

## SECTION 5

### EVALUATION OF POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS

#### 5.0 INTRODUCTION:

This section of the DGEIS discusses the potential environmental impacts and benefits that will occur as a result of the redevelopment of the Project Site as a mixed use neighborhood in manner consistent with the Conceptual Master Plan. The SEQRA Regulations require that a DGEIS include a statement and evaluation of the potential adverse environmental impacts resulting from a proposed project at a level of detail that reflects the severity of the impacts and the likelihood of their occurrence.<sup>1</sup>

The evaluation of identified potential adverse impacts in this Section 5 of the DGEIS includes descriptions of short-term impacts likely to result from site preparation and other construction activities over the anticipated 10-year build out period for the Project, as well as long-term impacts that will result from the redevelopment of the Project Site as an integrated mixed use neighborhood.

Section 6 of this DGEIS discusses the mitigation measures proposed by the Project Sponsor for purpose of minimizing identified adverse environmental impacts to the maximum extent practicable.

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<sup>1</sup> See 6 NYCRR Part 617.9(b)(5)(iii).

## **5.1 TOPOGRAPHY, GEOLOGY, AND SOILS:**

As discussed below, the proposed mixed use neighborhood will result in minor long-term impacts to on-site topography and soils.

### **5.1.1 Topography:**

The redevelopment of the Project Site will result in minor long-term impacts to the topography of the Project Site resulting from the installation of infrastructure improvements, the preparation of building sites, the proposed change in elevations on the eastern portion of the site within the existing Federal Emergency Management Agency (“FEMA”) mapped 100-year floodplain, and the creation of the approximately five acre Westwood Lake and the storm water retention ponds as part of the stormwater management system. As part of site preparation activities, the former golf course fairways, sand traps, tees, and greens will be removed and most of the existing water hazards will be modified (although some of the water hazards will be incorporated into the retention ponds to be used for storm water retention).

As described in Section 4.1 of this DGEIS, the existing topography of the Project Site is relatively flat and has been modified by the past development of the Project Site as a private golf course. No construction on steep slopes in excess of 10% will occur as a result of the Project. Further, the redevelopment of the Project Site as a mixed use neighborhood will not appreciably alter on-site topography. The elevation changes to the Project Site, including the creation of the proposed five acre lake, retention ponds and landscape berms will be long-term but minor. It is also important to mention that grading plans prepared by a licensed engineering firm will need to be submitted as part of the fully engineered plans to accompany site plan and subdivision

applications for the various mixed use components. The Town's Engineering Department will review the grading plans prior to site plan and subdivision applications being approved.

Earth fill will be added in areas along the eastern portion of the Project Site, within the 100-year floodplain associated with the Ellicott Creek floodplain, as mapped by FEMA. To compensate for the limited filling of portions of the 100-year floodplain, other areas of the Project Site will be designed and engineered to expand on-site floodplain storage. These alterations to the existing 100-year floodplain will change the topography of those portions of the Project Site. The Project Sponsor plans to seek a Letter of Map Revision ("LOMR") from FEMA to allow for the regulated floodplain boundaries to be modified (refer to the discussion in Sections 5.12.2 and 6.12.2 of this DGEIS for further information regarding storm water management for the Project). The wooded riparian corridor in the vicinity of Ellicott Creek will remain unaffected, as will certain existing golf course ponds, which will be retained and incorporated into the storm water management system.

### **5.1.2 Geology and Soils:**

The geotechnical investigation of the Project Site conducted for the Project Site by Empire GEO Services, Inc. ("EGSI") determined that based on subsurface conditions, the Project Site should be classified as Seismic Site Class "D" pursuant to the Building Code of New York State. A copy of Geotechnical Evaluation Report prepared by EGSI is provided at Appendix Volume I, Letter D, "Geotechnical Evaluation Report". Therefore, in the case of a seismic event, the soil conditions encountered are expected to maintain strength and stiffness in response to an applied stress.

The Project Site contains no bedrock outcroppings and encompasses no areas of shallow depth to bedrock. The geotechnical evaluation of the Project Site conducted by EGSI indicated that shale bedrock typically is encountered at depths ranging from 13.5 to 62.5 feet below the surface.<sup>2</sup> Blasting is not expected to be required to install the required infrastructure improvements or building foundations. As a result, no short-term or long-term impacts to surficial bedrock outcroppings or subsurface bedrock geology are anticipated. During the multi-year construction of the Westwood Project, soils on a majority of the Project Site will be disturbed as a result of activities such as vegetation clearing, topsoil removal, site grading and excavation. These earth moving activities will have the potential to cause erosion and sedimentation impacts, particularly into Ellicott Creek. Further, the use of heavy construction equipment could increase the potential for spills of fuels and lubricants, which could potentially enter surface or ground waters.

However, the potential for such impacts will be avoided or minimized by adherence to best management practices for soil erosion and sedimentation control, and compliance with the Storm Water Pollution Prevention Plan (“SWPPP”) that will be prepared for the Project. The SWPPP will be prepared by a licensed engineering firm pursuant to the requirements of the NYSDEC’s State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001, effective January 29, 2010), and will reflect the NYSDEC’s *Stormwater Management Design Manual* (2010) and the *New York State Standards and Specifications for Erosion and Sedimentation Controls* (2005). The Project will also conform to the Town of Amherst’s stringent requirements for stormwater and

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<sup>2</sup> See Appendix Volume I, Letter D, “Geotechnical Evaluation Report,” Executive Summary- page 3.

erosion control, including the incorporation of stringent measures to minimize non-stormwater discharges to the Town's Municipal Separate Stormwater Sewer System ("MS4").

Temporary erosion and sediment controls will be deployed during the earthwork and construction phases of the Project in accordance with these plans and the applicable stringent standards. Temporary erosion and sediment control measures will be inspected by a third party consultant on behalf of the Town and must be maintained throughout the construction phases of the Project. The third party consultant will be required to prepare and submit reports based on its regular inspections. In addition, to the maximum extent practicable, construction activities involving earth disturbance will be planned and sequenced such that earth materials will be exposed for a minimum amount of time before they are covered, seeded, or otherwise stabilized to prevent and minimize the potential for erosion. Upon the completion of construction activities and establishment of permanent stabilization or groundcover, the temporary erosion and sediment control measures will be removed.

As previously described in Section 4.1.2 of this DGEIS, during the environmental evaluation of the Project Site, the Project Sponsor received correspondence from the Erie County Department of Health requesting an evaluation of soils at the Project Site to determine whether the historical application of pesticides and herbicides at the Project Site had resulted in contamination to the underlying soils.<sup>3</sup> In response to this request, the Project Sponsor utilized the services of C&S Companies, a nationally recognized engineering firm with specific expertise in site environmental evaluation and remediation, to perform a comprehensive Phase 2 Environmental Site Assessment including soil sampling and lab analysis (refer to Appendix

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<sup>3</sup> See Appendix Volume IV, Letter Z2.2, "08.22.14- Letter, ECDOH to TOA Planning Dept. RE: DGEIS Completeness."

Volume IV, Letter R, “Phase 2 Environmental Site Assessment & Soil/Sediment Sampling Report”). The soil sampling and lab analysis conducted by C&S Companies included fifteen (15) areas throughout the Project Site and specifically targeted testing for the presence of potentially hazardous chemical compounds associated with pesticides and herbicides and included screening for 29 separate compounds. Additionally, the chemical compound analytical panel included testing for arsenic. Arsenic-containing (“arsenical”) pesticide such as monosodium methane arsenate, lead arsenate, sodium arsenate and calcium arsenate were historically used for treating lawns and ornamental turf.<sup>4</sup>

While there was not a single detection of any potentially hazardous chemical compound associated with pesticide and herbicides, the soil samples taken did present with varying levels of arsenic. In particular, five (5) of the fifteen (15) soil samples contained concentrations of arsenic that exceed the Industrial Use Soil Cleanup Objective (“SCO”) Standards as promulgated by the New York State Department of Environmental Conservation (“NYSDEC”). The SCO standards have been developed per the New York State Environmental Conservation Law (Section 27-1415-6) with guidance from the NYSDEC and New York State Department of Health (“NYSDOH”). The regulations identify that in all cases, the target risk of residual contamination at a site shall not exceed an excess cancer risk of one in one million for carcinogenic end points and a hazard index of one for non-cancer end points.<sup>5</sup> Based on this guidance and the chemical concentration value tables developed, the Project Site has been determined to contain soils with arsenic concentrations that exceed the SCO standard maximum value of 16 mg/kg.

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<sup>4</sup> EPA, “Arsenical Pesticides, Man, and the Environment,” 1972.

<sup>5</sup> See New York State Environmental Conservation Law, Section 27-14-15-6.

Given the presence of arsenic concentration within the on-site soils that exceeds the standards as identified with the SCO tables, there are potential environmental impacts related to excavation of site soils and aeration of the soil during the construction process. Additionally, there is potential for the exposure of groundwater to arsenic contaminated soils through surface run-off and sedimentation during the construction process and beyond site development. For a full description of the proposed mitigation measures that will be utilized to minimize the potential environmental impacts for arsenic contaminated soils, please refer to Section 6.1.

In addition to the potential for erosion and sedimentation during construction (and the measures that will be taken to minimize construction-related erosion and sedimentation), the Project Sponsor recognizes that some soil types that exist in the Town have properties that pose potential limitations for various construction activities or land uses. These issues are detailed in the *Town of Amherst Soils and Residential Foundation Study* prepared by the USACE (October 2005).

In an effort to further explore these potential soil related concerns, the Project Sponsor commissioned a subsurface exploration program and geotechnical engineering evaluation of the Project Site to provide specific data regarding soil properties and the suitability of the soils to support the foundations for the anticipated residential and mixed use structures (refer to Appendix Volume I, Letter D, “Geotechnical Evaluation Report”). As part of the comprehensive subsurface exploration program, 49 test borings (designated B-1 through B-49) were taken at various locations on the Project Site in manner consistent with the Town’s policy for geotechnical evaluations to be conducted in connection with the review of project requiring discretionary land use approvals. Additionally, groundwater observation wells were installed in

three of the boring locations (B-6, B-24, and B-48). Geotechnical laboratory testing was performed on selected soil samples. Based on the results of the geotechnical engineering evaluations, EGSI determined that:

- The soils on the Project Site are generally suitable to support the planned residential and mixed use developments using conventional spread foundation systems. However, zones of softer soils that could affect the use of spread foundations were encountered in six borings (B-9, B-11, B-19, B-21, B-22, and B-45). In such locations, deep foundations (e.g., driven piles) may be appropriate, particularly if multi-story buildings are planned.
- With proper site preparation, the existing fill and indigenous soil subgrades are suitable for basement, at-grade, and garage slab-on-grade floor construction.
- The soils are suitable to support the Project's proposed infrastructure, including storm and sanitary sewers, roadways, parking lots, waterlines and retention ponds.
- Significant deposits of wet, highly compressible, soft to very soft clays, as present in other portions of northern Amherst, are generally absent within the site.

EGSI also found that poor surface soil drainage, in some locations exacerbated by perched or trapped groundwater in the topsoil and fill layers, could make site preparation work (e.g., topsoil stripping and sub-grade activities) difficult under wet conditions. Under such circumstances, the potential for soil erosion and sedimentation could increase. As a result, EGSI recommended the implementation of the following mitigation measures, among others:

- Before the initiation of site preparation activities, take steps to improve drainage, such as the installation of drainage swales to intercept and divert surface runoff away from construction areas; sloping the subgrade and "sealing" the surface with a smooth drum roller to promote runoff; and restricting construction equipment from traveling over subgrades, particularly under wet conditions.

- To protect subgrades and minimize subgrade degradation, place a suitable base material and underlying geotextile fabric beneath haul roads and in construction staging areas
- Remove existing structures, vegetation (including trees and stumps), and topsoil / organic soils from within the proposed building pad and pavement areas, and then proof-roll the exposed subgrades, pursuant to the recommendations of on-site supervising geotechnical engineer personnel.
- Perform filling and grading as necessary to raise site grades sufficiently in advance of foundation, pavement, and utility construction (typically one-two months in advance of final subgrade preparation and subbase stone placement for floor slab and pavement construction).

In addition, foundation designs for the specific buildings to be built on the Project Site will be reviewed by the Town of Amherst Building Department for conformance to the New York State Building Code prior to the issuance of building permits.

The redevelopment of the Project Site will have a long-term effect on stormwater infiltration. Specifically, the construction of buildings, parking, road pavement, etc., will increase impervious surfaces and reduce undeveloped areas available for groundwater infiltration. The Project Sponsor utilized Professional Civil Engineer, LLC (“PCE”), a licensed civil engineering firm, to conduct a Preliminary Drainage Analysis (refer to Appendix Volume IV, Letter V, “Revised Preliminary Drainage Analysis Report”). It is also important to mention that a stormwater management system for the Project will need to be designed by a licensed engineering firm based on compliance with the New York State Stormwater Phase 2 regulations that establish stringent stormwater quantity and quality standards as well as the Town’s stringent stormwater quantity standards. The design of the stormwater management system will comply

with the criteria in the New York State Stormwater Management Design Manual to properly address necessary stormwater quantity and quality requirements (for further details refer to Section 5.12 below). The stormwater management system will need to be reviewed and approved by the Town's Engineering Department prior to the commencement of construction activities in furtherance of the mixed use neighborhood.

## **5.2 WATER RESOURCES:**

As described in the following subsections, the Westwood Project will modify on-site water resources and drainage patterns and will involve the construction of structures within the 100-year floodplain associated with Ellicott Creek. These permanent water resource modifications will be designed to accommodate on-site drainage requirements and address impacts to the 100-year floodplain. The potentially adverse drainage impacts will be mitigated through the implementation of an integrated stormwater management system that complies with the stringent stormwater quantity and quality standards of the NYSDEC as well as the Town's stringent stormwater quantity standards. The stormwater management system will incorporate runoff-reduction and infiltration measures through the construction of stormwater detention and retention structures (e.g., ponds, the new five acre lake, Ellicott Creek) into the site landscaping and public open spaces.

### **5.2.1 Surface Water Resources and Quality: Wetlands and Watercourses:**

#### **5.2.1.1 Water Resources:**

As described in Section 4.2 of this DGEIS and detailed in the Wetland Delineation Report prepared by Earth Dimensions, Inc. (refer to Appendix Volume I, Letter A, "Wetland Delineation and Evaluation Report"), the Project Site presently includes 11 wetland areas, including Ellicott Creek, totaling approximately 7.4 acres. With the exception of the wetlands

associated with Ellicott Creek, none of the other wetlands on the Project Site are subject to the jurisdiction of either the USACE or the NYSDEC.<sup>6</sup>

The Westwood Project has been designed to avoid and preserve 100% of the jurisdictional federal wetlands on the Project Site. Specifically, Ellicott Creek and the wetland areas associated with the creek will not be affected by the Project. In order to properly analyze potential environmental impacts to the existing open water resources at the Project Site resulting from the proposed preliminary stormwater management plan, including Ellicott Creek, the Project Sponsor utilized the services of Earth Dimensions, Inc. (“EDI”) to evaluate the proposed preliminary stormwater management plan and potential impacts. Following its review of the Conceptual Master Plan and proposed preliminary stormwater management plan, EDI concluded that the Project will help to preserve and enhance the Ellicott Creek corridor, which is currently largely devoid of dense vegetation and riparian areas.<sup>7</sup> The proposed five acre stormwater management lake will prevent excess sediment from entering the creek and stormwater quantity measures will be implemented per the NYSDEC’s stringent standards.<sup>8</sup>

The redevelopment of the Project Site will result in the filling or modification of 4.17 acres of on-site non-jurisdictional wetlands. These 10 small non-jurisdictional wetlands range in size from 0.058 acre to 1.02 acres and are classified, by wetland type, as follows: four open water; one scrub-shrub marsh; two emergent marsh; and, three hardwood swamp. The four open water non-jurisdictional wetlands consist of ponds, which represent man-made water hazards

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<sup>6</sup> See Appendix Volume I, Letter C, “Email Communication from Charles Rosenburg of the New York State Department of Environmental Conservation (NYSDEC)”.

See Appendix Volume I, Letter B, “Jurisdictional Determination”.

<sup>7</sup> See Appendix Volume IV, Letter Q, “Site Vegetation & Wildlife Investigation Report,” page 15.

<sup>8</sup> See Appendix Volume IV, Letter Q, “Site Vegetation & Wildlife Investigation Report,” page 15.

used in connection with the former golf course. As part of the Project, these four ponds will be retained, reshaped, and incorporated into the open space. In addition, as part of the Westwood Project, several new ponds will be created. In total, the ponds that will be retained or created will encompass 1.7 acres of open water habitat. In addition, a key element of the Westwood Project will be the creation of a new approximately five acre lake, within the planned Westwood Park and in close proximity to Ellicott Creek. This lake will provide a new open water wetland habitat.

The proposed filling or modification of 4.17 acres of non-jurisdictional wetlands represents a permanent loss of emergent marsh, scrub-shrub, and forested wetland habitat. However, the loss of these non-jurisdictional wetlands will be compensated for by the creation of approximately 6.7 acres of new open water habitat comprised of the new lake and ponds. In addition, the Project will result in the preservation and enhancement of the Ellicott Creek corridor. Further, the creation of Westwood Park along Ellicott Creek will offer a range of opportunities for public access to and recreational enjoyment of this regionally important water resource. Thus, on a long-term basis, the Westwood Project will result in net benefits to water resources, preserving or creating a total of approximately 9.94 acres of wetlands/waterways, representing a 34% increase of the acreage of water resources presently located on the Project Site.

#### **5.2.1.2 Water Quality:**

During the construction of the mixed use neighborhood, the filling and/or modification of the on-site non-jurisdictional wetlands will result in direct and permanent impacts to the water quality of those resources. However, the small non-jurisdictional wetlands that will be impacted

are not regulated by the USACE or the NYSDEC and these impacts will be isolated to each specific non-jurisdictional wetland.

The Project Sponsor will use Best Management Practices (“BMPs”), to be implemented pursuant to the Storm Water Pollution Prevention Plan (“SWPPP”), to prevent erosion and sedimentation into Ellicott Creek and other off-site locations. For example, areas of disturbed soils and spoil piles will be protected with appropriate erosion and sedimentation controls in order to avoid the potential for sedimentation into Ellicott Creek.

In addition, appropriate spill prevention and control procedures will be implemented during construction (to minimize the potential for inadvertent spills or leaks from construction equipment and to define procedures to promptly clean up any spills that do occur) and during operation of the facility (e.g., to avoid or minimize the potential for spills or leaks from substation equipment).

Further, in the long-term, the Westwood Project is expected to contribute to an improvement in localized water quality through extensive stormwater runoff management and infiltration control. The stormwater management system, including the new ponds and a lake, will be maintained to preserve water quality, as well as for visual appeal and wildlife habitat. The stormwater management system will be designed to convey treated run-off into Ellicott Creek, maintaining flows and water quality in that waterway. The creation of Westwood Park adjacent to Ellicott Creek also will serve to filter run-off and to preserve riparian vegetation, which also acts to control erosion (through root system stabilization of the soil). Lastly, the Westwood Project will be designed with consideration for LEED standards, incorporating various green elements, such as bio-retention swales, green street edges, and minimizing the use

of herbicides, which could otherwise affect the water quality of the ponds, the proposed five acre lake and Ellicott Creek.

### **5.2.2 Groundwater Resources and Quality:**

Construction of the Project is not anticipated to have any adverse impacts on groundwater resources or groundwater quality. In the vicinity of the Project Site, groundwater is not used for potable water supply. Further, the Project Site is not within a designated aquifer area.

The soil borings conducted as part of the Geotechnical Evaluation Report (refer to Appendix Volume I, Letter D, “Geotechnical Evaluation Report”) revealed groundwater present at varying depths, at some locations appearing to be perched. EGSI’s analyses, based on these field investigations, determined that a permanent groundwater table should not be encountered within excavations for shallow spread foundations and shallow utility construction as part of the redevelopment of the Project Site as a mixed use neighborhood.

However, perched or temporary groundwater may be present in certain locations due to the low permeability of the underlying soils. If encountered during construction, perched or other groundwater will be managed in accordance with the SWPPP to prevent sedimentation. For example, appropriate dewatering control techniques (e.g., use of fractionation tanks, filter bags, dewatering basins) will be used if groundwater must be pumped from excavation areas. The potential for contamination of groundwater as a result of spills of fuels or lubricants (or other materials) used during construction will be avoided or minimized by adherence to a Spill Prevention, Control, and Containment Plan.

As previously described in Section 4.1.2 of this DGEIS, the findings of a Phase 2 Environmental Site Assessment performed by C&S Companies has revealed the presence of

arsenic contamination within the existing soils at the Project Site.<sup>9</sup> The opportunity for arsenic contaminated soils entering groundwater through leaching and sedimentation/runoff during construction is a potentially significant adverse environmental impact. The Project Sponsor has submitted an application to the NYSDEC Brownfield Cleanup Program (“BCP”) and received official notice from the NYSDEC of application acceptance.<sup>10</sup> The complete description of BCP requirements and remediation procedures to include groundwater contamination prevention measures is included in Section 6.1 of this DGEIS.

Additional studies to be prepared by a geotechnical engineer to evaluate soil composition groundwater conditions within the footprint of each building site will be performed as required by the applicable stringent standards in the New York State Building Code, and individual building designs, including foundation drainage systems, will take into account such specific information, as required. Similarly, the on-site infrastructure for the Project (e.g., roads, subsurface utilities) will be designed based on appropriate consideration of groundwater (or surface water) conditions. Ultimately, to ensure compliance with the stringent New York State Building Code standards for new commercial and residential structures, the Town of Amherst Building Department will be responsible for the review and approval of all building foundation and structure designs prior to the issuance of building permits.

In the long-term, the redevelopment of the Project Site as a mixed use neighborhood is not expected to have adverse impacts to groundwater quantity or quality.

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<sup>9</sup> See Appendix Volume IV, Letter R, “Phase 2 Environmental Site Assessment & Soil/Sediment Sampling Report.”

<sup>10</sup> See Appendix Volume IV, Letter Z2.7, “BCP, NYSDEC Letter to Mensch RE: BCP Application Acceptance.”

### **5.2.3 Floodway and Floodplains:**

The development of the Westwood Project will result in the placement of fill within a portion of the regulated 100-year floodplain of Ellicott Creek located on the Project Site. These mapped floodplains are situated along portions of the eastern boundary of the Project Site. The Project will not result in any adverse impacts to the regulated floodway (Refer to Figure 4-4, Project Site FEMA Floodplain and Floodway Map).

The Project will result in a permanent modification to portions of the topography within and the boundary of the Ellicott Creek 100-year floodplain on the Project Site. However, the Project has been planned and will be designed to avoid adverse impacts to the Ellicott Creek flood storage capacity. Specifically, the creation of the new approximately five acre lake and an associated pond along the eastern boundary of the Project Site will serve to compensate for the loss of flood storage capacity associated with the filling of a portion of the 100-year floodplain.

As mentioned above, the redevelopment of the Project Site as a mixed use neighborhood will result in construction within a portion of the 100-year floodplain of Ellicott Creek. No development will occur within the regulated Floodway (refer to Figure 4-4, Project Site FEMA Floodplain and Floodway). A Floodplain Development Permit will need to be obtained from the Town's Floodplain Administrator ("FPA"). The Floodplain Development Permit review process requires the performance of a hydraulic evaluation.<sup>11</sup> In this case, the mixed use neighborhood includes a change of topography in the flood fringe with a corresponding change in planimetric form of the Floodplain boundary as compared to the current effective Flood Insurance Rate Map ("FIRM"). Accordingly, it is anticipated that a Floodplain Development Permit will be required

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<sup>11</sup> See Section 203-7-7, Town of Amherst Floodplain Development Permit.

to validate a No Adverse Effect determination. A Floodplain Evaluation Report will be prepared by a licensed engineering firm which summarizes the results of a hydraulic evaluation performed based on the project layout, and which demonstrates a No Adverse Effect finding is appropriate. In addition, a Conditional Letter of Map Revision (“CLOMR”) will be filed with FEMA to initiate the required changes to Special Flood Hazard Area (“SFHA”) of the currently effective FIRM. FEMA must approve the CLOMR before the FPA can issue a Floodplain Development Permit. The CLOMR becomes a LOMR upon completion of the project and demonstration that the as-built conditions match that of the proposed conditions upon which the CLOMR was approved.

It is anticipated that because of the additional stormwater storage that will be created through implementation of an integrated stormwater management system in accordance with the stormwater management plan, the Project will compensate for filling and modification of portions of the Project Site within the 100-year floodplain and that as such, FPA will issue a No Adverse Effect determination. Proposed mitigation for development in a portion of the 100-year floodplain will include the creation of additional flood storage in man-made ponds and the five acre lake included as part of the Project. The final sizing of open water storage and hydraulic structures will be performed as part of the Floodplain Evaluation Report to be prepared by a licensed engineering firm for review by both FEMA and the FPA.

Given the Town’s relatively flat topography and various watercourses, approximately 23.9% (13 square miles) and 49.7% (27 square miles) of the Town’s 54 square mile area is located within the 100-year and 500-year floodplains, respectively. In the Town, approximately 4,820 parcels (including 3,897 residential parcels) are located within 100-year floodplains and

14,008 parcels (including 11,140 parcels) are located within 500-year floodplains.<sup>12</sup> As a result, the Town has developed very thorough and restrictive standards that work in tandem with both State and Federal standards to properly manage construction within floodplains.

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<sup>12</sup> Town of Amherst Special Flood Hazard Areas Map, April 2006.

### **5.3 BIOLOGICAL RESOURCES:**

#### **5.3.1 Vegetation and Wildlife:**

The proposed mixed use neighborhood will result in permanent impacts to vegetation and wildlife resources. The primary impact to biological resources will be the permanent loss or conversion of portion of the Project Site in its existing condition (consisting primarily of the golf course), and the wildlife habitat it provides, to developed areas. To properly evaluate the potential for impacts to existing vegetation and wildlife in association with the proposed redevelopment of the Project Site, the Project Sponsor utilized the services of Earth Dimensions, Inc. (“EDI”) to conduct a site investigation and prepare a Site Vegetation & Wildlife Investigation Report (“EDI Report”).<sup>13</sup> The field work associated with the EDI Report was conducted by an Ecologist from EDI and involved: an investigation of all vegetative communities; an assessment of existing wildlife populations; analysis of existing invasive plant species; an evaluation for any potential threatened and endangered species; and, a review of the Ellicott Creek corridor. The following is a summary of EDI’s findings as it relates to potential impacts of the mixed use neighborhood to the existing site vegetation and wildlife habitats at the Project Site.

#### **5.3.2 Vegetation:**

The Project will result in the permanent removal of portions of the existing vegetation associated the former of use of the Project Site as a golf course consisting of managed lawn on the tees, fairways and greens, intermixed with the hedgerows and pockets of successional old field, shrubland, and northern hardwood communities that characterize the areas between the

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<sup>13</sup> See Appendix Volume IV, Letter Q, “Site Vegetation & Wildlife Investigation Report.”

fairways. The vegetation in the on-site small non-jurisdictional wetlands to be impacted (consisting of shallow emergent marsh communities, shrub-swamp communities, and hardwood swamp communities) also will be removed. This represents a long-term, but localized loss of habitat. A complete description of existing vegetative communities is provided in Section 4.3.2 of this DGEIS.

The existing vegetation within the riparian corridor along Ellicott Creek will remain. Further, the redevelopment of the Project Site as a mixed use neighborhood will result in the creation of approximately 64 acres of permanent open space, as well as landscaped lawns. The landscaped areas to be provided within the mixed use neighborhood will consist of vegetation similar to that currently found on the former private golf course. The retention ponds and Westwood Lake will provide opportunities for wetland vegetation. As a result, while the removal of the existing vegetation on portions of the Project Site represents a permanent impact, the vegetation to be removed will be replaced with new landscaping per the Town's stringent Landscaping, Buffers and Screening standards (refer to Appendix Volume II, Letter K, Section 7-2- "Landscaping, Buffers and Screening"). Additionally, the 64 acres of permanent open space that has been planned as per the Preliminary Conceptual Master Plan will sustain a significant amount of existing vegetation at the site.

### **5.3.3 Invasive Vegetative Species:**

In its comprehensive evaluation of the on-site vegetative communities<sup>14</sup>, Earth Dimensions, Inc., reports that any potential adverse impact from invasive vegetative species may be managed with a mowing schedule and seeding at the completion of grading activities.

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<sup>14</sup> See Appendix Volume IV, Letter Q, "Site Vegetation & Wildlife Investigation Report."

#### **5.3.4 Wildlife and Fisheries:**

The wildlife species that presently frequent or inhabit the Project Site are those commonly found in suburban areas. Such species are adaptable and can be found in a variety of habitats. Therefore, the conversion of the existing habitat comprised primarily of the former golf course to the proposed mixed use neighborhood does not represent a significant impact, either locally or on a regional scale. A complete assessment of existing wildlife found to be present at the Project Site per EDI's Site Vegetation & Wildlife Investigation Report is provided in Section 4.3.4 of this DGEIS.

Within its Report, EDI notes that both negative and positive people/vehicle/wildlife interactions can be expected from the redevelopment of the Project Site as a mixed use neighborhood. Negative interactions primarily include the loss of certain habitats which inevitably will displace certain species, ultimately increasing the opportunity for people and vehicle interactions when the displaced wildlife is seeking new food sources and shelter.<sup>15</sup>

However, the Preliminary Conceptual Master Plan identifies 64 acres or 38% of the Project Site to be preserved as permanent open space. This will provide permanent areas for displaced mammals to repopulate. Further, if an effort is made to plant specific types of shrubs and trees (nut and fruit bearing plants, native wildflowers, etc.), they will provide sufficient food sources for reestablishing certain mammal populations that may suffer a short term decrease from the construction of the mixed use neighborhood. Further, the riparian area along Ellicott Creek, which provides the highest quality habitat for wildlife, will not be adversely impacted by the Project and, instead, will be enhanced by the creation of the new Westwood Lake and

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<sup>15</sup> See Appendix Volume IV, Letter Q, "Site Vegetation & Wildlife Investigation Report," page 16.

associated publicly accessible open space. As a result, fishery resources and other aquatic habitat in Ellicott Creek will not be adversely impacted. The proposed ponds and new five acre lake will provide habitat to compensate for any displaced turtles and amphibians that currently exist within the Project Site.

In addition, the landscaped lawns that will exist on residential lots for detached single family homes and patios homes within residential components of the mixed use project will provide similar habitat to those being displaced, and can be expected to compensate, to some extent, for the loss of existing vegetation and habitat. Small mammals, birds (including geese), deer, and other species common in suburban areas can be expected to frequent the Project Site after completion of the mixed use neighborhood. Habitat provided by and in the vicinity of the five acre lake and the retention ponds can be expected to attract some species. As a result, only minor terrestrial biological impacts are expected to occur as a result of the proposed Project, although these impacts do represent permanent impacts to these resources. Over the long term, the permanent open space areas will provide stable habitat and food for mammals and should decrease the likelihood of negative vehicle interactions over time.

### **5.3.5 Listed Species and Critical Environmental Areas:**

A review of the NYSDEC's Natural Heritage Program database indicated that no state or federally designated rare or endangered species or critical habitats are known or expected to occur on the Project Site or within the immediate vicinity. Consequently, no impacts to such species are anticipated as a result of the Project.

EDI's Site Vegetation & Wildlife Investigation Report mentioned that the United States Fish and Wildlife Service ("USFWS") is currently considering the listing of the northern long-

eared bat as an endangered species in New York State. The USFWS, in an interim rule published in the *Federal Register* on April 2, 2015, classified the northern long-eared bat as a threatened species, providing measures for its protection and conservation.<sup>16</sup> Among these measures, the USFWS classifies certain disturbances within the range of the northern long-eared bat as requiring an incidental take permit, to be granted by the appropriate agency.<sup>17</sup> A disturbance is considered an incidental take if it is not purposeful and is the result of an otherwise lawful action. An incidental take as a result of minimal tree removal, defined by USFWS as the cutting down of less than one acre of trees in a larger tract, is exempted from the rule and does not require a permit.

The USFWS has noted the northern long-eared bat as potentially occurring at all locations with trees in Erie County. The existing habitats at the Project Site that could potentially support the northern long-eared bat consist of the hardwood swamp and northern hardwood forested areas.<sup>18</sup> The majority of both of these habitats will not be disturbed and instead will be maintained as permanent open space as depicted on the Preliminary Conceptual Master Plan (refer to Figure 1-3, Preliminary Conceptual Master Plan). For those portions of the habitats that could potentially support the northern long-eared bat that will require disturbance or removal in association with the redevelopment of the Project Site as a mixed use neighborhood, the Project Sponsor is prepared to commit to limiting the removal of any trees that are identified as potential habitat to between October 31<sup>st</sup> and March 31<sup>st</sup>, when the northern long-eared bat has typically migrated from the region in accordance with the regulations as identified within

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<sup>16</sup> See 50 CFR Part 17.

<sup>17</sup> “Do I Need A Permit? A Key to Northern Long-eared Bat Interim 4(d) Rule for non-Federal Projects”, [http://www.fws.gov/mountain-prairie/ea/KeyInterim4dRule\\_March2015.pdf](http://www.fws.gov/mountain-prairie/ea/KeyInterim4dRule_March2015.pdf).

<sup>18</sup> See Appendix Volume I, Letter D, “Wetland Delineation Report,” Figure 5- General Vegetation Map.

USFWS Special Rule to Focus Protections for the northern long-eared bat as presented in the Federal Register (January 16, 2015).<sup>19</sup> If tree removal is to exceed one acre in total, the Project Sponsor recognizes that an incidental take permit may be necessary and will proceed to seek issuance of a permit from the appropriate agency.

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<sup>19</sup> Federal Register, Vol. 80, No. 11 (January 16, 2015).

#### **5.4 LAND USE AND ZONING:**

The Project Site is centrally located near major transportation routes, existing residential and commercial uses, the UB North Campus, and both public and private recreational areas (e.g., the Audubon Par 3 and 18-hole golf courses, Park Country Club). As described in the following subsection, the redevelopment of the Project Site as a mixed use neighborhood will alter the former long term use of the Project Site as a private country club. However, the Project will also offer long-term benefits by providing an integrated mixed use neighborhood featuring a diverse range of residential, commercial and recreational uses that will complement the existing land uses in the surrounding vicinity. The Project will implement sustainable growth and redevelopment strategies by providing an integrated mixture of land uses that will be accessible by existing nearby residents, future residents and tenants and visitors to the Project Site.

##### **5.4.1 Land Use Modifications:**

The implementation of the proposed mixed use neighborhood in a manner consistent with the Conceptual Master Plan requires a change in the zoning classification of a majority of the Project Site from “RC” to “TND”. In addition, the Project requires the zoning classification of a portion of the Project Site to be rezoned from “RC” to “MFR-7” for the proposed senior living development and 1.4 acres of the Project Site to be rezoned from “RC” to “GB” for the proposed four-story hotel. Areas within the western, central, southeastern and southern portions of the Project Site will remain zoned as “RC” and will be preserved as permanent open space. Figure 5-1 depicts the proposed zoning classifications being sought by the Project Sponsor to accommodate the Westwood Project.

The initial construction activities required to develop the Project Site will involve short-term, adverse impacts during the site preparation phase. Such site work will include the removal of existing vegetation; grading activities; adding fill to increase the elevations on portions of the Project Site; and installing infrastructure improvements (e.g., sewer and water lines, utilities and roads).

On a long-term basis, the proposed mixed use neighborhood will substantially change the land use patterns and zoning of portions of the Project Site. However, the Project will be consistent with sustainable growth strategies, including the integration of mixed uses to improve opportunities for the use of transportation options and the preservation of open space for public use and enjoyment. Table 5-1 on the following page summarizes the individual components of the proposed mixed use neighborhood and the requested zoning amendments to accommodate the mixed use neighborhood.

**Table 5-1**

**Summary of Proposed Land Uses and Zoning**

<b>WESTWOOD PROJECT AREA</b>	<b>PLANNED LAND USE/ NO. OF UNITS</b>	<b>REQUESTED ZONING CLASSIFICATION</b>	<b>ACRES</b>
<b>Residential Only</b>			
Single Family Residential	Patio Homes - 113 units	TND	27.2
Condominium Townhomes	Townhouse Condominiums - 84 units	TND	27.6
Single Family Residential	Single-Family Homes - 47 units	TND	18.8
Senior Living Development	Senior Housing - two-story senior housing facility with 200 living units and 96 independent living apartments	MFR-7	15.0
Neighborhood Center	Townhouses - 93 units	TND	16.4
<b>Mixed Town Center</b>			
Clubhouse/Public Event Space	Clubhouse Area - the WCC clubhouse and associated 1.2 acres of public open space for outdoor events	TND	3.6
Neighborhood Center	Four-story Hotel - 130 rooms	GB	1.5
Medical and Professional Office Park	Office - 200,000 sf.	TND	15.2
Neighborhood Center	Mixed Use - 115,00 sf neighborhood business/office and 352 residential units	TND	22.2
<b>Westwood Park</b>	Creekside Conservation / Recreation	RC (no change)	22.5

The Ellicott Creek corridor, which is contiguous to a portion of the eastern edge of the Project Site, is presently inaccessible to the public. The Westwood Project will provide public access to the creek by creating the approximately 22.5 acre Westwood Park adjacent to the creek.

This park area will provide a scenic focal point for the mixed use neighborhood and will effectively preserve the existing Ellicott Creek riparian habitat, floodway and water quality.

In addition, the Project Sponsor proposes to preserve the original WCC clubhouse, incorporating it as a community facility / commercial facility, potentially for local banquets and events. Approximately 1.2 acres associated with the clubhouse will be open areas that can be used as public gathering space for outside events. In total, approximately 64 acres (38%) of the Project Site will consist of permanent open space.

The mixed use neighborhood has been designed to include pedestrian links that will allow residents and visitors options for walking, bicycling, etc. to the proposed mixed use components as well as to other areas in the vicinity of the Project Site. Specifically, the mixed use components will be connected via sidewalks, which will interconnect to the sidewalks along Maple Road and Sheridan Drive, as well as a pedestrian / bicycle trail network that will offer links to the adjacent neighborhoods, the Audubon Par 3 Golf Course and to the Ellicott Creek Trailway Bike Path.

#### **5.4.2 Consistency with Land Use Plans and Objectives:**

The Westwood Project will be consistent with and assist in achieving the Town of Amherst's land use objectives, as described in the Comprehensive Plan. The Comprehensive Plan Vision Statement acknowledges that Amherst's land use and development characteristics in the year 2018 are to include diverse neighborhoods; pedestrian-friendly, interconnected, and mixed use development patterns; have open space integrated into the overall pattern of development; and have development standards that promote improvements in visual character

and mixed use development.<sup>20</sup> The Westwood Project is consistent with all of these objectives. Further, the Project will advance the Town's goals for establishing greenway corridors along streams as part of a Town-wide open space system and for dedicating significant habitat as permanent open space.<sup>21</sup>

Starting in September of 2000, the Town began the process of preparing the Town of Amherst Bicentennial Comprehensive Plan ("Comprehensive Plan") as the official document that serves as a guide to the long-range physical development of the community.<sup>22</sup> The process utilized by the Town to prepare the Comprehensive Plan involved an extensive and lengthy planning effort led by Wallace Roberts & Todd, LLC, a reputable planning firm, that was retained by the Town Board to assist in the preparation of the Comprehensive Plan<sup>23</sup> and involved extensive input and participation by numerous stakeholders including the Comprehensive Plan Advisory Committee<sup>24</sup>, the Planning Board and the Town Board as well as the Town's residents.

Pursuant to Town Law §272-a(6)(b), the Comprehensive Plan Advisory Committee held public hearings on the proposed Comprehensive Plan on September 24, 2002 and October 22,

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<sup>20</sup> See Appendix Volume II, Letter J, "Town of Amherst Bicentennial Comprehensive Plan," page 3-2.

<sup>21</sup> See Appendix Volume II, Letter J, "Town of Amherst Bicentennial Comprehensive Plan," page 4-2.

<sup>22</sup> On September 18, 2000, the Town Board adopted a resolution by a unanimous vote for the purpose of creating a Comprehensive Plan Advisory Committee to prepare an official comprehensive plan for the Town of Amherst pursuant to Town Law §272-a.

<sup>23</sup> Wallace Roberts & Todd, LLC has won numerous awards for its work in connection with municipal planning projects.

<sup>24</sup> The Comprehensive Plan Advisory Committee was created by the Town Board pursuant to Town Law §272-a(4) for the purpose of creating a "special board" responsible for preparing a proposed Comprehensive Plan for consideration by the Town Board. The Comprehensive Advisory Plan Committee consisted of the seven (7) members of the Town's Planning Board as well as twenty-one (21) individuals with a broad range of community perspectives. Public meetings and workshops were held by the Comprehensive Plan Advisory Committee including those held starting on December 5, 2000 and ending on November 14, 2002.

2002. On November 14, 2002, more than two (2) years after being formed by the Town Board, the Comprehensive Plan Advisory Committee adopted a resolution recommending adoption of the draft Comprehensive Plan it had prepared by the Town Board.

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

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

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

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

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

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

Prior to the Westwood Country Club ("WCC") closing on December 31, 2014, it was a long standing private golf course and country club. However, due to shifting demographics and increased competition from both public and private golf courses in close proximity to the WCC, the club membership increasingly found itself in a financially challenged and difficult position. After more than a decade of financial challenges and failed attempts to reinvigorate the club's membership, the Board of Directors decided to avert insolvency and concluded that it was necessary to solicit bids to sell the property and operations. Prior to considering the purchase of the golf course and country club in March of 2012, Mensch Capital Partners LLC ("Project Sponsor") carefully evaluated both the physical attributes and redevelopment potential of the approximately 170 acre Project Site. This analysis indicated the Project Site offered exceptional size, location, infrastructure access, and environmental features that would position the property very well for a mixed use neighborhood. While the physical characteristics of the Project Site proved ideal for redevelopment, the Project Sponsor recognized that the long term planning objectives and development goals of the community were also a significant consideration beyond the physical attributes of the property.

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

given its function as a private golf course and social club, but also realized the incredible locational and infrastructure attributes the site offers. Therefore, the Project Sponsor carefully considered redevelopment options that would take advantage of the physical characteristics of the Project Site while respecting existing environmental features. Recognizing the importance of redeveloping a Project Site of this nature and size within the Town, prior to purchasing the Project Site, the Project Sponsor carefully evaluated the Comprehensive Plan to understand the long term desires of the community as it relates to future land development and project planning. Fortunately, the Comprehensive Plan provides a very clear and thorough description of development strategies that prioritize “infill” development opportunities utilizing a mixed use layout that is integrated into the surrounding community. In fact, a Key Initiative of the Comprehensive Plan as identified in Section 2.3 is to focus on revitalization efforts by “rezoning and/or providing incentives for reuse of underutilized/obsolescent land for economically viable uses.”<sup>25</sup> This Key Initiative of the Comprehensive Plan speaks directly in support of a mixed use infill projects such as the Westwood Neighborhood.

It is important to recognize that the proposed Westwood Project represents an opportunity to realize high quality, carefully balanced and economically viable infill redevelopment project within the Town. The Comprehensive Plan defines Infill Development as “development of vacant or underutilized properties within a predominantly built-up neighborhood or commercial area.”<sup>26</sup> In considering the Project Site, it is clear it meets the defined criteria for infill development as described in the Comprehensive Plan. The Project Site is centered within the

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<sup>25</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 2-6).

<sup>26</sup> Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page A-7).

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

While the Comprehensive Plan generally provides a broad analysis of the community and specific implementation strategies for multiple planning principles established to guide future development in the Town, for a careful examination of the Comprehensive Plan and identification of the Sections that are directly applicable to the Project and its consistency with the Comprehensive Plan, please refer to Exhibit F of the Westwood Rezoning Application, submitted July 2014.

## **5.5 RECREATIONAL AND VISUAL RESOURCES:**

Because the Project Site is presently privately-owned and offers no public access, the Westwood Project will have positive effects on both publicly accessible recreational opportunities and the visual environment.

Although the WCC is listed in the Town of Amherst's Parks, Recreation, and Open Space Inventory (February 2012), it was operated as a members-only private golf course until December 31, 2014. The private use of the Project Site did not allow for any publicly accessible recreational uses. Additionally, as per the necessary environmental investigation process associated with the environmental review of the Project pursuant to SEQRA; the Project Sponsor has discovered arsenic contamination concerns with the underlying soils at the Project Site that has resulted in the permanent closure of golf course operations. For a complete description of the environmental review process and findings related to soil contamination that resulted in the closure of the golf course, please refer to Section 4.1.2 of this DGEIS. Ultimately, the permanent closure of the golf course has completely eliminated the ability of the Project Site in its current condition to serve the community as a publicly accessible recreational resource.

However, when redeveloped as the proposed mixed use neighborhood, approximately 38% of the Project Site (64 acres) will be comprised of permanent open space, including the approximately 23 acres of publicly accessible permanent open space that will consist of the new Westwood Park including the proposed approximately five acre lake adjacent to Ellicott Creek.

The open space network and trail system that will be established as part of the Project will dramatically increase recreational opportunities. The on-site trail system could be linked to the Town's Ellicott Creek Trailway Bike Path via the Audubon Par-3 and/or 18-hole golf

courses. As a result, residents of the mixed use neighborhood and the existing nearby residential areas will be afforded direct pedestrian and bicycle-friendly links to regional trail networks, and to other recreational opportunities and public open spaces.

As a result of the implementation of the proposed mixed use neighborhood, the visual character of the Project Site will permanently change from the privately-owned, brownfield site not accessible to the public to a mixed use neighborhood that will be characterized by various types of housing, the senior living facility, buildings and parking for office and commercial uses, public open space, and buffer areas to be provided for the benefit of existing off-site residential uses and landscaping. The original WCC clubhouse will be preserved as a commercial facility and will serve as a visual focal point of the mixed use neighborhood. Buildings will be developed in accordance with the Town's TND standards with the exception of the proposed four-story hotel (which will be developed in accordance with the Town's General Business zoning requirements) and the senior living facility (which will be designed in accordance with the Town's MFR-7 zoning standards).

Setbacks, consisting of 70 to 200 foot wide landscaped permanent open space buffers will be established along portions of the north, west, and south boundaries of the Project Site. These buffer areas will serve as visual screening between new buildings, residences, and parking areas and the existing residential areas along Frankhauser Road and Fairways Boulevard to the west of the Project Site and the residential areas on the southern side of Sheridan Drive. The proposed Westwood Park along Ellicott Creek will serve as a substantial visual enhancement to the Project Site.

Overall, the Westwood Project represents a long-term change to the visual environment on the Project Site and to the viewscape in the immediate area. However, this visual change will be mitigated by the development of the Project Site as a mixed use neighborhood that will result in an interesting and diverse visual environment as well as the extensive permanent open space, landscaping, and other related aesthetic attributes that the Project Sponsor proposes to integrate into the mixed use neighborhood.

## **5.6 SOCIOECONOMICS:**

As described in the Economic and Fiscal Impact Analysis as prepared by the Center for Governmental Research (“CGR”) (refer to Volume IV, Letter X, “Revised Economic and Fiscal Impact Analysis”), the proposed mixed use neighborhood will generate both direct and indirect short-term economic benefits during construction, as well as direct and indirect long-term economic benefits the Site is developed, occupied, and used for public recreational purposes. Although increased public funds will be allocated, in the long-term, to provide certain government services to the Project, the redevelopment of the Project Site will significantly increase public tax revenues, which will far outweigh the costs of these services.

Approximately 238 million dollars are expected to be invested during the 10-year construction of the mixed use neighborhood. These funds will be expended principally on the construction labor and materials that will be required to redevelop the Project Site as mixed use neighborhood. Benefits will include additional employment and income associated with the jobs in the various construction trades that will be involved in the site redevelopment (e.g., construction activities such as site preparation; installation of the new roads and non-transportation infrastructure; the build-out of residential, office, and commercial areas in a manner consistent with the Conceptual Master Plan; and the creation of the approximately 23 acre park area (“Westwood Park”).

When fully operational, the office and commercial components on the Project Site will create permanent jobs and increase income in the Town and the region. Further, the Westwood facilities will generate additional income tax, sales tax, occupancy tax, and property tax revenues for Amherst, Erie County, New York State, and the federal government. These increased tax

revenues will substantially exceed the approximately \$84,723 dollars of annual property taxes that the Town previously received based on use of the Project Site as a private golf course.

### **5.6.1 Population and Housing:**

The proposed mixed use neighborhood is expected to increase the Town's population by approximately 1,928 new residents and 271 new school aged children.<sup>27</sup> This relatively minor long-term increase in population represents only about a 1.5% increase in the Town's 2013 population (per the U.S. Census) of 123,252, and is well within the projections for population growth in the Town. By 2020, the Town's population is estimated to increase to between 127,264 and 138,839.<sup>28</sup>

The redevelopment of the Project Site in a manner consistent with the Conceptual Master Plan for the proposed mixed use neighborhood is anticipated to result in approximately 985 new housing units, including a mix of single-family homes, patio homes, apartments, town homes and senior living units. CGR, in its Economic and Fiscal Impact Analysis, estimated the effects of the new housing, by housing type, on population, as summarized in Table 5-2 on the following page.

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<sup>27</sup> See Appendix Volume IV, Letter X, "Revised Economic & Fiscal Impact Analysis," page 8.

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

**Table 5-2**

**Proposed Housing Units and Assumptions Regarding  
Households, Residents and School Children**

<b>Component</b>	<b>Housing Units</b>	<b>Households</b>	<b>People / Household</b>	<b>New Residents</b>	<b>New Children</b>
<b>Total</b>	<b>985</b>	<b>970</b>	<b>2.0</b>	<b>1,928</b>	<b>271</b>
<u>Mixed-Use Town Center</u>	445	445	1.8	821	101
Mixed-Use Apartments	352	352	1.8	649	80
River's Edge Townhomes	56	56	1.8	103	13
Lake Edge Townhomes	37	37	1.8	68	8
<u>Single Family Residential Subdivision</u>	160	160	3.27	523	113
Patio Home Lots	113	113	3.3	371	81
Conventional Single Family Home Lots	47	47	3.2	152	31
Condominium Townhome Development	84	84	3.2	265	57
Senior Living Development	296	281	1.1	320	0

**5.6.2 Economy and Employment**

The Westwood Project will have positive impacts on the local economy and employment, both in the short-term (during construction) and in the long-term (as a result of the occupancy of the mixed use components).

The 10-year construction of the Project will generate a significant, but temporary, positive impact, principally on the local and regional economy. As detailed in the CGR Economic & Fiscal Impact Analysis, construction spending for the mixed use neighborhood will support an estimated 1,600 full-time equivalent construction jobs. Expenditures for project supplies and materials will create (as spillover or multiplier effects) an additional 700 jobs. Thus, in total, the construction of the Westwood Project will provide 2,200 jobs. The project

construction income, which will accrue to those employed either directly on the Project Site or by suppliers of construction materials, is estimated at 115.8 million dollars.<sup>29</sup>

The occupation of the Westwood Project facilities, including the operation of the four-story hotel, office, and commercial facilities, will have long-term positive impacts on the local and regional economy. CGR assumed that 25% of the businesses that will locate in the mixed use neighborhood will be new to the region. If the Project attracts additional new businesses to the region, the anticipated long-term economic benefits would be greater than those projected in the CGR Analysis.

Overall, the operation of the Project facilities is projected to directly add 180 new jobs to the region. These 180 new jobs will, in turn, create an additional 140 new “spillover” jobs in the local economy as spending by the new businesses and employees of the Westwood facilities fosters employment in other economic sectors. In total, the mixed use neighborhood is expected to generate 320 new jobs. Further, the analysis conducted by CGR estimated that the employees working at the Project Site will earn approximately 10 million dollars per year, while those employed as a result of the Project spillover effects will earn an additional 6 million dollars annually. Thus, total annual income generated by the Project is anticipated at approximately 16 million dollars. This additional income will have significant beneficial effects on the local and regional economy.<sup>30</sup>

Of course, the figures noted above and total anticipated annual net tax revenues that would result assumes the Project Site is successfully redeveloped, leased and managed in the existing marketplace. The successful redevelopment of the Project is only one consideration, the

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<sup>29</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 10.

<sup>30</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 11.

potential for the Project to detract tenants, renters, and homeowners from existing residential and commercial properties in the local market is another matter for consideration. In an effort to properly evaluate both, the Project Sponsor has carefully reviewed existing market conditions to determine the viability of the Project as currently proposed.

In terms of the residential single family housing market, in the decade spanning between 2003 and 2013, homes values in Williamsville (ZIP Code 14221) have risen from an average of \$116,000 to an average of \$153,800.<sup>31</sup> This 32% increase is indicative of a strong residential housing market that can support additional growth. The Town of Amherst market in general has also realized substantial increases in value. As of March, 2005, the median sales price within the Town of Amherst was \$143,000, while approximately ten years later in November of 2014 the median sales price was \$184,000.<sup>32</sup> This 22% increase in median sales price is a strong indicator of demand for single family housing as well. Additionally, there is currently a limited inventory of new residential building lots available in the Amherst market. The combination of strong residential housing values, with a lack of building lot inventory supports a solid market condition for new home construction. The current rising values of homes and strong sales climate was recently underscored in an article published by the Buffalo News on March 3, 2015. Within the article, Town Assessor Ann Terranova is quoted as saying “it has been harder for the Assessor’s Office to keep up and remain at full value over the last couple of years as the market has exploded. The more than 12,000 residential properties the town expects to reassess this year-based on the data and a drive-by- is more than double what (the Assessor’s Office) would

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<sup>31</sup> Market & Feasibility Advisors. “*Main Street Corridor Market Study, Williamsville, NY*”. May 2013, page 8.

<sup>32</sup> Zillow Real Estate Network Online. *Amherst Home Prices & Values*. March 2015. Available online at <http://www.zillow.com/amherst-ny/home-values/>

normally do in a year.”<sup>33</sup> Bearing in mind this data, the Project Sponsor is confident the proposed single-family housing components of the mixed use neighborhood will be successfully absorbed.

In terms of the multifamily housing components, the Project Sponsor evaluated existing market data as well as historic summaries of market performance as developed by Reis, Inc., a provider of commercial real estate market information and analytical tools to real estate professionals. The Town of Amherst is located within the Reis, Inc. Buffalo Metro North submarket (“north market”). Within 2014, the north market realized a 2.8% increase in asking rent growth and is currently holding an average 2.9% vacancy rate.<sup>34</sup> Additionally, the north market has maintained a positive new construction to absorption ratio for the past 5 years valued at 0.6; meaning new construction is being occupied at a faster rate than that of the units being brought to market.<sup>35</sup> This market data is further bolstered when existing vacancy rates are taken into account as they have actually reduced over that same five year period by a factor of nearly 50%; meaning the new construction absorption is not simply at the expense of occupancy rates of existing units, which would suggest a simple shifting of residents as opposed to positive market growth. This data would suggest that the current multifamily housing market is

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<sup>33</sup> Buffalo News online. *City & Region- Hot Housing Market has Amherst Reassessing*. Jay Rey, staff reporter. March 3, 2015. <http://www.buffalonews.com/city-region/amherst/hot-housing-market-has-amherst-reassessing-20150303>. Within this article, Barry Chubb, president of Coldwell Banker Chubb Real Estate has also taken notice of the strong market condition being quoted as saying, “Inventory is extremely low, and there’s just an awful lot of demand, with the interest rates as low as they are. There are still more buyers than there is quality inventory.”

<sup>34</sup> Reis, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 25- Rent Growth Comparisons & Section 27- Vacancy Rate Comparisons.

<sup>35</sup> Reis, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 33- Construction/Absorption Change.

performing very strong within the Town of Amherst and is positioned well for additional development.

In terms of analyzing the existing retail market and potential for additional development, the Project Sponsor retained the services of MJB Consulting (“MJB”), a nationally recognized and award-winning retail planning and real estate consulting firm, to prepare a Retail Market Study and Tenancing Strategy Report for the Project.<sup>36</sup> The report prepared by MJB provides a thorough investigation of the current retail market within the Town, MJB’s findings concluded that it would be realistic to expect to fill and sustain at least 75,000 to 100,000 square feet of retail space on the Project Site in connection with its redevelopment as mixed use neighborhood, including one 20,000 to 25,000 square foot anchor; a significant percentage – one-third to as much as one-half – devoted to food and beverage; a modest collection of comparison goods stores narrowly targeting the specific lifestyles and psychographics of the core customer(s); and some basic conveniences servicing the on-site demand.<sup>37</sup> Additionally, as per the request of the Town of Amherst Planning Department within its Memorandum concerning the initial DGEIS determination of incompleteness,<sup>38</sup> MJB specifically considered the broader impact of the Project on competing retail areas including the Village of Williamsville (“Village”). MJB determined that the Village is well positioned given its firmly established place in the market as a commercial corridor. Additionally, the typical rent per square foot of the Village ranges from roughly \$16 to \$20 per square foot, whereas given the current costs of site development and construction, the Project Sponsor will likely offer commercial space in the mid \$20’s per square

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<sup>36</sup> See Appendix Volume IV, Letter Y, “Retail Market Study & Tenancing Strategy Report.”

<sup>37</sup> See Appendix Volume IV, Letter Y, “Retail Market Study & Tenancing Strategy Report,” page 16.

<sup>38</sup> See Appendix Volume IV, Letter Z1.3, “09.03.14- Memorandum, TOA Planning Dept. RE: DGEIS Determination of Incompleteness,” page 5.

foot. This price differential will position the Village to continue to retain and attract small independently owned operated businesses that value from proximity and synergy within a much larger commercial marketplace when compared to the Project Site. MJB's findings suggest that the Village has a number of compelling site attributes and competitive advantages as a retail location and also would actually likely benefit from the success of the Project, as an elevated mix of retail tenants would attract additional interest of outside tenants in the general market, providing an opportunity for the Village to encompass some of this additional market share.<sup>39</sup>

. Based on the overall market analysis as performed by a reputable consultants in consideration of the land uses contemplated within the proposed redevelopment of the Project Site as a mixed use neighborhood, the Project is anticipated perform well given the mix of proposed land uses.

### **5.6.3 Municipal Revenues (Taxes):**

The Project will create and sustain both employment and income, leading to increased income tax payments; will generate additional sales tax revenues; and will substantially increase the value of the Project Site, leading to increased property tax revenues. These additional revenues will accrue to the Town of Amherst, the Williamsville Central School District, Erie County, and New York State.

CGR estimated income tax, sales tax, and occupancy tax revenues (resulting from the four-story hotel) associated with the Westwood Project, both for the construction and operational phases. Table 5-3 on the following page summarizes the results of CGR's analysis.

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<sup>39</sup> See Appendix Volume IV, Letter Y, "Retail Market Study & Tenancing Strategy Report," page 13.

**Table 5-3**

**Summary of Estimated Tax Revenue from the Westwood Project over Ten Year Period  
(Income Tax, Sales Tax, Occupancy Tax, and Property Tax)**

Tax Type	Project Phase	
	Construction (\$ Million)	Operation (\$ Million)
<b>Income Tax</b>		
<b>Direct</b>	<b>3.0</b>	<b>3.3</b>
<b>Spillover</b>	<b>1.3</b>	<b>1.9</b>
<b>Subtotal</b>	<b>4.3</b>	<b>5.2</b>
<b>Sales Tax</b>		
<b>Project Spending</b>	<b>11.8</b>	
<b>Employee Spending</b>	<b>4.4</b>	
<b>Subtotal</b>	<b>16.2</b>	<b>4.4</b>
<b>Occupancy Tax</b>	<b>-</b>	<b>2.0</b>
<b>TOTAL</b>	<b>20.5</b>	<b>11.6</b>

*Source: CGR, August 2015, Economic and Fiscal Impact Analysis (refer to Appendix Volume IV, Letter X, "Revised Economic & Fiscal Impact Analysis").*

Note: The Dollars represent the present value of taxes over 10 years, discounted by 2%.

Within its memorandum to the Town Board concerning the review of the deficiencies that needed to be addressed by the Project Sponsor dated June 30, 2015,<sup>40</sup> the Planning Department included the following statement as an item that required further explanation by the Project Sponsor:

“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.”

<sup>40</sup> A copy of the Memorandum issued by the Planning Department for the purpose of identifying the deficiencies that needed to be addressed within the First Revised DGEIS is provided at Appendix Volume IV, Letter Z1.7 of this Second Revised DGEIS.

The Project Sponsor specifically discussed this comment with the Planning Department and determined that the comment was specific to the consideration of a potential Payment in Lieu of Taxes (“PILOT”) agreement. Should a PILOT agreement be issued for those limited portions of the project components that would be potentially eligible, the sales tax revenues associated with construction spending for those portions would be eligible for an abatement under the agreement. In consideration of that possibility, the Planning Department requested that the Project Sponsor provide a separate analysis to assess the potential total reduction of sales tax revenue that could result, with specific calculations regarding the total potential reduction to the Town of Amherst. As provided within their Revised Fiscal & Economic Impact Analysis, CGR concluded that project spending on materials during the construction phase will result in an estimated \$8 million in sales tax revenue for the state and local governments. If in fact a PILOT agreement were to be entered into between the Project Sponsor and the Amherst Industrial Development Agency (“AIDA”), it would only impact sales tax revenues associated with construction spending applicable to the office park and senior living community, thus reducing total sales tax receipts by approximately \$2.4 million. Based on the current sales tax revenue sharing agreement that exists within Erie County, the Town of Amherst could expect to receive approximately \$510,000 of the \$16,300,000 in sales tax revenues that would be generated over a ten year period if the project site were fully developed without consideration for any PILOT agreement or sales tax abatement. However, assuming a PILOT agreement was entered into between the Project Sponsor and the AIDA, the resulting loss of construction spending sales tax revenue applicable to the office development and senior living components of the project would

lessen the total sales tax revenues to the Town of Amherst over a ten year period by approximately \$70,000.<sup>41</sup>

The redevelopment of the Project Site in a manner consistent with the Conceptual Master Plan will also result in a substantial increase in property tax revenues, compared to the approximately \$84,723 per year in property taxes currently paid based on the former use as a private golf course. The positive effects of the Project on tax revenues is illustrated by comparing the existing tax revenues from the most recent use of the Project Site as a private golf course with the tax revenues projected as a result of the redevelopment of the Project Site as a mixed use neighborhood. For the commercial uses expected to be developed as part of the Project, taxes were estimated based on a typical 10-year Payment in Lieu of Taxes (“PILOT”) agreement,<sup>42</sup> as available from the Amherst IDA, as well as without a PILOT agreement being in place. Table 5-4 on the following page summarizes the results of CGR’s analyses of anticipated property tax revenues from the Project.

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<sup>41</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 17.

<sup>42</sup> A PILOT Agreement would abate a portion of the real estate taxes on the property, on a graduated scale, over a specific period of time. Residential uses are not subject to PILOT programs.

**Table 5-4**

**Estimated Property Tax Revenues from the Westwood Project over Ten Year Period  
(dollars in millions): With and Without PILOT**

	<b>Town of Amherst</b>	<b>Williamsville School District</b>	<b>Erie County</b>	<b>Total</b>
<b>No PILOT</b>	\$11.5	\$40.1	\$11.0	\$62.6
<b>With PILOT for Office Park</b>	\$10.0	\$35.1	\$9.6	\$54.8
<b>With PILOT for Office Park and Senior Development</b>	\$9.5	\$33.3	\$9.1	\$52.0

*Source:* CGR, August 2015, *Economic and Fiscal Impacts Analysis (see Appendix Volume, IV, Letter X, "Revised Economic & Fiscal Impact Analysis," page 15.*

\**Notes:* Dollars represent taxes over 10 years, discounted by 2%.

As Table 5-4 above illustrates, the redevelopment of the Project Site in manner consistent with the Conceptual Master Plan will generate substantial property tax revenues for the benefit of the Town, Williamsville Central School District and Erie County.

Within its memorandum to the Town Board concerning the review of the deficiencies that needed to be addressed by the Project Sponsor dated June 30, 2015,<sup>43</sup> the Planning Department included the following statement as an item that required further explanation by the Project Sponsor:

“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.”

The Project Sponsor specifically discussed this comment with the Planning Department and determined that the comment was specific to the potential loss of property tax revenue that

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<sup>43</sup> A copy of the Memorandum issued by the Planning Department for the purpose of identifying the deficiencies that needed to be addressed within the First Revised DGEIS is provided at Appendix Volume IV, Letter Z1.7 of this Second Revised DGEIS.

could result should the Project Sponsor pursue condominium designation status for certain residential components of the Project. 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>44</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 order to fully evaluate the potential loss of property tax revenues that could result should the Project Sponsor pursue the designation of condominium status for the residential portions of the Project, the Project Sponsor retained the services of Real Property Services, LLC (“RPS”) to provide a Residential Condominium Assessment & Taxation Analysis for the Project. The analysis involved an income-based valuation for each of the three (3) types of residential units could be potentially provided within a condominium offering plan based on the current development proposal.<sup>45</sup> Table 5-5 on the following page summarizes the resulting income approach valuations that would be derived compared to a standard market valuation:

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<sup>44</sup> See New York State Attorney General Office online. *Condominiums*. Available online at <http://www.ag.ny.gov/real-estate-finance-bureau/condominiums>.

<sup>45</sup> See Appendix Volume IV, Letter X1, “Condominium Assessment & Taxation Analysis”

**Table 5-5**

**Condominium Ownership Alternative Assessed Value Assumptions**

<b>Residential Unit Type</b>	<b>No. of Units</b>	<b>Average Square Footage</b>	<b>Average No. of Bedrooms</b>	<b>Average Sales Price (Market Valuation)</b>	<b>Income Based Valuation</b>
Single-Family	47	2,800	3	\$415,000	<b>\$255,000</b>
Patio Homes	113	2,000	3	\$325,000	<b>\$200,000</b>
Townhomes	84	1,600	3	\$262,000	<b>\$167,000</b>

In total, the analysis performed by RPS indicated that a potential condominium designation for all residential components within the proposed development would result in a typical unit assessment at approximately 65% of the sales price or “market” valuation. This potential for a lessening in the total value of the assessed valuation of the proposed development would result in a lessening of the total potential property tax revenues derived. In an effort to fully evaluate the potential loss of property tax revenues, the Project Sponsor utilized the services of CGR to prepare a Condominium Ownership scenario applied to the Preferred Plan (“Condo Scenario”).<sup>46</sup> Ultimately, while the Condo Scenario would result in an approximate \$7.6 million reduction in property tax revenues, the Project would still net substantial property tax revenues beyond the cost of community services totaling approximately \$27.7 million over a ten year period following full development.

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<sup>46</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 12.

#### 5.6.4 Cost of Community Services:

In addition to considering tax revenues that would be generated as a result of the redevelopment of the Project Site as mixed use neighborhood, CGR also evaluated the increase of the cost of community services related to servicing the new residents, public infrastructure and school aged children associated with the Project.<sup>47</sup> As with any new development within the community, the increase in residents and businesses will result in an increase in demand for government service at the local, county, and state levels. In order to assess these costs, CGR separately analyzed the services associated with the Town of Amherst, Erie County and Williamsville Central School District. As businesses and commercial development require a different scope of services from governments as compared to residents and school aged children, variable costs were organized by residential and non-residential components.

The first level of government analyzed was the Town of Amherst. Based on calculating the current total costs of providing services against the total number of residents, housing units and commercial square footage currently serviced within the community, CGR determined the individual increase in costs on a per capita (\$24 per person), per housing unit (\$203 per unit) and per commercial square foot (\$0.2 per sq. ft.) basis.<sup>48</sup> Table 5-6 on the following page provides the summary of total new development and resulting increase in the cost of community services:

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<sup>47</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 18.

<sup>48</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 19.

**Table 5-6**

**Increased Annual Cost of Community Services from the Westwood Project  
Town of Amherst**

	<b>People</b>	<b>Housing Units</b>	<b>Commercial SF</b>
<b>Total Additional Development</b>	1,895	985	537,168
<b>Per Unit Costs</b>	\$24/person	\$203/housing unit	\$0.2/SF
<b>Total Increase in Community Service Costs</b>	\$45,000	\$199,000	\$95,000

*Source: CGR, 2015, Economic and Fiscal Impacts Analysis (see Appendix Volume, IV, Letter X, "Revised Economic & Fiscal Impact Analysis," page 20.*

As detailed above in Table 5-6 above, it is anticipated that the Westwood Project will result in an increase to the cost of community services provided by the Town of Amherst totaling approximately \$340,000 annually. As per the Town of Amherst Planning Department Memorandum regarding its initial review and determination of the initial DGEIS submission as incomplete,<sup>49</sup> it was specifically requested that CGR analyze permanent fiscal impacts related to the maintenance of public parks, public roads, infrastructure, emergency service providers and drainage areas. Consistent with this request, CGR specifically included within their Revised Economic & Fiscal Impact Analysis an assessment of costs related to public parks, fire protection, police services and public infrastructure.<sup>50</sup>

In terms of the proposed Westwood Park space, CGR concluded that even if the Town agreed to accept dedication of this portion of the Project Site as permanent public parkland to be

<sup>49</sup> See Appendix Volume IV, Letter Z1.3, "09.03.14- Memorandum, TOA Planning Dept. RE: DGEIS Determination of Incompleteness," page 4.

<sup>50</sup> See Appendix Volume IV, Letter X, "Revised Fiscal Impact Analysis," page 20.

owned and maintained by the Town, the total annual cost to the community would average \$90,000 per year. That being said, the Project Sponsor is open to available options in terms of maintaining the Westwood Park space privately or dedicating it to the Town as public parkland. Either way, the existing tax revenue projections assume annual net revenue to the Town of \$350,000, which would more than offset the potential estimated \$90,000 in costs to service the 23 acre Westwood public park.

The Project Sponsor has also held meetings with representatives of the Snyder Fire Department to discuss existing emergency service capacity and details regarding planning for the Project. Those discussions have raised concerns about the total distance of the current primary station from the Project Site, which is approximately 3 miles. In terms of response time, the Snyder Fire Department has suggested that it would be preferred to incorporate a potential substation into the mixed use neighborhood to improve their service capability in the vicinity of the Project Site. The Snyder Fire Department also acknowledged that this concern is not specific to the redevelopment of the Project Site; the desire to have access to a substation in the vicinity of the Project Site is a consideration that has been discussed previous to the review of the Project. As such, CGR has prepared a separate fiscal analysis for the consideration of publicly bonding for the construction of a \$990,000 substation either at or in the vicinity of the Project Site.<sup>51</sup> This analysis has shown that assuming these expenses were bonded over a ten year term with a 4.9% interest rate for the bond term, there would be a total annual cost of approximately \$127,000 per year to the community. Bear in mind this term limited cost would be restricted to the ten year bond payback period only. As previously, discussed, the anticipated tax revenue

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<sup>51</sup> See Appendix Volume IV, Letter X, “Revised Fiscal Impact Analysis,” page 20.

projections assume annual net revenue to the Town of \$350,000, which would more than offset the potential estimated \$127,000 in annual costs to entirely fund and payoff the ten year bond that would be utilized to finance the construction of a potential Snyder Fire District substation.

In terms of Police Department services, CGR worked directly with representatives of the Amherst Police Department to analyze current service call frequency and volumes. Ultimately, based on existing average service calls associated with similar land uses in the vicinity of the Project Site, it was determined that a conservative estimate would assume approximately 2 calls per day associated with the proposed mixed use neighborhood (totaling 790 Amherst Police Department service calls to the Project Site per year). The Police Department acknowledged that based on current staffing and service capacity; they could absorb this additional call volume and servicing need. However, in an effort to provide for conservative planning as it relates to the potential increase in community costs related to the Project, CGR performed a separate fiscal analysis for the consideration of hiring an additional Town of Amherst Police Officer to aid in the long-term servicing of emergency calls related to the redevelopment of the Project Site as a mixed use neighborhood. This analysis resulted in a total figure of approximately \$130,000, annually that would be necessary to cover the salary, benefits and pension obligations associated with the hiring of a new police officer. CGR incorporated this figure into their baseline assumptions of total cost of community services. Therefore this figure would not reduce the existing estimated net property tax revenues to the Town of approximately \$350,000 per year.

In terms of public infrastructure, CGR noted that their existing Analysis includes consideration for cost allocations from the Town of Amherst Highway Department and Engineering Department budgets which include the cost of servicing public roadways and related

infrastructure. The existing Analysis includes costs for the maintenance of the proposed new public roadways and infrastructure as a function of the total proportion of new residents, housing units, and commercial square footage. It is also important to note that as newly designed and constructed infrastructure, the initial ten years of tax revenues derived from budgeting for public infrastructure maintenance associated with the Project would likely be deployed elsewhere in the community as initial oversight and maintenance costs associated with the Project Site infrastructure would likely be marginal.

In summary, as per the Analysis performed by CGR, it has been determined that the Project will create sufficient annual tax revenues to meet the direct demands and costs of community services generated by the Project. This determination has been made based on the Project's proportional share of new residents, housing units, and commercial square footage. Furthermore, the Analysis has revealed that there are substantial annual net tax revenues to the Town of Amherst resulting from the Project above and beyond its annual proportional share of community services. These additional annual net tax revenues could support the deeding and permanent public maintenance of a new 23 acre Town owned park, construction of a substation for the Snyder Fire District, and hiring of a new Amherst Police Officer and still provide for approximately \$133,000 in annual net tax revenues.

In terms of the cost of community services associated with Erie County, a similar approach was utilized in that the current total costs of providing services against the total number of residents, housing units and commercial square footage currently serviced within the community served as the basis of determining per unit costs. CGR determined the individual increase in costs on a per capita (\$66 per person), per housing unit (\$45 per unit) and per

commercial square foot (\$0.1 per sq. ft.) basis as it relates to governmental services provided by Erie County.<sup>52</sup> Table 5-7 below provides the summary of total new development and resulting increase in the cost of governmental services provided by Erie County:

**Table 5-7**  
**Increased Annual Cost of Community Services from the Westwood Project**  
**Erie County**

	<b>People</b>	<b>Housing Units</b>	<b>Commercial SF</b>
<b>Total Additional Development</b>	1,895	985	537,168
<b>Per Unit Costs</b>	\$66/person	\$45/housing unit	\$0.1/SF
<b>Total Increase in Community Service Costs</b>	\$127,000	\$44,000	\$34,000

*Source: CGR, 2015, Economic and Fiscal Impacts Analysis (see Appendix Volume, IV, Letter X, "Revised Economic & Fiscal Impact Analysis," page 23.*

As detailed in Table 5-7 above, it is estimated that the Project will result in approximately \$205,000 in additional annual costs of governmental services provided by Erie County. The major cost categories for Erie County are social services and public safety. Considering the Town of Amherst has its own municipal police department, it is not anticipated that the Erie County Sheriff’s Department service demand will rise dramatically as a result of the Project.

In terms of the cost of community services associated with the Williamsville Central School District (“WCSD”), the Project Sponsor met with the WCSD administration and confirmed that, based on current facility capacity and staffing levels, the anticipated additional student enrollment associated with the mixed use neighborhood can be accommodated. To

<sup>52</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 19.

ensure the anticipated additional costs to the district based on new school aged children would be sufficiently satisfied through new school tax revenues, CGR established the existing cost per student by calculating the difference between state aid per student and the total actual spending per student by the WCSD, which amounts to \$8,142 annually per student.<sup>53</sup> Considering the total number of school aged children anticipated to reside within the mixed use neighborhood, this amounts to a total annual additional cost to the WCSD of approximately \$2,020,000. This figure is more than offset by the anticipated total annual revenues to be received by WCSD from property taxes from the proposed redevelopment of the Project Site of \$4,010,000, resulting in total annual net revenues to the WCSD of \$1,990,000 annually resulting from redevelopment of the Project Site as a mixed use neighborhood.<sup>54</sup>

In conclusion, when considering the total increase in the cost of community services related to residents, school aged children, new housing units, and new commercial spaces, the total increase in tax revenues derived from property taxes, sales taxes, incomes taxes, and occupancy taxes more than offset the costs of community services. In fact, when fully developed, the Project will provide substantial net revenues to the community including the Town of Amherst, Erie County and the WCSD as detailed in Table 5-8 on the following page:

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<sup>53</sup> See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 23.

<sup>54</sup> Note: figures assume the inclusion of PILOT tax abatements for both the Office Park and Senior Development portion of the Project, See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 26.

**Table 5-8**

**Westwood Project Annual Fiscal Impacts\***

	<b>Total Costs</b>	<b>Estimated Revenue</b>	<b>Net Revenue</b>
<b>Town of Amherst</b>	\$510,000	\$1,150,000	\$640,000
<b>Erie County</b>	\$190,000	\$1,100,000	\$780,000
<b>Williamsville Central School District</b>	\$2,020,000	\$4,010,000	\$1,990,000

*\*Note: figures assume the inclusion of PILOT tax abatements for both the Office Park and Senior Development portion of the Project*

*Source: CGR, 2015, Economic and Fiscal Impacts Analysis (see Appendix Volume, IV, Letter X, "Revised Economic & Fiscal Impact Analysis," page 25.*

## **5.7 CULTURAL RESOURCES:**

The redevelopment of the Project Site as mixed use neighborhood will not result in any adverse impacts to significant archaeological or historic resources. The cultural resource investigations performed on the Project Site are described in detail Section 4.7 of this DGEIS and within the Phase IA Cultural Resource Investigation Report, Phase IB Cultural Resource Investigation Report, and Phase 2 Cultural Resource Investigation Report.<sup>55</sup> The Project Site has been previously extensively disturbed in connection with the construction of the private golf course and related improvements. The subsurface investigations of the Project Site conducted by Heritage Preservation & Interpretation Inc. did not reveal the presence, in an original soil setting, of any archaeological sites (artifacts) that would be eligible for listing on the State or National Registers of Historic Places.

Based on its review of the Cultural Resource Investigation Reports prepared by HPI, the New York State Office of Parks, Recreation & Historic Preservation (“OPRHP”) issued correspondence to the Town of Amherst Planning Department on June 16, 2015 containing its opinion that no portions of the Project Site are National Register eligible. Furthermore, OPRHP confirmed that they have no further archaeology concerns with respect to the Project Site and as such are not recommending any additional archaeological testing.<sup>56</sup>

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<sup>55</sup> Complete copies of Phase IA Cultural Resource Investigation Report and Phase IB Cultural Resource Investigation Report may be found in Appendix Volume I, Letters E and F.

<sup>56</sup> See Appendix Volume IV, Letter Z2.8, “Letter, OPRHP to Town of Amherst Planning Department dated June 16, 2015.

### 5.7.1 Evaluation of the Westwood Clubhouse

The original WCC clubhouse, which was built in 1928, could potentially be eligible for listing on the State or National Registers of Historic Places and in recognition of its potential historic value the Project Sponsor proposes to preserve the original clubhouse in connection with the proposed mixed use neighborhood.

In terms of historic resources, as more fully described in Section 4.7.1 of this DGEIS, the Project Sponsor undertook the development of a Historic Site, Building and Structures Review Report.<sup>57</sup> The utilization of the Project Site as a private golf course dated to 1919, when the Willowdale Golf Club was organized and the club began operations at the Project Site in 1921. The primary historic element that still remains at the Project Site from the original development of the Project Site in 1921 is the existing Tudor style clubhouse which was originally constructed in 1928. Given the age of the original clubhouse structure, its architectural styling and its affiliation with generations of country club members that have been associated with the use of the Project Site, the Town of Amherst Historic Preservation Commission (“HPC”) has recognized the existing structure as containing above average architectural and/or historical significance that would possibly meet the criteria for National Register consideration within its Reconnaissance Level Survey of Historic Resources (“Survey”) within the Town.<sup>58</sup> It is important to note that the clubhouse description section of the Survey only identifies changes that include the “replacement of some slate roof shingles with asphalt shingles and a large flat roof addition.” The description section fails to identify the significant alterations that have been

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<sup>57</sup> See Appendix Volume IV, Letter P, “Historic Site, Buildings & Structures Review Report”.

<sup>58</sup> See Appendix Volume IV, Letter P, “Historic Site, Buildings & Structures Review Report” – Exhibit C-3 & Figure C-1.

made to the original clubhouse structure as a result of substantial exterior additions and renovations that have taken place beyond the period of potential cultural/historical significance and that have not been consistent with the appearance and materials utilized for the original clubhouse structure.

In recognition of the original clubhouse structure and its potential for historical significance, the Project Sponsor is committed to sustaining the initial historic structure that dates to 1928 and adapting the clubhouse to be an integral part of the redevelopment of the Project Site as a mixed use neighborhood.

## **5.8 TRANSPORTATION:**

As discussed in the following subsections, the Project will modify localized transportation patterns by creating the new north-south roadway connection between Maple Road and Sheridan Drive; establishing new on-site streets; and extending and enhancing pedestrian use options. Because the Project Site is located on an established NFTA bus route, the redevelopment of the Project Site as a mixed use neighborhood will offer opportunities for promoting the use of public transportation. In addition, the extensive trail system planned for the mixed use neighborhood could interconnect with the Town's existing trail / bicycle route network via the Audubon Par 3 Golf Course and/or the Audubon Golf Course, furthering the potential for pedestrian and biking access to a variety of locations in the Town and surrounding areas.

### **5.8.1 Vehicular Transportation:**

In order to evaluate the potential impacts of the proposed Westwood Project on vehicular traffic and circulation patterns, as well as on public transportation and pedestrian opportunities, a Traffic Impact Study ("TIS") was prepared by SRF Associates, a reputable traffic engineering firm (See Appendix Volume IV, Letter W, "Revised Traffic Impact Study"). The proposed mixed use neighborhood will be developed in phases and it is anticipated that build-out will occur over an approximately 10 year period. However, given that is not possible to predict the precise sequence for the build-out of the mixed use components or the overall time period for full build-out of the Project, the comprehensive analysis of potential traffic impacts contained in the Traffic Impact Study consists of an evaluation of potential traffic impacts at full build-out of the mixed use neighborhood on the Project Site.

As part of its comprehensive traffic analysis, SRF established baseline existing and future traffic volumes in the study area, which was identified as consisting of 14 intersections and the study area is described in Section 4.8 of this DGEIS as well as the TIS. Future traffic volumes were projected by taking into account normal increases in background traffic growth, including any unforeseen developments in the Project study area.<sup>59</sup> A growth rate of 0.25% per year was applied to existing traffic volumes, based on historical traffic growth derived from NYSDOT and GBNRTC traffic volume projections for the area, over the 10-year build-out period.

Access to the proposed mixed use neighborhood will be provided via a new north/south roadway between Maple Road and Sheridan Drive that will be dedicated to the Town as a public roadway after it has been constructed. The northerly access point of this new roadway will form a new “T” intersection at Maple Road while the southern access will connect to Sheridan Drive across from the existing Fenwick Road intersection. Additionally, a new right-in/right-out/left-in only driveway will be constructed along Sheridan Drive between Fenwick Road and North Forest Road (refer to Figure 1-3, which illustrates the Conceptual Master Plan).

Traffic attributable to the mixed use neighborhood at full build-out was estimated based on the Institute of Traffic Engineers (“ITE”) data for specific types of land uses and project sizes, as contained in the ITE’s Trip Generation Handbook. For the Traffic Impact Study, SRF first estimated the total Project-generated vehicle trips, assuming that all of the trips would occur as a result of new travel to the Site from outside areas. SRF then calculated the estimated vehicular trips, taking into consideration the following:

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<sup>59</sup> See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 8.

1. **Multi-use Trips.** According to the *ITE Trip Generation Handbook*, a multi-use development, such as Westwood, generates some vehicular trips among the on-site uses. The capture of trips internal to the Project Site will reduce the vehicle trip generation between the Site and the external roadway system. Such internal trips may be accomplished by walking on paths within the Project Site or by vehicles using only local on-site roads. Using the ITE methods, SRF assumed a reduction of 8% and 36% in total trip generation during the peak AM and PM hours, respectively.<sup>60</sup>
2. **Pass-by Traffic.** For the Westwood redevelopment, it was assumed that the total number of trips generated is different from the amount of new traffic added to the adjacent highway network as a result of the Project. This is because the Westwood retail-oriented uses will be located adjacent to Sheridan Drive, and are likely to attract some motorists already passing by the Site. This “pass by” traffic refers to the amount of existing traffic already on the roadway and the predilection of some “passing by” motorists to enter the Site and patronize the Project facilities. Given the composition of the proposed land uses and location of the Project Site with frontage along both Sheridan Drive and Maple Road, a conservative pass-by rate of 37% was used during the PM peak hour.<sup>61</sup>

Table 5-9 on the following page estimates the total Westwood generated trips, along with the reductions in trips expected to be attributed to multi-use and “pass by” trips. As this table illustrates, the Project is expected to generate a total combined 920 new trips during the AM peak hour and 896 new trips during the PM peak hour.

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<sup>60</sup> See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 8.

<sup>61</sup> See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 8.

**Table 5-9**

**Westwood Site-Generated Vehicle Trips, Adjusted to Account for Multi-Use and Pass-By Trips**

DESCRIPTION	SIZE	AM PEAK		PM PEAK	
		ENTER	EXIT	ENTER	EXIT
Single Family Residential	47 Units	11	32	33	20
Patio Homes	113 Units	22	67	74	42
Condominium Town Homes	84 Units	8	37	35	17
Rental Town Home	93 Units	21	44	34	33
Apartments	352 Units	35	141	137	74
Assisted Living	200 Units	18	10	19	25
Senior Housing	96 Units	6	13	14	11
Hotel	130 Rooms <sup>1</sup>	33	24	29	31
Professional Office	200,000 SF	275	37	51	247
Commercial/Retail	115,000 SF	105	65	316	342
Synagogue <sup>2</sup>	25,000 SF	0	0	20	22
<b>Sub-total</b>		<b>534</b>	<b>470</b>	<b>762</b>	<b>865</b>
<i>Multi-use Trips</i>		-42	-42	-274	-311
<i>Pass-by Trips</i>		0	0	-77	-69
<b>Total New Trips</b>		<b>492</b>	<b>428</b>	<b>411</b>	<b>485</b>

*Source: SRF February 2015. (Refer to Appendix Volume IV, Letter W, "Revised Traffic Impact Study," page 10.)*

<sup>1</sup> Average occupancy rate is 65%. Therefore, 85 occupied rooms was used as the variable for trip generation purposes. This is consistent with standard practice for determining vehicular trips projections for a hotel.

<sup>2</sup> The traffic generation associated with this building is projected to be during off-peak hours. The planned synagogue is associated with Judaism, the primary weekly religious service (the "Shabbat") is held on Saturday mornings. There are a limited number of annual holidays that will generate larger attendance. The facility will be utilized to a lesser extent during other time periods; the primary traffic trip generation is Saturday mornings.

The Traffic Impact Study also conducted capacity analyses to determine the effectiveness of sections of roadways and/or intersections within the Project study area, based on the number of vehicles during a specific time period. The measure of effectiveness for the capacity analysis is referred to as "Level of Service" ("LOS"), with "A" representing the best conditions and "F" the worst. LOS indicates the amount of delay that a motorist experiences when traveling along a section of road or at an intersection.

LOS analyses were performed for the Westwood Neighborhood under anticipated full build-out conditions. The detailed results of the capacity analysis for the study area intersections are presented in the TIS. Table 5-10 summarizes these results, along with potential recommendations to mitigate LOS conditions at certain intersections.

As summarized in Table 5-10 on the following pages, the capacity analysis determined that some of the intersections in the study area will require certain improvements to maintain suitable LOS after the Westwood Neighborhood achieves full build-out, assuming that the operation of the Project facilities generate the number of vehicle trips as anticipated. Apart from these intersection-specific recommendations, the Traffic Impact Study determined that the vehicular trips expected to be generated as a result of the mixed use neighborhood can be accommodated by the existing roadway network.

**Table 5-10**

**Summary of Capacity Conditions (LOS) and Recommendations**

<b>Intersection</b>	<b>LOS Description</b>	<b>Recommended Mitigation</b>
Maple Road / Millersport Hwy SB	All approaches operate at level of service “C” or better during the AM and PM peak hours between existing, background, and full development conditions. No changes in level of service are expected as a result of the proposed development.	None
Maple Road / Millersport Hwy NB	All approaches operate at LOS “D” or better during the AM and PM peak hours between existing and background conditions. The overall level of service during the PM peak hour is expected to decrease from “B” to “C” between background and full development conditions.	None
Maple Road / Maple mere Road	All approaches are expected to operate at LOS “C” or better between existing, background, and full development conditions. The overall level of service is projected to be “A” during all conditions under both peak hours.	None
Maple Road / Donna Lea Boulevard	All approaches are expected to operate at level of service “C” or better between existing, background, and full development conditions.	None
Maple Road / Sandhurst Lane	All approaches operate at LOS “D” or better during both peak hours under all conditions. The southbound approach decreases from LOS “C” to “D” during the AM peak hour. The actual increases in delay associated with these changes in levels of service are small (less than 2.9 seconds per vehicle) and are characteristic of unsignalized side roads intersecting high volume arterials such as Maple Road.	None
Maple Road / North Forest Road	All approaches are expected to operate at LOS “E” or better during both peak hours. During the AM peak hour between background and full development conditions, the overall LOS is expected to decrease from “C” to “D”; however, the increase in delay is projected to be 2.1 seconds per vehicle.	None
Sheridan Drive /	The eastbound through/right approach operates at	Changes in signal timing will

Intersection	LOS Description	Recommended Mitigation
Mill Street	level of service "F" during the AM and PM peak hours under existing, background, and full development conditions. Between background and full development conditions, the overall level of service during the AM peak hour is expected to decrease from "E" to "F". During the PM peak hour, the LOS is expected to remain "F". Signal timing adjustments to increase the green time given to the eastbound and westbound phases while decreasing the green time for the northbound and southbound phases improves the overall level of service during the AM peak hour from "F" to "E". Likewise, during the PM peak hour, the overall LOS will increase from "F" to "C". During the existing conditions, the intersection experiences eastbound queues extending to Park Country Club during both peak hours.	improve the queuing conditions.
Sheridan Drive / North Forest Road	The eastbound through movement LOS is projected to change from "D" to "E" during the AM and PM peak hours between background and full development conditions. The westbound left turn movement operates at LOS "F" during the PM peak hour under all conditions. Observations of existing conditions noted southbound queues extending beyond the existing Westwood Country Club driveway. Additionally, during the PM peak hour, westbound queues extend beyond Fleetwood Terrace.	Minor signal timing adjustments to reduce the green time given to the eastbound left approach can offer a minor improvement in intersection delay during the PM peak hour. Projected traffic increases may be accommodated by the existing actuated traffic signal. The southbound right-turn lane should be extended to create additional capacity for southbound right-turning traffic.
North Forest Road / Country Club Driveway	The eastbound exiting approach from Westwood Country Club currently operates at LOS "C" and "E" during the AM peak hours between existing and background conditions. This driveway is expected to be removed upon full development of the site.	None

Intersection	LOS Description	Recommended Mitigation
Sheridan Drive / Fenwick Road / Proposed Driveway	Between existing and background conditions, all approaches operate at level of service "D" or better. Under full development conditions, the southbound approach exiting the proposed site is expected to operate at LOS "F" with delays greater than two minutes; with the exception of the southbound right during the AM peak hour operating at LOS "E". The eastbound left turn movement into the new site will operate at LOS "E" during both peak hours.	Add a three-colored traffic signal to provide a permitted/protected eastbound left-turn phase as well as a southbound right-turn overlap phase. Southbound left and through traffic should be phased as permitted/protected. Add a westbound right-turn only lane on Sheridan Drive to provide storage space for vehicles entering the site. Restripe the existing two-way left-turn lane to provide a westbound left-turn only lane entering the site. Coordinate this signal with other traffic signals to the west on Sheridan Drive.
Sheridan Drive / Frankhauser Road	All approaches operate at level of service "E" or better during both peak hours under existing, background, and full development conditions. The southbound right approach decreases from LOS "B" to "C" during the AM peak hour and "C" to "D" during the PM peak hour as a result of the development.	Coordinate this signal with other traffic signals to the west on Sheridan Drive.
Sheridan Drive / I-290 WB	The eastbound left turn movement is projected to decrease in LOS from "C" to "D" during the AM peak hour between background and full development conditions. During the PM peak hour between background and full development conditions for the northbound left/through/right approach, the LOS decreases from "D" to "E". The available storage length for the westbound ramp is 800 feet. Based on the available storage length, traffic on the ramp is not projected to impact mainline traffic on the I-290.	Minor signal timing adjustments during the PM peak hour to increase green time given to the eastbound left turn movement decreases the projected delay for the eastbound left turn movement and westbound through/right approach.
Sheridan Drive / Harlem Road	The overall level of service remains "C" during both peak hours between all conditions. All approaches operate at LOS "E" or better during both peak hours under full development conditions. Minor signal timing adjustments can reduce delay for the westbound left	Coordinate this signal with other traffic signals to the east on Sheridan Drive.

Intersection	LOS Description	Recommended Mitigation
	approach during both peak hours, as well as reduce overall intersection delay.	
Harlem Road / I-290 EB	All approaches operate at level of service “D” or better during both peak hours between existing, background, and full development conditions. The southbound left approach is projected to decrease in level of service from “C” to “D” during the PM peak hour between background and full development conditions.	None
Maple Road / Proposed Driveway	The northbound driveway approach to Maple Road is expected to operate at level of service “C” during the AM peak hour and “D” during the PM peak hour under full development conditions. Meanwhile, the westbound left turn movement operates at LOS “B” and “C” during the AM and PM peak hours respectively.	Add a three-colored traffic signal to provide a permitted/protected westbound left-turn phase as well as a northbound right-turn overlap phase. The existing two-way left-turn lane should be restriped to provide a westbound left-turn only lane entering the site.

Note: Any recommended signal timing adjustments should be made with careful consideration of adjacent signalized intersections given the proposed signal coordination.

The New York State Department of Transportation (“NYSDOT”) and Erie County Department of Public Works (“ECDPW”) will be the responsible for reviewing the TIS and determining any necessary roadways mitigation measures that will be necessary to accommodate additional traffic generated by the Project. The Project Sponsor has previously met with the ECDPW to review the TIS and determine what specific mitigation measures may be necessary to permit the proposed new intersection along Maple Road (CR 192). Based on its review of the TIS, the ECDPW issued a letter to the Town of Amherst Planning Department confirming the following:

“The department (*ECDPW*), as an involved agency in connection with the environmental review of the project pursuant to the State Environmental Quality

Review Act, has determined that this project will not result in any adverse impacts to the affected county highway based on the projected trips to be generated, the capacity analysis contained in the TIS and the existing and proposed project roadway connections as evaluated in the TIS.”<sup>62</sup>

The NYSDOT has previously received the TIS and it is anticipated that it will issue comments to the Town based on its review of the TIS during the public comment period on the DGEIS.

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<sup>62</sup> See Appendix Volume IV, Letter Z2.9, “ECDPW to TOA Planning Dept. RE: TIS Review”

### **5.8.2 Public Transportation:**

The Traffic Impact Study also assessed the use of Transportation Demand Management (“TMD”) strategies and policies to reduce single-occupant vehicle (“SOV”) trips associated with the Westwood Neighborhood. The mixed use neighborhood will include extensive new sidewalks including connections to the existing sidewalks along Maple Road and Sheridan Drive. In addition, NFTA metro-bus Route #49 operates along Sheridan Drive.

### **5.8.3 Bicycle and Pedestrian Circulation**

The TIS conducted by SRF recommended that the mixed use neighborhood be designed to take advantage of the existing pedestrian infrastructure system in place along Maple Road and Sheridan Drive. Within the Project Site, sidewalks will form an inter-connected network allowing users to actively walk between the various mixed use components.

The southern portion of the mixed use neighborhood, consisting of commercial, higher density residential, and a four-story hotel, will incorporate bicycle parking and related facilities into the Site design. Such facilities can consist of bike racks, bike lockers or shower and changing facilities within the proposed buildings. Bicycle signage along the main north/south internal roadway can be used to increase driver’s awareness of bicyclists as well as encourage bicycle ridership. Implementing, to the extent practicable, pedestrian and bicycle design features into the overall Project planning can encourage a healthy, active lifestyle and also minimize vehicle trips generated by the Site redevelopment.

## **5.9 AIR QUALITY AND NOISE:**

As discussed below, minor, short-term and highly localized impacts to air quality and noise will result from both site preparation activities and construction work. On a long-term basis, there will be increases in air emissions associated with the occupation of the new building and related facilities, both as a result of heating and cooling of the new buildings, and vehicular movements to and from the new residential and commercial uses. Similarly, baseline noise levels will increase compared to the existing use of the Project Site as a private golf course. However, the anticipated noise levels will not be significant when compared to the existing noise levels in the vicinity of the Project Site.

### **5.9.1 Air Quality:**

The Project is anticipated to result in minor and localized impacts on air quality on both a short-term and long-term basis.

During the phased development of the mixed use neighborhood, construction activities such as site preparation, infrastructure work, and the construction of buildings will require the operation of construction equipment on the Project Site and the movement of construction-related vehicles to and from the Project Site. Impacts will occur as a result of both emissions from construction equipment and construction-related vehicles and from the generation of fugitive dust during earth moving activities.

The increased emissions resulting from construction activities will be relatively short-term and localized to the vicinity of the Project Site. Further, because the Project will be developed in phases, air emissions will occur over time and are not expected to significantly

impair local air quality or to contribute to the long-term contravention of ambient air quality standards. As previously noted within Section 4.1.2 of this DGEIS, the Project Sponsor has discovered elevated levels of arsenic contamination within the Project Site soils related to historic applications of pesticides and herbicides. The Project Sponsor has since made application to the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”) and received an official Notice of Acceptance Letter from the NYSDEC.<sup>63</sup> Potential exposure and aeration of the arsenic contained within the soils at the Project Site during construction and excavation to the ambient atmosphere is a potentially significant environmental impact. Construction and excavation activities provide a potential human exposure path through inhalation of arsenic within soil particles in the air.<sup>64</sup> Acceptance of the BCP Application by the NYSDEC has now required that the Project Sponsor enter into a formal BCP Agreement (“BCA”) with the NYSDEC. The BCA imposes specific restrictions, conditions and obligations upon the Project Sponsor as a Volunteer<sup>65</sup> party to the BCP. As per the requirements of the BCA, the Project Sponsor will be required to develop a Remedial Action Work Plan subject to the review and approval of the NYSDEC that includes a separate Health and Safety Plan with consideration for community air monitoring throughout site remediation. The community air monitoring will require that the Project Sponsor utilize the services of a third

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<sup>63</sup> See Appendix Volume IV, Letter Z2.7, “BCP, NYSDEC Letter to Mensch RE: BCP Application Acceptance”.

<sup>64</sup> See New York State Department of Health. The Development of New York State Soil Cleanup Objectives for Arsenic- Deriving Health-Based SCO’s for Arsenic. Accessed on March 2<sup>nd</sup>, 2014. Available online at: [http://www.dec.ny.gov/docs/regions\\_pdf/dohfmc2.pdf](http://www.dec.ny.gov/docs/regions_pdf/dohfmc2.pdf)

<sup>65</sup> Definition: a *Volunteer* is an applicant within the NYSDEC BCP who is not liable for disposal of hazardous waste or discharge of petroleum at the site, or whose liability arises solely from site ownership acquired after the disposal/discharge of hazardous waste or petroleum provide that the Party has taken reasonable steps to: stop any continuing release, prevent any threatened future release, and prevent or limit human, environmental, or natural resource exposures to any previously released hazardous substance. Source: NYSDEC online, <http://www.dec.ny.gov/chemical/8648.html>.

party special inspections service provider utilizing air monitoring equipment throughout the soil remediation process to regularly monitor for levels of arsenic and other potential contaminants of concern and specifically record its findings. If at any point should the air monitoring equipment detect levels of arsenic or any other potential contaminant of concern that exceeds the pre-established regulatory thresholds, work must be stopped immediately in accordance with the terms and conditions of the Health and Safety Plan as required within the Remedial Action Work Plan. Ultimately, the regulatory standards as required and monitored by the NYSDEC as per the BCA will ensure that at no point throughout the remediation process will potentially hazardous levels of arsenic be released to the atmosphere. None of the vegetation cleared or grubbed from the Project Site will be burned, although it may be chipped on-site for future use as mulch or in creating the pedestrian trail system.

Long-term, but minor, adverse impacts to air quality will result from the Project primarily attributable to increased vehicular traffic levels. In addition, the occupation of the redeveloped Westwood Neighborhood facilities will result in minor long-term impacts to air quality attributable to emissions associated with the occupancy of the mixed use components on the Project Site. Such emissions will result from building heating and cooling systems and will be minor. The HVAC systems in all of the new structures on the Project Site will conform to current stringent standards and codes for energy efficiency in accordance with Chapter 5 of the Energy Conservation Construction Code of New York State.<sup>66</sup>

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<sup>66</sup> See ECCCNYS 2010, [www.iccsafe.org](http://www.iccsafe.org)

### **5.9.2 Noise:**

The redevelopment of the existing private golf course and related facilities as a mixed use neighborhood in a manner consistent with the Conceptual Master Plan will affect the ambient sound environment in the short-term, during construction, and on a long-term basis as a result of the use of the Project Site as a mixed use neighborhood. However, the construction related noise impacts will be minor and localized on and in the vicinity of the Project Site, and are not expected to result in significant adverse effects on the sound environment.

The construction of the mixed use neighborhood will result in short-term increases in noise levels as a result of the operation of construction vehicles and equipment, as well as power tools. The noise generated during site preparation and building construction activities is generally expected to be limited to that of standard construction equipment, which is generally in the range of 80-100 dB at the source of the impact. No blasting is expected to be required during site preparation activities.

The noise associated with the construction of the Project will represent a noticeable change in the outdoor background sound environment on the Project Site and may constitute a potential impact to nearby residential areas. Such effects will occur for the duration of the Project construction, but will tend to be less noticeable during the winter, when fewer people routinely engage in outdoor activities.

Short-term increases in noise levels (generally in the range of 80-100 dB) will result from the operation of construction and related equipment during project development. The noise generated during site preparation work and construction activities is expected, in most instances, to be limited to that of standard construction equipment (typically less than 90 dB). Episodes of

higher noise levels (>90 dB) should occur only on an intermittent basis, when equipment is operating at maximum power. During such activities, there will be potentially significant but short-term impacts to noise levels on the Project Site.

Further, noise impacts will be partially mitigated by the retention of the existing vegetation (which assists in noise attenuation) along Ellicott Creek and, if practicable, along the western boundary of the Project Site. Noise impacts also will be mitigated by performing construction activities during daytime hours, since human sensitivity to noise is lower during the daylight hours than at night.

After the completion of construction activities, the occupation of mixed use components on the Project Site are expected to result in sound levels that are comparable to and characteristic of the existing surrounding suburban residential areas. The commercial, office, and four-story hotel planned on the southern portion of the Project Site, can be expected to generate noise associated primarily with traffic movements, which will occur principally during business hours. Although a long-term change from the typical noise emissions associated with the previous use of the Project Site as a private golf course, the ambient sound levels on the Project Site upon completion of the mixed use project will be consistent with the surrounding area.

## **5.10 COMMUNITY FACILITIES AND SERVICES:**

The Project Site is centrally located within the Town, within an area that is already in proximity to and served by a variety of established community facilities and services. Town owned community facilities and services include police protection, libraries, parks/open space/recreational areas, and senior/youth services. Public education, fire protection, and health care are provided by special districts or privately. The Project Site is within the Williamsville Central School District.

The proposed mixed use neighborhood will enhance community facilities for the benefit of the Town's residents by providing an approximately 23 acre publicly accessible park area ("Westwood Park") and related publicly accessible amenities such as over 2 miles of trails and sidewalks. The publicly accessible park area adjacent to Ellicott Creek will provide opportunities for public access to this water resource. In addition, the extensive trails that will be installed as part of the mixed use neighborhood will provide opportunities for outdoor recreational activities for the future residents of residential components, existing nearby residents and the public in general.

The Project will not have significant adverse impacts on the demand for municipal services. Existing municipal services (e.g., police and fire protection) have the capacity to serve the limited additional permanent population (approximately 1,900 residents). The Williamsville Central School District will not be adversely impacted by the addition of the estimated 250 school-age children from the new housing units within the mixed use neighborhood. Instead, the Project will have positive impacts on the school district since the mixed use neighborhood will generate substantial school tax revenues that will more than offset the increased costs resulting

from providing educational services to school age children resulting from the residential components of the mixed use project. Since the Town's population base is expanding, the Williamsville Central School District takes into account an increased population base when planning for the demand for educational services.

## **5.11 LIGHTING:**

The redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Conceptual Master Plan will result in a permanent change to the lighting levels on the Project Site. However, the lighting impacts will not be significant as a result of the need for the on-site lighting to comply with the Town's stringent lighting standards as discussed below.

Lighting improvements resulting from a project that is not properly designed and managed has the potential to result in significant adverse lighting impacts to existing uses in the vicinity of a site that is attributable "spill light", which results when a light fixture casts illumination beyond the property lines onto existing adjacent land uses.

The site lighting for the mixed use neighborhood will be designed and installed in manner consistent with the Town's stringent lighting standards contained in Section 7-3 of the Zoning Code. These stringent lighting standards apply to parking areas as well as residential, multifamily and nonresidential buildings to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting will be designed in a consistent and coordinated manner for the entire Project Site. The lighting and lighting fixtures will be designed to enhance the visual impact of the Project and to blend into the surrounding landscape.

Lighting fixtures will be designed, sized and located in such a manner to not cast direct rays of light upon adjoining properties or cause glare hazardous to pedestrians or persons using adjacent public streets. Additionally, the Project Sponsor proposes to develop site lighting that will incorporate measures to avoid or minimize light pollution, either from indoor lighting that is projected through building windows or from outdoor lighting. For example, outdoor lighting

will be placed only where needed and all outdoor light fixtures will be shielded. Dark sky outdoor lighting, which is specially designed to reduce light pollution in the night sky, also may be used to minimize the potential for light trespass and glare. Individual buildings will be designed to carefully take into account the minimization of light pollution.

## **5.12 UTILITIES AND NON-TRANSPORTATION INFRASTRUCTURE:**

The proposed mixed use neighborhood will result in a long-term increase in the demand for both public utilities (e.g., potable water, sanitary sewer and storm sewer facilities) and non-transportation infrastructure (e.g., cable, telephone, natural gas and electric service). Based on the Project Sponsor's consultations with the utility and service providers, the increase demand associated with the Project will not overtax the capacity of these existing utilities and infrastructure. As a result, the overall impact of the Project on public utilities and infrastructure will be minor, but long-term.

Although a full complement of utilities serves the Project Site and the surrounding vicinity, improvements will be required to extend the facilities into the Project Site. Infrastructure facilities will be installed on the Project Site during the construction of the necessary infrastructure to service the mixed use neighborhood and the construction of buildings.

### **5.12.1 Sanitary Sewers:**

The Project Site is located wholly within the Town of Amherst's Consolidated Sanitary Sewer District. Sanitary sewer flows will be collected by a new gravity sewers planned to be installed along the proposed new north/south public roadway. Flows will be conveyed southerly to an existing 36 inch trunk sewer located on the north side of Sheridan Drive. Sewage flows will be conveyed westerly along Sheridan Drive to the West Side Interceptor Sewer, which is tributary to the Amherst Peanut Line Sewer and ultimately to the Town of Amherst Wastewater Treatment Facility located on Tonawanda Creek Road.

The proposed mixed use neighborhood consists of both residential and commercial buildings as presented in the Tables below.

### 5.12.1.1 Future Residential Development:

		<i>Future Residential Development</i>						<i>Total</i>
		<i>Apartments</i>	<i>Single Family Homes</i>	<i>Patio Homes</i>	<i>Townhomes</i>	<i>Apartments</i>	<i>Community Building</i>	
<b>Equivalent Dwelling Units</b>	<i>Residential</i>	352	46	108	127	56	2	<b>691</b>
	<b>Total:</b>	<b>352</b>	<b>46</b>	<b>108</b>	<b>127</b>	<b>56</b>	<b>2</b>	<b>691</b>
<b>Ultimate Service</b>	<i>Occupancy Rate</i>	2	3.5	3.5	2	2	1.5	
	<i>Peaking Factor</i>	4.00	4.18	4.03	4.11	4.23	4.45	
	<i>Average Daily Sewer Flow (ADSF) (gpd)</i>	70,400	16,100	37,800	25,400	11,200	300	<b>161,200</b>
	<i>Maximum Daily Flow (Assumes a peaking factor of 2.0)</i>	140,800	32,200	75,600	50,800	22,400	600	<b>322,400</b>
	<i>Peak Hour Sewer Flow (PHSF) (gpm)</i>	281,600	67,313	152,474	104,352	47,374	1,336	<b>654,448</b>

Note: Flow production (including infiltration) = 100 gpcd (10 States Standards)

### 5.12.1.2 Future Commercial Development

<u>Commercial:</u>			
Use Component	Units	Average Daily Flow (gpd)	Total Flow (gpd)
Hotel	130 (Rooms)	120	15,600
Retail/Shopping	115,000 (Sqft)	0.1	11,500
Office	200,000 (Sqft)	0.1	20,000
Senior Living	296 residents	125	37,000
Sub Total – Commercial			<b>84,100</b>
Max Daily Flow (Assumes a peaking factor of 2.0)			<b>168,200</b>
Peak Hourly Flow (Assume peaking factor of 4.1)			<b>344,900</b>

The total flows, from both the residential and commercial sections of the proposed development, are presented below.

**5.12.1.3 Total Proposed Flows:**

	Residential Flows (gpd)	Commercial Flow (gpd)	<b>Total Flow (gpd)</b>
Average Daily Flow	161,200	84,100	<b>245,300</b>
Maximum Daily Flow	322,400	168,200	<b>490,600</b>
Peak Hourly Flow	654,500	344,900	<b>999,400</b>

**5.12.1.4 Proposed Sanitary Sewer Design:**

The proposed primary interceptor sanitary sewer will be designed to carry the maximum daily flow of 1,490,600 gpd. A 15-inch gravity sewer at a 0.15% slope and a roughness coefficient of 0.013 will allow for a full flow capacity of 1,620,000 gpd, which is sufficient for the proposed peak hourly flow.<sup>67</sup> Approximately 4,700 linear feet of sanitary sewer, starting at the north end of the Westwood Neighborhood, near Maple Road, will convey flow south through the development to the existing 36-inch sanitary sewer located on Sheridan Drive. The starting invert elevation of the sanitary sewer at Maple Road will be approximately 590' (8-foot depth), and end at Sheridan Road at an elevation of 582.5' (20-foot depth).

The proposed 15-inch sewer will connect to an existing drop manhole on Sheridan Drive, at Fenwick Drive. The existing manhole is approximately 22 feet deep and has one (1) 12-inch connection and two (2) 36-inch connections. The bottom of the existing manhole is a 6 ft. by 6 ft. concrete chamber with an invert elevation of 581.19 feet.

The entire Project will be served by gravity sewers. The residential and commercial areas tributary to the 15-inch sanitary sewer will be serviced by 8 and 10-inch sewers.

<sup>67</sup> See Appendix Volume III, Letter L, "Preliminary Engineer's Report," page 3.

Pending final design layout and depth of the sanitary sewer, it may be necessary to use fill to raise the grades on the northern portion (residential section) of the Project Site to ensure proper minimum cover.

#### **5.12.1.5 Receiving Sewer Capacities:**

The receiving 36-inch sewer on Sheridan Drive has a design capacity of 17.2 mgd.<sup>68</sup> In preparing to develop a Downstream Sanitary Sewer Capacity Report and as per the request from the Town's Engineering Department within its Memorandum regarding the initial DGEIS submission<sup>69</sup>, the Project Sponsor retained the services of TECsmith Inc. ("TEC"), a local water and wastewater monitoring service provider, to perform sanitary flow monitoring of the Sheridan Drive sewer.<sup>70</sup> Beginning on October 9, 2014 and spanning through November 6, 2014, TEC placed a flow monitor within the 36" sewer along Sheridan Drive, specifically at a manhole located at 4180 Sheridan Drive. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient downstream sanitary sewer capacity to service the additional flows as calculated for the Project. However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.<sup>71</sup>

The 36-inch sewer flows to a 54-inch sewer approximately 4000-feet downstream of the proposed connection point known as the West Side Interceptor sewer. The capacity of the 54-

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<sup>68</sup> See Appendix Volume III, Letter L, "Preliminary Engineer's Report," page 3.

<sup>69</sup> See Appendix Volume IV, Letter Z2.3- "Memorandum, TOA Engineering Dept. to TOA Planning Dept. RE: DGEIS Completeness".

<sup>70</sup> See Appendix Volume IV, Letter U, "Sanitary Flow Monitoring Report."

<sup>71</sup> See Appendix Volume IV, Letter U, "Sanitary Flow Monitoring Report," Node 1 level graph.

inch sewer is 36.4 mgd.<sup>72</sup> According to Town's flow meter data, the average and maximum daily flows in the 54-inch sewer are 8.05 mgd and 9.55 mgd, respectively. As with the Sheridan Drive 36" sewer, the Project Sponsor utilized the services of TEC to additionally monitor sanitary sewer flows within the West Side Interceptor sewer, specifically at the manhole located along Chestnut Ridge Road. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient downstream sanitary sewer capacity to service the additional flows as calculated for the Project. However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.<sup>73</sup>

Based on the extent of system infrastructure including sewer sizing, depth, treatment plant processing capacity and anticipated or expected total effluent flows, sanitary sewer systems are designed manage specific maximum total flows. There are circumstances whereby sanitary sewer infrastructure is either inundated with greater than design capacity flows or compromised due to mechanical and/or electrical failures, potentially resulting in a surcharging of flows. These system surcharges can be created by blockages (such as root intrusion, grease, and other objects within the pipe), wet weather Infiltration and Inflow (I&I), power and mechanical failures at pumping stations, sewer collapses or breaks or intentional acts of vandalism.<sup>74</sup> Surcharges occur when flows within the system begin to exceed the pipe capacity and can eventually overflow the pipe, entering manhole access points. In severe circumstances, these

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<sup>72</sup> See Appendix Volume III, Letter L, "Preliminary Engineer's Report," page 3.

<sup>73</sup> See Appendix Volume IV, Letter U, "Sanitary Flow Monitoring Report," Node 2 level graph.

<sup>74</sup> See Erie County, New York home page online. *Erie County Division of Sewerage Management-Sanitary Sewer Overflows*. Accessed March of 2015. available on line at:  
<http://www2.erie.gov/dsm/index.php?q=Sanitary-Sewer-Overflows>

flows can crest the manhole covers and breach the surface, known as a Sanitary Sewer Overflow (“SSO”). SSO’s represent a potential environmental impact in that they provide for a release of sanitary waste to the environment prior to treatment by a publicly owned treatment facility. This untreated waste creates an opportunity either for direct human and environmental exposure either at the source of the SSO or eventual indirect exposure by final discharge and removal of the flows via stormwater sewer systems or surficial and open water resources within the community.

It is important to note that concerns related to surcharging sewers and SSO’s are not uncommon within Erie County, in fact, unintentional discharges from municipal sanitary sewers occur in almost every publicly managed system.<sup>75</sup> As it relates to the Town of Amherst and Sanitary Sewer District No. 16, the primary source of sewer surcharging and SSO’s is due to extraneous stormwater flows into the system by I&I sourced from insufficient or compromised main connections, system joints, and private laterals.<sup>76</sup> Given the surcharging issues that have been uncovered within the downstream sanitary sewer path intended for the Project, the Project Sponsor will be required to provide for mitigation measures within the sanitary system. For a complete description of the potential mitigation options and regulatory requirements prior to extending sanitary service to the Project, please refer to Section 6.12 of this DGEIS.

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<sup>75</sup> See Erie County, New York home page online. *Erie County Division of Sewerage Management-Sanitary Sewer Overflows*. Accessed March of 2015. available on line at: <http://www2.erie.gov/dsm/index.php?q=Sanitary-Sewer-Overflows>

<sup>76</sup> See Erie County, New York home page online. *Erie County Division of Sewerage Management-Infiltration and Inflow (I&I) Program*. Accessed March of 2015. available on line at: <http://www2.erie.gov/dsm/index.php?q=infiltration-and-inflow-iampi-program>

### **5.12.2 Stormwater:**

The Westwood Project will alter on-site stormwater management by substantially increasing the areas of the Project Site that will consist of impervious surfaces, as the existing former private golf course will be redeveloped as a mixed use neighborhood that will include new buildings, parking fields and related paved areas. The potential impacts of the Westwood Project on stormwater runoff and site drainage are detailed in PCE's Preliminary Drainage Analysis Report (refer to Appendix Volume IV, Letter V, "Revised Preliminary Drainage Analysis Report").

The Conceptual Master Plan has been designed to incorporate a system of stormwater management ponds and a new approximately five acre lake. According to PCE, these hydraulic design elements will address stormwater quantity control by providing stormwater storage to limit the discharge from the Project Site to rates that are equal to or less than pre-development rates. In developing the preliminary stormwater management plan for the Project, PCE evaluated the existing grades and elevation of the Project Site with relationship to Ellicott Creek normal water surface elevations as well as the 1, 10, 25, and 100 year flood elevations. PCE's preliminary stormwater management plan includes an assessment by C&S Companies ("C&S") in determining the potential need for a stormwater pump station given the total elevation difference between the proposed stormwater management ponds and existing elevation of Ellicott Creek. C&S concluded that it is anticipated that a stormwater pump station will be required in Post-Development Drainage Area 1 ("PDA-1") due to the elevation difference of the three (3) proposed stormwater management ponds within PDA-1 and the proposed five acre

stormwater management lake.<sup>77</sup> Ultimately, stormwater will be discharged from the approximately five acre lake into Ellicott Creek at a controlled rate of discharge per the applicable stringent standards after having been properly treated per the applicable stormwater quality standards. In addition, the stormwater management system on the Project Site will be designed and constructed in accordance with NYSDEC and USEPA requirements, as well as the New York State Stormwater Management Design Manual. The Project Sponsor also proposes to redevelop the Project Site in a manner that will incorporate runoff reduction and low impact development practices to meet state and local performance standards, promote groundwater recharge, and minimize post-construction impacts to water resources and water quality conditions.

The construction of the Project also will require a State Pollution Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001). Pursuant to Section 402 of the U.S. Clean Water Act, this permit is applicable to projects that involve soil disturbance of 1 acre or greater. In accordance with the requirements of this permit, a project specific SWPPP will be prepared by a licensed engineering firm. The Project Sponsor will coordinate with the Town’s Engineering Department regarding the SWPPP and the potential impacts of the construction activities on the Town’s stormwater sewer system. Subsequently, the SWPPP, Town SWPPP Acceptance Form, and Notice of Intent Form must be submitted to NYSDEC in advance of the start of construction activities on the Project Site.

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<sup>77</sup> See Appendix Volume IV, Letter V, “Revised Preliminary Drainage Analysis Report,” Exhibit A - C&S Companies Stormwater Management Analysis (12.19.14).

### **5.12.3 Water Supply:**

The Erie County Water Authority (“ECWA”) currently supplies water to the Town pursuant to a Lease Management Agreement. The ECWA would also operate and maintain the waterlines to be installed as part of the mixed use neighborhood in accordance with under the Lease Management Agreement. The available water source for the proposed mixed use neighborhood is an 8 inch diameter water main located on the south side of Maple Road and a 16 inch diameter water main located on Sheridan Drive. Each of these water mains would be tapped and interconnected through the Project Site. These existing water mains are located within the ECWA direct service area. The proposed water line shall be constructed to ECWA standards and turned over to the ECWA for permanent ownership and maintenance. All commercial services will be isolated from the supply by a Reduced Pressure Zone Backflow Preventer (“RPZBP”).

It is anticipated based on the Conceptual Master Plan that there will be approximately 20,158 lineal feet of proposed water mains installed in connection with the mixed use neighborhood. The water mains will be 8 and 10-inch diameter (C-900 PVC and Class 53 Ductile Iron) waterline, including the appropriate number of hydrants and appurtenant facilities for proper operation and isolation for maintenance purposes.

The estimated average daily and peak hourly demand for this project is calculated as shown on the following page:

**Table 5-11**

**Estimated Water**

<b>Use Component</b>	<b>Units</b>	<b>Average Daily Flow Rate (gpd)</b>	<b>TOTAL (gpd)</b>
<u>Residential:</u>			
Apartments	352	200	70,400
Single Family Homes	46	350	16,100
Patio Homes	108	350	37,800
Townhomes	127	200	25,400
Apartments	56	200	11,200
Community Building	2	150	300
Sub Total - Residential.....			191,200
Max Daily Flow (Assumes a peaking factor of 2.0)			322,400
<u>Commercial:</u>			
Hotel	130 (Rooms)	120	15,600
Retail/Shopping	115,000 (Sqft)	0.1	11,500
Office	200,000 (Sqft)	0.1	20,000
Senior Living	296 residents	125	37,000
Sub Total - Commercial.....			84,100
Max Daily Flow (Assumes a peaking factor of 2.0)			168,200
<b>TOTAL ADF</b>			<b>245,300</b>
TOTAL Max Day			490,600
Peak Hour (Assumes an average day to peak hour factor of 2.5)			613,250

Average Daily demand for the mixed use neighborhood is estimated at 245,300 gpd, with a Maximum daily flow of 490,600 gpd. The evaluation of the existing public water system and the projections for demand for water indicates the existing public water supply has adequate capacity to service all of the components of the proposed mixed use neighborhood.

#### **5.12.4 Private Utilities:**

In order to fully evaluate the increased demand for private utility services related to natural gas and electric services, the Project Sponsor retained the services of C&S Companies to prepare utility demand and load calculations based on the proposed increase in residential and commercial occupancy at the Project Site. Figure 5-2 and Figure 5-3 provide a summary of the total increased demand in natural gas and electrical services and the resulting total increase in utility loads based on development of the Project Site. As described in Section 4.12.4, all utility providers have provided correspondence demonstrating that adequate capacity exists to serve the proposed development by extending or branching off of existing, adjacent infrastructure. No on-site or town-wide potential adverse impacts exist or will occur due to the extension of existing private utility infrastructure to service the proposed mixed use components. For the forgoing reasons, no mitigation measures are necessary to provide adequate utility services for the Project.