

**SECOND REVISED  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**

FOR THE

**WESTWOOD NEIGHBORHOOD  
October 2015**



*Westwood*

A Traditional Neighborhood  
in the heart of Amherst.

**Project Site** located at  
772 North Forest Road, and 385 and 391 Maple Road  
Town of Amherst, Erie County, New York

**LEAD AGENCY:**



**TOWN OF AMHERST TOWN BOARD**  
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Mr. Eric W. Gillert, AICP, Planning Director  
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**PREPARED BY:**



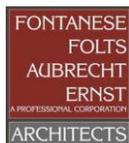
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**DATE OF ACCEPTANCE BY LEAD AGENCY:** \_\_\_\_\_

**END DATE OF PUBLIC COMMENT PERIOD:** \_\_\_\_\_

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- D GEOTECHNICAL EVALUATION REPORT - Prepared by Empire GEO Services, Inc.
- E PHASE 1A CULTURAL RESOURCES INVESTIGATION – Prepared by Historic Preservation & Interpretation, Inc.
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- I WESTWOOD DESIGN STANDARDS – Prepared by Fontanese Folts Aubrecht Ernst Architects, PLLC & Frank T. Brzezinski, Registered Landscape Architect
- J TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN as adopted January 2, 2007 and amended on February 28, 2011
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**X1-** RPS Condominium Assessment and Taxation Analysis (07.21.15)
- Y RETAIL MARKET STUDY & TENANTING STRATEGY REPORT- Prepared by MJB Consulting
- Z PROJECT RELATED CORRESPONDENCE  
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  - 1. 07.14.14- SEQRA, Lead Agency Solicitation Letter
  - 2. 08.07.14- SEQRA, Agency Determination of Completeness Request Letter

3. 09.03.14- Memorandum, TOA Planning Dept. RE: DGEIS Determination of Incompleteness
4. 09.08.14- Resolution, Town Board Action RE: Initial DGEIS Determination of Incompleteness
5. 09.08.14- SEQRA, Determination of Significance- Positive Declaration
6. 10.10.14- Letter, Weinstein to Ammon RE: ACOE JD
7. 06.30.15- Memorandum, TOA Planning Dept. RE: Initial Revised DGEIS Determination of Incompleteness
8. 07.06.15- Resolution, Town Board Action RE: Initial Revised DGEIS Determination of Incompleteness

**Z2- Interested & Involved Agencies Correspondence**

1. 08.21.14- Letter, ACAC to TOA Planning Dept. RE: DGEIS Completeness
2. 08.22.14- Letter, ECDOH to TOA Planning Dept. RE: DGEIS Completeness
3. 08.26.14- Memorandum, TOA Engineering Dept. to TOA Planning Dept. RE: DGEIS Completeness
4. 09.15.14- Letter, NYSDEC Region 9 to Erie County Dist. List RE: I&I Flow Offset Requirements
5. 12.22.14- BCP, NYSDEC Letter to Mensch RE: BCP Application Completeness Determination
6. 12.26.14- BCP, NYSDEC Public Notice RE: Receipt and Public Review of BCP Application (Site ID #C915291)
7. 02.26.15- BCP, NYSDEC Letter to Mensch RE: BCP Application Acceptance
8. 06.16.15- Letter, OPRHP to TOA Planning Dept. RE: Historic & Cultural Resources- No Impact
9. 07.10.15- Letter, ECDPW to TOA Planning Dept. RE: TIS Review
10. 08.06.15 – Letter, National Fuel Capacity Confirmation Letter
11. 08.21.15 - Letter, National Grid Capacity Confirmation Letter
12. 09.16.15 – Letter, Time Warner Capacity Confirmation Letter
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**Z3- Public Correspondence**

1. 07.20.14- Letter, Walsh to Mensch RE: Westwood Neighborhood Project
2. 07.31.14- Letter, Koerber to Ammons RE: ACOE JD
3. 09.17.14- Letter, Koerber to Ammons RE: ACOE JD
4. 10.24.14- Letter, Koerber to Jaeger RE: ACOE JD
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6. 10.30.14- Email, Koerber to Weinstein RE: ACOE JD
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1. 07.11.14- Letter, Mensch to Westwood Neighbors RE: Community Informational Meeting Invite
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3. 04.01.15- Cover Letter, Initial Revised DGEIS

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October 23, 2015

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

Re: Proposed Westwood Neighborhood  
Second Revised Draft Generic Environmental Impact Statement (“DGEIS”)  
Project Site: 772 North Forest Road, 385 & 391 Maple Road  
Applicant/Project Sponsor: Mensch Capital Partners, LLC

Dear Mr. Gillert:

Please find attached 12 copies (plus 17 compact discs) of the Second Revised Draft Generic Environmental Impact Statement (“2<sup>nd</sup> Revised DGEIS”) submitted on behalf of Mensch Capital Partners, LLC (“Project Sponsor”) in connection with the coordinated environmental review of the proposed Westwood Neighborhood (“Westwood”) project pursuant to the State Environmental Quality Review Act (“SEQRA”).

The 2<sup>nd</sup> Revised DGEIS was prepared on behalf of the Project Sponsor based on the resolution adopted by the Town Board on July 6, 2015 (Resolution 2015-741), by which the Town Board determined that the First Revised DGEIS submitted by the Project Sponsor on March 13, 2015 (“First Revised DGEIS”) was not adequate for public review. A copy of Resolution 2015-741 is attached as Exhibit “A”.

The Town Board’s determination that the First Revised DGEIS was not yet adequate for public review was based on comments contained in the Memorandum issued by the Planning Department to the Town Board based on its review of the First Revised DGEIS dated June 30, 2015 (“Planning Department’s Memorandum”). A copy of the Planning Department’s Memorandum is attached as Exhibit “B”.

The 2<sup>nd</sup> Revised DGEIS consists of a new Volume I prepared for the purpose of including additional information addressing the comments contained in the Planning Department’s Memorandum as well as the inclusion of new and/or revised reports and studies within the Appendix Volumes of the First Revised DGEIS.

The additional information contained within the 2<sup>nd</sup> Revised DGEIS has been provided to assist the Town Board as well as involved and interested agencies in their evaluation of the identified potential adverse environmental impacts associated with the proposed mixed use neighborhood.

This letter has been prepared to assist in the review of the 2<sup>nd</sup> Revised DGEIS. Each of the comments contained in the Planning Department's Memorandum that was the basis of the Town Board's determination that the First Revised DGEIS submitted on March 13, 2015 was not yet adequate for public review has been reproduced below in *italics* followed by a response to each comment.

**I. Memorandum issued by the Planning Department to the Town Board dated June 30, 2015:**

The Memorandum issued by the Planning Department on June 30, 2015 contained general comments as well as specific comments on Sections 4 & 5 of the First Revised DGEIS submitted on March 13, 2015.

**A. General Comments on the First Revised DGEIS:**

**Comment #1:** *The formatting of the DGEIS sections should be consistent among chapters. When possible, a summary statement(s) describing the information found in the various appendices should be included in the DGEIS to accompany the references made.*

**Response to Comment #1:** The formatting of all sections within the 2<sup>nd</sup> Revised DGEIS has been modified to ensure the numerical alignment of subheadings and consistency in terms of content across all sections. The revised ordering of the sections is provided for reference within the Table of Contents. Additionally, the Project Sponsor has reviewed the 2<sup>nd</sup> Revised DGEIS to ensure that referenced reports, studies, and analyses within the Appendices are concisely described or summarized within the relevant portions of the 2<sup>nd</sup> Revised DGEIS.

**B. Comments on Section 4 of the First Revised DGEIS ("Description of Existing Environmental Setting"):**

**Comment #1:** *(Section 4.12 - Sanitary Sewers) - The section lacks objective (statistical) data on the capacities, current utilization and surplus capacities of each segment of the sanitary sewer system that serve the project site.*

**Response to Comment #1:** Section 4.12.1 of the 2<sup>nd</sup> Revised DGEIS has been expanded to include objective data on the current capacities, utilization and surplus capacity of each segment of the sanitary sewer that is intended to serve the Project Site [please refer to Section 4.12.1 "Sanitary Sewer" of the 2<sup>nd</sup> Revised DGEIS (page 4-75)].

**Comment #2:** *(Section 4.1 – Stormwater) - This section lacks objective (statistical) information on the runoff characteristics of the site including any public infrastructure currently accepting and transporting those flows.*

**Response to Comment #2:** Section 4.12.2 of the 2<sup>nd</sup> Revised DGEIS has been expanded to include objective data on the runoff characteristics of the Project Site including a description of the public infrastructure currently accepting and conveying stormwater flows [please refer to Section 4.12.2 "Stormwater" of the 2<sup>nd</sup> Revised DGEIS (page 4-76)]. Additionally, the 2<sup>nd</sup> Revised DGEIS includes a new Figure within Section 4 depicting the existing Drainage Areas

and their associated outlet points at the Project Site (please refer to Figure 4-8, “Project Site Stormwater Drainage Areas Map” of the 2<sup>nd</sup> Revised DGEIS).

**Comment #3:** *(Section 4.12 - Private Utilities) - No objective information and/or data on the capacity, current utilization and surplus capacity is provide for natural gas, electricity or “communications”, nor is there any characterization of the location of these utilities.*

**Response to Comment #3:** Section 4.12.4 of the 2<sup>nd</sup> Revised DGEIS has been expanded to include objective data on the capacity, current utilization and surplus capacity for natural gas, electricity and communication utility providers for the Project Site as well as their existing location in proximity to the Project Site [please refer to Section 4.12.4 “Private Utilities” of the 2<sup>nd</sup> Revised DGEIS (page 4-78)]. Additionally, the Project Sponsor retained the services of C&S Companies to calculate the anticipated electrical and natural gas service demands based upon the proposed Westwood Neighborhood Conceptual Master Plan unit counts and building types (please refer to Figure 5-2, “Project Electrical Demand Summary” and Figure 5-3, “Project Natural Gas Demand Summary” of the 2<sup>nd</sup> Revised DGEIS). The findings of C&S Companies regarding the anticipated utility demand for electrical and natural gas service were provided to National Grid and National Fuel, as the responsible service providers for the respective utilities. The Project Sponsor requested a Capacity Confirmation Letter from each provider (See Appendix Volume IV, Letter Z2.10- “National Fuel Capacity Confirmation Letter” & Appendix Volume IV, Letter Z2.11- “National Grid Capacity Confirmation Letter”). Additionally, the Project Sponsor requested a Capacity Confirmation Letter from Time Warner Cable and Verizon, as the responsible data and communication service providers for the Project Site (See Appendix Volume IV, Letter Z2.12- “Time Warner Capacity Confirmation Letter” & Appendix Volume IV, Letter Z2.13- “Verizon Capacity Confirmation Letter”). Finally, the 2<sup>nd</sup> Revised DGEIS includes new Figures within Section 4 that provide a depiction of the location and sizing of existing utility services in proximity to the Project Site for National Fuel, Time Warner and Verizon (please refer to Figure 4-9 through Figure 4-11 of the 2<sup>nd</sup> Revised DGEIS).

It is important to note that due to network safety and security protocol, National Grid will not provide maps detailing existing service locations and capacity. However, a National Grid Consumer Representative did confirm it has sufficient capacity within its existing network to service the Westwood Neighborhood as per their Capacity Confirmation Letter provided to the Project Sponsor (See Appendix Volume IV, Letter Z2.11- “National Grid Capacity Confirmation Letter”).

**C. Comments on Section 5 of the First Revised DGEIS (“Evaluation of Potential Adverse Environmental Impacts”):**

**Comment #1:** *(Section 5.2 - Water Resources) - Include information on how the base flood elevation of Ellicott Creek is calculated.*

**Response to Comment #1:** As the Base Flood Elevation of Ellicott Creek is considered an existing environmental condition of the Project Site, the description and narrative concerning the base flood elevation as well as the standards by which it is calculated is located at Section 4.2.3 of the 2<sup>nd</sup> Revised DGEIS [please refer to Section 4.2.3 “Floodway and Floodplains” of the 2<sup>nd</sup> Revised DGEIS (page 4-16)].

**Comment #2:** (Section 5.4.2 - Consistency with Land Use Plans and Objectives) –

*#2a. Move this section from the main body of the DGEIS to an appendix. Add a reference in Section 1 that this discussion is the petitioner’s analysis of how the proposed plan is consistent with the Bicentennial Comprehensive Plan.*

*#2b. Additionally, the project as proposed does not meet criteria for a “Neighborhood Center” (pg. 5-61).*

*#2c. No mention of Figure 6 (Conceptual Land use Plan) or discussion of how the proposal can be accommodated on a “recreation & open space” parcel.*

**Response to Comment #2a:** Section 5.4.2 of the 2<sup>nd</sup> Revised DGEIS has been amended to refer the reader to the Westwood Neighborhood Rezoning Application as the appropriate appendix that includes the comprehensive analysis of consistency with land use plans and objectives (please refer to page 5-33 of the 2<sup>nd</sup> Revised DGEIS). Additionally, Section 1.1.3 of the 2<sup>nd</sup> Revised DGEIS has also been amended to refer the reader to the Westwood Neighborhood Rezoning Application as the appropriate source for a comprehensive analysis of consistency with the Bicentennial Comprehensive Plan (please refer to page 1-11 of the 2<sup>nd</sup> Revised DGEIS).

**Response to Comment #2b:** Within the Initial DGEIS, the Project Sponsor included an edited version of the Conceptual Land Use Plan (“Figure 6” of the Bicentennial Comprehensive Plan) that included a depiction of an “Activity Center” at the Project Site. The purpose of this modified Conceptual Land Use Plan depiction, as specifically noted within the Initial DGEIS, was to demonstrate that the Project Site could be considered for the implementation of an Activity Center. More specifically, and as defined within the Comprehensive Plan, the Project Site could provide for a “neighborhood center”, that is, “the smallest scale center, providing convenience shopping for the day-to-day needs of residents in the immediate neighborhood. A neighborhood center typically contains less than 100,000 square feet of retail space and occupies a site less than ten acres in size. Single buildings can be multi-story and multi-use and are generally less than 25,000 square feet. Such centers should be located approximately one mile apart.”<sup>1</sup> While the Project Sponsor believes that the Project Site could be considered for the implementation of a neighborhood center type Activity Center per the guidance and intent of the Comprehensive Plan, such a designation is not required for the redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Preferred Plan. In order to avoid any confusion concerning the utilization of Figure 6 of the Comprehensive Plan to depict the possible implementation of an Activity Center, this reference has been removed within the 2<sup>nd</sup> Revised DGEIS.

**Response to Comment #2c:** While Figure 6 of the Bicentennial Comprehensive Plan (titled “Conceptual Land Use Plan”) identifies the Project Site as “Recreation, Open Space & Greenways”, it is important to note that the Comprehensive Plan expressly states Figure 6 is “neither a zoning map nor is it meant to show the existing or proposed use of individual parcels of land. It is not meant to dictate land use, nor is it meant to show any phasing or timing of

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<sup>1</sup> See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-32.

development. The Plan is intended to communicate the overall direction and concept of future development.”<sup>2</sup> Taking into account the above cited statement within the Comprehensive Plan, and understanding the full extent of other sections and content within the Comprehensive Plan that supports the redevelopment of the Project Site, given its current status as a vacant, underutilized and economically obsolete brownfield site, the preservation of the privately owned Project Site as open space as depicted within Figure 6 is not determinative in terms of evaluating the future use of the Project Site. Additionally, given the size of the Project Site, which consists of approximately 170 acres, and the Project Sponsor plan to permanently preserve a substantial portion of the Project Site as open space (64 acres or 38% of the Project Site), the intent of the Conceptual Land Use Plan in preserving recreation, open space and greenway areas will be achieved. Conversely, in the absence of an economically viable redevelopment of the Project Site, the Project Site would remain as a privately owned, vacant, underutilized and economically obsolete brownfield site that is not publicly accessible.

**Comment #3:** *(Section 5.6 – Socioeconomics) – Economic projections do not have basis and are not realistic (i.e. an \$8.5 million sales tax provides \$90,000 to Amherst without sales tax incentives. All tax incentives start with sales tax waived. The projected \$490,000 for Amherst does not account for waived sales tax).*

**Response to Comment #3:** The Project Sponsor utilized the services of the Center for Governmental Research, Inc. (“CGR”) to develop a Revised Economic and Fiscal Impact Analysis Report (“Revised CGR Report”) for the proposed Westwood Neighborhood (See Appendix Volume IV, Letter X- “Revised Economic & Fiscal Impact Analysis”). The Revised CGR Report was intentionally drafted with consideration for those portions of the project that would be potentially eligible for tax incentives and abatements via a Payment in Lieu of Taxes (“PILOT”) agreement with either the Town of Amherst Industrial Development Agency or Erie County Industrial Development Agency (please refer to Page 14 of the Revised CGR Report). Ultimately, based on current policies as per the applicable IDA’s, potentially eligible sites within the Westwood Neighborhood would be limited to the office park and elder care facilities. While the Initial CGR Report provided for the anticipated loss of property taxes associated with a PILOT agreement for those portions of the project that would be potentially eligible, the Project Sponsor acknowledges that the potential sales tax abatement that could additionally be achieved for those eligible components was not accounted for. As such, CGR specifically accounted for this potential additional loss of sales tax revenue and included an assessment of the tax benefit to the Town of Amherst (please refer to page 16 of the Revised CGR Report). As detailed within the Revised CGR Report, given that the office park and elder care components of the project account for approximately \$68.5 million in construction spending of the approximately \$238 million in total construction spending associated with the Westwood Neighborhood, the potential loss of construction spending sales tax revenue through the securing of a PILOT agreement would amount to \$2.4 million. Based on the current Erie County sales tax revenue sharing agreement, assuming the eligible portions of the Westwood Neighborhood were able to be secure IDA incentives, there is a potential \$70,000 loss of sales tax revenue for the Town of Amherst based on construction spending associated with development of the Westwood Neighborhood. However, it is important to note that when property taxes are taken into consideration, and after factoring in a reduction in total estimated property tax revenue for a potential PILOT agreement

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<sup>2</sup> See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-28.

for the office park and elderly care components, the Westwood Neighborhood is still anticipated to yield \$4.4 million in net revenues to the Town of Amherst on the basis of property taxes alone over a ten year period. Therefore, the one-time \$70,000 loss of potential sales tax revenue based on construction spending as a function of securing a PILOT agreement for the eligible components of the mixed use neighborhood is a fairly insignificant loss of total potential tax revenue.

**Comment #4:** *(Section 5.6 – Socioeconomics) – Condos and patio homes are not assessed at full market value, but on the basis of income. This is not acknowledged in the assumptions.*

**Response to Comment #4:** A condominium is a single real estate unit in a multi-unit development in which a person has both separate ownership of a unit and an undivided interest in the common elements of the building.<sup>3</sup> Section 339-y of the New York State Real Property Law provides individual property owners within a condominium designated project to receive property tax abatements based upon a market value reduction of their individual housing units. The calculation is based on the value of rental income that could be derived from the condominium unit in question and typically results in a reduction of total assessed valuation ranging between 30% and 40% of the assessed valuation that would be realized through a typical “full-market” assessment. In recognition of the fact that the potential redevelopment of a portion of the Project Site as housing utilizing the condominium form of ownership would alter the existing tax revenue projections, the Project Sponsor retained the services of the Center for Governmental Research, Inc. (“CGR”) to provide a Revised Economic & Fiscal Impact Analysis Report (“Revised CGR Report”) for the proposed Westwood Neighborhood (See Appendix Volume IV, Letter X- “Revised Economic & Fiscal Impact Analysis”) that accounts for a potential condominium designation associated with the single family housing components of the Project. In order to derive an accurate estimate of the anticipated market value reduction assuming a condominium form of ownership was utilized at the site, the Project Sponsor retained the services of Real Property Services, LLC (“RPS”) to perform a Residential Condominium Assessment and Taxation Analysis (please refer to Appendix Volume IV, Letter X1- “Condominium Assessment & Taxation Analysis”). The RPS Analysis provided an individual condominium valuation calculation as well as an opinion of the resulting market valuation reduction and anticipated property tax revenue projection for each of the three single family housing unit types available within the Westwood Neighborhood. The findings and opinion of market value reduction for the applicable single family housing units per the RPS Analysis was then utilized as a basis for assessed valuation within certain property tax revenue scenarios as detailed within the Revised CGR Report [please refer to the “Condominium Ownership Alternative Assessed Value Assumption tables within Appendix Volume IV, Letter X- “Revised CGR Report” (page 12)]. Ultimately, while the potential condominium form of ownership for certain housing unit types within the Westwood Neighborhood would lower the total anticipated property tax revenue, the project would still yield substantial net revenues to the Town, County and School District of approximately \$27.9 million over a ten year period following full development [please refer to the “Condo Ownership Alternative” assessment within the “Conclusion” section of Appendix Volume IV, Letter X- “Revised CGR Report” (page 25)].

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<sup>3</sup> See New York State Attorney General Office online. *Condominiums*. Available online at <http://www.ag.ny.gov/real-estate-finance-bureau/condominiums>.

**Correspondence to Eric W. Gillert, AICP, Planning Director**

**October 23, 2015**

**Page 7 of 7**

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding the 2<sup>nd</sup> Revised DGEIS, this letter, or the status of the proposed redevelopment of the Project Site as a mixed use neighborhood.

Sincerely,

HOPKINS SORGI & ROMANOWSKI, PLLC



Sean W. Hopkins, Esq.

Enc.

cc: Dr. Barry A. Weinstein, Supervisor  
Guy R. Marlette, Deputy Supervisor  
Mark A. Manna, Councilmember  
Ramona D. Popowich, Councilmember  
Steven D. Sanders, Councilmember  
E. Thomas Jones, Esq., Town Attorney  
Brian P. Andrzejewski, P.E., Building Commissioner  
Gary Black, AICP, Assistant Planning Director  
Ellen Kost, AICP, Associate Planner  
Christopher Schregel, Traffic Safety Coordinator  
Joseph Speth, Acting Highway Superintendent  
Lois J. Shriver, Chairperson, Amherst Conservation Advisory Council  
Dolores M. Funke, P.E., Erie County Health Department  
Andrew J. Shaevel, Mensch Capital Partners LLC  
Brad Packard, Mensch Capital Partners LLC  
Amy C. Dake, Senior Traffic Engineer, SRF Associates  
Scott Livingstone, Senior Soil Scientist, Earth Dimensions, Inc.  
Lowell Dewey, P.E., C&S Engineers, Inc.

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**- EXHIBIT A -**  
**TOWN OF AMHERST RESOLUTION #2015-741**  
**FIRST REVISED DGEIS**  
**INCOMPLETENESS DETERMINATION**  
**JULY 6<sup>TH</sup>, 2015**

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THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby authorizes the Planning Department to expend up to \$3,000.00 from the Veterans Memorial Trust Account T-4017-4002 for the purpose of engraving additional veterans names, purchasing and planting memory trees honoring veterans for the Amherst Veterans Memorial and for purchasing and mounting plaques to be placed under the trees.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Guy R. Marlette, Deputy Supervisor
<b>SECONDER:</b>	Steven D. Sanders, Councilmember
<b>AYES:</b>	Weinstein, Marlette, Manna, Sanders, Popowich

## 5. Resolution 2015-741

### **772 North Forest & 385 & 391 Maple Rds DGEIS Completeness Review - 3Rd Review**

WHEREAS, on July 14, 2014 Mensch Capital Partners, LLC submitted an application to the Town for the rezoning and Planned Unit Development of the Westwood Country Club property at 772 North Forest Road and 385 & 391 Maple Road for a proposed multi-use development known as "Westwood Neighborhood"; and

WHEREAS, due to the scope of the proposed development, the proposed Westwood project is classified as a Type I action according to the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, along with the Westwood application, the applicant also submitted a Draft Generic Environmental Impact Statement (DGEIS); and

WHEREAS, on July 14, 2014 the Town forwarded the rezoning application and DGEIS to interested and involved agencies requesting that the Town Board serve as Lead Agency for SEQR review of the action, and requesting their review and comment concerning the completeness of the DGEIS; and

WHEREAS, no objection to the Town serving as Lead Agency was received from any involved agency; and

WHEREAS, review of the DGEIS resulted in the identification of issues that must be addressed in the DGEIS; and

WHEREAS, on September 8, 2014 and in accordance with the provisions of SEQR, Town Board adopted a resolution finding that the DGEIS was not adequate for public review due to the omission of issues that should be included and that the DGEIS be returned to the applicant identifying the deficiencies; and

WHEREAS, on March 13, 2015, the applicant submitted a revised DGEIS, and

WHEREAS, on April, 14, 2015 and at the request of the applicant, the Town Board

extended the review period for the DGEIS,

WHEREAS, review of the revised DGEIS resulted in the identification of issues that that are not addressed in the revised DGEIS,

THEREFORE BE IT RESOLVED, that the Town Board determines the revised Draft Generic Environmental Impact Statement (DGEIS) submitted by the applicant on March 13, 2015 is not adequate for public review and directs the applicant to address the issues identified in memorandum of June 30, 2015 attached hereto and made part of this resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Guy R. Marlette, Deputy Supervisor
<b>SECONDER:</b>	Steven D. Sanders, Councilmember
<b>AYES:</b>	Weinstein, Marlette, Manna, Sanders, Popowich

## 6. Resolution 2015-742

### **Set Decision Date - ZTA-2014-01 Local Law - Remove Residential from CF District**

**CORRECTED (04/01/15)**  
**LOCAL LAW NO. \_\_\_\_ - 2015**

### **TOWN OF AMHERST COUNTY OF ERIE, STATE OF NEW YORK**

**A Local Law To Amend Chapter 203 Of The Code Of The Town Of Amherst, The Zoning Ordinance As Adopted By Local Law 6-2006, By Removing Residential Uses From The Community Facilities (CF) Zoning District**

Be it enacted by the Town Board of the Town of Amherst as follows:

#### **Section 1. Title**

This Local Law shall be referred to as, "A Local Law to Amend Chapter 203 Of The Code Of The Town Of Amherst, The Zoning Ordinance, By Removing Residential Uses From The Community Facilities (CF) Zoning District."

#### **Section 2.**

Part 5 of Chapter 203 of the Code of the Town of Amherst is amended by making changes thereto as follows:

§ 5-5-2. <<http://www.ecode360.com/15501344>> **Principal and Special Uses.**

A. <<http://www.ecode360.com/15501345>> **Permitted Uses and Structures.** [Amended 2-4-

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**- EXHIBIT B -**  
**TOWN OF AMHERST PLANNING DEPARTMENT**  
**MEMORANDUM RE: DGEIS COMPLETENESS**  
**REVIEW**  
**JUNE 30<sup>TH</sup>, 2015**

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MEMORANDUM

June 30, 2015

TO: Town Board

FROM: Eric W. Gillert, AICP, Planning Director *EG/AB*

SUBJECT: DGEIS Completeness Review - 3<sup>rd</sup> Review  
Rezoning & Planned Unit Development of 772 North Forest Road and 385  
391 Maple Road ("Westwood Neighborhood") (Z-2014-23)

Previous comments from the Planning Department on the proposed "Westwood Neighborhood" DGEIS completeness review were submitted to you on September 3, 2014 and April 15, 2015.

This third set of comments is submitted in response to the comments received at the Town Board work session of May 11, 2015 and the June 18, 2015 letter from Sean Hopkins, Esq. which addressed our memo of April 15, 2015. In addition, Planning staff met with the petitioner on two occasions to discuss the DGEIS. As a result of its further review, the Planning Department reviewed the letter and concludes the DGEIS document will be adequate for public review if the following items are addressed:

1. Section 5.2 - Water Resources: Include information on how the base flood elevation of Ellicott Creek is calculated.
2. Section 5.4.2 - Consistency with Land Use Plans and Objectives: Move this section from the main body of the DGEIS to an appendix. Add a reference in Section 1 that this discussion is the petitioner's analysis of how the proposed plan is consistent with the Bicentennial Comprehensive Plan. Additionally, the project as proposed does not meet criteria for a "Neighborhood Center" (pg. 5-61). No mention of Figure 6 (Conceptual Land Use Plan) or discussion of how the proposal can be accommodated on a "recreation & open space" parcel.
3. General: The formatting of DGEIS sections should be consistent among chapters. When possible, a summary statement(s) describing the information found in the various appendices should be included in the DGEIS to accompany the references made.

4. Section 4.12 - Sanitary Sewers: The section lacks objective (statistical) data on the capacities, current utilization and surplus capacities of each segment of the sanitary sewer system that serve the project site.
5. Section 4.12 - Stormwater: This section lacks objective (statistical) information on the runoff characteristics of the site including any public infrastructure currently accepting and transporting those flows.
6. Section 4.12 - Private Utilities: No objective information and/or data on the capacity, current utilization, and surplus capacity is provided for natural gas, electricity or “communications”, nor is there any characterization of the location of these utilities.
7. Section 5.6 – Socioeconomics: Economic projections do not have basis and are not realistic (i.e. an \$8.5 million sales tax provides \$90,000 to Amherst without sales tax incentives. All tax incentives start with sales tax waived. The projected \$490,000 for Amherst does not account for waived sales tax.)
8. Section 5.6 – Socioeconomics: Condos and patio homes are not assessed at full market value, but on the basis of income. This is not acknowledged in the assumptions.

Cc: Town Attorney  
Sean Hopkins, Esq.  
Brad Packard, Mensch Capital Partners, LLC  
Gary Black, Assistant Planning Director

## **EXECUTIVE SUMMARY**

This Second Revised Draft Generic Environmental Impact Statement (“revised DGEIS” or “DGEIS”) has been prepared pursuant to the State Environmental Quality Review Act and its implementing regulations (collectively referred to as “SEQRA”) for the proposed Westwood Neighborhood (“Project”). The initial DGEIS for the proposed mixed use neighborhood was submitted to the Town of Amherst on July 14, 2014. On September 8, 2014, the Town Board determined that the initially submitted DGEIS contained deficiencies and as such it declared the initially submitted DGEIS as incomplete. The Project Sponsor reviewed the resolution adopted by the Town Board on September 8, 2014 and prepared a First Revised DGEIS that addressed the items identified as the basis for determining that the initial DGEIS submitted on July 14, 2014 was not adequate for public review. The First Revised DGEIS was submitted to the Town of Amherst on March 13, 2015. On July 6, 2015 the Town Board determined that the First Revised DGEIS contained deficiencies and as such was not adequate for public review. This revised DGEIS has been prepared to address the identified deficiencies within the First Revised DGEIS and provides a thorough analysis of the identified potential adverse environmental impacts as required by SEQRA, as well extensive other relevant information regarding the proposed redevelopment of the Project Site as a mixed use neighborhood.

The proposed action has been defined broadly to assist the Town Board, in its capacity as the designated lead agency, as well as the involved agencies, in evaluating environmental, economic, and social impacts of the Project prior to making decisions on required discretionary approvals and permits. Provided below is a brief project description, the Project’s purpose needs and benefits; summaries of the regulatory process; the identified potential adverse environmental

impacts; proposed mitigation measures; and, an analysis of project alternatives. This Executive Summary is only meant to be an overview and much more detailed information is provided within the various sections of the DGEIS following this Executive Summary as well as the numerous reports and studies contained in the three volumes of Appendices included with this DGEIS.

**Project Description:**

Mensch Capital Partners, LLC (“Mensch” or “Project Sponsor”) proposes to redevelop the approximately 170 acre Westwood Country Club property located at 772 North Forest Road and 385 and 391 Maple Road, in the Town of Amherst, Country of Erie, New York (“Project Site”) as a mixed use neighborhood. The Project Site was formerly used as a private country club and golf course until December 31, 2014.

The proposed Westwood Neighborhood consists of the following components:

- approximately 700 residential units including single family homes, patio homes, town homes, condominium units, and apartments;
- a senior living facility including approximately 200 assisted living units and 100 independent living units;
- approximately 340,000 square feet of neighborhood businesses, shops, restaurants, professional and/or medical office space and public and civic uses (including places of worship, not-for-profit, and/or civic uses);
- a four-story hotel; and
- re-use of the original Westwood Clubhouse as a restaurant, banquet and/or catering facility or for other permitted uses.

As part of the redevelopment of the Project Site as a mixed use neighborhood, approximately 64 acres, or 38% of the Project Site, will be maintained as permanent open space. The permanent open space areas will include a new approximately 1.2 acre public event green space contiguous to the original Clubhouse, more than two miles of pedestrian and bike trail paths and a publicly accessible 23 acre recreational space known as Westwood Park that will feature a five acre lake and promenade along the southern edge of the lake. The Project Sponsor proposes to preserve or create a total of approximately 9.94 acres of wetlands/waterways on the Project Site, representing a 34% increase in the acreage of the existing water and wetland resources.

Vehicular access to the proposed mixed use neighborhood will be provided by a new public roadway extending north from Sheridan Drive (NYS Route 324) to Maple Road (County Road 192) through the Project Site. Additional infrastructure improvements to the Project Site will include extensions of existing private utilities, public sewer, and public water service.

The layout of the proposed mixed use neighborhood is depicted on the Preliminary Conceptual Master Plan (“Conceptual Master Plan”) as depicted at Figure 1-3 located at the end of Section 1 of this DGEIS. The proposed mixed neighborhood requires the rezoning of approximately 145 acres of the Project Site as follows:

- Approximately 130.09 acres from Recreation Conservation District (“RC”) to Traditional Neighborhood Development District (“TND”);
- Approximately 13.59 acres from Recreation Conservation District (“RC”) to Multifamily Residential District Seven (“MFR-7”); and
- Approximately 1.40 acres from Recreation Conservation District (“RC”) to General Business District (“GB”);

A Rezoning and Planned Unit Development Application (“Rezoning Application”) has been submitted to the Town seeking the required rezonings as described above necessary to redevelop the Project Site as a mixed use neighborhood in a manner consistent with the Conceptual Master Plan. The redevelopment of the Project Site as depicted on the Conceptual Master Plan will create a mixed use and pedestrian friendly traditional neighborhood consistent with the redevelopment and mixed use planning objectives contained in the adopted Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”) as well as the Traditional Neighborhood District (“TND”) standards in the Town’s Zoning Ordinance. The submission of the Rezoning Application triggered the need for a coordinated environmental review of the Project pursuant to SEQRA.

**Purpose, Need and Benefit:**

The Project Site was operated as a private 18 hole golf course and country club until December 31, 2014. While the physical characteristics and setting of the Project Site historically provided for the successful operation of the Westwood Country Club, challenges arose in the past decade that rendered the club financially insolvent. The Project Sponsor acquired the Project Site in March of 2012, an opportunity that became available because the previous club ownership was facing systemic financial issues and struggled to maintain a fiscally balanced operation for over a decade. The operation of the Project Site as a private golf course and country club continued from March of 2012 until its closing on December 31, 2014 but was only possible based on the greatly subsidized rent provided by the Project Sponsor. The continued use of the Project Site as a golf course and country club was no longer possible after the end of 2014 since during the course of an environmental site assessment, that included an analysis of soils

and sediments at the Project Site, the Project Sponsor became aware arsenic contamination within the underlying soils. The contamination source was related to the historic application of pesticides and herbicides associated with the long-term utilization of the Project Site as a golf course and country club. This discovery led to the Project Sponsor making application with the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”). The Project Sponsor has now officially entered into a Brownfield Cleanup Agreement with the NYSDEC to administer the full remediation of the contamination at the Project Site in accordance with the rules, standards and regulatory oversight as provided within the BCP.

The comprehensive evaluation of the Project Site conducted by the Project Sponsor and its consultants has demonstrated it is ideally situated for an infill mixed use redevelopment project because of its attributes in terms of size, availability, accessibility, location and proximity to well established transportation corridors, major regional employment and recreational centers and lack of significant environmental resources. The proposed mixed use neighborhood is intended to redevelop and revitalize the Project Site into a mixed use, pedestrian friendly and interconnected traditional neighborhood consistent with the adopted Comprehensive Plan and the Erie Niagara Framework for Regional Growth (“Framework”). Various needs and objectives of local and regional planning initiatives will be accomplished through the redevelopment of the Project Site as the Westwood Neighborhood including the realization of mixed use features such as diversified housing options, open spaces, recreational amenities, commercial uses, and the integration of the surrounding neighborhoods into the Project Site, consistent with sustainable

growth principles. The Westwood Neighborhood is the embodiment of local and regional land development and planning initiatives and objectives including:

- **Diversified Housing:** The Comprehensive Plan promotes the development of a variety of housing types and price levels, including single family detached housing (at a variety of lot sizes), townhouses, condominiums and apartments. The Westwood Neighborhood provides for all of these housing types and additionally includes a purpose built senior living facility for both assisted and independent care.
- **Commercial Development:** The Comprehensive Plan promotes focusing new development around existing centers of regional employment and activity to create synergy among existing local employers and concentrated centers of service providers that are convenient and accessible to residents. The Westwood Neighborhood is located within a Developed Area and adjacent to a Regional Center and Corridors as per the Framework, positioning the Project Site very well for synergistic mixed use redevelopment.
- **Smart Growth Land Development:** The Comprehensive Plan and Framework prioritizes infill development that utilizes existing infrastructure capacity as the preferred development strategy as opposed to investment in public capital projects to extend capacity to greenfield sites. The Project Site is currently an obsolete and underutilized brownfield site that provides an infill redevelopment opportunity that can be serviced by existing public infrastructure capacity.
- **Natural Resource Preservation:** The Westwood Neighborhood will result in the preservation or creation of approximately 9.94 acres of wetlands and waterways, representing a 34% increase in the acreage of water and wetland resources presently existing on the Project Site.
- **Expansion of Public Recreational Amenities:** The Comprehensive Plan recommends that the Town establish and expand an interconnected open space network that integrates public parks, open spaces, and environmentally sensitive resources. The Westwood Neighborhood represents an opportunity to facilitate an

entirely new trail network that is integrated throughout the approximately 170 acre Project Site. The Project converts an existing privately held former recreational resource into a mixed use neighborhood that will include a publicly accessible open space network featuring 64 acres of natural settings (representing 38% of the Project Site) including lakes, ponds, woodlands, open green space, trails and paths, and public gathering spaces.

- **Positive Tax Revenue Generation:** The Westwood Neighborhood provides an opportunity for infill development that will create approximately 238 million dollars of new assessed valuation within the Town of Amherst. Following full redevelopment of the Project Site over an anticipated ten year period, the Westwood Neighborhood is anticipated to provide for the Town of Amherst, Williamsville Central School District and Erie County an additional 25 to 35 million dollars in new net tax dollar revenues beyond the cost of providing services. In addition, the Project will generate between 14 and 16 million dollars in sales tax revenue for State and Local governments and 10 million dollars in income tax revenue for the State of New York. These figures anticipate the limited utilization of Payment in Lieu of Taxes (“PILOT”) incentives for eligible project components. This fiscally sound approach to the redevelopment of the Project Site will help to sustain a strong tax base within the Town and Erie County.
- **Economic Development that Promotes local Job Generation:** Development of the Westwood Neighborhood is expected to create 2,200 new construction jobs during the anticipated 10 year build-out phase resulting in over 116 million dollars in total new labor related income. Also, the Westwood Neighborhood will provide the opportunity for additional long term employment related to the neighborhood businesses, shops, and professional and medical offices to be located on the Project Site.

## **Review of the Proposed Westwood Neighborhood:**

The DGEIS has been prepared by the Project Sponsor with contributions from expert consultants including Nussbaumer & Clarke, Inc.; the Project Planning Consultant, Goody Clancy; the Project Architect, Fontanese Folts Aubrecht Ernst Architects, P.C.; and the Project environmental remediation consultant, C&S Companies. This DGEIS is intended to facilitate the environmental review process pursuant to SEQRA and provide a basis for informed public participation and decision making by the Town Board and involved agencies. This DGEIS has been prepared in accordance with the requirements for an Environmental Impact Statement (“EIS”) as provided within the New York State Environmental Quality Review Act and its implementing regulations (collectively referred to as “SEQRA”). The Town Board, in its capacity as the designated lead agency, will primarily be responsible for conducting a coordinated review of the proposed mixed use neighborhood pursuant to SEQRA. This process will require public hearings and numerous opportunities for public comment. The Project Sponsor has previously conducted informational meetings with nearby property owners as part of a concerted effort to share information regarding the proposed mixed use neighborhood and also to solicit input. As the review of the proposed mixed use neighborhood moves forward, the Project Sponsor will continue to conduct informational meetings with nearby property owners and the Project Sponsor has also created a webpage to share information regarding Project and also to solicit input. The webpage can be accessed at [westwoodamherst.com](http://westwoodamherst.com). The webpage provides an opportunity for the Project Sponsor to provide regular updates on the status of the Project and also provides all interested parties with access to project related information and documentation.

Numerous professionally prepared reports and studies have been prepared to assist the Town Board, as well involved and interested agencies, in evaluating the identified potential adverse environmental impacts associated with the proposed mixed use neighborhood. These reports and studies include the following:

- **Wetland Delineation and Evaluation Report** (refer to Appendix Volume I, Letter A);
- **Geotechnical Evaluation Report** (refer to Appendix Volume I, Letter D);
- **Phase 1A Cultural Resources Investigation** (refer to Appendix Volume I, Letter E);
- **Phase 1B Cultural Resources Investigation** (refer to Appendix Volume I, Letter F);**Phase 2 Cultural Resources Investigation** (refer to Appendix Volume IV, Letter T);
- **Site Planning and Recommendation Report** (refer to Appendix Volume II, Letter H);
- **Westwood Design Standards** (refer to Appendix Volume II, Letter I);
- **Preliminary Engineer's Report** (refer to Appendix Volume III, Letter L);
- **Preliminary Drainage Analysis Report** (refer to Appendix Volume IV, Letter V);
- **Traffic Impact Study** (refer to Appendix Volume IV, Letter W);
- **Economic and Fiscal Impact Analysis** (refer to Appendix Volume IV, Letter X)
- **Historic Site, Buildings & Structures Review Report** (refer to Appendix Volume IV, Letter P);
- **Site Vegetation & Wildlife Investigation Report** (refer to Appendix Volume IV, Letter Q);
- **Phase 2 Environmental Site Assessment Soil & Sediment Sampling Report** (refer to Appendix Volume IV, Letter R);
- **Sanitary Sewer Flow Monitoring Report** (refer to Appendix Volume IV, Letter U); and

- **Retail Market Study & Tenanting Strategy** (refer to Appendix Volume IV, Letter Y)

The review process for the proposed mixed use neighborhood will consist of a coordinated environmental review of the proposed mixed use project pursuant to SEQRA, approval by the Town Board of the proposed rezoning of portions of the Project Site, and site plan and subdivision approval by the Town of Amherst Planning Board.

Recognizing that the proposed mixed use neighborhood will result in potentially adverse environmental impacts that cross the thresholds for a Type I action as specified in the SEQRA regulations, which are indicators of potentially significant adverse environmental impacts, the Project Sponsor decided to prepare and submit this DGEIS in advance of a determination of significance being issued. On September 8, 2014, the Town Board issued a positive declaration based on its determination that the Project may result in potentially significant adverse environmental impacts.

### **Analysis of Alternatives:**

An evaluation of Alternatives to the proposed mixed use neighborhood has been conducted by the Project Sponsor and its planning consultants. SEQRA requires a DGEIS to include a description of the range of reasonable alternatives to the proposed action that are feasible, considering the objectives and capabilities of the project sponsor. The Alternatives considered and evaluated by the Project Sponsor and its consultants were as follows:

- No Action Alternative. As of Right / RC District Zoning.
- Alternative sites.
- Alternate development scenarios for the Project Site consisting of the following:
  - Alternative No. 1: Recreation Conservation (RC) Zoning Plan

- Alternative No. 2: Community Facilities (CF) Zoning Plan
- Alternative No. 3: Residential Three (R-3) Zoning Plan
- Alternative No. 4: Transitional Residential (TND) Zoning Plan
- Alternative No. 5: General Business (GB) Zoning Plan
- Alternative No. 6: Office Building (OB) Zoning Plan
- Alternative No. 7: Alternative Access Plan
- Proposed Project mixed use design / zoning concept Alternatives.

The evaluation of the identified Alternatives listed above conducted by the Project Sponsor and as discussed in detail in Section 3 of this DGEIS indicated the proposed mixed use neighborhood as depicted on the Conceptual Master Plan is the most suitable redevelopment option for the Project Site since it will be consistent with the redevelopment and mixed use planning objectives contained in the adopted Comprehensive Plan; will be predominantly a residential project; will result in the permanent preservation of approximately 64 acres of permanent open space; and, represents a suitable balance of social, economic and environmental factors.

### **Summary of Potential Adverse Environmental Impacts:**

In accordance with requirements of SEQRA, potential impacts of the proposed action have been identified and evaluated in this DGEIS with respect to a broad range of environmental, social, economic and cultural resources. The Project will result in potential adverse impacts as identified by the Town Board within the positive declaration it issued on September 8, 2014 including but not limited to, potential adverse impacts to water resources, wildlife habitats, community character, localized traffic patterns and existing land use patterns on the Project Site.

The Project is also expected to result in positive, long-term socioeconomic impacts on the Project Site and the surrounding region. The identified potential environmental impacts include:

- **Topography and Geology:**
  - **Federal Emergency Management Agency Regulated 100-year Floodplain:** The installation of infrastructure facilities, preparation of building sites, and proposed changes in elevations on the eastern portion of the Project Site will require modification to the existing Federal Emergency Management Agency (“FEMA”) mapped 100-year floodplain.
- **Soils:**
  - **Construction Activities:** Construction at the Project Site will require the establishment of cleared areas for extended periods that may result in soil erosion and sedimentation.
  - **Stormwater Infiltration:** Redevelopment of the Project Site will increase impervious surfaces and reduce undeveloped areas available for groundwater infiltration.
  - **Contaminated Soils:** Remediation at the Project Site will require excavation of existing contaminated soils that could potentially result in both environmental and human exposure to contaminants by way of fugitive dust inhalation and surface runoff/sedimentation in surface and ground water resources.
- **Water Resources:**
  - **Wetlands and Surface Watercourses:** Redevelopment of the Project Site will result in the filling or modification of existing non-jurisdictional wetland resources.
  - **Groundwater:** Construction at the Project Site will require the operation of heavy duty machinery that could result in inadvertent spills or leaks of petroleum based liquids.

- **Stormwater Runoff:** Redevelopment of the Project Site will result in the increase of impervious surfaces that require stormwater detention and discharge facilities. The collection, management and discharge of stormwater from the Project Site may result in sedimentation and contamination of surface and groundwater discharge to natural water courses.
- **Biological Resources:**
  - **Vegetation:** Construction at the Project Site will require disturbance to existing physical conditions including vegetation clearing, topsoil removal, site grading and excavation.
  - **Wildlife and Fisheries:** Conversion of the existing former golf course habitat to the proposed mixed use neighborhood will result in the disruption or removal of existing wildlife inhabitation areas.
- **Land Use and Zoning:** The proposed mixed use neighborhood requires changes of the zoning classification of the Project Site from Recreation Conservation District (“RC”) to Traditional Neighborhood Development District (“TND”), Multifamily Residential District Seven (“MFR7”) and General Business District (“GB”).
- **Recreational and Visual Resources:** The redevelopment of the Project Site will result in the permanent conversion and loss of the majority of the existing privately owned open space on the Project Site.
- **Transportation Network Impacts:** The Westwood Neighborhood will increase resident population, commercial service areas, employment and recreational opportunities in the local area and as such will increase traffic volumes on the roadway network in the vicinity of the Project Site.
- **Community Character:**
  - **Air Quality:** The Westwood Neighborhood is anticipated to result in minor and highly localized impacts on air quality both in the short-term and long-term. Construction activities will require the operation of equipment that will result in

exhaust emissions and the generation of fugitive dust. In addition, the occupation of the proposed mixed use neighborhood will result in long-term, but minor, emissions associated with building heating and cooling mechanical equipment, as well as the exhaust of vehicles traveling to and from the Project Site.

- **Noise:** The construction phases of the redevelopment of the Project Site will require the operation of machinery that will generate temporary noise impacts.
- **Lighting:** The Westwood Neighborhood will substantially increase the use of both indoor and outdoor lighting on the Project Site.
- **Public Services and Energy Utilization:**
  - **Public and Private Utilities:** The redevelopment of the Project Site will increase the demand for both public utilities (e.g. potable water, sanitary sewer, and storm sewer facilities) and private utilities (e.g. cable, telephone, natural gas and electric service). The redevelopment of the Project Site as a mixed use neighborhood will result in new land uses that will increase the volume of sanitary flows into the existing public sanitary sewer system. The downstream sanitary system is currently experiencing surcharging issues related to inflow and infiltration into the system from extraneous stormwater sources. Without the implementation of the sanitary sewer mitigation measures, the additional sanitary sewer flows resulting from the redevelopment of the Project Site would exacerbate existing surcharging conditions.
  - **Community Facilities:** Occupation of the Project Site by residents, businesses and visitors will result in the increased demand for public services including police and emergency providers.

The Project will permanently convert the existing former private golf course, which is a brownfield site, into a mixed use neighborhood in a manner that will permanently alter the use and community character at the Project Site. In addition, the proposed mixed neighborhood,

consisting of residential housing units, a traditional neighborhood center and recreational amenities, will increase vehicular trips to and from the Project Site and within the surrounding roadway network.

### **Summary of Mitigation Measures:**

Various mitigation measures will be implemented in connection with the redevelopment of the Project Site as a mixed use neighborhood in order to minimize adverse environmental impacts to the maximum extent practicable. The proposed mitigation measures are discussed in detail in Section 6 of this DGEIS. Mitigation measures the Project Sponsor proposes to implement to avoid or minimize potentially significant adverse environmental impacts to the maximum extent practicable include:

- **Site Planning and Design:** The redevelopment of the Project Site as an integrated mixed use neighborhood will incorporate smart growth development strategies, consistent with the goals and objectives of the adopted Comprehensive Plan, in a neighborhood setting that will create publicly accessible open spaces, provide public access to Ellicott Creek, add recreational water features and park spaces, encourage pedestrian and public transportation options, promote energy efficiency, feature a wide variety of housing options and create a neighborhood center that is both sized and scaled appropriately for the Project Site as well as the surrounding neighborhoods. Substantial permanent open space buffers with high impact landscaping and screening are proposed along the western, northern, and southern boundaries of the Project Site. Building heights within the commercial and senior living components of the Project Site were carefully planned and will be limited to ensure appropriate scale within the Project Site and in consideration of surrounding neighborhoods, including the hotel (four-stories), neighborhood mixed use buildings (three stories), the senior living facilities (two stories), and professional and medical office space (two stories). Zoning classifications were selected to be consistent with the established goals and objectives for the redevelopment of the Project Site as a

mixed use neighborhood, and leveraging progressive aspects of the Town’s Zoning Code, including the TND zoning classification. A shared parking strategy will be utilized to optimize parking efficiency and reduce impervious surfaces.

- **Topography and Geology:**

- **Federal Emergency Management Agency Regulated 100-year Floodplain:**

- The Project has been designed to include a stormwater management system that will compensate for the loss of flood storage capacity associated with on-site filling within other portions of the 100 year floodplain. Because of the planned impacts to portions of the 100 year floodplain, the Project Sponsor will be subject to permitting, regulatory review and authorization by FEMA and the Town of Amherst prior to site disturbance

- **Soils:**

- **Construction Activities:**

- To minimize the potential for erosion and sedimentation during Project construction, the Project Sponsor will prepare and be required to adhere to a site-specific Storm Water Pollution Prevention Plan (“SWPPP”), which will define the Best Management Practices (“BMP’s”) and temporary erosion controls to be installed as appropriate. The SWPPP will be subject to the review and approval of the Town’s Engineering Department for compliance with applicable stringent standards. .

- **Stormwater Infiltration:**

- The Project will require the design and installation of an integrated stormwater management system that complies with the applicable stringent standards of the Town and the NYSDEC for storm water quantity as well as the NYSDEC’s stringent stormwater quality standards (e.g. storm water retention, control, and release). In addition, the Project features a mixed use design strategy that allows for shared parking standards, reducing overall surface parking needs and thereby lessening impervious surfaces.

- **Contaminated Soils:**

- The Project Sponsor has received application acceptance into the NYSDEC Brownfield Cleanup Program (“BCP”). The BCP provides a

process for remediating the contaminated soils at the Project Site, which will result in a long-term environmental benefit. The BCP review process involves the regulatory oversight and management of the NYSDEC and NYSDOH, including specific considerations for environmental and community air monitoring and protection standards.

- **Water Resources:**

- **Wetlands and Surface Watercourses:** The Project will not result in any impacts to jurisdictional federal wetlands. Furthermore, the Westwood Neighborhood includes the creation of additional wetlands that will result in a total net increase of 2.54 acres of wetland areas on the Project Site (a 34% increase in existing wetland resources).
- **Stormwater Management:** The implementation of an integrated stormwater management system, that will include the ponds and the proposed approximately five acre Westwood Lake, will provide both recreational and aesthetic benefits while also proactively addressing stormwater quality and quantity impacts resulting from new impervious surfaces.
- **Groundwater:** Appropriate spill prevention, control and countermeasure procedures will be implemented during construction to minimize or avoid the potential for inadvertent spills or leaks of fuels and lubricants from construction equipment. These measures will directly incorporated into the SWPPP and applicable to all stages of redevelopment of the Project Site as a mixed use neighborhood.

- **Traffic:** Based on the recommendations of SRF Associates as contained within the comprehensive Traffic Impact Study it prepared, proposed mitigation measures include:

- **New Roadways:** A new north/south roadway from Sheridan Drive to Maple Road will create alternative north/south travel options and is anticipated to divert traffic from the existing roadway networks, most notably North Forest Road.

- **Signalized Intersections:** New traffic signals at Maple Road and Sheridan Drive will facilitate the movement of traffic to and from the Project Site and provide supplementary benefit to surrounding neighborhoods, most notably the Morningside Neighborhood to the south of the Project Site.
- **Internal Sidewalks and Pedestrian Pathways:** By interconnecting the various land use components on the Project Site, pedestrian and bike use will be promoted to encourage a walkable neighborhood and reduce vehicular use.
- **Synchronization of Traffic Signals:** By modifying the timing of the new and existing traffic signals on Maple Road and Sheridan Drive, smoother traffic flow adjacent to the Project Site can be achieved.
- **Public Services and Energy Utilization:**
  - **Public and Private Utilities:** The Project Sponsor will be required to mitigate for additional sanitary flows to the existing public sanitary sewer system through the reduction of existing sources of inflow and infiltration to the system in accordance with input and approvals by the Town of Amherst, NYSDEC, and NYSDOH standards. The implementation of sanitary sewer mitigation measures represents a potential long-term environmental benefit from the redevelopment of the Project Site as a mixed use neighborhood.

**Conclusion:**

The Project Sponsor has taken great care and diligence in planning and designing the proposed Westwood Neighborhood to ensure its alignment with the goals and objectives articulated in the Town's adopted Bicentennial Comprehensive Plan (including sustainable growth strategies, a pedestrian friendly design, a variety of housing options and strategically located neighborhood center); to meet the changing demographics, social and economic needs and demands of the Town of Amherst; to fit into the community character of existing and surrounding neighborhoods; to leverage historical investments in infrastructure; and to generate substantial new net tax revenues for the Town of Amherst, Williamsville Central School District, Eric County and New York.