



October 23, 2015

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

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

Dear Mr. Gillert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**October 23, 2015**

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

Sincerely,

HOPKINS SORGI & ROMANOWSKI, PLLC



Sean W. Hopkins, Esq.

Enc.

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

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

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

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

## 5. Resolution 2015-741

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

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

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

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

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

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

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

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

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

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

extended the review period for the DGEIS,

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

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

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

## 6. Resolution 2015-742

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

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

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

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

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

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

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

#### **Section 2.**

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

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

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

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

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MEMORANDUM

June 30, 2015

TO: Town Board

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

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

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

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

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

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

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