place, one --

19          MR. HOPKINS: Right, there could in theory be more  
20          than one conveyance point into Ellicott Creek from the site.

21          BOARD MEMBER SHAPIRO: Okay, it seems from the  
22          plans that that big pond would be part of the proposed town  
23          park.

24          MR. HOPKINS: Yes.

25          BOARD MEMBER SHAPIRO: So, the town would then be,  
26          if we did choose to acquire that, they would take over the



1 storm water drainage facilities?

2 MR. HOPKINS: We'd have to discuss that with that  
3 -- again, it's totally voluntary whether or not the Town  
4 Board would want to accept that as a public park. Remember,  
5 we're saying either way it will be publically accessible  
6 meaning if it's private it's still going to be open to the  
7 public.

8 There could be a chance that the town would say  
9 well, we want this area but we really don't want the 6.5  
10 acre pond and if that was ultimately their determination  
11 that would be fine.

12 BOARD MEMBER SHAPIRO: And none of this can be  
13 finalized until the hydraulic study is done?

14 MR. HOPKINS: Right.

15 BOARD MEMBER SHAPIRO: Moving on to the residential  
16 demand analysis.

17 MR. HOPKINS: Uh-huh.

18 BOARD MEMBER SHAPIRO: In here there are a couple  
19 things I am not sure what the source of the information is.  
20 There's some vacancy rates in terms of apartments and senior  
21 housing that it doesn't seem there are sources for.

22 MR. HOPKINS: Okay, if you could point those out we  
23 could certainly followup on that. And as everyone recalls,  
24 one of the questions that came up two months ago was well,  
25 you have a lot of residential here, is there a demand for  
26 residential not only the patio homes, the attached owner

1 occupied town homes, the upscale market rate apartments.

2 And what we did is we retained the services of Don  
3 Rieger, (sic) he's a reputable local appraiser, he went out  
4 and conducted a detailed study that demonstrated yes there  
5 is a demand for the units.

6 BOARD MEMBER SHAPIRO: Well, a lot of the data that  
7 was in here is pertaining to the whole Buffalo Niagara  
8 region and not specifically Amherst, but --

9 MR. HOPKINS: It was pretty detailed about  
10 Amherst.

11 BOARD MEMBER SHAPIRO: One is for the senior  
12 housing showing the independent living properties in the  
13 metro Buffalo area have an occupancy level of 92.9, but it's  
14 didn't show --

15 MR. HOPKINS: We get the source, okay.

16 BOARD MEMBER SHAPIRO: It mentions Fox Creek that  
17 has an occupancy level of 95 percent since it was built.  
18 But, again, the actual source for that data --

19 MR. HOPKINS: Well, just so you know, the source  
20 for that data, so when an appraiser does a market study what  
21 he does is he calls those facilities and finds out what  
22 their vacancy rate is, that's the only way you can do it.  
23 It's literally direct contact.

24 BOARD MEMBER SHAPIRO: That's not outlined in this  
25 report. So, if we could find out what the source of that  
26 is.

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MR. HOPKINS: That would be fine.

BOARD MEMBER SHAPIRO: Also withing a 15 mile radius of the Westwood site assisted living facilities have a 94 percent occupancy rate. If you could provide, you know, where all those rates come --

MR. HOPKINS: Okay, yeah, we could look at the source data for that. I would note, if everyone realizes the fastest growing segment not only in the Town of Amherst, but in all the counties and Erie County is of course seniors, there's demand for seniors.

And we think in particular this location unlike any other senior housing facility in the Town of Amherst, look at the proximity to all these amenities. We think those units are going to be in very, very, very high demand, we know they will. But, we will get the source information and make sure it's cited in that report.

BOARD MEMBER SHAPIRO: Okay, I'm just going to ask if you could put that 1927 map back up that they provided. I have a question about the engineering report indicated there's no offsite drainage coming on to the site.

Over here at the southwest corner there's, I don't know if you can see it.

MR. HOPKINS: Yeah, I think I can --

BOARD MEMBER SHAPIRO: Where the drainage has come in.

MR. HOPKINS: Are you saying here?

1 BOARD MEMBER SHAPIRO: Yes. And at some point I  
2 think that was connected to the first pond --

3 MR. HOPKINS: It was.

4 BOARD MEMBER SHAPIRO: So, do we have a source for  
5 that water and is that coming from offsite?

6 MR. HOPKINS: I do not believe so. Way back when  
7 at some point this ditch crossed Frankhauser and then  
8 extended back here, went over to Sunrise. There is now  
9 separate storm systems on each side and you can see where  
10 it was. And this has been tested, there's been dye testing  
11 done by the Engineering Department, there's separate storm  
12 systems on each side of Frankhauser.

13 But based on the fact as you indicated, Ms.  
14 Shapiro, that there was an historical connection here, this  
15 is the only area on the site that the Army Corps of  
16 Engineers has deemed to be jurisdictional. If you see it  
17 today, we've shown photographs, it's a ditch, it's not  
18 particularly well be taken care of. Our goal will be to  
19 preserve that area, not preserve it because it's kind of  
20 unsightly to enhance it.

21 BOARD MEMBER SHAPIRO: Actually, if you can go  
22 back to the site plan, the pond and the channel to the pond,  
23 it seems like that water was rerouted into that pond  
24 somehow. So, I think you keep the pond, but the channel is  
25 gone.

26 MR. HOPKINS: Right. Well, we're looking to still

1 have that go through here and gain, it may need to be  
2 relocated and enhanced, but we know it's a jurisdictional  
3 wetland, we've talked to the Army Corps of Engineers and  
4 they want to seek some type of feature similar to that  
5 preserve.

6 BOARD MEMBER SHAPIRO: Okay, well, that ditch  
7 doesn't exist anymore, it's part of the channel that comes  
8 from that pond.

9 MR. HOPKINS: Right, meaning now the ditch goes  
10 here, stops at Frankhauser and goes out to the system.  
11 But, historically it connected through, that was the basis  
12 for it being deemed a jurisdictional wetland.

13 BOARD MEMBER SHAPIRO: It actually goes down to a  
14 drop manhole there.

15 MR. HOPKINS: Right.

16 BOARD MEMBER SHAPIRO: My question is where that  
17 water is coming from.

18 MR. HOPKINS: Oh, we've got --

19 BOARD MEMBER SHAPIRO: It's not just coming from  
20 that one little pond, something has been done there.

21 MR. HOPKINS: Yeah, what we'll do is -- let's make  
22 sure so we can answer that question accurately, we'll  
23 discuss that with C&S and provide a written response.

24 BOARD MEMBER SHAPIRO: Okay. I think that's all  
25 the questions I have for now.

26 MR. HOPKINS: You're welcome.

1 CHAIRMAN GILMOUR: Thank you. All right, we  
2 members from the audience who wish to speak on this. As you  
3 continue to watch as the line starts to slow down if you  
4 want to get up and get up and talk on that.

S-056 5 MS. JENNIFER SNYDER-HAAS: My name is Jennifer  
6 Snyder-Haas and I reside at 185 Fairways and I'm speaking on  
7 behalf of Keep Westwood Green. May I hand up copies.

8 CHAIRMAN GILMOUR: Sure.

9 MS. JENNIFER SNYDER-HAAS: Okay, I guess they  
10 didn't hear me the first time, so sorry. My name is  
11 Jennifer Snyder-Haas and I reside at 185 Fairways and I'm  
12 speaking on behalf of Keep Westwood Green.

13 In looking at this revised conceptual plan, it is  
14 readily apparent that the changes that have been made are  
15 largely just shuffling around the component parts of the  
16 project that entirely too intense, and remains inconsistent  
17 with the comprehensive plan. Inconsistent with the existing  
18 surrounding neighborhoods and inconsistent with smart growth  
19 for our town's future. A few points on the revised plan.

20 First, to gain some perspective, this is a parcel  
21 in the middle of long established residential neighborhoods  
22 with many existing homes literally backing up to it that  
23 were designed with the parcel's long history as golf course  
24 in mind. It's only current access point is onto the two  
25 lane North Forest Road, it is zoned recreation conservation.

26 Now consider the revised concept plan, it contains huge

1 areas of every sort of development type imaginable from  
2 single family homes, to town homes, to large patio homes, to  
3 small patio homes, to multi family housing, to senior living  
4 to office space, to retail, to a hotel.

5 The applicant cites to what seems like a  
6 significant percentage of the parcel as remaining green  
7 space. But much of that is comprised of green patches  
8 between these intense development areas.

9 The largest water feature is designated as a storm  
10 water management basin and the town park area is largely on  
11 an unusable flood plain making it's feasibility as a public  
12 park dubious. How can this be consistent with the  
13 comprehensive plan?

14 Second, know how far removed the proposed park  
15 space is from the existing neighborhood homes. The  
16 applicant's plan is to separate the existing homes from the  
17 development with a berm and trees.

18 I went to the neighborhood meeting that the  
19 applicant held last week and Mr. Shaevel indicated that his  
20 new design consultant recommended that there be more  
21 buffering practically around the whole parcel. He then  
22 stated that the trees he would be forced to plant for this  
23 buffering would separate our neighborhood from yours. How  
24 can a plan proposing such a separation be consistent with  
25 the characteristics of the surrounding neighborhood?

26 Third, existing traffic already overflows into

1 side streets and alternate routes. This plan calls for a  
2 whole new north-south road that would spill an additional  
3 2000 plus vehicles onto the already congested Sheridan Drive  
4 corridor. This traffic simply cannot be absorbed, central  
5 Amherst would be left with a gridlock nightmare.

6 The applicant's tinkering with the traffic lights  
7 on Sheridan does not address the issue of the tremendous  
8 increase in traffic volume that it's project would cause.  
9 And this doesn't even take into account the effects on Maple  
10 Road in combination with the former gun club site that is  
11 already rezoned.

12 And the elimination of the light at Frankhauser  
13 and addition of the east-west road within the parcel would  
14 create more potentially dangerous problems. Residents in  
15 the neighborhood to the south would have to traverse through  
16 the parcel to get to the new light at Sheridan, and then to  
17 re-access their neighborhood heading north on Sheridan would  
18 have to make a lefthand turn without the benefit of a light  
19 as they could not return via the new light due to the east-  
20 west road being ingress only on Frankhauser.

21 The east-west road would also result in a  
22 significant new traffic burden on North Forest that cannot  
23 be resolved with a roundabout unbelievably situated about  
24 ten seconds from the intersection with Sheridan.

25 If the plan does not fit the area and requires  
26 such extensive and potentially dangerous traffic pattern



1 changes, including two new whole public roads running  
2 through it, is it consistent with the comprehensive plan?

3 Fourth, the sewer and storm water drainage systems  
4 are already overburdened. And again, the gun club is  
5 already rezoned and must be considered as fully functional  
6 for impacts on sewer and storm water drainage. This plan  
7 now calls for building a new sewer line to another area and  
8 for an even bigger potential retention pond. The  
9 applicant's own consultants acknowledge the drainage issues  
10 in developing this site are challenging and expensive.

11 Doesn't it worry you that with their last revised  
12 proposal they were going forward without this new line and  
13 have now added it after comments received from the Town's  
14 engineering department. Why would the town want to go down  
15 this road after enduring the past debacles with sinking  
16 homes? Can you really trust that this latest plan wouldn't  
17 create major flooding problems?

18 Fifth, this plan introduces office and commercial  
19 space along with a sea of parking lots into a residential  
20 area creating a whole new commercial district is not  
21 consistent with the comprehensive plan.

22 Further, this is not smart growth and flies in the  
23 face of the town's ongoing efforts to redevelop it's  
24 existing commercial corridors. A new commercial area taking  
25 business away from other areas and a ten year construction  
26 pit in the middle of what would be a ruined neighborhood of

1 severely devalued homes is not smart growth.

2 At the last hearing there were comments that this  
3 project would be a gateway to the town. Are office space,  
4 a hotel and senior living units what we envision as a  
5 gateway? No, this is shortsighted and not forward thinking.

6 Sixth, this was a speculative land purchase. The  
7 applicant keeps emphasizing that it's project is  
8 economically viable. Economically viable for whom? The  
9 applicant.

10 They were fully aware that it was zoned recreation  
11 conservation when they applied for participation in the  
12 brownfield program. And closing the golf course prematurely  
13 to do this and fencing the property were entirely the  
14 applicant's voluntary decisions, not required by the  
15 Department of Environmental Conservation.

16 As Mr. Shaevel stated during his presentation last  
17 week, this site is not hazardous, not close to that level.  
18 The brownfield application was a money grab, pure and  
19 simple, done to further the applicant's land speculation  
20 agenda, not to serve any public benefit. Neither the town  
21 nor it's residents have any obligation to provide the  
22 applicant with a lucrative return on it's investment  
23 particularly given the negative effects it's development  
24 would bring at the expense of the town as a whole and the  
25 taxpayers.

26 Seventh, to date the applicant has done minimal

1 required contamination testing and from the minimal pilot  
2 studies that have been done as shown by the applicant at  
3 last week's meeting, the remediation required for  
4 recreational use would be far less significant and  
5 destructive to the land and therefore cheaper than the uses  
6 that the applicant proposes. And presumably this testing  
7 was done by the holes deemed to be most likely contaminated  
8 the ones by the maintenance shed.

9 As demonstrated by multiple examples in our own  
10 community, and surrounding communities, recreation  
11 conservation space can be a significant economic driver.  
12 Preservation of green space has value. Shouldn't the  
13 contamination testing be completed and the results fully  
14 analyzed before this rezoning application advances any  
15 further?

16 In closing, I want to emphasize that the current  
17 situation of the parcel was self created by the applicant.  
18 For the applicant to use the brownfield status as  
19 justification for it's project is like Lizzie Borden killing  
20 her parents and then asking the court for leniency because  
21 she's an orphan. That argument should be rejected outright.

22 The issue is whether this project is consistent  
23 with the comprehensive plan which for the various reasons  
24 stated we argue it is not. It is further in contravention  
25 of reasonable smart growth principles and would have severe  
26 negative effects on the town's future.

1 We ask that you do not recommend this project.

2 Thank you for your time and attention.

3 (Applause)

S-057

4 MR. NATHAN HARTRICH: Good evening, Nathan  
5 Hartrich, 47 Meadowbrook Road.

6 So, we're here again, I stood before this board a  
7 couple months ago about the same issue. If you don't  
8 remember my name, I'm Nathan Hartrich, I am the current  
9 president of the Morningside Homeowners Association, we are  
10 nearly 1,000 residents that sits in direct proximity to the  
11 Westwood Country Club. We're are the longest continually  
12 active homeowners association on the east coast, it started  
13 75 years ago in Amherst, New York. We are friendly  
14 neighbors who share a family first attitude and a  
15 commitment to our community.

16 Our organization has been carefully watching the  
17 many different site plans submitted by the developer. To  
18 the average citizen it appears to be a shell game with  
19 things appearing and then disappearing while other things on  
20 the plan move back and forth. It seems they are trying to  
21 confuse us with these plans. There are also many optical  
22 illusions in the recent plan. I see parcels of land  
23 designated for homes but no homes appear on the parcels in  
24 the sketches.

25 This makes it appear these parcels are more green  
26 spaces which is obviously not true. If the developers

1 submit a plan it should be true and accurate.

2 In the current plan I see a roundabout on North  
3 Forest. Can you put the plan back up, the one that they  
4 passed out to everyone. Okay, so in the current plan we see  
5 the roundabout, how will this solve a traffic problem? This  
6 will only confuse and create more gridlock that in turn  
7 cause more accidents.

8 Also it shows a light at Frankhauser and Sheridan  
9 would be eliminated, how does that make any sense? The  
10 residents that live in that neighborhood would not be able  
11 to get onto Sheridan if they were turning left. The only  
12 way to get -- except for this new cut through that they're  
13 proposing, the only other way to get out of that area would  
14 be to turn right and then turn back the other way.

15 When we looked further at the proposed site plans  
16 it appears the existing clubhouse with all it's deep  
17 historical significance would become a parking lot, which is  
18 right there and you can that it's a parking lot.

19 Also the hotel would raise as part of this plan,  
20 we definitely don't have enough of those. Obviously I'm  
21 joking.

22 Right on the corner of Sheridan and North Forest  
23 they wish to put a tremendous senior development how is this  
24 conducive with the residential properties that surround it?

25 This plan doesn't take into account the  
26 surrounding neighborhoods at all. Upon further examination

1 we see that there are several future empty office spaces to  
2 join the hundreds of empty office spaces we already have inn  
3 Amherst. None of this makes any sense.

4 At the last Planning Board the gentleman from  
5 Sprucewood Terrace, which is five blocks from Transit Road,  
6 spoke up in favor of this proposed site plan. I saw that  
7 he was quoted in the Amherst Bee, but he failed to mention  
8 that he was an attorney who represents developers, tenants  
9 of shopping malls and other retail establishments. He  
10 obviously would greatly benefit from the proposed plan that  
11 may have already -- also may already be working for the  
12 developers. Is this already another illusion here?

13 To reiterate what I stated the previous time I  
14 spoke to you, we have to remember this is greenspace with  
15 trees and wildlife that reside upon it's grounds, once this  
16 greenspace is gone it cannot be replaced.

17 Please advise the Town Board members that this is  
18 not a sound plan. And to uphold the current recreation  
19 conservation zoning they must change the specific zoning for  
20 a reason to conserve and protect this land. Thank you for  
21 your time and have a good night.

22 (Applause)

S-058 23 MR. DAVID LAFALCE: My name is David LaFalce, I  
24 reside at 10 Sedgemoor Court, Amherst. There's no doubt in  
25 my mind that I personally think we'll be able to fill every  
26 one of these spaces. But, my argument is a long term

1 viability and feasibility of the Westwood site. Has there  
2 been any feasibility study done on Westwood site at all?

3 Personally I don't really feel that the Westwood  
4 site is going to be feasible or viable past the baby boom  
5 generation. There is a major difference between baby  
6 boomers, John Etzer's (sic) and my generation financially,  
7 a huge difference.

8 Over 74 percent of baby boomers will retire with  
9 a pension. Only 40 percent of my generation will retire  
10 with a pension. How are we supposed fill these spaces  
11 after baby boomers are gone, what are you going to do with  
12 the site after that generation? Is it going to have turn  
13 or revert to something else? Is it going to be section 8  
14 housing? What will it gain after baby boomers? So, I don't  
15 really see any feasibility. And for the elements of this  
16 magnitude there should be a feasibility study and I just  
17 don't see any.

18 Secondly, I would like to know how many daily  
19 trips the average senior takes out of their house in Erie  
20 County. Nationally it's 1.5. In Erie County it's more like  
21 2 or 4.

22 So, if 2,000 parking spaces may turn into 7 or  
23 8,000 trips per day. Just to let you know that's a major,  
24 major problem on Sheridan Drive.

25 Now, I've spent some time at the light at  
26 Frankhauser, I've done my own personal study of 30 times

1 crossing at Frankhauser, the average time you have to cross  
2 Sheridan Drive is seven seconds. I challenge everyone in  
3 this room to walk across Sheridan Drive in seven seconds,  
4 you cannot do it, it is not possible. The least amount of  
5 time I had was three seconds to walk across Sheridan Drive.  
6 Thank you.

7 CHAIRMAN GILMOUR: Thank you.

8 (Applause)

S-059 9 MS. CAROL MARYCHILD: My name is Carol Marychild,  
10 I live at 665 North Forest Road. If you look at this map  
11 here, just about at the bottom corner of this map. I notice  
12 on this map, this is the first time I have been able to see  
13 what it would look like.

14 But, I notice that if there is additional  
15 greenspace up there somewhere that there is a huge amount of  
16 congestion down here near Sheridan Drive and we on North  
17 Forest already have lots of problems and this is just going  
18 to intensify the problems. I do not see any evidence that  
19 anything is being done to relieve that to relieve Sheridan  
20 Drive or certainly to relieve North Forest.

21 And it is very quiet in someways except for the  
22 traffic already there a residential neighborhood, this will  
23 change the whole complexion even if they have berm there or  
24 whatever they have there, trees or something. And I think  
25 this is really detrimental to the neighborhood residential  
26 area that's already there and that has been there for a long



1 time. Some of these houses have been there, the house I  
2 live in was built in 1954 and some of the others around  
3 there are about the same age, so it's been settled as I can  
4 tell for a long time.

5 So, I don't think that this concentrating things  
6 down there in order to get them out of the swap area is  
7 going to be useful. Thank you.

8 CHAIRMAN GILMOUR: Thank.

9 (Applause)

S-060

10 MS. ALISSA SHIELDS: Alissa Shields, 17 Roman Lane.

11 Some of you may know me from the grass roots community with  
12 Vince to halt the construction of a 90 foot Verizon cell  
13 tower at the top of Dellwood Road. I'm here tonight in  
14 solidarity to the Keep Westwood Green Movement and to add my  
15 family's voice in strong opposition to rezoning of Westwood.

16 Until last August I hadn't paid much attention to  
17 town government, I felt insulated and fairly confident in my  
18 ignorance that everything in Amherst was okay.

19 Then you the Planning Board and the two republican  
20 development friendly members of the Town Board tried and  
21 failed to alienate one of our neighborhood's precious green  
22 spaces Garnet Park twice, twice.

23 Both attempts to strip our park land of it's  
24 zoning were not for the good of the people, but were instead  
25 sweetheart deals made behind government doors to parcel out  
26 and lease the land to commercial interests Verizon Wireless

## Westwood Request to Rezone 146.7 Plus Acres to TND

1 for 150 foot cell tower and north town automotive companies  
2 for more parking.

3 Verizon, as we all know now, returned to their  
4 original plan to lease and build on the residential zoned  
5 lot behind public stores next door which our community is  
6 currently fighting. Westwood, like Garnet Park, is zoned  
7 recreation conservation.

8 Conservation, it was zoned this for a reason, the  
9 town identified and designated these special lands  
10 recreation conservation to insure that they would remain  
11 green spaces in the community for generations to come, once  
12 rezoned they are gone. Mensch bought Westwood and it's  
13 zoning, they are not mutually exclusive.

14 No developer, including Mensch, is entitled to a  
15 rezoning just because they made a bad deal. And we the  
16 taxpayers who are committed to this town should not have to  
17 rescue developers when their speculative investments goes  
18 sour.

19 Furthermore, the town itself admits that it does  
20 not have the infrastructure to support their grand scale  
21 development plans. Members of the Planning Board, it is  
22 your professional responsibility to the residents who pay  
23 your salaries to actively protect and preserve our  
24 community's recreation conservation zoned lands.

25 I urge you to recognize the collective social  
26 birth of conserving green spaces for the good of the people

1 and the town. I would like to thank Keep Westwood Green for  
2 making all the efforts to our position, my husband and I  
3 stand with you in opposition.

4 (Applause)

S-061

5 MR. MICHAEL KANKIEWICZ: I'm Michael Kankiewicz,  
6 115 Sedgemoor Court, we are directly south of the new  
7 proposed light. And this is the main issue I'd like to  
8 bring up because I haven't heard it addressed yet.

9 Approximately three years ago my wife and I had to  
10 move back up to Amherst from Orchard Park. I grew up in  
11 Amherst, I moved when I was about 18, 19. It was hard to  
12 find a place in south/west Amherst that hasn't been  
13 developed yet and we discovered the nice little neighborhood  
14 in Sedgemoor down near Fenwick area, very family oriented,  
15 lots of new young people moving in rebuilding the houses, I  
16 should say restoring them, remodeling them.

17 So, we took our savings and we bought a home  
18 there, very happy with it, spent a lot of money remodeling  
19 it inside and out. We especially fell in love with the view  
20 right from where we are of the Westwood Country Club and now  
21 we're told we're going to have to look at a four story  
22 hotel right in the middle of all that green. I challenge  
23 anyone of you to say that you would allow that out in front  
24 of your home.

25 The second issue with that place is that the  
26 Fenwick Road that meets the new proposed light is very small

## Westwood Request to Rezone 146.7 Plus Acres to TND

1 side street, it's doesn't really go directly through to  
2 North Forest, you have to zig zag all the way through. I'm  
3 very afraid of the traffic that will be coming out of the  
4 development through the green light right onto Fenwick at  
5 full speed and I really haven't heard that addressed at all.

6 Regarding office space, we have vacant big boxes  
7 throughout this town that eyesores already. If any of you  
8 who go to Sheridan and Harlem Plaza, when they extended the  
9 plaza back to the 7-Eleven, none of those spaces have ever  
10 been leased, they are still vacant and empty. How is this  
11 going to be any different? That's all I have to say.

12 (Applause)

S-062 13 MS. JUDY FERRARO: Judy Ferraro, 213 Donna Lea  
14 Boulevard. It is difficult to put intellectual thought into  
15 something that makes no sense at all. Though this latest  
16 concoction for developing Westwood still has not  
17 realistically addressed the overwhelming problems of  
18 traffic, sewage, drainage and the certain desecration of the  
19 environmental ecosystem in central Amherst. There is no  
20 plausible reason to build any of it.

21 Even a town consultant stated unequivocally that  
22 Amherst is built out, that there is no need for more of what  
23 this proposal is promoting especially destroying a  
24 greenfield to accomplish it.

25 It is backward thinking. Amherst needs  
26 redevelopment of large areas that are no longer viable,

1 Amherst needs to preserve greenfields. Westwood is a  
2 greenfield no matter what we are being told.

3 By the way, when is a whole town responsible for  
4 bailing out anyone that has made a bad investment, this does  
5 not work for the regular people. What is so special about  
6 the Ciminelli's, the Shaevel's, the Hamisters? Many people  
7 in Amherst have lost on their home investments because of  
8 outrages development allowed by some of these coddled  
9 individuals.

10 And yet none of them bully and intimidate their  
11 neighbors to cover loses, why the double standard? It is  
12 their investment, they should make the most of it like the  
13 rest of us are forced to do, there are zoning laws in place.

14 The audacity to ask for a change is the epitome  
15 of hubris and should be ignored by anyone who professes to  
16 respect the land and people of Amherst. This needs to be  
17 denied tonight. Thank you.

18 (Applause)

S-063 19 MR. STEVEN STRIEGEL: Steve Striegel, 6 Fenwick  
20 Road at Sheridan Drive. I just want to give you guys a  
21 quick update of what's been going on. I know they want to  
22 put the south exhaust entrance right where I live.

23 If you were to come over to my home right now  
24 there's 45 foot skid marks going from the street up onto my  
25 sidewalk and going back down on the street. I've got  
26 trapped deer at neighbor's house across the street because

1 of the fence that they had put in.

2 And finally just to close, a wonderful new  
3 addition to the string of accidents we've had all year  
4 long, coming over her there's a car accident that just  
5 happened at North Forest and Sheridan Drive.

6 How much more, how much more? I delegate my right  
7 to time to the person behind me. Thank you.

8 (Applause)

S-064

9 MS. ALANNA POHL HUGHES: Good evening, Alanna Pohl  
10 Hughes, I reside at 4200 Sheridan Drive. My property is  
11 just west, a couple of parcels from Westwood West property  
12 line.

13 And first I'd like to address what a few other  
14 people had mentioned it as the signal at Frankhauser, it has  
15 been there many years. I can't get in and out of property  
16 many times without utilizing that signal stopping traffic.  
17 I also have taken to turning right on Sheridan going west  
18 when I really want to go east, going down Sunrise and going  
19 around the block and going to the signal on Frankhauser to  
20 get out.

21 So, if that signal goes away, I know that they're  
22 proposing that we can go into their parcel, but that's extra  
23 out of the way driving, I'm already doing extra out of the  
24 way driving now, I guess it's my choice because of where I  
25 live, but why should this impact me further?

26 The other thing I would like to address is the

## Westwood Request to Rezone 146.7 Plus Acres to TND

1 parcel is currently zoned RC, recreation conservation, they  
2 are talking about 39 acres of park land and water features,  
3 ponds and so on. Why does any of this and pocket parks that  
4 they're throwing in and historic trees, why does any of this  
5 have to be rezoned away from recreation conservation on  
6 those parcels? They want the whole thing blanket rezoned  
7 with the exception of the other areas where there are  
8 specialty zonings. Those parcels should not have to be  
9 rezoned if they truly intend for them to stay what they are.  
10 Thank you.

11 (Applause)

S-065

12 MR. ROBERT JOSEPH YONKES: Robert Joseph Yonkes,  
13 100 Frankhauser Road. I'm here to oppose this project and  
14 would urge you all to vote against it. The title of my  
15 speech here bricks, blacktop and concrete versus greenspace,  
16 that's really what we're talking about. I got three parts  
17 here, whatever I don't finish I'll send in a letter.

18 First of all I spoke about this monstrous project,  
19 it's way too big, we don't need it, we don't want it. They  
20 were told to downsize it, but from what I see it's actually  
21 grown.

22 Example 1, in 2014, December 2014 at the meeting  
23 that the developer had I asked how many residents, how many  
24 residents are involved in this project which stated 985.

25 Now, even the Buffalo News, this 1,700 number.  
26 Additionally, I said one of the most depressing parts too is

1 this outlet on Frankhauser Road and I was this would be re-  
2 reviewed and very well may not be needed.

3 Well, okay, the re-review got done and the outlet  
4 got turned into a major highway east and west from  
5 Frankhauser to North Forest, more cars, more people, more  
6 pollution. So, in addition you've got two major highways  
7 involved here, once again way too late.

8 Third example, also we were -- there's a outdoor  
9 amphitheater office community facility. Also, from what I  
10 see, what they've done is expanded this project out further  
11 from the inside out, so it's actually more intrusive in our  
12 neighborhoods.

13 Example, new condo and apartment complexes in the  
14 center they've installed or planning to install. The forty  
15 townhouses that were in the center moved out further, well,  
16 like I say more intrusive into our neighborhoods.

17 I know my time is up here, but just one last quick  
18 comment and then I'll send the rest in a letter. I see  
19 where they are adding a new fire station.

20 So, it's like this project could easily grow into  
21 the new village of Westwood, another village in addition to  
22 Williamsville to take care of and maintain and the cost  
23 involved there. So, any tax set up there, they're going to  
24 need it to pay for this additional maintenance. Thank you  
25 very much for your time.

26 (Applause)



S-066

1 MS. MICHELE MARCONI: Good evening. Michele  
2 Marconi, 35 Livingston Parkway. The comprehensive plan  
3 calls Westwood a green site, a basic tenant of one reaching  
4 forward is only built where infrastructure is located. Town  
5 staff have called infeasible and have concluded that the  
6 project is substantially incomplete, missing key components  
7 typically provided on projects that are serious proposals.  
8 This precedent setting mega project has a lot of worts and  
9 is just not ready for prime time.

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

14 I would have these questions for you, where is the  
15 community visioning for this 170 acre parcel, why is there  
16 no organized engagement of the town residents to elicit  
17 their ideas for the future of this property? Is there no  
18 understanding that greenspace and park land development is  
19 economic development and an intrinsic component of a healthy  
20 community over time?

21 Why does this forum lacking interplay with the  
22 public make any sense for a project of this magnitude on a  
23 huge greenspace smack dab in the middle of town? Why is it  
24 thought that the same top down developer driven project is  
25 the only way to undertake land use and planning and rezoning  
26 in Amherst? Have you not heard that Amherst residents

1 aren't buying this project at this scale on this parcel at  
2 this time, where are the long term figures?

3 It seems that this hearing is part of the  
4 smokescreen strategy to exhaust the public in the review of  
5 unending project iterations. But, you have a chance to put  
6 everyone out of their misery tonight. The choices you have  
7 are to improve, deny or adjourn to reconvene for more of the  
8 same next month. I think the prudent choice is to act on  
9 the disapproval resolution that was circulated with the  
10 agenda and vote to deny, disapprove and dispense with  
11 tonight. Thank you.

12 (Applause)

S-067 13 MR. DEAN HAAS: Hi, my name is Dean Haas, I live at  
14 185 Fairways Boulevard. I'd just like to say we mentioned  
15 that the Sheridan and Harlem plaza how much they've had  
16 development there that has been vacant for several years.  
17 Go down the road a little more to Northtown Plaza, it's  
18 basically empty. The only thing that we do have going in  
19 there hopefully which is redevelopment, redevelopment is  
20 smart development. Tearing down greenspace like Westwood  
21 just does not make any sense and once you destroy it, it's  
22 gone.

23 Furthermore, with all of this development and all  
24 the heavy equipment that they're going to need to use on the  
25 roads plus an additional 2000 cars, that is going to tear up  
26 the road. Who is going to pay to have those roads repaved?

1 I really don't think Mensch is going to be willing to pony  
2 out that money, it's going to go to the taxpayer once again.  
3 Thank you very much.

4 (Applause)

S-068 5 MS. MAUREEN SCHMITT: Hello, my name is Maureen  
6 Schmitt, I own residences at 866, 860 and 850 North Forest,  
7 the latter is directly adjacent to the Westwood property.  
8 I oppose the rezoning of the Westwood Country Club parcel  
9 from RC to the combined TND-MFR 7 GB in order to protect the  
10 stability of the surrounding neighborhoods and the safety  
11 of all that pass through.

12 The proposed development remains too intensive for  
13 the existing surrounding neighborhoods. The new plan still  
14 has many of the same problems with some serious additional  
15 new ones. The proposed changes to the transportation  
16 infrastructure are a serious concern.

17 It is presumptuous for the developer to propose  
18 building a roundabout within the current Westwood boundary  
19 situated in close proximity to the large intersection to  
20 move traffic for the public. North Forest is a county road,  
21 it falls under county jurisdiction.

22 The same is true for North Forest at the Sheridan  
23 Drive intersection which the developer states they will  
24 reconfigure and widen the road segment on the right for an  
25 extended length.

26 Sheridan is a state road and falls under the New

1 York State DOT jurisdiction. It is not within the power of  
2 the developer to construct these changes without approval  
3 by the owning jurisdiction neither of which have seen a  
4 traffic impact study.

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

10 Additional cost for Town of Amherst taxpayers to  
11 maintain these potentially acquired new internal roads  
12 should be considered. North Forest is a collector road  
13 intended to pass traffic through the area. These changes  
14 will negatively impact the way the roadway functions for the  
15 sole purpose of serving the development. For the 30 years  
16 that I have lived on North Forest many changes have been  
17 proposed to change the nature of the road.

18 But after considerable study it has always been  
19 found that North Forest Road functions to move traffic  
20 smoothly and safely with the natural curves to slow traffic  
21 while at the same time respecting all those that live there.  
22 All residences near the vicinity of the North Forest circle  
23 would be adversely affected, ingress, egress for future  
24 value of their homes particularly offensive will unfold for  
25 the three residences situated directly on the roundabout one  
26 of them being a group home. The zoning is not right for the

1 parcel, I urge you to deny it. Thank you.

2 (Applause)

S-069

3 MR. CHESTER GROSOFSKY: Good evening. My name is  
4 Chester Grosofsky, I live at 1070 North Forest Road. I'm in  
5 support of this project.

6 I've been a town resident for 24 years and I feel  
7 the plan has been well thought out, they've listened to  
8 residents and they have tweaked it quite a bit, there's  
9 almost 50 percent greenspace.

10 Now, we've raised our family here, we're ready to  
11 downsize. I would love to move into this area.  
12 Furthermore, I think the new road going from Maple to  
13 Sheridan would alleviate a lot of traffic that is currently  
14 on North Forest, that is a very busy road.

15 Now, I live on 1.3 acres, but this is nearly 150  
16 acres. And before it was fenced off I'd walk the area, it's  
17 massive, it's a huge, huge area and with almost 50 percent  
18 greenspace, I think it's a good proposal.

19 As I stated before we're ready to downsize, we  
20 love the state town residents and we're definitely  
21 considering moving into this area. Thank you very much.

S-070

22 MR. MARK RIVARD: Hi. Mark Rivard, I was here last  
23 meeting we had and I live outside of the circle here.  
24 Couple things I want to -- I agree with a lot of what was  
25 said tonight except for the last thing. And, --

26 CHAIRMAN GILMOUR: Excuse me, sir, we need your

1 address.

2 MR. RIVARD: It's 132 Fleetwood Terrace.

3 CHAIRMAN GILMOUR: Thank you.

4 MR. RIVARD: Lots of yellow signs up and down  
5 Fleetwood. I hope the town realizes that, you know,  
6 somebody is going to have to spend a lot of money on signs  
7 and it's kind of pathetic that we have to do that.

8 One slide that the developer did not show tonight,  
9 that they showed at our meeting on Sheridan Drive at the  
10 Community Center a few weeks ago, broke it down concisely  
11 into the three zones of the parcel and, you know, the 136  
12 acre traditional neighborhood, the 6 acre multifamily for  
13 the seniors and one acre for the hotel.

14 And the gentleman, he must of realized how stupid  
15 this was when he was done, said who convinced -- the berm  
16 around the edge, that little berm around the edge which I  
17 see tonight, maybe it's 26 acres, that's still zoned RC and  
18 so that means it can never be changed, you don't have to  
19 worry it can never be changed.

20 Well, if that's true, why are we here, why are we  
21 spending all this time and money on signs when the whole  
22 thing is zoned RC now? I think he realized how silly that  
23 sounded and wisely took it out.

24 And there's a little parcel there, it's right  
25 under the letter R in revised, that funny little, it looks  
26 like a blip on a EKG, that when they bought this land they

1 slyly did not buy that park and I understand they are now  
2 selling it to town.

3 And the first meeting I went to they said they did  
4 not buy that part of the Westwood property because it looked  
5 a little, as my mom would say, iffy. It across behind the  
6 town facility.

7 And how dare they now file for this cleanup that  
8 they didn't buy the dirtiest part, but because they found -  
9 what they did admit is like, they said it was from 13 parts  
10 per million is fine and 18 parts per million is industrial  
11 waste. I can't believe whatever cobalt or whatever metals  
12 are on there aren't in the rest of the town lawns.

13 The floodplain, just look at the map and see just  
14 to the side of it, if you look at berm alert then you'll see  
15 the huge floodplain that they put in along that bike path,  
16 I don't see anything like that here. People spend a lot  
17 money further downstream on this huge floodplain. Thank  
18 you.

19 (Applause)

S-071 20 MR. THOMAS TOPPER: Tom Topper, 4 Silver Maple  
21 Court. And I'm here to support the Westwood project. The  
22 problem with being on a board is that the people that show  
23 up to these meetings are only the people that have a vested  
24 interest on either side whether your for it or against it.  
25 And when you're on a board you represent the entire Town of  
26 Amherst trying to figure out what's the best to do when you

1 have a fenced off brownfield in the middle of our town, do  
2 you leave it like that forever or do we do something else  
3 with it?

4 So, there's got to some solution where people can  
5 compromise to figure out what the next step is or where to  
6 go with this. You know, if it's going to generate forty to  
7 fifty million dollars of tax revenue or whatever.

8 I mean that's part of the reason that you're on  
9 this board is to represent the entire town and to think  
10 about a long term solution for this. You know, it's not  
11 going to be all this way and it's not going to be all that  
12 way, we have to work together to come to some solution that  
13 makes sense for the entire town. That's all I have to say.

14 (Applause)

S-072 15 MR. TERRY TOLSMA: Hi, I'm Terry Tolsma, I live at  
16 4196 Sheridan Drive. And I just want to bring up a point  
17 about removing the signal light at Frankhauser. I've been  
18 to many of these meetings, we've always been discussing  
19 putting in stop signs or putting in new signal lights and  
20 it's a big process. Well, wasn't it a big process to put  
21 the light in at Frankhauser? There must have been a reason  
22 to put that light in there and now they want to take it out  
23 to add another light just down a little bit.

24 But, let me tell you in the wintertime when you're  
25 trying to make a right or a left out of there without a  
26 signal light there you cannot see any traffic coming down



1 the right lane along this parcel at all because there's snow  
2 piles on the side of the road, it's just the natural  
3 terrain, you can't see it, there's just a stop sign there  
4 and you don't even have enough time to make the judgement  
5 to pull out. And I just want to say ditto to all the people  
6 who spoke before me that are against this project. I think  
7 that's all I have to say. Thank you.

8 (Applause)

S-073

9 MS. MARYANN HOCHBERG: Maryann Hochberg, 1075 North  
10 Forest Road. Start at the bottom and work up.

11 The soil testing must be completed and results  
12 made public before considering any plan. The developer is  
13 still working out methodology for testing and they've only  
14 done minimal pilot study without formal completion of  
15 testing and release some results no plan should advance, we  
16 need the certificate of completion in hand which is a long  
17 way off.

18 As far as safety, Mr. Shaevel was saying at last  
19 Wednesday's meeting. The site is likely no different than  
20 any private golf course of the same age. As an example  
21 Park Country Club and Westwood Country Club, so that should  
22 be noted.

23 This is not smart growth, consultants have  
24 recently presented before the Town Board stating that  
25 Amherst is essentially built up, the focus should be term  
26 redevelopment and preservation of remaining greenspace.

1 This is not redevelopment, you cannot define land that is  
2 obsolete when you are the one that vacated it, that is self  
3 serving. And do really need one saying the project does not  
4 meet the goals of the bicentennial comprehensive master  
5 plan.

6 Once rezoned anything can be done on the parcel  
7 that meets the criteria of the code. Greenspace drawn on  
8 paper no matter how respected the planner is still only a  
9 concept with no promise of being realized. Larger outer  
10 buffers are often used to strip residents of their voice in  
11 the process.

12 This plan is just a concept with examples of the  
13 types of elements that might be built, but it was the market  
14 that will drive the eventual reality. It is highly unlikely  
15 the trial result will match the proposal given a ten year  
16 messy disruptive build out. The residential character of  
17 the existing surrounding neighborhoods cannot be dismissed.

18 The proposed zoning requests are a blank check  
19 that allow changes to intense for the area as a whole.  
20 Thank you very much for the time you're spending on us.

21 CHAIRMAN GILMOUR: Thank you.

22 MS. MARYANN HOCHBERG: Thank you.

23 (Applause)

24 CHAIRMAN GILMOUR: Is there anybody else who wishes  
25 to speak on this? Seeing none, Sean do you want to speak on  
26 any of this before we take action on this?

1 MR. HOPKINS: I just want address a couple of  
2 things very briefly. Number 1, there has been a lot of  
3 discussion this evening about whether or not this  
4 redevelopment project is consistent with the comprehensive  
5 plan. And I would like to note several things.

6 Number 1, if you look at the actual text of the  
7 comprehensive plan, text that predates my client owning  
8 this site, it explicitly acknowledges the need for the  
9 redevelopment of obsolescent and vacant community facilities  
10 including schools and golf courses, this is exactly what we  
11 have. Mensch Capital Partners was not the long term owner,  
12 they didn't not abandon the site.

13 The Westwood Country Club was facing bankruptcy  
14 and they sold the property. And so simply to say the  
15 comprehensive plan says this shall forever remain green  
16 space, that's simply not accurate.

17 Number 2, we are hearing this claim again and  
18 again that oh, we're saying it's a brownfield and we're  
19 coming in front of you and saying because it's a brownfield  
20 it's really not a brownfield, you need to rezone the site.  
21 That's actually not the case, the project predates us  
22 knowing that it was a brownfield.

23 The reason we became aware it was a brownfield  
24 goes way back to an informational meeting we held more than  
25 two years ago. There was a resident who lived close by and  
26 said hey you may want to check for chemicals, he contacted

1 the Erie County Health Department and low and behold we were  
2 told we need to do that study.

3 So, we're not using that as justification. I  
4 heard a claim that we're going to destroy a greenfield, it's  
5 simply not a greenfield, it is a brownfield, there is  
6 greenspace, no doubt it's greenspace. But, it is a  
7 brownfield, the DEC makes that determination and they've  
8 made that determination.

9 Andy summarized the testing. Hundreds of  
10 thousands of dollars are being spent, so this isn't an  
11 attempt to create a brownfield as justification for a  
12 project.

13 We heard a claim that this is a shell game. Well  
14 you're really making revisions to the plan just to confuse  
15 everyone. To the extent someone believes that, that is not  
16 the case. We're trying to make sure everyone has copies of  
17 the plans. We've listened to the input received. We're not  
18 saying that everyone is going to support this project, but  
19 it's certainly not a shell game. We have increased the  
20 amount of permanent open space. We are at nearly 50  
21 percent. We do exceed more than 80 acres.

22 The comprehensive plan acknowledges we need to  
23 redevelop an obsolescent or vacant community facility, such  
24 as a golf course. That you should preserve some of the  
25 previous character as greenspace. That's exactly what we've  
26 done.

1           In terms of recreation conservation zoning, it is  
2           important to note that was not the zoning classification  
3           when my client purchased the site. It was zoned community  
4           facilities district. At that point in time the CF zoning  
5           allowed a whole assortment of uses, including without any  
6           rezoning, senior housing, assisted living, nursing homes,  
7           hospitals, offices, government offices, etcetera, etcetera.  
8           That is the zoning that was in place when we purchased the  
9           site and that's important to note for the record.

10           In terms of the, the whole claim that well, maybe  
11           this should just be preserved as permanent open space.  
12           Everyone does need to at least keep in mid the fact of  
13           several things. Number one, it's privately owned. It is,  
14           it's privately owned. It's not publically owned, it's not  
15           owned by anyone else. It's a private property.

16           Number two, and this is per the DEC's policy, not  
17           our policy; in order for that to be publically accessible  
18           greenspace, it has to be cleaned. We didn't make that  
19           determination, the DEC did. Andy indicated, because of the  
20           growth, or the increased scope of the contamination, we  
21           could be looking at upward of eight million dollars. That  
22           money needs to be spent.

23           So I guess what I would ask is, if there wasn't a  
24           project here, how does that get done? This does not become  
25           publically accessible greenspace without the clean up. It  
26           simply can't be. So I would like to note those things.

1 We've heard some additional input. I don't  
2 envision you're going to finalize your recommendation this  
3 evening. We will take that in to consideration. And I  
4 would note some of the input that's been provided this  
5 evening has been helpful, so thank you.

6 CHAIRMAN GILMOUR: Thank you.

7 BOARD MEMBER SHAPIRO: I make the motion to deny  
8 based on the resolution and all of the comments.

9 CHAIRMAN GILMOUR: We have a motion on the floor.  
10 Do we have a second?

11 (No verbal response)

12 CHAIRMAN GILMOUR: Motion denied. Motion dies for  
13 lack of a second.

14 BOARD MEMBER HERBERGER: I'll move to adjourn the  
15 hearing, pending completion of all the final studies, carpet  
16 studies, INI.

17 BOARD MEMBER GELBER: I second.

18 CHAIRMAN GILMOUR: We have a motion and we have a  
19 second. All those in favor? All those in favor of the  
20 motion say aye.

21 BOARD MEMBER SHAPIRO: What's the motion just to be

22 --

23 CHAIRMAN GILMOUR: We can repeat it. The motion  
24 was made --

25 AUDIENCE MEMBER: We can't hear you.

26 CHAIRMAN GILMOUR: We made a motion to adjourn,

1 based on completion of the storm water, sanitary sewer and  
2 traffic studies that are required in order to make a  
3 determination on the project.

4 MR. HOPKINS: What do we mean by that, final  
5 studies. We're not anywhere near that.

6 BOARD MEMBER HERBERGER: We need to have the  
7 sanitary sewer department ready to issue an okay that we can  
8 do the job that they want to do. We need to make sure that  
9 we can handle all the INI water requirements. We need  
10 verification of that and approval from -- (unintelligible)  
11 We also need the traffic study.

12 MR. HOPKINS: But you're not looking for final  
13 approval, technical plans?

14 BOARD MEMBER HERBERGER: No, we're looking for the  
15 departments to say that this is an okay project and viable.

16 MR. HOPKINS: From a technical -- (unintelligible)

17 CHAIRMAN GILMOUR: Do we want to put a date on  
18 that?

19 UNIDENTIFIED MALE FROM AUDIENCE: Is that the  
20 original proposal?

21 CHAIRMAN GILMOUR: Excuse me, we're voting on it.

22 UNIDENTIFIED MALE FROM AUDIENCE: It did get  
23 seconded.

24 CHAIRMAN GILMOUR: It died for lack of a second.

25 BOARD MEMBER HERBERGER: It died for lack of a  
26 second.

1 CHAIRMAN GILMOUR: All right. So we have a motion

2 --

3 BOARD MEMBER SHAPIRO: I'm concerned that there are  
4 so many things that have to be done, it's going to take  
5 forever.

6 CHAIRMAN GILMOUR: Okay.

7 BOARD MEMBER SHAPIRO: I mean, this is just a  
8 recommendation to the Town Board.

9 CHAIRMAN GILMOUR: All right. So we have a motion  
10 and we have a second. Any other questions on that? Yes.

11 BOARD MEMBER SHAPIRO: That's the thing, what kind  
12 of date are we putting on this? Can we just adjourn without  
13 date.

14 CHAIRMAN GILMOUR: Yeah let's, let's adjourn till  
15 March.

16 BOARD MEMBER HERBERGER: I'll move to adjourn it  
17 till the March meeting to give them a sufficient amount of  
18 time, and that we have time to review additionally.

19 BOARD MEMBER SHAPIRO: I would think it would be  
20 done. It's the middle of winter.

21 CHAIRMAN GILMOUR: All right. So we have a motion,  
22 we have a second. All those in favor of the motion as it's  
23 been amended raise your hands, say aye.

24 BOARD MEMBER SHAPIRO: So for March?

25 CHAIRMAN GILMOUR: Yes. And take a count.

26 BOARD MEMBER ULATOWSKI: The motion that was made



1 was for storm, traffic and sanitary. And that was for a  
2 department recommendation?

3 BOARD MEMBER HERBERGER: Recommendation from the  
4 departments, based on the studies.

5 BOARD MEMBER ULATOWSKI: And the storm would  
6 include a hydraulic analysis, or something confirming  
7 whether or not one should be pursued? That's a concern of  
8 mine. I mean we're talking about filling a significant  
9 amount of land.

10 MR. HOPKINS: You can't apply this thing without an  
11 approved project.

12 BOARD MEMBER ULATOWSKI: Well my concern is we're  
13 being asked to recommend on densities and your, your impact  
14 in a critical resource, in the care and capacity of that  
15 resource. We don't know if this density's warranted based  
16 on the care and capacity of Ellicott Creek, because you  
17 haven't done a hydraulic analysis.

18 MR. HOPKINS: But we can't --

19 BOARD MEMBER ULATOWSKI: And you want, but you want  
20 to fill a floodplain that, that, you know, we rely on.

21 MR. HOPKINS: The flood frame, but we're certainly  
22 not asking for your approval from that. Once, if and when  
23 we have an approved project, then we go to FEMA with --  
24 (unintelligible)

25 BOARD MEMBER ULATOWSKI: I need some comfort level  
26 from the Town Engineer on the care and capacity of Ellicott

1 Creek, so if we can -- I support the motion to adjourn till  
2 we can get some affirmation from our Town Engineer on those  
3 three issues, including the care and capacity of Ellicott  
4 Creek.

5 BOARD MEMBER HERBERGER: I'll agree to that.

6 CHAIRMAN GILMOUR: Okay. Is that all right?

7 BOARD MEMBER HERBERGER: I don't have any problem  
8 with that.

9 CHAIRMAN GILMOUR: All right. So we have a motion  
10 and we have a second. All those in favor of the motion  
11 that's been amended raise your hand.

12 (All raise hands)

13 CHAIRMAN GILMOUR: Opposed?

14 (No response)

15 CHAIRMAN GILMOUR: Okay. Next item.

16 (Hearing adjourned)

CERTIFICATE

I, RHETT L. Baker, certify that the  
foregoing transcript of proceedings in Town of  
Amherst, Planning Board meeting in the matter of:

Amended Rezoning Application for a Planned Unit  
Development "Westwood Neighborhood" - Request to Rezone  
146.7 + Acres of Land from RC (Recreation/ Conservation  
as follows: 131.71+/-Acres to TND, 13.59+/Acres to MFR-  
7+/- Acres to Multi Family Residential and 1.40+/acres to  
GB. Z-2014-23A. Property Located at 772 North Forest Road  
and 375, 385 & 391 Maple Road. Mensch Capital Partners,  
LLC, Petitioner.

Was prepared from DVD and transcribed from a  
Liberty transcription machine and is a true and  
accurate record of the proceeding.

Signature Rhett L. Baker

Associated Reporting Service  
Post Office Box 674  
229 West Genesee Street  
Buffalo, New York 14201-0674

Date: 2/18/17

## B.3 Comment Summary (Tables 2.1 and 2.2)



**WESTWOOD NEIGHBORHOOD**  
772 North Forest Road and 375, 385 & 395 Maple Road - Z-2014-23  
COMMENTS Since 2014

Table 2.1: Listed By Comment ID

ID #	First Name	Last Name	Date	Agency (If applicable)	Topography, Geology, and Soils	Water Resources	Biological Resources	Land Use and Zoning	Recreational and Visual Resources	Socioeconomics	Cultural and Historic Resources	Transportation	Air Quality and Noise	Community Facilities and Services	Lighting	Utilities and Non-Transportation Infrastructure	Alternatives Analysis	Misc.
A-035	Peg	Pidgeon	8/20/2014	Senior Real Property Appraiser														X
A-036	Thomas	Ketchum	8/24/2014	Town of Amherst Engineering Dept		X										X		
A-037	Dolores	Funke	8/22/2014	County Executive	X											X		
A-038	Thomas	Ketchum	10/9/2014	Town of Amherst Engineering Dept		X												
A-038A	Barry	Weinstein	10/10/2014	Town Supervisor		X												
A-039	Eric	Kuchar	4/13/2015	Parks Recreation and Historic Preservation							X							
A-040	Conn	Keogh	4/19/2015	ACAC		X	X									X		
A-041	Thomas	Ketchum	4/16/2015	Town of Amherst Engineering Dept												X		
A-042	David	Denk	4/16/2015	NYSDEC			X									X		X
A-043	Dolores	Funke	4/16/2015	ECDOH														X
A-044	Vaishali	Reberholt	4/15/2015	?	X	X												
A-045	Eric	Gillert	9/3/2014	Planning Dept		X	X	X	X	X	X					X	X	
A-046	Eric	Gillert	4/15/2015	Planning Dept	X	X						X			X			X
A-047	Jeffrey	Loffredo	7/10/2015	Commissioner of Public Works								X						
A-048	Eric	Gillert	6/30/2015	Planning Dept		X												X
A-049	Matuski	Thomas	10/14/2014	Williamsville Central Schools														
A-050	Ammons	Lesta	7/21/2016	USCOE		X												
P-001	Laura	Tirone	2/5/2016									X						
P-002	Laura	Tirone	10/27/2016									X						
P-003	Jennifer	Haas	10/31/2016					X		X								
P-004	Judy	Ferraro	11/1/2016					X										
P-005	Rochelle	Lawless	11/2/2016					X		X		X						
P-006	Margaret	Markarian	11/3/2016					X				X	X					
P-007	Frederik	Miller	11/5/2016					X										
P-008	Linda	Perkins	11/9/2016									X						
P-009	S.	Doyle	11/12/2016															X
P-010	Matthew	Astridge	11/13/2016					X				X						
P-011	Margaret	Astridge	11/14/2016					X				X						
P-012	Ronald	Astridge	11/14/2016					X				X						X
P-013	Curtis	Robbins	11/14/2016					X		X								
P-014	Alanya	Zuniga	11/14/2016					X				X						
P-015	Hanna	Grol-Prokopczyk	11/14/2016					X										
P-016	Mary	Boehm	11/14/2016				X											
P-017	Alison	Lagowski	11/15/2016					X				X						
P-018	Lee	Dryden	11/15/2016				X					X						X
P-019	Carlos	Zuniga	11/17/2016					X				X						
P-020	Janet	Bounds	11/17/2016				X											
P-021	Richard	Bosch	11/17/2016									X						
P-022	Maureen	Schmitt	11/17/2016			X		X		X		X						
P-023	Maryann	Hochberg	11/17/2016		X			X										X
P-024	Nathan	Hartrich	11/17/2016				X	X				X						X
P-025	Judy	Ferraro	11/19/2016		X			X										X
P-026	Sandra	Koerber	11/30/2016									X						
P-027	Louise	Ganley	1/3/2017															X
P-028	Alissa	Shields	1/19/2017					X								X		
P-029	Jennifer	Snyder-Haas	1/19/2017		X			X				X				X		X
P-030	Maryann	Hochberg	1/19/2017		X			X										
P-031	Linda	Perkins	1/22/2017															X
P-032	Jennifer	Snyder-Haas	1/23/2017		X							X						X







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P-141	Irv	Levy	3/6/2017							X								X
P-142	Beth	Steinberg	3/6/2017							X								
P-143	Barbara	Nuchereno	3/6/2017					X				X						
P-144	Ronald	Perry	3/6/2017		X				X	X								
P-145	Kaarsten	Wisnock	3/6/2017					X		X		X						X
P-146	Michael	Mastrandrea	3/6/2017		X													X
P-147	Robert	Russo	3/6/2017									X						
P-148	Aimee	Hecht	3/6/2017		X					X								
P-149	James	Boje	3/6/2017									X						
P-150	John	Horn	3/6/2017							X								
P-151	Jamie	Johnson	3/6/2017							X								
P-152	Robyn	Neale	3/6/2017						X									
P-153	Armen	Saakyan	3/6/2017							X								
P-154	John	Havrilla	3/6/2017					X		X								
P-155	Kevin	Kulick	3/6/2017					X		X								
P-156	Jibreel	Riley	3/6/2017															X
P-157	Todd	Sugarman	3/6/2017							X								
P-158	Charles	Lannon	3/6/2017							X								
P-159	Thomas	Lucia	3/6/2017					X										
P-160	Dorothy	Stahlnecker-Smith	3/6/2017					X										
P-161	Eve	Feigelis	3/6/2017					X		X								
P-162	Susan	Carrel	3/6/2017															X
P-163	Jean	Willis	3/6/2017					X										X
P-164	Paul&Katherine	Schweitzer	3/6/2017															X
P-165	Kevin	Krumm	3/6/2017					X										
P-166	Judy	Ferraro	3/12/2017															X
P-167	Jeannette	Delmont	4/3/2017					X										
P-168	Norm	Wahl	5/1/2017					X										
P-169	Judy	Ferraro	5/2/2017															X
P-170	Harvey	Brody	5/5/2017					X		X								
P-171	Penelope&Charles	Shuman	5/23/2017															X
P-172	Kaarsten	Wisnock	6/28/2017		X				X							X		X
P-173	James	Witt	11/19/2016						X			X				X		
P-174	Maureen	Schmitt	-									X						X
P-175	Bruce	Kohrn	-					X										
P-176	David	Norman	-							X								
P-177	Kaarsten	Wisnock	11/28/2016					X	X	X		X						X
P-178	Warren	Klein	-		X				X	X						X		
P-179A	Rick	Lecksell	9/22/2017					X				X						
P-179B	Rick	Lecksell	9/22/2017									X						
P-180	Jerry	Kotowski	9/25/2017						X	X								
P-181	Kim	Utech	9/24/2017													X	X	X
P-182	Tom	Quagliana	9/18/2017									X						
P-183	MaryAnn	Hochberg	9/14/2017			X		X	X							X		
P-184	Steve	Albertson	9/17/2017				X	X				X						
P-185	Fredrik	Miller	9/10/2017						X									
P-186	Mary&Raymond	Boehm	9/11/2017			X	X	X				X				X		
P-187	Christine	Att	9/18/2017					X										
P-188	Lee&Peggy	Dryden	9/20/2017		X		X	X				X				X		
P-189	MaryAnn	Gerstle	9/21/2017					X				X						
P-190	Theresa	Avery-Scigaj	9/20/2017							X		X						
P-191	Charles	Molnar	9/25/2017									X				X		
P-192	Mark	Rivard	9/21/2017			X						X						X
P-193	Mary	Rivard	9/21/2017									X						X



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S-007	Tracy	Hawk	9/18/2017	Morningside Homeowners Association	X							X						
S-008	Amy	Klose	9/18/2017			X		X				X						
S-009	Jackie	Santa Maria	9/18/2017											X				
S-010	Ellen	Banks	9/18/2017				X											X
S-011	Michael	Kankiwicz	9/18/2017			X						X						
S-012	Robert	Yunkes	9/18/2017									X				X		
S-013	Diane	Weinert	9/18/2017			X										X		
S-014	Michael	Watson	9/18/2017									X						
S-015	Michael	Belor	9/18/2017								X							
S-016	Randy	Atlas	9/18/2017				X											
S-017	Nathan	Hartick	9/18/2017					X				X						
S-018	Michael	Whalen	9/18/2017				X											X
S-019	Larry	Hawk	9/18/2017															X
S-020	Alanna	Pohl Hughes	9/18/2017			X	X											
S-021	Meri	Lee Dubany	9/18/2017									X						
S-022	Thomas	Foegen	9/18/2017													X		
S-023	Mary Ann	Hochberg	9/18/2017					X								X		
S-024	Phillip	Parshall	9/18/2017													X		
S-025	Maureen	Schmidt	9/18/2017					X		X								
S-026	Chris	Drongosky	9/18/2017														X	
S-027	Kim	Utech	9/18/2017															X
S-028	Terry	Tolsma	9/18/2017															X
S-029	Thomas	Frank	9/18/2017															X
S-030	Donald	Smith	9/18/2017															X
<del>S-031</del>	<del>Daniel</del>	<del>Riker</del>	<del>9/18/2017</del>															
S-032	Judy	Ferraro	11/17/2016		X			X										X
S-033	Nathan	Hartrich	11/17/2016				X	X				X						X
S-034	Judy	Hyatt	11/17/2016		X													
S-035	Thomas	Feogen	11/17/2016													X		
S-036	Colleen	DiPirro	11/17/2016															X
S-037	Joe	Heins	11/17/2016															X
S-038	Lois	Shriver	11/17/2016			X	X											
S-039	Chris	Drongosky	11/17/2016															X
S-040	Chuck	Rizzo	11/17/2016		X			X		X								
S-041	David	Nuwer	11/17/2016			X		X				X						
S-042	Debra	Norton	11/17/2016					X										
S-043	Carol	Marychild	11/17/2016									X						
S-044	Maryann	Hochberg	11/17/2016					X										
S-045	Maureen	Schmitt	11/17/2016			X				X		X						
S-046	Kim	Utech	11/17/2016			X						X				X		X
S-047	Marylee	Debany	11/17/2016									X						
S-048	Kaarsten	Wisnock	11/17/2016					X										
S-049	Toby	Klyn	11/17/2016									X	X					
S-050	Mark	Rivard	11/17/2016		X													
S-051	Irv	Levy	11/17/2016					X										
S-052	Michael	Kaplan	11/17/2016															X
S-053	Helaine	Sanders	11/17/2016													X		
S-054	William	Tuyn	11/17/2016															X
S-055	Thomas	Frank	11/17/2016					X										
S-056	Jennifer	Snyder-Hass	1/19/2017		X			X				X				X		X
S-057	Nathan	Hartrich	1/19/2017				X	X			X	X						
S-058	David	LaFalce	1/19/2017									X						X
S-059	Carol	Marychild	1/19/2017									X						

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S-060	Alissa	Shields	1/19/2017					X								X		
S-061	Michael	Kankiwicz	1/19/2017					X				X						
S-062	Judy	Ferraro	1/19/2017					X										
S-063	Steven	Striegel	1/19/2017									X						
S-064	Alanna	Pohl Hughes	1/19/2017					X				X						
S-065	Robert	Yunkes	1/19/2017					X						X				
S-066	Michelle	Marconi	1/19/2017					X		X								
S-067	Dean	Haas	1/19/2017					X				X						
S-068	Maureen	Schmitt	1/19/2017							X		X						
S-069	Chester	Grosfsky	1/19/2017															X
S-070	Mark	Rivard	1/19/2017		X	X												
S-071	Thomas	Topper	1/19/2017															X
S-072	Terry	Tolsma	1/19/2017									X						
S-073	Maryann	Hochberg	1/19/2017		X			X										X
STN-001			10/2/2017	Stantec	X													
STN-002			10/2/2017	Stantec	X													
STN-003			10/2/2017	Stantec		X												
STN-004			10/2/2017	Stantec		X												
STN-005			10/2/2017	Stantec		X												
STN-006			10/2/2017	Stantec				X										
STN-007			10/2/2017	Stantec				X										
STN-008			10/2/2017	Stantec				X										
STN-009			10/2/2017	Stantec				X										
STN-010			10/2/2017	Stantec				X										
STN-011			10/2/2017	Stantec						X								
STN-012			10/2/2017	Stantec						X								
STN-013			10/2/2017	Stantec								X						
STN-014			10/2/2017	Stantec								X						
STN-015			10/2/2017	Stantec								X						
STN-016			10/2/2017	Stantec								X						
STN-017			10/2/2017	Stantec								X						
STN-018			10/2/2017	Stantec								X						
STN-019			10/2/2017	Stantec								X						
STN-020			10/2/2017	Stantec								X						
STN-021			10/2/2017	Stantec								X						
STN-022			10/2/2017	Stantec								X						
STN-023			10/2/2017	Stantec								X						
STN-024			10/2/2017	Stantec								X						
STN-025			10/2/2017	Stantec								X						
STN-026			10/2/2017	Stantec								X						
STN-027			10/2/2017	Stantec								X						
STN-028			10/2/2017	Stantec									X					
STN-029			10/2/2017	Stantec									X					
STN-030			10/2/2017	Stantec									X					
STN-031			10/2/2017	Stantec									X					
STN-032			10/2/2017	Stantec										X				
STN-033			10/2/2017	Stantec												X		
STN-034			10/2/2017	Stantec												X		
STN-035			10/2/2017	Stantec												X		
STN-036			10/2/2017	Stantec												X		
STN-037			10/2/2017	Stantec												X		
STN-038			10/2/2017	Stantec												X		
STN-039			10/2/2017	Stantec												X		
STN-040			10/2/2017	Stantec												X		

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STN-041			10/2/2017	Stantec												X		
STN-042			10/2/2017	Stantec												X		
STN-043			10/2/2017	Stantec												X		
STN-044			10/2/2017	Stantec												X		
STN-045			10/2/2017	Stantec												X		
STN-046			10/2/2017	Stantec							X							
STN-047			10/2/2017	Stantec									X					
STN-048			10/2/2017	Stantec									X					

**WESTWOOD NEIGHBORHOOD**  
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Table 2.2: Listed By Commenter Last Name

ID #	First Name	Last Name	Date	Agency (If applicable)	Topography, Geology, and Soils	Water Resources	Biological Resources	Land Use and Zoning	Recreational and Visual Resources	Socioeconomics	Cultural and Historic Resources	Transportation	Air Quality and Noise	Community Facilities and Services	Lighting	Utilities and Non-Transportation Infrastructure	Alternatives Analysis	Misc.
P-184	Steve	Albertson	9/17/2017				X	X				X						
P-068	Stuart	Angert	3/6/2017		X					X								
P-229	Paul	Ankasm	10/16/2017						X							X		
P-214		Anonymous	10/2/2017		X													
P-231		Anonymous	-							X								
P-232		Anonymous	-		X			X										
A-004	Brian	Armstrong	1/14/2016	Town of Amherst Engineering Dept		X												
A-010	Brian	Armstrong	7/13/2016	Town of Amherst Engineering Dept		X										X		
A-033	Brian	Armstrong	11/25/2015	Town of Amherst Engineering Dept												X		
P-094	Darren	Ascone	3/6/2017															X
P-010	Matthew	Astridge	11/13/2016					X				X						
P-011	Margaret	Astridge	11/14/2016					X				X						
P-012	Ronald	Astridge	11/14/2016					X				X						
P-225	Randy	Atlas	10/2/2017					X										
S-016	Randy	Atlas	9/18/2017				X											
P-187	Christine	Att	9/18/2017					X										
P-190	Theresa	Avery-Scigaj	9/20/2017							X		X						
P-104	Maxine	Awner	3/6/2017							X								
A-013	Ellen	Banks	7/18/2016	Amherst Conservation Advisory Council			X	X	X	X	X							
S-010	Ellen	Banks	9/18/2017				X											X
P-074	Lynne	Battaglia	3/6/2017					X										
S-015	Michael	Belor	9/18/2017								X							
P-102	Kathleen	Benson	3/6/2017															X
P-125	Kathleen	Benson	3/6/2017						X									
P-067	Susan&Gerald	Bergman	3/6/2017		X					X								
P-200	Louise	Bieron	9/21/2017		X			X		X								
P-116	Neil	Block	3/6/2017							X								
P-120	Leah	Blum	3/6/2017		X				X	X								
P-016	Mary	Boehm	11/14/2016				X											
P-038	Mary&Raymond	Boehm	2/22/2017				X	X				X				X		
P-186	Mary&Raymond	Boehm	9/11/2017			X	X	X				X				X		
P-149	James	Boje	3/6/2017									X						
P-021	Richard	Bosch	11/17/2016									X						
P-020	Janet	Bounds	11/17/2016				X											
P-170	Harvey	Brody	5/5/2017					X		X								
A-023	Sloane	Bullough	5/2/2017	NYS Parks, Recreation and Historic Preservation							X							
P-227	Barbara	Burgett	10/3/2017									X						
A-015	Jeffrey	Burroughs	11/11/2016	Town of Amherst Engineering Dept								X				X		
A-019	Jeffrey	Burroughs	1/19/2017	Town of Amherst Engineering Dept								X				X		
A-022	Jeffrey	Burroughs	4/28/2017	Town of Amherst Engineering Dept								X				X		
A-024	Jeffrey	Burroughs	5/10/2017	Town of Amherst Engineering Dept												X		
A-025	Jeffrey	Burroughs	5/10/2017	Town of Amherst Engineering Dept												X		
A-026	Jeffrey	Burroughs	8/24/2017	Town of Amherst Engineering Dept												X		



**WESTWOOD NEIGHBORHOOD**  
772 North Forest Road and 375, 385 & 395 Maple Road - Z-2014-23  
COMMENTS Since 2014

**Table 2.2: Listed By Commenter Last Name**

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S-055	Thomas	Frank	11/17/2016					X										
P-138	Susan	Freed-Oestreicher	3/6/2017							X								
P-226	Janice	Fretz	10/2/2017									X				X		
P-061	Scott	Friedman	3/6/2017		X					X								
A-043	Dolores	Funke	4/16/2015	ECDOH														X
A-037	Dolores	Funke	8/22/2014	County Executive	X											X		
P-027	Louise	Ganley	1/3/2017															X
P-118	Steve	Gattuso	3/6/2017					X		X								
P-076	Linda	Gellman	3/6/2017					X										
P-112	Arthur	Gellman	3/6/2017															X
P-113	Ryan	Gellman	3/6/2017															X
P-189	MaryAnn	Gerstle	9/21/2017					X				X						
A-027	Eric	Gillert	1/6/2017	Planning Dept				X				X				X		
A-028	Eric	Gillert	11/10/2016	Planning Dept				X	X	X		X				X	X	
A-029	Eric	Gillert	1/27/2016	Planning Dept			X											
A-032	Eric	Gillert	11/23/2015	Planning Dept														X
A-045	Eric	Gillert	9/3/2014	Planning Dept			X	X	X	X	X					X	X	
A-046	Eric	Gillert	4/15/2015	Planning Dept	X	X						X			X			X
A-048	Eric	Gillert	6/30/2015	Planning Dept		X												X
P-063	Jennifer	Greco	3/6/2017		X				X	X								X
P-103	Levi	Greenberg	3/6/2017						X	X								
P-106	Nancy	Greenberg	3/6/2017		X				X	X								
P-107	Rivka	Greenberg	3/6/2017						X	X								
P-204	The	Greens	9/24/2017					X				X						
A-007	Paul	Griebner	3/4/2016	Snyder Fire Department										X				
P-015	Hanna	Grol-Prokopczyk	11/14/2016					X										
S-069	Chester	Grosfsky	1/19/2017															X
P-050	Gretchen	Gross	3/6/2017															X
P-003	Jennifer	Haas	10/31/2016					X		X								
S-067	Dean	Haas	1/19/2017					X				X						
A-005	Garrett	Hacker	2/1/2016	Erie County Department of Public Works Division of Highways								X				X		
P-115	MaryEllen	Hager	3/6/2017							X		X						X
P-224	Dennis&Karla	Harlow	9/30/2017									X				X		
S-017	Nathan	Hartick	9/18/2017					X				X						
P-024	Nathan	Hartrich	11/17/2016				X	X				X						X
S-033	Nathan	Hartrich	11/17/2016				X	X				X						X
S-057	Nathan	Hartrich	1/19/2017				X	X			X	X						
S-001	Jennifer	Haus	9/18/2017		X		X	X			X	X	X			X		X
P-154	John	Havrilla	3/6/2017					X		X								
S-007	Tracy	Hawk	9/18/2017	Morningside Homeowners Association	X							X						
S-019	Larry	Hawk	9/18/2017															X
P-205	MaryJo	Healy	9/27/2017									X						X
P-095	Donald	Hecht	3/6/2017		X					X								
P-148	Aimee	Hecht	3/6/2017		X					X								
S-037	Joe	Heins	11/17/2016															X
P-023	Maryann	Hochberg	11/17/2016		X			X										X
P-030	Maryann	Hochberg	1/19/2017		X			X										
P-039	Maryann	Hochberg	3/1/2017									X						X
P-183	MaryAnn	Hochberg	9/14/2017			X		X	X							X		
P-235	MaryAnn	Hochberg	10/1/2017								X							
S-023	Mary Ann	Hochberg	9/18/2017					X								X		











**WESTWOOD NEIGHBORHOOD**  
772 North Forest Road and 375, 385 & 395 Maple Road - Z-2014-23  
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P-145	Kaarsten	Wisnock	3/6/2017					X		X		X						X
P-172	Kaarsten	Wisnock	6/28/2017		X				X							X		X
P-177	Kaarsten	Wisnock	11/28/2016					X	X	X		X						X
S-048	Kaarsten	Wisnock	11/17/2016					X										
P-133	Steve	Witt	3/6/2017						X									
P-173	James	Witt	11/19/2016						X			X				X		
P-048	Mark	Wolfson	3/6/2017		X					X								
P-238	William	Wopperer	10/2/2017															X
P-234	Mary	Yee	9/29/2017											X				
P-100	Paul	Young	3/6/2017							X								
P-126	Sonia	Young	3/6/2017						X									
P-219	Robert	Yunkes	10/2/2017		X			X										
S-012	Robert	Yunkes	9/18/2017									X				X		
S-065	Robert	Yunkes	1/19/2017					X						X				
P-014	Alanya	Zuniga	11/14/2016					X				X						
P-019	Carlos	Zuniga	11/17/2016					X				X						
STN-001			10/2/2017	Stantec	X													
STN-002			10/2/2017	Stantec	X													
STN-003			10/2/2017	Stantec		X												
STN-004			10/2/2017	Stantec		X												
STN-005			10/2/2017	Stantec		X												
STN-006			10/2/2017	Stantec				X										
STN-007			10/2/2017	Stantec				X										
STN-008			10/2/2017	Stantec				X										
STN-009			10/2/2017	Stantec				X										
STN-010			10/2/2017	Stantec				X										
STN-011			10/2/2017	Stantec						X								
STN-012			10/2/2017	Stantec						X								
STN-013			10/2/2017	Stantec								X						
STN-014			10/2/2017	Stantec								X						
STN-015			10/2/2017	Stantec								X						
STN-016			10/2/2017	Stantec								X						
STN-017			10/2/2017	Stantec								X						
STN-018			10/2/2017	Stantec								X						
STN-019			10/2/2017	Stantec								X						
STN-020			10/2/2017	Stantec								X						
STN-021			10/2/2017	Stantec								X						
STN-022			10/2/2017	Stantec								X						
STN-023			10/2/2017	Stantec								X						
STN-024			10/2/2017	Stantec								X						
STN-025			10/2/2017	Stantec								X						
STN-026			10/2/2017	Stantec								X						
STN-027			10/2/2017	Stantec								X						
STN-028			10/2/2017	Stantec									X					
STN-029			10/2/2017	Stantec									X					
STN-030			10/2/2017	Stantec									X					
STN-031			10/2/2017	Stantec									X					
STN-032			10/2/2017	Stantec										X				
STN-033			10/2/2017	Stantec												X		
STN-034			10/2/2017	Stantec												X		
STN-035			10/2/2017	Stantec												X		
STN-036			10/2/2017	Stantec												X		
STN-037			10/2/2017	Stantec												X		
STN-038			10/2/2017	Stantec												X		

**WESTWOOD NEIGHBORHOOD**  
 772 North Forest Road and 375, 385 & 395 Maple Road - Z-2014-23  
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STN-039			10/2/2017	Stantec												X		
STN-040			10/2/2017	Stantec												X		
STN-041			10/2/2017	Stantec												X		
STN-042			10/2/2017	Stantec												X		
STN-043			10/2/2017	Stantec												X		
STN-044			10/2/2017	Stantec												X		
STN-045			10/2/2017	Stantec												X		
STN-046			10/2/2017	Stantec							X							
STN-047			10/2/2017	Stantec									X					
STN-048			10/2/2017	Stantec									X					

November 20, 2017

# Appendix C: Town Memos - Sewer Capacity



# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

August 26, 2014

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

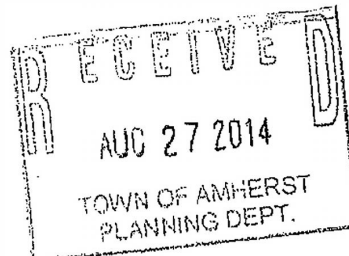
PETITIONER: Mensch Capital Partners, LLC

As per your request for comments based on scope and content completeness of the submitted Draft Generic Environmental Impact Statement (DGEIS), I offer the following:

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.

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.

TCK/BJA/sld  
cc: Barry A. Weinstein, M.D. – Town Supervisor







**TOWN OF AMHERST**  
ERIE COUNTY, NEW YORK

*Barry Weinstein Project File*

A-038A

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
PHONE: 716-631-7013  
FAX 716-631-7038  
www.amherst.ny.us

**BARRY A. WEINSTEIN, MD**  
Supervisor  
716-631-7032

**GUY R. MARLETTE**  
Deputy Supervisor/ Councilmember

Councilmembers:  
**MARK A MANNA**  
**RAMONA D. POPOWICH**  
**STEVEN D. SANDERS**

October 10, 2014

Ms. Lesta Ammons  
U.S. Army Corps of Engineers  
Buffalo District – NY Section Evaluation  
1776 Niagara Street  
Buffalo, NY 14207

Dear Ms. Ammons:

Re: Proposed Westwood Neighborhood (DOA File No. 1990-97632)  
Wetlands Jurisdiction Determination  
772 North Forest Rd.  
Town of Amherst, Erie County, NY

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 is warranted.

Should you have any technical concerns or questions relative to the above request, please contact Thomas C. Ketchum, Interim Town Engineer at (716) 631-7154.

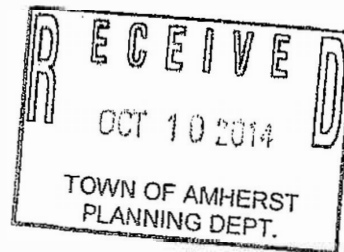
Very truly yours,

Barry Weinstein, M.D.  
Town Supervisor

BAW/sv  
Enc.

*2-2014-23*

cc: Councilmembers  
Thomas C. Ketchum, PE – Interim Town Engineer  
Eric W. Gillert, AICP – Planning Director  
Sean Hopkins, Esq. - Hopkins & Sorgi, PLLC  
Brad A. Packard, AICP – Ciminelli Dev., Co.  
Robert Pidanick – Nussbaumer & Clarke, Inc.  
Andrew J. Shaevel – Mensch Partners





# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

### MEMORANDUM

**DATE:** October 9, 2014

**TO:** Dr. Barry Weinstein – Supervisor

**FROM:** Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

**RE:** Proposed Westwood Neighborhood  
Wetlands Jurisdictional Determination  
DOA Application No. 1990-97632  
772 North Forest Rd.

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 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, W4, W5, W6, W7/8 and W11 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 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.

att.





# TOWN OF AMHERST

## ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

THOMAS C. KETCHUM, P.E., INTERIM TOWN ENGINEER

April 16, 2015

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Thomas C. Ketchum, P.E. – Interim Town Engineer *TCK*

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

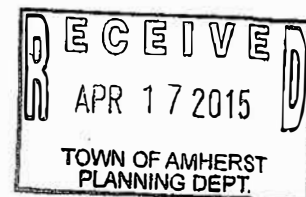
While this office finds the submitted Revised Draft Generic Environmental Impact Statement (Revised DGEIS) adequate for public review, we do however offer the following comments:

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.

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.

TCK/BJA

cc: Barry A. Weinstein, M.D. – Town Supervisor





# TOWN OF AMHERST

ENGINEERING DEPARTMENT


ERIE COUNTY – NEW YORK

BRIAN J. ARMSTRONG, EIT – ACTING DEPARTMENT HEAD

A-033

November 25, 2015

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Brian J. Armstrong, EIT – Assistant Municipal Engineer / Acting Department Head 

SUBJECT: Request to Rezone 145.08+/- Acres  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

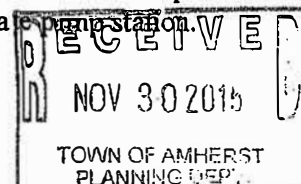
PETITIONER: Mensch Capital Partners, LLC

While this office finds the submitted 2<sup>nd</sup> Revised Draft Generic Environmental Impact Statement (2<sup>nd</sup> Revised DGEIS) adequate for public review, we do however offer the following comments:

As noted within Section 6.12.1 of the 2<sup>nd</sup> 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 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.

Stormwater sections of the 2<sup>nd</sup> 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor



**Voigt, Shirley**

---

**From:** Armstrong, Brian  
**Sent:** Thursday, January 14, 2016 12:03 PM  
**To:** Weinstein, Barry  
**Cc:** Andrzejewski, Brian P.; Voigt, Shirley  
**Subject:** RE: Westwood Neighborhood Project (Attachment 1)  
**Importance:** High  
**Attachments:** Hopkins - Jan 13, 2016.pdf

Dr. Barry,

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.

Please let me know if you have any questions regarding the above.

**Brian J. Armstrong, EIT**  
Assistant Municipal Engineer  
Town of Amherst  
Engineering Department  
1100 North Forest Road  
Williamsville, NY 14221  
716.631.7154 ext. 7412 office  
716.631.7222 fax  
[barmstrong@amherst.ny.us](mailto:barmstrong@amherst.ny.us)

---

**From:** Voigt, Shirley

**Sent:** Thursday, January 14, 2016 9:44 AM  
**To:** Armstrong, Brian  
**Subject:** Westwood Neighborhood Project (Attachment 1)  
**Importance:** High

Please see attached document that was received from Sean Hopkins yesterday. Supervisor Weinstein would appreciate receiving your comments on it. I am sending the attachments in three e-mails as the file is too large. This e-mail includes the first attachment.

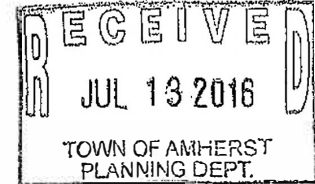
Thank you.

Shirley Voigt  
Assistant to the Supervisor




**TOWN OF AMHERST**  
**ENGINEERING DEPARTMENT**  
**ERIE COUNTY – NEW YORK**  
**JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER**

July 13, 2016



TO: Ellen M. Kost, AICP – Associate Planner

FROM: Brian J. Armstrong, EIT – Assistant Municipal Engineer 

SUBJECT: Request to Rezone 145.08+/- Acres  
 RC to TND, MFR-7 & GB & Planned Unit Development  
 Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
 (Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

We have reviewed the above referenced Revised Draft Generic Environmental Impact Statement and offer the following comments:

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.

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.

Page 2

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 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.

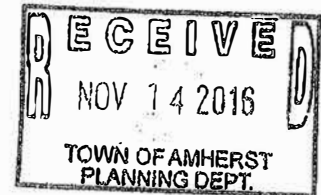
cc: Barry A. Weinstein, M.D. – Town Supervisor





**TOWN OF AMHERST**  
**ENGINEERING DEPARTMENT**  
**ERIE COUNTY – NEW YORK**  
**JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER**

November 11, 2016



**TO:** Ellen M. Kost, AICP – Associate Planner

**FROM:** Jeffrey S. Burroughs, PE – Town Engineer *JSB*

**SUBJECT:** Request to Rezone 146.7+/- Acres – Amendment I  
 RC to TND, MFR-7 & GB & Planned Unit Development  
 Z-2014-23

**ADDRESS:** 772 North Forest Road and 385 & 391 Maple Road  
 (Westwood Country Club)

**PETITIONER:** Mensch Capital Partners, LLC

This office has reviewed the Rezoning Application for a Planned Unit Development – Amendment I and offers the following comments:

- 1 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, the Town of Amherst Engineering Department will not grant downstream capacity approval for this development's tie in to the Sheridan Drive trunk sewer.
- 2 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).
- 3 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.
- 4 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.

- 5 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 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.
- 6 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.
- 7 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.
- 8 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/I290. It is this department's opinion that other site configurations must be considered to minimize the traffic impact on the aforementioned corridor.

cc: Barry A. Weinstein, M.D. – Town Supervisor



**TOWN OF AMHERST**  
**ENGINEERING DEPARTMENT**  
ERIE COUNTY – NEW YORK  
**JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER**

January 19, 2017  
Rev. January 27, 2017

**TO:** Ellen M. Kost, AICP – Associate Planner  
**FROM:** Jeffrey S. Burroughs, PE – Town Engineer *JCB*  
**SUBJECT:** Request to Rezone 146.7+/- Acres – Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development  
Z-2014-23  
**ADDRESS:** 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

**PETITIONER:** Mensch Capital Partners, LLC

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

- 1 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. 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 Augspurger 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.
  - b. Acknowledgement from the State University of New York at Buffalo accepting the additional 1 MGD peak flow within its sewer on Augspurger Drive.
  - c. 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.
- 2 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.
- 3 Please review the attached excerpt from Section 2 of Exhibit T. The Engineering Department recommends making the referenced changes shown in Exhibit T.

**RECEIVED**  
JAN 30 2017  
TOWN OF AMHERST  
PLANNING DEPT.

**REVISED**

- 4 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..."
- 5 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.
- 6 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.
- 7 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.

cc: Barry A. Weinstein, M.D. -- Town Supervisor

**Downstream Sanitary Sewer Capacity Analysis**

A downstream sanitary sewer capacity analysis was performed by comparing the capacity of the downstream sewer with the combination of the proposed new sanitary flows and current flows. These flows were obtained from recent wet weather flow monitoring data as the NYSDEC Sewer Extension Application Guidance and Related I/I Flow Offset Requirements recommends. The guidance documents further require that flow data is collected from a minimum of three key nodes during a significant rainfall event. A significant rainfall event is defined as a daily rainfall amount of 0.5" or greater.

TECSmith, Inc. performed flow monitoring of three downstream locations for this project between the dates of November 16, 2016 and December 6, 2016. Flow monitoring results are:

- Node 1 – Amherst Manor Drive (North of Maple Road):
  - Pipe Size: 15-inch diameter
  - Capacity: 1.70 million gallons per day (MGD)
  - Average daily Flow: 0.3 MGD
  - Daily Peak Flow: 0.48 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 1.61 MGD
- Node 2 – 2031 Sweet Home Road (between Skinnersville Road and Durham Drive):
  - Pipe Size: 36-inch diameter @ 0.05%
  - Capacity: ~~18.5~~ 9.75 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 3.48 MGD
- Node 3 – University of Buffalo (UB) Outfall (Intersection of Sweet Home and Chestnut Ridge):
  - Pipe Size: 36-inch diameter @ 0.20%
  - Capacity: 18.5 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 2.83 MGD

The downstream capacity analysis was performed utilizing the sewer capacity of the three locations monitored and comparing it to a combination of the peak flows monitored and the proposed flows from the development with and without flow equalization. The table below represents the results of the downstream sanitary sewer capacity analysis with and without the use of an onsite equalization basin.

Sanitary Sewer Capacity Analysis								
Sewer Name	Sewer Diameter (inches)	Existing Sewer Capacity (MGD) <sup>(1)</sup>	2016 Peak Hourly Flow Monitoring Results (MGD) <sup>(2)</sup>	Available Sewer Capacity (MGD)	Proposed Flow w/o Eq (MGD)	Proposed Flow with Eq (MGD)	Proposed Available Sewer Capacity w/o Eq (MGD)	Proposed Available Sewer Capacity with Eq (MGD)
Amherst Manor Drive	15	1.7	1.61	0.09	1.00	0.49	-0.91	-0.40
2031 Sweet Home Road	36	<del>18.5</del>	3.48	<del>15.02</del>	1.00	0.49	<del>14.02</del>	<del>14.53</del>
UB Outfall	36	18.5	2.83	15.67	1.00	0.49	14.67	15.18



# TOWN OF AMHERST

ENGINEERING DEPARTMENT  
 ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

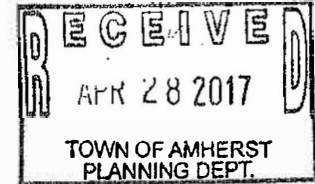
April 28, 2017

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Jeffrey S. Burroughs, PE – Town Engineer *JSB*

SUBJECT: Request to Rezone 141+/- Acres -- Amendment I  
 RC to TND, MFR-7 & GB & Planned Unit Development; Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
 (Westwood Country Club)



PETITIONER: Mensch Capital Partners, LLC

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:

- 1 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. Given the analysis provided in the DGEIS and the April 11, 2017 report, the Engineering Department finds that:
  - a. 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.
  - b. 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.
- 2 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 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.
- 3 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor

**Kost, Ellen**

---

**From:** Burroughs, Jeffrey  
**Sent:** Wednesday, May 10, 2017 3:03 PM  
**To:** Kost, Ellen  
**Cc:** Weinstein, Barry; Gillert, Rick  
**Subject:** Revised Westwood memo  
**Attachments:** DOC051017.pdf

Ellen,

After internal discussions of our recent findings relative to the Sweet Home Road interceptor sewer system, we are requiring that the petitioner and its consultants need to re-evaluate the sanitary sewer capacity of said system. This issue is presented in item 1 of the attached memorandum.

In addition, item 2 was added to the memo so as to inform the petitioner of our meeting with UB. Item 3 was added to clarify the routing and permitting required for the new alternative sanitary sewer alignment.

If you have any questions, please let me know.

Jeff Burroughs, PE  
Town Engineer  
Town of Amherst Engineering Department  
1100 North Forest Road  
Williamsville, NY 14221

(p) (716) 631-7154 x 7418  
(f) (716) 631-7222



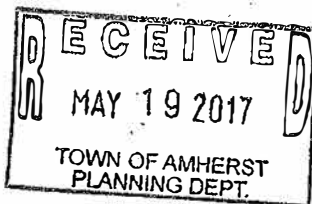
Town of Amherst Planning Department

Erie County, New York

Barry A. Weinstein, MD  
Supervisor

Eric W. Gillert, AICP  
Planning Director

Daniel C. Howard, AICP  
Acting Assistant Planning Director



March 22, 2017

**MEMORANDUM**

TO: Distribution

FROM: Planning Department, Ellen M. Kost, AICP, Associate Planner *EMK*

SUBJECT: REQUEST TO REZONE LAND FOR A PLANNED UNIT DEVELOPMENT ENTITLED "WESTWOOD NEIGHBORHOOD"; THAT INCLUDES THE FOLLOWING:

- (1) REZONE 141.08± ACRES OF LAND FROM RC (RECREATION CONSERVATION) AND R-3 (RESIDENTIAL) AS FOLLOWS:
  - 134.79± ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT);
  - 5.13± ACRES TO MRF-7 (MULTI-FAMILY RESIDENTIAL) AND
  - 1.16± ACRES TO GB (GENERAL BUSINESS); AND
- (2) DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS).

Property located at 772 North Forest Road (Portion) and 375, 385 & 391 Maple Road

Mensch Capital Partners, LLC, Petitioner

Z-2014-23C

Received  
March 20, 2017

The attached amended application is forwarded for your review. Please provide comments at your earliest convenience.

**REVIEW:**

Do you agree with all statements made? yes

If you do not, briefly state why: \_\_\_\_\_

General comments relative to your agency interests: none at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) \_\_\_\_\_

Please call the Planning Department if additional information is required (631-7051).

Signature: Douglas Gonia Date: 5-18-17

RECEIVED  
MAR 23 2017

EK/ac  
X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23\_C\_(772 North Forest Rd)\_2017\Transmittal\_032217.docm  
cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC  
Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Square, Suite 1900, Buffalo, NY 14203

TOWN OF AMHERST  
BUILDING DEPT





# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

May 10, 2017

TO: Ellen M. Kost, AICP – Associate Planner

FROM: Jeffrey S. Burroughs, PE – Town Engineer *JSB*

SUBJECT: Request to Rezone 141+/- Acres – Amendment I  
RC to TND, MFR-7 & GB & Planned Unit Development; Z-2014-23

ADDRESS: 772 North Forest Road and 385 & 391 Maple Road  
(Westwood Country Club)

PETITIONER: Mensch Capital Partners, LLC

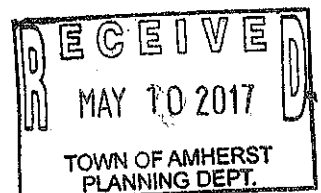
Please accept this memo as a supplement to the prior memo written relative to the above reference subject matter by the Engineering Department (Department) on April 28, 2017.

In light of the most recent wet weather events that have occurred over the past month and after additional material facts were presented during a meeting with officials from SUNYAB, this department finds that:

- 1 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 SUNYAB outfall sewer and the Sweet Home Road sanitary sewer interceptor from its intersection with the Chestnut Ridge Road 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.

- 2 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 SUNYAB officials during the week of 5/1/17. It is the opinion of the SUNYAB 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 SUNYAB 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 Augspurgen Drive sewer.

In addition, the SUNYAB officials stated that any remedial sanitary sewer work to increase capacity (such as a parallel sewer) that occurs on SUNYAB property must be owned by the Town and an agreement must be authored and executed for said improvements.

- 3 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.

cc: Barry A. Weinstein, M.D. – Town Supervisor



# TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

August 24, 2017

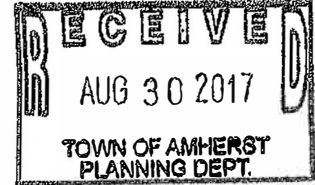
## MEMORANDUM

To: Ellen Kost, AICP, Associate Planner

From: Jeffrey S. Burroughs, PE, Town Engineer

JSB

Re: Proposed Westwood Development Sanitary Sewer Downstream Capacity Analysis



The Engineering Department has prepared this report relative to the above referenced subject. This report will serve to document the Engineering Department's determination of available downstream sanitary sewer capacity for the proposed Westwood development and other future projects proposed for the Maple Road/Millersport Highway corridor.

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 Westwood project of no more than 0.34 MGD (million gallons per day) peak flow.

### Background

There are significant sewer capacity constraints in the above referenced system corridor as depicted in the attached downstream sewer map (Exhibit A) and described in the following:

- The 54 inch West Side Interceptor at Sheridan Drive and the I290 has a capacity of 36.5 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 I290 until the I990 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 NFB corridor and Willowridge area.

Given the above flows (and system Sanitary Sewer Overflows (SSOs)), the Engineering Department has concentrated its historical replacement and rehab program on the collector sewers in Eggertsville and Snyder. Also, in an effort to relieve surcharge conditions in the West Side Interceptor, a project was constructed in 2016 to divert wet weather flow 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. The project consists of 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 full open. The design flow of the diversion was calculated to be approximately 5.0 MGD; however the flow allowed through the diversion is variable based on the surcharge level in the 60 inch interceptor and the position of the gate valve. The diverted sewage flows to the Sweet Home Road Interceptor.

### **History**

Relative to the Westwood Development, the Engineering Department has reviewed and commented on sewer capacity issues multiple times. Following multiple conversations with the Petitioner and their consultants regarding a lack of sewer capacity in the West Side Interceptor, the Petitioner, in their November 2016 submittal, still proposed sewage routing to the Sheridan Drive collector sewer and the West Side Interceptor.

After reaching an impasse with the above referenced routing, the petitioner proposed two alternative sewer routings to service the development. One of the proposals routes 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 Sweet Home Road. The other proposed route bypasses SUNYAB entirely and pumps the sewage to Sweet Home Road. Both alternatives end up at the same point in the sanitary sewer system – the 36 inch Sweet Home Road Interceptor.

Given the above, the Engineering Department has spent significant time and effort evaluating the sewer corridor between the proposed development referenced above and the Sweet Home Road Interceptor (the Maple Road-Amherst Manor Drive-Augsperger Drive-Sweet Home Road sanitary sewers). To aid in the review of the Engineering Department's findings, the department has attached an exhibit (Exhibit B) showing the location of the monitoring nodes with respect to the town's sanitary sewer interceptors.

## **Findings**

Flow meters were deployed in the above referenced corridor during the periods of November-December 2016, February-March 2017 and May-July 2017. The primary reason for the extensive flow metering was to ensure that the Town understood the effects of the proposed development on the system and also the effects of the new diversion structure on the Sweet Home Road Interceptor.

It is important to note that the Town has also recently deployed flow meters in the Augsperger Drive sewer on the SUNYAB campus to determine if there are flow limiting conditions in that sewer. Those flow meters will remain until mid-October 2017.

The flow monitoring has determined the following peak wastewater flows in the existing system:

Node (Exhibit A)	Sewer Size and Material of Construction	Peak Wet Weather Flow (MGD)	Pipe Capacity (MGD)	Notes
1 (Amherst Manor sewer)	15 inch VTP	1.64	1.70	December 1, 2016 flow monitoring
2 (SUNYAB outfall)	30 inch RCP	3.41 (May 25, 2017 peak flow 3.21)	Varies	December 1, 2016 flow monitoring
3 (Chestnut Ridge diversion sewer)	24 inch VTP	5.6	5.0 (design capacity)	May 25, 2017 flow monitoring
4 (Sweet Home Road Interceptor)	36 inch RCP	9.0	9.64	May 25, 2017 flow monitoring.

In reviewing the above referenced table and information, it is important to note the following:

- The peak flows that were captured on December 1, 2016 correspond to a 0.34 inch rain event, which followed after a 0.83 inch rain event on November 30, 2016. However, during this event, there was no data captured for Node 3.
- The peak flows that were captured on May 25, 2017 correspond to a 1.68 inch rain event (a 2 year 6 hour event).
- SUNYAB was not in session on May 25, 2017. (For purposes of this analysis, the Department estimates that in-session flows from SUNYAB are an incremental 0.20 MGD)

The Engineering Department chose two different dates to illustrate the flow variations in the sewer corridor because the May 25, 2017 date does not capture SUNYAB in session; however the May 25, 2017 date was the only date where the Chestnut Ridge Diversion Sewer (Node 3) and the Sweet Home Road Interceptor (Node 4) flows were captured simultaneously.

Given that the above monitoring in Node 4 did not include 0.20 MGD of sewage flow from SUNYAB, it can be conservatively assumed that if SUNYAB had been in session, the flow in Node 4 may have been approximately 9.20 MGD, leaving 0.44 MGD capacity.

### **Future Demand**

Future proposed peak flows (incremental) for the corridor are as follows

+0.95 MGD	Proposed Westwood development
+0.10 MGD	Proposed town projects (hotel and ice arena expansion)
+0.365 MGD	Prior proposed gun club development
<u>+???</u>	<u>Future SUNYAB projects</u>
>>1.415 MGD	Future proposed incremental peak flows

### **Available Capacity**

In light of the above, it is clear that there is not adequate capacity in the Amherst Manor sewer and Sweet Home Road Interceptor to serve the Westwood project as currently proposed.

Given the above, the Engineering Department recommends that the Chestnut Ridge Diversion structure discharge be reduced by 0.6 MGD to match the design discharge goals to the Sweet Home Road Interceptor. This modification will increase the sewer capacity as follows:

+0.44 MGD	Remaining Sweet Home Road Interceptor Capacity (including 0.20 MGD flow contribution from SUNYAB)
<u>+0.60 MGD</u>	<u>Reduction in Chestnut Ridge Diversion flow (from Chestnut Ridge Diversion adjustment)</u>
1.04 MGD	Total Available Capacity

### **Allocation**

The Engineering Department is recommending the following flow allocation:

+0.34 MGD	TOA Reserved Flow
+0.34 MGD	SUNYAB Reserved Flow
<u>+0.34 MGD</u>	<u>Westwood Flow Allocation</u>
1.02 MGD	Total Reserved Flow

The above recommendation includes equal allocation to future town projects (including future development in the corridor), to Westwood and to SUNYAB.

**Future Downstream Sewer Capacity Analysis**

Node (Exhibit A)	Existing Peak Flow (MGD)	Total Allocation (MGD)	Proposed Peak Flow (MGD)	Future Capacity (MGD)	Notes
1 (Amherst Manor sewer)	1.64	0.68	2.32	2.55	Increase to 18 inch
2 (SUNYAB outfall)	3.41	1.02	4.43	Varies	
3 (Chestnut Ridge diversion sewer)	5.60		5.0		Decrease diversion flow to 5.0 MGD
4 (Sweet Home Road Interceptor)	9.20	1.02	9.62	9.64	Existing peak flow would be 8.60 MGD with decrease in diversion flow

As part of our analysis the department rejects the petitioner's proposal to pump sewage around SUNYAB; therefore the department is recommending that the petitioner increase the size of the Amherst Manor sewer.

**Conclusion**

The department finds an equal allocation of the available capacity an appropriate approach to managing proposed and future sewer flows. This limits the available capacity for the Westwood project to 0.34 MGD.

**Attachments**

C: Barry Weinstein, M.D., Town Supervisor  
Stanley Sliwa, Town Attorney



**Town of Amherst Engineering Department  
Sewer Maintenance Division**

**Main Sanitary Sewer Interceptors**

**DOWNSTREAM SEWER**

**AMHERST PEANUT LINE & WEST SIDE INTERCEPTOR**

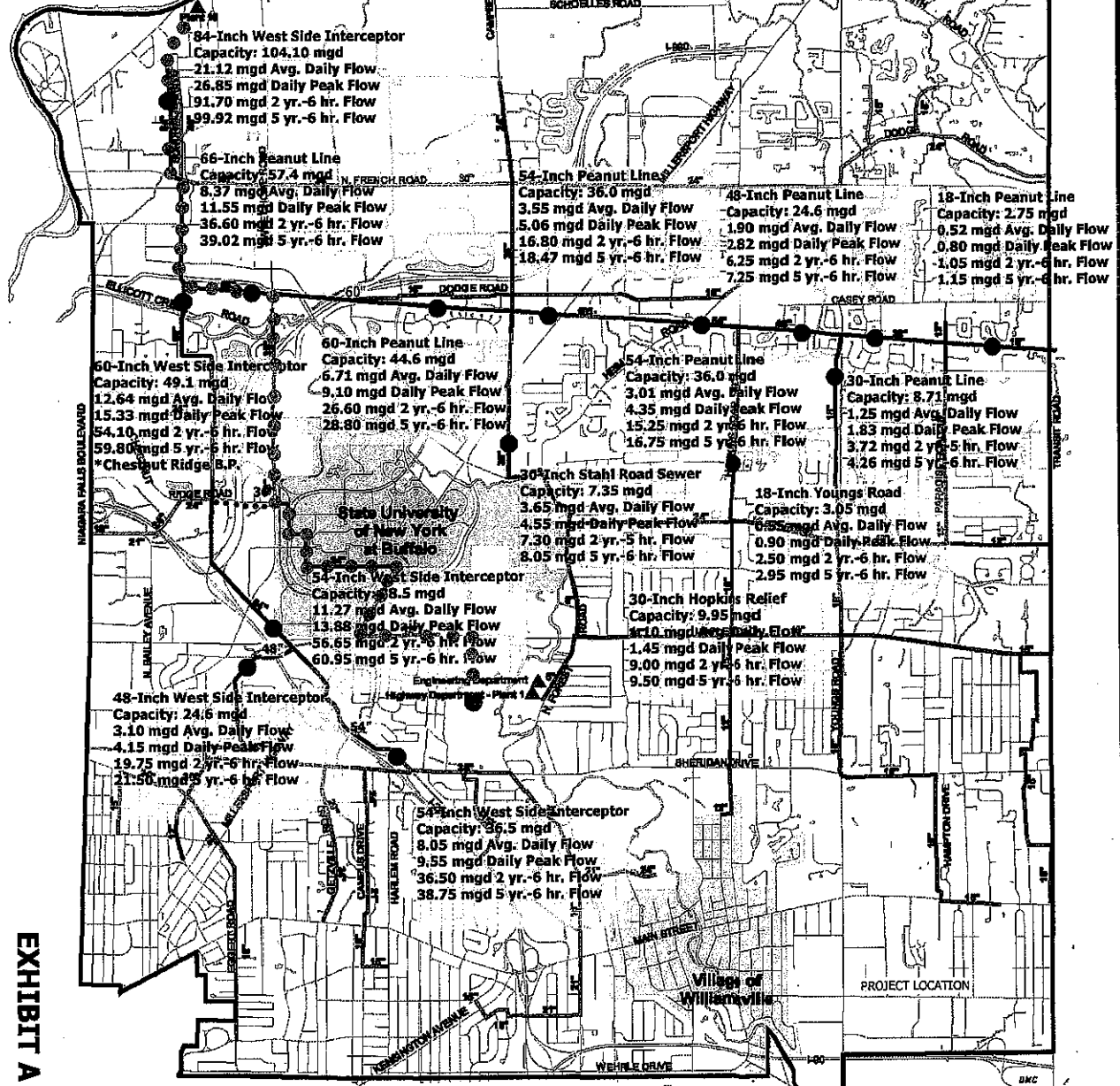
**PROPOSED WESTWOOD DEVELOPMENT**

AMHERST CONSOLIDATED SANITARY SEWER DISTRICT

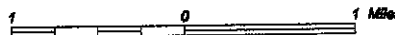
- Project Location
- Sanitary Routing

**August 2017**

- FLOW LOCATION POINT
- Flows Updated: 8/15/17



**EXHIBIT A**







Town of Amherst Engineering Department  
Sewer Maintenance Division

Main Sanitary Sewer Interceptors  
DOWNSTREAM SEWER MONITORING LOCATIONS  
PROPOSED WESTWOOD DEVELOPMENT

AMHERST CONSOLIDATED SANITARY SEWER DISTRICT

- Project Location
  - ● ● Sanitary Routing
  - August 2017
  - FLOW LOCATION POINT
- Flows Updated: 8/15/17

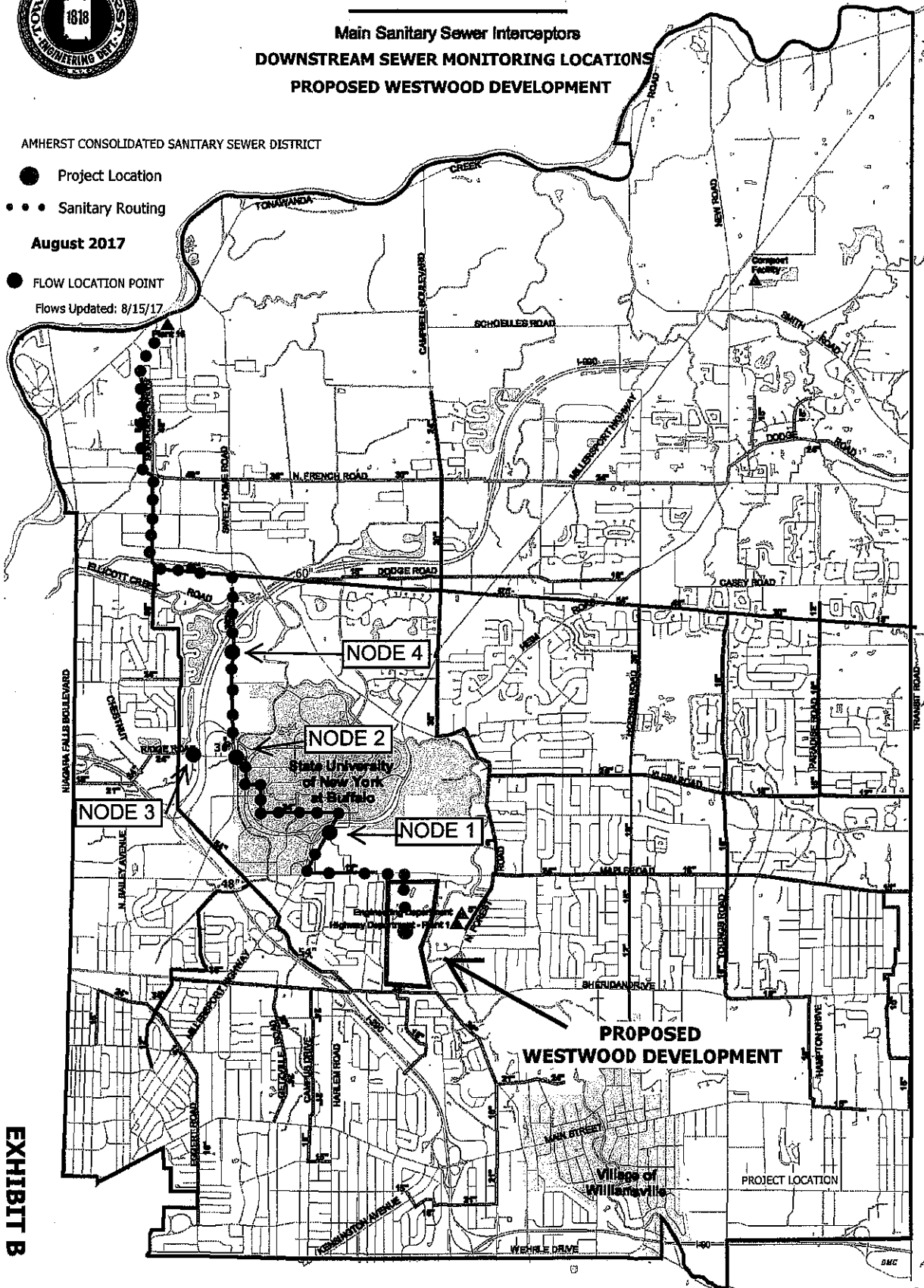
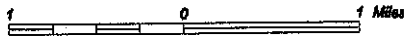


EXHIBIT B



November 20, 2017

# Appendix D: Notices



Town of Amherst Planning Department

Erie County, New York



Barry A. Weinstein, MD  
Supervisor  
Eric W. Gillert, AICP  
Planning Director  
Gary Black, AICP  
Assistant Planning Director

October 28, 2016

Mensch Capital Partners, LLC  
5477 Main Street  
Williamsville, NY 14221

SUBJECT: REQUEST TO REZONE LAND FOR A PLANNED UNIT DEVELOPMENT ENTITLED "WESTWOOD NEIGHBORHOOD"; HEARING WILL BE HELD ON THE FOLLOWING:  
**(1) REZONE 146.7± ACRES OF LAND FROM RC (RECREATION CONSERVATION) AND R-3 (RESIDENTIAL) AS FOLLOWS:**  
• **131.71± ACRES TO TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT);**  
• **13.59± ACRES TO MRF-7 (MULTI-FAMILY RESIDENTIAL) AND**  
• **1.40± ACRES TO GB (GENERAL BUSINESS); AND**  
**(2) DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS).**  
Property located at **772 North Forest Road (Portion) and 375, 385 & 391 Maple Road Z-2014-23A**

Dear Sir/Madam:

Your petition has been placed on the Planning Board's agenda for consideration at the next regular meeting scheduled for **Thursday, November 17, 2016**. The meeting will begin at **6:30 p.m.** in the Council Chambers located in the Amherst Municipal Building, 5583 Main Street, Williamsville, New York.

You are advised to have representation at the meeting to present your request and answer any questions raised by the Board or public.

Enclosed please find reviews submitted to date regarding your proposal. Please note that any materials submitted for display at the public hearing should not exceed 8½" x 11" in size.

Please be advised that the Planning Board has adopted time limits for speakers at their meetings:

- **Presentation by petitioner: 15 minutes**
- **Rebuttal by neighborhood/resident spokesperson: 15 minutes**
- **Individual speakers: 3 minutes**

If you have any questions regarding this matter please do not hesitate to contact our office.

Very truly yours,

GARY BLACK, AICP  
Assistant Planning Director

GB/ac

Enc.

X:\Current\_Planning\Files\Rezoning\2014\Z-2014-23\_A\_(772\_North\_Forest\_Rd)\Pet\_Letter\_Before\_Mtg\_102716.doc  
cc: Sean Hopkins, Esq., Hopkins, Sorgi, Romanowski, PLLC, 5500 Main St, Suite 343, Williamsville, NY 14221  
Brad Packard, AICP, Ciminelli Real Estate Corporation, 350 Essjay Rd., Williamsville, NY 14221  
Matthew Roland, Hamister Group, LLC, Director of Planning & Development, 10 Lafayette Sq., Suite 1900, Buffalo, NY 14203

**PLANNING BOARD HEARINGS  
ITEMS OTHER THAN REZONINGS**

Notice is herewith given of public hearings, complying with the Town of Amherst Zoning Ordinance and 6 NYCRR 617 (SEQR) provisions, to be held by the Planning Board of the Town of Amherst, New York, at the Municipal Building, 5583 Main Street, Williamsville, NY on **Thursday, November 17, 2016 at 6:30 P.M.** to consider the following applications:

Site Plan Review for proposed Medical Office Buildings; property located at 2360 Wehrle Drive (portion). Spectre-Dev, LLC, Petitioner.

Site Plan Review for a proposed Mike's Auto Addition; property located at 3110 Millersport Highway. Cesare Banach, Petitioner.

**PLANNING BOARD HEARINGS  
REZONINGS**

Notice is herewith given of public hearings, complying with the Town of Amherst Zoning Ordinance and 6 NYCRR 617 (SEQR) provisions **and, to the extent petitions request an action which is inconsistent with the adopted Comprehensive Plan, an amendment to the Comprehensive Plan, said hearing** to be held by the Planning Board of the Town of Amherst, New York, at the Municipal Building, 5583 Main Street, Williamsville, NY on **Thursday, November 17, 2016 at 6:30 P.M.** to consider the following applications:

Request to rezone land for a planned unit development entitled "Westwood Neighborhood"; hearing will be held on the following:

(1) rezone 146.7± acres of land from RC (Recreation Conservation) and R-3 (Residential) as follows:

- 131.71± acres to TND (Traditional Neighborhood Development);
- 13.59± acres to MRF-7 (Multi-Family Residential) and
- 1.40± acres to GB (General Business); and

(2) draft generic environmental impact statement (DGEIS).

Property located at 772 North Forest Road (Portion) and 375, 385 & 391 Maple Road. Mensch Capital Partners, LLC, Petitioner.

Request for relief of rezoning condition (Use Restricted to Nursery/Garden Center); property located at 5500 Millersport Highway. Charles J. Martin, Jr., Petitioner.

Request to rezone 4.98 ± acres of land from GB & SA to CS; property located at 5500 Millersport Highway. Charles J. Martin, Jr, Petitioner.

Request to rezone 0.85+/- acre from GB (General Business District) to MS (Motor Service District); property located at 3424 Sheridan Drive. Dunn Tire, LLC, Petitioner.

**The Planning Board will hold a public work session at 6:00 PM in the Amherst Town Board Conference Room, 5583 Main Street, Williamsville NY on the same date.**

X:\Current\_Planning\Planning Board\Book\Legal Notices\PB 111716.doc

## Appendix E: Post Deadline Items

Appendix E  
11/20/17

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

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

Both reports are attached in this Appendix E.

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

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

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

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

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

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

Appendix E  
11/20/17

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

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

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

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

Dear Ellen,

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

**Northbound Millersport Highway off ramp to Maple Road**

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

**Sheridan Drive and Mill Street**

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

**Sheridan Drive and North Forest Road**

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



#### Harlem Road and off-ramp from Eastbound I-290

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

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

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

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

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

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

#### **Sheridan Drive and Frankhauser Road**

- In #13 of the Conclusions it states, "In response to NYSDOT's direction allowing only one traffic signal at either Frankhauser Road or the proposed roadway intersection along Sheridan Drive..." In correspondence to Ellen Kost on December 23, 2016, NYSDOT stated "The revised TIS should consider a scenario or scenerios where there is a roadway connection between the proposed Westwood development road and Frankhauser Road and where only one signal is provided on Sheridan Drive whether it utilizes the existing one at Frankhauser Road or the one proposed opposite Fenwick Road." Regardless, based on the information provided in the TIS, NYSDOT concurs with the recommendation to remove the signal on Sheridan Drive at Frankhauser Road and at the same time the traffic signal on Sheridan Drive at the proposed project access/town road is installed, assuming it gets approved. However, before a traffic signal can be removed, the following steps must be followed, which will be the responsibility of the developer:
  - Determine the appropriate traffic control to be used after removal of the signal.
  - Notify local public officials and law enforcement agencies of the intent to remove the traffic signal.
  - Inform the public of the removal study, for example, by installing an information sign(s) with the legend TRAFFIC SIGNAL UNDER STUDY FOR REMOVAL at the signalized location in a position where it is visible to all road users. Press releases to local newspapers and radio and television stations should also be considered.
  - Remove any sight distance restrictions as necessary. If inadequate sight distance cannot be increased to standard (See Chapter 5, Section 5.10.5.1 of the NYSDOT Highway Design Manual) the traffic signal should be retained.
  - Flash or cover the signal heads for a minimum of 90 days, and install the appropriate stop control or other traffic control devices.
  - Remove the signal heads if the engineering data collected during the removal study period confirms that the signal is no longer needed. The signal poles and cables should remain in place for a maximum of 1 year after removal of the signal heads for continued analysis.

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

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

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

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

#### **General Comments**

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

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

Sincerely,  
Ed

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



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

FYI

**Marjory Jaeger**  
Amherst Town Clerk

5583 Main Street  
Williamsville, New York 14221  
phone: 716.631.7021  
fax: 716.631.7152  
[www.amherst.ny.us](http://www.amherst.ny.us)

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

Dear Marjory Jaeger:

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

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

Please pass this on to the Amherst Town Board.

Thank you,  
Randy Atlas

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



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

14.10

Marjory Jaeger  
Town Clerk

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

**COMMUNICATION 2017-222**

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**Linda Perkins - Westwood**

Letter from Linda Perkins in opposition to the Westwood development.

Aug. 22, 2017

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

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

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

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

Have respect for your taxpayers  
 and our green space.

Just say No.

Respectfully,

Linda Perkins

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

**Voigt, Shirley**

---

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

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

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

**SANDRA M. KOERBER**

54 Frankhauser Road  
 Williamsville, New York 14221  
 (716) 565-1150

January 16, 2016

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

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

Dear Ms. Ammons:

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

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

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



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

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

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

The abstract concludes as follows:

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

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

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

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

Sincerely,

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

- \* [www2.erie.gov/aerial\\_photos/index.php?q=erie-county-aerial-photos-1920s-atlas-no-8](http://www2.erie.gov/aerial_photos/index.php?q=erie-county-aerial-photos-1920s-atlas-no-8)
- \*\* [www.epa.gov](http://www.epa.gov) (wous\_guidance\_4-2011.pdf)
- \*\*\* California Department of Water Resources, Water Interaction, [www.water.ca.gov/groundwater](http://www.water.ca.gov/groundwater)

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

Maier  
299 Donna Lea Blvd  
Williamsville, NY 14221

January 25, 2016

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

Dear Mr. Sanders,

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

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

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

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

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

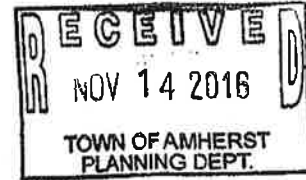
Sincerely,

  
Stephanie K. Maier

  
Thomas J. Maier

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

**Stuart H. Angert  
94 Harbridge Manor  
Amherst, NY 14221**



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

November 12, 2016

Dear Board Members.

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

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

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart H. Angert". The signature is written in a cursive style with a large, stylized initial "S".

**McClary, Susan**

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

Supervisor Weinstein,

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

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

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

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

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

The Mensch Partnership needs to make some serious decisions about their investment . Do they invest more money into project once they have the scope and cost of the remediation ?

What will be the size of the project that will be approved by the community ?

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

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

Sincerely,

Paul H. Brozyna

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

**Cooper, Kathy**

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**Subject:** FW: Message to Town Board

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

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

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

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

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

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

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

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

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

It starts with you and needs to be done now.

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

Judy Ferraro

Attachment: Ferraro Comm\_1 (COM-2016-302 : Ferraro Email)

**Cooper, Kathy**

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**Subject:** FW: Message to Town Board

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

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

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

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

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

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

**McClary, Susan**

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

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

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

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

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

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

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

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

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

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

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

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

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

7. If the town were to come forward to assist this company, then should the town use residents taxpayer dollars to purchase back the Westwood.  
If so, then who will this purchase help..golfers ? Little league? School ? Elderly? Unemployed? Sick? The town homeless?

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



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

Respectfully submitted,  
Francine Golonka

Sent from my iPad

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

RECEIVED

MAY 04 2016

TOWN OF AMHERST  
SUPERVISOR'S OFFICE

April 28, 2016

Amherst Town Board  
5583 Main Street  
Amherst, New York 14221

To:

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

Dear Supervisor & Town Board Members:

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

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

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

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

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

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

Respectfully Submitted,



Richard J. Herdlein, Ph.D.  
Amherst Resident

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

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

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

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

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

Thank you for your attention to this important matter.

Sincerely,  
Teresa Johnson  
215 Fairways Blvd.

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

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**Subject:** FW: Traffic study

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

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

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

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

From,  
A Concerned Resident

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

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**Subject:** FW: Need for a traffic study.

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

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

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

**McClary, Susan**

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

Mr Weinstein,

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

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

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

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

Nicole Pohancsek  
[REDACTED]

Attachment: Nicole Pohancsek -Westwood Country Club-05272016134828 (COM-2016-145 : Nicole Pohancsek - Westwood Country Club)

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**Subject:** FW: Objection to Westwood Development Project

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

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

Dear Mr. Sliwa,

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

Thank you for your consideration in this matter.

Daniel Sagun  
150 E. Maplemere Road  
Amherst

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



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**Subject:** FW: Terrible

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

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

Sharon Schneider  
Hickory Hill  
Amherst, NY 14221

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

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

Dr. Weinstein:

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

- 1) What are the current health and environmental concerns about Westwood?  
*Contamination with Arsenic + heavy metals*
- 2) How concerned should neighbors be about health risks?  
*I Do Not think it spreads*
- 3) What ideas does the town have to develop the land?  
*It is owned privately not by the town*
- 4) What does the term "brownfield" actually mean?  
*Contaminated property*
- 5) What, if anything, can young people do to help?  
*Demonstrate that the owner should clean up the site.*

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

Best wishes,  
Michael Sobol

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**Subject:** FW: Sheridan Road

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

Dear Ms. Jaeger,

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

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

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

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

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

Sincerely,

Theodore and Phyllis Steinberg  
32 Cobblestone Lane  
Williamsville, NY

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



November 14, 2017

Dr. Barry A. Weinstein, Supervisor  
Town of Amherst  
5583 Main Street  
Williamsville, NY 14221

**Re: Amended Rezoning & Planned Unit Development Application**  
**Project Name: Westwood Neighborhood**  
**Project Site: 772 North Forest Road, 375, 385 & 391 Maple Road**  
**Applicant/Project Sponsor: Mensch Capital Partners, LLC**

Dear Supervisor Weinstein:

The purpose of this letter is to follow-up from our correspondence dated November 1, 2017 in which we provided the Project Sponsor's responses to the comments contained in the letter issued by Stantec Consulting Services Inc. ("Stantec") dated October 16, 2017.

As noted on the November 1, 2017 letter, a meeting was held on October 16<sup>th</sup>, 2017 to discuss the letter issued by Stantec dated October 16<sup>th</sup> as well as the status of the environmental review of the proposed redevelopment project pursuant to the State Environmental Quality Review Act ("SEQRA"). The individuals who attended this meeting were the Stan Sliwa, Esq., Wendy Marsh, Esq. of Hancock Estabrook; Mike Flanigan of Stantec; Sean Hopkins, Esq., of Hopkins, Sorgi & Romanowski; Matt Roland, Project Manager for the Westwood Project; Victor O'Brien, P.E., of C&S Companies and Brian Sibiga, P.E., of Wendel Companies. None of the Town's professional Planning Department staff, who have been involved with the project review during the lengthy review process to date, were in attendance.

Within the November 1, 2017 letter, the Project Sponsor indicated that several comments required additional work to be completed by members of the Project Sponsor's consultant team. The additional work has been completed and attached as Exhibit "A" is the requested Shared Parking Analysis prepared by Amy Dake, P.E., of SRF Associates dated November 10, 2017. Attached as Exhibit "B" is the Revised Downstream Sanitary Sewer Capacity Analysis ("DSCA") prepared by Brian Sibiga, P.E. of Wendel dated November 10, 2017.

#### **I. Shared Parking Analysis and Additional Stantec Guidance Necessary**

As further noted in responses included within our letter dated November 1, 2017, additional guidance from Stantec is necessary to complete the requested queue analysis and accident investigation. Specifically related to the queue analysis, the Project Sponsor has requested a proposal from SRF & Associates to conduct queue measurements in the field, however SRF & Associates would need additional guidance from Stantec as to which intersections and which legs

these measurements will need to be taken to conduct this analysis. Specifically, please advise which intersections and which approaches SRF & Associates should to examine, and please note that this will data collection during reasonable weather conditions and while local schools and the University at Buffalo are in session. To address Stantec's request that additional investigation at five of the intersections be conducted to evaluate potential causes of the crash clusters so that mitigation measures can be assessed and recommended, the Project Sponsor has requested a proposal from SRF & Associates to conduct such an analysis by beginning to obtain MV-140A forms for all crashes requested by Stantec from the New York State Department of Transportation ("NYSDOT"). Prior to beginning that investigation, the Project Sponsor requests that Stantec please provide the five intersections in which the additional investigation is necessary so that SRF & Associates can begin to request the necessary accident reports from the appropriate agencies.

## **II. Revised Downstream Sanitary Sewer Capacity Analysis**

As noted in the recent correspondence from the Project Sponsor to the Town Board, over the past several weeks the Project Sponsor has been working with Wendel Companies to identify and evaluate various potential downstream sanitary sewer solutions to address the wet weather capacity constraints throughout the Town of Amherst. As noted in our letter dated October 2, 2017, the Project Sponsor will continue to work with the Town Engineering Department to investigate the various solutions to the existing downstream infiltration and inflow ("I/I") issues and the Project Sponsor and Wendel plan to meet with the Engineering Department in the near future to discuss the latest set of potential solutions.

Wendel's analysis based on the discussion during the meeting held on September 6, 2017 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. On September 20<sup>th</sup>, the Engineering Department provided us with the latest sanitary sewer flow monitoring data on the UB North Campus, and Wendel will prepare and submit an updated Downstream Sanitary Sewer Capacity Analysis Report ("DSCA") for these potential sanitary sewer improvements.

In addition, the Planning Board, during its meeting on September 14, 2017, voted to adjourn its continued review of the pending requested rezoning of portions of the Project Site pending additional information regarding the sanitary sewer capacity analysis to deal with existing downstream sanitary sewer constraints during wet weather conditions. The Project Sponsor has repeatedly advised the Town in writing, that as is the case with all projects, it acknowledges that adequate downstream sanitary sewer capacity will need to be in place as the mixed-use components on the Project Site are developed. Based on the investigation and discussions in place, this would provide further evidence and argument to hold the finalization of the Final Generic Environmental Impact Statement ("FGEIS") and issuance of a Findings Statement until a solution to the existing downstream wet weather sanitary sewer constraints can be determined by the Engineering Department and our consultants.

In addition to the proposed viable options to convey the sanitary sewer flows from the proposed Westwood Project while mitigating the Town's current I/I issues, the Project Sponsor also acknowledges that the approved project will be required to pay a substantial fee to the recently created Sewer Remediation Fund to mitigate existing I/I problems throughout the Town. Based on the current projected flows calculated based on the most recent version of the Conceptual Master Plan for the Project, this fee would amount to over a \$650,000.00 payment into the Sewer Remediation Fund to address existing wet weather sanitary sewer constraints throughout the Town.

To provide additional I/I abatement to provide additional capacity during wet weather conditions, the Project Sponsor proposes that additional I/I abatement activities are performed beyond the activities required by the NYSDEC, which are identified in Section 3 of the revised DSCA. As noted in the past, the Chestnut Ridge Road diversion serves to release some of the wet weather capacity constraints of the West Side Interceptor by diverting flows to the Sweet Home Road gravity sewer. As a result, in order to free up additional capacity for the proposed projects which would generate sewer flows into the Sweet Home Road line, such as the future construction at the University of Buffalo, Northtown Center, or the proposed Westwood project, there are several possible solutions. One possible solution is to address I&I in the area of the Town of Amherst which contribute to flows to the West Side Interceptor and the Chestnut River diversion sewer through targeted I&I abatement. For this solution, it is proposed that the Project Sponsor provide additional funding to the Town of Amherst in addition to that normally required as part of the Town's revised Sewer Law to perform additional I/I abatement in the form of 8-inch sewer lining in the area of the sewer system serving the Chestnut Ridge diversion sewer. It is proposed that 6,000 linear feet ("LF") of 8-inch sewer would be lined to result in a reduction of 480 gallons per minute ("gpm") or 0.69 million gallons per day ("MGD") of peak flows. This will allow the Town to adjust the Chestnut Ridge diversion sewer to operate at its design point of 5.0 MGD without impacting the upstream sewer system due to the flow reductions achieved by I/I abatement activities. The timing of this proposed contribution and its resulting I/I abatement would occur prior to the issuance of building permits for the vertical construction of the Westwood project, in order to demonstrate that the I/I abatement resulting from this contribution is alleviating the wet weather capacity issues in this portion of the sanitary sewer system in the Town of Amherst.

### **III. Conclusion**

It is important to mention that the Project Sponsor believes that the issuance of a Final Generic Environmental Impact Statement ("FGEIS") and a Findings Statement by the Town Board at this time is premature for several reasons, including (a) the fact the Planning Board, which until recently had been participating in the coordinated environmental review of the proposed project pursuant to SEQRA, has not yet completed its review of the pending request to amend the zoning classification of portions of the Project Site in furtherance of the current Conceptual Master Plan<sup>1</sup>; (b) there is a need for an additional evaluation of potential solutions to the existing downstream

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<sup>1</sup> The Project Sponsor has not been advised as the reason a decision was made to preclude the Planning Board from its continued involvement in the coordinated environmental review of the project pursuant to SEQRA. The Project Sponsor is not aware of any other instance in which the Town Board has finalized its environmental review of a proposed project involving a request to amend the zoning classification of property prior to receiving a SEQRA recommendation from the Planning Board.

## Letter to Supervisor Weinstein & Councilmembers

November 14, 2017

Page 4 of 7

sanitary sewer capacity constraints during wet weather conditions<sup>2</sup>; and (c) the Project Sponsor has repeatedly expressed a willingness to consider additional possible modifications to the project layout as depicted on the Conceptual Master Plan dated March 2017.<sup>3</sup>

The Project Sponsor has worked diligently in collaboration with locally and nationally respected consultants and in consultation with the various neighbors and interested agencies to design and propose the new Westwood Neighborhood as a mixed-use development that is purposefully aligned with the development and planning goals and objectives outlined in the Town's Comprehensive Plan. The redevelopment of the Project Site in a manner consistent with the revised Conceptual Master Plan will generate significant social, environmental and economic benefits for the Town and its residents, and will further support and enhance the quality of life and livability in the Town of Amherst.

If you have any questions regarding our responses or the Project as depicted on the current Conceptual Master Plan, please feel free to contact Andrew Shaevel at 362-7880 or via e-mail at andy@menshcapitalpartners.com, Matt Roland at 839-4000 or via e-mail at mroland@hamistergroup.com, or Sean Hopkins, Esq. at 510-4338 or via e-mail at shopkins@hsr-legal.com.

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<sup>2</sup> The Project Sponsor and its consultants have been proactively evaluated potential solutions to the existing downstream sanitary sewer constraints attributable to Inflow and Infiltration ("I/I"). The Project Sponsor has repeatedly expressed a preference to collaborate with the Town's Engineering Department with the goal of identifying possible solutions to the existing conditions. The Project Sponsor does not believe that the existing I/I problems are a legitimate basis for the Town to issue a Findings Statement stating that the necessary downstream sanitary sewer capacity during wet weather conditions does not exist for the proposed project. Identifying and implementing a solution to the existing I/I problems during wet weather conditions represent a possible long-term environmental benefit that could result from the continued evaluation of potential solutions and the implementation of a solution which would involve a substantial expenditure by the Project Sponsor is preferable to the existing problems being addressed at some unknown point in the future relying exclusively on the Town's expenditure of public funding. If the Town Board decides to proceed with the issuance of a FGEIS and Findings Statement rather than providing its consultant with the necessary additional time to evaluate potential solutions, the Findings Statement will need to include specific language providing the opportunity for the Town Board to reconsider any conclusions reached regarding existing downstream sanitary sewer constraints attributable to I/I during wet weather conditions based on updated information.

<sup>3</sup> The Conceptual Master Plan presented to the Town Board during the public hearing held on September 18<sup>th</sup> reflects input from a wide range of stakeholders that has been received during the lengthy review process. The Project Sponsor has repeatedly expressed a willingness to consider additional modifications based on continued input from the Planning Board, the Town Board, involved and interested agencies and the public. The Project Sponsor is currently in the process of evaluating possible modifications to the Conceptual Master Plan dated March 2017 based on the public hearing held by the Planning Board on September 15<sup>th</sup> and the public hearing held by the Town Board on September 18<sup>th</sup>. Each time the Conceptual Master Plan has been modified in the past, the modifications have resulted in reduction of the maximum potential build-out of the Project Site and overall improvements to the conceptual project layout.

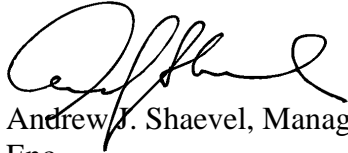
**Letter to Supervisor Weinstein & Councilmembers**

**November 14, 2017**

**Page 5 of 7**

Sincerely,

**MENSCH CAPITAL PARTNERS LLC**



Andrew J. Shaevel, Managing Partner  
Enc.

cc: Steven D. Sanders, Deputy Supervisor  
Ramona D. Popowich, Councilmember  
Dr. Deborah Bruch Bucki, Councilmember  
Francina J. Spoth, Councilmember  
Robert J. Gilmour, Chairperson, Planning Board  
Duncan Black, Planning Board  
Stephanie S. Gelber, Planning Board  
Dal Giuliani, Planning Board  
Steven L. Herberger, Planning Board  
Mary Pfeifer-Shapiro, Planning Board  
Daniel J. Ulatowski, Planning Board  
Eric Gillert, AICP, Planning Director  
Ellen Kost, AICP, Associate Planner  
Marjory Jaeger, Town Clerk  
Jeffrey S. Burroughs, P.E., Town Engineer  
Stan Sliwa, Esq., Town Attorney  
Wendy Marsh, Esq., Hancock Estabrook, LLC  
Michael Flanigan, Stantec Consulting Services, Inc.  
Amy Dake, P.E., SRF & Associates  
Victor O'Brien, P.E., C&S Companies  
Brian Sibiga, P.E., Wendel Companies  
Sean Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC  
Matt Roland, AICP, Hamister Group, LLC



# **EXHIBIT A**

**Shared Parking Demand Analysis Prepared by SRF &  
Associates dated November 13, 2017**



3495 Winton Place  
Building E, Suite 110  
Rochester, NY 14623

phone 585.272.4660  
fax 585.272.4662

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November 13, 2017

Mensch Capital Partners, LLC  
5477 Main Street  
Williamsville, New York 14221  
Attn: Mr. Matt Roland, AICP

RE: Proposed Westwood Mixed-Use Neighborhood, Town of Amherst, NY  
Shared Parking Demand Analysis

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Dear Mr. Roland

This letter and the attached supporting documentation provides information evaluating Shared Parking Demand for the proposed Westwood Mixed-Use Neighborhood in the Town of Amherst, New York. This Shared Parking Demand has been prepared at the request of Stantec, acting in its capacity as consultant for the Town of Amherst, with respect to the pending coordinated environmental review of the Westwood Mixed-Use Neighborhood, pursuant to the State Environmental Quality Review Act ("SEQRA").

The analysis conducted by our company as described herein supports our professional opinion that the 1,910 parking spaces depicted on the March 20, 2017 Conceptual Master Plan (**Figure 1**) dedicated for shared use parking are sufficient to accommodate the projected parking demands for the various components of the mixed use redevelopment project.

This parking demand analysis was prepared based on consideration of the parking space requirements set forth in Section 7-1-6A of the Town's Zoning Code as well the Alternate Parking Plan standards set forth in Section 7-1-7 of the Zoning Code. The results of the Shared Parking Demand study are described hereafter. All noted figures are included in the Attachments to this letter.

### **SHARED PARKING ANALYSES - BASED ON STANDARDS IN THE ZONING CODE**

The proposed Westwood Mixed-Use Neighborhood project includes a mix of office, residential, retail, hotel, and town park land uses. **Figure 1** illustrates the location and size of the development areas. At present, the total number of available shared parking spaces proposed pursuant to the current Conceptual Master Plan, is 1,910 parking spaces.

Table 1 indicates the land uses and parking space requirements using Town of Amherst standard code parking calculations per Section 7-1-6A of the Zoning Code. Parking requirements for the fully developed site, as proposed, using the Town of Amherst standard off-street parking space requirement would result in the need to provide 2,572 parking spaces. However, 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. To note, under Traditional Neighborhood Development per Section 5-6 of the Zoning Code, the maximum parking spaces would be 2,025 parking spaces.

**TABLE 1: STANDARD PARKING METHODOLOGY  
 PER SECTION 7-1-6A OF THE ZONING ORDINANCE**

<b>LAND USE</b>	<b>REQUIREMENT</b>	<b>PARKING SPACE REQUIREMENTS PER TOWN CODE</b>
Office (152,000 SF)	1 per 200 SF net floor area (for multistory, multiple tenant, NFA = 75% of GFA)	<b>570</b>
Hotel (130 rooms)	1 per room; plus 1 per 6 seats in restaurant/bar; plus 1 per 5 persons of posted capacity in conference room	<b>130</b>
Commercial/Retail (159,000 SF)	Retail: 5.5 per 1,000 SF (multi-story, single tenant = 80% of GFA)	<b>700</b>
Apartments in Mixed-Use Buildings (212 units)	2 per dwelling unit	<b>424</b>
Town Park (39 acres)	2 per acre (minus 45 in multi-family area)	<b>Total = 33 spaces</b>
Multifamily Community Apartments (180 units)	2 per dwelling unit	<b>Total = 360 spaces</b>
Senior Livings (200 ALF+140 independent units)	ALF: 1 per 3 beds + 1 per employee Independent: 2 per unit	<b>Total = 355 spaces</b>
<b>Total Parking Spaces</b>		<b>2,572</b>

**SHARED PARKING ANALYSES – BASED ON ALTERNATE PARKING PLAN**

Section 7-1-7 titled “Alternate Parking Plan” was included in the Zoning Code as adopted by the Town of Amherst Town Board in 2006 in recognition of the fact that the standard methodology for determining the required number of off-street parking spaces per the Schedule of Parking Requirements in Section 7-1-6A of the Zoning Ordinance does not necessarily reflect the number of parking spaces necessary for a proposed use or uses of a site.

Section 7-1-7A(1) of the Zoning Ordinance provides a petitioner with the ability to submit a Parking Study for specific developments or uses that may utilize a different amount of parking than may be generated by the standards shown for off-street parking spaces set forth in the Schedule of Parking Requirements in Section 7-1-6A of the Zoning Ordinance. Section 7-1-7A(1) specifies the information to be provided in connection with a Parking Study, including estimates of parking demand based on relevant ITE recommendations or other acceptable estimates.

Shared parking studies are conducted to establish the total number of spaces necessary by mixed-use developments to effectively serve expected parking demands. Each land use typically has a peak demand period where it would occupy the maximum amount of spaces that the use requires, and an off-peak period where a lesser percentage of the maximum spaces would be occupied. The shared parking concept builds upon the assumption that land uses in a mixed-use development often do not share the same peak demand period, so spaces can be shared between the different land uses during different peak periods. This allows for the project as a whole to provide fewer spaces than would be required if the project land uses were to be treated separately with individual parking demands. The

concept of shared parking is well recognized within the real estate and regulatory community, and is proven to work. Both the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE) have established guidelines for shared parking supply and demand based on actual experience.

ULI Shared Parking Methodology (Model) for shared parking, a national standard, was used to estimate the number of parking spaces required for the proposed project. This methodology is utilized by transportation engineers and planners when evaluating the parking demand for a mixed-use project.

The ULI Shared Parking Model is a multi-step process that, first, establishes the standalone peak parking requirements for land uses, such as shopping centers, offices, hotels, and residential developments. The methodology then applies a percentage to the peak requirement for each use, for each hour of the day between the hours of 6:00 AM and midnight, reflecting the fact that the parking demand for each use varies throughout the course of the day.

Shared parking synergies exist when (a) there are different uses that have peak operating times at different times of the day, and (b) when there are related or complementary uses where patrons of one use also access the complementary use. The ULI study also identifies monthly variations in parking demand by use for each month of the year. The most dramatic example of the first shared parking synergy is an office and a theater. An example of the second shared parking synergy is a hotel and a restaurant. The ULI study also identifies monthly variations in parking demand by use for each month of the year. For example, parking demand for retail peaks in the month of December, during the Christmas season, and is at 75% or less from January through October. Hotels, on the other hand, generally peak during June for business hotels while Memorial Day through to Labor Day is the busiest time period for leisure type hotels located in northern geographic areas of the United States. Likewise, restaurants associated with hotels follow a similar pattern, typically peaking in July, August and December and are slowest January through March.

Mixed-use projects, such as the proposed Westwood Mixed-Use Neighborhood, will experience parking synergy as described in the preceding paragraph. The parking efficiencies that will result reduce the excess supply of parking and associated loss of green space, storm drainage impacts and maintenance expenses. Additionally, it is important that sufficient parking is provided to prevent intrusion of parking into neighborhoods or adjoining properties, excessive vehicle circulation, and dissatisfied tenants and customers. The project team for the proposed Westwood Mixed-Use Neighborhood have given this careful consideration in their site planning efforts to date and subsequently, commissioned this analysis to confirm that the current site plan provides sufficient on-site parking for the proposed project.

Land use data proposed for Westwood Mixed-Use Neighborhood was entered in the Shared Parking Model; a spreadsheet that estimates the shared parking demand in mixed-use projects. The ULI spreadsheet for the proposed scenario is included in the attachment. **Figure 2** shows the input values and stand-alone parking calculations from the Shared Parking Model.

The following assumptions are inherent in the analyses:

- 159,000 square feet (SF) of Community Shopping Center
- 130 rooms of a Leisure Hotel
- 152,000 SF of Office
  - 392 Multifamily Units
  - 152 Senior Living Units

- A total of 304 Senior Living Units are proposed. The ULI Model does not have an input for senior housing. Based upon ITE’s Parking Generation 4<sup>th</sup> Edition at senior housing developments, parking demand rates for senior-oriented land uses are approximately 50% of typical rental residential land uses. The Shared Parking Model uses a residential parking rate of 1.5 spaces per unit. Therefore, a 50% reduction in the number of Senior Living Units was calculated and included in the Rental Residential Unit input.
- The Single Family Home, Patio Home, and Townhouse land uses were not considered in the shared parking analysis.

The base parking ratios were supplemented with a customized factor specifically tailored to the proposed Westwood Mixed-Use Neighborhood project. This factor is the noncaptive ratio. Simply, noncaptive ratios are expressed as a percentage of users who create no new parking demand when visiting more than one land use on a single external vehicle trip. For example, office employees walking to adjacent retail or restaurants during their lunch hour do not create additional parking demand. The noncaptive factor removes the potential for “double counting” parking demand for the project site. Adjustments to the noncaptive ratio were based on the multi-use credits used in the February 2017 Traffic Impact Study. These adjustments are depicted in **Figure 2**.

**Figures 3 and 4** shows the monthly variation in parking that is required for weekdays and weekends, respectively. Based on this information, the peak month at the project site occurs in December. **Figure 5** shows the hourly variation in parking on the site during the peak month of December for weekdays and weekends. The resulting greater of the weekday and weekend peak hour parking demand is presented in a tabular and graphical format. The total weekday and weekend parking demand is summarized in **Table I** and shown in the Shared Parking Model calculations in **Figure 6**. As previously stated, the total on-site parking supply included in the Conceptual Site Plan is 1,910 parking spaces.

**TABLE I: SHARED PARKING DEMAND & UTILIZATION**

PARKING DEMAND		PARKING UTILIZATION	
WEEKDAY	WEEKEND	WEEKDAY	WEEKEND
1,665	1,410	87.2%	73.8%

The Second Edition of the ULI’s Shared Parking Manual, and the Parking Consultants Council suggests using the 85<sup>th</sup> percentile of peak hour parking demand as a target parking ratio. This level produces an adequate supply cushion that minimizes motorists roaming for a parking space. **Figure 7** shows the hourly parking requirements during the peak month of December according to the Shared Parking Model. The overlap on the parking demand with the shaded area in following the graph reflects the time periods when this roaming may likely occur. The demand exceeds 85% of the parking capacity during the 2:00 PM and 3:00 PM peak hours on weekdays during the peak month of December with a utilization factor of 1,665 parking spaces. The peak parking demand is not expected to exceed 85% of the parking capacity on the project site except on rare occasions. **Figure 7** is reproduced for ease of reference.

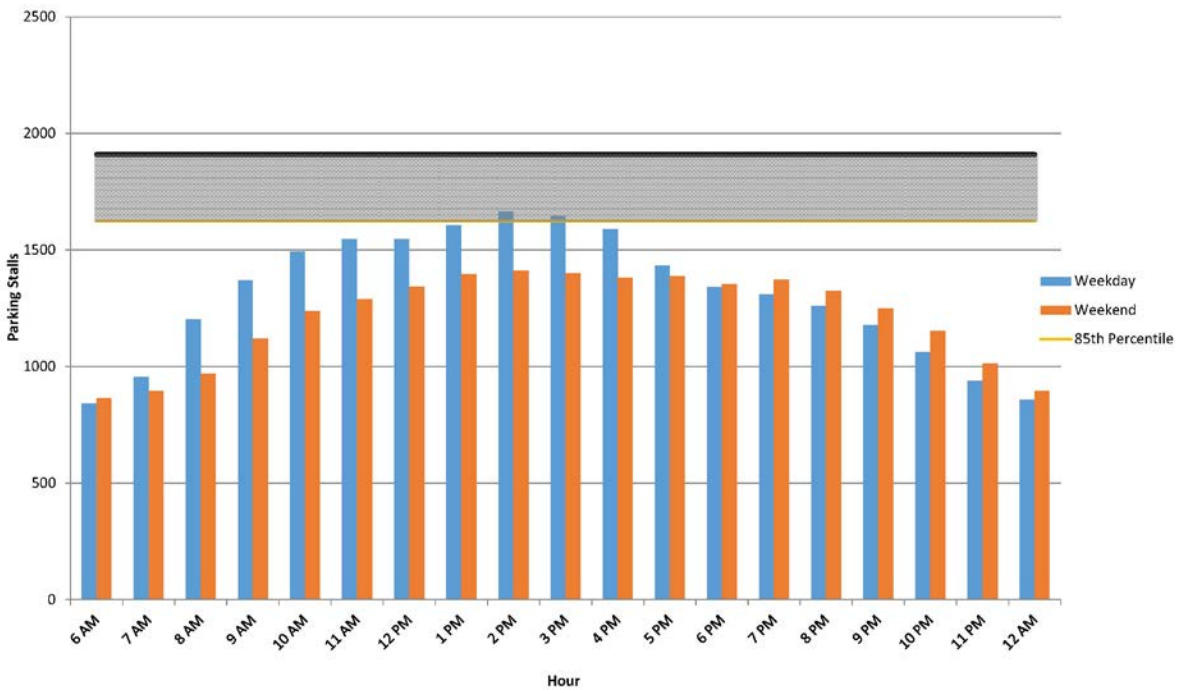


Figure 7 – Peak Monthly Parking Demand by Hour

**Conclusions**

The results of the Shared Parking Model indicate there is sufficient on-site parking proposed for the Westwood Mixed-Use Neighborhood, per the March 20, 2017 Conceptual Site Plan. A total of 1,910 parking spaces are proposed versus a peak demand of 1,665 spaces during the weekday peak hour of the peak month, December. During all other time periods over the course of the year, the parking demand will be less than the proposed 1,910 parking spaces provided. This detailed analysis supports our professional opinion that the number of proposed on-site parking spaces will at all times be sufficient to satisfy the demand for parking space for the proposed Westwood Mixed-Use Neighborhood.

If you have any questions or are in need of additional information, please do not hesitate to contact our office.

Very truly yours,  
 SRF & Associates

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



ACD/dlk  
 S:\Projects\2016\36069 Westwood Update\Shared Parking Analysis\Report\Westwood Mixed-Use Neighborhood Shared Parking Study - FINAL - 11.13.17.docx

# ATTACHMENT

November 13, 2017

Letter to

**Mr. Matt Roland, AICP**

Mensch Capital Partners, LLC

**Proposed Westwood Mixed-Use Neighborhood**  
***Shared Parking Demand Analysis***

Town of Amherst

Erie County, New York



3495 Winton Place  
Building E, Suite 110  
Rochester, NY 14623



COLOR KEY	BUILDING TYPES	AREA
[Orange]	Offices	
[Orange]	a. Office Buildings	152,000 sf (2 stories)
[Yellow]	Residential	
[Yellow]	a. Multi-Family Community - Condo/Apartments	18,000 sf (3 stories) per building
[Yellow]	b. Residential (Multi-Family Structures)	132,600 sf (3 stories)
[Yellow]	c. Townhomes (130 Total)	2,000 sf - 3,000 sf (3 stories) per town home
[Purple]	Special Uses	
[Purple]	a. Inn/ Boutique Hotel	89,600 sf (4 stories)
[Purple]	b. Fire Substation (Bicycle Service Area)	3,600 sf (1 story)
[Pink]	Mixed-Use Development	
[Pink]	a. Mixed-Use Structures	477,000 sf (3 stories)
[Pink]	b. Community Clubhouse	17,400 sf (2 stories)
[Green]	Patio Home and Single-Family Home Lots	Varies per lot type
[Green]	Senior Living Development with Garages	243,600 sf (3 stories)
[Light Green]	Open/ Green Space	83.3 Acres
[Blue]	Ponds/ Stormwater Features	12.0 Acres
[Grey]	Streets and Parking Lots	

OVERALL DEVELOPMENT BREAKDOWN

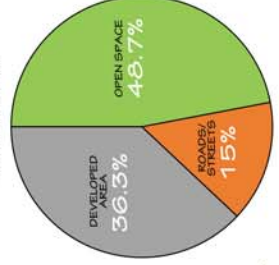


FIGURE 1:  
CONCEPTUAL MASTER PLAN  
(EXISTING TREES)

Prepared by:  
**MENSCH** Capital Partners, LLC  
**wendel**

March 20, 2017



*Westwood*

A Traditional Neighborhood  
in the heart of Amherst.



Project: Westwood Neighborhood, Town of Amherst, NY  
 Description: Shared Parking Analysis - Mixed Use Development

ksf = thousand square feet

Projected Parking Supply: 1910			Mode Adjustment				Noncaptive Ratio				
Land Use	Quantity	Max Parking Spaces	Weekday		Weekend		Weekday		Weekend		
			Weekday	Weekend	Daytime	Evening	Daytime	Evening	Daytime	Evening	
Community Shopping Center (<400 ksf)	159,000 sf GLA	461	509	100%	100%	100%	100%	80%	80%	90%	90%
Employee		111	127	100%	100%	100%	100%	100%	100%	100%	100%
Regional Shopping Center (400 to 600 ksf)		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Super Regional Shopping Center (>600 ksf)		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Fine/Casual Dining Restaurant		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Family Restaurant		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Fast Food Restaurant		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Nightclub		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Cineplex		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Performing Arts Theater		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Arena		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Pro Football Stadium		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Pro Baseball Stadium		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Health Club		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Convention Center		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Hotel-Business		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Hotel-Leisure	130	117	130	100%	100%	100%	100%	82%	82%	90%	90%
Restaurant/Lounge		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Conference Ctr/Banquet (20 to 50 sq ft/guest room)		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Convention Space (>50 sq ft/guest room)		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		33	23	100%	100%	100%	100%	100%	100%	100%	100%
Residential, Rental, Shared Spaces	544	272	272	100%	100%	100%	100%	82%	82%	90%	90%
Reserved	1	544	544	100%	100%	100%	100%	100%	100%	100%	100%
Guest		82	82	100%	100%	100%	100%	100%	100%	100%	100%
Residential, Owned, Shared Spaces		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Reserved	1	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Guest		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office <25 ksf		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office 25 to 100 ksf		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office 100 to 500 ksf	152,000	37	4	100%	100%	100%	100%	100%	100%	100%	100%
Employee		468	47	100%	100%	100%	100%	78%	78%	100%	100%
Office >500 ksf		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Data Processing Office		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Medical/Dental Office		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Bank (Branch) with Drive-In		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee		0	0	100%	100%	100%	100%	100%	100%	100%	100%
Subtotal Customer/Guest Spaces		697	725								
Subtotal Employee/Resident Spaces		884	469								
Subtotal Reserved Spaces		544	544								
Total Parking Spaces		2125	1738								

FIGURE 2

# Weekday Month-by-Month Estimated Parking Demand

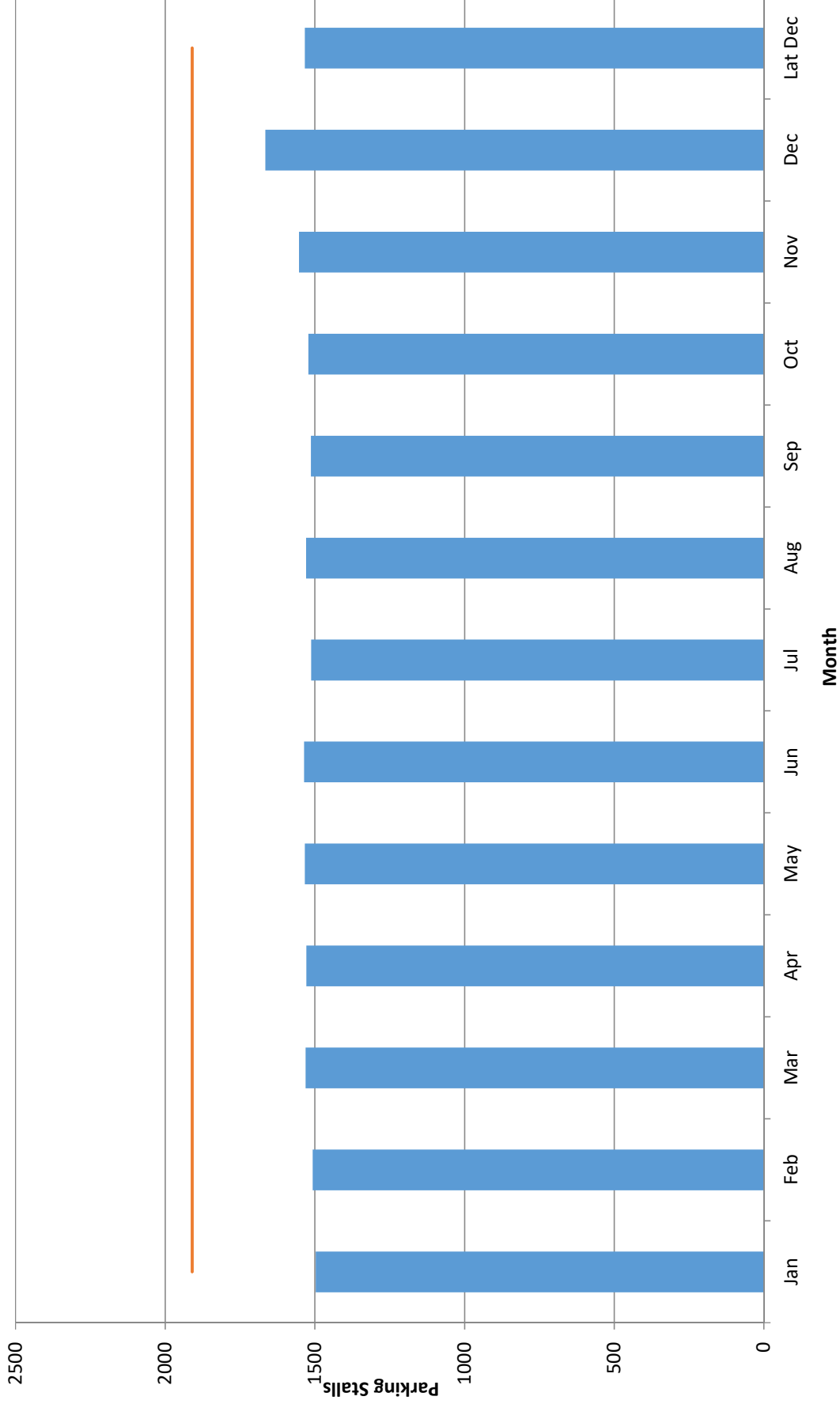
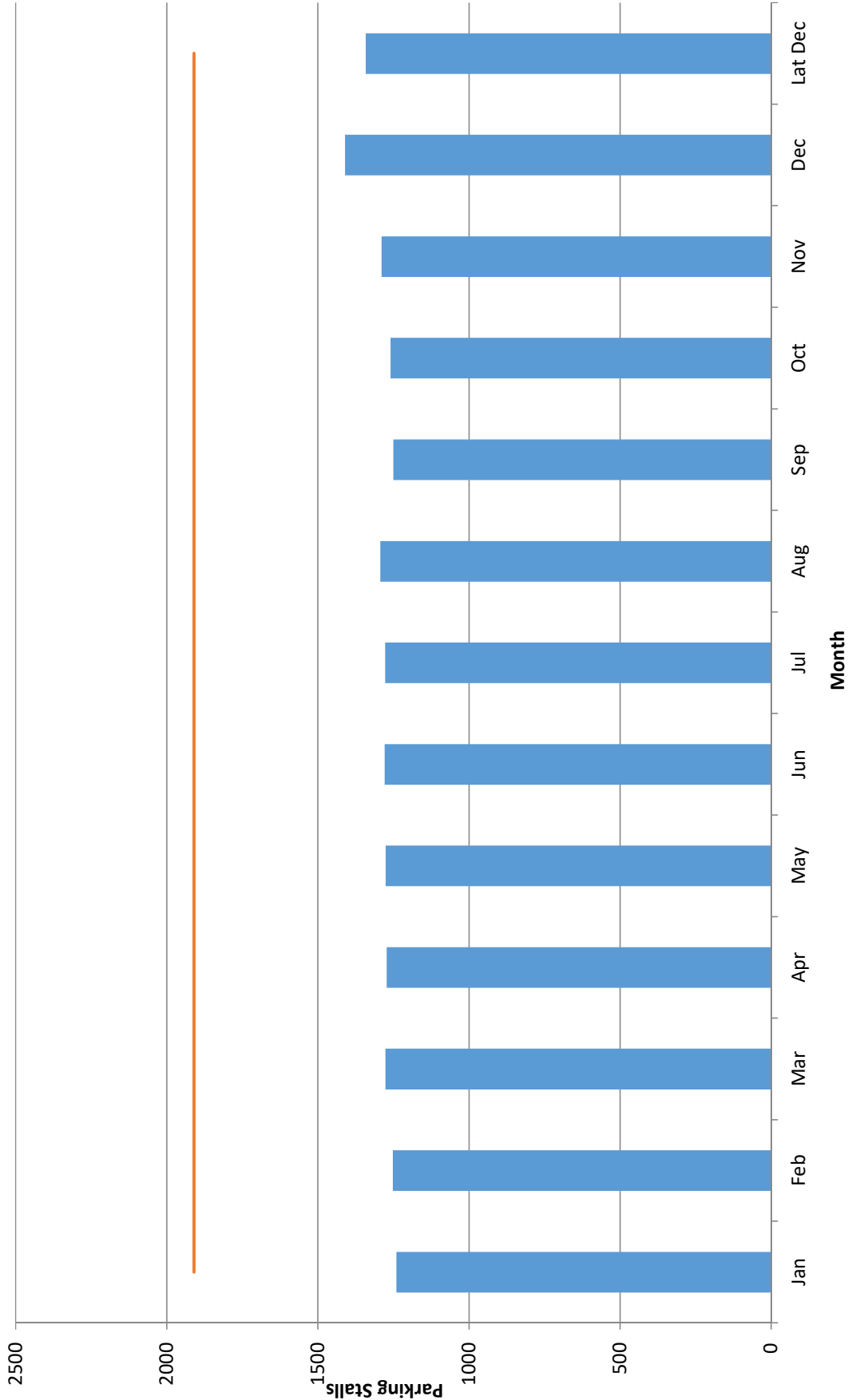


FIGURE 3

# Weekend Month-by-Month Estimated Parking Demand



**FIGURE 4**

Table  
 Project: Westwood Neighborhood, Town of Amherst, NY  
 Description: Shared Parking Analysis - Mixed Use Development

		December														Overall Pk									
		Weekday Estimated Peak-Hour Parking Demand														2 PM	11 AM	PM Peak Hr	2 PM	Eve Peak Hr	6 PM				
		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM	12 AM				
Community Shopping Center (<400 ksf)	Monthly Adj	4	18	55	111	203	277	332	369	369	369	350	313	295	277	240	184	111	37	-	369	277	369	295	
Employee	100%	11	17	44	83	94	105	111	111	111	111	111	105	105	105	100	83	44	17	-	111	105	111	105	
Hotel/Lesure	50%	46	46	43	34	34	31	31	34	34	34	36	38	41	41	43	46	46	48	48	48	34	34	34	41
Employee	100%	2	10	30	30	33	33	33	33	33	33	30	23	13	7	7	7	7	3	2	2	33	33	33	41
Residential, Rental, Shared Spaces	100%	223	201	190	178	167	156	145	156	156	156	167	190	201	216	219	221	223	223	223	223	156	156	156	201
Reserved	100%	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544
Guest	100%	-	8	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
Office 100 to 500 ksf	100%	11	110	274	347	365	365	329	329	365	365	329	183	91	37	26	11	4	-	-	37	17	37	17	
Employee	100%	11	110	274	347	365	365	329	329	365	365	329	183	91	37	26	11	4	-	-	37	17	37	17	
Customer	50%	72	121	187	290	344	385	433	456	436	408	388	387	401	365	312	239	151	89	-	456	344	456	387	
Employee	100%	247	338	538	638	659	618	629	665	665	637	501	410	365	352	322	278	243	225	-	665	659	665	410	
Reserved	100%	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	
TOTAL DEMAND		841	954	1,203	1,369	1,493	1,547	1,606	1,665	1,665	1,645	1,589	1,433	1,341	1,310	1,261	1,178	1,061	938	858	-	1,665	1,547	1,665	1,341
																						1,665	1,547	1,665	1,341

Footnote(s):

		December														Overall Pk												
		Weekend Estimated Peak-Hour Parking Demand														2 PM	11 AM	PM Peak Hr	2 PM	Eve Peak Hr	7 PM							
		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM	12 AM	12 AM	2 PM	11 AM	PM Peak Hr	2 PM	Eve Peak Hr	7 PM
Community Shopping Center (<400 ksf)	Monthly Adj	5	23	46	160	275	321	389	435	458	458	435	412	366	344	298	229	160	69	-	458	321	458	321	458	344		
Employee	100%	13	19	51	95	108	127	127	127	127	127	127	121	108	102	95	83	57	19	-	127	121	127	121	127	102		
Hotel/Lesure	50%	56	56	53	47	41	41	38	38	41	41	44	47	50	50	53	56	56	59	59	59	41	41	41	41	50		
Employee	100%	1	7	21	21	23	23	23	23	23	23	21	17	14	13	13	13	10	10	7	23	23	23	23	23			
Residential, Rental, Shared Spaces	100%	245	220	208	196	184	171	159	171	171	171	184	208	201	237	240	242	245	245	245	245	171	171	171	171	237		
Reserved	100%	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544		
Guest	100%	-	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16		
Office 100 to 500 ksf	100%	1	1	2	3	4	4	4	3	2	2	1	3	4	4	4	4	4	4	4	4	2	4	4	4	2		
Employee	100%	1	1	2	3	4	4	4	3	2	2	1	3	4	4	4	4	4	4	4	4	2	4	4	4	2		
Customer	50%	96	117	226	336	382	447	492	517	517	496	492	465	476	433	367	298	194	100	-	517	382	517	382	476			
Employee	100%	259	255	308	350	357	362	351	359	349	340	341	351	344	352	348	338	312	274	252	-	349	362	349	362			
Reserved	100%	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544			
TOTAL DEMAND		864	895	969	1,120	1,237	1,288	1,342	1,395	1,410	1,401	1,381	1,387	1,363	1,372	1,325	1,249	1,154	1,012	896	-	1,410	1,288	1,410	1,288			
																						1,410	1,288	1,410	1,288			

**Project:** Westwood Neighborhood, Town of Amherst, NY  
**Description:** Shared Parking Analysis - Mixed Use Development

**SHARED PARKING DEMAND SUMMARY**

**PEAK MONTH: DECEMBER -- PEAK PERIOD: 2 PM, WEEKDAY**

Land Use	Project Data Quantity	Weekday				Weekend				Weekday		Weekend		Estimated Parking Demand
		Base Rate	Mode Adj	Non- Captive Ratio	Project Rate	Base Rate	Mode Adj	Non- Captive Ratio	Project Rate	Peak Hr Adj 2 PM	Peak Mo Adj December	Peak Hr Adj 2 PM	Peak Mo Adj December	
		Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit	
Community Shopping Center (<400 ksf)	159,000	2.90 0.70	1.00	0.80	2.32	/ksf GLA	3.20	1.00	0.90	2.88	/ksf GLA	1.00	1.00	369
Hotel/Leisure Employee	130	0.90	1.00	0.82	0.74	/rooms	1.00	1.00	0.90	0.90	/rooms	1.00	1.00	111
Residential, Rental, Shared Spaces	544	0.50	1.00	0.82	0.41	/unit	0.50	1.00	0.90	0.45	/unit	1.00	1.00	34
Guest	1	1	1.00	1.00	1	/unit	1	1.00	1.00	1	/unit	1.00	1.00	33
Office 100 to 500 ksf	152,000	0.24	1.00	1.00	0.24	/ksf GLA	0.03	1.00	1.00	0.03	/ksf GLA	1.00	1.00	16
Employee		3.08	1.00	0.78	2.40	/ksf GLA	0.31	1.00	1.00	0.31	/ksf GLA	1.00	1.00	37
												Customer Employee Reserved Total		456
												Customer Employee Reserved Total		665
												Customer Employee Reserved Total		544
												Customer Employee Reserved Total		1665
												Customer Employee Reserved Total		2
												Customer Employee Reserved Total		28
												Customer Employee Reserved Total		517
												Customer Employee Reserved Total		349
												Customer Employee Reserved Total		544
												Customer Employee Reserved Total		1410

Shared Parking Reduction 24%

36%

**FIGURE 6**

# Peak Month Daily Parking Demand by Hour

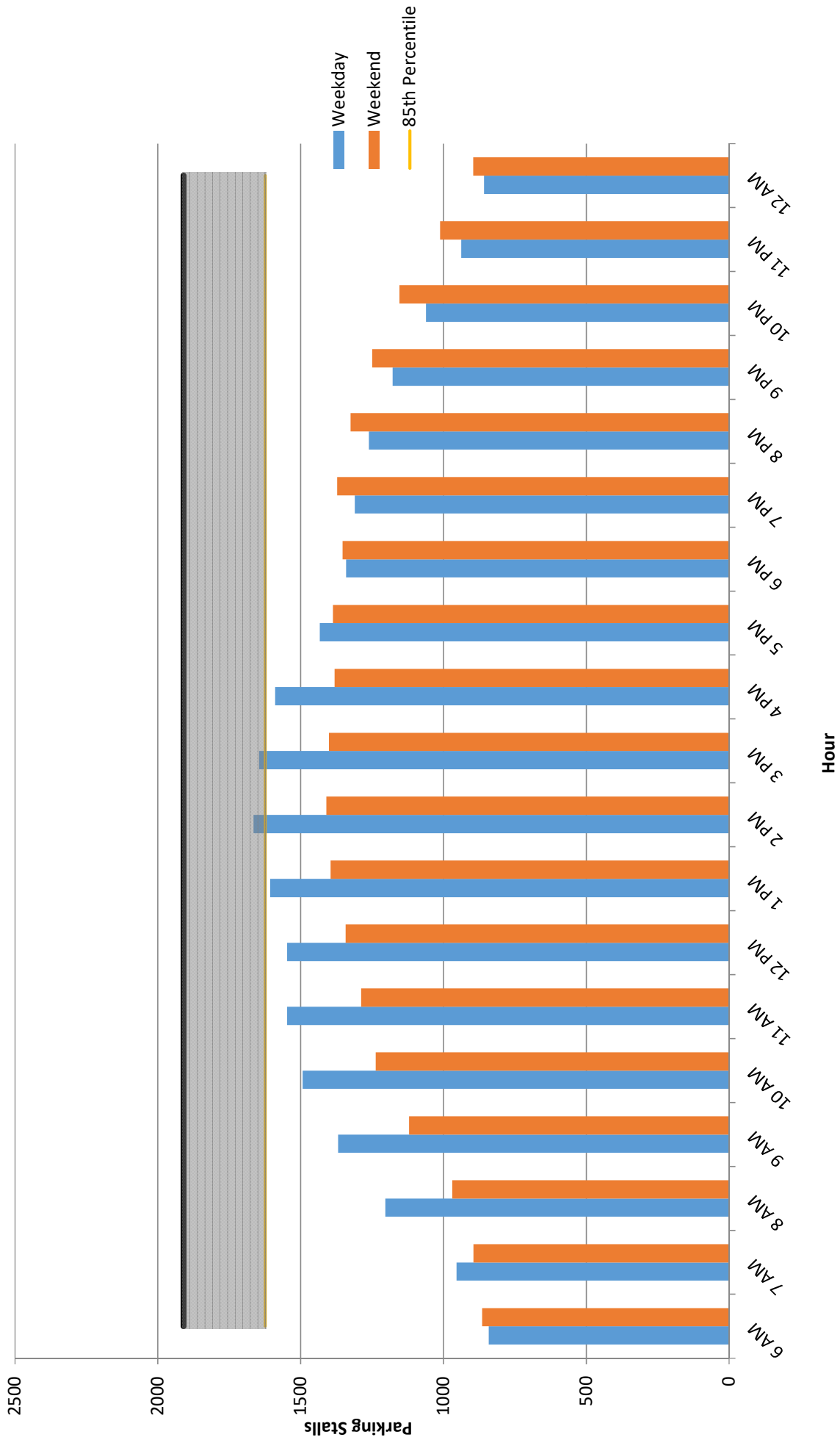


FIGURE 7

# **EXHIBIT B**

**Revised Downstream Sanitary Sewer Capacity Analysis  
Prepared by Wendel Companies dated November 13, 2017**

**REPORT - FINAL**

November 13, 2017

**MENSCH CAPITAL PARTNERS, LLC**

**DOWNSTREAM SANITARY SEWER CAPACITY ANALYSIS**  
**WESTWOOD DEVELOPMENT PROJECT**

Town of Amherst  
New York





**Downstream Sanitary Sewer Capacity Analysis  
Westwood Development Project**

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<b>TITLE</b>	<b>SECTION</b>
Introduction	1
Downstream Sanitary Sewer Capacity Analysis	2
Inflow and Infiltration Analysis	3
Conclusions	4
Figures:	
2-1 Proposed Sanitary Sewer Location Map	
Appendix:	
A. Sanitary Sewer Flow Capacity Study by TECSmith, Inc.	

**Introduction**

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**Introduction**

Mensch Capital Partners, LLC (Mensch) is proposing to redevelop a +/- 171 acre parcel of land located at 772 North Forest Road, Williamsville, New York 14221 (formerly the Westwood Country Club and Golf Course). The proposed development consists of both residential and commercial buildings and will discharge sewage into the Town of Amherst sewer system for treatment at the Town of Amherst Water Pollution Control Facility (WPCF). Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel) has been retained by Mensch to perform an investigation of the downstream capacity of the receiving sewers and the required inflow and infiltration (I&I) flow offset requirements. The results of the Downstream Capacity Sewer Analysis and I&I flow offset requirements are presented herein.

The proposed sanitary sewer system facilities include an onsite pump station and a new 6-inch diameter dedicated forcemain conveying sewage from the pump station along Maple Road. The 6-inch diameter forcemain would tie into the Town of Amherst sewer system in the area of the intersection of Maple Road and Amherst Manor. A figure of the proposed sanitary sewer system facilities is include in Section 2.

The Sanitary Sewer and Water Preliminary Engineer's Report prepared by Nussbaumer and Clarke, Inc. dated May 2014 provided sanitary sewage flows for the proposed redevelopment. However, the Westwood Neighborhood Summary of Conceptual Master Plan dated March 2017 (prepared: March 14, 2017) revised number of units and the updated sanitary sewage flows for the proposed redevelopment project (Westwood Project) used as the basis of this analysis are:

**Future Residential Development:**

		Apartments	Single Family Homes	Patio Homes	Townhomes	Apartments	Community Buildings	Totals
<b>Equivalent Dwelling Units</b>	Residential	180	41	83	130	212	1	647
	<b>Total:</b>	180	41	83	130	212	1	647
<b>Ultimate Service</b>	Occupancy Rate	2	3.5	3.5	2	2	1.5	
	Flow Production (from 10SS) (gpcd)	100	100	100	100	100	100	
	Peaking Factor	4.00	4.18	4.03	4.11	4.00	4.45	
	Average Daily Sewer Flow (gpd)	36,000	14,350	29,050	26,000	42,400	150	147,950
	Maximum Daily Flow (Assumes a peaking factor of 2.0) (gpd)	72,000	28,700	58,100	52,000	84,800	300	295,900
	Peak Hourly Sewer Flow (gpd)	144,000	59,983	117,072	106,860	169,600	668	598,185

**Future Commercial Development:**

Component	Units	Average Daily Flow (gpd)	Total Flow (gpd)
Hotel (rooms)	130	120	15,600
Retail / Shopping (sq ft)	159,000	0.1	15,900
Office (sq ft)	152,000	0.1	15,200
Potential Fire Sta. (sq ft)	3,600	0.1	360
Senior Living (residents)	304	125	38,000
Subtotal - Average Commercial Flow:			<b>85,060</b>
Maximum Daily Flow (Assumes a peaking factor of 2.0):			<b>170,120</b>
Peak Hourly Flow (assumes peaking factor of 4.1):			<b>348,750</b>

**Total Proposed Sanitary Sewer Flows:**

	Residential Flows (gpd)	Commercial Flows (gpd)	Total Flows (gpd)
Average Daily Flows	147,950	85,060	<b>233,100</b>
Maximum Daily Flows	295,900	170,120	<b>466,100</b>
Peak Hourly Flows	598,185	348,750	<b>947,000</b>

## Downstream Sanitary Sewer Capacity Analysis

### Downstream Sanitary Sewer Capacity Analysis

A downstream sanitary sewer capacity analysis was performed by comparing the capacity of the downstream sewer with the combination of the proposed new sanitary flows and current flows. These flows were obtained from recent wet weather flow monitoring data as the NYSDEC Sewer Extension Application Guidance and Related I/I Flow Offset Requirements recommends. The guidance documents further require that flow data is collected from a minimum of three key nodes during a significant rainfall event. A significant rainfall event is defined as a daily rainfall amount of 0.5" or greater.

TECSmith, Inc. performed flow monitoring of three downstream locations for this project between the dates of November 16, 2016 and December 6, 2016. Flow monitoring results are:

- Node 1 - Amherst Manor Drive (North of Maple Road):
  - Pipe Size: 15-inch diameter
  - Capacity: 1.70 million gallons per day (MGD)
  - Average daily Flow: 0.3 MGD
  - Daily Peak Flow: 0.48 MGD
  - Peak Hourly Flow from 2016 Flow Monitoring Data: 1.61 MGD
- Node 2 - 2031 Sweet Home Road (between Skinnersville Road and Durham Drive):
  - Pipe Size: 36-inch diameter at 0.05%
  - Capacity: 9.64 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2017 Flow Monitoring Data: 9.00 MGD (9.2 MGD with 0.2 MGD used to estimate in session flows)
- Node 3 - University of Buffalo (UB) Outfall (intersection of Sweet Home and Chestnut Ridge):
  - Pipe Size: 36-inch diameter at 0.20%
  - Capacity: 18.5 million gallons per day (MGD)
  - Average daily Flow: 1.10 MGD
  - Daily Peak Flow: 1.85 MGD
  - Peak Hourly Flow from 2017 Flow Monitoring Data: 3.21 MGD (3.41 MGD with 0.2 MGD used to estimate in session flows)

The downstream capacity analysis was performed utilizing the sewer capacity of the three locations monitored and comparing it to a combination of the peak flows monitored and the proposed flows from the development. The table below represents the results of the downstream sanitary sewer capacity analysis with and without the use of an onsite equalization basin.

Sanitary Sewer Capacity Analysis						
Sewer Name	Sewer Diameter (inches)	Existing Sewer Capacity (MGD) <sup>(1)</sup>	2016 Peak Hourly Flow Monitoring Results (MGD) <sup>(2)</sup>	Available Sewer Capacity (MGD)	Proposed Flow (MGD)	Proposed Available Sewer Capacity (MGD)
Amherst Manor Drive	15	1.7	1.61	0.09	0.95	-0.86
2031 Sweet Home Road	36 at 0.05%	9.64	9.2	0.44	0.95	-0.51
UB Outfall	36 at 0.20%	18.5	3.41	15.09	0.95	14.14

Notes:

1. Existing sewer capacities obtained from Town of Amherst Main Sanitary Sewer Interceptors Map, dated October 2016.
2. Obtained from the Sanitary Sewer Flow Capacity Study by TECSmith, Inc., dated December 7, 2016 and the August 24, 2017 Engineering Report prepared by the Town of Amherst.

The existing 36-inch diameter gravity sanitary sewer at the UB Outfall has adequate capacity to service the proposed project. The proposed project will not require improvements to this existing sanitary sewer.

However, the existing 15-inch diameter gravity sanitary sewer on Amherst Manor Drive does not have adequate capacity to service the proposed project without upgrading the sewer. The existing 36-inch gravity sewer on Sweet Home Road experienced a flow of 9.0 MGD on May 25, 2017 with 5.6 MGD of the flow from the Chestnut Ridge diversion sewer. The capacity of the 36-inch gravity sewer on Sweet Home Road is 9.64 MGD while the design flow rate of the Chestnut Ridge Road diversion sewer is 5.0 MGD. Adding 0.2 MGD to account for additional in session flows from the University at Buffalo brings the flow rate of the 36-inch Sweet Home Road sewer to 9.2 MGD leaving 0.44 MGD with the Chestnut Ridge diversion sewer providing 5.6 MGD of the flow. Therefore, the 36 inch sewer on Sweet Home does not have adequate capacity with the Chestnut Ridge diversion sewer operating above the 5.0 MGD design capacity.

It is proposed that the new 6-inch diameter, dedicated forcemain connect to the Town of Amherst Sewer at the existing manhole near the intersection of Amherst Manor Drive and Maple Road. The existing 15-inch diameter gravity sanitary sewer along Amherst Manor Drive (north of Maple Road) to Augspurger Road (at the UB Campus) is proposed to be replaced with a new 18-inch diameter gravity sanitary sewer pipe. An 18-inch diameter pipe with a minimum slope of 0.18% and a Manning's Roughness Coefficient of 0.013 (Ten State Standards requirement) calculates to an available capacity of approximately 2.89 MGD, which provides adequate capacity to service the proposed project and any future growth.

It is further proposed that additional I&I abatement activities are performed beyond the activities required by the NYSDEC, which are identified in Section 3 of this report. As noted above, the Chestnut Ridge Road diversion serves to release some of the wet weather capacity constraints of the West Side Interceptor by diverting flows to the Sweet Home Road gravity sewer. As a result, In order to free up additional capacity for the proposed projects which would generate sewer flows into the Sweet Home Road line, such as the future construction at the University of Buffalo, Northtown Center, or the proposed Westwood project, there are several possible solutions. One possible solution is to address I&I in the area of the Town of Amherst which contribute to flows to the West Side Interceptor and the Chestnut River diversion sewer through targeted I&I abatement. For this solution, it is proposed that the project applicant provide additional funding to the Town of Amherst in addition to that normally required as part of the Town's revised Sewer Law to perform additional I&I abatement in the form of 8-inch sewer lining in the area of the sewer system serving the Chestnut Ridge diversion sewer. It is proposed that 6,000 LF of 8-inch sewer is lined to result in a reduction of 480 gpm or 0.69 MGD of peak flows. This will allow the Town to adjust the Chestnut Ridge diversion sewer to operate at its design point of 5.0 MGD without impacting the upstream sewer system due to the flow reductions achieved by I&I abatement activities. The timing of this proposed contribution and its resulting I&I abatement would occur prior to the issuance of building permits for the vertical construction of the Westwood project, in order to demonstrate that the I&I abatement resulting from this contribution.

See attached Figure 2-1 for a map of the proposed 6-inch diameter forcemain and 18-inch diameter gravity sewer.

## Inflow and Infiltration Analysis



### Inflow and Infiltration Analysis

The New York State Department of Environmental Conservation (NYS DEC) requires that new development projects, such as apartments, hospitals, extended care facilities, office parks, malls, hotels, etc. that require sewer extensions and have design flows exceeding 2,500 gpd shall have I&I offsets to achieve a minimum reduction of 4 gallons of I&I for every 1 gallon of new peak wastewater flow.

As presented in Section 1, the proposed peak sanitary sewer flows for this project are 947,000 gpd (658 gpm). Based on the NYSDEC I&I offset requirements of 4 gallons of I&I for every 1 gallon of new peak wastewater flow, the following I&I offsets are required:

$$\text{I\&I Offset} = 658 \text{ gpm} \times 4 = 2,632 \text{ gpm}$$

We proposed that I&I remediation efforts consist of an equal split between the repair of damaged sewer laterals and cured-in-place pipe (CIPP) lining of existing 8-inch diameter piping. The actual split between repair of sewer laterals and cured-in place lining is preliminary and final quantities will be mutually agreed upon with the Town of Amherst and NYSDEC. The actual I&I abatement work to be performed will be coordinated by the Town of Amherst Engineering Department using funds contributed from Mensch to the Town's Sewer Remediation Trust Fund in accordance with the amended Local Sewer Law of the Town of Amherst.

Based on the New York State Department of Environmental Conservation, Sewer Extension Application Guidance and Related I&I Flow Offset Requirements, the I&I Contribution Removal Values per the remediation efforts selected are as follows:

- Deficient residential lateral: 30 gpm per lateral
- CIPP lining of 8-inch diameter pipe: 8 gpm per 100 feet

I&I remediation required is (total of 2,632 gpm):

- Lateral Repair / Replacement: 1,316 gpm / 30 gpm per lateral = 44 laterals
- CIPP Lining of 8-Inch Diameter Pipe: 1,316 gpm / 8 gpm per 100 feet = 16,450 feet

**Conclusions**

### Conclusions

The downstream capacity sewer analysis shows that the existing sanitary sewer system has adequate capacity to convey the proposed sewage flows with the exception of the 15-inch diameter gravity sanitary sewer along Amherst Manor Drive (north of Maple Road) to Augspurgen Road (at the UB Campus) and the Sweet Home Road 36-inch sewer. The Amherst Manor Drive sewer is proposed to be upgraded to an 18-inch diameter gravity sanitary sewer. The upgraded 18-inch diameter gravity would then provide adequate capacity to convey the proposed sewage flows. It is further provided to perform additional I&I abatement activities on the sewer service area feeding the Chestnut Ridge diversion sewer to reduce flows conveyed by the diversion sewer to its intended design rates.



**Sanitary Sewer Flow Capacity Study by TECSmith, Inc.**

Date: December 7, 2016

## **SANITARY SEWER FLOW CAPACITY STUDY – Summary Review**

**Prepared For:** Westwood- DS Capacity Analysis

Brian M. Sibiga  
Wendel, Centerpointe Corporate Park,  
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Williamsville, NY 14221  
p. 716.688.0766 tf. 877.293.6335

**Project Name:** Westwood - DS Capacity Analysis

**Flow Monitoring Period:** November 16, 2016 to December 6, 2016

**Rain Events (> 0.5-inches) Monitored:** November 19 (0.54"), November (0.83")

**Number of Monitoring Nodes:** Three (3) downstream manholes

### **Node Locations and Descriptions:**

- Node 1 Amherst Manor Dr (15")
- Node 2 2031 Sweet Home Rd (36")
- Node 3 UB Outfall (36")

### **Summary Conclusion:**

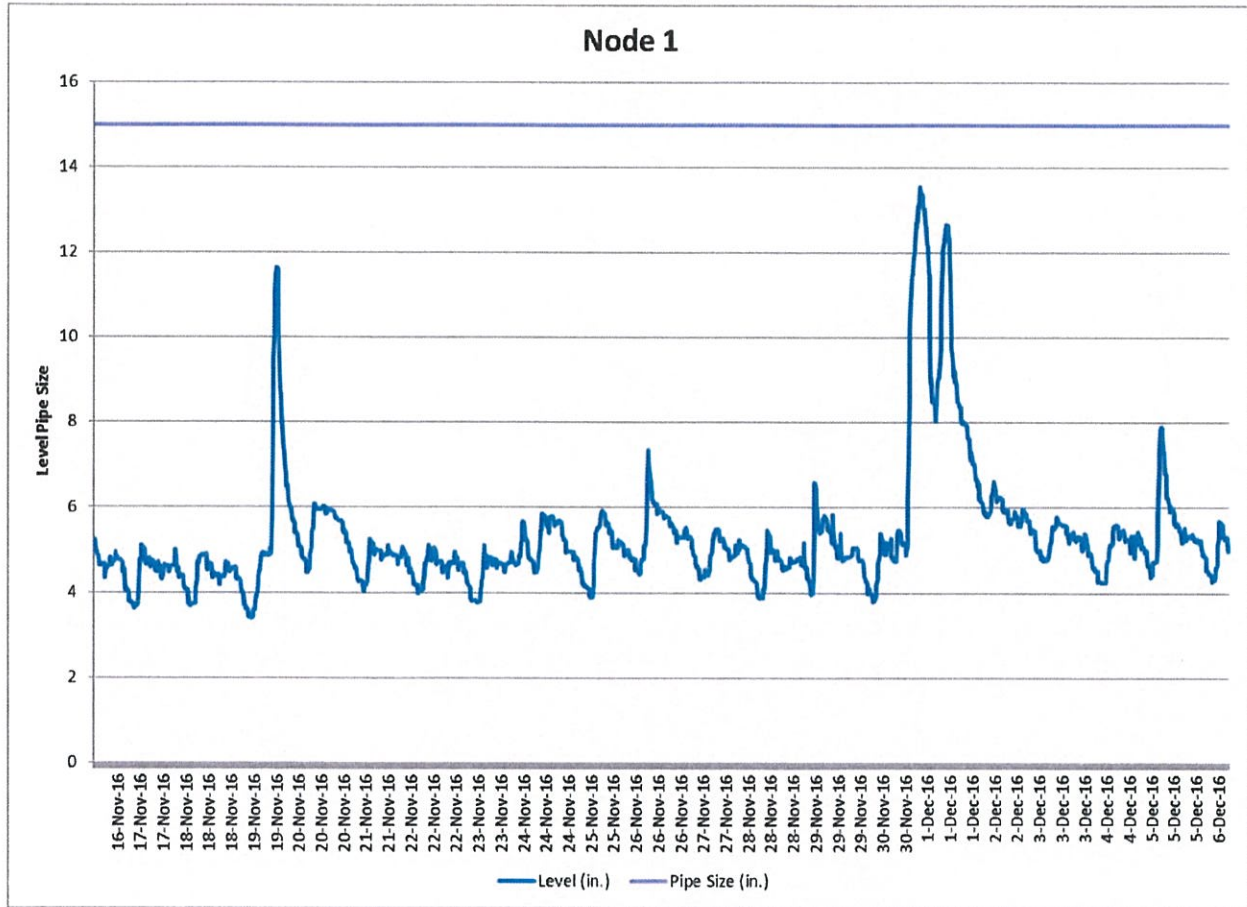
Based on the data presented in this report, specifically the flow depth measurements recorded (see graphs below)

- At no time during the monitoring period did the flow depth exceed pipe diameter at any of the downstream monitoring points during the rain vents monitored.
- At no time during the monitoring period did the flow at any point slow or stall which would have caused a backup or flooding at the manhole.

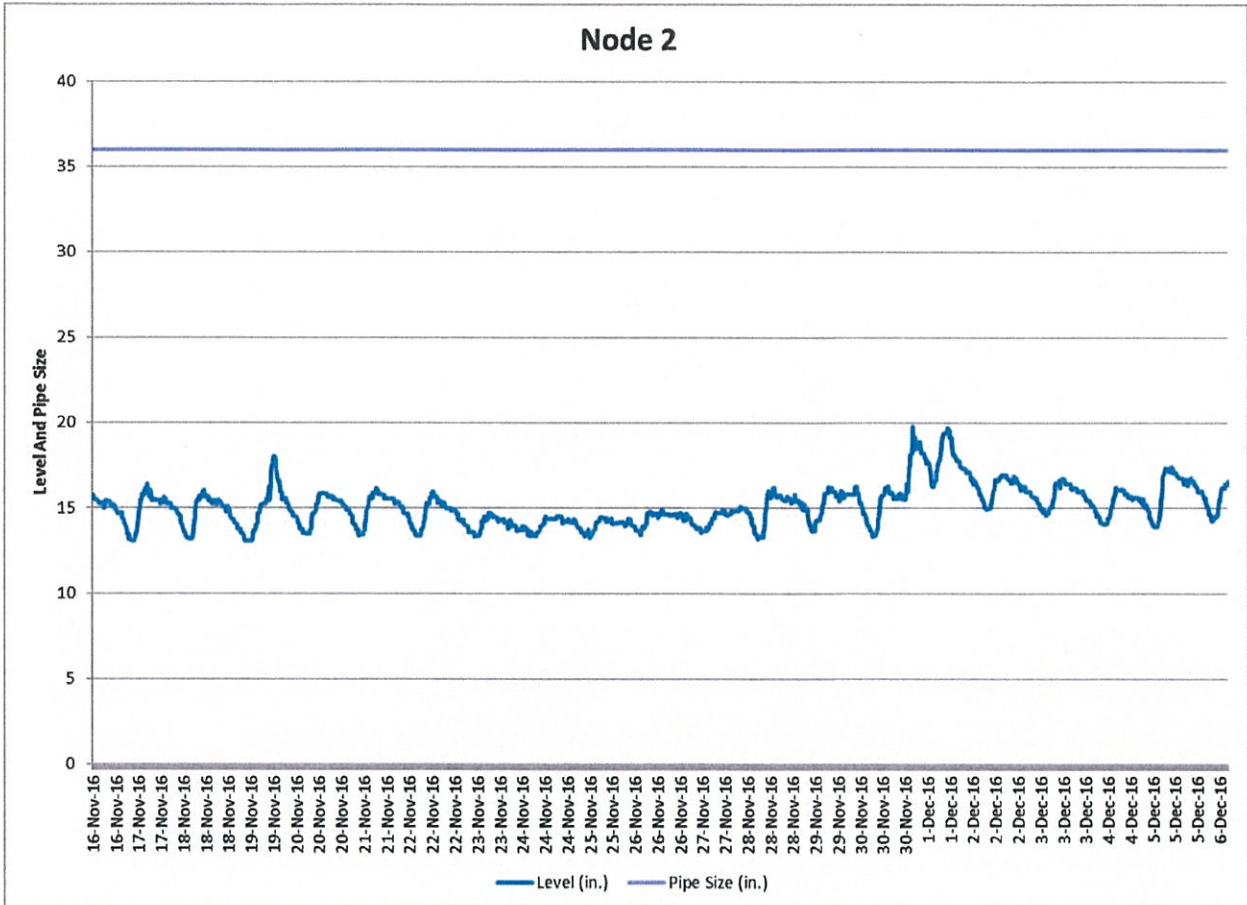
### Depth of Flow Capacity Summary:

Depth of flow capacity is based on diameter of pipe. See graphs below.

- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 1.

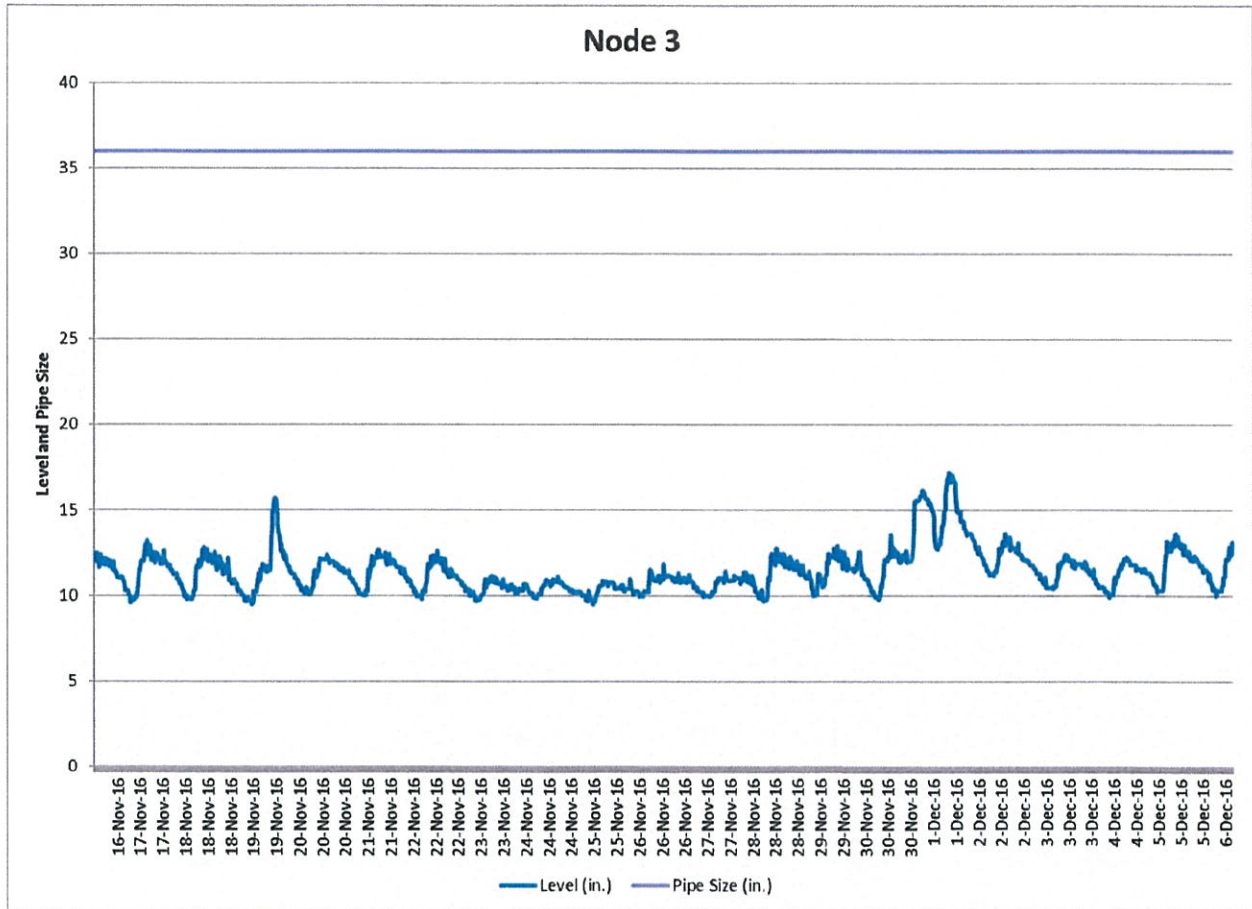


- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 2.





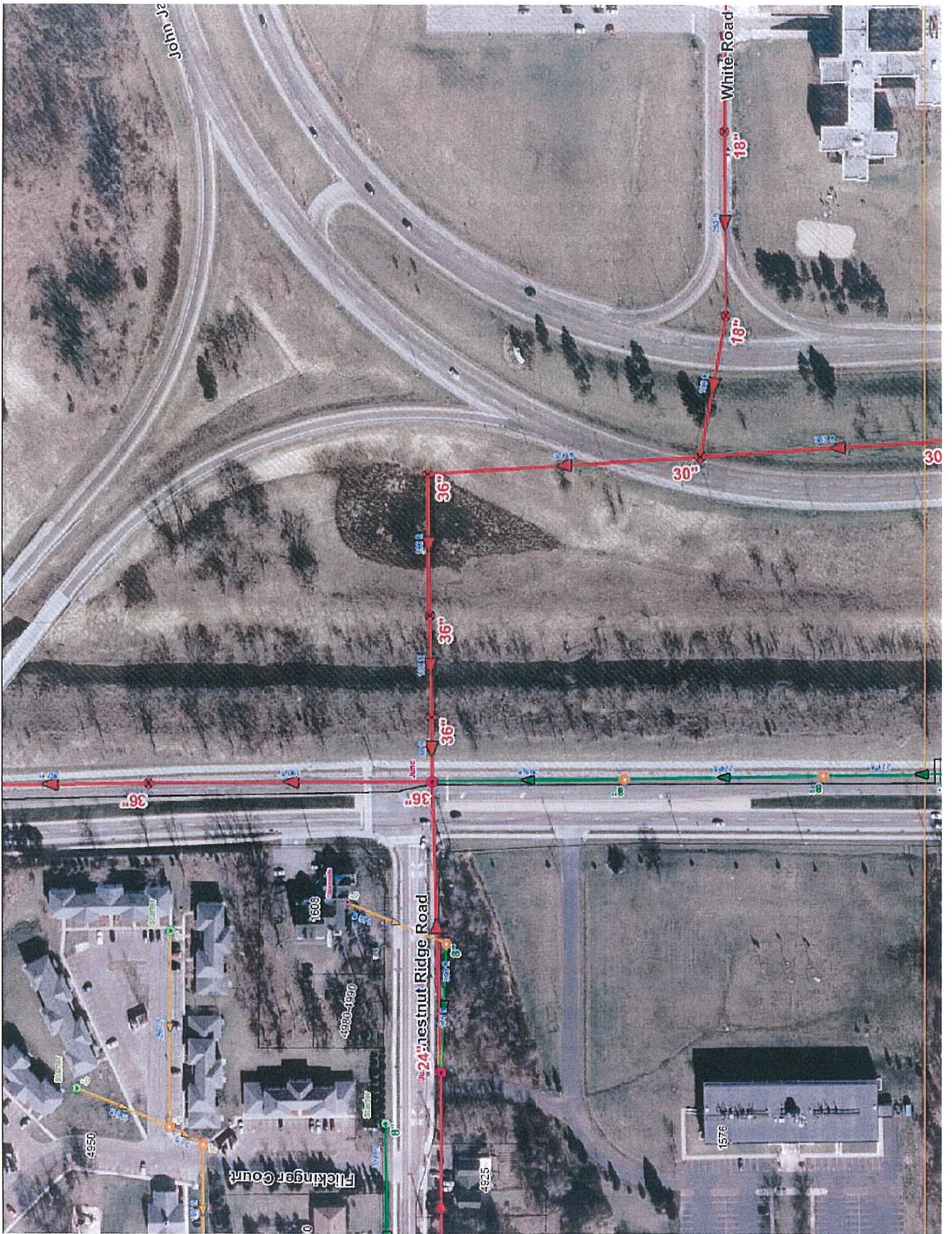
- At no time during the monitoring period did depth of flow exceed pipe diameter at Node 3.

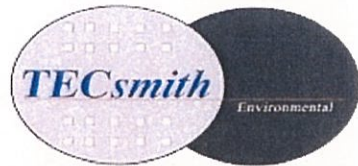






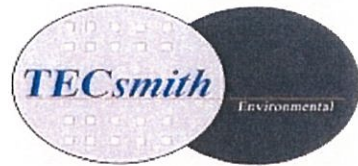






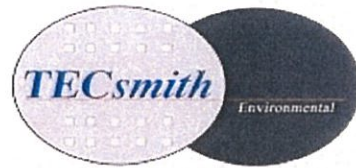
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SITE DATA		
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METER MODEL <input type="text" value="910"/>	SERIAL NO <input type="text" value="PIE"/>	
DATE <input type="text" value="11/23/16"/>	Time <input type="text" value="9:26 AM"/>	CREW <input type="text" value="PG AG"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input type="text" value="4.890"/> INCHES	<input type="text" value="4.88"/> INCHES	<input type="text" value="4.878"/> INCHES
FLOW <input type="text" value="0.21"/> MGD		<input type="text" value="0.2"/> MGD
TOTAL <input type="text" value="1452"/> X1000		<input type="text" value="1452"/> GAL x 1000
VEL <input type="text" value="0.96"/> FPS	<input type="text"/> FPS	<input type="text" value="0.91"/> FPS
SIGNAL <input type="text" value="50"/> %		<input type="text" value="46"/> %
BATTERY <input type="text" value="6.0"/> VDC		<input type="text" value="6.1"/> VDC
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL <input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>	
DOWNLOAD <input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>	
CHECK LEVEL\ LEVEL ADJUST <input checked="" type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>	
CALIBRATE <input type="checkbox"/>	CLEAN PROBE <input checked="" type="checkbox"/>	
REMOVE <input type="checkbox"/>	PURGE LINE <input type="checkbox"/>	
REINSTALL <input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>	
CHANGE DESICCANT <input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>	
	MANHOLE ENTRY <input type="checkbox"/>	
NOTES:		



# DOWNLOAD SHEET

SITE DATA		
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METER MODEL	<input type="text" value="910"/>	SERIAL NO <input type="text" value="V5J"/>
DATE	<input type="text" value="11/23/16"/>	TIME <input type="text" value="9:53 AM"/> CREW <input type="text" value="PG AG"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input type="text" value="14.553"/> INCHES	<input type="text"/> INCHES	<input type="text"/> INCHES
FLOW <input type="text" value="1.22"/> MGD	<input type="text"/>	<input type="text"/> MGD
TOTAL <input type="text" value="10487"/> GAL x 1000	<input type="text"/>	<input type="text"/> GAL x 1000
VEL <input type="text" value="0.70"/> FPS	<input type="text"/> FPS	<input type="text"/> FPS
SIGNAL <input type="text" value="92"/> %	<input type="text"/>	<input type="text"/> %
BATTERY <input type="text" value="5.6"/> VDC	<input type="text"/>	<input type="text"/> VDC
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL <input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>	
DOWNLOAD <input type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>	
CHECK LEVEL\ LEVEL ADJUST <input type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>	
CALIBRATE <input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>	
REMOVE <input type="checkbox"/>	PURGE LINE <input type="checkbox"/>	
REINSTALL <input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>	
CHANGE DESICCANT <input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>	
	MANHOLE ENTRY <input type="checkbox"/>	
NOTES:		



# DOWNLOAD SHEET

SITE DATA		
SITE <input style="width: 80%;" type="text" value="UB outfall"/>	I.D. <input style="width: 80%;" type="text" value="3"/>	JOB NO. <input style="width: 80%;" type="text" value="WEN016"/>
METER MODEL <input style="width: 80%;" type="text" value="910"/>	SERIAL NO <input style="width: 80%;" type="text" value="V5B"/>	
DATE <input style="width: 80%;" type="text" value="11/23/16"/>	TIME <input style="width: 80%;" type="text" value="9:46 AM"/>	CREW <input style="width: 80%;" type="text" value="PG AG"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input style="width: 80%;" type="text" value="10.475"/> INCHES	<input style="width: 80%;" type="text" value="10.50"/> INCHES	<input style="width: 80%;" type="text" value="10.487"/> INCHES
FLOW <input style="width: 80%;" type="text" value="0.7"/> MGD		<input style="width: 80%;" type="text" value="0.72"/> MGD
TOTAL <input style="width: 80%;" type="text" value="6374"/> GAL x 1000		<input style="width: 80%;" type="text" value="6374"/> GAL x 1000
VEL <input style="width: 80%;" type="text" value="0.65"/> FPS	<input style="width: 80%;" type="text"/> FPS	<input style="width: 80%;" type="text" value="0.66"/> FPS
SIGNAL <input style="width: 80%;" type="text" value="77"/> %		<input style="width: 80%;" type="text" value="58"/> %
BATTERY <input style="width: 80%;" type="text" value="5.3"/> VDC		<input style="width: 80%;" type="text" value="5.6"/> VDC
<input style="width: 80%;" type="text"/>		<input style="width: 80%;" type="text"/>
<input style="width: 80%;" type="text"/>		<input style="width: 80%;" type="text"/>
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DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL <input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>	
DOWNLOAD <input type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>	
CHECK LEVEL\ LEVEL ADJUST <input type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>	
CALIBRATE <input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>	
REMOVE <input type="checkbox"/>	PURGE LINE <input type="checkbox"/>	
REINSTALL <input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>	
CHANGE DESICCANT <input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>	
	MANHOLE ENTRY <input type="checkbox"/>	
NOTES:		





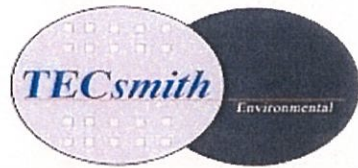
# DOWNLOAD SHEET

SITE DATA		
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METER MODEL <input style="width: 80%;" type="text" value="910"/>	SERIAL NO <input style="width: 80%;" type="text" value="PIE"/>	
DATE <input style="width: 80%;" type="text" value="11/28/16"/>	Time <input style="width: 80%;" type="text" value="11:56 AM"/>	CREW <input style="width: 80%;" type="text" value="ES LC"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input style="width: 80%;" type="text" value="4.831"/> INCHES	<input style="width: 80%;" type="text" value="5.00"/> INCHES	<input style="width: 80%;" type="text" value="4.991"/> INCHES
FLOW <input style="width: 80%;" type="text" value="0.21"/> MGD		<input style="width: 80%;" type="text" value="0.22"/> MGD
TOTAL <input style="width: 80%;" type="text" value="2623"/> X1000		<input style="width: 80%;" type="text" value="2624"/> GAL x 1000
VEL <input style="width: 80%;" type="text" value="0.94"/> FPS	<input style="width: 80%;" type="text"/> FPS	<input style="width: 80%;" type="text" value="0.93"/> FPS
SIGNAL <input style="width: 80%;" type="text" value="42"/> %		<input style="width: 80%;" type="text" value="53"/> %
BATTERY <input style="width: 80%;" type="text" value="6.1"/> VDC		<input style="width: 80%;" type="text" value="5.9"/> VDC
<input style="width: 80%;" type="text"/>		<input style="width: 80%;" type="text"/>
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NOTES:		



# DOWNLOAD SHEET

SITE DATA			
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		JOB NO.	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="V5J"/>
DATE	<input type="text" value="11/28/16"/>	TIME	<input type="text" value="11:41 AM"/>
		CREW	<input type="text" value="ES LC"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS	
LEVEL	<input type="text" value="16.050"/>	INCHES	<input type="text" value="16.00"/>
		INCHES	<input type="text" value="16.000"/>
FLOW	<input type="text" value="2.02"/>	MGD	<input type="text" value="2.16"/>
TOTAL	<input type="text" value="16234"/>	GAL x 1000	<input type="text" value="16234"/>
VEL	<input type="text" value="1.04"/>	FPS	<input type="text" value="1.09"/>
		FPS	<input type="text" value="1.09"/>
SIGNAL	<input type="text" value="79"/>	%	<input type="text" value="78"/>
BATTERY	<input type="text" value="5.1"/>	VDC	<input type="text" value="5.6"/>
	<input type="text"/>		<input type="text"/>
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	<input type="text"/>		<input type="text"/>
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INSTALL	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	TECSMITH BANDING	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	SET TIME AND DATE	<input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	MANHOLE ENTRY	<input type="checkbox"/>
NOTES:			
Download data, check level			



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="UB outfall"/>	I.D. <input type="text" value="3"/> JOB NO. <input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO <input type="text" value="V5B"/>
DATE	<input type="text" value="11/28/16"/>	TIME <input type="text" value="12:19 PM"/> CREW <input type="text" value="ES LC"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input type="text" value="12.180"/> INCHES	<input type="text" value="12.00"/> INCHES	<input type="text" value="12.016"/> INCHES
FLOW <input type="text" value="1.14"/> MGD		<input type="text" value="1.23"/> MGD
TOTAL <input type="text" value="9980"/> GAL x 1000		<input type="text" value="9980"/> GAL x 1000
VEL <input type="text" value="0.85"/> FPS	<input type="text"/> FPS	<input type="text" value="0.92"/> FPS
SIGNAL <input type="text" value="74"/> %		<input type="text" value="70"/> %
BATTERY <input type="text" value="5.6"/> VDC		<input type="text" value="5.5"/> VDC
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL <input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>	
DOWNLOAD <input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>	
CHECK LEVEL\ LEVEL ADJUST <input checked="" type="checkbox"/>	TROUBLESHOOT <input checked="" type="checkbox"/>	
CALIBRATE <input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>	
REMOVE <input type="checkbox"/>	PURGE LINE <input type="checkbox"/>	
REINSTALL <input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>	
CHANGE DESICCANT <input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>	
	MANHOLE ENTRY <input type="checkbox"/>	
<b>NOTES:</b>		



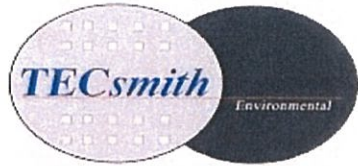
# INSTALLATION SHEET

SITE DATA			
SITE	Amherst Manor Dr	I.D.	1
		JOB NO.	WEN016
METER MODEL	910	SERIAL NO	PIE
		SENSOR SN.	TEC 15
DATE	11/16/16	TIME	12:36 PM
		CREW	KK AG
RIM TO INVERT	15 ft	PIPE SIZE	15 in
		LOCATION	Downstream
INITIAL READINGS			
LEVEL	5.223	INCHES	
FLOW	0.23	MGD	
TOTAL	0	GAL x 1000	
VEL	0.93	FPS	
SIGNAL	70	%	
BATTERY	6.0	VDC	
ACTUAL MEASUREMENTS			
Level 1		Measured	Velocity
Level 2		Measured	Measured
WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>
NOTES:			



# INSTALLATION SHEET

SITE DATA			
SITE	2031 Sweet Home Rd	I.D.	2
		JOB NO.	WEN016
METER MODEL	910	SERIAL NO	V5J
		SENSOR SN.	TEC 14
DATE	11/16/16	TIME	1:22 PM
		CREW	KK AG
RIM TO INVERT	20 ft	PIPE SIZE	36 in
		LOCATION	Upstream
INITIAL READINGS			
LEVEL	15.765	INCHES	
FLOW	2.14	MGD	
TOTAL	0	GAL x 1000	
VEL	1.10	FPS	
SIGNAL	86	%	
BATTERY	5.6	VDC	
AL MEASUREMENTS			
Level 1		Measured	Velocity
Level 2		Measured	Measured
WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>
NOTES:			



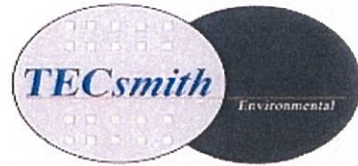
# INSTALLATION SHEET

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		JOB NO.	<input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO	<input type="text" value="V5B"/>
		SENSOR SN.	<input type="text" value="TEC 37"/>
DATE	<input type="text" value="11/16/16"/>	TIME	<input type="text" value="2:03 PM"/>
		CREW	<input type="text" value="KK AG"/>
RIM TO INVERT	<input type="text" value="20 ft"/>	PIPE SIZE	<input type="text" value="36in"/>
		LOCATION	<input type="text" value="Upstream"/>
INITIAL READINGS			
LEVEL	<input type="text" value="12.357"/>	INCHES	
FLOW	<input type="text" value="1.31"/>	MGD	
TOTAL	<input type="text" value="4"/>	GAL x 1000	
VEL	<input type="text" value="0.96"/>	FPS	
SIGNAL	<input type="text" value="76"/>	%	
BATTERY	<input type="text" value="5.3"/>	VDC	
	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
ACTUAL MEASUREMENTS			
Level 1	<input type="text"/>	Measured	<input type="text"/>
		Velocity	<input type="text"/>
Level 2	<input type="text"/>	Measured	<input type="text"/>
		Measured	<input type="text"/>
WORK COMPLETED:			
INSTALL	<input checked="" type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input checked="" type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input checked="" type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input checked="" type="checkbox"/>
		MANHOLE ENTRY	<input checked="" type="checkbox"/>
NOTES:			



# DOWNLOAD SHEET

SITE DATA			
SITE	Amherst Manor	ID 1 Job WEN016	
METER MODEL	910	SERIAL NO PIE	
DATE	12/06/16	Time 12:02 PM CREW KK AG	
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS	
LEVEL	5.109 INCHES	5.00 INCHES	
FLOW	0 MGD		
TOTAL	5297 X1000		
VEL	0.17 FPS		
SIGNAL	23 %		
BATTERY	5.9 VDC		
DATA DOWNLOAD			
<b>WORK COMPLETED:</b>			
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES	<input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES	<input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT	<input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE	<input type="checkbox"/>
REMOVE	<input checked="" type="checkbox"/>	PURGE LINE	<input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING	<input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE	<input type="checkbox"/>
		MANHOLE ENTERY	<input type="checkbox"/>
<b>NOTES:</b>			
removed meter			



# DOWNLOAD SHEET

SITE DATA		
SITE	<input type="text" value="2031 Sweethome RD"/>	I.D. <input type="text" value="2"/> JOB NO. <input type="text" value="WEN016"/>
METER MODEL	<input type="text" value="910"/>	SERIAL NO <input type="text" value="V5J"/>
DATE	<input type="text" value="11/28/16"/>	TIME <input type="text" value="11:41 AM"/> CREW <input type="text" value="ES LC"/>
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL <input type="text" value="16.613"/> INCHES	<input type="text" value="16.50"/> INCHES	<input type="text"/> INCHES
FLOW <input type="text" value="2.26"/> MGD		<input type="text"/> MGD
TOTAL <input type="text" value="31066"/> GAL x 1000		<input type="text"/> GAL x 1000
VEL <input type="text" value="1.10"/> FPS	<input type="text"/> FPS	<input type="text"/> FPS
SIGNAL <input type="text" value="75"/> %		<input type="text"/> %
BATTERY <input type="text" value="5.3"/> VDC		<input type="text"/> VDC
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
<input type="text"/>		<input type="text"/>
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL <input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>	
DOWNLOAD <input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>	
CHECK LEVEL\ LEVEL ADJUST <input checked="" type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>	
CALIBRATE <input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>	
REMOVE <input checked="" type="checkbox"/>	PURGE LINE <input type="checkbox"/>	
REINSTALL <input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>	
CHANGE DESICCANT <input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>	
	MANHOLE ENTRY <input type="checkbox"/>	
NOTES:		
removed meter		





# DOWNLOAD SHEET

SITE DATA		
SITE	UB outfall	I.D. 3 JOB NO. WEN016
METER MODEL	910	SERIAL NO V5B
DATE	12/06/16	TIME 12:20 PM CREW KK AG
INITIAL READINGS	ACTUAL MSMTS	FINAL READINGS
LEVEL	12.524 INCHES	12.50 INCHES
FLOW	1.22 MGD	
TOTAL	19614 GAL x 1000	
VEL	0.87 FPS	
SIGNAL	68 %	
BATTERY	5.5 VDC	
DATA DOWNLOAD		
<b>WORK COMPLETED:</b>		
INSTALL	<input type="checkbox"/>	CHANGE BATTERIES <input type="checkbox"/>
DOWNLOAD	<input checked="" type="checkbox"/>	MEMORY BATTERIES <input type="checkbox"/>
CHECK LEVEL\ LEVEL ADJUST	<input checked="" type="checkbox"/>	TROUBLESHOOT <input type="checkbox"/>
CALIBRATE	<input type="checkbox"/>	CLEAN PROBE <input type="checkbox"/>
REMOVE	<input checked="" type="checkbox"/>	PURGE LINE <input type="checkbox"/>
REINSTALL	<input type="checkbox"/>	TECSMITH BANDING <input type="checkbox"/>
CHANGE DESICCANT	<input type="checkbox"/>	SET TIME AND DATE <input type="checkbox"/>
		MANHOLE ENTRY <input type="checkbox"/>
<b>NOTES:</b>		
removed meter		