

SECTION 1

INTRODUCTION AND PROJECT BACKGROUND (“ACTION”)

1.0 INTRODUCTION:

This Second Revised Draft Generic Environmental Impact Statement (“revised DGEIS” or “DGEIS”) has been prepared by Mensch Capital Partners, LLC (“Project Sponsor”) in connection with the coordinated environmental review of a proposed mixed use neighborhood project (“action”) known as the “Westwood Neighborhood” (“Project”) pursuant to the State Environmental Quality Review Act (“SEQRA”). The initial DGEIS for the proposed mixed use neighborhood was submitted to the Town of Amherst on July 14, 2014. On September 8, 2014, the Town Board determined that the initially submitted DGEIS contained deficiencies and as such it declared the initially submitted DGEIS as incomplete. The resolution adopted by the Town Board on September 8, 2014 for the purpose of determining that the initially submitted DGEIS was not adequate for public review included a Memorandum prepared by the Planning Department dated September 3, 2014 identifying the deficiencies that needed to be addressed by the Project Sponsor in preparing a revised DGEIS as well as written comments received from the Amherst Conservation Advisory Council, Erie County Department of Health and the Engineering Department.¹

The Project Sponsor reviewed the resolution adopted by the Town Board on September 8, 2014 and prepared a First Revised DGEIS that addressed the items identified as the basis for

¹ A copy of the resolution adopted by the Town Board on September 8, 2014 determining the initially submitted DGEIS to be incomplete along with the written comments issued by the Planning Department, Amherst Conservation Advisory Council, and Erie County Department of Health and the Engineering Department is provided at Appendix Volume IV, Letter Z1.4 of this Second Revised DGEIS.

determining that the DGEIS submitted on July 14, 2014 was not adequate for public review. The First Revised DGEIS was submitted to the Town of Amherst on March 13, 2015. The First Revised DGEIS included the submission of a cover letter that provided a comprehensive and thorough assessment of the deficiencies contained in the resolution adopted by the Town Board on September 8, 2014.² On July 6, 2015 the Town Board determined that the First Revised DGEIS contained deficiencies and as such was not adequate for public review.³ The resolution adopted by the Town Board on July 6, 2015 for the purpose of determining that the First Revised DGEIS was not adequate for public review included a Memorandum issued by the Planning Department dated June 30, 2015 identifying the deficiencies that needed to be addressed by the Project Sponsor in preparing this Second Revised DGEIS.⁴

This section of the DGEIS describes the proposed project (“action”); the Project Site (Refer to Figure 1-1 at the end of this Section); the proposed amendments to the zoning classification of portions of the Project Site; the project objectives and purpose; and, the need and benefits of the proposed mixed use neighborhood.

² A copy of the First Revised DGEIS cover letter prepared by the Project Sponsor dated April 1, 2015 providing an assessment of the Initial Determination of Incompleteness is provided at Appendix Volume IV, Letter Z4.3 of this Second Revised DGEIS

³ A copy of the resolution adopted by the Town Board on July 6, 2015 determining the Initial DGEIS to be incomplete is provided at Appendix Volume IV, Letter Z1.8 of this Second Revised DGEIS.

⁴ A copy of the Memorandum issued by the Planning Department for the purpose of identifying the deficiencies that needed to be addressed within the First Revised DGEIS is provided at Appendix Volume IV, Letter Z1.7 of this Second Revised DGEIS.

1.1 DESCRIPTION OF THE PROPOSED ACTION:

The Project Sponsor proposes to redevelop the Project Site as a traditional mixed use neighborhood featuring a pedestrian friendly design that will provide a walkable, sustainable, comfortable living community in a manner consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”). As part of the proposed redevelopment project, the existing original clubhouse will be preserved and an approximate 5 acre lake will be created, as well as several other smaller ponds which will be used in connection with the implementation of an integrated storm water management system that will comply with the applicable stringent storm water quantity and quality standards and that will also enhance the aesthetics and character of the mixed use neighborhood.

The updated Preliminary Conceptual Master Plan (“Conceptual Master Plan”) for the proposed mixed use neighborhood is depicted at Figure 1-3 located at the end of this Section. The Conceptual Master Plan shows the components of the mixed use project that will be oriented around the new approximately five acre lake including the original Westwood Country Club (“WCC”) clubhouse (which will be preserved) and a traditional neighborhood center. The proposed mixed use neighborhood will feature a variety of residential uses as follows: single-family residences, patio homes, attached townhomes and upscale apartments, as well as a mix of commercial uses including: shops, restaurants, businesses and offices, a four story hotel, and senior living components (assisted and independent living apartments).

The Conceptual Master Plan for the proposed mixed use neighborhood provided at Figure 1-3 reflects modifications made by the Project Sponsor based on input received during the review of the proposed project to date including informational meetings held with property

owners on Tuesday, July 29th, 2014; Thursday, July 31st, 2014; and Saturday, August 2nd, 2014.⁵

These modifications include:

- Two-Story Attached Condominium Townhomes: Relocation of the attached condominium townhome component from the portion of the Project Site between the new north/south public roadway and the adjacent residential subdivision along Fairways Boulevard to both sides of the new north/south public roadway extending from the intersection with Maple Road to the proposed traffic circle. This modification was made based on input from nearby property owners, and particularly those on the east side of Fairways Boulevard, indicating the attached two-story attached condominium townhouse buildings would not be viewed as being compatible with the scale and size of the existing single family homes. The portion of the Project Site between the new north/south public roadway and the adjacent single-family homes on the east side of Fairways Boulevard has been redesigned to consist of single-family patio homes that are similar in scale and size to the existing single-family homes on Fairways Boulevard. One of the benefits of this modification is that it eliminates a concentrated number of driveway curb cuts that were previously positioned along the new north/south public roadway to service the previously proposed single family residential lots, creating a number of potential conflict points with through traffic on the new north/south public roadway. The two-story attached condominium townhome

⁵ See Appendix Volume IV, Letter Z4.1, “07.11.14- Letter, Mensch to Westwood Neighbors RE: Community Informational Meeting Invite.” The complete copy of the PowerPoint presentation provided to neighbors who attended the meeting can be found at www.westwoodamherst.com in “Pressroom- Our News” tab.

units will now be serviced with rear entry garages and rear a private road for access as depicted on the updated Conceptual Master Plan.

- Senior Living Development: The assisted and independent living senior care facility has been redesigned to consolidate parking from the rear to the front and side yard portion of the two-story building. This effort has created an opportunity to increase the rear yard setback from the building and parking area to the rear property lines of the homes on the eastern side of Fairways Boulevard. More specifically, the building setback has been increased from 175 ft. to 185 ft. and the parking setback has been increased from 110 ft. to 200 ft.
- Clubhouse & Public Event Space: In order to ensure sufficient parking will be available for future use of the existing clubhouse facility as commercial and/or community facility space, approximately 64 additional parking spaces have been added within a new parking field directly south of the clubhouse.
- Sheridan Drive Limited Access Driveway: The Preliminary Conceptual Master Plan included in the initial DGEIS submitted on July 7, 2014 included a limited access “right-in/right-out” only driveway from the Project Site to Sheridan Drive. Based on input received from the New York State Department of Transportation (“NYSDOT”) regarding its preference for a single roadway connection to Sheridan Drive, which is a NYS Highway, the previously proposed “right in/right out” only driveway has been eliminated.
- Synagogue Site: In an effort to provide for a more diverse offering of mixed uses and to accommodate a prospective interested user, the updated Preliminary

Conceptual Master includes a 25,000 square foot synagogue in the northeast corner of the Project Site. The preliminary conceptual synagogue plan includes 184 parking spaces and would provide for a 100 ft. permanent open space buffer to existing residents along the south side of Maple Road.

- Maple Road Intersection: The Project Sponsor has entered into a contingent contract to purchase the existing parcel at 375 Maple Road, which currently consists of a rental single-family home. The Project Sponsor entered into a contract to purchase 375 Maple Road in order to increase the frontage of the Project Site on Maple Road, which will better accommodate the proposed intersection with the new north/south public roadway connecting Maple Road and Sheridan Drive.

In order to implement the proposed mixed use neighborhood in a manner consistent with the Conceptual Master Plan (Refer to Figure 1-3 at the end of this Section), the Project Sponsor has requested amendments to the zoning classification of portions of the Project Site. More specifically, the Project Sponsor proposes to amend 145.08 acres of the Project Site currently zoned Recreation Conservation District (“RC”) to Traditional Neighborhood Development District (“TND”). The TND zoning is being sought to accommodate the proposed residential components, the neighborhood center and office park component of the mixed use project. As part of the Project Sponsor’s deliberate effort to ensure that sufficient space will be reserved for open space and recreational opportunities, a permanent open space buffer area will be provided along the boundary of the Project Site that will remain zoned RC. The permanent open space buffer area will be integrated into a broader open space and trail network that will be coordinated

with site landscaping (for a depiction, refer to Figure 1-4, Landscape & Berm Plan, located at the end of this Section).

The TND zoning classification is a Special Purpose District that provides for new development and redevelopment of fully integrated, mixed use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl and infrastructure costs through specific performance standards and design regulations.⁶

The Project includes a four story hotel to be located at the core of the Neighborhood Center and the portion of the mixed use project consisting of the four story hotel and immediately adjacent parking is proposed to be rezoned to General Business District (“GB”). The Project Sponsor is only proposing to rezone 1.4 acres of the Project Site to GB. The GB zoning classification is intended to provide community centers, within existing and proposed mixed use activity centers, for the location of commercial uses which serve a larger market area than a neighborhood center.⁷

The senior development components of the mixed use neighborhood, featuring both assisted and independent living senior housing, is proposed to be rezoned to Multifamily Residential District Seven (“MFR-7”). The MFR-7 zoning classification is intended to provide areas within the Town for high-density development of adult care facilities, such as senior citizen housing, nursing homes, intermediate care facilities, and single-family detached dwellings

⁶ A complete copy of Section 5-6 of the Zoning Code, titled Traditional Neighborhood Development District, is provided at Appendix Volume III, Letter K.

⁷ A complete copy of Section 4-4 of the Zoning Code, titled General Business District, is provided at Appendix Volume III, Letter K.

individual lots.⁸

1.1.1 Description of Proposed Mixed Use Project:

The Conceptual Master Plan of the Westwood Neighborhood depicts an integrated mixed use project including the following integrated components (for a complete description and visual depiction of all project components, please refer to Appendix Volume II, Letter I, “Westwood Design Standards”):

1. **Single Family & Patio Home Residential Subdivision (46± acres)**. The Project will include a total of 154 detached single-family homes consisting of 113 patio home lots and 47 single family residential lots. The patio home lots will have a typical lot size of approximately 5,500 sq. ft. while the single family residential lots will have a typical lot size of approximately 10,625 sq. ft. These single-family housing components will be accessible via new private roads off the main north-south public roadway between Sheridan Drive and Maple Road. The portion of the patio home component along the west side of the new north/south public roadway will include an approximately 8,300 sq. ft. community center accessible to the patio home, single family subdivision and townhome residents. The patio home units would maintain a minimum 50 ft. permanent open space buffer as measured to the rear property line of the homes on the east side of Fairways Boulevard (for a concept plan depiction, refer to Figure 1-5, Single Family & Patio Home Residential Subdivision, located at the end of this Section).
2. **Condominium Townhome Development (27.6± acres)**. Two-story attached condominium townhome units, which will be located along the new north/south public roadway, will include 84 units with access to the community center described above. The attached townhome units will feature rear entry garages accessible via a private rear alley style roadway (for a concept plan depiction, refer to Figure 1-6, Condominium Townhome Development, located at the end of this Section).
3. **Synagogue Development (5± acres)**. The updated Preliminary Conceptual Master Plan includes consideration for a synagogue site positioned closest to Maple Road within the northeast corner of the Project Site. The synagogue is planned to be a 25,000 sq. ft. one-story structure having 184 parking spaces. The northern boundary of the synagogue site would include a 100 ft.’ permanent open space buffer to existing single family homes along the north side of Maple Road (for a concept plan depiction, refer to Figure 1-7, Synagogue Development, located at the end of this Section).

⁸ A complete copy of Section 3-13 of the Zoning Code, titled Multifamily Residential District Seven, is provided at Appendix Volume III, Letter K.

4. **Senior Living Development (15± acres)**. The senior living component of the Project Site will consist of a two-story building with approximately 200 assisted living units and approximately 96 independent living senior apartment units. All residents of the senior living component facility will have access to connecting corridors to provide access to a central community services area within the senior housing building (for a concept plan depiction, refer to Figure 1-8, Senior Living Development, located at the end of this Section).
5. **Westwood Neighborhood Center (58.9± acres)**. The Neighborhood Center will be located on the southernmost portion of the Project Site that is closest to Sheridan Drive. The following development types and density are anticipated in the proposed Neighborhood Center component of the mixed use project (for a concept plan depiction, refer to Figure 1-9, Westwood Neighborhood Center, located at the end of this Section):
 - a. ***Neighborhood Center (22.2± acres)***. This portion of the Project Site will feature a combination of commercial and residential uses, situated around a central plaza and a four-story hotel. Approximately 115,000 sq. ft. of neighborhood business and office space is planned on the first floor level of the two-story and three-story mixed use buildings. The Neighborhood Center portion of the Project includes a total of 352 residential units within 2-story wholly residential buildings as well as the upper stories of 3-story mixed use buildings. This portion of the Project Site includes approximately 1,140 total parking spaces to be utilized as shared parking areas within the Neighborhood Center.
 - b. ***Townhomes (16.4± acres)***. Two-story attached townhomes will be located along the central portion of Westwood Lake and adjacent to the historic Clubhouse. A total of 93 townhome units are planned within the Neighborhood Center. These units will feature rear entry garages as well as both on-street and off-street parking spaces totaling approximately 247 spaces for visitors and shared parking with other Neighborhood Center uses.
 - c. ***Medical and Professional Office Park (15.2± acres)***. The Office Park component will be located adjacent to Sheridan Drive and would include two-story medical and professional office buildings with approximately 200,000 sq. ft. of space. This portion of the Project Site includes approximately 683 parking spaces to be utilized in combination with the total shared parking throughout the Neighborhood Center.
 - d. ***Four story hotel Development (1.5± acres)***. The Neighborhood Center will feature a four story hotel with approximately 130 rooms. This portion of the Project Site includes approximately 75 parking spaces to be utilized in combination with the total shared parking throughout the Neighborhood Center.
 - e. ***Clubhouse/Public Event space (3.6± acres)***. The Neighborhood Center will retain

the original WCC Clubhouse, which is proposed as a facility for public gatherings and potential commercial uses such as banquet and catering facilities, shops, and conference spaces. Directly adjacent to the clubhouse will be a 1.2-acre outdoor public gathering and open green space. The existing and proposed parking spaces on this portion of the Project Site include approximately 168 parking spaces to be utilized in combination with the total shared parking throughout the Neighborhood Center.

5. **Westwood Park Area (22.5± acres).** This portion of the Project will serve to provide recreational opportunities for residents and adjacent neighbors. The proposed publicly accessible parkland area will include Westwood Lake and the Ellicott Creek corridor and will include an extensive trail system connected to the entire Westwood Neighborhood. The mixed use neighborhood will feature a promenade along the south side of Westwood Lake, connecting the Neighborhood Center to Westwood Park (for a concept plan depiction, refer to Figure 1-10, Westwood Park Area, located at the end of this Section).
6. **Roadway network & Pedestrian/Bike Trail System.** The Project Site will be accessed via a new public roadway that will traverse the center of the Project Site running in a north-south direction (Westwood Parkway) and connecting with both Sheridan Drive and Maple Road. Additional access roads off the main public roadway will service the various components of the mixed use neighborhood. All project components will have access to a fully integrated pedestrian and bike trail system that is connected to the open space areas and the Westwood Park area (for a concept plan depiction, refer to Figure 1-11, Open Space and Recreational Trail Network Plan, located at the end of this Section).

1.1.2 Description of Requested Rezonings of Portions of the Project Site:

A change in the zoning classification of a portion of the Project Site is required to accommodate the proposed mixed use redevelopment of the Project Site. More specifically, the Project Sponsor proposes to rezone portions of the Project Site from its existing zoning classification of Recreation Conservation District (“RC”), to Traditional Neighborhood Development District (“TND”), Multifamily Residential District Seven (“MFR-7”) and General Business District (“GB”). More than 26 acres of the Project Site will remain zoned RC to accommodate a permanent open space corridor along Ellicott Creek and permanent open space buffers around the vast majority of the perimeter of the Project Site.

The TND zoning classification is a Special Purpose District that provides for new development and redevelopment of fully integrated, mixed use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, and infrastructure costs through specific performance standards and design regulations.⁹

The mixed use neighborhood features a four-story hotel at the core of the Neighborhood Center; on a small portion of the Project Site proposed to be rezoned to General Business District (“GB”). The senior living portion of the mixed use project, featuring both assisted and independent living senior housing, is proposed to be rezoned to Multifamily Residential District Seven (“MFR-7”).

1.1.3 Town of Amherst Bicentennial Comprehensive Plan:

The Town began preparing a comprehensive plan in September of 2000 and it was adopted by the Town Board in January of 2007 and as was most recently amended in 2011. The Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”) is the official document that serves as a guide to the long-range physical development of the community. The Comprehensive Plan is organized into a series of elements that cover community functions such as Land Use, Transportation and Infrastructure. Each element describes a set of goals, objectives and policies that are designed to achieve that aspect of the Vision Statement. The following is a brief summary of the Project’s conformance with the Comprehensive Plan. For a very detailed analysis of the consistency of the proposed mixed use neighborhood with the adopted Comprehensive Plan, please refer to Exhibit F of the Westwood Rezoning Application,

⁹ A complete copy of Section 5-6 of the Zoning Code, titled Traditional Neighborhood Development District, is provided at Appendix Volume III, Letter K.

submitted July 2014.

- **Vision Statement:** The Vision Statement identifies three (3) fundamental attributes that will sustain the exceptional quality of life for local residents. Livability is identified as one of three fundamental attributes. The Comprehensive Plan identifies a range of lifestyle options within pedestrian friendly mixed use development patterns as a critical component of providing a livable neighborhood. The Project responds to this planning objective by providing a mixed use development with a traditional neighborhood center featuring single family, rental, condominium and senior housing components. Community character is also identified as a fundamental attribute defined by the protection of open space and natural scenic resources, respect for history and heritage and support of visual character through enhanced landscaping measures and the protection of woodlands. The Project responds to this planning objective by including features for publicly accessible recreational amenities for the Town's residents, preserving and enhancing 64 acres of permanent open space areas and incorporating the original WCC Clubhouse as a historic resource and focal point of the mixed use redevelopment neighborhood. Shared Direction is also identified in the Vision Statement as a fundamental attribute and includes intergovernmental cooperation, diversified economies providing a strong tax base and coordination with the University at Buffalo and other educational institutions. The Project is consistent with this goal by providing a mixed use neighborhood that includes a diversified commercial component including neighborhood business and office, medical and professional office buildings, and senior care facilities that will enhance the Town's strong tax base.
- **Plan Goals, Objectives and Policies:** Section 3-1 of the Comprehensive Plan expresses the need to expand provisions and incentives for mixed use development in designated activity centers. The Plan describes an Activity Center as an area that provides a focus for surrounding neighborhoods while promoting the Town's land use objectives such as compact, pedestrian-friendly development. By definition, such activity centers are higher in density and incorporate a wider range of uses than the lower density, predominantly residential areas surrounding them. The Conceptual Land Use Plan looks to integrate the

development objectives for mixed use Activity Centers in two contexts: 1.) within established centers of community activity; and, 2.) in appropriate locations where centers of community activity currently do not exist. The Project Site provides a unique and exciting opportunity to establish a new mixed use neighborhood in a location surrounded by predominantly residential areas that will provide a mixed use, compact, and pedestrian friendly traditional neighborhood center for both existing and new residents.

- **Redevelopment and Revitalization of Underutilized, Obsolete, and Vacant Properties for Economically Viable Uses:** Section 3-9 of the Comprehensive Plan acknowledges that as the Town matures and market conditions evolve, some developed properties may no longer be economically viable as a result of changing economic conditions. The Comprehensive Plan recognizes that existing public and semi-public land uses, such as schools, churches, golf courses and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends. According to Section 3-9 of the Comprehensive Plan, the redevelopment of these areas is identified as requiring careful master planning that maintains the essential character of the site while accommodating significant changes in use and density. The Project Sponsor has engaged in a very thorough review of potential viable redevelopment options for the former country club site.
- **Open Space Preservation:** Figure 4 of the Comprehensive Plan identifies the Project Site as a “private recreation area” and speaks to encouraging opportunities which provide for the expansion of public open spaces and recreational trail connections. Section 3-14 of the Comprehensive Plan encourages conservation development with incentives for the dedication of open space in private developments. The Project Sponsor has intentionally designed the mixed use neighborhood to provide major open space opportunities that will be accessible by the public for recreational purposes. In addition, the Project provides an opportunity to both connect and expand existing trail networks within the community. The Project directly accommodates the open space preservation intent of the Comprehensive Plan by converting a former private recreational resource into a mixed

use neighborhood that includes approximately 64 acres of permanent open space, including an approximately 23 acre new park area that will be publicly accessible. The permanent open space areas will be permanently protected via the recording of a deed restriction at the Erie County Clerk's Office.

- **Neighborhood Center Development:** Section 3.3 of the Comprehensive Plan provides the Conceptual Land Use Plan and describes in detail the various components and intent of the Conceptual Land Use Plan. Within this section of the Plan, a Neighborhood Center is defined as the smallest scale center, providing convenience shopping for the day-to-day needs of residents in the immediate neighborhood. The Comprehensive Plan suggests developing Neighborhood Centers at the intersections of neighborhood collector streets with arterial streets. These centers should promote good pedestrian and bicycle access to the neighborhood they serve and minimize traffic impacts on local streets. Where possible, these centers should be located in conjunction with neighborhood-scale civic uses, parks, and public spaces. The Comprehensive Plan suggests placing these centers approximately one mile apart. The Project incorporates all of these design principles per the Comprehensive Plan including limited traffic impacts to local streets (no direct roadways to existing residential neighborhoods are being proposed), incorporating public and civic uses, locating near arterial streets and being located more than one mile from any existing Neighborhood Center in the community.
- **Traffic Congestion Management:** Section 6-6 of the Comprehensive Plan acknowledges that the community should “Accept a certain level of traffic congestion as a ‘given’ and expand investments in alternative transportation modes and compact, mixed use development patterns.” The Project provides an opportunity to both better manage existing traffic congestion and expand investment in alternative transportation modes through compact, mixed use development patterns. The Project includes the construction of a new north-south public roadway between Sheridan Drive (State Road 324) and Maple Road (County Road 192) which will help to alleviate existing peak hour traffic congestion along adjacent north-south public roadways, most notably North Forest Road (County Road 294). Additionally, the Project will manage potential traffic impacts

through utilizing a mixed use development pattern that takes advantage of multi-use and pass-by vehicular trips within the neighborhood.

- **Diversity of Housing Types:** Section 8-2 of the Comprehensive Plan promotes the development of a variety of housing types within the Town. The Plan states the following, “The Town should encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouse, condominiums, apartments, and housing as part of mixed use developments.” The Project provides for every one of the housing types stated within the Comprehensive Plan and additionally offers a purpose built environment for both assisted care and independent living senior housing.
- **The University Focal Planning Area:** The Project Site is located within the University at Buffalo North Campus Focal Planning Area as described in the Comprehensive Plan. The key planning issues considered for this area are focused around the impacts of the ongoing expansion of the UB North Campus student population, need for coordination between the Town and University on campus growth/edge issues, and the potential for research/economic development spin-off from University activities. Section 10.3.2 of the Comprehensive Plan provides a Concept Plan and Strategies for new development and redevelopment of areas within the University Focal Planning Area. Specifically, the Comprehensive Plan includes the following strategy, “Enhance physical connections to the University from surrounding neighborhoods by establishing a linkage or linkages across Ellicott Creek from North Forest Road.” The Project provides an opportunity for a linkage in the trail connection for the adjacent neighborhoods through the Project Site and north toward the UB North Campus.

1.2 DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA:

1.2.1 Project Location and Overview of Historical Site Use and Zoning:

The Project Sponsor proposes a mixed use neighborhood on the approximate 170-acre Project Site located at 772 North Forest Road, 385 Maple Road and 391 Maple Road in the south-central portion of the Town of Amherst, Erie County, New York. The Project Site is bounded by Sheridan Drive (State Route 324) on the south; Maple Road (County Road 192) on the north; North Forest Road (County Road 294), Ellicott Creek, and the Audubon Par 3 Golf Course on the east; and, Frankhauser Road and Fairways Boulevard on the west (refer to Figure 1-1 located at the end of this Section). The Project Site is situated approximately 0.25 mile east of Interstate 290 (“I-290”) interchange at Sheridan Drive and approximately one mile south of the State University of New York (“SUNY”) at Buffalo North Campus (“UB North Campus”). Ellicott Creek crosses the south eastern boundary of the Project Site.

The Project Site was operated as the Westwood Country Club (referenced herein as the “WCC” or “Club”), a private, members-only club that includes an 18-hole golf course, swimming pool and clubhouse until December 31, 2014. The original clubhouse banquet facilities, kitchen and locker rooms were built in 1928 and are a focal point of the Project Site. Access to the Project Site is currently via a private driveway that connects to North Forest Road. This existing driveway extends to the entrance of the clubhouse and the existing parking spaces.

Land in close proximity to the Project Site is primarily zoned Residential District Three (“R-3”) and is used for residential purposes. The Audubon Par 3 Golf Course abuts the northeastern portion of the Project Site and the Audubon 18-hole public golf course is located directly north of the Project Site on the opposite side of Maple Road. Figure 1-2, located at the

end of this Section, illustrates these existing land uses.

In 2012, the Project Sponsor purchased the Project Site from the Forest Road Corporation (the real estate holding corporation on behalf of the equity members of the club). At the time of the purchase by the Project Sponsor, the previous owner had determined that continued long term use of the Project Site as a private member only golf course with related facilities was not financially feasible. As part of its acquisition of the Project Site, the Project Sponsor was required by a condition of the purchase to keep the golf course open until at least the end of 2014 and the Project Sponsor complied with this acquisition requirement. In order to mitigate substantial contingent liabilities that likely would have bankrupted Forest Road Corporation; the Project Sponsor invested significant capital to enable continued operation of the golf course and country club and received minimal rent from its tenant during the nearly three years WCC remained open after the Project Sponsor's acquisition of the Project Site in March of 2012. While the club attracted a new membership base after it was acquired by the Project Sponsor, it was not at any time during the nearly three years that it remained open after the Project Sponsor's acquisition able to generate sufficient revenue to be self-sustaining nor provide any financial return to the Project Sponsor.

The Project Site was zoned Community Facilities District ("CF") until the Town Board's decision to amend the zoning classification from CF to Recreation Conservation District ("RC") on July 7, 2014. The long standing CF zoning that was in place from 1976 until July 7, 2014 allowed a wide range of land uses, including community facilities such as cemeteries, schools/colleges, libraries, athletic facilities, fraternities/sororities, senior housing, government facilities, in-patient health care, not-for-profit care institutions, public utility stations, golf

courses, wildlife reservations, and other public and semi-public facilities.¹⁰

On February 24, 2014, the Amherst Town Board amended the Zoning Code (“Chapter 203, Part 5 Special Purpose and Overlay Districts § 5-9”) to create the Recreation Conservation District (“RC”). The purpose of this new zoning district is to provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation. Expressly permitted uses are limited to public or private golf course and country club, 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.¹¹ Additionally, public utility services structures or facilities and telecommunication facilities are allowed by a special use permit.

1.2.2 History of the Proposed Project Site:

The Project Site was occupied by the Westwood Country Club (“WCC”) from 1945 until December 31, 2014. The use of the Project Site as a private golf course dated back to 1919, when the Willowdale Golf Club was organized. The club began operations in 1921, when a 9-hole golf course opened on the site. The existing WCC clubhouse, built in a Tudor style, was constructed by Willowdale and opened in 1928.

After the golf club membership was adversely affected by the stock market crash of 1929 and the subsequent Great Depression, the Willowdale joined with another Jewish men’s club in

¹⁰ A complete copy of Section 5-5 of the Zoning Code, titled Community Facilities District, is provided at Appendix Volume III, Letter K. It is important to mention that the Town Board amended the CF section of the Zoning Code on February 24, 2014 to remove certain previously allowed uses including golf course or country club. A copy of the current version of Section 5-5 of the Zoning Code is accessible online at <http://ecode360.com/15501342>.

¹¹ A complete copy of Section 5-9 of the Zoning Code, titled Recreation Conservation District, is provided at Appendix Volume III, Letter K.

Buffalo (the Montefiore Club) to create the Wilmont Town and Country Club. However, this arrangement failed, and by the early 1930s, the property was opened as the Blossom Heath Country Club and was later used as a casino. In conjunction with the Forest Road Corporation (which owned the land), the WCC was re-established as a private golf and social club in 1945.

In March of 2011, the Project Sponsor acquired the Project Site from the equity members of the Forest Road Corporation. The WCC includes an 18-hole golf course, pool, tennis courts, and a clubhouse with a restaurant. The WCC closed on December 31, 2014.

1.3 PROJECT OBJECTIVES:

The proposed mixed use neighborhood as depicted on the Conceptual Master Plan (refer to Figure 1-3, located at the end of this Section) is the result of a comprehensive planning process conducted by the Project Sponsor and its consultants. The project layout incorporates input received during the past more than eight months as part of the review of the Project by the Town Board, the Planning Department, involved and interested agencies, and the public. One of the key objectives of the planning process was the implementation of the mixed use goals and objectives contained in the adopted Comprehensive Plan. The Town currently lacks mixed use neighborhood destinations found in similarly situated communities such as Birkdale Village located in Huntersville, North Carolina and Legacy Village in Lyndhurst, Ohio and Meisner Village located in Boca Raton, Florida.

The consultants who participated in the coordinated planning process for the mixed use project include Nussbaumer & Clarke, Inc., a Buffalo based engineering and planning firm who, along with the Project Sponsor, developed the Conceptual Master Plan for the Project, as well as C&S Engineers, a national engineering and site planning firm with expertise in the field of environmental remediation. The architectural firm of Fontanese Folts Albrecht Ernst developed the architectural theme and design standards. Planning experts Goody Clancy of Boston, Massachusetts provided an in depth analysis of the preliminary draft of the Conceptual Master Plan with respect to neighborhood character, street network and views, public space integration and also made recommendations on sustainability strategies that are reflected within the current layout. A copy of their analysis of the Conceptual Master Plan prepared by Goody Clancy is included within Appendix Volume II, Letter H, "Site Planning and Recommendation Report".

The Project Site is located near the south central portion of the Town in terms of both geography and population density. The Project Site is located in close proximity to a number of existing residential neighborhoods that are located within walking distance. As a result of these site characteristics, the Project Site offers opportunities for establishing meaningful pedestrian connections and publicly accessible amenities such as walking trails, areas for community events and other social events. The Congress for the New Urbanism defines a walkable neighborhood center as one that is located within a 0.25 mile of residents, a distance that is typical of a five-minute walk.¹² The Project Site is located within a 0.25 mile of approximately 850 existing households and approximately 2,550 residents live within a five minute walk of the Project Site. When combined with the future residents of the proposed mixed use neighborhood, the population density within close proximity of the Project Site provides a strong market for a traditional neighborhood project.

Mixed use projects should be designed to provide residential, commercial, employment, and recreational opportunities for both existing nearby residents and future occupants of the project. The Project has been designed to satisfy all these mixed use planning objectives with a strong focus on the integration of recreational and open space components. The Ellicott Creek corridor is contiguous to the south eastern boundary of the Project Site and will provide a scenic landscape for the approximately 23 acre Westwood Park that is an integral part of the project design and layout, including a proposed five acre lake. The proposed Westwood Park area provides for the preservation of the existing Ellicott Creek Floodway. The proposed mixed use

¹² Congress for the New Urbanism, Natural Resources Defense Council, and the U.S. Green Building Council. LEED 2009 For Neighborhood Development, July 2010, Washington, D.C.: U.S. Green Building Council, Inc., page xvi.

neighborhood preserves the original Clubhouse, potentially for local banquets and events, with a 1.2 acre public gathering space for outside social events. In total, 64 acres (38% of the Project Site) will consist of permanent open space (refer to Figure 1-11, Open Space and Recreational Trail Network Plan, located at the end of this Section). The various mixed use components will be connected via sidewalks as well as a bike path trail network that will offer connections to the adjacent neighborhoods and the contiguous Par 3 Amherst Audubon Golf Course. The proposed trail system will provide a critical link for the adjacent neighborhoods through the Project Site and near the broader Ellicott Creek Trailway Bike Path. The new recreational opportunities resulting from the mixed use neighborhood will be supplemented by nearby existing recreational facilities including: the Town of Amherst Public 18 hole Audubon Golf Course, Town of Amherst Public Par 3 Audubon Golf Course, Town of Amherst Northtown Recreational Center and playing fields and the private Park Country Club of Buffalo.

In addition to being within close proximity to approximately 2,550 existing residents, the Project Site is also located within one mile of the State University of New York at Buffalo North Campus (“UB North Campus”). The nearly 1,200 acre UB North Campus supports a daytime population of approximately 28,000 students, faculty and staff. The Project will benefit from the potential this market brings both in terms of utilizing the mixed housing options available as well as the services offered by the commercial core within the Traditional Neighborhood Center.

1.4 **PUBLIC NEED:**

Attracting high quality new development and redevelopment projects that are compatible with the goals and long term vision of existing residents is critical to sustaining and increasing local property values, stabilizing municipal budgets and realizing the long term planning efforts of local government. Proposed projects such as the Westwood Neighborhood must be evaluated in terms of their consistency with locally accepted plans and regional growth strategies. The Project Sponsor carefully evaluated the analyses, reports, and studies that were compiled in developing the Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”) as well as the Erie Niagara Framework for Regional Growth (“Framework”) as part of the planning process for the Westwood Neighborhood. This evaluation supported the following findings as it relates to the need for additional development that will support the Town and the broader Western New York region:

- **Housing:** The Comprehensive Plan includes a very thorough collection of supporting documents and data sources known as the Inventory and Analysis Report. This Report identified that the population of the Town of Amherst can be expected to grow by about 11,000 to 22,000 people over the next 20 years. This population growth should yield the need for an additional 5,000 to 10,000 new housing units within the Town of Amherst.¹³ Between the year 2000 Census and year 2010 Census, the Town of Amherst realized steady population growth from 116,510 to 122,366 residents.¹⁴ This trend supports the anticipated population growth as forecasted in the Inventory and Analysis Report. In addition to identifying the general need for new housing, the Comprehensive Plan

¹³ Town of Amherst. *Town of Amherst Bicentennial Comprehensive Plan- Inventory and Analysis Report*. Wallace Roberts & Todd, LLC, URS Corporation, Economic Research Associates. December 5, 2001. Page 5-1.

¹⁴ United States Census Bureau. *2010 Census Interactive Population Search*. July 2, 2014. <http://www.census.gov/2010census/popmap/>

suggests promoting the development of a variety of housing types. Specifically, the Comprehensive Plan calls for the Town to encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouses, condominiums, apartments, and housing as part of mixed use developments.¹⁵ This need for diversified housing is also recognized on the regional level. The Framework suggests that local governments should support mixed land uses that encourage walkable neighborhoods and mixed income housing.¹⁶ This mixed use pattern should be planned to reflect and support the region's diversity and changing demographics. The Westwood Neighborhood provides an opportunity to develop additional housing that is mixed use in nature as per the goals and objectives identified within the Comprehensive Plan and Framework.

- **Commercial Development:** Focusing new development around existing centers of regional employment and activity is acknowledged as a sustainable growth strategy that should be employed within the region. Specifically, the Inventory and Analysis Report notes that ease of access to commercial services is a community development problem for students, administrators and staff at the UB North Campus. This problem could be addressed by adding retail goods and services on or closer to campus or by providing transit options like shuttle bus access or bicycle paths to these services.¹⁷ The Comprehensive Plan also recognizes the need to provide for balanced new commercial development that will support a strong tax base within the Town. Additionally, the Framework acknowledges that projects within vacant and underutilized sites having existing sewer and water service should be favored as opposed to those that require extensions of these services.¹⁸ The Westwood Neighborhood is an infill redevelopment opportunity that will generate substantial tax revenues, is located in close proximity to

¹⁵ Town of Amherst. *Town of Amherst Bicentennial Comprehensive Plan*. Wallace Roberts & Todd, LLC. January 2, 2007. Page 8-4.

¹⁶ Erie & Niagara County. *Erie & Niagara Framework for Regional Growth*. October 2006. Page 48.

¹⁷ Town of Amherst. *Town of Amherst Bicentennial Comprehensive Plan- Inventory and Analysis Report*. Wallace Roberts & Todd, LLC, URS Corporation, Economic Research Associates. December 5, 2001. Page 5-1.

¹⁸ Erie & Niagara County. *Erie & Niagara Framework for Regional Growth*. October 2006. Page 48.

existing regional centers that does not require public expenditures for costly roadways, sanitary sewers and water lines, etc. The proposed mixed use neighborhood provides a balanced growth pattern consistent with the goals and objectives identified within the Comprehensive Plan and Framework.

1.5 PUBLIC BENEFIT:

In order to identify and evaluate the potential economic impacts of the proposed mixed use redevelopment project, the Project Sponsor retained the Center for Governmental Research (“CGR”), a reputable economic consulting firm, to perform an Economic and Fiscal Impact Analysis of the Project (refer to Appendix Volume IV, Letter X, “Revised Economic and Fiscal Impact Analysis”). Specifically, CGR analyzed both the temporary and long term financial impacts of new construction, resident growth, and business growth as it relates to the full build-out of the proposed mixed use neighborhood. The analysis performed by CGR included a thorough evaluation of the Project in terms of anticipated new tax revenue through the increase of assessed valuation, the cost of community services for new residents and public infrastructure associated with the Project and the economic spillover impacts associated with the Project.

- **Construction Revenue and Job Creation:** In total, the Project will create an estimated \$238 million of new construction and investment. This new construction is expected to create 2,200 jobs during the ten year construction phase resulting in over \$116 million dollars in total new labor related income. The following table provides a summary of the Temporary Construction Impacts:

Temporary Construction Impact (dollars in millions)

	Direct	Spillover	Total
Employment	1,600	700	2,200
Labor Income	\$81.6	\$34.1	\$115.8

It is anticipated that the Project’s construction spending will support about 1,600 annual Full Time Equivalent (“FTE”) construction jobs. Anticipated spending by the suppliers of the construction related service providers will support an additional 700 jobs for a total impact of 2,200 jobs.

- Tax Revenue:** The new assessed valuation to the community as a function of the construction spending associated with the Project will have a dramatic positive tax valuation impact for both local and county government public service providers (including the Town of Amherst, the Williamsville Central School District and Erie County). The cost of government services to support full development of the mixed use project over ten years has a present value of approximately \$27.2 million dollars. The following two tables summarize the analysis of the costs and compare those costs against the anticipated new tax revenue both with and without a Payment in Lieu of Taxes (“PILOT”) agreement with the Town’s Industrial Development Agency:

Estimated Costs vs. Revenue without PILOT (dollars in millions)*

	Cost of Services	Revenue	Difference
Total	\$27.2	\$62.6	\$35.4
Town	\$5.1	\$11.5	\$6.4
School District	\$20.2	\$40.1	\$19.9
Erie County	\$1.9	\$11.0	\$9.1

** Figures over 10 years and discounted by 2%*

Estimated Costs vs Revenue with PILOT (dollars in millions)*

	Cost of Services	Revenue	Difference
Total	\$27.2	\$51.9	\$24.7
Town	\$5.1	\$9.5	\$4.4
School District	\$20.2	\$33.3	\$13.1
Erie County	\$1.9	\$9.1	\$7.3

** Figures over 10 years and discounted by 2%*

In summary, even assuming that those Project components eligible for the consideration of a PILOT are granted tax abatements, the Project is still anticipated to generate approximately \$5.19 million dollars annually of new tax revenues. In terms of the cost of community services to maintain the new public infrastructure and provide services to residents, approximately \$2.72

million dollars is anticipated to be spent by local government service providers. In total, this means the Project would create \$2.47 million in new tax dollar revenues annually above and beyond the cost of community services associated with the servicing and maintenance of the Project Site. Over a ten year period, the Project is anticipated to yield \$24.7million dollars in new tax dollar revenues beyond the cost of providing community services related to public infrastructure improvements and new residents associated with the Project.

Table 1-1

Distribution List for Draft Generic Environmental Impact Statement (“DGEIS”)

Town of Amherst Town Board Attention: Dr. Barry A. Weinstein, Supervisor 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Jonathan O'Rourke, Chairman 5583 Main Street Williamsville, New York 14221
Town of Amherst Town Board Attention: Guy R. Marlette, Deputy Supervisor 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Robert J. Gilmour, Member 5583 Main Street Williamsville, New York 14221
Town of Amherst Town Board Attention: Steven D. Sanders, Councilmember 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Dal Giuliani, Member 5583 Main Street Williamsville, New York 14221
Town of Amherst Town Board Attention: Mark A. Manna, Councilmember 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Steven L. Herberger, Member 5583 Main Street Williamsville, New York 14221
Town of Amherst Town Board Attention: Ramona D. Popowich, Councilmember 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Michele J. Johnson, Member 5583 Main Street Williamsville, New York 14221
Town of Amherst Clerk's Office Attention: Marjory Jaeger, Town Clerk 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Stephanie S. Gelber 5583 Main Street Williamsville, New York 14221
Town of Amherst Planning Department Attention: Eric W. Gillert, AICP, Planning Director 5583 Main Street Williamsville, New York 14221	Town of Amherst Planning Board Attention: Daniel J. Ulatowski, Member 5583 Main Street Williamsville, New York 14221
Town of Amherst Attorney's Office Attention: E. Thomas Jones, Esq., Town Attorney's Office 5583 Main Street Williamsville, New York 14221	Town of Amherst Building Department Attention: Brian Andrzejewski, P.E., Commissioner of Buildings 5583 Main Street Williamsville, New York 14221

Town of Amherst Highway Department
Attention: Joseph Speth, Acting Highway
Superintendent
1042 North Forest Road
Williamsville, New York 14221

Amherst Industrial Development Agency
Attention: James Allen
4287 Main Street
Amherst, New York 14226

Amherst Fire Chief's Association Inc.
Attention: Chief Scott Preston
5564 Main Street
Amherst, NY 14221

Audubon Public Library
Attention: Roseanne Butler-Smith, Director
350 John James Audubon Parkway
Amherst, New York 14228

Eggertsville-Snyder Public Library
Attention: Roseanne Butler-Smith, Director
4622 Main Street
Snyder, New York 14226

Williamsville Central School District
Attention: Dr. Scott Martzloff,
Superintendent
105 Casey Road
East Amherst, New York 14051-5000

Erie County Department of Environment and
Planning
Attention: Maria Whyte, Commissioner
95 Franklin Street
Buffalo, New York 14202

Erie County Department of Public Works
Attention: John Loffredo, Commissioner of
Public Works
95 Franklin Street
14th Floor
Buffalo, New York 14202

Town of Amherst Engineering Department
Attention: Christopher Schregel, Traffic/Safety
Coordinator
1042 North Forest Road
Williamsville, New York 14221

Town of Amherst Engineering Department
Attention: Brian Armstrong, EIT, Department
Head
1100 North Forest Road
Williamsville, New York 14221

Town of Amherst Conservation Advisory
Council (ACAC), Attention: Lois J. Shriver,
Chairperson
48 Lincoln Road
Amherst, New York 14226

Snyder Fire District
Attention: President Chris Sciolino
4531 Main Street
Snyder, New York 14226

Clearfield Public Library
Attention: Roseanne Butler-Smith, Director
770 Hopkins Road
Williamsville, New York 14221

Williamsville Public Library
Attention: Roseanne Butler-Smith, Director
5571 Main Street
Williamsville, New York 14221

Williamsville Central School District
Attention: Thomas R. Matuski,
Assistant Superintendent for Finance &
Management Services
105 Casey Road
East Amherst, New York 14051-5000

Erie County Water Authority
Attention: Wesley C. Dust, P.E.
295 Main Street, Room 350
Buffalo, New York 14203-2415

Erie County Department of Health
Attention: Dr. Gale R. Burstein, Commissioner
of Health
95 Franklin Street
Buffalo, New York 14202

New York State Department of Transportation
Region 5
Attention: Darrell F. Kaminski, Regional Director
100 Seneca Street
Buffalo, New York 14203

New York State Department of
Environmental Conservation - Region 9
Attention: David Denk, Regional Permit
Administrator
270 Michigan Avenue
Buffalo, New York 14203-2915

New York State Department of Health
Attention: Howard Zucker, Acting Commissioner
Corning Tower
Empire State Plaza,
Albany, NY 12237

*ENB, NYS Department of Environmental
Conservation
625 Broadway, 4th floor
Albany, New York 12233-1750
**Environmental Notice Bulletin- Lead
Agency Action Notices ONLY*

New York State Historic Preservation Office
Attention: Nancy Herter, Archeology Unit Program
Leader
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Mensch Capital Partners, LLC – Project Sponsor
Attention: Andrew J. Shaevel, Managing Partner
5477 Main Street
Williamsville, New York 14221

Mensch Capital Partners, LLC – Project Sponsor
Attention: Brad A. Packard, Project Manager
5477 Main Street
Williamsville, New York 14221
Tel: 716.631-8000

Hopkins Sorgi & Romanowski PLLC
Counsel for Project Sponsor
Attention: Sean W. Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338