

SECTION 3

ANALYSIS OF ALTERNATIVES

3.0 INTRODUCTION:

This section of the DGEIS consists of a description and analysis of the Alternatives to the proposed mixed use neighborhood that were identified and evaluated by the Project Sponsor as well as a new traditional mixed use Alternative that was identified by the Planning Department within the Memorandum it issued on September 3, 2014 based on its review of the original DGEIS submitted on July 14, 2014.¹

SEQRA requires a DGEIS to include a description of the range of reasonable Alternatives to the proposed action that are feasible, considering the objectives and capabilities of the project sponsor.² The SEQRA Regulations also require that one of the alternatives to be evaluated consist of a “No Action” Alternative so that adverse and beneficial changes to a project site that are likely to occur in the future in the absence of the proposed action can be considered by a lead agency.³

¹ A copy of the Memorandum issued by the Planning Department based on its review of the original DGEIS submitted on July 14, 2014 is provided at Appendix IV, Letter Z1.3.

² See 6 NYCRR Part 617.9(b)(5)(v), which states that an EIS must include “a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The range of alternatives must include the no action alternative. The no action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action. The range of alternatives may also include, as appropriate, alternative: (a) sites; (b) technology; (c) scale or magnitude; (d) design; (e) timing; (f) use; and (g) types of action. For private project sponsors, any alternative for which no discretionary approvals are needed may be described. Site alternatives may be limited to parcels owned by, or under option to, a private project sponsor.

³ See 6 NYCRR Part 617.9(b)(5)(v).

The evaluation of Alternatives is particularly relevant in connection with the proposed action given that the Project Sponsor is proposing to amend the zoning classification of portions of Project Site to be redeveloped as a mixed use neighborhood consistent with the project layout depicted on the Preliminary Conceptual Master Plan from Recreation Conservation District (“RC”) to Traditional Neighborhood District (“TND”), Multifamily Residential District Seven (“MFR-7”), and General Business District (“GB”). A copy of the Preliminary Conceptual Master Plan depicting the conceptual layout of the proposed mixed use neighborhood is provided at Figure 1-3 (located at the end of Section 1).

The range of expressly permitted uses of the Project Site currently allowable is based on the existing RC zoning classification. The Town Board rezoned the Project Site from Community Facilities District (“CF”) to RC on July 7, 2014, more than two years after the Project Sponsor acquired the Project Site.⁴ With the exception of the proposed hotel and the independent senior housing and assisted living facility, which require GB and MFR-7 zoning, the Project Sponsor has determined that the TND zoning classification is best suited for the redevelopment of the Project Site as a mixed use neighborhood.

The proposed or preferred action consists of the redevelopment of the Project Site as a mixed use neighborhood consisting of the integrated project components described in Section 1 of this DGEIS. The Project Sponsor’s objective for the redevelopment of the Project Site is to

⁴ See Town of Amherst Local Law No. 28-2014, A Local Law Amending Chapter 203 of the Town of Amherst Code, known as the Zoning Ordinance, to Rezone 772 North Forest Road & 385 Maple Road from Community Facilities District (CF”)) to Recreation Conservation District (“RC”) and to Amend the Zoning Map Accordingly. A copy of Local Law No. 28-2014 is available online at <http://ecode360.com/documents/AM0003/source/532890.pdf>.

create a mixed use neighborhood that is consistent with the project layout depicted on the Preliminary Conceptual Master Plan.

3.1 SUMMARY DESCRIPTION OF ALTERNATIVES:

During the planning process, the Project Sponsor identified and considered various Alternatives to the Preferred Action, consisting of redevelopment of the Project Site as a mixed use neighborhood as described in Section 1 of this DGEIS. The analysis of these Alternatives contributed to the Project Sponsor's selection of the proposed mixed use neighborhood as depicted on the Preliminary Conceptual Master Plan as the Preferred Alternative. The Alternatives that have been considered and evaluated by the Project Sponsor are as follows:

- No Action Alternative. As of Right / RC District Zoning.
- Alternative sites.
- Alternate development scenarios for the Project Site consisting of the following:
 - Alternative No. 1: Recreation Conservation (RC) Zoning Plan
 - Alternative No. 2: Community Facilities (CF) Zoning Plan
 - Alternative No. 3: Residential Three (R-3) Zoning Plan
 - Alternative No. 4: Transitional Residential (TND) Zoning Plan
 - Alternative No. 5: General Business (GB) Zoning Plan
 - Alternative No. 6: Office Building (OB) Zoning Plan
 - Alternative No. 7: Alternative Access Plan
- Proposed Project mixed use design / zoning concept Alternatives.

Throughout the development and the evaluation of the Alternative Plans referenced above, certain underlying assumptions and standard design measures were consistently applied to assist in the analysis and comparison of the Alternatives as follows:

- PUD Requirements: Pursuant Section 6-9-1 of the Zoning Code, the Planned Unit Development Process ("PUD") applies to the development or redevelopment of a portion

of any lot measuring 30 acres in size or larger.⁵ Given that Project Site consists of approximately 170 acres, the redevelopment of the Project Site pursuant to any of the layouts depicted on Alternative Plans Numbers 2 through 7 would all require coordinated project review per the PUD process and standards contained in Section 6-9 of the Zoning Code. The PUD review process includes a specific review of development standards including site parking, landscaping features, vehicular & pedestrian circulation, open space requirements, public and private utilities and signage. Additionally, pursuant to Section 8-4 of the Zoning Code, the PUD review process requires the Town Board to hold a public hearing prior to issuing a decision on a project requiring PUD approval. The Town Board may choose to incorporate into their approval resolution specific conditions or requirements that are consistent with the intent of the PUD regulations as specified in Section 6-9 of the Zoning Code and the Comprehensive Plan.

- Open Space Preservation: Minimally 25% of the Project Site would consist of permanent open space per the Town's PUD requirements.
- Avoidance of Floodway Impacts and Limited 100 Year Floodplain Impacts: The redevelopment of the Project Site would occur in manner that would avoid any development in the regulated Floodway associated with Ellicott Creek and that would also limit impacts to the on-site 100 year floodplain.

⁵ Section 6-9-1 of the Zoning Code, which was added on May 20, 2013, states: "The PUD process shall be required for development or redevelopment of a portion of any lot measuring 30 acres in size or larger as of (effective date of PUD), except for the following: A.) Developments consistent with a site plan or subdivision preliminary plat approved prior to (effective date of PUD); and B.) Site plan modifications approved prior to (effective date of PUD) that result in changes to 50% or less of the total area of the lot.

- Stormwater Management Improvements: The redevelopment of the Project Site would occur in a manner that accommodates the installation of a stormwater management system complying with both the NYSDEC and Town’s stringent stormwater quantity standards as well as the NYSDEC’s stringent stormwater quality standards.
- Parking Requirements: Each of the Alternatives provides the required number of parking spaces per the minimum off-street parking standards in the Zoning Code for the land uses depicted on the Alternative Plans.

3.1.1 Criteria Utilized to Evaluate Identified Alternatives to the Preferred Action:

Each of the redevelopment scenarios depicted on the Alternative Plans were evaluated according to a specified list of environmental impacts and related criteria as listed below.⁶ This analysis was conducted to provide a balanced evaluation and comparison of Alternatives based on the previously mentioned defined set of land use and development criteria. The following is a list of the criteria utilized to evaluate each of the Alternative Plans and the rationale for their use in evaluating the various conceptual alternative layouts:

- Consistency with the Comprehensive Plan (“Plan”): Section 3 of the Comprehensive Plan consists of the Town’s Land Use and Development objectives and goals. A key Land Use and Development policy per Section 3.9 of the Plan is to

“Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses.”

⁶ The Memorandum issued by the Planning Department based on its review of the original DGEIS submitted on July 14, 2014 requested that Section 3 be updated to compare each of the alternatives based upon potential adverse environmental impacts.

Section 3.9 of the Plan establishes important criteria for the redevelopment of underutilized, obsolete and vacant recreation and other large-scale community facilities including private golf courses and states,

“Typically comprised of several acres, these facilities, such as private golf courses with club houses and public / semipublic recreation fields, may provide important open space or recreation assets to surrounding neighborhoods. Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density. Whether involving reinvestment, reuse, or complete redevelopment, all revitalization projects should consider how the development contributes to and fits within the surrounding context of its block, street, neighborhood, and the community as a whole. Such considerations include: land use compatibility, building orientation and scale, vehicular access and pedestrian connectivity, and relationship to open space.”

The Comprehensive Plan is the Town’s official planning document that serves as a guide to the long-range physical development of the Town and is organized into a series of elements that cover community functions such as Land Use, Transportation and Infrastructure. Each element of the Plan describes a set of goals, objectives and policies that are designed to achieve that aspect of the Vision Statement. As per Section 8-3-5(A) of the Zoning Code, any proposed rezoning is required to be “generally consistent with the policies of the Comprehensive Plan.” As such, considering consistency with the Plan is a key evaluation criterion for projects such as the proposed mixed use neighborhood.

- Community Character Impacts: When considering new development and the redevelopment of existing sites, it is important to consider the impacts to surrounding land uses, residents and the environmental setting of a property. Pursuant to Section 8-3-5(C) of the Zoning Code any proposed rezoning must be considered for “compatibility

with the present zoning and conforming uses of nearby property and with the character of the neighborhood.”

- Fiscal Impacts: Maintaining a balanced and strong tax base is identified as an important goal in the Comprehensive Plan and is a critical consideration in accomplishing the Town’s goal of efficiently providing essential community services that contribute to the Town’s reputation. Therefore, new developments and redevelopment of existing sites should be examined to obtain an understanding of their effects on increasing property tax revenues and other potentially positive fiscal impacts and comparing these positive fiscal impacts against the additional costs of providing essential community services. As such all the Alternatives Plans were analyzed to consider their anticipated overall potential fiscal impacts.
- Open Space, Recreation and Pedestrian Trail System: Section 3.2 of the Comprehensive Plan provides a detailed description of the Plan’s Goals, Objectives and Policies. In particular, consideration for the planning and expansion of an open space system is an integral objective of the Plan. Specifically, the Plan suggests that the “Town should work toward establishing an interconnected open space network within Amherst that integrates public parks and open spaces, private open spaces (e.g. country clubs and protected farmlands), and environmentally sensitive resources.”⁷ Additionally, Section 6-9-3C of the Planned Unit Development review process specified in the Zoning Code includes specific provisions and requirements for the allocation and maintaining of open space areas when considering the rezoning of project sites.

⁷ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-20.

- Traffic Impacts: Throughout the Comprehensive Plan review process, the Town’s transportation system was evaluated with respect to vehicular, bicycle, and pedestrian circulation and public transportation. Specifically, the Plan identifies the development of “An efficient, multi-modal transportation system that accommodates the automobile, maintains neighborhood character, and emphasizes alternative means of travel, including walking, biking, and public transportation” as a central goal of new development and redevelopment within the community.⁸ Additionally, pursuant to Section 6-9C of the Zoning Code regarding the PUD review process, analysis of the local circulation system is required. The PUD regulations require that the “vehicular circulation system and parking facilities are designed to fully accommodate the automobile safely and efficiently without allowing it to dominate and destroy the form of the area, and with screening and buffering as may be required to satisfy environmental standards.”⁹
- Drainage Impacts: Carefully evaluating existing public infrastructure networks when planning new development and redevelopment projects is critical to ensure properly planned growth within the community that can be sufficiently serviced. Specifically, stormwater management is an important consideration to manage the risk of flooding, siltation, and waterway erosion that can be associated with poorly designed projects. In recognition of this fact, the Town of Amherst has implemented a Flood Mitigation Plan Report and the Town also oversees a stormwater management program that complies with the New York State Pollutant Discharge Elimination System (“SPDES”). Both

⁸ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 6-4.

⁹ See Appendix Volume II, Letter K, “Sections of the Town of Amherst Zoning Ordinance”, Section 6-9: Planned Unit Development Process.

programs require that proposed projects be evaluated to carefully evaluate potential impacts to the stormwater system that may result in flooding or other adverse environmental impacts. Considerations include: ensuring that the peak flow of stormwater runoff from each site will be no greater than the runoff from the site before it was developed; implementation of stormwater management master plans that account for the effects of existing and expected development within the watershed; elevation of building foundations with respect to the floodplain; and, regulating the quantity and quality of stormwater runoff to minimize erosion, contamination and sedimentation.

- Sanitary Sewer Impacts: The Town owns and operates a wastewater treatment plant and collection system. Current system policies require the maintenance of existing sanitary service and active elimination of sanitary sewer overflows (“SSO’s”) as mandated by the Environmental Protection Agency (“EPA”) and New York State Department of Environmental Conservation (“NYSDEC”). Critical to this effort is requiring the development of a Downstream Sanitary Sewer Capacity Report (“DSSCR”) for new projects that evaluates existing capacity within the system and anticipated additional flows associated with new development. Private developers are responsible for ensuring sufficient capacity can be provided within the system to service a proposed project through the completion of infrastructure mitigation work and inflow and infiltration remediation. Given the system constraints and potential need for mitigation measures, carefully reviewing total anticipated sanitary sewer flows related to a proposed project is critical throughout the planning and design and project review process.

- Market Potential: When planning new development projects and redeveloping existing sites, evaluation of the potential market demand for residential uses and support commercial spaces is a critical consideration. Private investments in the marketplace that fail to attract tenants and generate long term positive fiscal impacts result in vacancies and ultimately devalue the existing portfolio of assessed valuation throughout the community. It is critical to advance projects that are based on proper consideration of current market conditions and market trends so that such projects will have positive fiscal impacts and increase the tax base.

3.2 NO ACTION:

Pursuant to the No Action Alternative, the entire Project Site would remain in its current condition and no redevelopment of the Project Site would occur. Neither the benefits nor the potential adverse environmental impacts associated with the proposed mixed use neighborhood per the Preferred Action would result under the No Action Alternative. Furthermore, given the underlying soil contamination issues related to historic use of pesticides and herbicides in connection with the use of the Project Site as a golf course, the operation of a golf course and country club on the Project Site would not be feasible due to health concerns as well as underlying economic challenges facing the golf course industry. Ultimately, under the No Action Alternative, the Project Site would become a fallow, contaminated brownfield site providing little or no tax revenues to the Town, Erie County and Williamsville School District. The following is a more detailed consideration of the No Action Alternative:

- Consistency with the Comprehensive Plan (“Plan”): In general, the Plan speaks to supporting the development of livable neighborhoods that feature pedestrian-friendly, interconnected mixed use development. The Plan recognizes that preserving and expanding the Town’s strong tax base is a critical element to future planning and redevelopment efforts. Clearly, allowing the approximately 170 acre Project Site to evolve into a vacant, fallow and contaminated brownfield would directly contradict the vision, goals and objectives of the Plan. More specifically, Section 3-9 of the Plan specifically calls for “advancing the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses.” The No Action Alternative would not be consistent with the Town’s land use and goals for the redevelopment of underutilized, obsolescent and vacant

properties since allowing the vacant former golf course to be become a vacant, fallow and contaminated brownfield site clearly is not economically viable.

- Community Character Impacts: The neighborhood surrounding the Project Site is largely comprised of single family residential development. In addition, the Town's Audubon Par 3 Golf Course is directly adjacent to the northeastern portion of the Project Site. Given the concentration of single family residential development on properties in the vicinity of the Project Site, the presence of a vacant, fallow and contaminated brownfield site would be detrimental to the character of the surrounding neighborhood on a long term basis.
- Fiscal Impacts: The No Action Alternative would have negative impacts on the Town's tax base on a long-term basis and would prevent the realization of an opportunity to expand the tax base and grow the local economy over the long term. Specifically, the estimated \$238 million dollars in private investment that it is projected will be allocated to the redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Preferred Alternative would not be expended, and the associated direct and multiplier economic benefits of such investment as detailed in the "Economic and Fiscal Impact Analysis" prepared by CGR would not be realized (refer to Appendix Volume IV, Letter X, "Revised Economic and Fiscal Impact Analysis"). The Town and other taxing jurisdictions, such as the Williamsville Central School District and Erie County, would not realize the projected additional annual property and school tax revenues resulting from the redevelopment of the Project Site as a mixed use neighborhood totaling approximately \$52 million over a ten year period.

- Open Space, Recreation and Pedestrian Trail System: As a privately owned contaminated brownfield site, the Project Sponsor would legally be obligated to prohibit access to the Project Site by the public. This would prevent the proposed expansion of public open spaces and recreational trail connections that will result from the redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Preferred Action. While the No Action Alternative would provide benefits resulting from the long term preservation of the entire Project Site as privately owned open space, the Project Site as it currently exists lacks public access and is largely not viewable from existing public roadways due to the large berm along Sheridan Drive and the limited frontage on Maple Road.
- Traffic Impacts: Since the No Action Alternative would not involve any new development on the Project Site, the identified potential adverse traffic impacts that will result from the proposed Preferred Action consisting of a mixed use neighborhood would not result. However, the No Action Alternative would also prevent the Project Sponsor from providing a new public roadway connecting Sheridan Drive and Maple Road, which is an integral element of the redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Preferred Action. The immediate neighborhood surrounding the Project Site has limited options in terms of local north/south connections between the major east/west arterial roadways in the vicinity of the Project Site such as Sheridan Drive and Maple Road. Consequently, the north/south roadway segments in the vicinity of the Project Site experience high volume traffic volumes and reduced Level of Service (“LOS”) at intersections during peak travel hours. Specifically, under current conditions, the majority of intersection movements at North Forest Road (County Road 294) are typically experiencing a

LOS rating of “D” during the weekday a.m. and p.m. peak traffic hours.¹⁰ The current traffic conditions on North Forest Road during peak travel hours is complicated due to its physical layout (numerous curves, limited pavement width, and only two travel lanes) for the entire segment between Sheridan Drive and Maple Road. Approximately ten years ago, the Erie County Department of Public Works considered widening the right-of-way of North Forest Road to create additional travel lanes to better manage traffic volumes during peak travel periods. However, limited areas for necessary increases in the right-of-way width and other physical constraints, as well as concerns raised by residents on and in the vicinity of North Forest Road contributed to Erie County’s decision to not increase the width of North Forest Road.

- Drainage Impacts: The Project Site currently provides for a significant amount of pervious surfaces as it is largely undeveloped, thereby reducing the need for stormwater collection and detention facilities. However, it is important to note that the existing stormwater management improvements on the Project Site were not developed in accordance with current stringent stormwater quantity and quality standards. As a result, the Project Site does not currently provide for the controlled collection and managed release of stormwater flows to Ellicott Creek during storm events. The existing stormwater management system does not include consideration for engineered storm water storage volume requirements and quality regulations per the current New York State Department of Environmental Conservation (“NYSDEC”) Stormwater Design Manual.¹¹ Furthermore, the No Action

¹⁰ See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 11.

¹¹ See New York State Department of Environmental Conservation Stormwater Management Design Manual (January, 2015), available online at <http://www.dec.ny.gov/chemical/29072.html>

Alternative would not result in the remediation of existing arsenic contamination within the surficial soils of the Project Site as per the NYSDEC Brownfield Cleanup Program.¹²

Without the implementation of a Remedial Action Plan to remove the existing arsenic within the soils at the Project Site, there is risk for long term exposure of surface water and ground water to contamination from surface runoff and storm water infiltration.

- Sanitary Sewer Impacts: During the course of the previous utilization of the Project Site as the Westwood golf course and country club, it is estimated that the onsite facilities generated an average daily maximum (“ADM”) sanitary sewer flow of 6,075 gallons per day (“gpd”).¹³ Given the total processing capability at the Town of Amherst Wastewater Treatment Plant and carrying capacity of the public sanitary system, the total estimated ADM flows generated are not substantial. Furthermore, given the current status of the Project Site as a vacant former golf course and clubhouse and also given the underlying contamination issues, the total estimated ADM flows to the sanitary system under the No Action Alternative would be 0 gpd, resulting in no impacts on the Town’s existing sanitary system. However, it is important to note that a surcharging issue has been identified within the existing sanitary sewer system.¹⁴ As per the NYSDEC requirements, the Project Sponsor will be responsible for providing mitigation measures to help remediate the existing sanitary surcharging issue.¹⁵ Therefore, the No Action Alternative would not provide an opportunity for the Project Sponsor to develop the Project Site as a mixed use neighborhood and implement the

¹² For a further discussion of this program and process, please refer to Section 6.1 of this DGEIS.

¹³ See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

¹⁴ For a further discussion of this concern please refer to Section 5.12.1 of this DGEIS

¹⁵ For a further discussion of this process and requirements please refer to Section 6.12.1 of this DGEIS

necessary sanitary sewer mitigation measures that will be required to address the existing sanitary surcharge condition.

- Market Potential: Since the No Action Alternative does not involve any new development (residential, commercial or industrial) on the Project Site, consideration for potential market demand or positive impacts upon the local economy is not relevant.

In summary, the No Action Alternative would not achieve any of the Project Sponsor's defined goals and objectives for the redevelopment of the Project Site. Additionally, the No Action Alternative would clearly be inconsistent with the Town's goals and objectives as stated in the adopted Comprehensive Plan for redeveloping obsolescent community facilities such as the vacant former golf course that is contaminated. None of the benefits that will result from the redevelopment of the Project Site, as a traditional mixed use neighborhood in manner consistent with the Preferred Alternative would be realized including: enhancement of the overall strength and quality of life in the Town; a dramatically increase in the tax base; and, pedestrian-friendly amenities, including approximately 64 acres of open space, sidewalks, recreational trails and ponds. The No Action Alternative would be inconsistent with the Project Sponsor's objectives for developing a traditional mixed use community at the Project Site. These project objectives were established based upon a thorough analysis of the Town's adopted Comprehensive Plan that motivated the Project Sponsor to evaluate and purchase the Project Site in March of 2012.

3.3 ALTERNATIVE SITES:

The SEQRA Regulations expressly state that site Alternatives may be limited to parcels owned by, or under option to, a private project sponsor.¹⁶ The Project Sponsor does not own or have under option any off-site parcels in the Town.

The Project Sponsor purchased the approximately 170 acre Project Site in March of 2012 because of its suitability for redevelopment as a mixed use neighborhood, and its particular attributes in terms of size, availability, location, proximity to well-established transportation corridors (e.g., Maple Road, Sheridan Drive and the I-290) and lack of significant environmental resources compared to greenfield sites in the Town.

The Project Sponsor's decision to purchase the Project Site, which made the Project Site the preferred location for the proposed mixed use neighborhood, was based on the consideration of the following key site attributes:

- **Parcel size:** The approximately 170 acre Project Site provides the flexibility and critical land mass for the development of multiple types of residential and associated uses in a traditional neighborhood setting, while allowing for the permanent preservation of the Ellicott Creek corridor and the enhancement of associated environmental attributes.
- **Visibility and access:** The Project Site is easily accessible via well-established transportation routes (e.g., Maple Road, Sheridan Drive); and is also near the I-290 interchange with Sheridan Drive and the UB North Campus.
- **Existing infrastructure:** The existing public sanitary sewer, potable water, and storm water management infrastructure as well as the private electric, gas, and data infrastructure facilities and services can accommodate the proposed mixed

¹⁶ See 6 NYCRR Part 617.9(b)(5)(v).

use neighborhood. In addition, the Project Site is within walking distance of major public recreational resources including the 18-hole Audubon golf course, Audubon Par-3 golf course, the Northtown Center, and the Ellicott Creek recreational bike path.

The Memorandum issued by the Planning Department on September 3, 2014 contained a comment stating, “A partner in the petitioner’s group controls a site of sufficient size (1121 and 1081 North French road; “Muir Woods”) that could accommodate this development. That site should be evaluated.” It is important to mention that none of the members of Mensch Capital Partners, LLC (“Project Sponsor”), is an owner of the Muir Woods site at 1081 and 1121 North French Road. The Project Sponsor does not have any ownership or control with respect to the Muir Woods site. Additionally, the Muir Woods site does not constitute a viable off-site Alternative since the existing environmental constraints, consisting of large areas of federal and NYSDEC freshwater wetlands (and associated regulated 100 ft. Adjacent Areas) would prevent this site from being developed as an integrated mixed use neighborhood.¹⁷

¹⁷ The wetland permitting process for the Muir Wood site resulted in three separate development sites, one of which is located on Dodge Road and cannot be connected to the center development site directly north of the I-990 interchange at John James Audubon Parkway. Additionally, the only connection authorized between the center development site and the eastern development site is a roadway connection. It would not be possible to develop the Muir Woods site as an integrated mixed use neighborhood with extensive recreational paths and other related amenities.

3.4 ALTERNATE USES OF THE PROJECT SITE:

In addition to the Preferred Alternative involving the redevelopment of the Project Site as a mixed use neighborhood in a manner consistent with the Conceptual Master Plan, seven other redevelopment scenarios were identified and considered by the Project Sponsor for the Project Site. These Alternatives were prepared based on the potential redevelopment of the Project Site pursuant to its existing Recreation Conservation District (“RC”) zoning, as well as other zoning classifications contained in the Town’s Zoning Code. Figure 3-8 located at the end of this Section consists of a table that compares each of alternatives plans based on the previously discussed criteria. In order to provide a more detailed analysis, each of the seven on-site redevelopment alternatives have also be thoroughly evaluated in the following subsections.

3.4.1 Alternative Plan No. 1: Use of the Project Site Pursuant to Recreation Conservation District (“RC”) Zoning:

On July 7, 2014, the Project Site was rezoned from Community Facilities District (“CF”) to Recreation Conservation District (“RC”), which is a Special Purpose and Overlay District. The purpose of the RC zoning district is “[T]o provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation.”¹⁸ The range of permitted uses in the RC zoning district is limited and includes: outdoor recreation facilities, outdoor ice-skating facility, outdoor tennis, racquetball or handball facility, park or open space, place of worship, swimming facility and wildlife reservation or conservation area.¹⁹ Residential, commercial and industrial uses are expressly prohibited in the RC zoning district. The permitted uses in the RC zoning district are identified in Table 3-1 on the following page:

¹⁸ See Section 5-9-1 of the Zoning Code.

¹⁹ See Section 5-9-2A of the Zoning Code.

Table 3-1

Land Uses Permitted in the Recreation Conservation District Zoning District

RC	Permitted	Special Use
OPEN USES		
<i>No open uses allowed</i>		
RESIDENTIAL USES		
<i>No residential uses allowed</i>		
PUBLIC AND CIVIC USES		
Day-care center [Added 7-7-2014 by L.L. No. 22-2014]	✓	
Indoor recreation facilities		
Outdoor recreation facilities	✓	
Outdoor ice-skating facility	✓	
Outdoor tennis, racquetball or handball facility	✓	
Park or open space	✓	
Place of worship	✓	
Public or private golf course and country club [Added 7-7-2014 by L.L. No. 22-2014]	✓	
Public utility service structure or facility		✓
Swimming facility	✓	
Telecommunication facility		✓
Wildlife reservation or conservation area	✓	
COMMERCIAL		
<i>No commercial uses allowed</i>		
INDUSTRIAL		
<i>No industrial uses allowed</i>		

The Project Sponsor evaluated land uses allowed in the RC zoning district uses that would involve the redevelopment the Project Site for recreational and civic purposes. The use of the Project Site as an 18 hole private golf course and clubhouse, which was the long term use of the Project Site until December 31, 2014, was not evaluated since this not feasible based on the current contamination and also since such use is not economically feasible. The Recreation

Conservation District Plan (“RC Plan”) is provided at Figure 3-1, at the end of this Section. The uses depicted on the RC Plan include: indoor & outdoor recreational fields, a reformatted 9-hole golf course, and a place of worship. The existing WCC clubhouse would remain in connection with the use of a portion of the Project Site as a 9-hole golf course (refer to Figure 3-1, Current Recreation Conservation District (RC) Plan, located at the end of this Section). The primary anticipated uses, pursuant to the RC Plan, would consist of the following:

- 9-hole golf course and clubhouse: 107.6 acres
- Indoor Recreational Facility: 89,112 sq. ft., 310 parking spaces
- Outdoor Recreational Fields: 14.7 acres, 203 parking spaces
- Place of Worship: 136,772 sq. ft., 302 parking spaces
- Open Space: 149 acres (87% of Project Site)

In order to sustain a 9-hole golf course on the southern portion of the Project Site, the proposed new north/south public roadway would not be constructed and instead a private access road would be installed to service the recreational and civic land uses north of the 9-hole golf course. Since redevelopment of the Project Site pursuant to the RC Plan would allow for a great deal more pervious surface area and open space, the stormwater management plan would not require installing the proposed 5 acre lake that has been planned in association with the Preferred Action, which involves redevelopment of the Project Site to a mixed use neighborhood in a manner consistent with the Preliminary Conceptual Master Plan. In total, approximately 149 acres of open space would be provided pursuant to the RC Plan.

The following is a more in depth analysis of the RC Plan based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan: According to the Comprehensive Plan Vision Statement, distinguished land use and development characteristics of the Town should include diverse neighborhoods with pedestrian friendly, interconnected, mixed-use development patterns. The RC Plan would focus land uses entirely within recreational and civic land uses and would not support a diverse mixed-use development pattern.
- Community Character Impacts: Since the Project Site is largely surrounded by single family residential uses, the redevelopment of the Project Site focused around recreational land uses would be largely compatible with nearby residential uses, as was the case with the previous long term use of the Project Site as a 18 hole golf course and country club. However, it should be noted that the outdoor recreational fields would support large gatherings in outdoor spaces for sporting events that would likely generate noise and potential evening lighting that could be considered a nuisance to residents in the immediate vicinity of the Project Site.
- Fiscal Impacts: The redevelopment of the Project Site pursuant to the RC Plan would require very limited public infrastructure and need for community services since the proposed uses would not bring new residents to the Town and the Project Site would be largely serviced by private infrastructure. However, given the minimal overall investment and marginal increase in assessed valuation, this Alternative would also not generate nearly the amount of tax revenues as the other evaluated redevelopment alternatives. In fact, the RC Plan would yield the lowest overall net tax revenue to the community of approximately \$60,000 per year to the Town and approximately \$80,000 per year to the County. In terms of taxing jurisdictions, the Williamsville School District would be the biggest beneficiary

with approximately \$340,000 per year in net tax revenue.²⁰ The school district would benefit the most from this redevelopment approach as none of the land uses contemplated would generate new school aged children requiring educational services and facilities managed by the district. However, when compared to other redevelopment alternatives involving more intensive development and greater overall assessed valuation, the \$340,000 per year estimated net tax revenue to the school district is one of the lowest potential tax income generators of all of the alternatives analyzed, second only to Alternative Plan No. 3- Residential Three (“R-3”) Plan.

- Open Space, Recreation and Pedestrian Trail System: The redevelopment of the Project Site pursuant to the RC Plan would provide an opportunity to largely preserve the existing open space on the Project Site that has consisted of privately owned open space for many decades. The expansion of the pedestrian trail network could be coordinated throughout the Project Site and would provide a significant addition to the open space and recreation system within the Town.
- Traffic Impacts: In terms of roadway improvements associated with the RC Plan, a new private roadway would be constructed and it would connect at an unsignalized intersection at Maple Road, extending approximately 0.5 miles (2,640 feet) into the Project Site. Given the very low density associated with the RC Plan, this alternative would result in less traffic impacts in terms of overall vehicle trip generation compared to the Preferred Plan. Additionally, a greater proportion of the peak vehicle trip generation associated with the RC Plan would occur during weekends; which are the off-peak travel periods on the

²⁰ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page iii.

surrounding roadway network. In total, the RC Plan would generate approximately 206 combined am peak hour trips and approximately 443 combined pm peak hour trips.²¹

However, it is important to note that pursuant to Section 7-6-7C of the Zoning Code, the maximum length of any private or public street cannot exceed 800 feet in length without an additional means of access to an additional public roadway. Therefore, the RC Plan would require an area variance for a roadway with a length greater than 800 feet without a second means of access to a public roadway. Additionally, the redevelopment of the Project Site pursuant to the RC Plan would not provide for the proposed new north/south public roadway connecting Sheridan Drive and Maple Road. A new north-south roadway will be provided in connection with the redevelopment of the Project Site as a mixed use neighborhood pursuant to the Preferred Plan. As such, the redevelopment of the Project Site pursuant to the RC Plan would not provide the opportunity to potentially reduce traffic volumes on North Forest Road during weekday peak travel periods.

- Drainage Impacts: When compared to other Alternative Plans, including the Preferred Action, the redevelopment of the Project Site pursuant to the RC Plan would result in substantially less impervious surfaces. In fact, this Plan would result in the least amount of impervious surfaces at approximately 20.31 acres, or 12% of the Project Site. This low percentage of the Project Site that would consist of impervious surfaces would provide for improved natural infiltration of stormwater and runoff on-site and reduced dependency on man-made stormwater retention and detention areas. However, it is important to mention that the management practices associated with maintaining a golf course and athletic

²¹ See Appendix Volume IV, Letter W, “Revised Traffic Impact Study”, page 26.

playing fields requires the regular application of commercial grade pesticides and herbicides that increases the risk of potential long term exposure of ground water and open water resources to the chemicals associated with this standard practice.

- Sanitary Sewer Impacts: When compared to total anticipated sanitary sewer flows associated with other Alternative Plans evaluated within this Section, the RC Plan has substantially less total sanitary sewer flow volume given the low intensity of the RC land uses. In total, the average daily maximum sanitary flow anticipated in association with the RC Plan is approximately 140,400 gallons per day.²² Therefore, the RC Plan would have a limited impact upon the downstream sanitary sewer network. However, pursuant to the current New York State Department of Environmental Conservation Sewer Extension Application Guidance & Related I/I Flow Offset Requirements (refer to Appendix Volume IV, Letter Z2.4, “09.15.14, Letter, NYSDEC Region 9 to Erie County Dist. List RE: I&I Flow Offset Requirements”), new development proposed within existing sanitary sewer districts with capacity constraints as verified by downstream sanitary sewer capacity analysis are required to provide system mitigation through inflow and infiltration (“I & I”) remediation work. As identified within the Downstream Sanitary Sewer Flow Monitoring Report (refer to Appendix Volume IV, Letter U, “Downstream Sanitary Sewer Flow Monitoring Report”) prepared for the purpose of evaluating the Preferred Action, it has been determined that there are existing capacity constraints and surcharging conditions within the downstream sanitary network. Therefore, the Preferred Action represents a significant opportunity to realize inflow and infiltration mitigation dependent on the total

²² See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

sanitary flow anticipated with new development at the Project Site. The redevelopment of the Project Site pursuant to the RC Plan would result in a marginal amount of new development and associated sanitary flows, thereby reducing the opportunity to realize improvements to the existing sanitary system via implementation of mitigation measures on the part of private development at no cost to existing taxpayers.

- Market Potential: The most challenging consideration for the RC Plan is the market potential to realize a successful redevelopment of this nature. There is a concentration of competing public and private service providers within the existing market. The Project Site is directly adjacent to the Town of Amherst Public Audubon 18-hole Golf Course and Public Audubon 3-hole Golf Course. Additionally, the Project Site is located within one mile of the private Park Country Club and golf course and within five miles of the private Country Club of Buffalo and golf course, the Transit Valley Country Club and golf course and the Glen Oak Country Club and golf course. This concentration of high quality golf courses in close proximity to the Project Site was a primary factor that contributed to the economic challenges and forced sale of the Project Site by its previous owner, which was financially insolvent at the time of the sale of the Project Site to the Project Sponsor in March of 2012.

Additionally, there are multiple public and private recreational facilities within the existing marketplace that would be serious competition for a proposal of this nature. These include: the Northtown Center at Amherst, Miller Tennis Center, Village Glen Tennis Club, Epic Center, Jewish Community Center, the University at Buffalo athletic facilities, which are available to the general public, and the recently completed Independent Health

Family Branch YMCA. The immediate market also includes a concentration of private gyms and health clubs that offer similar recreational amenities and services including LA Fitness, World Gym, Golds Gym, Anytime Fitness, Fitness 19, Planet Fitness, Buffalo Athletic Club for Women and Platinum Fitness.

The operation of the Project Site as a 18 hole private golf course and country club is not only constrained by proven local fiscal challenges. Private and public golf courses across the country are facing serious concerns with sustaining membership due to a shift in demographic bases, standards of living and societal needs and wants. The National Golf Course Owners Association (“NGCOA”), established in Charleston, South Carolina in 1979, is considered the leading authority on the business of golf course ownership and management. The not-for-profit organization is the only trade association dedicated exclusively to golf course owners and operators. The NGCOA is considered a valuable resource of information and education for the industry. The NGCOA hosts an annual conference that is nationally recognized as the largest gathering of the industry at a single event. The conference showcases thought leadership for golf course owners and operators looking to increase efficiencies and profits while enhancing the experience they offer their members.

The conference features a number of trade related companies and presenters that speak to current issues facing the industry. One such company, the McMahon Group, was present for the 2013 annual conference and provided a seminar on the membership challenges facing private and semi-private clubs in today’s market. The McMahon Group is a full service, private club consulting firm dedicated to serving clubs in all aspects of

their planning, clubhouse, golf and membership needs.²³ The presentation given by the McMahon Group clearly established that the number of private clubs within the country has been facing a serious decline throughout the past 20 years with a 16% decrease between 1990 and 2010 and an additional 10% reduction anticipated between 2010 and 2020. This data suggests that the total numbers of private country clubs will likely experience a nearly 30% reduction in the time period between 1990 and 2020. The question for existing club owners is why this loss of membership enrollment and lack of interest in clubs is becoming increasingly more common. McMahon suggests that challenges for private clubs are not simply a function of cyclical economic trends related to the recent Great Recession, as these concerns and decreasing membership rates were documented long before that period. Instead, McMahon suggests that the aging of baby boomers, changing lifestyles, lack of corporate support for memberships, competition amongst clubs, changing standard of living, and loss of disposable income have all contributed to lessening interest for and ultimately the loss of private clubs throughout the country. These cyclical, secular, and general cultural trends have created a systemic concern for private country clubs nationally and will continue to forecast serious financial challenges for their operation. This bleak forecast for private country clubs is confirmed by Steven Ekovich (“Ekovich”), vice president for investments at Marcus & Millichap’s National Golf & Resort Group, the only national brokerage firm strictly specializing in golf & resort brokerage services in the United States. Ekovich noted that club owners should not

²³ William McMahon, Sr. (“McMahon”), the founder of the McMahon Group and member of the American Institute of Architects as well as the National Club Association presented at the 2013 annual conference on the behalf of the McMahon Group.

consider the consistent rate of club closings over the years as a sign that lessening supply and stable demand will ultimately create resurgence in market performance. According to Ekovich as quoted in an article published in Golf Business magazine in June of 2014, “Closures should remain over 100 courses per year in the foreseeable future.”

Any redevelopment of the Project Site pursuant to the RC Plan would also be very challenging from a financial perspective due to the underlying soil contamination issues. The upfront expenditures that would be required to sufficiently remediate the Project Site requires that any redevelopment scenario have long term positive fiscal impacts necessary to offset the initial investment requirements to properly remediate existing soils contamination. While the typical capital investment required to redevelop the Project Site pursuant to the RC Plan would not require as sizeable an outlay when compared to other redevelopment scenarios, the resulting revenues would also be less. However, the Project Site will have an underlying financial burden related to the remediation effort that will increase the upfront capital investment required to redevelop the Project Site in any capacity, this fact will require that the Project Sponsor to consider redevelopment options that will yield a reasonable return on the substantial upfront investment needed to remediate the contaminated soils.

In summary, the Project Sponsor’s evaluation of the redevelopment of the Project Site pursuant to its existing RC zoning classification indicated this redevelopment scenario would not be feasible.²⁴ While the redevelopment of the Project Site pursuant to the RC Plan would result

²⁴ As previously mentioned, 6 NYCRR Part 617.9(b)(5)(v) requires a project sponsor to evaluate alternatives that are “feasible” considering the objectives and capabilities of the project sponsor.

in less impact in terms of traffic, stormwater, and sanitary sewer flows compared to the Preferred Plan and the other on-site alternatives, it would also generate less tax revenues compared to other on-site alternatives. Additionally, the redevelopment of the Project Site pursuant to the RC Plan would not include the construction of a new north/south public roadway, an enhancement to the local transportation network. Finally, the market potential for the evaluated RC uses prevent this alternative from being economically feasible given the potential long term revenues as compared to the private investment that would be necessary to redevelop the Project Site pursuant to its existing RC zoning classification.

3.4.2 Alternative Plan No. 2: Use of the Project Site Pursuant to Community Facilities District (“CF”) Zoning:

The Project Site was zoned Community Facilities District (“CF”) from 1976 until the zoning classification was amended to RC on July 7, 2014. The purpose of the CF district is to provide a special zoning classification for public and semipublic facilities, including governmental, religious, educational, protective and other civic facilities in order to insure the property location of such facilities in relation to transportation and other land uses within the town, compatibility of such facilities with adjacent development and proper site design and land development.²⁵ The CF zoning classification would allow the categories of land uses identified in Table 3-2 below:

Table 3-2

Land Uses Permitted in the Community Facility Zoning District

CF	Permitted	Special Use
OPEN USES		
No open uses allowed		
RESIDENTIAL USES		
Adult care facility	✓	
Dormitories or student residences located on a college, university or public or private school campus	✓	
Hospice	✓	
Intermediate care facility	✓	
Nursing home	✓	
Residential care center for adults	✓	
Senior citizen housing	✓	
PUBLIC AND CIVIC USES		
Airport	✓	

²⁵ See Appendix Volume II, Letter K, “Sections of the Town of Amherst Zoning Ordinance”- Section 5-5: Community Facilities District (“CF”).

CF	Permitted	Special Use
Basketball, baseball or football facility	✓	
Cemetery or mausoleum	✓	
Civic association	✓	
College, university, technical or theological school	✓	
Day-care center	✓	
Fraternal organization	✓	
Golf course or country club	✓	
Government structure or use	✓	
Hospital	✓	
Ice-skating facility	✓	
Indoor recreation facility, excluding any outdoor recreational activities	✓	
Library	✓	
Minor utilities	✓	
Museum	✓	
Non-profit institution providing care and protection of persons	✓	
Place for public assembly	✓	
Place of worship	✓	
Private club	✓	
Public or private school	✓	
Public recreation facility	✓	
Public utility service structure or facility	✓	
Senior or youth center	✓	
Swimming facility	✓	
Telecommunication facility		✓
Tennis, racquetball or handball facility	✓	
Wildlife reservation or conservation project`	✓	
COMMERCIAL		
Human health care institutions providing in-patient care	✓	
Private parking facility	✓	
INDUSTRIAL		
<i>No industrial uses allowed</i>		

Based on the range of land uses currently permitted by the CF zoning classification, a Concept Plan was developed (refer to Figure 3-2, Alternative Plan No.2, located at the end of this Section). As Figure 3-2 illustrates, pursuant to the CF Concept Plan (“CF Plan”), the Project Site would be redeveloped for various types of senior residential living space and a cemetery, along with associated roadway improvements and green space. The existing clubhouse would be removed. The primary anticipated uses, pursuant to the CF Plan, would consist of the following:

- Cemetery: 17.5 acres
- Senior apartments: 340 units
- Senior living facilities: Assisted living (575 units) and Independent living (262)
- Open Space: 104 acres (61% of the Project Site)

The redevelopment of the Project Site pursuant to the CF Plan would include a new public road that would extend north-to-south through the middle of the Project Site connecting Maple Road and Sheridan Drive. An access point to the senior apartment component of the redevelopment project would also be provided connecting to Frankhauser Road. On-site roads, connecting to new north-south public roadway, would be established to serve the various senior living components and to provide access to the cemetery. The portion of the Project Site adjacent to Ellicott Creek would remain as permanent open space, and site drainage would be accommodated via the installation of a stormwater management system that would include the creation of ponds adjacent to Ellicott Creek. In total, approximately 104 acres of the Project Site would consist of permanent open space.

The Project Sponsor would construct the new north-south public roadway, install basic infrastructure in conjunction with the new road, and install the overall storm water management

system (e.g., retention ponds and related improvements) on the Project Site. Other private developers would be responsible for completing the various components of build-out of the Project Site pursuant to the CF Plan (e.g., senior living facilities and cemetery) and associated infrastructure site specific improvements necessary to service these individual components. The following is a more in depth analysis of the CF Plan based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan: The Comprehensive Plan Vision Statement speaks of the need to offer a range of housing choices in urban, suburban, and rural settings. According to the Comprehensive Plan (“Plan”), preserving and providing a variety of housing opportunities will maintain the quality and stability of existing neighborhoods while increasing housing affordability. Specifically, Section 8-2 of the Plan promotes the development of a variety of housing types. Additionally Section 8-3 of the Plan expands on this housing objective by encouraging higher density residential uses in mixed-use developments at appropriate locations. According to the Plan Vision Statement, distinguished land use and development characteristics of Amherst should include diverse neighborhoods with pedestrian friendly, interconnected, mixed-use development patterns. The CF Plan consisting predominately of senior housing would not accomplish the Vision Statement of the Plan and would be inconsistent with Project Sponsor’s goal of providing a mixed use neighborhood with a diverse range of land uses and an integrated open space system.
- Community Character Impacts: The Project Site is surrounded by largely single family residential housing land uses. While a small concentrated pattern of senior housing could

be viewed as being compatible with nearby residential uses, devoting the redevelopment of the entire 170 acre Project Site towards senior living may be viewed as being incompatible with the nearby single family neighborhood. Further, the redevelopment of the Project Site pursuant to the CF Plan would not provide a diverse housing and mixed use project that can provide neighborhood amenities for adjacent residents such as integrated open space that includes a pedestrian trail network as well as neighborhood business and shops. This redevelopment approach also does not take advantage of the development synergy and the substantial positive fiscal impacts that can potentially be realized given the Project Site's proximity to the UB North Campus.

- Fiscal Impacts: When considering the cost of community services required to service the residents and public infrastructure associated with the redevelopment pursuant to the CF Plan, a key factor is that the senior age demographic requires far less expenditures by local governments, especially considering the project would consider common areas for social activities and entertainment. If the Project Site was redeveloped exclusively as senior housing, an estimated 1,240 seniors could be expected to live in the on-site senior facilities, assuming 95% occupancy and one person / unit for the 837 assisted and independent living housing (equating to 795 residents) and 1.1 persons / household for the 340 rental senior apartments (equating to 374 residents)²⁶. In terms of annual net tax revenue for taxing jurisdictions, the CF Plan would provide an estimated \$290,000 in net revenue for the Town of Amherst, approximately \$500,000 for the County, and

²⁶ See Appendix Volume IV, Letter X, "Revised Economic & Fiscal Impact Analysis", page 8.

\$2,240,000 for the Williamsville School District.²⁷ The CF Plan would not generate any school aged children and therefore there would be no additional costs to the school district. However, unlike the RC Plan there is a greater increase in assessed valuation that would result from the redevelopment of the Project Site pursuant to the CF Plan, which results in greater total net revenues to the School District. In fact, the CF Plan would provide for the second highest total net revenue to the School District of the evaluated on-site redevelopment alternatives.²⁸

- Open Space, Recreation & Pedestrian Trail System: Given the ability to cluster the housing units in association with the senior living campus redevelopment strategy, large tracts of open space would be preserved with the CF Plan. Additionally, the cemetery use provides another opportunity to preserve an open setting. In total, approximately 104 acres, or 61% of the Project Site would be preserved as permanent open space if the Project Site was redeveloped pursuant to the CF Plan. While this redevelopment strategy provides for a substantially greater amount of open space compared to the Preferred Plan, it is important to note that the open space areas would function primarily as passive recreational areas that most users would simply pass through while engaging the broader trail system within the Town. Unlike the Preferred Plan, the redevelopment of the Project Site pursuant to the CF Plan would not provide for active or engaging trail systems that are integrated with neighborhood services such as local shops, restaurants and offices. The proposed active and integrated trail system that is an integral component of the

²⁷ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page iii.

²⁸ The redevelopment of the Project Site pursuant to the Office Building (OB) Plan (Alternative Plan No. 6) would result in the highest net school tax revenues.

Preferred Plan provides for more efficient transportation networks and also increases utilization of the overall trail system. The Preferred Plan provides for a destination location along the trail system, as compared to the CF Plan, which would serve only as a link in the system with no conveniently located neighborhood services.

- Traffic Impacts: In terms of total traffic impacts, since the ITE trip generation rate for senior living units during peak weekday travel periods is low, compared to most of other ITE land use categories, the redevelopment of the Project Site pursuant to the CF Plan would produce the least amount of traffic impacts when compared to the Preferred Plan and the other evaluated alternatives. Additionally, the cemetery, that would occupy a fairly sizeable area, produces low traffic volumes during peak travel periods. The redevelopment of the Project Site pursuant to the CF Plan would be projected to generate approximately 203 total combined trips during the am peak hour and 292 total combined trips during the pm peak hour.²⁹ The CF Plan would include the construction of a new north/south public roadway connecting Sheridan Drive and Maple Road. However, when considering total vehicle trip generation, it is highly unlikely that signalized intersection warrants would be met at the intersection of the new roadway with Sheridan Drive or Maple Road. As a result, the CF Plan includes consideration for a roadway connection to Frankhauser Road. This connection would provide the project residents with access to a signalized intersection option for entering and exiting the Project Site.
- Drainage Impacts: While the CF Plan would provide for a greater amount of open space compared to the Preferred Action, the dispersion of the development across the Project

²⁹ See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” Table VII: Trip Generation Comparison for Alternative Site Plans (page 27).

Site and need for parking areas to accommodate senior residents and staff would require the implementation of a stormwater management plan featuring new areas for man-made retention and detention of surface run-off. In total, approximately 51.84 acres, or 30% of the Project Site would consist of impervious surfaces.

- Sanitary Sewer Impacts: The CF Plan would result in a concentration of residential uses at the Project Site and would result in substantial sanitary sewer flows. However, given the lower number of occupants per housing unit associated with senior residential development, the overall resident count and associated sanitary flows would be less when compared to more diverse housing developments that feature multifamily units. In total, the CF Plan is expected to generate a maximum average daily sanitary flow of 434,880 gallons per day.³⁰
- Market Potential: While current market projections indicate there is a strong demand for senior housing in the Town and other Western New York communities due to increases in life expectancy and changing demographic associated with the aging of the baby boomer generation, the senior housing density resulting if the Project Site was redeveloped pursuant to the CF Plan would likely prove problematic over the long term. Additionally, seniors that typically locate within independent living developments prefer locations that offer proximity to neighborhood shops and businesses that are accessible via pedestrian connections. This arrangement supports a healthy, manageable and less expensive lifestyle for seniors. Unfortunately, the CF Plan would require that senior residents rely on vehicular travel for access to any basic necessities including food

³⁰ See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

shopping, doctor appointments, medication pickup, etc. This Alternative would be inconsistent with the Town's stated objective for promoting a diverse housing stock, with higher density housing focused on mixed use activity centers.³¹ This would also make the project less successful on a long term basis and less attractive as compared to other senior housing projects that have been integrated into concentrated mixed use corridors and commercial settings.

In summary, while the redevelopment of the Project Site pursuant to the CF Plan would have marginal impacts in terms of total traffic generation, it would result in comparable impacts to the typical average of the evaluated Alternative Plans in terms of total impervious surfaces and sanitary sewer flows. Additionally, redeveloping the Project Site in a simply one-dimensional nature focused around senior housing would not be consistent with the long term goals and objectives of the Comprehensive Plan. The CF Plan is also inconsistent with the Project Sponsor's objective of redeveloping the Project Site as a mixed use neighborhood. Finally, the overall tax revenue generation (excluding the Williamsville School District) and market potential associated with the CF Plan are both weaker compared to other Alternatives that are more focused around mixed use redevelopment strategies.

³¹ See Appendix Volume II, Letter J, "Town of Amherst Bicentennial Comprehensive Plan". Section 8-2.

3.4.3 Alternative Plan No. 3: Use of the Project Site Pursuant to Residential District Three (“R3”) Zoning:

Under this Alternative, the Project Site would be rezoned Residential District Three (“R-3”) and redeveloped entirely as a residential subdivision consisting of detached single-family homes on individual lots (refer to Figure 3-3, Alternative Plan No. 3, located at the end of this Section). The purpose of the R-3 zoning district is to provide areas within the Town of low-density single-family detached residential development where each dwelling unit shall be located on an individual lot of at least 8,450 square feet.³² The R-3 zoning classification allows the categories of land uses identified in Table 3-3 below:

Table 3-3

Land Uses Permitted in the Residential Three Zoning District

R-3	Permitted	Special Use
OPEN USES		
No open uses allowed		
RESIDENTIAL USES		
Single-family detached	✓	
Common recreation structure or use	✓	
PUBLIC AND CIVIC USES		
Minor utilities	✓	
Park or open space	✓	
Place of worship	✓	
Public utility service structure or facility		✓
Telecommunication facility		✓
COMMERCIAL USES		
Bed and breakfast		✓
INDUSTRIAL USES		
<i>No industrial uses allowed</i>		

³² See Town of Amherst Zoning Code, Section 3-6- Residential District Three (R-3).

A total of 320 single-family lots would be provided on the Project Site, with access to the single-family homes provided via a grid-type street network with intersections at North Forest Road, Sheridan Drive, Maple Road and Frankhauser Road. A primary north-south roadway would be constructed connecting Maple Road and Sheridan Drive. Approval by the Town Board would be required for a rezoning of the Project Site to from RC to R-3 to accommodate the residential subdivision. The existing WCC Clubhouse would be removed. The lots for single-family homes would be at least 8,450 square feet in size, per the minimum required lot size for property zoned R-3. The following is a summary of the R-3 Plan components:

- Total Lots: 320 lots
- Typical Lot Size: 12,500 sq. ft.
- Open Space: 42.8 acres (25% of Project Site)

The Project Sponsor would construct the new north-south public roadway, install basic infrastructure in conjunction with the new road, and install the overall storm water management system (e.g., retention ponds and related improvements) for the Project Site. Other private developers would be responsible for completing the single family housing development which would likely include a mixture of single family housing types and sizes. The following is a more in depth analysis of the R-3 Alternative Concept Plan (R-3 Plan) based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan (“Plan”): The Plan acknowledges that the Town should promote the development of a variety of housing types. Section 8-2 of the Plan states as follows: “Demographic trends will reinforce the need for a more diverse

housing stock to accommodate groups such as the elderly, empty nesters, and students.”³³

The Comprehensive Plan supports the proportional development of diverse housing types and price levels, including single-family detached housing (at a variety of lots sizes), townhomes, condominiums and apartments as part of mixed use projects. The redevelopment of the Project Site pursuant R-3 Plan would result in a one-dimensional residential development that contradicts the mixed use housing planning objectives contained in the Comprehensive Plan. Additionally, projects consisting exclusively of detached single-family homes have the potential to place a burden on local school districts by increasing the student body enrollment without offsetting the increased cost to provide educational services to additional students without complimentary commercial development that provides additional tax revenue to the district.

- Community Character Impacts: The R-3 Plan would be most similar to the existing residential neighborhoods located in the vicinity of the Project Site. The proposed single family housing pattern would be compatible with the nearby residential subdivisions.
- Fiscal Impacts: In terms of new residents requiring community services, the redevelopment of the Project Site pursuant to the R-3 Plan would be is expected to generate 1,043 new residents including 223 new school aged children.³⁴ While the total new anticipated residents would be the lowest among the evaluated alternatives that include residential housing as a component, the new school aged children projection is much higher based on the concentration of single family housing. In terms of annual tax revenues, the total net revenue to the Town is estimated at \$360,000 and approximately

³³ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 8-3.

³⁴ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page 8.

\$460,000 to the County. It is important to note that as it relates to projected tax revenue for the Williamsville School District, the R-3 Plan is anticipated to provide the lowest net revenue to the District of approximately \$290,000 per year. More importantly, if future residential development pursuant to the R-3 Plan utilized a condominium form of ownership and future owners were therefore entitled to certain real property tax advantages per the applicable sections of New York State Real Property Law and Real Property Tax Law, the R-3 Plan would potentially result in a net loss of tax revenue to the District of approximately \$470,000 per year.³⁵ This is not surprising considering the redevelopment of the Project Site pursuant to the R-3 Plan would consist exclusively of single family housing without any offsetting or balancing commercial components, which generates a concentration of school aged children that places a financial obligation upon the district with no additional commercial related tax revenues to offset those costs. It is also important to note that with the exception of temporary construction jobs, the redevelopment of the Project Site as a residential subdivision pursuant to the R-3 Plan would not create new jobs.

- Open Space, Recreation & Pedestrian Trail System: In terms of open space preservation, the redevelopment of the Project Site pursuant to the R-3 Plan would maintain 42.8 acres of permanent open space, comprising approximately 25% of the Project Site. The lower amount of permanent open compared to the Preferred Plan is attributable to the intensive amount of public infrastructure (roadways) necessary to service the single family homes and the disproportionate amount of land area assigned to each housing unit (in this

³⁵ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page iii.

instance a single family home). This dynamic requires that the total land area be maximized for development to ensure a reasonable financial return given the substantial capital expenditures necessary to construct the required public infrastructure. Therefore, the R-3 Plan yields the lowest amount of permanent open space of the evaluated alternative plans. Additionally, while a trail system could be incorporated into the open space, the trail network would likely not be as widely used by the general public as there would be no conveniently located neighborhood support services adjacent to this portion of the trail system. Furthermore, this section of this system would seem more private than public as it would be incorporated into a wholly single family residential development, as compared opposed the more diverse and integrated neighborhood setting that would result from the redevelopment of the Project Site pursuant to the Preferred Plan.

- Traffic Impacts: Considering the relatively low density associated with redevelopment of the Project Site as a residential subdivision consisting exclusively as single family homes, the redevelopment of the Project Site pursuant to the R-3 Plan would result in substantially less total vehicular trips compared to the Preferred Plan. As with the CF Plan, while the R-3 Plan would provide for a new north/south public roadway, it is unlikely that the signalized intersection warrants at Sheridan Drive and Maple Road given the total projected vehicle trip generation. Therefore, the R-3 Plan also includes consideration for a roadway connection to Frankhauser Road, in order to provide project residents with direct access to a signalized intersection for entering and exiting the Project Site. When considering impacts to adjacent intersections, it is preferable to

develop sites with balanced entrance and exit trips during peak travel periods. By avoiding unbalanced entering and exiting trip generation, the development of a project site prevents a condition where specific functions, movements and turns at a given intersection are overloaded as the majority of total vehicle trips during peak travel periods are focused on either entering or exiting the site. Since the R-3 Plan consists exclusively of a single land use (residential single family), the exit trip generation in the AM peak hour is three times that of the enter trip generation (typically associated with the morning commute to work) while the enter trip generation during the PM peak hour is nearly twice that of the exit trip generation (typically associated with the evening commute to home).

- Drainage Impacts: In order to manage storm water runoff from impervious surfaces, retention ponds would be established near Ellicott Creek as well as within the central portion and the northeast and northwest corners of the Project Site. With the exception of the RC Plan, which consists largely of pervious recreational areas, the R-3 Plan would provide for the least amount of impervious surfaces at approximately 50.5 acres, or 30% of the total Project Site. This is largely driven by the fact that single family subdivisions require front, side and rear yard areas on each building lot. This development approach provides for a fairly well-proportioned and dispersed amount of pervious surface area throughout the Project Site. Essentially, each single family housing unit is surrounded by an area of pervious surfaces. The grid roadway network would also provide for orderly and efficient areas to incorporate bioretention to comply with applicable stormwater quality standards.

- Sanitary Sewer Impacts: While the R-3 Plan features entirely residential development, which is typically a fairly high generator of sanitary flows when compared to other land use types, the low density, single family nature of R-3 Plan results in modest average daily flow projections given the large size of the Project Site. The redevelopment of the Project Site pursuant to the R-3 Plan is anticipated to generate an average maximum daily sanitary flow of 237,600 gallons per day, the lowest amount of sanitary sewer flows of the evaluated alternatives with the exception of the RC Plan.³⁶
- Market Potential: 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 \$153,800.³⁷ 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 \$184,000.³⁸ 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

³⁶ See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

³⁷ Market & Feasibility Advisors. “*Main Street Corridor Market Study, Williamsville, NY*”. May 2013, page 8.

³⁸ Zillow Real Estate Network Online. *Amherst Home Prices & Values*. March 2015. Available online at <http://www.zillow.com/amherst-ny/home-values/>

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 normally do in a year.”³⁹

In summary, the redevelopment of the Project Site pursuant to the R-3 Plan would have reduced traffic, sanitary sewer and drainage impacts when compared to the alternative plans that include mixed use and commercial development. As mentioned above, the single-family lots would likely be marketable given current market conditions. However, the concentrated single family development type would not be consistent with the goals and objectives of the Town’s Comprehensive Plan towards redeveloping sites within the community featuring walkable higher density, mixed-use centers surrounded by lower density development.⁴⁰ Additionally, the redevelopment of the Project Site pursuant to the R-3 Plan would not provide for an offsetting commercial component to provide a balanced taxable value and could also result in a long term annual loss of net school tax revenues to the Williamsville Central School District as a result of the anticipated cost to provide educational services for school age children that would reside in the subdivision.

³⁹ 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.”

⁴⁰ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan”, page 3-3.

3.4.4 Alternative Plan No. 4: Transitional Residential Plan- Use of the Project Site Pursuant to Traditional Neighborhood District (“TND”) Zoning:

The Transitional Residential Plan Alternative (“TND Plan”) which has been developed based on the Traditional Neighborhood District (“TND”) zoning classification was analyzed as requested by the Town Planning Department’s Memorandum dated September 3, 2014 indicating the original DGEIS submitted on July 14, 2014 was incomplete.⁴¹ The TND Plan is largely modeled after the Preferred Plan except that the residential components have been expanded, the commercial components have been scaled back and the senior living component has been removed. The purpose of the TND zoning district is to provide for new, greenfield development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation.⁴² The TND zoning classification allows the categories of land uses identified in Table 3-4 on the following pages:

⁴¹ See Appendix Volume IV, Letter Z1.3, “Memorandum, TOA Planning Dept. RE: DGEIS Determination of Incompleteness.

⁴² See Appendix Volume II, Letter K, “Sections of the Town of Amherst Zoning Ordinance,” Section 5-6, Traditional Neighborhood Development District (TND).

Table 3-4

Land Uses Permitted in the Traditional Neighborhood Development District (TND)

TND	Permitted	Special Use
OPEN USES		
No open uses allowed		
RESIDENTIAL USES		
Single-family detached	✓	
Attached dwelling (up to four units)	✓	
Patio home	✓	
Upper-story dwelling	✓	
Zero lot line home	✓	
PUBLIC AND CIVIC USES		
Civic association (upper story only)	✓	
Daycare center, nursery or other private school	✓	
Fraternal organization (upper story only)	✓	
Government structure or use	✓	
Library	✓	
Museum	✓	
Park or open space	✓	
Place for public assembly	✓	
Place of worship	✓	
Telecommunication facility		✓
COMMERCIAL		
Advertising agency	✓	
Animal grooming, animal hospital or veterinarian		✓
Antiques and second-hand merchandise store	✓	
Apparel and accessories store	✓	
Apparel repair and alterations and shoe repair shop	✓	
Bank	✓	
Bakery or confectionary shop (retail)	✓	
Beauty or barber shop	✓	
Bed and breakfast	✓	
Book and stationery store	✓	

TND	Permitted	Special Use
Contracting or construction services	✓	
Drug store	✓	
Food store	✓	
Hardware store	✓	
Home furnishing store	✓	
Home garden store	✓	
Jewelry store	✓	
Job printing or photography store	✓	
Ice store	✓	
Laundromat, cleaning and dyeing outlets and pickup	✓	
Liquor store	✓	
Office	✓	
Personal training facility [Added 2-4-2008 by L.L. No. 1-2008]	✓	
Photography studio [Added 2-4-2008 by L.L. No. 1-2008]	✓	
Printing and photocopying store	✓	
Radio or television station [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Recording studio [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Restaurant with outdoor dining	✓	
Restaurant without drive-through	✓	
Service station		✓
Sporting goods or bicycle store	✓	
INDUSTRIAL		
<i>No industrial uses allowed</i>		

As Figure 3-4 illustrates, the redevelopment of the Project Site pursuant to the TND Plan would include the construction of the new north/south public roadway connecting Maple Road and Sheridan Drive and the project layout would be consistent with the mixed use planning principles and development approach as integrated into the Preferred Plan. The residential components of the project would be expanded to include a greater number of patio home and townhome units. When compared to the Preferred Plan, the TND Plan replaces the substantial buffer area and parking area along the east side of Frankhauser Road with patio home lots. This residential context of development is then continued moving eastward toward the new north/south public roadway with townhome units and two-story residential apartment buildings. In terms of commercial development, the overall density and scale of commercial development has been reduced and the office park portion of the project would be located within the interior of the Project Site, adjacent to the 5 acre stormwater detention lake. The existing Westwood Clubhouse would remain and provide an opportunity for community facilities or commercial space. The following is a summary of the TND Plan components:

Residential Development:

- Patio Home Lots: 150 lots (typical lot- 5,500 sq. ft.)
- Single Family Lots: 47 lots (typical lot- 10,625 sq. ft.)
- Condominium Townhomes: 114 units
- Synagogue: 25,000 sq. ft. (184 parking spaces)

Neighborhood Center:

- Professional & Medical Office: 120,000 sq. ft.
- Hotel: 130 rooms (4-story)

- Neighborhood Business Space: 98,000 sq. ft.
- 2nd Story Dwelling Units: 220 units
- Apartment Building Units: 146 units
- Townhome Units: 107 units
- Parking Spaces: 1,430 spaces

General Development Standards:

- Open space: 64 acres (38% of Project Site)

The TND Plan provides for a more residentially focused development pattern and as such would include connections to both Frankhauser Road and North Forest Road. These roadway connections would provide an opportunity to better integrate the residential uses with the surrounding neighborhood. When compared to the Preferred Plan, removal of the senior living component would also remove the need to pursue rezoning a portion of the Project Site to Multifamily Residential District Seven (“MFR-7”) to provide for purpose-built senior housing. Pursuant to the TND Plan, the Project Sponsor would require the Town Board to rezone the Project Site to Traditional Neighborhood Development District (“TND”) as well as General Business (“GB”) for the hotel portion of the project. The area along Ellicott Creek would remain as permanent open space and would be integrated into the broader open space and pedestrian trail network as a park area. Stormwater would be managed through the installation of a stormwater management system that would include the creation of various ponds. The following is a more in depth analysis of the TND Plan based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan: Given the overall consistencies between the TND Plan and the Preferred Plan, please refer to Section 5.4.2 of this DGEIS for a comprehensive discussion concerning the various methods by which the TND Plan has been programmed to meet the intent and objectives of the Comprehensive Plan. In short, According to the Plan Vision Statement, distinguished land use and development characteristics of Amherst should include diverse neighborhoods with pedestrian friendly, interconnected, mixed-use development patterns.⁴³ The TND Plan represents an opportunity to redevelop an existing economically obsolete recreational area and brownfield within the Town of Amherst into a vibrant, mixed use neighborhood that provides for positive fiscal impacts, with integrated open space components and a strong market condition to support the project development. This redevelopment strategy would be very consistent with the goals, vision and objectives of the Comprehensive Plan.
- Community Character Impacts: The neighborhood and land uses surrounding the Project Site largely consist of single family residential development as well as community facilities. The TND Plan would provide single family residential uses directly adjacent to the existing neighborhood fabric and would then transition to multifamily uses and ultimately include a reasonably scaled portfolio of supporting neighborhood business and office development. This development approach will be seamlessly integrated into the existing neighborhood setting and would provide local residents with pedestrian access to a neighborhood center focused development for daily living needs and social activities. The TND Plan would also include the development of a new approximately 27 acre open

⁴³ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 2-4.

space park area that will be publicly accessible to the surrounding residents. In summary, the redevelopment of the Project Site pursuant to the TND Plan should complement and enhance the existing character of the surrounding community in conformance with the principles of the Comprehensive Plan by providing for similar land uses as well as the establishment of a new pedestrian accessible neighborhood center for convenient services and shopping.

- Fiscal Impacts: Given that both the TND Plan and Preferred Plan are based on a similar redevelopment strategy, it is not surprising that they have similar positive fiscal impacts for the community, except that the TND Plan provides for substantially less net tax revenues, especially as it relates to the Williamsville School District. In total, the redevelopment of the Project Site pursuant to the TND Plan is anticipated to provide \$630,000 to the Town and \$780,000 to the County in estimated annual net tax revenues. The Williamsville School District would be estimated to receive an additional \$1,020,000 in annual net tax revenue.⁴⁴ The Preferred Plan provides for higher total tax revenues since it features more commercial development and less residential development; which essentially improves total taxable values while concurrently lessening total community service costs. It is estimated that the TND Plan would create 784 new households with 1,876 new residents and 324 new school aged children.⁴⁵ In terms of total new assessed valuation for the community as a function of the total estimated value of construction, the Preferred Plan is expected to be valued at approximately \$238 million while the TND

⁴⁴ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page iii.

⁴⁵ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 8.

Plan is expected to be valued at approximately \$203.8 million.⁴⁶ In summary, while the Preferred Plan yields slightly better net tax revenue projections, both the TND Plan and Preferred Plan would result in substantial positive fiscal impacts for the Town, County and Williamsville School District.

- Open Space, Recreational and Pedestrian Trail System: In similar fashion to the Preferred Plan, the TND Plan has been carefully designed to provide for a well-integrated open space network throughout the Project Site that is connected and accessible via an extensive pedestrian trail system. The focal point of the open space is the development of a new 23 acre park area along the Ellicott Creek corridor that features a 5 acre stormwater detention lake. The open space plan and pedestrian trail system are intentionally designed to provide for safe and efficient access to the neighborhood business and service portions of the TND Plan to provide both residents of the project and nearby residents with new pedestrian based transportation options to lessen the dependency on vehicles. The trail system would also provide for connections to the surrounding neighborhoods and existing sidewalks along Sheridan Drive, North Forest Road and Maple Road.
- Traffic Impacts: By reducing the concentration of projected entrance vehicular trips in the AM weekday peak travel period based on the reduction of the total office space, there is a decrease in the combined AM peak hour trip generation by approximately 8%, or 84 trips when compared to the Preferred Plan. Conversely, for the PM peak hour, the reduction of total office space lessens exit trips while the reduction of commercial space lowers entrance trips and results in a decrease in the combined PM peak hour trip generation by

⁴⁶ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 13.

a factor of approximately 11%, or 170 trips when compared to the Preferred Plan.⁴⁷ While the TND Plan provides for less impact in terms of total vehicle trip generation and may lessen the load on capacity of existing intersections when compared to the Preferred Plan, it also results in less opportunity for shared parking and maximum efficiency within parking fields as a greater percentage of the Project Site is focused on residential development.

- Drainage Impacts: The redevelopment of the Project Site pursuant to the TND Plan and Preferred Plan would require the development of an integrated stormwater management system consisting of multiple smaller stormwater collection and detention ponds as well as a larger primary detention lake with ultimate discharge to Ellicott Creek. When considering total impervious surfaces that will influence the overall sizing and capacity of the stormwater management system, both the Preferred Plan and TND Plan provide for approximately 67 acres or 39% of the Project Site consisting of impervious surfaces. It is important to note that both the TND and Preferred Plan provide for a more manageable stormwater system as compared to the GB Plan and OB Plan based on total pervious surfaces and also because open spaces are more evenly dispersed throughout the Project Site. The GB and OB Plans provide for more focused commercial components that require larger contiguous tracts of parking fields. Larger tracts of contiguous impervious surfaces areas increase both the rate and volume of localized stormwater collection.
- Sanitary Sewer Impacts: When compared to residential housing, commercial uses and office developments typically generate substantially less sanitary sewer flows as they do

⁴⁷ See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 29.

not include the concentration of bathrooms, kitchens, residential appliances, etc. Therefore, when compared to the Preferred Plan, which is anticipated to produce an estimated total maximum average daily sanitary flow of 490,660 gpd,⁴⁸ the TND Plan is expected to produce an estimated total maximum average daily sanitary flow of 557,235 gpd.⁴⁹ While this would result in additional flows to the existing sanitary sewer network when compared to the Preferred Plan, the redevelopment of the Project Site pursuant to any of the Alternative Plans would require an assessment of mitigation options to reduce overall inflow and infiltration within the network given the current surcharging issues within the localized sanitary sewer system infrastructure.

- Market Potential: Prior to developing the Preferred Plan, the Project Sponsor spent considerable time analyzing the current market condition in an effort to determine a redevelopment model that would perform well over a long term period. This analysis included a consideration of the proposed single family residential, multifamily housing, neighborhood business spaces, 4-story hotel, and professional and medical office components as proposed within the TND Plan. In terms of single family residential housing, the Town of Amherst housing market is currently performing very well. 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 \$153,800.⁵⁰ This 32% increase is indicative of a strong residential housing market that can support additional growth. For a complete overview of the current single family housing market, please

⁴⁸ See Appendix Volume III, Letter L, “Preliminary Engineer’s Report,” page 2.

⁴⁹ See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

⁵⁰ Market & Feasibility Advisors. “*Main Street Corridor Market Study, Williamsville, NY*”. May 2013, page 8.

refer to the Market Potential summary in Section 3.5.3 above. Additionally, the multifamily housing market is currently showing strong market indicators that suggest long term stability and potential for future growth. In 2014, the Town’s multifamily housing market realized a 2.8% increase in asking rent growth and is currently holding a low 2.9% average vacancy rate.⁵¹ Additionally, the Town 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.⁵² For a complete review of the current multifamily housing market, please refer to the Market Potential summary in Section 3.5.5 below. In terms of assessing the current retail market, the Project Sponsor utilized 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 Tenanting Strategy Report for the Project.⁵³ While the complete report 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 at the Project Site, 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

⁵¹ Reis, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 25- Rent Growth Comparisons & Section 27- Vacancy Rate Comparisons.

⁵² Reis, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 33- Construction/Absorption Change.

⁵³ See Appendix Volume IV, Letter Y, “Retail Market Study & Tenanting Strategy Report.”

customer(s); and some basic conveniences servicing the on-site demand.⁵⁴ For a complete summary of the current retail market and overview of the findings of MJB, please refer to the Market Potential summary in Section 3.5.5 below. In terms of the professional and medical office component of the TND Plan, the Project Sponsor has carefully monitored existing market conditions within the Town and has intentionally modeled a properly scaled and programmed approach that provides for distinct locational and tenant amenities that are difficult to reproduce at competing office parks. It is well document that the current Class A office space market in the Town is facing challenges. The market potential for speculative Class A office space built in an isolated program specific park is not very strong at this time. However, a campus style right sized office park that is integrated into the context of a mixed use project with neighborhood amenities and synergy with hospitality uses such as a hotel becomes a much more attractive format for potential tenants. Employers look for ways to leverage workplace environment "benefits" that can improve quality of life for their employment base throughout the work day. Perhaps the most significant factor relative to Market Potential as it relates to the TND Plan, much like the Preferred Plan, is the overall balanced mixed use development approach. In carefully planning, connecting and programming multiple land uses within a single overall project, there are natural economic synergies that provide a sustainable and supportive environment for all uses. This mixed use redevelopment strategy provides an efficient and sustainable project over the long term as market conditions fluctuate resulting in cyclical periods of successes and challenges.

⁵⁴ See Appendix Volume IV, Letter Y, "Retail Market Study & Tenancing Strategy Report," page 16.

In conclusion, very similar to the Preferred Plan, the Project Sponsor is confident the proposed mixed use traditional neighborhood that would result from the redevelopment of the Project Site pursuant to the TND Plan would prove to be a successful redevelopment strategy. However, in being less balanced than the Preferred Plan, the TND Plan provides for additional multifamily housing and less commercial development that ultimately places a greater demand on community services and results in a reduced net tax benefit for the community. That said, the TND Plan still provides for substantial positive net tax revenues for the Town, County and School District. The other concern as it relates to the TND Plan is the lack of a purpose-built senior housing. This particular component has strong potential relative to current market conditions and would also help to provide a more diverse offering of housing options as expressly encouraged by the goals and objectives of the Comprehensive Plan. Finally, in order to accommodate for sufficient roadway infrastructure and unit density within the patio home portion of the TND Plan, there would be a loss of total open space and buffer adjacent to the residents along Fairways Boulevard when compared to the Preferred Plan. It is for these reasons that the Project Sponsor has selected the Preferred Plan as the preferred redevelopment strategy for the Project Site.

3.4.5 Alternative Plan No. 5: Use of the Project Site Pursuant to General Business (“GB”) Zoning:

The General Business Zoning Plan Alternative (“GB Plan”) would entail a mixture of student housing, multi-family housing and retail use. The entire Project Site would be developed for these purposes, and the existing WCC Clubhouse would be removed (refer to Figure 3-5, Alternative Plan No. 5, located at the end of this Section). The purpose of the GB zoning district is to provide community centers within existing and proposed commercial nodes and mixed use activity centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the comprehensive plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic and may generate large amounts of evening activity.⁵⁵ The GB zoning classification allows the categories of land uses identified in Table 3-5 on the following pages:

⁵⁴ See Appendix Volume II, Letter K, “Section 4-4, General Business District (GB)”.

Table 3-5

Land Uses Permitted in the General Business (GB) Zoning District

GB	Permitted	Special Use
OPEN USES		
No open uses allowed		
RESIDENTIAL USES		
Upper-story dwelling unit	✓	
PUBLIC AND CIVIC USES		
Ambulance service	✓	
Daycare center, nursery or other private school	✓	
Minor utilities	✓	
Place of worship	✓	
Public utility service structure or facility		✓
Public works construction yard [Added 12-7-2009 by L.L. No. 19-2009]	✓	
Telecommunication facility		✓
COMMERCIAL		
Advertising agency	✓	
Animal grooming, cat boarding facility, hospital or veterinarian. [Amended 2-4-2008 by L.L. No. 1-2008]	✓	
Antiques and second-hand merchandise store	✓	
Apparel and accessories store	✓	
Apparel repair and alterations and shoe repair shop	✓	
Archival center	✓	
Bakery or confectionary shop (retail)	✓	
Bank	✓	
Beauty or barber shop	✓	
Book and stationery store	✓	
Commercial recreation activities, indoor	✓	
Commercial recreation activities, outdoor		✓
Contracting or construction services	✓	
Department store	✓	
Dog day care facility [Added 10-17-2011 by L.L. No. 25-2011]	✓	
Drug store	✓	

GB	Permitted	Special Use
Employment agency	✓	
Farm and garden supply store	✓	
Farm equipment sales or service	✓	
Food store	✓	
Funeral home	✓	
Gymnasium or health club [Added 2-4-2008 by L.L. No. 1-2008]	✓	
Hardware store	✓	
Home furnishing store	✓	
Home garden store	✓	
House and camping trailer sales, camping equipment and accessories and related repair and service	✓	
Household fixture and appliance sales or service	✓	
Jewelry store	✓	
Job printing or photography store	✓	
Ice store	✓	
Laundromat, cleaning and dyeing outlets and pickup	✓	
Liquor store	✓	
Motel or hotel	✓	
Motion picture theater or live theater [Added 9-21-2009 by L.L. No. 14-2009]	✓	
Nurseries for sale of plants, shrubs, and trees	✓	
Office	✓	
Passenger terminal	✓	
Personal training facility [Added 2-4-2008 by L.L. No. 1-2008]	✓	
Photographic store	✓	
Photography studio [Added 2-4-2008 by L.L. No. 1-2008]	✓	
Printing and photocopying store	✓	
Plumbing store	✓	
Postal store or post office	✓	
Radio or television station [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Recording studio [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Restaurant with drive-through	✓	

GB	Permitted	Special Use
Restaurant with outdoor dining	✓	
Restaurant without drive-through or outdoor dining	✓	
Retail services	✓	
Sexually oriented cabaret or theater, or sexually oriented motion picture theater [Added 7-7-2008 by L.L. No. 9-2008]	✓	
Sexually oriented media store, sex shop [Added 7-7-2008 by L.L. No. 9-2008]	✓	
Shops for custom work for the making of articles to be sold only at retail on the premises	✓	
Sporting goods and bicycle store	✓	
Tattoo parlor / body art studio [Added 1-16-2007 by L.L. No. 2-2007]	✓	
Variety store	✓	
Vehicle parts sales	✓	
Vehicle sales (new), rental, leasing and related repair; used vehicle sales and vehicle rental in conjunction with new vehicle sales only	✓	
Wholesale store	✓	
INDUSTRIAL		
<i>No industrial uses allowed</i>		

As Figure 3-5 illustrates, the redevelopment of the Project Site pursuant to the GB Plan would include the construction of the new north/south public roadway connecting Maple Road and Sheridan Drive. The new roadway would provide access to the student and multi-family housing components as well as the primary commercial component along Sheridan Drive. The residential portions of the GB Plan including student housing and multifamily housing would require rezoning those portions of the Project Site to Multifamily Residential District Six (“MFR-6”). The student housing would be clustered on the northern portion of the Project Site, closest to the UB North Campus and the multi-family buildings would be located in the center of the Project Site.

The following is a summary of the GB Plan components:

- Student housing: 440 units
- Multifamily housing: 252 units
- Retail plaza: 433,507 sq. ft., 1,812 parking spaces
- Open space: 49 acres (29% of Project Site)

The retail area, which would consist of four separate plazas and two commercial out-parcel buildings, would be located along the Sheridan Drive frontage. Access to the retail area would be provided via Sheridan Drive, North Forest Road, Frankhauser Road and the new north/south roadway. An access point to the senior apartment portion of the project also would be provided connecting to Frankhauser Road. The area along Ellicott Creek would remain as permanent open space. Stormwater would be managed through the installation of a stormwater management system that would include the creation of various ponds. The redevelopment of the Project Site pursuant to the GB Concept Plan would require the Town Board approval of the rezoning of the Project Site to General Business District (“GB”) as well as Multifamily Residential District Six (MFR-6). The following is a more in depth analysis of the GB Plan based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan: When considering the redevelopment of existing recreational and other large-scale community facilities such as the Project Site, the Comprehensive Plan (“Plan”) states that “whether involving reinvestment, reuse, or complete redevelopment, all revitalization projects should consider how the development contributes and fits within the surrounding context of its block, street, neighborhood, and the community as a whole. Such considerations include: land use and compatibility,

building orientation and scale, vehicular access and pedestrian connectivity, and relationship to open space.”⁵⁶ When considering this guidance of the Comprehensive Plan, a large commercial shopping center would not be consistent with the residential single family fabric of neighborhoods in close proximity to the Project Site. Unlike the Preferred Plan, featuring a mixed-use neighborhood center with substantially smaller scale and limited commercial uses, the GB Plan would provide for a more concentrated regional shopping center and destination. Additionally, the campus style, multistory format of student and multifamily housing occupying nearly two-thirds of the total Project Site would not be considered compatible with the adjacent single family development. The Comprehensive Plan also provides specific direction for the planning and placement of “regional centers” featuring concentrated commercial and retail development. The Comprehensive Plan defines a regional center as a Project Site that “provides retail goods and services in full range and variety, drawing from a large population base. A regional center typically contains more than 400,000 square feet on 50 to 100 acres of land.”⁵⁷ The Comprehensive Plan is also very specific about the areas within the community that regional centers should be implemented. Specifically, the Comprehensive Plan identifies four (4) specific transit corridors which are the preferred locations for regional commercial centers. While Sheridan Drive is identified as one such corridor, it is limited to the segment of Sheridan Drive between Niagara Falls Boulevard to the I-290 interchange.⁵⁸ Therefore, given the intensive amount of retail development

⁵⁶ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-15.

⁵⁷ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-32.

⁵⁸ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan,” page 3-33.

and its particular location, the GB Concept Plan would not be consistent with the intent and planning objectives of the Comprehensive Plan.

- Community Character Impacts: As mentioned above within the Comprehensive Plan section, the GB Plan would not be viewed as being compatible with surrounding single family residential uses. The proposed concentrated retail format would provide for more regionally minded so called “anchor” commercial tenants. These uses typically result in significant pm peak hour trip generation that can create a reduction in service for adjacent intersections. Additionally, the high density of attached housing would not provide for a balanced, mixed use housing strategy that would be compatible with the surrounding single family homes.
- Fiscal Impacts: Given the fairly substantial amount of commercial development associated with the GB Plan, the net tax revenue to local taxing jurisdiction is fairly substantial. In terms of estimated annual net tax revenue, the Town would receive \$470,000 and the County \$640,000. The Williamsville Central School District would be the largest beneficiary with an estimated \$1.94 million in annual net tax revenue.⁵⁹ In general, the GB Plan would generate significant annual net tax revenues to the community with limited increases in new school aged children, estimated at a total of 121.⁶⁰ It is also important to note that a large portion of the new residents associated with redevelopment of the Project Site pursuant to the GB Plan would be college aged students occupying the student housing. Typically, college age students have positive fiscal impacts for the community as they do not place a high demand on community services

⁵⁹ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page ii-iii.

⁶⁰ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis,” page 8.

(i.e. public school enrollment, community centers, youth and senior services, local park utilization, fire protection, etc.) but, they can be a significant source of local sales tax generation through purchasing goods and services in the local marketplace.

- Open Space, Recreation and Pedestrian Trail System: Given the significant amount of land area devoted to surface parking to support the retail and multi-family uses that comprise the GB Plan, this alternative provides for the second least amount of open space as compared to other alternative plans. The permanent open space would consist of 49 acres or approximately 29% of the Project Site. However, given the underlying demographic that would support the residential component of the project, that is college aged students, young professionals, and families, it is likely that the pedestrian trail system would be actively utilized and could be integrated into the various components of the project. The student resident base would also likely provide for an increase in the use of the broader Ellicott Creek Trailway that connects through the UB North Campus. Providing a connection through the pedestrian trail system to a major regional shopping center would also provide for synergies in terms of visitors to the commercial spaces and total utilization of the trail system.
- Traffic Impacts: To support closer proximity to the University at Buffalo, the student housing has been positioned closest to Maple Road and would in all likelihood, result in the consideration of a student shuttle service to and from the UB North Campus. Conversely, to provide access to the highest capacity road network and maintain closest proximity to the I-290, the retail component is positioned along Sheridan Drive. While the GB Plan provides for fairly evenly balanced enter and exit trips during the AM and

PM peak hours, given the retail component and multifamily housing, this plan is the highest vehicle trip generator during the PM peak hour, resulting in nearly 2,000 combined trips.⁶¹ This focused trip generation during the PM weekday peak travel period would necessitate consideration of roadway connections to North Forest Road and Frankhauser Road in an effort to maximize site access and trip distribution options during the weekday PM peak hour travel period. Additionally, the shopping center development approach leads to large parking fields that would likely be underutilized, except during holiday related short peak demand period for retail uses. Additionally, the GB Plan would not support a shared parking environment to maximize the efficient use of impervious paved surfaces.

- Drainage Impacts: The GB Plan has a very similar total amount of impervious surface area to the Preferred Plan, at approximately 68 acres, or 40% of the Project Site. The difference however, is the total proportion of impervious surface area devoted to surface parking versus structures. Given the intensive parking field requirements associated with regional shopping centers and high density multifamily housing, the GB Plan has a greater portion of impervious surfaces associated with paved parking areas. Vehicular parking areas pose a significant source of potential points of contamination to local ground and surface waters related to typical vehicle runoff contamination such as oils, greases, engine coolants, etc. Additionally, the overall sedimentation created from vehicle parking areas and roadways is much greater when compared to roof runoff from buildings and structures. Therefore, consideration would need to be given to applicable

⁶¹ See Appendix Volume IV, Letter W. “Revised Traffic Impact Study,” page 29.

stringent stormwater quality standards when designing the necessary stormwater management system for redevelopment of the Project Site pursuant to the GB Plan.

- Sanitary Sewer Impacts: Similar to the Preferred Plan, the GB Plan includes general multifamily housing. However, the GB Plan also includes purpose built student housing. Therefore, although a fairly significant portion of the Project Site would be devoted to retail and commercial uses, a land use that typically generates lower overall sanitary sewer flows, the high density multifamily and student housing portions of the project would result in a total anticipated maximum average daily sanitary flow that is in comparable with the mixed use alternatives. Specifically, the GB Plan is estimated to generate a total maximum average daily sanitary flow of 472,501 gpd.⁶² This figure is only slightly less than the estimated total maximum average daily sanitary flow for the Preferred Plan of 490,660 gpd.⁶³ Therefore, considering the total anticipated additional flows to the system and current surcharging issues within the localized sanitary sewer system infrastructure, the GB Plan would require an assessment of mitigation options to implement sanitary sewer mitigation to reduce overall inflow and infiltration within the network.
- Market Potential: The Project Site is positioned within a fairly strong primary trade area for retail sales with an estimated 103,111 residents, a number that has been growing since 2000 and is expected to continue increasing until at least 2020.⁶⁴ Sales leakage figure indicate that this primary trade area can support additional operators in specific

⁶² See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

⁶³ See Appendix Volume III, Letter L, “Preliminary Engineer’s Report,” page 2.

⁶⁴ See Appendix Volume IV, Letter Y, “Retail Market Study & Tenating Strategy Report,” page 5.

categories, including, for instance, specialty grocery; sporting goods; home furnishings; shoes, jewelry, luggage and leather goods; cosmetics, beauty supplies and perfume; office supplies and stationery; drinking establishments as well as restaurants.⁶⁵ That being said, the total volume of retail space contemplated within the GB Concept Plan would require the consideration of establishing a typical “power” retail center that features two or three anchor tenants and supporting commercial development. Given, the Project Site’s location nearly exactly in between Niagara Falls Boulevard and Transit Road, two well established commercial corridors within the Town, it would be difficult to attract anchor tenants that typically prefer to locate in proximity to a broader critical mass of commercial and retail space.⁶⁶ This would force the Project Sponsor to be very aggressive in the current retail market space in trying to attract anchor tenants to establish the retail base that would be necessary to support the redevelopment of the Project Site pursuant to the GB Plan. In terms of the proposed student housing component, there is currently very strong potential for additional units in the UB North Campus market. The University at Buffalo Department of Residence Life is currently reporting a 99.3% occupancy rate of their thirteen on campus residence halls and 5 apartment housing options that can hold a total of 7,596 residents on campus. As of the Fall 2014 semester, the University at Buffalo reported a total enrollment of 29,850 students, of which 19,831 were undergraduate and 10,019 were graduate and professional students.⁶⁷ When considering purpose-built off campus student housing, there are currently four projects

⁶⁵ See Appendix Volume IV, Letter Y, “Retail Market Study & Tenancing Strategy Report,” page 5.

⁶⁶ See Appendix Volume IV, Letter Y, “Retail Market Study & Tenancing Strategy Report,” page 8.

⁶⁷ University at Buffalo online. About UB- Undergraduate Admissions.
<http://www.admissions.buffalo.edu/aboutub/index.php>

within the North Campus market providing for a total housing capacity of 2,068 students.⁶⁸ This data suggests that there is capacity in the existing University at Buffalo purpose-built student housing inventory to provide housing for 25.45% of the total student enrollment on campus and 6.93% of the total student enrollment off campus. Said another way, between on campus and off campus purpose-built student housing, there is capacity in the existing market to provide units for only 32.38% of the total student enrollment. Furthermore, the existing market is supporting occupancy rates of 99.3% on campus and 99.2% off campus. This data suggests that there is a strong market to support additional purpose built student housing based on lack of inventory and the existing very high unit occupancy rates. It is also important to note that total student enrollment at the University at Buffalo is anticipated to increase, especially in consideration of the \$375 million investment currently being made in the new School of Medicine and Biomedical Sciences located in the Buffalo Niagara Medical Campus.⁶⁹ In terms of the current general multifamily apartment market, 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

⁶⁸ Asset Campus Housing. *University at Buffalo Student Housing Market Analysis*. March 2014

⁶⁹ University at Buffalo online. School of Medicine and Biomedical Sciences- Largest Construction Phase Set for UB’s New Downtown Med School. October 20, 2014.
http://medicine.buffalo.edu/news_and_events/news.host.html/content/shared/smbs/news/2014/10/construction-med-school-4388.detail.html

asking rent growth and is currently holding an average 2.9% vacancy rate.⁷⁰ 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.⁷¹ 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.

In summary, while the GB Plan would provide for positive fiscal impacts for the community, there are market concerns with the concentrated retail uses and the high intensity uses would not be considered consistent with the planning objectives in the Comprehensive Plan. The concentrated pattern of retail development associated with the regional shopping center would not be compatible with the surrounding single family residential development. While the student housing and general multifamily housing components would likely be successful given current market conditions, it would likely be difficult to attract large format shopping center anchor tenants for the retail spaces.

⁷⁰ Reiss, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 25- Rent Growth Comparisons & Section 27- Vacancy Rate Comparisons.

⁷¹ Reiss, Inc. online. *Buffalo Metro North Submarket- Trend Futures*. Section 33- Construction/Absorption Change.

3.4.6 Alternative Plan No. 6: Use of the Project Site Pursuant to Office Building (“OB”) Zoning:

The Office Building Plan Alternative would entail a mixture of professional and medical office space. The entire Project Site would be developed for these purposes, and the existing WCC Clubhouse would be removed (refer to Figure 3-6, Alternative Plan No. 6, located at the end of this Section). The purpose of the Office Building (“OB”) zoning district is to provide areas within the Town devoted exclusively to offices by regulating the land area, bulk and spacing of uses, particularly at common boundaries and promoting the most desirable land use and traffic patterns in accordance with the objectives of the comprehensive plan..⁷² The OB zoning classification allows the categories of land uses identified in Table 3-6 on the following page:

⁷² See Appendix Volume II, Letter K, “Sections of the Town of Amherst Zoning Ordinance,” Section 4-2, Office Building District.

Table 3-6

Land Uses Permitted in the Office Building (OB) Zoning District

OB	Permitted	Special Use
OPEN USES		
No open uses allowed		
RESIDENTIAL USES		
Upper-story dwelling unit	✓	
PUBLIC AND CIVIC USES		
Day-care center	✓	
Minor utilities	✓	
Place of worship	✓	
Public utility service structure or facility		✓
Public works construction yard [Added 12-7-2009 by L.L. No. 19-2009]		✓
Telecommunication facility		✓
COMMERCIAL		
Bank	✓	
Contracting or construction services	✓	
Office	✓	
Radio or television station [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Recording studio [Added 4-12-2010 by L.L. No. 2-2010]	✓	
Training schools, such as technical, trade, vocational or business	✓	
INDUSTRIAL		
<i>No industrial uses allowed</i>		

Pursuant to this Alternative, the entire Project Site would be redeveloped as an office park, consisting of approximately 1,212,500 square feet of office space comprised of seventeen office buildings with a total of 5,624 parking spaces. (refer to Figure 3-6, Alternative No. 6, located at the end of this Section). The smaller office buildings along Sheridan Drive would be targeted toward medical related tenants and professional offices and the larger internal office

buildings would be targeted to corporate users. The size of the office buildings would range from 18,800 sq. ft. to 276,000 sq. ft. The following is a summary of the OB Plan components:

- Professional Office/R&D space: 1,212,500 sq. ft., 5,624 parking spaces
- Open space: 54.5 acres (32% of Project Site)

The internal office buildings with larger footprints would be located along the new internal roadway connecting Sheridan Drive and Maple Road and parking would be located behind these buildings. Approximately 54.5 acres of the Project Site would be preserved as open space, focused primarily along Ellicott Creek. A storm water management system would be installed including the creation of a series of six ponds as well as a lake. Access to the office buildings on the Project Site would be provided via a new north-south road between Maple Road and Sheridan Drive (Westwood Parkway). Additional access points would be provided on North Forest and Frankhauser Roads. In addition to Westwood Parkway, a second access point to the Project Site from Sheridan Drive also would be provided. In order to redevelop the Project Site pursuant to the Office/Research Park Alternative, the Project Site would need to be rezoned to Office Building District (“OB”) by the Town Board. The following is a more in depth analysis of the OB Alternative based on the review criteria identified above in Section 3.2.2:

- Consistency with the Comprehensive Plan: The Comprehensive Plan clearly establishes the Town as a leader in the Western New York job creation and commercial development sector. The Comprehensive Plan also asserts that the Town will be a major source of new future office growth and employment projecting 28,000 additional office jobs will be created between 2000 and 2020.⁷³ Maximizing and leveraging the capacity and

⁷³ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan”, page 5-1.

partnership with the University at Buffalo is another consideration within the Economic Development portion of the Comprehensive Plan, recognizing that a significant opportunity exists for the University and the Town to work together to accommodate development associated with North Campus expansion in ways that better integrate UB into the Town and promote Plan policies. Toward that end, the Comprehensive Plan specifically calls for the development of “incubator and research-related employment parks that help achieve the objectives of the economic development element.”⁷⁴ However it is important to note that the Comprehensive Plan also stresses new economic development projects that take into account pedestrian friendly, interconnected, mixed-use patterns with consideration for design standards that are sensitive to neighborhood compatibility.⁷⁵ These design standards include landscaping, buffer/edge treatment, screening, access management, and building design elements sensitive to the surrounding context (scale, height/mass, orientation, façade treatment). Taking into consideration these context sensitive design standards, while it would be possible to implement a limited portfolio of office space in the context to a broader mixed use development, a purpose-built office park environment on the scale and order proposed within the OB Plan would likely not be viewed as meeting the intent and standards of the Comprehensive Plan in terms of neighborhood context considerations.

- **Community Character Impacts:** The Project Site is currently surrounded by single family residential development as well as a number of recreational and community facility land uses. As mentioned above within the Comprehensive Plan consistency section, a large

⁷⁴ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan”, page 5-11

⁷⁵ See Appendix Volume II, Letter J, “Town of Amherst Bicentennial Comprehensive Plan”, page 5-10

scale purpose-built office park would not be viewed as being compatible with the surrounding single family residential neighborhood. Careful consideration would need to be devoted to programming the scale, architectural massing, and buffering with relationship to adjoining residential uses.

- Fiscal Impacts: The OB Plan easily provides the most substantial tax revenues to the community. This fact is not surprising considering the scale and density of commercial development contemplated within the OB Plan that typically provides for marginal increases in the cost of community services. In total, the OB Plan would generate an estimated \$1.22 million in annual net tax revenue to the Town and \$1.42 million in annual net tax revenue to the County. The Williamsville School District would be a major benefactor with an estimated \$5.28 million in annual net tax revenue.⁷⁶ Projects of this nature are major sources of significant tax value to communities as they typically carry significant assessed valuation while providing no new residents or school aged children placing a burden on local governmental and community services. In terms of overall increased assessed valuation, the OB Plan is estimated to provide an additional \$327.4 million of new construction and value.⁷⁷ It is also important to note that office parks of this nature typically generate additional so called “spin-off” tax revenue through the spending of visitors and employees engaging the businesses, shops and service providers that surround the office parks. This spending results in additional sales tax revenue and general economic development within the community.

⁷⁶ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page ii.

⁷⁷ See Appendix Volume IV, Letter X, “Revised Economic & Fiscal Impact Analysis”, page 13.

- Open Space, Recreation and Pedestrian Trail System: Similar to other Alternative Concept Plans, the OB Plan provides for a park area featuring an approximately 5 acre stormwater detention lake that is central to the Project Site and integrated into the existing natural setting of the Ellicott Creek corridor. In total, the OB Plan preserves approximately 54.5 acres, or 32% of the total Project Site as permanent open space. A majority of the open space is concentrated within the central park and lake area and also within the front yard setback space of the office buildings and structures that front along the new north/south public roadway. This provides an opportunity to develop the Project Site in a manner that would feature a central corporate parkway that places an emphasis on the building architecture and setting with parking deemphasized and positioned within the side and rear yard setbacks of the buildings. The need for large parking fields to provide the required number of parking spaces makes it more difficult to preserve larger tracts of open space with natural features that are dispersed throughout the site and interconnected by the pedestrian trail network. As a result, the pedestrian trail would be placed within the open space that comprises the front yard setback of the office buildings along the new north/south public roadway. The trail system would be placed within the context of modern office building architecture as opposed to a more natural setting as provided by the other Alternative Concept Plans. Finally, as was the case with the CF and R-3 Concept Plans, the OB Plan lacks any mixed use development components such as neighborhood businesses, shops and services. This prevents an opportunity to create a convenient option for local residents to utilize the pedestrian trail network for daily living

activities as opposed to relying upon vehicular transportation to neighborhood service centers.

- Traffic Impacts: Considering the concentration of AM peak hour trips associated with the morning commute to work, the OB Plan generates the largest volume of trips during the AM weekday peak hour. The OB Plan results in the most disproportionate AM and PM peak hour trip generation in terms of entering and exiting conditions, with the AM peak hour having five times more trips entering the site than exiting and the PM peak hour having five times more trips exiting the site than entering.⁷⁸ This condition is similar to the scenario presented in the R-3 Plan in terms of disproportionate AM and PM vehicular trips, only on a much greater scale. Also similar to other Alternative Plans, the OB Plan total vehicle trip generation would warrant the need to consider roadway connections to North Forest Road and Frankhauser Road to maximize opportunities for access options and trip distribution during peak travel periods. Finally, the OB Plan provides for the most inefficient utilization of parking areas and impervious surfaces. The parking fields would be utilized heavily throughout the typical weekday eight hour work day but would be utilized far less during the remaining 16 hours of the day and would be utilized very little during weekends and holidays.
- Drainage Impacts: The OB Plan generates by far the greatest amount of impervious surfaces at approximately 89.3 acres, or 52% of the Project Site. This fact is largely due to the substantial parking areas that are required to support employee parking throughout the office park, totaling approximately 5,624 parking spaces. As was previously

⁷⁸ See Appendix Volume IV, Letter W, “Revised Traffic Impact Study,” page 27.

discussed with relationship to the GB Plan, vehicular parking areas pose a significant source of potential points of contamination to local ground and surface waters related to typical vehicle runoff contamination such as oils, greases, engine coolants, etc. Additionally, the overall sedimentation created from vehicle parking areas and roadways is much greater when compared to roof runoff from buildings and structures. Therefore, appropriate consideration would need to be paid to stormwater quality regulations when designing the necessary stormwater management system in association with the OB Plan.

- Sanitary Sewer Impacts: When compared to residential housing and certain commercial uses, office developments typically generate substantially less sanitary sewer flows as they do not include the concentration of bathrooms, commercial kitchens, residential appliances, etc. Therefore, when compared to other Alternative Plan concepts, the OB Plan would be anticipated to generate a relatively low amount of total anticipated maximum average daily sanitary flow of 272,813 gpd.⁷⁹ However, as is the case with any future development at the Project Site, given the existing surcharging conditions within the localized sanitary sewer system infrastructure, the OB Plan would require an assessment of mitigation options and implementation of sanitary sewer mitigation to reduce overall inflow and infiltration within the network.
- Market Potential: The Project Sponsor closely monitors real estate market and development data and specifically researched local markets throughout the development of the preferred Conceptual Master Plan. The CBRE Group Inc., an internationally recognized leader in real estate services, provides quarterly reports regarding

⁷⁹ See Figure 3-9, “Estimated Average Daily Maximum Sanitary Sewer Flow Table”.

international real estate submarkets. Its report on the Buffalo MSA North Town Class “A” office space submarket, in which the Town is located, reported a vacancy rate of 15.6% within the 4th quarter of 2013. Healthy office markets are generally associated with a market equilibrium overall vacancy rate of 7% or lower. Furthermore, Reis Inc., a national provider of real estate market information and analysis, also provided a report regarding the Amherst Class “A” office market. Reis provided a Construction/Absorption and Vacancy report within the Amherst submarket for the 4th quarter of 2013. This report shows that throughout the preceding five years, the office space construction to absorption ratio in the Town is 2:1; meaning twice as much new office space is being constructed than the market is absorbing and occupying. This market data provides for projections that indicate an increasing rate of vacancy and lessening absorption rate in the Class A office market. Increased vacancies typically lead to reduced market valuations both in terms of physical property and lease rate potential. Ultimately, this dynamic forces property owners to argue for reduced property valuations that result in a decrease of taxable value potential for the community. One potential cause for the current rate of vacancies and absorption concerns in the Class A office market may be related to the setting and development model of existing space and office parks. Office space is now becoming increasingly context sensitive. The market potential for speculative Class A office space built in an isolated program specific park is weak at this time. However, a campus style office park that is integrated into the context of a mixed use development with neighborhood amenities and synergy with hospitality uses such as a hotel becomes a much more attractive format for potential tenants. Employers look for ways to leverage

workplace environment "benefits" that can improve quality of life for their employment base throughout the work day. Development models that offer a limited portfolio of professional and medical office space integrated into the overall context of a mixed use neighborhood such as the Preferred Plan are proving more successful in the current leasing market when compared to existing inventory in purpose built office parks and corridors.

In summary, having thoroughly considered the OB Plan and potential impacts associated with this redevelopment alternative, the Project Sponsor has determined that this alternative would not be feasible. While the OB Plan would potentially provide for substantial economic benefits to the Town, County and Williamsville School District, there are concerns related to potential community character and traffic impacts that could become problematic if the Project Site were entirely devoted to the development of a corporate office park. Additionally, given current market conditions with respect to Class A professional office space, the density and total new inventory of space contemplated within the OB Plan would likely be a major challenge in future leasing efforts. In general, a more reasonably scaled inventory of office space in the context of a mixed use development setting would likely be more successful in terms of current market needs and would certainly better address the goals and objectives of the Comprehensive Plan.

3.4.7 Alternative Plan No. 7: Alternative Access Plan:

The Alternative Access Plan would involve the redevelopment of the Project Site in a manner identical to the Preferred Action, but with the addition of roadway connections to both North Forest Road and Frankhauser Road. (refer to Figure 3-7, Alternative Plan No. 7, located at the end of this Section).

As listed below, this Alternative would include residential uses in the area designated as “Westwood Residential” and office, retail/commercial, townhomes, a hotel, etc. in the area designated as “Westwood Neighborhood Center”, as follows:

Westwood Residential		Westwood Neighborhood Center	
Use	No.	Use	No.
Patio home lots	117 units	Office	200,000 square feet
Single-family lots	47 units	Retail / Commercial	111,000 square feet
Townhomes	87 units	Four-Story Hotel	130 rooms
Senior Living	200 units	Multi-family apartment units	352 units
• Assisting living		Lake Edge townhomes / multi-family	37 units
• Independent living		Creek Side multi-family apartments	56 units
		Parking	1,917 spaces

Under the Alternative Access Plan, a new road (Westwood Parkway) would meander north-south through the property between Maple Road and Sheridan Drive and would provide primary access to the mixed use areas. Another access point also would be provided to the Project Site from Sheridan Drive.

The western boundary of the Project Site, and portions of the eastern boundary, would remain zoned RC. These areas would provide a permanent green space buffer between the on-site development and nearby existing land uses including the Fairway neighborhood that is contiguous to most of the western boundary of the Project Site. Further, for stormwater

management purposes, approximately six ponds would be created, including a larger pond (lake) between the residential and business portions of the site. In total, approximately 64 acres would consist of green space.

The Alternative Access Plan is modeled exactly as the Preferred Plan except that roadway connections are also provided connecting to North Forest Road and Frankhauser Road. The intent of this plan was to analyze and directly compare both redevelopment approaches, including connections to adjacent residential roadways and excluding connections to adjacent residential roadways. Based on the capacity analysis that SRF Associates prepared for the Alternative Access Plan, there are improved level of service conditions and delays at the Sheridan Drive/Fenwick Road/Proposed Driveway intersection.⁸⁰ Delays increase for the eastbound left and southbound right approaches at the Sheridan Drive/Frankhauser Road intersection during both peak hours. At the intersection of Sheridan Drive/North Forest Road, the southbound left approach is projected to decrease in level of service during the PM peak hour.⁸¹

Providing ingress and egress points onto Frankhauser Road and North Forest Road would offer the users of the Project Site, and the public travelling through the Project Site more options for accessibility by utilizing the proposed north/south public roadway. The additional access points would redistribute traffic volumes, lessening the potential impacts at the Preferred Plan's proposed access points. However, southbound queues along North Forest Road currently extend beyond the proposed connection point, as developed for the Alternative Access Plan, and would

⁸⁰ See Appendix Volume IV, Letter W, "Revised Traffic Impact Study," page 37.

⁸¹ See Appendix Volume IV, Letter W, "Revised Traffic Impact Study," Appendix #A8- Level of Service Calculations- Alternative Plan No. 7 (Alternative Access).

likely impact the ability for motorists to enter and exit the site at this location. Additionally, the access point onto Frankhauser Road could potentially result in increased traffic cut through traffic volumes onto the residential-oriented streets adjacent the western side of the Project Site, which would not be reviewed favorably by existing nearby residents.

The Project Sponsor fully anticipates that the Alternative Access Plan would be viewed negatively by residents in the existing nearby residential subdivisions since it could result in cut-through traffic in the existing subdivision west of the Project Site as well as an increase in traffic volumes on North Forest Road. The Project Sponsor has not selected this Alternative as the Preferred Action based on these potential concerns and has decided to proceed with a project layout that includes elements to provide pedestrian connectivity to nearby existing residential land uses instead of direct roadway connections.

3.5 ALTERNATIVE ZONING PLAN FOR THE PREFERRED MIXED USE PROJECT:

The Project Sponsor's objective is to redevelop the Project Site as a traditional mixed use neighborhood, relying largely on rezoning approximately 130 acres of the Project Site to TND. The TND zoning district and the design standards for TND zoned property is the most appropriate option for modeling the neighborhood and accomplishing the Project Sponsor's goals and objectives. A majority of the Project Site would be rezoned to TND with the exception of the approximately 1.4 acres designated for a proposed four story hotel (for which General Business ("GB") zoning is required) and the senior living facility (for which Multifamily Residential Seven ("MFR-7") zoning is required).

Another zoning option consists of utilizing conventional zoning districts instead of the TND zoning and could be applied as follows:

- R-3: single-family residential
- MFR-5: medium-density multi-family residential
- MFR-4A: residential attached and detached dwellings
- MFR-6: high-density multi-family residential
- GB: general business (including hotel)
- OB: office building district.

However, to implement the mixed use neighborhood objectives established by the Project Sponsor and to achieve the envisioned mixed use neighborhood, the Town would need to grant a number of variances for building and vehicle use areas setbacks and other lot standards. As a result, rezoning a large portion of the Project Site to TND is the most appropriate manner to implement a mixed use neighborhood in a manner consistent with the Preferred Action.