

## SECTION 2

### **PUBLIC INVOLVEMENT, REGULATORY REVIEWS AND PROJECT SCHEDULE**

#### **2.0 INTRODUCTION:**

This section of the DGEIS describes the steps in required coordinated environmental review of the proposed mixed use project pursuant to the New York State Environmental Quality Review Act ("SEQRA"); the reasons the Project Sponsor has submitted a Draft Generic Environmental Impact Statement ("DGEIS") at the earliest possible stage in the coordinated environmental review process; and, the required project approvals and permits and the anticipated project schedule. The review process for the proposed mixed use neighborhood project involves many steps including the following:

- A coordinated environmental review of the proposed mixed use project pursuant to SEQRA including the review of this DGEIS, the preparation of a Final Generic Environmental Impact Statement ("FGEIS") and the issuance of a Finding Statement by the Town Board, in its capacity as the designated lead agency. A detailed discussion of the steps involved in the coordinated environmental review of the Project pursuant to SEQRA that will include multiple public hearings and opportunities for public input and review is provided below in Section 2.2.3.
- Approval by the Town Board of the proposed rezoning of portions of the Project Site and Planned Unit Development ("PUD") approval to implement the proposed mixed use neighborhood in a manner consistent with the Conceptual Master Plan.
- Site plan approvals by the Town of Amherst Planning Board and other permits and approvals from involved agencies necessary in connection with the review of site plan applications.

- Subdivision approval by the Town of Amherst Planning Board for the single family residential and patio home components of the proposed project, as well as other permits and approvals from involved agencies necessary in connection with the review of the proposed residential subdivision components.

Recognizing that the proposed mixed use project will result in potential adverse environmental impacts that cross the thresholds for a Type I action as specified in the SEQRA Regulations (e.g. the Project involves the physical alteration of more than 10 acres of the Project Site in connection with non-residential components and/or requires the zoning classification of more than 25 acres of the Project Site to be amended)<sup>1</sup> that are indicators of potentially significant adverse environmental impacts, the Project Sponsor prepared and originally submitted this DGEIS on July 14, 2014 in advance of the Town Board issuing a Determination of Significance pursuant to SEQRA. In accordance with the procedural requirements pertaining to a project involving the review of an Environmental Impact Statement (“EIS”), there will be numerous opportunities for public review and comment as described in greater detail below in Section 2.1.<sup>2</sup>

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<sup>1</sup> 6 NYCRR Part 617.4 contains a list of the thresholds for projects requiring classification as Type I actions.

<sup>2</sup> The SEQRA Regulations expressly require a lead agency to hold a public comment period of at least thirty days once the lead agency has determined an EIS is adequate for public review. See 6 NYCRR Part 617.9(a)(3). The Project Sponsor anticipates that the public comment period on this DGEIS will be approximately sixty days since both the Town’s Planning Board and Town Board typically hold public hearings during the public comment period for projects involving the review of a DGEIS or DEIS.

## **2.1 SUMMARY OF PUBLIC AND AGENCY INVOLVEMENT:**

In terms of coordination meetings and preliminary discussions with Town Departments, the Project Sponsor's engineering and environmental consultants have met with Town of Amherst Engineering Department, Highway Department, and Planning Department to discuss sanitary sewer, water supply, public roadway planning and stormwater management practices at the Project Site as well as the DGEIS submitted on July 14, 2014. Additionally, the Project Sponsor has made preliminary project presentations to the Town's Historic Preservation Commission (December 16<sup>th</sup>, 2014) and Traffic Safety Board (August 6<sup>th</sup>, 2014). The intent of these meetings was to obtain preliminary input on the project design and improvements and revisions to the DGEIS to address the deficiencies identified based on the original version of the DGEIS submitted on July 14, 2014.

In terms of interested and involved agencies, the Project Sponsor's consultants have engaged in preliminary discussions regarding the proposed mixed use neighborhood with the Erie County Water Authority, the Erie County Department of Public Works, the New York State Department of Environmental Conservation, the New York Office of Parks, Recreation and Historic Preservation, New York State Department of Transportation and the United States Army Corps of Engineers.

### **2.1.1. Informational Meetings held by the Project Sponsor:**

The Project Sponsor held informational meetings with nearby neighbors early in the review of the proposed mixed use project in furtherance of its goal of participating in an open and deliberative review process. The informational meetings were held on Tuesday, July 29, 2014, Thursday, July 31, 2014 and Saturday, August 2, 2014. The focus of the informational

meetings was on presenting the Conceptual Master Plan for the proposed mixed use neighborhood and obtaining input and feedback from property owners. Invitation letters were mailed to all property owners within 600 feet of the Project Site in advance of the informational meetings.<sup>3</sup> The Project Sponsor has also established a Project webpage ([www.westwoodamherst.com](http://www.westwoodamherst.com)) to provide an overview of the Project, current information regarding the review process, and posting of all relevant project documentation including the complete Rezoning Application, DGEIS, NYSDEC BCP Application and all other related studies, analyses and reports. A complete copy of the neighborhood informational meeting PowerPoint presentation in .pdf format can be found in the overview section of the Project webpage.<sup>4</sup>

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<sup>3</sup> See Appendix Volume IV, Letter Z4.1, “07.11.14- Letter, Mensch to Westwood Neighbors RE: Community Informational Meeting Invite.

<sup>4</sup> [westwoodamherst.com](http://www.westwoodamherst.com). Overview-Related Documents, “Neighborhood Presentation”. Available at: [http://www.westwoodamherst.com/files/9814/0697/7799/Westwood\\_Community\\_Meeting\\_Presentation\\_8\\_1\\_14.pdf](http://www.westwoodamherst.com/files/9814/0697/7799/Westwood_Community_Meeting_Presentation_8_1_14.pdf)

## **2.2 THE ENVIRONMENTAL REVIEW OF THE PROJECT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"):**

### **2.2.1 Purpose of the Draft Generic Environmental Impact Statement ("DGEIS"):**

This Draft Generic Environmental Impact Statement ("DGEIS") has been prepared pursuant to the requirements of the State Environmental Quality Review Act and its implementing regulations as promulgated by the New York State Department of Environmental Conservation (collectively "SEQRA").<sup>5</sup> The purpose of this DGEIS is to assist the Town Board, the designated lead agency, as well as involved and interested agencies and the public, in completing a thorough evaluation of the identified potential adverse impacts that will result from the proposed mixed use neighborhood. Additionally, this DGEIS provides information on a broad range of topics as required by the SEQRA Regulations including alternatives to the proposed mixed use project and proposed mitigation measures.<sup>6</sup>

### **2.2.2 The Legislative Intent of SEQRA:**

The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making of government agencies at the earliest possible time.<sup>7</sup> SEQRA requires agencies to balance social, economic and environmental factors in making decisions on applications for discretionary land use approvals.<sup>8</sup> It is important to

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<sup>5</sup> See Environmental Conservation Law, Article 8 and 6 NYCRR Part 617.

<sup>6</sup> The required content for an EIS is set forth in 6 NYCRR Part 617.9(b) and this DEIS includes the required elements as specifically required pursuant to 6 NYCRR Part 617.9(b)(5).

<sup>7</sup> See 6 NYCRR Part 617.1(c).

<sup>8</sup> See 6 NYCRR Part 617.1(d).

mention that the SEQRA Regulations expressly state that it is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.<sup>9</sup>

The environmental review of the proposed action pursuant to SEQRA provides a process for the evaluation of potential adverse environmental impacts in the early planning stages of actions that are directly undertaken, funded, or approved by local, regional, or state agencies. By incorporating a systematic interdisciplinary approach to environmental review in the early stages of the review of a proposed project, impacts can be identified and evaluated, and mitigation measures can be imposed by a lead agency to avoid or minimize significant adverse environmental impacts to the maximum extent practicable.

### **2.2.3 Steps in the Environmental Review of the Proposed Mixed Use Project (“Action”) Pursuant to SEQRA:**

An overview of the important steps in the required coordinated environmental review of the proposed mixed use neighborhood has been provided within this subsection of the DGEIS. The goal in providing this overview is to provide the reader with an understanding of the manner by which SEQRA requires identified environmental impacts to be evaluated prior to a decision made by the lead agency or an involved agency with respect to required discretionary land use approvals and/or permits for a proposed project.

The Westwood Project constitutes an “action” that is subject to SEQRA. The SEQRA regulations define “actions” broadly as including:

“projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that: (i) are directly undertaken by an agency; or (ii) involve funding by an agency; or (iii)

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<sup>9</sup> See 6 NYCRR Part 617.1(d).

require one or more new or modified approvals from an agency or agencies.”<sup>10</sup>

The overview of the important steps in the coordinated environmental review of the proposed mixed use neighborhood pursuant to SEQRA provided below demonstrates the degree to which the Town Board, in its capacity as the designated lead agency, as well as involved and interested agencies, and the public will have numerous opportunities to participate in the environmental review of the project pursuant to SEQRA.

**Step 1: Preparation and Submission of the Draft Generic Environmental Impact Statement ("DGEIS"):**

The Project Sponsor chose to prepare and submit this DGEIS based on its recognition that the proposed mixed use neighborhood involves potentially significant adverse environmental impacts. The SEQRA Regulations require proposed projects (“actions”) to be classified as Type I, Type II or Unlisted. The SEQRA regulations state Type I actions are more likely to require the preparation of an EIS than Unlisted actions.<sup>11</sup>

The Town Board, acting in its capacity as the designated lead agency, has the primary responsibility for reviewing this DGEIS for purpose of determining if it adequate for the purpose of commencing the required public review period. The Town Board is required to determine if this Second Revised DGEIS is adequate for public review within thirty days of its submission.<sup>12</sup> If the Town Board determines this Second Revised DGEIS is not adequate for public review, a

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<sup>10</sup> 6 NYCRR Part 617.2(b).

<sup>11</sup> See 6 NYCRR Part 617.4(a). It is important to note that SEQRA does not require the preparation of an EIS for Type I actions. Courts in New York State have repeatedly upheld the issuance of a negative declaration by a lead agency for Type I actions. In these cases, the courts reviewed the evidence to determine if the lead agency: (1) identified the relevant areas of environmental concern, (2) a hard look was taken at the identified areas, and (3) the negative declaration contained a reasoned elaboration setting forth the reasons the lead agency felt the issuance of a negative declaration was appropriate.

<sup>12</sup> 6 NYCRR Part 617.9(a)(2)(ii).

letter must be sent to the Project Sponsor indicating the deficiencies.

**Step 2: Establishment of a Lead Agency:**

Since the Project Sponsor chose to submit a DGEIS with its Rezoning/PUD Application and the proposed mixed use neighborhood is a Type I action, the Town of Amherst was responsible for taking the first step in conducting a coordinated environmental review of the Project by following the procedure for establishing a lead agency.<sup>13</sup>

The establishment of a lead agency is an important step in the environmental review process pursuant SEQRA. The lead agency has the principal responsibility of ensuring compliance with both SEQRA's procedural and substantive requirements.<sup>14</sup>

The DGEIS and Rezoning/PUD Application were submitted to the Town of Amherst on July 14, 2014. Copies of the DGEIS and Rezoning/PUD Application were distributed by the Town to involved and interested agencies on July 15, 2014 along with a lead agency solicitation notice dated July 15, 2014 expressing the Town Board's interest in being designated the lead agency for the purpose of the coordinated environmental review of the Project pursuant to SEQRA.<sup>15</sup>

The SEQRA regulations require that an agency that receives an application for a project

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<sup>13</sup> See 6 NYCRR Part 617.6(b)(2) which sets forth procedure for the establishment of a lead agency for a Type I action involving more than one agency.

<sup>14</sup> The SEQRA Regulations define a lead agency as "an involved agency principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required. See 6 NYCRR Part 617.2(u).

<sup>15</sup> Copies of the letter issued to involved and interested agencies along with the lead agency solicitation notice are provided at Appendix Volume IV, Letter Z1.1. On August 7, 2014, the Planning Department issued a Memorandum to involved and interested agencies to request input on whether the Initial DGEIS was adequate in terms of scope and content. A copy of this Memorandum is provided at Appendix Volume IV, Appendix Z1.2.

that is a Type I action requiring one of more discretionary approvals or permits provide involved agencies with thirty days to comment on a lead agency solicitation request.<sup>16</sup> The Town provided involved and interested agencies with more than the required thirty days to comment on the Town Board's intent to become the designated lead agency and to provide preliminary input on the DGEIS submitted on July 14, 2014. None of the involved or interested agencies objected to the Town's request to become the designated lead agency. On September 8, 2014, the Town Board was established as the designated lead agency and as such became the agency with primary responsibility for completing the coordinated environmental review of the Project pursuant to SEQRA.

**Step 3: Classification of the Action:**

Projects ("actions") that are subject to an environmental review pursuant to SEQRA are either Type I or Unlisted actions.<sup>17</sup> The Town properly classified the Westwood Project as a Type I action on September 8, 2014 since it involves activities that cross more than one of the thresholds for a Type I action set forth at 6 NYCRR Part 617.4(b).

**Step 4: Determination of Significance - Issuance of a Positive Declaration:**

By submitting a DGEIS in advance of a determination of significance being issued, the Project Sponsor acknowledged the Project involves one or more potentially significant adverse environmental impacts. On September 8, 2014, the Town Board issued a positive declaration

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<sup>17</sup> Type II actions are not subject to an environmental review pursuant to SEQRA. A list of Type II actions can be found at 6 NYCRR Part 617.5.

based on its determination that the Project may result in potentially significant adverse environmental impacts.<sup>18</sup>

**Step 5: Acceptance of DGEIS by the Lead Agency as Adequate for Public Review and Public Review:**

The Initial DGEIS was submitted to the Town of Amherst Town Board on July 14, 2014 and copies were distributed by the Town of Amherst Planning Department to involved and interested agencies on July 15, 2014. A lead agency is required to determine if the initially submitted DGEIS is adequate for the purpose of commencing the required public review within forty-five (45) days of its submission. If the lead agency determines a DGEIS is not adequate for public review, a letter must be sent to the project sponsor indicating the deficiencies.

On September 8, 2014, the Town Board determined that the Initial DGEIS contained deficiencies and as such it determined the Initial DGEIS as not yet being adequate for public review. The resolution adopted by the Town Board for the purpose of determining that the Initial 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 First Revised DGEIS as well as written comments received from the Amherst Conservation Advisory Council, the Erie County Department of Health and the Town's Engineering Department. A copy of the resolution adopted by the Town Board on September 8, 2014 determining the Initial DGEIS to be incomplete along with copies of the written comments issued by the Amherst Conservation Advisory Council, Erie County Department of Health and the Engineering Department are

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<sup>18</sup> A copy of the positive declaration issued by the Town Board on September 8, 2014 is provided at Volume IV, Appendix Z1.4.

provided at Appendix Volume IV, Letter Z1.4, “09.08.14- Resolution, Town Board Action - RE: Initial DGEIS Determination of Incompleteness.”

The Project Sponsor reviewed the resolution adopted by the Town Board on September 8, 2014 determining the Initial DGEIS to be incomplete along with copies of the written comments issued by the Amherst Conservation Advisory Council, Erie County Department of Health and the Engineering Department and prepared a First Revised DGEIS that addressed the items identified within the Determination of Incompleteness issued by the Town Board on September 8, 2014 and submitted the First Revised DGEIS to the Town of Amherst on March 13, 2015. The First Revised DGEIS included the submission of a cover letter that provided a comprehensive assessment of the items identified as being deficient within the Determination of Incompleteness issued on September 8, 2014.<sup>19</sup>

On July 6, 2015, the Town Board determined that the First Revised DGEIS contained deficiencies by adopting a resolution stating that the First Revised DGEIS was not adequate for public review (“Second DGEIS Determination of Incompleteness”).<sup>20</sup> The resolution adopted by the Town Board 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

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<sup>19</sup> A copy of the cover letter dated April 1, 2015 that accompanied the submission of the First Revised DGEIS to provide an assessment of the manner by which the deficiencies identified by the Town Board in the resolution it adopted on September 8, 2014 is provided at Appendix Volume IV, Letter Z4.3 of this Second Revised DGEIS

<sup>20</sup> 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.

this Second Revised DGEIS.<sup>21</sup> This Second Revised DGEIS was prepared for the purpose of addressing the deficiencies identified by the Town Board within the resolution it adopted on July 6, 2015. Once the Town Board has completed its review of this Second Revised DGEIS and determined it to be adequate for public review, the Town Board will establish a public review period as required by SEQRA.<sup>22</sup> Although not required by SEQRA, the Project Sponsor anticipates that both the Town's Planning Board and the Town Board will hold public hearings during the public comment period.<sup>23</sup>

**Step 6: Preparation of the Final Generic Environmental Impact Statement ("FGEIS"):**

Once the public comment period has ended, the next step in the environmental review process pursuant to SEQRA will consist of the preparation of a Final Generic Environmental Impact Statement ("FGEIS").<sup>24</sup> The SEQRA Regulations require that a FGEIS include copies or a summary of the substantive comments received by the lead agency during the public comment

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<sup>21</sup> A copy of the Memorandum issued by the Planning Department for the purpose of identifying the deficiencies that needed to be addressed within the Initial Revised DGEIS is provided at Appendix Volume IV, Letter Z1.7 of this Second Revised DGEIS.

<sup>22</sup> Pursuant to 6 NYCRR Part 617.9(a)(3), a lead agency is required to establish a public comment period of at least thirty days once it has accepted a DEIS as being adequate for public review.

<sup>23</sup> Pursuant to 6 NYCRR Part 617.9(a)(4), a lead agency is required to determine whether or not to hold a public hearing during the public comment period. In determining whether to hold a public hearing, the lead agency is required to consider: the degree of interest in the action shown by the public or involved agencies; whether substantive or significant adverse environmental impacts have been identified; the adequacy of the mitigation measures and alternatives proposed; and the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment.

<sup>24</sup> Pursuant to 6 NYCRR Part 617(a)(5), a lead agency is not required to prepare a FGEIS if based on its review of the DGEIS and comments made thereon, it determines the action will not have a significant adverse impact on the environment. A negative declaration must be issued if the lead agency makes determines there is not a need to prepare a FEIS.

period, the source of the substantive comments along with the lead agency's responses to all substantive comments.<sup>25</sup>

**Step 7: Issuance of a Findings Statement by the Lead Agency:**

The environmental review of a project pursuant to SEQRA involving the issuance of a positive declaration by the lead agency concludes with the issuance of a Findings Statement. Prior to the Town Board issuing a Findings Statement for the proposed mixed use project, it will be required to afford involved agencies and the public with at least ten calendar days in which to consider the FGEIS.<sup>26</sup>

In order for the lead agency to issue a decision on a requested discretionary land use approval (e.g. the requested rezoning of portions of the Project Site to accommodate the proposed mixed use neighborhood) for a proposed project that has been the subject of an EIS, the lead agency must first prepare and issue a Findings Statement. The Findings Statement to be issued by the lead agency must:

- (1) Consider the relevant environmental impacts, facts and conclusions disclosed in the final GEIS;
- (2) Weigh and balance relevant environmental impacts with social, economic and other consideration;
- (3) Provide a rationale for the agency's decision;
- (4) Certify that the requirements of SEQRA have been met; and
- (5) Certify that consistent with social, economic and other essential consideration from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.<sup>27</sup>

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<sup>25</sup> See 6 NYCRR Part 617.9(b)(8).

<sup>26</sup> See 6 NYCRR Part 617.11(a).

<sup>27</sup> See 6 NYCRR Part 617.11(d).

## **2.2.4 Reasons in Support of the Preparation of a Draft Generic Environmental Impact Statement (“DGEIS):**

The SEQRA Regulations expressly authorize the submission of a DGEIS for larger projects to be constructed over a multiyear period in which the precise layout of a project has not been determined. More specifically, 6 NYCRR Part 617.10 (titled “Generic environmental impacts statements”) states as follows:

“§617.10 Generic environmental impact statements

(a) Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur. A generic EIS may be used to assess the environmental impacts of:

(1) a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or

(2) a sequence of actions, contemplated by a single agency or individual; or

(3) separate actions having generic or common impacts; or

(4) an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans.”

The Conceptual Master Plan that has been prepared by the Project Sponsor illustrates the organization of a mixture of proposed land uses and the magnitude of the proposed development

of the Project Site. However, it is expected that the Project Sponsor will be implementing the development of the Project Site in a manner consistent with the Conceptual Master Plan over a ten year period. The final form of the proposed mixed use neighborhood and the precise sequencing and time period for development of the Project Site in a manner consistent with the Conceptual Master Plan will depend on market demand and cannot be precisely determined at this time. The SEQRA regulations state that a DGEIS is appropriate for a series or sequence of separate actions and/or projects that have wide application or restrict the range of future alternative policies. Accordingly, a DGEIS differs from a DEIS by being more conceptual, with a DGEIS assessing a broad scope of a group of actions or a combination of effects from a single action.

A DGEIS is appropriate for the environmental review of the proposed mixed use neighborhood since the Project Site is large (approximately 170 acres); the Project Sponsor is seeking multiple zoning classifications; the Project involves the review of a Conceptual Master Plan and Planned Unit Development approval by the Town Board; and construction of the Project will be phased over an anticipated period of ten years.<sup>28</sup> While the Project Sponsor's objective is to develop the Project Site in a manner consistent with the Conceptual Master Plan, the preparation and review of a DGEIS is also appropriate because the precise layout and the timing of the construction of the mixed use components cannot be determined at this time since it will be dependent on many factors outside the control of the Project Sponsor including market conditions.

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<sup>28</sup> The 3<sup>rd</sup> edition of the SEQRA Handbook as published by the NYSDEC, states that a DGEIS is appropriate for the environmental review of planned unit developments or planned development districts and phased development projects (See Page 147).

This DGEIS affords the Town Board, in its capacity as the designated lead agency, as well involved and interested agencies and public with the opportunity to evaluate a broad range of anticipated impacts and it also ensures that related actions will not be segmented in order to avoid the required analysis of the overall proposed mixed use development of the Project Site. One of the key benefits resulting from the use of a DGEIS as opposed to a DEIS is that since the Project Site will need to be redeveloped in accordance with site plan and subdivision applications to be submitted for review and approval in the future, the use of a DGEIS allows a lead agency to establish thresholds for future environmental review of potential adverse environmental impacts that may arise over the build-out of the mixed use project over the approximately next ten years. A lead agency does not have the ability to establish thresholds for future environmental review if a Draft Environmental Impact Statement ("DEIS") is utilized.

The Project Sponsor expects that the Town Board, in its role as the lead agency, will establish thresholds for future environmental review within the Findings Statement that will be issued at the conclusion of the coordinated environmental review of the Westwood Project pursuant to SEQRA. If the Town Board determines in the future that any adverse environmental impacts not addressed within this DGEIS are potentially significant, then the Project Sponsor will be required to prepare a Supplemental Environmental Impact Statement ("SEIS"). If the Town Board determines that impacts not addressed within this DGEIS are not potentially significant, then the Town Board will issue a negative declaration pursuant to SEQRA. A discussion of the proposed thresholds for future related actions is provided in Section 8 of this DGEIS.

**2.3 DESCRIPTION OF REQUIRED APPROVALS AND PERMITS:**

The complete list of anticipated approvals and permits is provided at Table 2-1 below:

**Table 2-1  
REQUIRED APPROVALS AND PERMITS  
FOR THE WESTWOOD PROJECT**

<b>Agency</b>	<b>Description of Permit or Approval Required</b>
<b>Town of Amherst</b>	
<ul style="list-style-type: none"> <li>Town of Amherst Town Board</li> </ul>	<ul style="list-style-type: none"> <li>Approval of rezoning of portions of the Project Site and Planned Unit Development Approval; Acceptance of dedication of proposed north/south roadway; and Public &amp; Private Improvements Permits</li> </ul>
<ul style="list-style-type: none"> <li>Town of Amherst Planning Board</li> </ul>	<ul style="list-style-type: none"> <li>Site Plan and Unified Development approvals</li> <li>Preliminary Plat and Final Plat Approvals</li> </ul>
<ul style="list-style-type: none"> <li>Town of Amherst Departments Assessor’s Office, Engineering Department, Highway Department, Building Department</li> </ul>	<ul style="list-style-type: none"> <li>Approval of development infrastructure plans (public waterlines, road extensions, drainage facilities)</li> <li>Downstream sanitary sewer capacity analysis and mitigation plan for sanitary sewer extensions</li> <li>Review of building plans for conformance with NYS Building Construction and Energy Conservation Codes</li> <li>Issuance of building and plumbing permits</li> <li>Storm water inspection permits</li> <li>Review and approval of street names and conformance to local and state law</li> </ul>
<ul style="list-style-type: none"> <li>Town of Amherst Industrial Development Agency (“IDA”)</li> </ul>	<ul style="list-style-type: none"> <li>PILOT, sales tax exemption on construction materials and mortgage recording tax exemption</li> </ul>
<b>Erie County</b>	
<ul style="list-style-type: none"> <li>Department of Public Works</li> </ul>	<ul style="list-style-type: none"> <li>Curb Cut Permit and Highway Work Permit, Traffic Signal at intersection of Maple Road and Proposed north/south Public Roadway</li> </ul>
<ul style="list-style-type: none"> <li>Department of Health; Water Authority</li> </ul>	<ul style="list-style-type: none"> <li>Sanitary Sewers, Waterlines, and Subdivision; Downstream sanitary sewer capacity analysis and mitigation plan; and Water connection permit</li> </ul>
<b>State of New York</b>	
<ul style="list-style-type: none"> <li>NYS Department of Environmental Conservation</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement of State Pollution Discharge Elimination System (“SPDES”) General Permit for Construction Activities Greater than 1 Acre</li> <li>State wetlands review (Complete – none present)</li> <li>Downstream sanitary sewer capacity analysis and</li> </ul>

	mitigation plan <ul style="list-style-type: none"> <li>• Brownfield Cleanup Program eligibility determination</li> <li>• Brownfield Cleanup Certificate of Completion</li> </ul>
<ul style="list-style-type: none"> <li>• NYS Department of Transportation</li> </ul>	<ul style="list-style-type: none"> <li>• Curb Cut Permit and Highway Work Permit Approval of road design and traffic control measures at Sheridan Drive</li> </ul>
<ul style="list-style-type: none"> <li>• NYS Office of Parks, Recreation, and Historic Preservation</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural resources determination of no adverse effect</li> </ul>
<ul style="list-style-type: none"> <li>• NYS Department of Health</li> </ul>	<ul style="list-style-type: none"> <li>• Certificate of Need (“CON”) for assisted living facility</li> </ul>
<b>Federal</b>	
<ul style="list-style-type: none"> <li>• U.S. Army Corps of Engineers</li> </ul>	<ul style="list-style-type: none"> <li>• Jurisdictional Determination (Complete)</li> </ul>

## **2.4 PROJECT SCHEDULE:**

After the receipt of the required approvals and permits for the proposed mixed use neighborhood from the Town's municipal boards and other involved agencies (refer to Table 2-1 above), the Project Sponsor expects to initiate construction of the project in 2017 and the build out period for the mixed use neighborhood is anticipated to be approximately ten years. Components of the mixed use project will be scheduled, constructed and completed based on market demand and tenant requirements. The anticipated schedule may be adjusted in response to fluctuating market conditions.

**2.5 CONSTRUCTION SCHEDULE:**

The Project Sponsor anticipates that the first phase of the Westwood Project will include construction of the entire North/South roadway (approximately 5,000 ft.) from Maple Road to Sheridan Drive along with all related public sanitary sewers, waterlines, storm drainage, lakes as well as all related utility infrastructure. The anticipated phasing of the necessary primary infrastructure improvements will allow the Project Sponsor to proceed with any of the Project components based on market demand. The proposed construction phasing schedule is provided at Table 2-2 below:

**Table 2-2**

**PROPOSED CONSTRUCTION PHASING SCHEDULE**

<b>Phase Number</b>	<b>Description</b>
<b>Phase 1</b>	
	Construction of the entire north/south road (approximately 5,000± ft.) from Maple Road to Sheridan Drive, along with all related primary public sanitary sewers and required mitigation, waterlines, storm drainage, lakes and all related private utility infrastructure.
<b>Phase 2</b>	
	Construction of necessary infrastructure improvements for individual project components. Initial construction of patio and single-family homes, four-story hotel in Neighborhood Center, townhomes and apartments, senior residences and medical and professional office buildings.
<b>Phase 3</b>	
	Continued construction and completion of patio and single family homes, townhomes, apartments, and medical and professional office buildings. Completion of the Neighborhood Center construction including business, shops, and offices.