

**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 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

Name of Responsible Official

TOWN SUPERVISOR

Title of Responsible Official

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.

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.

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. 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 and it adopted a

resolution recommending 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. 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.

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.

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 Amended Findings Statements on December 7, 2015, 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

amended the Application 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 during its meeting on August 27, 2024 and adopted a resolution recommending approval. On September 3, 2024, the Town Board held a public hearing on the Application. On October 15, 2024, the Town Board voted to issue the Amended Findings Statement and 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 the Declaration of Restrictions.

On February 24, 2026, 770 JJAP LLC submitted an Application to Amend the Findings Statement issued by the Town Board on October 15, 2024 along with supporting documentation for amending the previous Finding Statement for the property known as 770 John James Audubon Parkway, Amherst, New York (SBL No. 41.05-3-9). The Applicant proposes a residential community consisting of 160 townhome units on the eastern portion of Site B. The requested amendment seeks to add a separate use, Option 4, to the Findings Statement to allow for a combination of Option 2 and Option 3 that were previously approved—specifically, 197 student housing units on the western portion of Site B (which have already been built and are currently in use) and 160 single-family townhome units on the eastern portion of Site B.

The Applicant has been and continues to engage in coordination with the Niagara Frontier Transportation Authority (“NFTA”) regarding the potential future extension of a proposed light rail transit system across a portion of the East Side of Site B. The Applicant has worked diligently to identify and address the NFTA’s concerns related to preservation of a potential transit corridor and compatibility with future transit infrastructure. Based on these efforts, the Applicant has satisfactorily and adequately responded to the issues raised by the NFTA to date. The Town Board further finds that the Applicant has provided sufficient space for the NFTA to extend a light rail system on a portion of the East Side of Site B to ensure that the proposed development does not preclude or unreasonably interfere with any future extension of the light rail system.

The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on _____ and adopted a resolution recommending approval of the Application to Amend the Findings Statement by the Town Board.

On _____, the Town Board held a public hearing on the Application to Amend the Findings Statement. On _____, 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 Amended Findings Statements on December 7, 2015, August 5, 2019, October 19, 2020, September 27, 2021, and October 15, 2024.

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 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 townhome residential development as presented in the Application to Amend the Findings Statement submitted to the Planning Department on February 24, 2026 is consistent with the intent and objectives of the Zoning Ordinance. The current proposal represents a significant reduction from prior development scenarios already reviewed and contemplated by the Town. Under Option 2 of the Amended Finding Statement, the Town previously considered a plan allowing 192 residential units on the eastern portion of Site B. The Applicant now proposes only 160 units, well below the density threshold analyzed and accepted by the Town.
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. A Supplemental GEIS was not required for the proposed amendment due to the Town Board's determination that the proposed 160-unit townhome development on the eastern portion of Site B does not meet the criteria set forth in 6 NYCRR Part 617.9(a)(7). The proposed 160-unit development is well below the density thresholds analyzed and accepted by the Town under the previously approved Options for Site B. The current proposed project would be substantially under the original development proposed and approved by the Town Board. The project changes do not result in newly discovered information, and would not result in any significant environmental impacts not addressed or inadequately addressed in the DGEIS or FGEIS.
6. **Land Use – Site B (Option 4 Added).** The proposed development will follow the program as previously set forth, with the addition of **Option 4** for Site B:

Development Site	Land Use	Maximum Developed Area	Development Program
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

Site B (Option 4)	Student Housing / Residential Townhomes	46 acres	197-unit student housing development on the western portion of Site B (775 John James Audubon Parkway) and 160 single-family townhome residences on the eastern portion of Site B (770 John James Audubon Parkway). Each townhome unit shall be provided with two (2) parking spaces.
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7. All other conditions, criteria, thresholds, and mitigation measures contained in the Amended Findings Statement issued by the Town Board on October 15, 2024 shall remain in full force and effect unless expressly modified herein.

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.

- 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, then a supplement to the FGEIS must be prepared.