

Town of Amherst
**BOULEVARD CENTRAL DISTRICT
URBAN RENEWAL PLAN**



Created by the Town of Amherst Urban Renewal Agency ("AURA")
Amherst, NY

October 24, 2022

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1. EXTENT AND PURPOSE OF THE BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN

This Town of Amherst Boulevard Central District Urban Renewal Plan (the “Plan”) provides a framework for the potential revitalization and redevelopment of various properties located in what the Town Board, as the Urban Renewal Agency (the “Agency” or “AURA”), has designated as an Urban Renewal Area in accordance with Article 15 of the General Municipal Laws of New York State by resolution dated June 27, 2022. The Boulevard Central District Urban Renewal Area (the “Urban Renewal Area”) is within a larger area designated by the Town as the Boulevard Central District. The boundaries of the Urban Renewal Area are described in Exhibit A and shown on Map 1: Boulevard Central District Urban Renewal Area (Exhibit B). The Urban Renewal Area includes approximately 194.9 acres with 60 properties.

This Plan puts particular focus on addressing the Boulevard Mall and immediately adjacent properties, which the Agency has determined to be the main driver of economic underdevelopment, underutilization, stagnation, and blight. This focus includes approximately 62 acres and 8 properties as shown in Exhibit B.

The Town envisions the Boulevard Mall site being transformed incrementally into a walkable, mixed-use, transit-oriented development serving contemporary retail commercial demands while creating a new, thriving “center” for the local community and the greater region. Establishing this Boulevard Central District Urban Renewal Area provides the foundation for this vision to come to fruition.

The provisions of this Urban Renewal Plan, described in the following sections, are based on the requirements for a redevelopment plan set forth in Article 15 of the General Municipal Laws of New York State. In enacting Article 15, the State Legislature stated:

There exist in many municipalities within this state residential, non-residential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.¹

The Town of Amherst Town Board, in 1) creating the Town of Amherst Urban Renewal Agency, 2) designating the Urban Renewal Area, and 3) formulating a Plan for this Urban Renewal Area, is taking steps that will stem the decline of the Boulevard Central District, and by revitalizing and redeveloping the Urban Renewal Area, will return the Boulevard Central District to its place as a leading commercial and residential corridor in the Town and region.

¹ N.Y. Gen. Mun. Law § 501 (McKinney).

2. DESCRIPTION OF THE BOULEVARD CENTRAL DISTRICT URBAN RENEWAL AREA

The boundaries of the Urban Renewal Area established by the Town are described in Exhibit A and shown in Exhibit B. The Urban Renewal Area includes approximately 194.9 acres with 60 properties in need of redevelopment. The focus in the Boulevard Mall area includes approximately 62 acres and 8 properties.

Located on the western boundary of the Town, the Boulevard Mall has long served as a local and regional commercial center for the Town. The Mall is located in the southeastern corner of the intersection of Niagara Falls Boulevard and Maple Road. It is essentially a large block bordered by Niagara Falls Boulevard on the west, Alberta Drive on the east, Maple Road on the north, and Almeda Avenue on the south. Opened in 1962 as the first indoor shopping center in the Buffalo area, the Mall thrived along with the Town largely due to its location near strong residential neighborhoods, access to a major inter-county arterial, the University at Buffalo North Campus, and proximity to the Canadian border, helping the Boulevard Mall become the central point of a thriving commercial corridor.

Like similar properties regionally and nationally, changing demographics and shopping habits have posed financial challenges for commercial enterprises, setting the stage for revitalization of the Mall and surrounding areas. The Western New York Region is currently seeing vacancy rates for retail space of over 20%. While big box retailers like Walmart, Target, Tops and Wegmans have held steady, many of the retail locations that depend on in line retailers of both national and local types have experienced major challenges. Most new retail development is being constructed with standalone structures. Other regional malls such as the Walden Galleria in the Town of Cheektowaga, the Eastern Hills Mall in the Town of Clarence, and the McKinley Mall in the Town of Hamburg have all had little investment, have been recently sold at auctions for drastically lower Assessed Values, or have been defaulting on loans.

Several anchor stores at the Boulevard Mall are closed and many well-known stores have left. Some have moved just down the street to newer, more updated open-air spaces while others are completely leaving the area. As a result, the Mall is faced with rising vacancy rates, and more marginal stores. The vast surface parking lots that surround the Mall, containing little to no landscaping, were constructed to accommodate a fully occupied, auto-oriented, regional mall destination. These now sit nearly empty at many times of the day.

The Urban Renewal Area is located within the Town's only federally designated Opportunity Zone which is coterminous with U.S. Census Bureau Tract 92, on the western portion of Town. This area of Town is also known as the Boulevard Central District ("BCD"), an approximately 1,260-acre triangular area bounded by Niagara Falls Boulevard (US Route 62) on the west, the Interstate (I-290) on the north and east, and Sheridan Drive (NYS Route 324) on the south (including some parcels directly south of Sheridan) as shown in Exhibit C.

Emblematic of the decline in the BCD are the assessed valuations and vacancy rates for the affected properties. From 2009 to today, the Assessed Value of the mall property has decreased from \$61,281,200 in 2009 to \$18,286,812 in 2022. This is a \$40,958,492 reduction of 62.37%. The Equalized Full Market Value has decreased from \$61,281,200 in 2009 to \$24,711,908 in 2022. Reductions have been a result of the vacancies and loss of anchor retailers such as Sears, Macy Men's, Buy Buy Baby, plus many in line retailers. It is anticipated that current owners under Tax Certiorari Agreements will request additional reductions. These reductions all impact the Taxable Assessed Values in the Town of Amherst, Sweet Home Schools, and Erie County, which creates increased tax rates with less taxable value to spread the Tax Levy against.

Total revenue from current rents and leases within the mall decreased from \$15,070,346 in 2016 to \$4,265,297 in 2019, a 71.6% decline. In 2018 the mall was approximately 74.6% occupied, but in 2020 that had decreased by 7.1% to approximately 69.3% occupied.

A. The Boulevard Central District Action Plan

Recognizing the arising need, revitalization of the BCD has been under consideration for some time by the Town. The Town and the Boulevard Central District have seen a great deal of development and investment over the past few decades as they continued to grow. In recent years though, the Town has undergone a fundamental transition from a growing community to one that is mature and largely built out, resulting in more redevelopment of blighted and underutilized properties rather than new greenfield development. Although the BCD has become the Town's largest concentrated commercial area and contains some very economically successful development sites, it also contains many large "big box" stores and strip plazas that are aging and underutilized. It also contains the large parcel that houses the Boulevard Mall, which has recently been experiencing significant decline.

The BCD today exhibits characteristics typical of suburban development found throughout New York and the surrounding Western New York region. Commercial areas such as this have been developed with primarily single-use office or retail uses surrounded by large surface parking lots. A sparse network of street thoroughfares (including Niagara Falls Boulevard, Maple Road, Sweet Home Road, Bailey Avenue, and Sheridan Drive) carry all of the area traffic. As changing market trends of online shopping, new technologies, and work-from-home options have emerged, this area has begun to deteriorate and impact the Town's tax base due to the need for less physical office and retail space.

There is a growing consensus around transforming the built environment through redevelopment of existing commercial areas and street redesign to better serve community needs and improve safety as well as economic outcomes. To be proactive, the Town focused revitalization goals and efforts within the BCD. To support these efforts, the Town created the Boulevard Central District Action Plan (the "Action Plan").

This Urban Renewal Plan builds on the Boulevard Central District Action Plan, prepared by the Town in cooperation with neighborhood stakeholders. The Action Plan, which includes the Urban Renewal Area, was evaluated under the New York State Environmental Quality Review Act (SEQRA) for environmental impacts. The Town Board prepared a Generic Environmental Impact Statement (GEIS) that evaluated a projected growth scenario and the cumulative environmental impacts of that growth over a 20-year period. The Town Board approved the GEIS and the Findings Statement in January 2020. As one of the first steps in implementing the Action Plan, most commercial properties within the BCD were recently rezoned applying the Town's new Mixed-Use Zoning Districts. This replaced the single use-based provisions with a more form-based zoning approach, and an important foundational step in the area's potential revitalization.

3. RELATIONSHIP TO COMMUNITY GOALS AND OBJECTIVES

This Urban Renewal Plan, which will be administered by the Town of Amherst Urban Renewal Agency (hereinafter, the "Agency") lays out the rationale and process for the area's revitalization, including the potential acquisition of Urban Renewal Area properties or their improvement through agreements with parcel owners. The Plan's goal is the redevelopment of these properties for the purposes of the elimination of slum and blight, to benefit low and/or moderate income residents living in or near the Urban Renewal Area, and the redevelopment of underutilized parcels through an overall land use strategy consistent with the housing, economic, and community development strategies of the Town's Bicentennial Comprehensive Plan and the Town's Community Development Block Group (CDBG) Program.

The Town's 2020-2024 Five-Year Consolidated Plan for Community Development has designated Census Tract 92, within which the Urban Renewal Area is located, as a Target Area for Community Development Block Grant

investments. Majority of the Urban Renewal Area also falls within Block Group 4 of Census Tract 92, which is designed by HUD as a Low-to-Moderate Income (LMI) Area, based on having 71% of its population considered Low-to-Moderate Income. HUD's LMI Areas are eligible for a larger amount of community investment activities within CDBG funding regulations in order to improve neighborhoods and housing serving LMI Populations.

This Plan is in line with the Town's Comprehensive Plan's Vision Statement which states that the Town should *"in carefully managing growth, balance the benefits of economic development with the need to maintain livability and preserve community character."*² The Vision Statement notes the Town's exceptional quality of life was tied to three factors, one of these is Community Character, and specifically recognizes that the Town should *"revitalize older neighborhoods and commercial corridors while accommodating quality new development."*³

This Urban Renewal Plan carries forward one of the Comprehensive Plan's Key Initiatives to achieve the Vision: *"Revitalization: To become a model for effective reinvestment and revitalization of older neighborhoods and commercial areas, through creative use of investment incentives targeted toward revitalization."*⁴ The following are various goals and objectives of the Plan regarding land use and development, housing and neighborhoods, and economic development:

A. Land Use and Development

Goal: An interconnected mix of land uses that includes revitalized older neighborhoods and commercial centers and corridors, quality new development, vibrant activity centers, agriculture, and green spaces throughout the community.

Objectives:

- Promote the development/revitalization of walkable higher density, mixed-use centers surrounded by lower density development
- Implement context-sensitive zoning and incentives to improve the quality and appearance of non-residential development
- Encourage revitalization and reinvestment in older neighborhoods and commercial corridors in Amherst
- Target capital improvements to leverage private investment and enhance community appearance
- Establish a town-wide network of parks, open spaces, and greenway corridors
- Improve the predictability and consistency of the development review and decision-making process

B. Economic Development

Goal: A Town with a strong tax base and ample economic opportunities for a diverse base of employers and employees, housed in attractive, state-of-the-art commercial developments in convenient and accessible locations.

Objectives:

- Maintain Amherst's strong tax base
- Attract more high-paying jobs to the Town
- Ensure that economic development and redevelopment respect the character and quality of life of Amherst's residential communities

² TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-5.

³ TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-3.

⁴ TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-6.

- Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities
- Build partnerships with development agencies, private industry, and educational and research institutions to promote economic development in Amherst and throughout the region

C. Housing and Neighborhoods

Goals: Have decent and affordable housing choices available to all residents and have healthy and diverse neighborhoods, including conserved and revitalized older parts of Amherst.

Objectives:

- Ensure the availability of housing that is affordable to all socioeconomic groups in Amherst
- Promote a diverse housing stock, with higher density housing focused in mixed-use activity centers
- Implement a coordinated program to conserve and revitalize Amherst’s neighborhoods

The Comprehensive Plan also includes the Boulevard Central District (BCD) as a Focal Planning Area (see Exhibit D) and identifies several key issues and opportunities for the BCD’s planning efforts such as:

- Employ mixed-use zoning and financial incentives to foster predictable development review and encourage investment.
- Redevelop aging traditional plazas and big box retail sites emblematic of suburban retail development through the early 21st century.
- Re-imagine a declining suburban mall (Boulevard Mall) into a new mixed-use center with buildings of varying scales, walkable streets and open spaces that serve as hubs of activity and vibrancy for the area.
- Introduce new street connections to provide more ways to circulate, and encourage ‘complete street’ treatments to enhance mobility.
- Expand market rate and mixed income residential offerings to support future neighborhood vibrancy and a base for area workforce and commercial markets.
- Several major highways traverse the BCD and play a key role in defining its identity. Major arterials such as Niagara Falls Boulevard, Sheridan Drive and Maple Road serve important transportation functions, but their design, physical size and design speeds make them inhospitable to bicycle or pedestrian travel. If the BCD is to transform from an automobile-oriented area to a walkable live, work, and shop destination, measures to transform segments of these major highways are necessary.
- The Niagara Frontier Transportation Authority (NFTA) is planning a future light rail or bus rapid transit extension corridor that will traverse the BCD. The corridor will connect the three University at Buffalo campuses, downtown Buffalo and the Buffalo waterfront.
- The future transit corridor has three planned enhanced transit stops identified within the BCD. The corridor and stops will feature improved multi-modal transportation mobility and support mixed use centers by allowing greater connectivity within and outside of the BCD.

The Agency, utilizing the powers granted by General Municipal Law Article 15, and acting through the employees and members of the Agency, will use its planning and land disposition expertise to acquire and thereafter dispose of the properties in an appropriate fashion consistent with the identified needs of the area and Town as a whole for better housing, commercial services, recreational facilities, employment opportunities, and the removal of blighting influences that presently discourage investment in properties and further the deterioration of surrounding neighborhoods. Use of CDBG funds, other grants, and Town capital improvements will be coordinated for the property acquisition, improvement, and disposition activities of the Agency.

4. PROPOSED LAND USES

The Action Plan shows how various opportunity sites in the BCD, including the Boulevard Mall, could redevelop according to the provisions in the Town's new Mixed-Use Zoning Districts and Design Guidelines. The Mixed-Use Districts establish standards for a transformation, setting rules for a network of pedestrian-oriented streets; building uses, height and placement; public open spaces; parking location; transparency of facades; and other standards that can deliver the walkable mixed-use environment desired. The recent rezoning to the Mixed-Use Districts in the BCD, the Urban Renewal Area, and on the Mall site as shown in Exhibit E aims to create an environment with smaller, walkable blocks to provide interconnectivity among residents, businesses, and surrounding areas.

The Boulevard Mall itself is an opportunity for walkable, transit-oriented development that can become the vital mixed-use hub of the BCD (see Exhibit F). In many ways, the mall site is the centerpiece of the Boulevard Central District. The mall also fronts the location of a possible enhanced transit line envisioned along Niagara Falls Boulevard, turning east on to Maple Road, and heading north to the University at Buffalo North Campus. This presents a unique opportunity to build upon future enhanced mobility and provide access to current and future users and residents of the site and surrounding neighborhoods. The Boulevard Mall site can become an anchor, serving as an economic catalyst not only for the BCD and Amherst, but also for the Western New York region over many years to come.

The following describes the various types of land uses that are envisioned in the future on the Boulevard Mall site and within the Urban Renewal Area:

- a. A primary objective of this Urban Renewal Plan includes the inspection, rehabilitation, demolition, or replacement of existing structures in the Boulevard Central District Urban Renewal Area, including the acquisition and disposal of those properties. New land uses must comply with the Town's Master Site Plan of the site and Zoning Ordinance of the Town of Amherst.
- b. The redevelopment of the area offers many opportunities. To guide specific development of the site, the Agency will formulate a Master Site Plan which will specify proposed land uses, public street rights of way, public spaces and facilities, and essential utilities, as shown in Exhibits G & H. These include a purposeful mix of commercial, retail, restaurant, office, residential, and open space uses along with new public streets to create smaller, walkable blocks.
- c. Potential land uses, which are not limited to those discussed in this Plan, shall be in conformance with the Town of Amherst Zoning Ordinance and as shown on Map 3: Zoning (Exhibit E) which exhibits the existing zoning currently within the Urban Renewal Area. Zoning may be changed or amended in the future within this Urban Renewal Area.

5. PROPOSED LAND ACQUISITION

A. Proposed Land Acquisition

Land Acquisition proposed within the Urban Renewal Area will be determined as needed and will start with the Boulevard Mall property and some adjacent parcels. As such, any proposed land acquisition will be approved by the Agency in accordance with General Municipal Law § 506 and, to the extent necessary, the Eminent Domain Procedure Law. It is anticipated that the Boulevard Mall property and adjacent parcels will be acquired pursuant to the Eminent Domain Procedure Law.

B. Standards for Acquisition

Real property or any interest in real property may be acquired on the basis of current inspections. The Agency determines that deficiencies exist which 1) create hazards to the community; and/or 2) cause a blighting influence on the surrounding neighborhood; and/or 3) render the property as severely underutilized; and/or 4) otherwise hinder the completion of goals of the Urban Renewal Program, the Agency, and/or this Plan.

C. Methods of Acquisition

The Agency may acquire real property or any interest therein by gift, grant, devise, purchase, condemnation, or by any other process allowable pursuant to Articles 15 of the General Municipal Law.

D. Post Acquisition

Upon the acquisition of real property, the Agency may undertake any of the following activities:

1. Deconstruct or demolish any structure on the property;
2. Sell the property subject to rehabilitation in accordance with this plan;
3. Rehabilitate any structure(s) on the property and sell such rehabilitated structures for use in accordance with this plan;
4. Sell the property subject to development correcting underutilization;
5. Develop underutilized properties, allowing them to function at the peak of their economic and community potential;
6. With regards to vacant properties without structures, sell said property to an adjacent land owner, subdivide the property for sale to multiple adjacent land owners, or sell the property subject to redevelopment in accordance with this plan;
7. Sell, lease for a term not exceeding ninety-nine years, or otherwise dispose any real property by any method permissible pursuant to Article 15 of the General Municipal law.

6. PROPERTY DISPOSITION

A. Property Disposition and Redevelopment

The Town is authorized to dispose of acquired property, in whole or in part, by sale, lease, exchange, or other appropriate means for redevelopment for uses and purposes specified in this Plan. For property identified for acquisition in this Plan, the Agency proposes to enter into an agreement with an eligible sponsor (a "Funding, Disposition, and Redevelopment Agreement"), as determined following the procedures set forth below, prior to acquisition, that will govern the funding of the acquisition, the disposition of the property, as well as the property's redevelopment in accordance with this plan.

The Agency may dispose of any land it has acquired by any method authorized by General Municipal Law § 507, on such terms and conditions as the Agency considers in the best interests of the Town. It is anticipated that a Funding, Disposition, and Redevelopment Agreement may be entered into prior to land acquisition.

B. Rules and Procedures for Determining Qualified and Eligible Sponsors

The Agency shall evaluate any developers who declare their intent, following a public solicitation, to become a qualified and eligible sponsor for purposes of this Plan. The Agency shall designate said developers as qualified and eligible based on the following criteria, none of which is dispositive, but each may be given appropriate weight in the Agency's sole discretion:

- The Developer’s willingness to enter into an acceptable Funding, Disposition, and Redevelopment Agreement, which includes offsetting municipal costs for land acquisition referenced herein
- The Developer’s capabilities to develop or redevelop property in accordance with the land-use provisions and other requirements specified in this Plan
- The Developer’s willingness to generally comply with the Town’s Master Site Plan of the Urban Renewal Area
- The Developer’s financial capabilities
- The Developer’s experience with similar redevelopment projects, including mixed-use projects of similar size and scope
- Proposed project timeframes
- Support for use of local labor
- Other criteria the Agency determine to be relevant, consistent with this Plan

C. Deed Restrictions

The disposition of any real property shall include all deed restrictions and covenants deemed appropriate by the Agency in order to carry out the public purpose of this Plan.

D. Reverter Clauses

All purchase agreements, leases, deeds, and option agreements pertaining to property shall contain a reverter clause whereby title to or control of the development area shall automatically revert back to the Agency if the agreed upon re-planning, and/or clearing, and/or rehabilitation, and/or restoration, and/or renewing, and/or conservation, and/or improvement, and/or reconstruction, and/or redevelopment does not occur within the time frame stipulated in said purchase agreements, lease, deed, or option agreement. Said reverter clauses at the option of the Agency may be made subject to any financing approved by the Agency.

E. Extensions of Time

The Agency shall have authority to grant extensions on any purchase, lease, or option agreement where such a request is directed in writing to the Agency for its consideration.

7. PROPOSED PUBLIC, SEMI-PUBLIC, PRIVATE, OR COMMUNITY FACILITIES OR UTILITIES

Included in the Boulevard Central District Urban Renewal Area may be areas designated for park lands, public facilities and/or other necessary utilities. The Agency will work with developers, the NFTA, and other agencies as deemed necessary to provide desired public properties and facilities to reach their full operating potential.

8. PROPOSED METHODS AND TECHNIQUES OF URBAN RENEWAL

The methods and techniques of Urban Renewal proposed for use within this Plan include but are not limited to:

- a. Acquisition of largely vacant, underutilized, deteriorated, and/or unproductive properties by the Town of Amherst or the Urban Renewal Agency, for disposition to qualified developers, development, or redevelopment entities that will further the planned redevelopment strategies that are part of this Urban Renewal Plan and the adopted Master Site Plan.
- b. The Master Site Plan will guide the re-planning of development areas, parcels, and/or subdivision patterns for public and/or private uses within the area, including provisions for pedestrian, vehicular and service access from the area or adjacent public rights-of-way.

- c. The planning, siting, design, and construction of new public amenities within the area in a manner designed to enhance pedestrian enjoyment and increase the attractiveness of the area for both public use and private investment in new uses and structures.
- d. The deconstruction or demolition of some existing structures within the area in order to correct substandard conditions and enable planning for redevelopment in accordance with the Plan.
- e. The disposition of area development sites by sale or lease, and, subject to development standards incorporated in binding disposition agreements, to qualified public or private development entities for developments which carry out the provisions of this Plan.
- f. The construction of new buildings, subject to design review by the Agency and the Town's Design Guidelines as maintained by the Town Design Advisory Board, and in accordance with this Plan.
- g. The planning, design, and construction of utility and other infrastructure adjustments, connections, and replacements as needed.
- h. The preservation and restoration of key architectural properties that have a viable public or private use, and which are consistent with the redevelopment objectives in this Plan.
- i. Actions designed to implement provisions and objectives of the plan through: 1) adjustments or amendments to the Town's Zoning; 2) concentrated enforcements of the existing code within the Urban Renewal Area; 3) identification and referral of properties to the Agency for purpose of acquisition and 4) cooperation and coordination between various Town Departments and the Agency with regards to the monitoring and management of Agency owned properties.
- j. The coordination with the Town of Amherst and/or the developer(s) for the remediation of brownfields for the sites that have potential use for economic development.

9. CODE & ORDINANCE CHANGES TO IMPLEMENT THE PLAN

New ordinances, provisions, or amendments to existing codes may occur to effectuate the Urban Renewal Plan. It is anticipated that future redevelopment in the Urban Renewal Area and on the Boulevard Mall site will adhere to the Town's Zoning Ordinance, in particular to Section 5-A of that ordinance regarding Mixed-Use District provisions. The Town Board may also consider adopting specialized provisions for the Urban Renewal Area that will allow for flexibility in the review and approval of specific development projects noted herein.

10. DEVELOPMENT STANDARDS

In order to carry out the public purpose of the Urban Renewal Plan, all development of property originally disposed or transferred by the Agency (pursuant to Section 13 of this Plan) and within the Urban Renewal Area shall be in compliance with the standards set forth below. Development at the Boulevard Mall should also be in compliance with Town's Master Plan of the site. The Agency, in conjunction with other town boards and committees, shall review all proposals to ensure that these standards are met. Definitions shall be consistent with those contained in the Town of Amherst Zoning Ordinance and Town Design Guidelines except where otherwise noted in this Plan.

A. Permitted Uses

Any building constructed in the project area shall contain one or more of the uses identified in Section 4 of this Plan.

B. Changes in Use

Changes in land use within the Urban Renewal Area may be reviewed and authorized by the Agency.

11. TIME SCHEDULE

The implementation of this Plan will begin upon its adoption by the Agency. It is proposed that property acquisition of the Mall will begin immediately. Acquisition of other properties in the Urban Renewal Area may subsequently follow. The overall redevelopment of the entire Urban Renewal Area is envisioned to be completed within a ten-year time period.

12. DURATION OF PLAN CONTROLS

The regulations, standards, and controls, contained in this Plan will be binding and effective by deed or lease upon all purchasers or lessees of land disposed of or transferred pursuant to this Plan, as well as their heirs or assigns for a period of fifteen (15) years from the date of approval of this Plan by the Town Board and Urban Renewal Agency of the Town of Amherst, New York.

13. CHANGES IN THE APPROVED PLAN

This Plan may be amended at any time by the Agency in accordance with the requirements of Article 15 of the New York General Municipal Law.

14. ACQUISITION OF AIR RIGHTS AND CONCOMITANT EASEMENTS OR OTHER RIGHTS OF USER NECESSARY FOR THE USE AND DEVELOPMENT OF SUCH AIR RIGHTS

The basic objectives of the Boulevard Central District Urban Renewal Plan include the acquisition, improvement, inspection, rehabilitation, demolition, disposal and/or deconstruction of existing structures. A statement of proposed acquisition of air rights is not necessary as it is not anticipated that the Agency will not acquire any air rights other than those air rights that come generally associated with the acquisition of any parcel of real property within the Urban Renewal Area. The Town will consider adoption of a Transferable Development Rights regulation if the opportunity presents itself to serve the community through such legislation.

15. PROPOSED PROGRAM OF CODE ENFORCEMENT

The Agency will cooperate and coordinate with the Town of Amherst Building Department and the Zoning Enforcement Officer in establishing a program of code enforcement within the Urban Renewal Area which includes but is not limited to:

- A. The concentrated enforcement of the Town of Amherst Zoning Ordinance and applicable building codes within the Urban Renewal Area
- B. The utilization of various Town Departments to assist the Agency with certain aspects of management of Agency-owned properties.

EXHIBITS

EXHIBIT A – Description of Urban Renewal Area

The Boulevard Central District Urban Renewal Area, as designated by the Town Board pursuant to General Municipal Law § 504, is located on the western portion of the Town and can be described as follows:

Beginning at the southeast corner of the intersection of Niagara Falls Boulevard and Maple Road, the Urban Renewal area extends approximately 2,085 feet east along the centerline line of Maple Road to the centerline of Bailey Avenue, then turns southerly along the centerline of Bailey Avenue for approximately 1,800 feet to the intersection of the centerline of Amsterdam Avenue and the centerline of Bailey Avenue, then turns westerly for 335 feet along the centerline of Amsterdam Avenue, then turns north approximately 60 feet to the south parcel line of a National Grid parcel (SBL- 54.03-1-12.1), then turns west along the National Grid parcel line for approximately 470 feet to the centerline of Alberta Drive, then turns southerly along Alberta Drive for approximately 2,060 feet to the intersection of the centerline of Alberta Drive and the centerline of Sheridan Drive, then turns easterly along Sheridan Drive for approximately 957 feet to the intersection of the centerline Sheridan Drive and the centerline of Bailey Avenue, then turns southerly along Bailey Avenue approximately 1,145 feet to the intersection of the centerline of Bailey Avenue and the centerline of Eggert Road, then turns north westerly along the centerline of Eggert Road for approximately 2,330 feet to the intersection of the centerline of Eggert Road and the centerline of Marion Road, then turns southerly along the centerline of Marion Road for approximately 160 feet, then turns westerly for approximately 275 feet along the southern parcel boundary of (925 Niagara Falls Boulevard SBL-67.39-5-1) to the centerline of Niagara Falls Boulevard, then turns northerly along Niagara Falls Boulevard for approximately 4,387 feet back to the intersection of the centerline of Niagara Falls Boulevard and the centerline of Maple Road (the beginning point).

The Urban Renewal Area totals approximately 194.9 acres and includes 60 parcels.

EXHIBIT B – Map 1: Boulevard Central District Urban Renewal Area

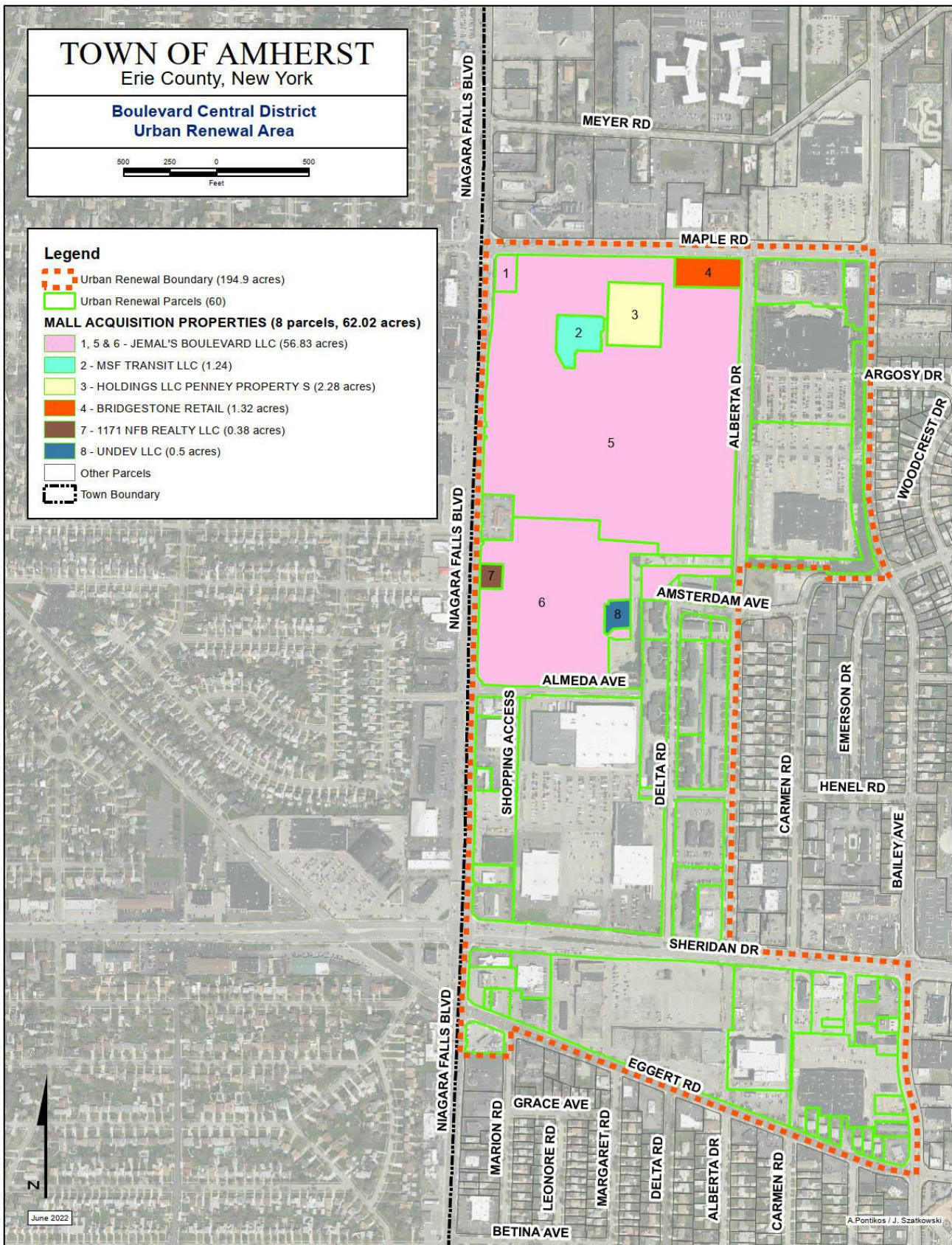


Exhibit C – Map 2: Boulevard Central District

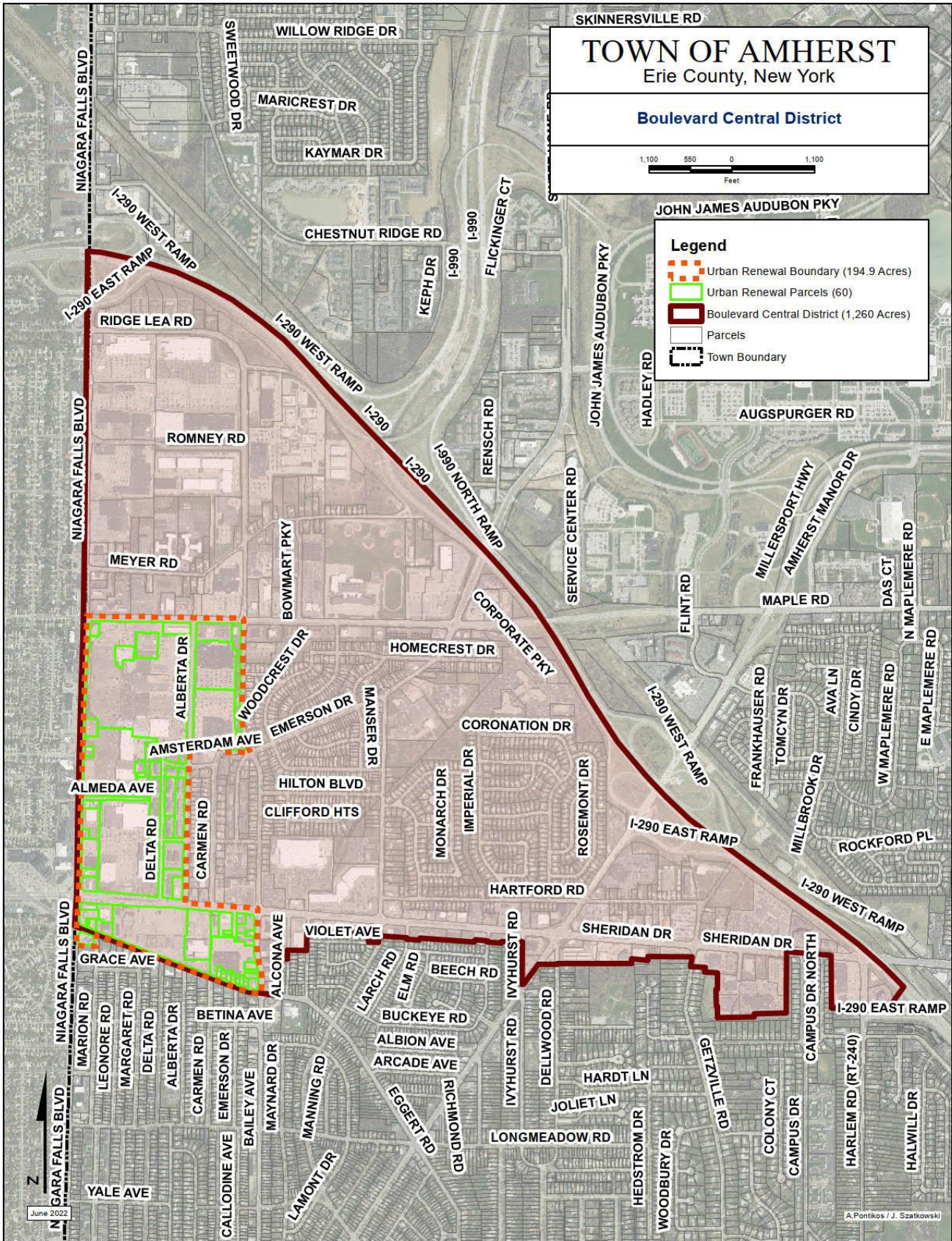
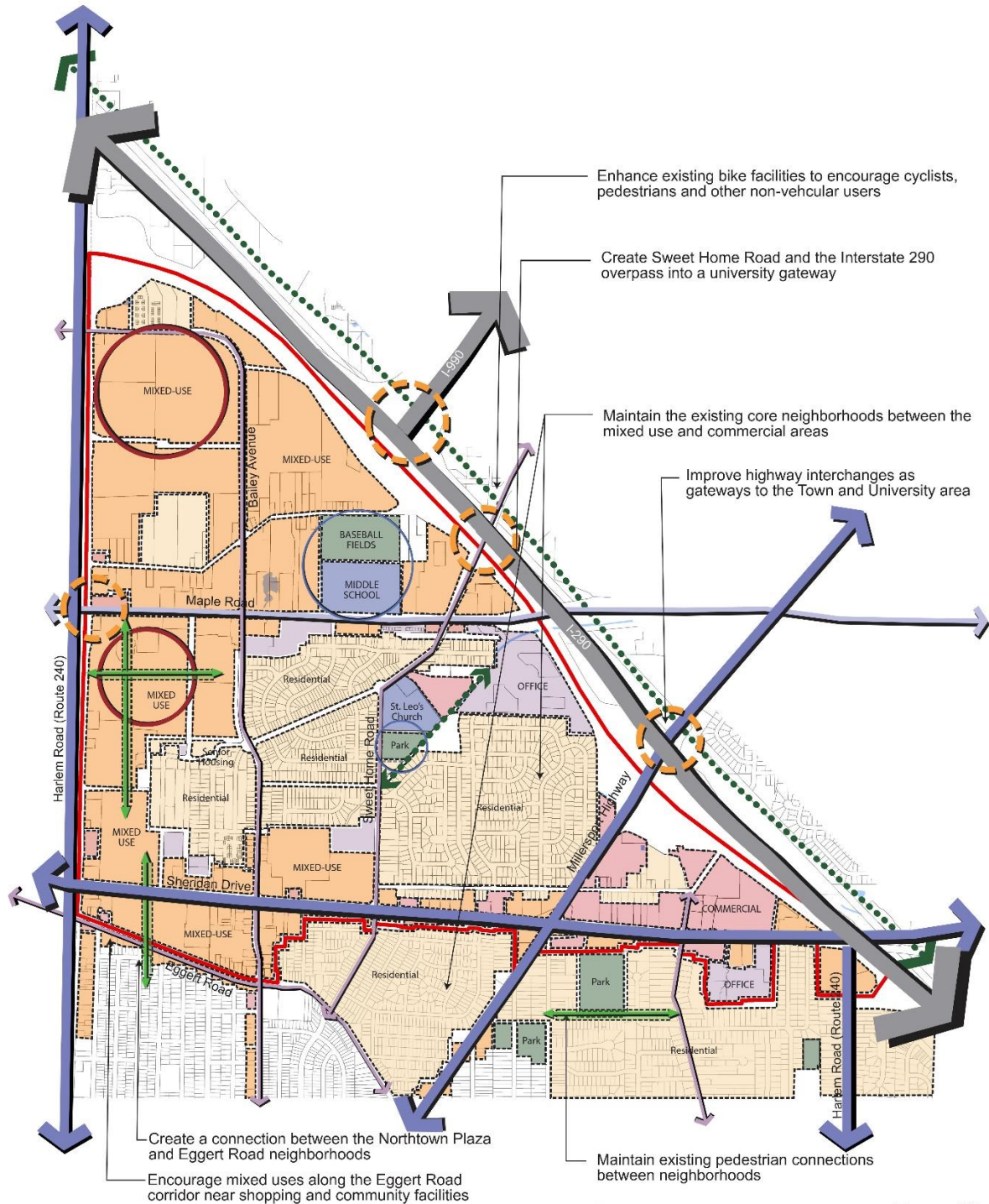


Exhibit D – Figure 1: Boulevard Central District Focal Planning Area



Boulevard Central District Focal Planning Area - Concept Plan

December 2020 Figure 33

Town of Amherst Bicentennial Comprehensive Plan

LEGEND

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| | | |

Exhibit E – Map 3: Zoning

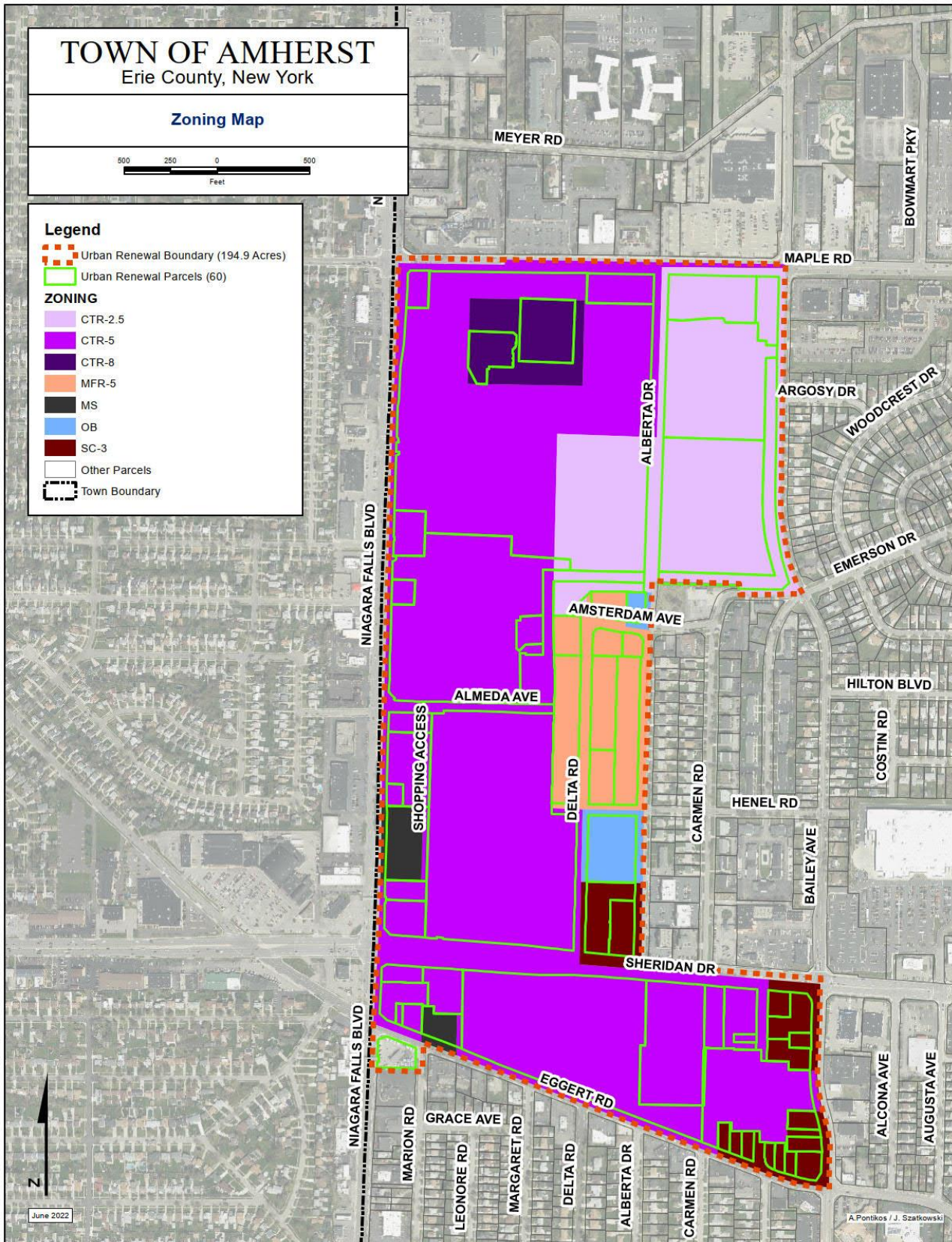


Exhibit F – Figure 2: Possible Future Boulevard Mall Redevelopment Phases



Existing Mall Site



Intermediate Phase of Redevelopment Concept

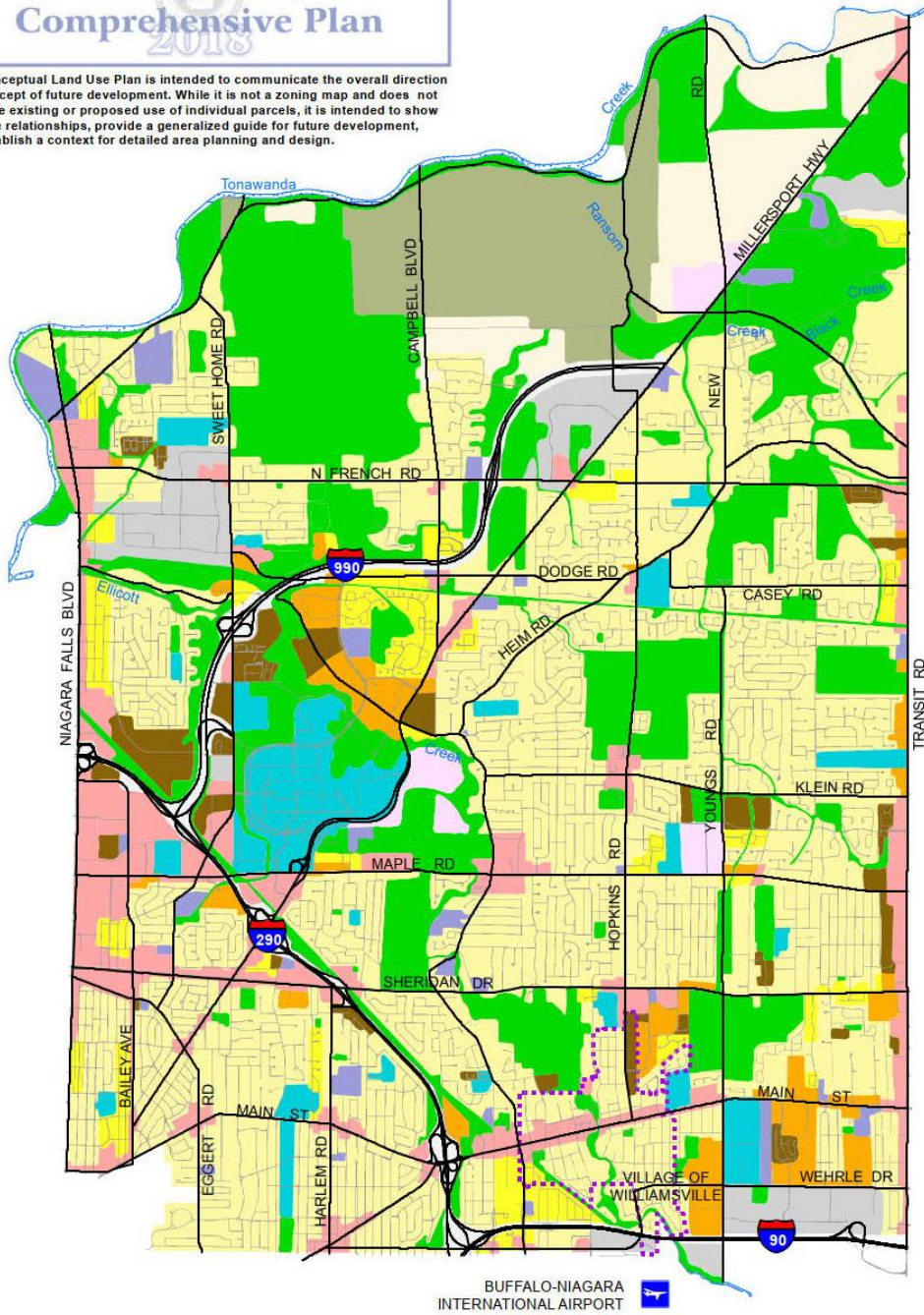


Final Redevelopment Concept

Exhibit G – Map 4: Town Comprehensive Plan Conceptual Land Use Plan

**Town of Amherst
Bicentennial
Comprehensive Plan
2018**

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



Conceptual Land Use Plan

- | | | |
|---------------------------|----------------------|------------------------------------|
| Rural Residential | Special Use Center | Recreation, Open Space & Greenways |
| Single Family Residential | Commercial - Office | Agriculture |
| Mixed Residential | Industrial - Office | Transportation |
| Medium Residential | Community Facilities | Surface Water |
| Commercial / Mixed Use* | Educational Campus | Village of Williamsville Boundary |

* See Map Figure 6-A for Additional Designations

FIGURE 6

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

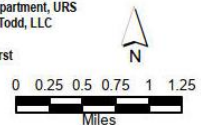


Exhibit H – Figure 3: Action Plan Illustrative Images

