



1600 Liberty Building, 424 Main Street, Buffalo, New York 14202
P 716.854.3400 | www.RuppPfalzgraf.com

MARC A. ROMANOWSKI
Romanowski@RuppPfalzgraf.com

May 22, 2026

Via E-Mail and Hand Delivery

Town of Amherst Town Board
5583 Main Street
Williamsville, New York 14221
ATTN: Daniel Ulatowski, Code Enforcement Officer

Re: Revised Proposed Amendment to Finding Statement of
770 John James Audubon Parkway, Amherst, New York
14072

Ladies and Gentlemen:

On behalf of 770 JJAP LLC, (the “Applicant”), we are submitting this Letter of Intent along with the enclosed documentation for amending the previous Finding Statement approved by the Town Board for the Property known as 770 John James Audubon Parkway, Amherst, New York (SBL No. 41.05-3-9) (the “Property”) pursuant to the Town of Amherst Zoning Code (“Code”) Chapter 203-15-14.

Exhibits

The documentation being submitted with this Letter of Intent consists of the following:

- Exhibit “A”** – Site B “East” Development Plan
- Exhibit “B”** - Boundary Survey of Property and Legal Description
- Exhibit “C”** - Existing Zoning Map
- Exhibit “D”** – Prior SEQRA Finding Statement
- Exhibit “E”** – Site B “West” Approved Development Plan
- Exhibit “F”** - Completed Full Environmental Assessment Form (“FEAF”) prepared pursuant to the State Environmental Quality Review Act (“SEQRA”)
- Exhibit “G”** - Application for Change of Conditions to Zoning Approval

*The Application fees are enclosed with the original copies of this Letter of Intent.

I. PROJECT DETAILS

Requestor: 770 JJAP LLC
50 Fountain Plaza, Suite 500
Buffalo, NY 14202

Contact: Marc Romanowski, Esq.
Rupp Pfalzgraf LLC
Buffalo, New York 14202
Tel: 716-854-3400
Email: romanowski@RuppPfalzgraf.com

Project Location: 770 John James Audubon Parkway
Amherst, New York 14228

Parcel ID No. Of Property: 41.05-3-9

Landowner: 770 JJAP LLC
50 Fountain Plaza, Suite 500
Buffalo, NY 14202

Zoning District: New Community District – General Commercial (“NCD-GC”)

II. PROJECT DESCRIPTION

The Property is part of the 326-acre Muir Woods Development Plan, a long-standing, comprehensively reviewed initiative before both the Town Board and Planning Board over the past several years. Together with 775 John James Audubon Parkway, Amherst, New York, it comprises what is commonly referred to as “Site B” of the plan. In its most recent Amended Finding Statement issued on October 15, 2024 (Amended Finding Statement No. 51 & 77, which is attached hereto as **Exhibit “D”**), the Town evaluated multiple development scenarios for the overall Site B. Since then, the western portion of Site B (775 John James Audobon Audubon Parkway, Amherst, New York) has been successfully developed with 197 student housing units, demonstrating the viability and compatibility of residential uses on the corridor.

The subject Property remains undeveloped at this time and the Applicant now proposes a residential community consisting of 160 townhome units as shown in **Exhibit “A”** attached. Due to previous conditions placed upon the Property from the Amended Finding Statement No. 51 & 77, the Amended Finding Statement must be amended to allow for a fourth option to allow the development of a 160 townhome development on this part of the Property.

Importantly, the current proposal represents a significant reduction from prior development scenarios already reviewed and contemplated by the Town in Amended Finding Statement No. 51 & 77. Under Option 2 of the Amended Finding Statement, the Town previously considered a plan allowing 192 residential units on this portion of Site B. The Applicant now proposes only 160 units, well below the density threshold analyzed and accepted by the Town. Similarly, on the western portion of Site B, the completed Aspen Heights project aligns with the Town’s review under Option 3, which contemplated up to 515 student housing units on Site B as a whole. The existing 197-unit development is substantially below that cap and complements the balanced residential character emerging in the area.

The proposed townhouse community is entirely consistent with the Town’s established planning objectives (as discussed further below), the surrounding residential context, the development intensities, and environmental impact already evaluated under SEQRA. Approving the requested amending of the previous Finding Statement will advance a coherent land-use pattern and support needed housing diversity in the Town.

III. CODE ANALYSIS

As the Property has already had a Finding Statement issued regarding restrictions on its use and the property falls within the Audubon Development Area, the Planning Board must review and the Town Board must amend its previous Finding Statement to allow the current proposed use. We provide the applicable Code provisions for approval of an amended plan along with our responses thereto below:

8-1-1 (B) Powers and Duties of Town Board. The Town Board shall be responsible for final action regarding the following:

(3) Amendments to the Audubon Development Plan;

8-1-2 Power and Duties. Power and Duties. The Planning Board shall have the following powers and duties.

(1) Review Authority. The Planning Board shall be responsible for reviewing and making recommendations regarding the following:

(c) Amendments to the Audubon Development Plan;

8-2-3 (C) Required Hearing. A public hearing shall be required for development review as shown in the table below.

| Applications for Approval | ZBA | Planning Board | Town Board |
|----------------------------------|------------|-----------------------|-------------------|
| Amendment, Map (Rezoning) | | ✓ | ✓ |
| Amendment, Text | | ✓ | ✓ |
| Audubon Plan Amendment | | ✓ | ✓ |

RESPONSE: Because the previous development options were limited according to Amended Finding Statement No. 51, we would need the Planning Board to review the proposed amendment and the Town Board to amend the previous limitations and add a separate use, Option 4, to allow for a combination of Option 2 and Option 3 that were previously approved. The current layout of Site B is 197 Student Housing units on the West Side of Site B (which has already been built and are currently in use), see **Exhibit “E”**. The Applicant is proposing to construct 160 single-family units on the East Side of Site B.

The original restrictions called for either 197 Single-family units on the West Side of Site B (the Property subject to this request), and commercial development on the West Side of Site B under Option 2 or 515 student units on the entirety of Site B under Option 3. The Applicant is seeking a simple modification to the options outlined in the previous Finding Statement to combined two of the approved uses, which would be substantially under the original anticipated number or units as originally planned.

We therefore seek approval from the Town Board of amendment of the Finding Statement to allow for an Option 4 to be added which would allow 197-unit student housing development on the West Side of Site B and 160 single-family residence on the East Side of Site B.

IV. TOWN OF AMHERST NEW COMMUNITY DISTRICT GOALS

The New Community District is a recently established overlay district intended to provide flexibility for new development and support targeted growth within the Town. As outlined in Section 5-2-2 of the Town of Amherst Zoning Code, the proposed site plan meets several key objectives of the district, including:

- **Offering diverse housing options**, with the project classified as Mixed Residential under the Town’s Comprehensive Plan.
-
- **Enhancing open space and recreational amenities**, including improvements to the Amherst Bike Path segment located on the Property.
-
- **Protecting natural features** by designing the project to avoid wetlands and minimize impacts on adjacent waterways and creeks.
-
- **Improving multimodal safety**, as the development will connect to the John James Boulevard extension, providing safe and efficient access to I-990 and surrounding arterial roads.

Additionally, this application is mindful of the Town’s Bicentennial Comprehensive Plan and its goals for development in the Town of Amherst. The proposed use fits squarely within the Comprehensive Plan and relevant sections set forth below for the Board’s Consideration:

3.3.7 Recreation and Open Spaces

The goal of the Town is to have open space linkage opportunities. This Property has a portion of the Amherst bike path on it which will be redone and coordinated into the design of the

final project. There is a large property to the north of the subject Property that is part of the overall Muir Woods Project that is intended to remain open and natural space allowing enjoyment by the residents of the Property as well as bike path users.

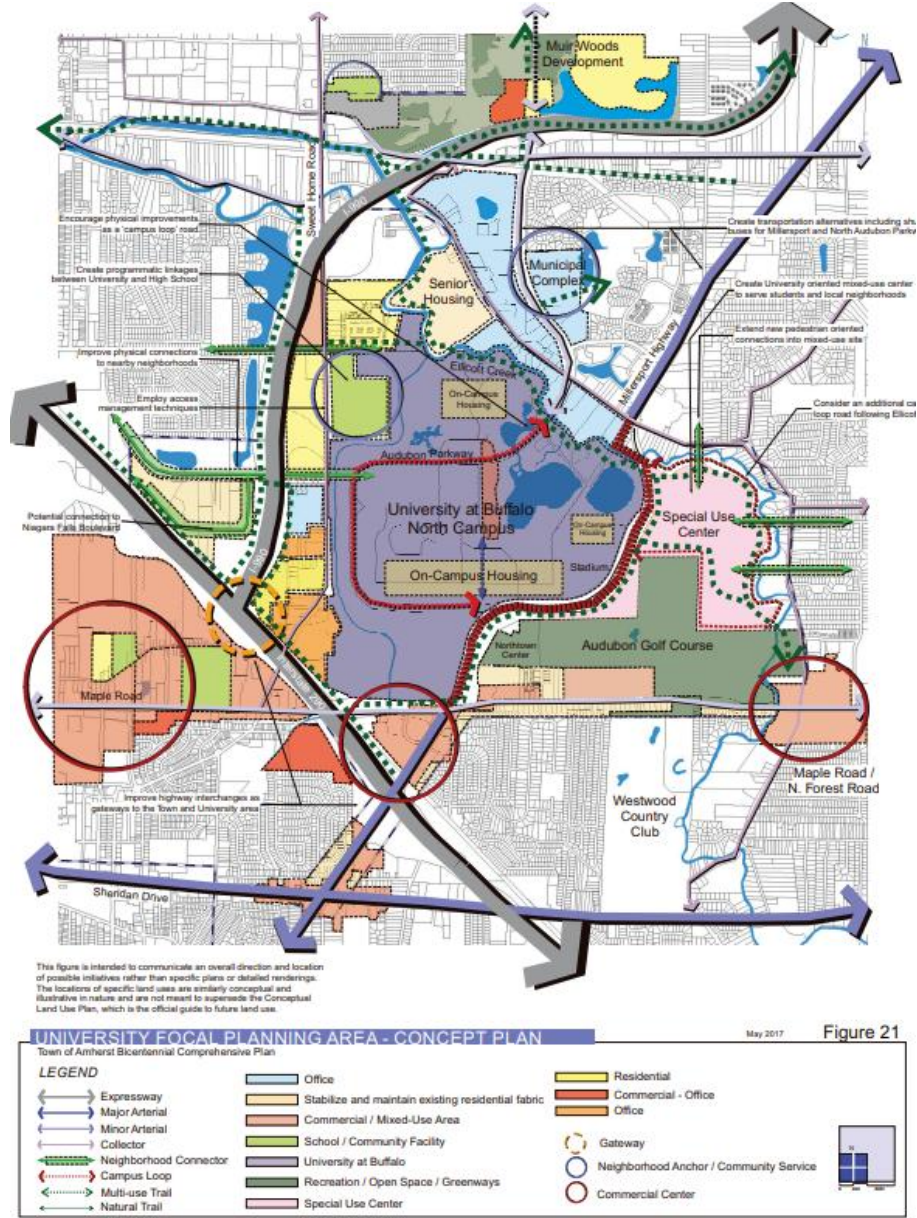
3.3.1 Residential Uses

The Town has historically emphasized low-density, single-family residential development. At the same time, the community's housing needs have evolved, with increasing demand for higher-density options that serve retirees, empty nesters, single-person households, and others seeking smaller, more flexible living arrangements. The proposed project meets the Town's Mixed Residential classification at approximately 9.3 units per acre, consistent with the Town's planning framework for moderate-density neighborhoods.

Mixed Residential development is most appropriate in transitional areas between commercial and residential uses and in locations served by collector or arterial roadways. The Property satisfies these criteria, positioned along the extension of John James Audobon Parkway and directly adjacent to Interstate 990. For these reasons, the proposed residential use aligns with the Town's planning objectives and supports a balanced housing mix within the community.

10.3 University Design Analysis, Concept Plan and Strategies

The University at Buffalo – North Campus is a major staple of the Town of Amherst. Therefore, the Town has developed the University Focal Planning Area which is an area surrounding the University of Buffalo and intended to complement the University and provide vital connection between the University and surrounding areas. As noted in the Comprehensive Plan, John James Audubon Parkway is a main link into the University at Buffalo – North Campus. As shown in Figure 21 of the Town of Amherst Comprehensive Plan, it shows the Muir Woods Development along with the subject Property. As shown on the Figure, according to the Comprehensive Plan, it was intended for the subject Property to be residential in nature, which is the intent of the Applicant herein. Amending the current Finding Statement to allow the construction of the 160 single-family residential units would not change the nature of the current neighborhood and would certainly comply with the thought process shown in the Town of Amherst Comprehensive Plan.



V. STATE ENVIRONMENTAL QUALITY REVIEW ACT “SEQRA”

Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 (collectively, “SEQRA”) requires state and local government agencies to consider environmental impacts of proposed actions during discretionary decision-making. The Town has made previous made determinations with regard to SEQRA in the previous Amended Finding Statement No. 51 & 77. The current proposed project would be substantially under the original development proposed and approved by the Town Board. However, to provide a thorough analysis of the Project to ensure that this zoning change and current proposed project would not cause any additional environmental impacts, the Applicant has prepared Part I the Full Environmental Assessment Form (“FEAF”), which is attached hereto as Exhibit “F”.

VI. CONCLUSION

The proposed action of amending the previous Finding Statement is both consistent and appropriate with the Town of Amherst's long-term planning objectives, previous environmental determinations and policies regarding the Audubon Development Area. The requested amendment and addition of an Option 4 to the Finding Statement is a logical refinement of the previously approved development scenarios. The proposed 160-unit townhome community on the eastern portion of Site B complements the already completed 197-unit student housing project on the western portion and remains well within the development intensities already studied and accepted by the Town under SEQRA.

Accordingly, the Applicant respectfully requests that the Planning Board recommends, and the Town Board approves, the proposed amendment to the existing Finding Statement to allow the addition of Option 4, thereby authorizing the residential use described herein.

Please feel free to contact me at 716-854-3400 or via email at romanowski@RuppPflazgraf.com if you have any questions regarding this Letter of Intent, the enclosed project documentation, or the proposed amendment to the Finding Statement.

Respectfully yours,



Marc A. Romanowski, Esq.

Encs.

EXHIBIT A

EXHIBIT B

Exhibit B - Legal Description

JOB NO. 2013062 SITE B - PARCEL 2
NOVEMBER 25, 2025

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lots 70 & 76, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point on the northerly line of Lockport Expressway Section II, said point being the southeast corner of John James Audubon Parkway Extension described in a deed filed in the Erie County Clerk's Office in liber 11435 of deeds at page 9814;

THENCE: northwesterly along the easterly boundary of John James Audubon Parkway Extension the following eight (8) courses and distances:

- 1) N-19°-51'-29"-W along the easterly boundary of John James Audubon Parkway Extension, a distance of 59.50 feet to
- 2) N-58°-37'-36"-W, a distance of 52.08 feet to a point;
- 3) N-15°-55'-54"-W, a distance of 226.72 feet to a point of curvature;
- 4) Northwesterly, northerly, and northeasterly along a curve to the right having a radius of 60.00 feet an arc distance of 96.27 feet to a point of tangency;
- 5) N-75°-59'-49"-E, a distance of 10.91 feet to a point;
- 6) N-14°-08'-19"-W, a distance of 60.00 feet to a point;
- 7) S-76°-27'-34"-W, a distance of 13.07 feet to a point of curvature;
- 8) Southwesterly, westerly, and northwesterly along a curve to the right having a radius of 60.00 feet an arc distance of 93.59 feet to a point of tangency;

THENCE: N-12°-40'-54"-W, a distance of 239.78 feet to a point;

THENCE: S-77°-19'-06"-W, a distance of 70.23 feet to a point;

THENCE: N-20°-49'-49"-E, a distance of 47.62 feet to a point;

THENCE: N-15°-39'-45"-W, a distance of 101.72 feet to a point;

THENCE: N-08°-37'-11"-E, a distance of 76.97 feet to a point;

THENCE: S-89°-49'-30"-E, a distance of 100.76 feet to a point;

THENCE: N-00°-10'-14"-W, a distance of 209.30 feet to a point;

THENCE: S-89°-49'-30"-E, a distance of 271.66 feet to a point;

THENCE: S-78°-51'-41"-E, a distance of 69.61 feet to a point;

THENCE: S-23°-46'-20"-E, a distance of 181.16 feet to a point;

THENCE: S-63°-26'-06"-E, a distance of 52.67 feet to a point;

THENCE: S-03°-30'-13"-W, a distance of 172.77 feet to a point;

THENCE: S-74°-27'-37"-E, a distance of 80.87 feet to a point;

THENCE: N-64°-16'-09"-E, a distance of 431± feet to the water's edge of an existing lake;

THENCE: Southerly along a water's edge a distance of 1260± feet to a point, having a tie bearing of S-27°-16'-47"-W and a tie distance of 955.90 feet to a point;

THENCE: S-00°-48'-16"-W, a distance of 59± feet to northerly line of Lockport Expressway Section II;

THENCE: S-89°-19'-05" W, along the said northerly line of Lockport Expressway Section II, a distance of 283.28 feet to the POINT OR PLACE OF BEGINNING.

EXHIBIT C

EXHIBIT C- Existing Zoning Map

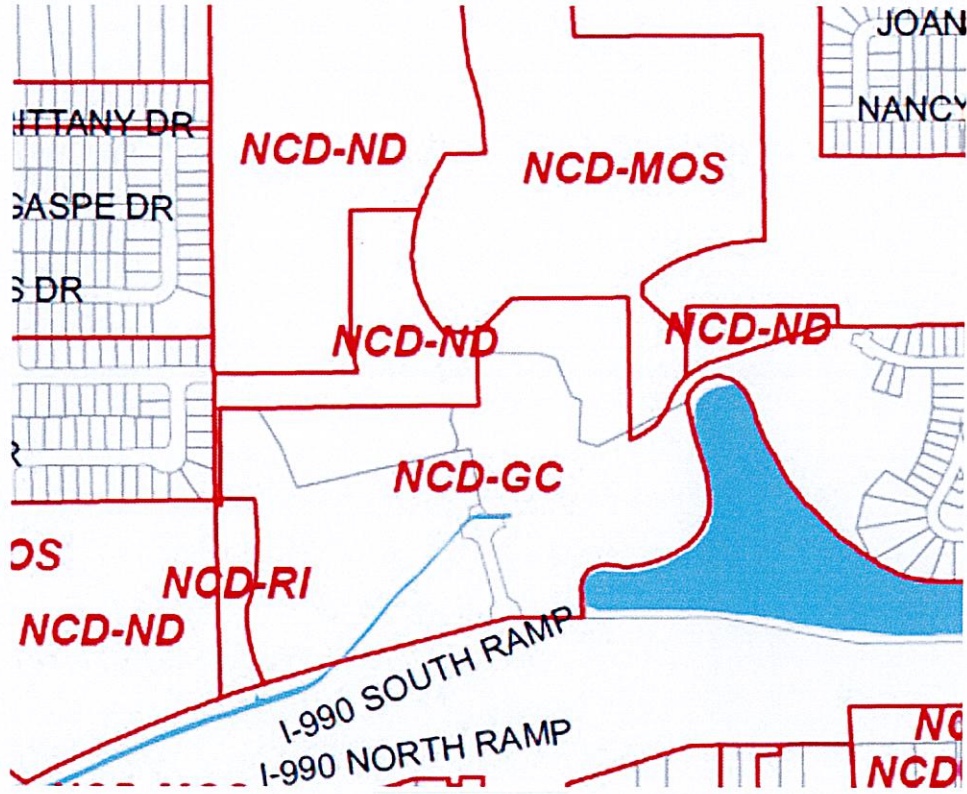


EXHIBIT D



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

AMENDMENT #51 & #77 TO THE AUDUBON DEVELOPMENT PLAN
TO RECLASSIFY A PORTION OF 326± ACRES OF LAND
FROM NCD-ND & NCD-MOS to NCD-GC, NCD-RI NCD-MOS & NCD-LC
50 Dodge Road, 770 & 775 John James Audubon Parkway and The "Preserve at Muir Woods"
subdivision (formerly 1081 & 1121 North French Road)
(Z-9-02)

CERTIFICATION OF AMENDED FINDINGS

Having considered the Draft and Final Generic EIS documents, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617, this Amended Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the Generic Environmental Impact Statements, and the Application to Amend the Findings Statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process and the Second Application to Amend the Findings Statement will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

TOWN OF AMHERST

Name of Agency

Signature of Responsible Official

BRIAN J. KULPA

Name of Responsible Official

TOWN SUPERVISOR

Title of Responsible Official

October 15, 2024

Date

5583 MAIN STREET, WILLIAMSVILLE, NY 14221

Address of Agency

PROJECT HISTORY

Following the April 16, 2004 submittal of a Draft Generic Environmental Impact Statement (DGEIS) prepared by Ciminelli Development Company, Inc., the DGEIS was accepted by the Town Board on September 7, 2004. The DGEIS was submitted for the proposed rezoning from NCD-ND & NCD-MOS to NCD-GC, NCD-RI & NCD-MOS and development of 326± acres of land located at 1081 & 1121 North French Road. On October 28, 2004, the Planning Board held a public hearing on the DGEIS and rezoning request and recommended approval of the subject petition. Subsequently, a public hearing on the DGEIS and rezoning request was held by the Town Board on March 2, 2005. A Final Generic Environmental Impact Statement (FGEIS) was accepted by the Town Board on November 5, 2007, and a Notice of Completion of the FGEIS was filed on November 14, 2007; and

The Planning Board and the Town Board have considered the content of the DGEIS, the FGEIS, and all other documents and comments and submissions made during and after the hearings.

On February 18, 2014, the Project Sponsor submitted an Application to Amend the Findings Statement and Audubon Development Plan along with supporting documentation. The Planning Board held a public hearing on the Application during its meeting on March 14, 2014 and it recommended approval of the Application. On June 16, 2014, the Town Board held a public hearing on the Application but did not issue a decision on the Application.

On August 17, 2015, the Project Sponsor submitted an Amended Application to Amend the Findings Statement and Audubon Development Plan for the purpose of modifying the Application filed on February 18, 2014.

The Planning Board held a public hearing on the Amended Application during its meeting on September 17, 2015 and the Planning Board recommended in favor of the Application. On November 16, 2015, the Town Board held a public hearing on the Application. On December 7, 2015, the Town Board voted to issue an Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the comprehensive environmental review of the Project that concluded with the original issuance of a Findings Statement on December 17, 2007.

The Planning Board conducted a coordinated environmental review of the development of Sites C and D of the overall Project Site as a 133 lot residential subdivision. On September 14, 2017, the Planning Board issued a negative declaration pursuant to SEQRA for the subdivision based on its determination that the subdivision would not result in any potentially significant adverse environmental impacts.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

On April 15, 2019, the Project Sponsor submitted an Application to Amend the Findings Statement and Audubon Development Plan along with supporting documentation. The requested amendment of the Findings Statement issued by the Town Board on December 17, 2017 was to allow student housing to be developed on Site B of the overall Muir Woods Project Site (“Application to Amend the Findings Statement”). The Planning Board held public hearings on the Application to Amend the Findings Statement during its meeting on May 16, 2019 and June 20, 2019 it adopted a resolution recommended approval of the Application to Amend the Findings Statement during its meeting on June 20, 2019.

On August 5, 2019, the Town Board held a public hearing on the Application to Amend the Findings Statement. On August 5, 2019, the Town Board voted three to one to amend the Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007 and the issuance of an Amended Findings Statement on December 7, 2015.

On June 24, 2020, the Project Sponsor submitted an Application to Amend the Findings Statement issued by the Town Board on December 17, 2017 and to Amend the Comprehensive Plan for Site A of the Muir Woods Project to allow a mixed-use project to be developed on Site A of the overall Muir Woods Project Site (hereinafter collectively the “Application to Amend the Findings Statement”). The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on August 20, 2020 and at the same meeting adopted a resolution recommending approval of the Application to Amend the Findings Statement by the Town Board.

On October 6, 2020, the Town Board held a public hearing on the Application to Amend the Findings Statement. On October 19, 2020, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007, and the issuance of an Amended Findings Statements on December 7, 2015 and August 5, 2019.

On July 7, 2021, Sawyers Landing LLC submitted an Application to Amend the Findings Statement issued by the Town Board on October 19, 2020 in order to seek to increase the allowable residential density from 202 units to 258 units. The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on August 19, 2021 and at the same meeting adopted a resolution recommending approval of the Application to Amend the Findings Statement by the Town Board.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

On September 27 2021, the Town Board held a public hearing on the Application to Amend the Findings Statement. On September 27 2021, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007, and the issuance of an Amended Findings Statements on December 7, 2015 and August 5, 2019 and October 19, 2020.

On June 24, 2024, Sawyers Landing LLC submitted an Application to Amend the Findings Statement issued by the Town Board on September 27, 2021 in order to modify the allowable uses on Site A of the overall Muir Woods Project Site [50 Dodge Road] to include a four-story climate controlled storage building and also to reclassify 13.452 acres of 50 Dodge Road from NCD-RI to NCD-LC.

On August 14, 2024, Sawyers Landing LLC amend the Application referred to in the preceding paragraph to include a request to amend a Declaration of Restrictions recorded at the Erie County Clerk's Office on June 18, 2018 at Liber 11330 of Deeds at Page 8243.

The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on August 27, 2024 and adopted a resolution recommending that the Town Board approve the Application to Amend the Findings Statement and to reclassify 13.452 acres of 50 Dodge Road from NCD-RI to NCD-LC.

On September 3, 2024, the Town Board held a public hearing on the Application to Amend the Findings Statement and to reclassify 13.452 acres of 50 Dodge Road from NCD-RI to NCD-LC.

On October 15, 2024, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to mixed-use project at 50 Dodge Road will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of an Amended Findings Statement pursuant to SEQRA on September 27, 2021.

On October 15, 2024, the Town Board adopted a resolution to approve the reclassification of 13.452 acres of 50 Dodge Road from NCD-RI to NCD-LC and to approve the amendment of a Declaration of Restrictions.

NOW THEREFORE THE TOWN BOARD FINDS AND DETERMINES THAT:

1. These Amended Findings set forth specific conditions and criteria consistent with 6 NYCRR Sections 617.7, 617.9, 617.11, and 617.12 under which the site plan process can proceed. This process provides procedures to supplement the FGEIS if necessary and for public notice and opportunity to participate in hearings before the Town Planning Board before it approves a site plan. An Environmental

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

Assessment Form will be required with site plan application for environmental review. If the proposed development does not conform with these Amended Findings, a Supplemental Findings Statement, a supplement to the FGEIS, or a Negative Declaration shall be prepared to comply with 6 NYCRR Section 617.9.

2. The proposed mixed-use, student housing and residential development as presented in the FGEIS and the Application to Amend the Findings Statement submitted to the Planning Department on June 24, 2024 is consistent with the intent and objectives of the Zoning Ordinance.
3. Adequate services and utilities must be available prior to occupancy. Review and approval of services and utilities by the Town agencies will be required for site plan approval.
4. Development will be consistent with all other applicable laws, rules and regulations.
5. As provided in 6NYCRR Part 617.10, the Town Board chose to require the preparation of a draft Generic Environmental Impact Statement (DGEIS) instead of a draft Environmental Impact Statement (DEIS) for this project. This decision was based on the scope and timetable of the development described by the Project Sponsor and depicted in the Conceptual Master Plan, which showed a multi-use development on 330± acres of land, to be built out over a 15-20 year period. The Board's decision is also based on the following reasons:
 - A DGEIS provides a lead agency with the framework for properly evaluating a conceptual master plan while identifying the important elements of the environmental setting associated with the project site. A DGEIS assesses a broad scope of a group of actions or a combination of effects from a single action.
 - The utilization of a DGEIS provides the Town Board with the authority to establish specific criteria and thresholds by which future actions such as site plan and subdivision applications will be reviewed, including requirements for ensuring subsequent compliance with SEQR.
 - The Town Board's decision to require the Project Sponsor to prepare a DGEIS acknowledges that the specific layout and appearance of the development cannot be determined at this time but rather will be decided over a period of several years and subject to market demands, and the development of the project will occur in stages.
 - The SEQR regulations state that a DGEIS is appropriate for a series or sequence of separate actions and/or projects that have wide application or restrict the range of future alternative policies.
 - The Town Board's utilization of a DGEIS affords it the opportunity to evaluate a broad range of anticipated impacts, and it also ensures that related actions will not be segmented in order to avoid the required analysis of the proposed development of the overall project site.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

6. By the time the Findings Statement was issued by the Town Board on December 17, 2007, the proposed Muir Woods development had been significantly revised since its initial submittal in 2002, resulting in a reduction in the commercial/office component of the project from 1.8± million sq. ft. to 700,000± sq. ft. and in the residential component from 200± units to 136± units. These changes were made in response to the NYS Department of Environmental Conservation, the U.S. Army Corps of Engineers and the public to minimize impacts to wetland areas to the greatest extent possible.

Following the issuance of the Findings Statement by the Town Board on December 17, 2007, the Project Sponsor obtained the required wetland permits from the New York State Department of Environmental Conservation and the United State Army Corps of Engineers. In an effort to address current market needs while maintaining the intent of the project site New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement in February of 2014 to expand the range of uses within Site B of the project site to specifically allow for multi-family housing in addition to the previously approved office/retail development.

Based on input received during the review of the Application to Amend the Findings Statement to allow for multi-family housing on Site B, the Project Sponsor submitted an Amended Application to Amend the Findings Statement and Audubon Development Plan on August 17, 2015 for the purpose of modifying the Application filed on February 18, 2014. The Amended Application proposed to modify the permitted use of the eastern portion of Site B, comprised of approximately 26 acres. Pursuant to the updated Application, the western portion of Site B comprised of approximately 20 acres would have remained designated for commercial office and retail development per the Finding Statement issued by the Town Board on December 17, 2007.

Subsequent to the issuance of an Amended Findings Statement by the Town Board on December 7, 2015, the Project Sponsor sought the required approvals and permits for the development of Sites C and D of the Project Site as a 133 lot residential subdivision that includes a roadway connection to Campbell Boulevard on 520 Campbell Boulevard. The Planning Board thoroughly considered the potential adverse environmental impacts associated with the subdivision and issued a negative declaration pursuant to SEQR on September 14, 2017 based on its determination that the 133 lot residential subdivision on Sites C and D would not result in any potentially significant adverse environmental impacts. On September 14, 2017, the Planning Board granted Site Plan Approval for the subdivision, and on June 21, 2018 granted Final Plat Approval for the subdivision. A map cover for the approved 133 residential subdivision was filed with the Erie County Clerk's Office on July 24, 2018, and construction activities in furtherance of the construction of the subdivision began in the fall of 2018.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

Following the issuance of the Amended Findings Statement by the Town Board on December 7, 2015, the Project Sponsor sought and obtained extensions of the expiration dates of the wetland permits previously issued by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

In an effort to allow student housing to be developed on Site B while maintaining the intent of the New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement on April 15, 2019. The Project Sponsor sought an Amendment of the Findings Statement to expand the range of uses within Site B of the project site to specifically allow for student housing in addition to the previously approved multifamily housing on the western 20± acres of Site B and the previously approved office/retail development on the eastern portion of Site B.

In an effort to allow a mixed-use project to be developed on Site A while maintaining the intent of the New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement and the adopted Comprehensive Plan on June 24, 2020. The Project Sponsor sought an Amendment of the Findings Statement to modify the land use category within Site A of the project site to replace the previously proposed 237,000 sq. ft. maximum Flex office/R&D use with a mixed-use development including 2 four-story mixed-use buildings along the Dodge Road frontage of Site A, 45 two-family townhomes and 2 six-unit single-story multifamily buildings. The Project Sponsor sought to amend the Comprehensive Plan to designate Site A as appropriate for Mixed Residential use. In connection with the proposed mixed-use development of Site A, the Project Sponsor proposed to reduce previously approved impacts to the federal wetlands subject to the jurisdiction of the United States Army Corps of Engineers (“USACE”) and also to the NYSDEC Freshwater Wetland and its regulated 100 ft. Adjacent Area.

On August 20, 2020, the Planning Board held public hearings in connection with its review of the Application to Amend the Findings Statement and the Comprehensive Plan as filed by the Project Sponsor on June 24, 2020. The Planning Board adopted resolutions during its meeting on August 20, 2020 by unanimous votes recommending that the Town Board issue the Amended Findings Statement and amend the Comprehensive Plan to designate Site A as appropriate for Mixed Residential use.

On October 6, 2020, the Town Board held public hearings in connection with its review of the Application to Amend the Findings Statement and the Comprehensive Plan as filed by the Project Sponsor on June 24, 2020. On October 19, 2020, the Town Board adopted Resolution 2020-791 for the purpose of issuing an Amended Findings Statement to allow Site A of the Muir Woods Property to be developed as a mixed-use residential/commercial project instead of the previously proposed flex office/R&D buildings. Resolution 2020-791 as adopted by the Town Board on October 6, 2020 also authorized the acquisition of

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

approximately 43 acres of Permanent Open Space via a donation by the property owner consisting of property to the west of Site B including the eastern portion of Site A consisting of approximately 9.81 acres of wetlands subject to the jurisdiction of both the NYSDEC and USACE. During its meeting on October 19, 2020, the Town Board also adopted Resolution 2020-792 for the purpose of approving an amendment to the Comprehensive Plan to designate Site A as appropriate for a mixed-use residential/commercial use instead of the previously proposed flex office/R&D buildings

On December 24, 2020, the New York State Department of Environmental Conservation (“NYSDEC”) issued an Amended Wetland Permit [Permit No. 9-1422-00398/0001] authorizing the impacts to NYSDEC Freshwater Wetlands and the associated regulated 100 ft. Adjacent Area in order to accommodate the mixed-use development of Site “A”. The Amended Wetland Permit reduced the impacts to jurisdictional freshwater wetlands associated with the development of Site A from 9.46 acres to 1.2 acres and reduced the impacts with the development of Site A to the regulated 100 ft. wide adjacent area from 4.2 acres to 3.65 acres.

As a result of the Amended Wetland Permit issued by the NYSDEC on December 24, 2020, the development of the Muir Woods Property will result in permanent impacts to approximately 2.39 acres of State regulated wetlands (TE-22, TE-23 and TE-34), and 11.38 acres of State regulated 100 foot wide wetland adjacent area. As mitigation for those impacts the Project Sponsor is required to create 19.58 acres of in-kind and out-of-kind wetlands on the overall Muir Woods Property, in six areas, to replace the functions and benefits of the impacted wetlands. Additionally, there will be 4.3 acres of stream channel enhancement on-site as mitigation for State wetland regulated adjacent area impacts.

On February 25, 2021, the United States Army Corps of Engineers (“USACE”) issued an Amended Wetland Permit [LRB-2001-00067] authorizing impacts to 6.09 acres of federal wetlands, which was a reduction of 6.92 acres of previously authorized impact of 13.01 acre to federal wetlands, in order to accommodate the mixed-use project on Site A.

On July 7, 2021, Sawyers Landing LLC filed an Application to Amend the Findings Statement to accommodate an increase of the allowable density of the residential component of the mixed-use project on Site A from 202 units to 258 units.

On September 27 2021, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007, and the issuance of an Amended Findings Statements on December 7, 2015 and August 5, 2019 and October 19, 2020.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

On June 24, 2024, Sawyers Landing LLC submitted an Application to Amend the Findings Statement issued by the Town Board on September 27, 2021 in order to modify the allowable uses on Site A of the overall Muir Woods Project Site [50 Dodge Road] to include a four-story climate controlled storage building and also to reclassify 13.452 acres of 50 Dodge Road from NCD-RI to NCD-LC.

On August 14, 2024, Sawyers Landing LLC amend the Application referred to in the preceding paragraph to include a request to amend a Declaration of Restrictions recorded at the Erie County Clerk's Office on June 18, 2018 at Liber 11330 of Deeds at Page 8243.

On September 27, 2024, the Town Board adopted Resolution No. 2021-818 for the purpose of approving the issuance of an Amended Findings Statement pursuant to SEQRA.

7. A Supplemental GEIS, an option that the SEQR regulations leaves to the discretion of the Lead Agency, was not required for this project due to the Town Board's decision that the reduction in the project described in #6, above did not meet the criteria set forth in 6NYCRR Part 617.9(a)(7). Although the changes proposed by the Project Sponsor reduced the development significantly, it was not determined that the amended project would encroach on any land not initially identified in the scope of the original development proposal. The project changes also did not result in newly discovered information, and would not result in any significant environmental impacts not addressed or inadequately addressed in the DGEIS.

8. Traffic and Transportation (FGEIS Section 2.1)

Site specific requirements shall be established by the Town, County and State, as appropriate, as development applications are reviewed. The developer shall be responsible for any traffic mitigation required for development of the project site.

The potential traffic impacts associated with the original project proposal were clearly analyzed and identified within the Traffic Impact Study prepared by Stantec Consulting Services, Inc. dated March 2003 and updated August of 2005 in association with the acceptance of the FGEIS.

The Amended Findings Statement issued by the Town Board on August 5, 2019 included the consideration of adding student housing to the authorized uses of Site B pursuant to the Amended Findings Statement issued by the Town Board on December 17, 2007. The Project Sponsor submitted a Traffic Impact Study for the purpose of evaluating the potential traffic impacts of the development of Site B as a maximum of 515 student housing units. It was determined that the potential traffic impacts associated with student housing on Site B will be less than the potential traffic impacts of the development of Site B in its entirety as a maximum of 464,850 sq. ft. of commercial office and retail development pursuant to the Findings Statement issued by the Town Board on December 17, 2007.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

The Town Board, as Lead Agency, requires that the Project Sponsor comply with the following mitigation measures during the development of the project site:

A. Provision for Future Extension of John James Audubon Parkway to North French Road

The extension of John James Audubon Parkway through the project site and connecting to North French Road was proposed in the initial Concept Plan submitted for the Muir Woods project in 2002. This proposal was also incorporated into the DGEIS submitted to the Town in 2004. The connection was removed from the Concept Plan in response to the requirement from the NYS Department of Environmental Conservation to further reduce impacts to State and federal wetlands. The Town of Amherst may in the future be interested in the possibility of a future northerly extension of John James Audubon Parkway to North French Road while acknowledging such possible future extension would require approvals from both the NYS Department of Environmental Conservation and the United States Army Corps of Engineers.

The rationale for the road connection was found in several planning documents, both historical and recent:

- The Amherst Community Development Plan adopted by the Planning Board in 1975 includes the extension of the then-planned Lockport Expressway through the subject site as a future Minor Arterial road.
- A report prepared by NYSDOT in 1976 anticipated the extension of the John James Audubon Parkway and forecast its use by 1,950 vehicles per hour.
- The Amherst Bicentennial Comprehensive Plan, accepted by the Town Board in February 2004 and adopted by the Town Board in January 2007, identifies the “Audubon Parkway Extension” in the map showing the Future Thoroughfare System.

The 30+ years of anticipating this roadway connection point to its significance in meeting the transportation goal of improving circulation within the Town and the role this connection would play in overall Town development. Given its importance, the Town Board is requiring that the future location of this connector be shown on site plans submitted for review, and that sufficient land be reserved by the Project Sponsor for the eventual connection to be constructed. The road construction and alignment will be subject to approval by the NYSDEC and the U.S. Army Corps of Engineers, as applicable.

B. Residential Connection to Lynette Lane

The residential component of the proposed Muir Woods development to occur on Sites C & D may have a direct road connection to Lynette Lane. There will be no direct roadway connection to Nancy Lane. Non-residential traffic will be discouraged from using Lynette Lane through the implementation of various

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

traffic calming measures to be proposed during the site plan review process for the development of Sites C & D, subject to review of such traffic calming measures by the Town Traffic-Safety Board and Fire Chief's Association. These measures include:

1. The lack of direct sight lines for motorists to discourage non-residential traffic from utilizing Lynette Lane to access North French Road;
2. Curvilinear road design; and
3. Installation of signage posting the road for "resident and emergency traffic only" or other such measure to prohibit non-residential traffic from travelling on Lynette Lane and the proposed public roadways within the existing residential subdivision;

If a problem is determined to exist based on the Phase 2 traffic study, further measures to discourage traffic of prohibit cut-through traffic will be considered.

C. No Internal Roadway Connection to Dodge Road

The internal connector road within the Muir Woods development is not proposed to have a westerly connection to Dodge Road; the only direct vehicular connection to Dodge Road will be from the portion of the project located in the western portion of the project site (Site A). If warranted at some future time by a traffic analysis, a connection to Dodge Road may be made from the internal connector road if required permits for such a roadway connection can be obtained from the NYSDEC and the US Army Corps of Engineers.

D. Updated Traffic Impact Study

The Traffic Impact Study will be updated when any of three established thresholds are met:

1. Completion of Phase I development, defined as full build-out of Site B, or
2. prior to approval of any site plan in Site C or Site D or any direct or indirect connection to any of the Sites with Lynette Lane, or
3. when the number of combined vehicular trips entering and exiting the site during the AM weekday peak travel hour reaches 858 trips, or
4. when the number of combined vehicular trips entering and exiting the site during the PM weekday peak travel hour reaches 774 trips.

If actual conditions exceed projections, this will be reflected in the updated TIS to be prepared by the Project Sponsor, and the Project Sponsor may be required to implement traffic related mitigation measure sooner than expected.

Any mitigation measures, including off-site mitigation measures that are required as a result of the updated TIS, shall be the sole obligation of the Project Sponsor, if approved. Any off-site improvements, including the acquisition of private

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

property required to make those improvements, shall be conditions of any site plan approval and treated as Public Improvement Permits (PIPs) for the purpose of final permitting. At no time shall the Town be required to make any off-site improvements or acquire private property, either by purchase or through its eminent domain powers, to mitigate the impact of this development project.

E. Alternate Access to Campbell Boulevard

During the original environmental review of the proposed project which concluded with the Town Board's issuance of a Findings Statement on December 17, 2007, the Project Sponsor attempted to seek a vehicular connection from the site to Campbell Boulevard through property located at 520 Campbell Boulevard which is owned by the Williamsville Central School District. The Town also participated in efforts to obtain access to Campbell Boulevard via this property. These attempts were not successful.

The Project Sponsor eventually was successful in acquiring 520 Campbell Boulevard from the Williamsville Central School District on December 5, 2017 and the approved 133 residential subdivision on Sites C and D includes a public roadway connection on 520 Campbell Boulevard to Campbell Boulevard.

F. Construction Vehicles

As part of the public comment period for the project, concerns were raised regarding the use of construction vehicles on existing residential streets in the adjacent Franklin Heights Subdivision to access the project site during project construction. In order to avoid the adverse environmental impacts associated with construction vehicles, existing residential streets shall not be utilized by construction vehicles to access the project site. The infrastructure to be constructed for the project shall be appropriately sequenced so that construction vehicles can access the site via the northerly extension of John James Audubon Parkway and Doge Road only.

Any future builder, owner or developer who purchases lots for development within Site C & D shall be prohibited from using Lynette Lane as a means of access for construction vehicles. A deed restriction incorporating this restriction shall be a prerequisite of the sale of any lots within Sites C and D, and the Town shall be provided with a copy of the recorded deed restriction, which shall not be recorded at the Erie County Clerk's Office until the content and form of the deed restriction has been reviewed and approved by the Building Department and Town Attorney's Office.

On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk's Office (Liber 11330 of Deeds at Page 8243) for the purpose of complying with the relevant portion of the Amended Findings Statement prohibiting construction vehicles from utilizing Lynette Lane for access by construction vehicles.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

G. Break in Access for Connection to Lockport Expressway (I-990)

The proposed northerly extension of John James Audubon Parkway as a Town roadway to provide access to the project site requires a break in access to the Lockport Expressway (I-990). The NYSDOT has been aware of this requirement since the initial petition by the Project Sponsor in 2002. Prior to the granting of the break in access, several conditions must be met, including completion of any required environmental compliance. Once completed and inspected, the Project Sponsor will be required to dedicate the northern extension of John James Audubon Parkway to the Town for permanent use as a public roadway to be dedicated to the Town of Amherst.

On May 20, 2019, the Town Board adopted a resolution stating the Town will serve as the applicant for the required Break-in-Access for the proposed northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst.

The Town filed an Application for Break-in-Access with the New York State Department of Transportation on August 21, 2019. The NYSDOT has not yet issued a decision on the pending request for Break-in-Access approval.

The Break-in-Access for the proposed northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst will result in numerous public benefits including, but not limited to, accommodating the potential future extension of the NFTA light rail and a terminus for such light rail on Site B, publicly accessible parking for a recreational trail that will cross the overall Muir Woods Project Site and connect to the Town's recreational trail (extending from Niagara Falls Boulevard to the trailhead near the intersection of North Forest Road and Maple Road), and a potential future extension of John James Audubon Parkway as a public roadway connecting to North French Road.

H. Traffic Mitigation Measures

Dodge Road / Project Site Roadway

Phase I development:

- Installation of a stop sign to the southbound (site driveway) approach
- Construction of one shared left-right turn lane for southbound site driveway approach

Full development:

- No additional improvements

John James Audubon Parkway / I-990 Ramps

Phase I development:

Upon the completion of Phase I development, (Phase I development defined in Section 8, Part D.1. of this Amended Findings Statement) the

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

Project Sponsor shall be required to provide a current trip count Report for both the a.m. and p.m. peak travel hours. Subject to the findings of a warrant analysis prepared in accordance with appropriate traffic engineering standards as determined by the updated trip count Report and based on an analysis of the potential impacts upon existing Levels of Service at this intersection, the Project Sponsor may be required to work with the New York State Department of Transportation to provide the following mitigation measures:

- Installation of traffic signals, each with their own controller, at both the northbound and southbound I-990 to John James Audubon Parkway
- Installation of a wire connection between these two new signals and the existing traffic signal at John James Audubon Parkway and Dodge Road in order to coordinate all three traffic signals
- Widening of both the northbound and southbound I-990 off-ramps to provide one additional turning lane on each ramp approach to John James Audubon Parkway

Full development: If any of the thresholds identified in 'D' above are met, the following improvements will be evaluated and may be required:

- installation of a third lane to the northbound off-ramp in order to provide two left turn lanes and one right turn lane
- add a free-flow southbound right turn lane at the southbound ramp, including a second receiving lane on the ramp to merge to one lane prior to the I-990 mainline

Dodge Road / John James Audubon Parkway

Phase I development:

- Traffic signal timings will need to be adjusted periodically over time as warranted by changing travel patterns

Full development:

- Construction of a westbound right turn lane. It is anticipated that this improvement will be required when approximately 75% of the development is complete or when the number of westbound right turning vehicles from Dodge Road exceeds 300 vehicles per hour during the morning peak travel period.

North French Road / Sweet Home Road

Phase I development:

- Adjustments to traffic signal timing as travel patterns warrant modification

Full Development:

- Construction of an eastbound right turn lane. Traffic volumes turning right at this location currently exceed guidelines recommended in the

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

Highway Capacity Manual for consideration of installing a separate right turn lane. While construction of this lane is currently warranted to address current existing traffic operations in the area, it will not be needed as a result of traffic to be generated by the proposed development of the project site until approximately 90% of the proposed development has been completed, since new traffic projected to be generated by the project will only add a few additional vehicular trips to this traffic movement.

- Modify signal timings during both the morning and evening peak hours, as necessary. Recent improvements to this intersection to provide protected phasing for the left turns will reduce the number of left turn accidents at this location. Additionally, future planned improvements to be implemented by Erie County will assist in further reductions in the number of accidents at this intersection.

North French Road / Campbell Boulevard

Phase I development

- Adjustments to traffic signal timing as travel patterns warrant modification

Full development:

- Add protected/permitted phasing for eastbound, northbound and southbound left turns when the traffic signal is upgraded in association with the improvement identified above.

North French Road / I-990 Ramps

Dodge Road / Sweet Home Road

Dodge Road / Campbell Boulevard

Phase I development:

- Modify signal timings for both the morning and evening peak travel hours as traffic patterns change.

Full development:

- Modify signal timings for both the morning and evening peak travel hours as traffic patterns change.

North Forest Road / John James Audubon Parkway

Phase I and/or Full development:

- Add protected/permitted phasing for the southbound left turn movement when warranted
- Modify signal timings during both peak travel periods, as traffic patterns change

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

North French Road / Lynette Lane

Phase I development:

Based on the most current Traffic Impact Study addressing the impact on Lynette Lane and its intersection with North French Road, Lynette Lane as currently constructed may not be adequate to support the traffic associated with full build-out of the proposed development plan. Consequently, the Project Sponsor acknowledges its potential obligation to make off-site improvements to Lynette Lane and its intersection with North French Road, should any site plan be approved. See Section 8.D of this Certification of Findings.

- If the updated TIS identifies traffic mitigation measures reasonably necessary to accommodate traffic from development of the project site, and such mitigation measures cannot be mitigated by the Project Sponsor, then the scope of the project may be limited.

Route 62 / East Robinson Road

Campbell Boulevard / Tonawanda Creek Road

Millersport Highway / Campbell Boulevard / Stahl Road

Phase I and Full development:

- Modify signal timings for both the morning and evening peak travel hours as traffic patterns change.

9. Wetland Issues (FGEIS Section 2.2)

The proposed Muir Woods project will result in permanent impacts to approximately 10.98 acres of State regulated wetlands (TE-22, TE-33 and TE-34), 13.46 acres of State regulated 100-foot wide wetland adjacent area, and 19.12 acres of federal wetlands. According to the Permit Transmittal Letter dated November 30, 2009, the NYSDEC has officially issued a Freshwater Wetlands Permit (Permit ID 9-1422-00398/00001) and Water Quality Certification (Permit ID 9-1422-00398/00002) for the permanent wetland impacts as identified.

On June 1, 2018, the NYSDEC issued a modification of Permit No. 9-1422-00398/00002 (Modification No. 1 of Permit No. 9-1422-00398/00002) that applies to the development of Sites C and D as a 133 lot residential subdivision. On August 29, 2018, the NYSDEC issued a modification of Permit No. 9-1422-00398/00001 and Permit No. 9-1422-00398/00002 (Modification No. 1 of Permit No. 9-1422-00398/00001 and Modification No. 2 of Permit No. 9-1422-00398/00002). On January 10, 2019, the NYSDEC issued Modification No. 3 of Permit No. Permit No. 9-1422-00398/00001 to extend the expiration date of the wetland permit to November 30, 2024.

On December 24, 2020, the New York State Department of Environmental Conservation (“NYSDEC”) issued an Amended Wetland Permit [Permit No. 9-

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

1422-00398/0001] authorizing impacts to NYSDEC Freshwater Wetlands and the associated regulated 100 ft. Adjacent Area in order to accommodate the mixed-use development of Site "A". The Amended Wetland Permit reduced the impacts to jurisdictional freshwater wetlands associated with the development of Site A from 9.46 acres to 1.2 acres and reduced the impacts with the development of Site A to the regulated 100 ft. wide adjacent area from 4.2 acres to 3.65 acres.

As a result of the Amended Wetland Permit issued by the NYSDEC on December 24, 2020, for the development of the Muir Woods Property will result in permanent impacts to approximately 2.39 acres of State regulated wetlands (TE-22, TE-23 and TE-34), and 11.38 acres of State regulated 100 foot wide wetland adjacent area. As mitigation for those impacts the Project Sponsor is required to create 19.58 acres of in-kind and out-of-kind wetlands on the overall Muir Woods Property in six areas, to replace the functions and benefits of the impacted wetlands. Additionally, there will be 4.3 acres of stream channel enhancement on-site as mitigation for State wetland regulated adjacent area impacts.

Additional wetland findings include the following:

- The project will not create a regulated 100-ft. wetland buffer area that crosses any property line adjacent to the project site. The on-site mitigation areas will be designed so that they will be located at least 100 ft. from neighboring properties.
- As mitigation for the impacts as identified, the project includes creation of in-kind and out-of-kind wetland on-site, in several areas, to replace the functions and benefits of the impacted wetlands per the terms and conditions contained in the wetland permits issued by the NYSDEC.
- The development of the eastern portion of Site B for residential purposes, shall not include any owner occupied housing units within the State regulated wetland or the 100 ft. regulated Adjacent Area that do not involve oversight by either a homeowners or condominium association to ensure there will not be any impacts into the 100 ft. regulated wetland Adjacent Area that is to be preserved on Site B.

Federal Wetlands:

As stated in its letter dated August 27, 2007, the United States Army Corps of Engineers (USACE) has field verified that the federal wetland boundaries located on the Muir Woods project site as shown on the wetland delineation map prepared by Greenman-Pedersen, Inc. dated May 2007 are accurate. The wetland areas were delineated by Earth Dimensions, Inc. and summarized in a final wetland delineation report dated May 16, 2007.

The Project Sponsor provided a complete Joint Application For Permit for wetland impacts associated with the project to the USACE and NYSDEC as of June, 2009. After thoroughly reviewing the complete application and associated wetland impacts, the USACE issued a Validated Department of the Army Permit

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

for wetland impacts associated with the project as of May, 2012. Additionally, having thoroughly reviewed the complete application and associated wetland impacts, the NYSDEC officially issued a Freshwater Wetland Permit and Water Quality Certification for wetland impacts associated with the project as of November, 2009.

On May 14, 2012, the United States Army Corps of Engineers (“USACE”) issued Department of Army Permit No. 2001-00067. The permit issued by the USACE permitted to impact 17.83 acres of Federal wetland, and 1.29 acres (approximately 5227 linear feet) of jurisdictional tributaries for the construction of Muir Woods project. On May 6, 2016, the USACE extended the permit expiration dated from May 14, 2012 to November 30, 2019. The USACE issued a modification of Permit No. 2001-00067 on June 20, 2018 in connection with the development of Sites “C” and “D” as a residential subdivision. On January 16, 2019, the USACE extended the expiration date of Department of Army Permit No. 2001-00067 to November 30, 2024.

On February 25, 2021, the United States Army Corps of Engineers (“USACE”) issued an Amended Wetland Permit [LRB-2001-00067] authorizing impacts to 6.089 acres of federal wetlands, which was a reduction of 6.921 acres of previously authorized impact of 13.01 acre to federal wetlands, in order to accommodate the mixed-use project on Site A.

10. Wildlife / Biological Resources (FGEIS Section 2.3)

The NYSDEC’s Natural Heritage Program has reported no record of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the project site. The Project Sponsor will be required to implement the following mitigation measures in order to minimize impacts to wildlife resources to the maximum extent practicable:

- A comprehensive erosion control plan will be developed and implemented to protect vegetation and water quality.
- Off-limit areas, including wetlands, will be delineated prior to construction to avoid or minimize impacts to vegetation. The construction workforce will be educated as to respecting and adhering to physical boundaries of off-limit areas.
- Best Management Practices will be followed during construction.
- The establishment of invasive vegetative species will be deterred through manual extraction and rapid establishment of desirable vegetation. Exposed and disturbed soils will be seeded, planted and mulched to prevent the colonization of invasive species. Volume 8 of the Appendix of the FGEIS at Exhibit F (*SJWPA Appendix M*) contains a discussion of the proposed on-site wetland mitigation including the protection of habitat areas.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- Waterfowl activity will be deterred in the off-site wetland mitigation area located in the Town of Newstead through the use of mylar tape, snow fencing, 4-7 ft. tree plantings and the seeding of upland grassland areas with a cool season grass.
- The proposed on-site wetland mitigation system will be designed to provide seasonal aquatic habitat for fish, waterfowl and amphibians; habitat for multiple covertypes of wetland plant species; and passerine bird nesting, feeding and resting habitat.
- The project site historically has had an elevated number of deer-vehicle accidents on the roads surrounding the parcel. This parcel is a portion of a much larger habitat area which also includes Nature View Park to the north and is not a “closed” habitat area. The Planning Department, in conjunction with the Police Department, will continue to monitor the deer population throughout the Town and implement approved methods of reducing deer/vehicle accidents in accordance with the Deer-Vehicle Accident Management Plan.

11. Drainage and Flooding (FGEIS Section 2.4)

The following measures shall be implemented by the Project Sponsor to mitigate drainage and flooding impacts to the maximum extent practicable:

- A. The Town Highway Department shall have access to all Town ditches that are on the subject property including Town ditches 4, 4A, 4B and 4C. The Project Sponsor will be required to grant public easements to the Town to these ditches to ensure their proper maintenance. No aspect of the Muir Woods development will inhibit access to Town ditches or create undue burden to the Town for restoration of easement property used to access Town ditches. On June 28, 2018, the Project Sponsor recorded a Permanent Access and Drainage Easement at the Erie County Clerk’s Office (Liber 11331 of Deeds at Page 1521) for the purpose of granting the Town an easement to access town ditches and stormwater management facilities on the Project Site including the existing lake.
- B. The project site and the surrounding vicinity are known as locations for high amounts of beaver and mosquito activity. Access to the Town Highway Department for control of this activity in Town ditches or other areas of the development shall be provided.
- C. The Project Sponsor shall be responsible for cleaning and debrushing of all Town ditches located on the project site during the initial construction phases of the project. The Project Sponsor will also be responsible for long-term maintenance of stream/drainage features and

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

detention/stormwater basins; for maintenance of on-site wetland mitigation areas during the monitoring period; and for the construction of all drainage improvements required for development of the project site.

- D. The Project Sponsor shall be required to construct any ponds and sand filters required stormwater quality treatment. All ponds and sand filters to be constructed on the project site will be privately owned and maintained, with public drainage easement to be granted by the Project Sponsor to allow Town to properly maintain the inlet and outlet pipes of any wet ponds.
- E. All stormwater runoff will be treated to standards approved by the Town Engineering Department prior to discharging into the existing lake on the project site or Town ditches. No additional detention is being proposed for the Muir Woods development for stormwater quantity control.
- F. All buildings in the west portion of the Muir Woods site located within the Ellicott Creek flood plain will be at a minimum elevation of 576.0 feet, or one foot above the base flood elevation as determined by the Town Building Commissioner.

As development is proposed, specific drainage plans will be reviewed and approved by the Town Highway and Engineering Departments and the NYS Department of Environmental Conservation/US Army Corps of Engineers during site plan review, to ensure there is no adverse impact to the Ellicott Creek Flood Control system.

- G. Upon development, the existing 32± acre lake in the southeast portion of the project site will be maintained with a normal lake level of 569.55 feet. The existing 42-inch CMP outlet at the west end of the lake will remain as it is. All stormwater from the east side of the development around the lake will pass through a stormwater quality treatment facility consistent with the NYS Stormwater Management Design Manual and Phase II Stormwater SPDES requirements prior to entering the lake. This system currently designed as sand filters may evolve into wet ponds, bio-retention filters, and/or other acceptable practices under the Design Manual and SPDES requirements.
- H. Backyard runoff from proposed residential units will be separated from wetland mitigation areas and wetlands either by a ditch or rear yard drains to preclude pollution of those areas by lawn chemicals, per NYSDEC letter dated October 26, 2007.
- I. A detailed Stormwater Pollution Prevention Plan (SWPPP), including a Sediment and Erosion Control Plan, for the various phases of the project including any related on-site drainage areas shall be submitted as specific site plans are submitted for review. The Stormwater Pollution Prevention Plan for each phase of the project will need to be reviewed and approved by the Town's Engineering Department.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- J. The Project Sponsor shall be required to comply with the findings and recommendations of the Preliminary Drainage report prepared by Greenman-Pedersen, Inc. in August 2007 and any updated reports during the course of development.
- K. The Project Sponsor will provide backyard drainage for the existing homes that are directly adjacent to the portions of the project site that will be developed for residential use. This requirement pertains to Sites and D. Additional drainage improvements for the areas along the rear yards of the homeowners on Nancy Lane will also be installed by the Project Sponsor. The drainage pipe to be installed in the rear yards of the new residential units that will be integrated with the new drainage swale behind the residents of Nancy Lane will be a minimum diameter of 12 inches.

12. Character and Quality of Life Issues (FGEIS Section 2.5)

A. Setbacks

On those portions of the project site where commercial or student housing development will be directly adjacent to existing residential areas (i.e. Pleasant Acres Part II & III Subdivision), setbacks will retain existing vegetation to a depth that provides an adequate buffer. The following minimum setbacks will be required:

- The planting of additional trees and shrubs by the Project Sponsor within the minimum setback area may be required to supplement the existing vegetation in order to provide adequate buffers.
- A combination of earthen berms and new vegetation will be required in those portions of the minimum setback area where there is not sufficient existing vegetation to provide an adequate buffer. The minimum height at the top of berms shall be three feet, and the maximum slope shall be 1 on 3 (33%) to promote the growth and long-term viability of trees and shrubs planted on the berms. Berms should have a natural appearance by varying their width and height.
- Site A (western portion of the project site – 50 Dodge Road) – This portion of the project site will be utilized for mixed-use; a portion of Site A is located directly south of the Pleasant Acres Part II & III Subdivision (Bucyrus Heights neighborhood)
 - 30 ft. minimum building setback from residential lot line for attached and detached two-family townhome style units.
 - 400 ft. minimum building setback from residential lot line for four-story mixed use buildings.
 - 500 ft. minimum building setback from residential lot line for four-story multifamily buildings.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- 450 ft. minimum setback from residential lot line for four-story climate controlled storage building.
- 60 ft. parking setback from residential lot line
- Site B (center portion of site) – This portion of the project site will be developed around the extended John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst. Site B will be developed as student housing or for the land uses permitted pursuant to the Amended Findings Statement issued by the Town Board on December 17, 2015. The following setback standards apply to the development of Site B:
 - 60 ft. building setback from residential lot line. If the height of any proposed buildings exceeds 50 feet, the required minimum building setback shall be equal to the height of the proposed building.
 - 90 ft. parking setback to residential lot line

B. Building Height

The following maximum building heights will be observed for the proposed development:

- Site A (western portion of the project site – 50 Dodge Road) – This portion of the project site will be the location of mixed-use buildings, a climate controlled storage building and residential buildings and a portion of Site A (50 Dodge Road) is located directly south of the Pleasant Acres Part II & III Subdivision (Bucyrus Heights neighborhood).
 - Maximum building height for mixed-use buildings, multifamily buildings and climate controlled storage building shall be four-stories and 60 ft. as measured from the finished grade to the top of any parapet (excluding any rooftop mechanical equipment). All mechanical equipment shall be properly screened in accordance with the standards contained in the Zoning Code adopted by the Town Board in May of 2006.
 - Maximum height of any residential buildings within 500 ft. of a residential lot shall be 35 ft.
- Site B (center portion of the project site) – This site will be developed around the extended John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst. Site B will be developed as student housing or Site B will be developed as permitted to the Amended Findings Statement issued by the Town Board on December 17, 2015.

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- There will not be a maximum height for buildings to be constructed on Site B. All buildings will be required to comply with a minimum required setback that shall be the greater of 50 feet or the height of the proposed building at the point of its maximum height (including rooftop mechanicals, etc.)

13. Soil Stability and Foundation Issues (FGEIS Section 2.6)

The Geotechnical Engineering Report prepared by McMahon & Mann Consulting Engineers, P.C. dated June 2005 includes findings and foundation considerations for future construction of the various components of the project. The report is included in Volume 6, Appendix I of the FGEIS.

The Town shall not grant site plan, subdivision or Public Improvement Permit (PIP) approval for construction of any component of the project (buildings, parking areas or infrastructure) unless the identified limitations as discussed in the McMahon & Mann report are adequately accounted for. The applicant shall be required to provide documentation of site-specific soil characteristics and comply with all relevant Town building codes regarding soil conditions.

Additional mitigation measures to be undertaken by the Project Sponsor, subject to determination by the Building Department, may include:

- Perform individual soil borings for each proposed structure to accurately determine the specific geotechnical design perimeters.
- Take measures to control the moisture content of the soils outside the structure. These may include installation of an irrigation system that would maintain near-saturated conditions in the soil around the structure during dry summer months, and/or installation of an exterior vapor barrier that extends out away from the structure around the perimeter.
- Monitoring of soil moisture with supplemental foundation watering during dry months.
- Use of a lower allowable bearing pressure for design of the spread footings.
- Placement of a minimum of two continuous #5 horizontal longitudinal reinforcing bars in each of the following locations: in the footing, at the base of the foundation wall, and at the top of the foundation wall.
- Use of an isolation joint between the basement floor slab and the foundation wall.
- Installation of a quality vapor barrier under the basement floor slab.
- Installation of a foundation drain system designed so that the floor elevation of the sump is above the elevation of the bottom of the footing.

14. Economic Impacts (FGEIS Section 2.7)

All infrastructure required to support the development of the project site will be installed at the Project Sponsor's expense. Town-wide or localized special

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

assessment districts (sewer, water, highway, etc.) are established so operating cost can be spread over many taxpayers who use specific services.

According to the “Cost of Servicing/Revenues Generated Land Use Study” in December 2006 commissioned by the Amherst Industrial Development Agency, for every \$1.00 attributed to residential use, \$1.11 is expended in providing government services, while just \$0.48 is expended for commercial use and \$0.60 is expended for open land. As a predominantly commercial oriented mixed-use project, the estimated \$3,500,000 in yearly tax revenue (2007 estimated) to the Town at full build out projected to be generated by the project is expected to cover the cost of any additional services including police and fire protection, snow plowing, maintenance of roads, water and sewer infrastructure, ditches, etc.

An economic real estate study for the proposed Muir Woods project was completed by Northeast Appraisers in March, 2002 which analyzed residential demand and property values. A subsequent Economic Analysis was completed by Real Property Services, LLC in July 2006, which is included in Appendix K, Volume 8 of the FGEIS. The conclusions of those reports are:

- There will be no negative impact on the marketability or values of nearby existing housing. The project may potentially have a positive impact on surrounding residential property values due to increased demand on desirability to live in close proximity to the development.
- The proposed project development will add over \$70 million to the Town of Amherst tax base when completed, and generate over \$3.4 million in tax revenue per year at stabilized 2008 levels.
- Over the first 10 years of development, the project is projected to generate over \$21.4 million in tax revenue, as compared to total tax revenue of approximately \$260,000 that would be generated if the project site remains as vacant land over the same period.
- It appears that both the Sweet Home and Williamsville School Districts will be impacted minimally with regards to expenditures on a per student basis. This takes into account that more than 50% of the residential development will consist of patio homes, which primarily cater to “empty nesters” and typically generate less students per household.
- The competitive advantages of the project site which are expected to support strong market absorption include its direct interchange access from the Lockport Expressway (I-990) and the high visibility of the site from expressway traffic.

15. Noise and Light Issues (FGEIS Section 2.9)

Noise – It is anticipated that the project site will be built-out in stages over many years and, as such, there is a need to impose mitigation measure for noise from construction activities to minimize this identified adverse environmental impact to

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

the maximum extent practicable. Both temporary and long terms noise impacts may result from the construction activities on the project site as well as from the proposed use of the project site.

Noise from construction-related activities, which will exceed local ambient levels for noise outside of structures, may cause some temporary annoyance to nearby residents. It is expected that this impact, caused by heavy equipment, construction vehicles and power tools, will continue throughout the duration of construction. In order to reduce this noise, the following measures will be undertaken by the Project Sponsor:

- Limit major construction activities to daytime hours
- Use of construction equipment with mufflers
- The preservation of existing vegetation to the greatest extent practicable will provide a noise barrier to existing residential areas.
- If blasting is required, the developer will follow all requirements of the Town Blasting Ordinance

Noise resulting from the occupation and usage of the buildings constructed on the project site can be expected to result in sound levels that are characteristic of suburban office and residential developments and should not be significant.

With the Lockport Expressway (I-990) forming the southern boundary of the project site, and its design as an elevated highway for a portion of this boundary, traffic is considered the largest source of existing noise. Levels from typical noise generators that may be expected to exist in the vicinity of the project site include:

| | |
|--------------------------|------------------|
| Distant traffic (45 mph) | 45 – 50 decibels |
| Passenger car pass-bys | 70 decibels |
| Accelerating trucks | 85 decibels |
| Distant aircraft noise | 60 – 85 decibels |

The Transportation Project Report for the Lockport Expressway evaluated the potential noise impacts of the entire I-990 project, including the interchange that will be improved in connection with the proposed project. A copy of the Noise & Air Pollution Study is found in Volume 6 of the Appendix of the DGEIS at Exhibit 30. In addition, there is not any development directly adjacent to the existing interchange that will be impacted by the proposed interchange improvements. To the south of the northbound off-ramp there are some residential units situated along Dodge Road. However, the planned improvements at the existing off-ramps will not result in a movement of traffic 50% or more closer to source receptors.

Light – To mitigate the light spillage from exterior lighting on adjacent residential properties, especially the Pleasant Acres Part II & III Subdivision (Bucyrus Heights neighborhood), the following measures will be implemented:

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- Appropriately located lighting, downward-directed lighting fixtures or hooded lighting will be used to prevent off-site light spillage on adjacent residential areas. The light fixtures and their placement will follow all Town of Amherst code requirements for usage and design. The Town Zoning Code requires a lighting plan to be submitted during the site plan review process, and the standards contained in the relevant section of the Zoning Code regulate lighting spillover from commercial locations onto adjacent residential land uses.
- Screening of proposed commercial buildings and parking lots will be provided through the creation of berms or landscaping elements on the periphery of developed areas (see Section 10A above).

16. Open Space and Recreation (FGEIS Section 2.10)

The proposed internal trail system shall be installed (Sites C & D) of the “The Preserve at Muir Woods” development, provided it does not impact regulated wetlands or is permitted by permits issued by the NYSDEC and/or USACE. Public access to a portion of the existing lake will be provided. The majority of State Wetlands TE-22, TE-33, and TE-34 will remain as Major Open Space (MOS). As a result of the modifications to the project, approximately 224± acres of the project site will be preserved as open space.

The proposed recreational trail connecting sites A, B, C, and D of the Muir Woods Development shall connect to the Town’s existing trail system as shown in Figure 4 (Park, Open Space and Trail map) and Figure 2.1 (University Focal Planning Area Concept Plan) of the adopted Amherst Bicentennial Comprehensive Plan and shall be constructed by the Project Sponsor as part of the Muir Woods project. Each development site of the Muir Woods Development shall complete its portion of the trail system prior to the issuance of any certificate of occupancy by the Town of Amherst Building Department.

17. Other Issues (FGEIS Section 2.12)

A. Reclassification of Land

The entire project site is zoned New Community District (NCD), and no changes are proposed to remove the property from the NCD zoning district classification.

The original request by Ciminelli Development Company, Inc. in 2002 was to reclassify 326± acres of land from NCD-ND and NCD-MOS to NCD-GC, NCD-RI and NCD-MOS. This request was reviewed and commented on over a five year period. As a result of discussions with the NYS Department of Environmental Conservation during that time, the petitioner amended the original Muir Woods Concept Plan by reducing the overall development from 144 acres to 110 acres in order to minimize wetland impacts. In addition, the various components of the development

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

were altered so that the proposed size of the commercial office/R&D space was reduced from 1.8 million sq. ft. to 700,000 sq. ft. The proposed “village center” originally envisioned was also eliminated. The result is a different land pattern from that initially proposed and one that is not consistent with the originally-requested reclassification districts.

The following additional steps shall be undertaken as part of the Findings for this project:

- The parcels to be reclassified to NCD-GC shall be deed restricted to prohibit the following uses:
 - Automobile sales and service facilities (except vehicles used primarily on the subject property)
 - veterinary clinics or kennels
 - gasoline service station will be prohibited around the existing lake

On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk’s Office (Liber 11330 of Deeds at Page 8243) for the purpose of prohibiting the above described uses on the portion of the Project Site reclassified to NCD-GC.

- At the Town Board’s direction, the Town shall initiate a reclassification of the remainder of wetland areas contained in the original project proposal as Major Open Space (MOS).

B. Land Use

The proposed development will follow the program summarized below as depicted in the original Findings Statement concept plan for the project dated September 2007, as depicted in the Concept Plan for Site B dated August 14, 2015, as the Concept Plan for Site B dated April 2, 2019 showing a student housing project, or as the Concept Plan for Site A dated June 23, 2021 showing a mixed-use project:

| Development Site | Land Use | Maximum Developed Area | Development Program |
|------------------------|--------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site A (50 Dodge Road) | Mixed-Use including mixed-use buildings, climate controlled storage building and residential buildings | 17.42 acres | Maximum of two mixed-use buildings with a maximum height of 60 ft. and maximum combined footprint of 50,000 sq. ft., one-four story climate controlled storage building with a maximum footprint of 35,000 sq. ft.; one-family and two-family attached and detached townhomes and maximum height of 35 ft. The overall maximum allowed residential density on Site A is 258 units. |

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

| | | | |
|-------------------|------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site B (Option 1) | Class A Corporate office buildings | 46 acres | Maximum of 464,850 sq. ft. of office/retail space |
| Site B (Option 2) | Residential/ Commercial | 46 acres | Maximum of 192 residential units on the eastern portion of Site B (approximately 26 acres) and a maximum of 205,000 sq. ft. of office and commercial space on the western portion of Site B (approximately 20 acres) |
| Site B (Option 3) | Residential - Student housing | 46 acres | Maximum of 515 student housing units |
| Sites C and D | Residential | 37 acres | 133 lot residential subdivision consisting of detached single-family homes on individual lots pursuant to the Map Cover filed at the Erie County Clerk's Office on July 24, 2018. |

General components of the proposed development that will minimize adverse environmental impacts include:

- The maintenance of the remaining approximately 224± acres of the development site as permanent open space.
 - Implementing a cluster pattern to maximize open space preservation.
- C. Utility Infrastructure - In accordance with the October 17, 2007 letter received from the Erie County Department of Environment & Planning, all proposed sanitary sewer lines to be constructed to service both the residential and commercial portions of the project will be subject to review and approval by the Erie County Health Department. All systems installed or improved for the project will be undertaken by the Project Sponsor at its cost and will be required to meet all Town, County and State requirements.
- D. Archaeological/Cultural Resources – One prehistoric archaeological site was discovered on the project site, with a Stage 2 archaeological study determining that the identified prehistoric archaeological site did not meet the eligibility criteria for listing on the State or National Register of Historic Places. This finding was confirmed by the NYS Office of Parks, Recreation and Historic Preservation in its letter of October 10, 2001. No mitigation measures are needed for the subject development.
- E. Air Quality – Potential impacts to air quality resulting from fugitive dust generated during construction activities will be minimized by the following measures:
- seeding and/or mulching exposed soils as soon as practicable and in accordance with the requirements and applicable regulations promulgated by the NYSDEC
 - grading roadways and covering them with gravel during construction, periodically regading, compacting and replacing gravel as necessary as determined by the Town

Certification of Amended Findings
Amendment #51 & #77 to the Audubon Development Plan (Z-9-02)

- wetting down temporary roads to be constructed on the project site during construction of the build-out of the project as needed throughout the duration of construction activities and as determined by the Town.

F. Condominium Designation - As originally proposed, the residential portion of the project was not to include the development of any units that will be filed as condominiums. The Project Sponsor previously offered to place a deed restriction to this affect as a condition of sale to any future builder, developer or owner of any lot on the subject site. On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk's Office (Liber 11330 of Deeds at Page 8243) for the purpose of prohibiting the residential uses on the Project Site from utilizing the condominium form of ownership. The Project Sponsor is requesting that the Declaration of Restrictions be modified to allow the condominium form of ownership for the attached residential units to be developed on Site A.

18. Evaluation of Future Actions

In accordance with SEQR regulations, upon application to the Town for development of the project site that requires the submittal of an Environmental Assessment Form, the Town will be required to determine if the potential adverse environmental impacts associated with the development have been adequately identified and evaluated in the DGEIS, FGEIS, and this Amended Findings Statement, and whether the proposed development exceeds any of the thresholds and/or requirements contained in this Findings Statement. This determination must be made by the Town prior to the issuance of any discretionary land use approvals by the Town for the proposed development.

The following scenarios are put forth in Section 617.10(c) & (d) of the SEQR regulations:

- A. If the Town determines that the proposed action is in conformance with the conditions and thresholds in the FGEIS or the Amended Findings Statement, then no further environmental review pursuant to SEQR will be required;
- B. If the Town determines that the proposed action is adequately addressed in the FGEIS, but is not addressed or not adequately addressed in the Amended Findings Statement, then an amendment to this Amended Findings Statement must be prepared;
- C. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FGEIS, but it will not result in any significant environmental impacts, then a negative declaration must be prepared; or
- D. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FGEIS, and the action may have one or more significant adverse environmental impacts, than a supplement to the FGEIS must be prepared.

EXHIBIT E

EXHIBIT F

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------|
| Name of Action or Project: Townhomes at Muir Woods | | |
| Project Location (describe, and attach a general location map): 770 John James Audubon Parkway, Amherst, New York | | |
| Brief Description of Proposed Action (include purpose or need): This Project is a development of a 17.14-acre site located 770 John James Audubon Pkwy in the Town of Amherst. Construction will consist of 160 townhouse units, 4 private roads, the relocation of the existing Town of Amherst bike trail, and will also include associated utility, lighting, and landscaping improvements. Currently the site is undeveloped. The proposed site development area to be disturbed for this project is approximately 14.5 acres when construction is completed. | | |
| Name of Applicant/Sponsor: 770 JJAP LLC | | Telephone: |
| | | E-Mail: |
| Address: 50 Fountain Plaza, Suite 500 | | |
| City/PO: Buffalo | State: New York | Zip Code: 14202 |
| Project Contact (if not same as sponsor; give name and title/role): Erik Wagner, Director of Development & Construction, Ciminelli Real Estate Corporation | | Telephone: 716.631.8000 xt 3073 |
| | | E-Mail: ewagner@ciminelli.com |
| Address: 50 Fountain Plaza, Suite 500 | | |
| City/PO: Buffalo | State: New York | Zip Code: 14202 |
| Property Owner (if not same as sponsor): 770 JJAP LLC | | Telephone: |
| | | E-Mail: |
| Address: 50 Fountain Plaza, Suite 500 | | |
| City/PO: Buffalo | State: NY | Zip Code: 14202 |

B. Government Approvals

| B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------|
| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
| a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Amherst Town Board Rezoning Approval | February 17, 2026 |
| b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission | Amherst Planning Board - Site Plan/Subdivision | Spring 2026 |
| c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals | | |
| d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Erie County Department of Health - Sewer Connection | Spring 2026 |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | NYSDEC Wetland Permitting | |
| h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | ACOE Wetland Permitting | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area? | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. Planning and Zoning

| C.1. Planning and zoning actions. | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| <ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 | |
| C.2. Adopted land use plans. | |
| a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor | |
| c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, identify the plan(s): | |

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 NCD-GC

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? NCD-ND

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central Schools

b. What police or other public protection forces serve the project site?
Town of Amherst Police Department

c. Which fire protection and emergency medical services serve the project site?
Getzville Fire Protection District

d. What parks serve the project site?
Town of Amherst Bike Path

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 17.9 acres
 b. Total acreage to be physically disturbed? 14.5 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 163.3 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? 160
 iv. Minimum and maximum proposed lot sizes? Minimum 1,334.64 sf Maximum 1,468.64 sf

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 48 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

| | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
|-----------------------------|-------------------|-------------------|---------------------|---------------------------------------|
| Initial Phase | 160 | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 38,720 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Town of Amherst
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: Approx. 49 LF of public main to the hotbox. Approx. 2,898 LF of new 8" private water main will be installed along the private roads after hotbox
- Source(s) of supply for the district: public

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 35,200 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): sanitary waste

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Town of Amherst Wastewater Treatment Facility
- Name of district: Town of Amherst
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: Approx. 215 LF of public forcemain connecting to a new public wastewater pump station. approx. 3,260 of 8" private sanitary sewer extension along proposed private roads connecting to the new public wastewater pump station.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 7.3 acres (impervious surface)
 _____ Square feet or 17.14 acres (parcel size)
 ii. Describe types of new point sources. new roadway, future townhouse family residences

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
on site stormwater management facility/structures

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7am - 7pm _____ • Saturday: _____ as needed _____ • Sunday: _____ n/a _____ • Holidays: _____ n/a _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ N/A, subdivision _____ • Saturday: _____ N/A, subdivision _____ • Sunday: _____ N/A, subdivision _____ • Holidays: _____ N/A, subdivision _____ |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
 Typical Construction noise during approved hours of construction in the Town. _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: Existing trees/brush will be removed for construction of public infrastructure. _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 Street lighting along proposed private streets, 12' mounting height, standard light fixture, 150' +/- to nearest structure _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: existing trees/brush will be removed for construction of public infrastructure, this removal will be minimized as much as possible _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|------------------------------------------------------------------------------------------|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 0.2 | 7.3 | +7.1 |
| • Forested | 0.1 | 0 | -0.1 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 16.84 | 9.84 | -7.0 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0.0 | 0.0 | 0.0 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0.0 | 0.0 | 0.0 |
| • Wetlands (freshwater or tidal) | 0.0 | 0.0 | 0.0 |
| • Non-vegetated (bare rock, earth or fill) | 0.0 | 0.0 | 0.0 |
| • Other Describe: _____ | | | |

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >40 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

| | | |
|------------------------|-------|---------|
| Cheektowaga fine sandy | _____ | 20 % |
| Cosad loamy fine sand | _____ | 80 % |
| _____ | _____ | _____ % |

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-27 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____
 Name - Pollutants - Uses: Ellicott Creek, Lower, and tribs - Total Phosphorus

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
 Suburban species. _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____
 Occasional fishing in the adjacent pond. This development will help increase access.

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District | |
| <i>ii.</i> Name: _____ | |
| <i>iii.</i> Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? | |
| If Yes: | |
| <i>i.</i> Describe possible resource(s): _____ | |
| <i>ii.</i> Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Identify resource: _____ | |
| <i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ | |
| <i>iii.</i> Distance between project and resource: _____ miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| <i>i.</i> Identify the name of the river and its designation: _____ | |
| <i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

Attach any additional information which may be needed to clarify your project.

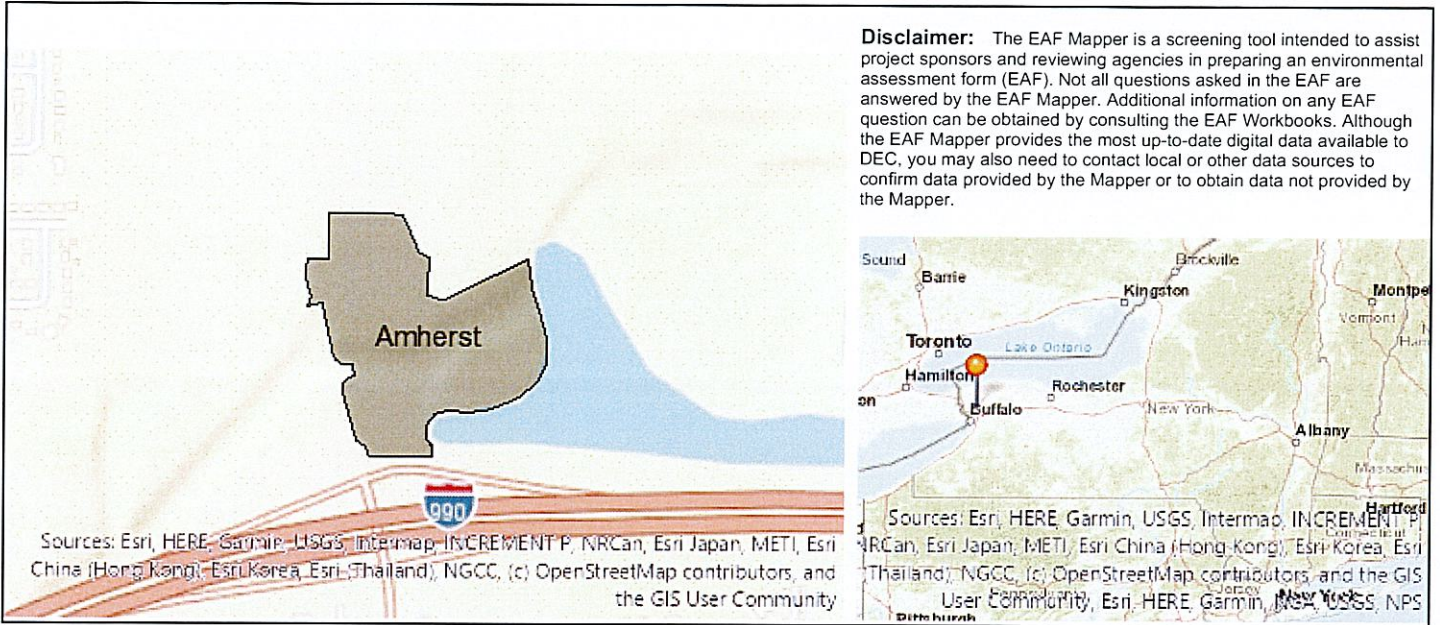
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name 770 JJAP LLC Date February 17, 2026

Signature  Title Marc A. Romanowski, Esq., Attorney for Applicant



| | |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | NYS Heritage Areas:West Erie Canal Corridor |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.ii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.iv [Surface Water Features - Stream Name] | 837-27 |
| E.2.h.iv [Surface Water Features - Stream Classification] | C |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters |

| | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| E.2.h.v [Impaired Water Bodies] | Yes |
| E.2.h.v [Impaired Water Bodies - Name and Basis for Listing] | Name - Pollutants - Uses:Ellicott Creek, Lower, and tribs - Total Phosphorus |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | Yes |
| E.2.k. [500 Year Floodplain] | Yes |
| E.2.l. [Aquifers] | No |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | No |
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | No |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | Yes |
| E.3.i. [Designated River Corridor] | No |

EXHIBIT G



TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

File #: _____ Acreage _____ Fee \$ _____

Address Verified by
Assessor's Office _____
VERIFIED BY _____ DATE _____

Application Received
by Planning Department _____
ACCEPTED BY _____ DATE _____

Materials Checked by
Zoning Enforcement
Officer _____
CHECKED BY _____ DATE _____

Materials & Fee Paid
to Town Clerk _____
ACCEPTED BY _____ DATE _____

**Fill In
Applicable Fees**

2 ACRES OR LESS \$1,250. _____

2 – 20 ACRES
\$1,250 + \$250/acre or fraction
thereof over 2 acres (fractions of an acre
to be counted as 1 acre) _____

21 – 30 ACRES
\$5,700 + \$150/acre or fraction
thereof over 21 acres (fractions of an acre
to be counted as 1 acre) _____

OVER 30 ACRES
\$6,900 + \$75/acre or fraction
thereof over 30 acres (fractions of an acre
to be counted as 1 acre) _____

**Request for Relief of / Change to Conditions
of Zoning Approval** \$1,200. 1,200.00

AFFIDAVIT FEE FOR PUBLIC HEARING \$15. 15.00

TOTAL FEE: \$ 1,215.00

TO BE COMPLETED BY APPLICANT

1. Petitioner:

Name: 770 JJAP LLC
 Address: 50 Fountain Plaza, Suite 500

| | | |
|----------------|-----------|--------------|
| <u>Buffalo</u> | <u>NY</u> | <u>14202</u> |
| City | State | Zip Code |

 Phone: 716-631-8000 ext 3073 Fax _____
 E Mail: ewagner@ciminelli.com

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

From: _____ District _____ The Property is properly zoned NCD-GC.
 To: _____ District _____ The Applicant is not seeking to amend the zoning classification of the Project Site but to accommodate the proposed use.

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

770 John James Audubon Parkway, Amherst, NY 14228
 SBL #: 41.05-3-9

4. Area of land to be rezoned (in acres): 17.493

5. Owner of Land:

Name: 770 JJAP LLC
 Address: 50 Fountain Plaza, Suite 500

| | | |
|----------------|-----------|--------------|
| <u>Buffalo</u> | <u>NY</u> | <u>14202</u> |
| City | State | Zip Code |

 Phone: _____

6. Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Marc Romanowski, Esq.
 Address: 1600 Liberty Building, 424 Main Street

| | | |
|----------------|-----------|--------------|
| <u>Buffalo</u> | <u>NY</u> | <u>14202</u> |
| City | State | Zip Code |

 Phone: 716-854-3400 Fax 716-332-0336
 E Mail: romanowski@rupppfalzgraf.com

7. Petitioner's interest in property

Option to purchase
X 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)

N/A

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.

10. Said property has the following deed restrictions or covenants: (attach copy)

Liber See attached Page See Attached

11. Information on proposed project:

A. Description of the character of the proposed development: This project is a development of a 17+ acre site located at 770 John James Audubon Parkway. Construction will consist of 160 townhouse units, 4 private roads, the relocation of the existing Town of Amherst bike trail and will also include associated utility, lighting, and landscaping improvements. The Site is currently undeveloped and the total area to be disturbed for the project will be 14.5 acres

B. Rationale for rezoning request:

1. Why was this site chosen? This site was part of a larger development project. The west side of the project has already been developed into student housing units known as Aspen Heights.

2. Why cannot land be used with the existing zoning? We are not seeking a rezoning of the Property but rather seeking a amendment of the previous zoning determination made by the Town Board as shown in Exhibit "D".

3. How will this rezoning impact surrounding properties? We are not seeking a rezoning of the Property but rather seeking a amendment of the previous zoning determination made by the Town Board as shown in Exhibit "D".

4. How will this rezoning impact the school system? We are not seeking a rezoning of the Property but rather seeking a amendment of the previous zoning determination made by the Town Board as shown in Exhibit "D".

12. Quantitative Data:

- A. Total # of dwelling units 160
- B. Distribution of dwelling units by type 160 Town home units
- C. Gross Residential Density per acre 9.3 units per acre
- D. Total amount of Open Space 10.6 acres
- E. Proposed Non-Residential Floor Area N/A

13. Development Schedule:

- Start Summer/Fall 2026
- Finish Approximately 3-4 years
- Stages (# of) 2

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

The individual townhouses to be constructed will be sold to individual owners.

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

The open spaces will be owned and maintained by a Homeowners Association.

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

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). Add sheets as needed.

See Letter of Intent attached hereto

- 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 Amherst Town Board adopted the Bicentennial 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, maps, or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.
See Letter of Intent attached hereto

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

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

- 1. Sanitary Sewer Yes
- 2. Storm Sewer/Drainage Yes
- 3. Water Yes
- 4. Other All standard Cable, Internet, Phone, etc.

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

See Letter of Intent attached hereto


D. Suitability of the subject property for uses permitted by the current versus the proposed district: See Letter of Intent attached hereto

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

See Letter of Intent attached hereto

- 17. The petitioner encloses herewith the sum of \$ 1,215.00 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

Subscribed and sworn to before me this 25 day of February, 2026

Notary Public, Erie County, New York



DENISE L. BORDEN
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires Aug. 4, 2029

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 officer or any officer 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.